

Breaking Down Technological Barriers

Technological advances in the workplace allow for quick and easy distribution of information, as well as increased productivity. However, in this ever-changing environment of new technology many people with disabilities are at risk of being left behind. What they need to succeed is accessible electronic and information technology and states have a variety of ways of providing this technology.

Federal Action

Section 508 of the Rehabilitation Act — a part of the Workforce Investment Act — was amended in 1998 to require that all electronic and information technology developed, procured, maintained or used by the federal government be accessible to employees and members of the public who have disabilities. Section 508 defines electronic and information technology as “any equipment or interconnected system or subsystem of equipment, that is used in the creation, conversion or duplication of data or information.” This includes telephones, voice-mail systems, pagers, fax machines, and any technology used to convey, transmit or receive any kind of information. An accessible system can be used in a variety of ways and does not rely on any single sense or ability of users. For example, an electronic or information technology system that solely provides information with sound may not be accessible to those who are deaf or hard of hearing or one that solely provides visual information will not be accessible to individuals who are blind.

The Assistive Technology Act of 2004 amends the previous law to continue

This brief describes assistive technology and accessible information and gives policymakers information on federal and state accessibility legislation, laws and requirements.

support for grants to states for assistive technology programs and eliminates sunset provisions for such programs. The act also supports state grants for protection and advocacy programs related to assistive technology and national activities such as a national public awareness tool-kit, research and development, technical assistance and training, data collection and a national public internet site. The act defines assistive technology as “any item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities.”

Also under this act, Governors are to appoint a lead agency to conduct assistive technology activities, and the state programs are required to establish an advisory board to provide advice to consumers for the planning, implementation and evaluation of the programs. Funds received by each state assistive technology program are to be used for state level activities, such as state finance systems, device reutilization, loan and demonstration

programs, as well as state leadership activities like training and technical assistance, public awareness, and coordination and collaboration among state and local agencies.

State Action

Many state laws require potential vendors of products such as hardware, software and telecom devices to assure accessibility as a condition of getting state contracts. Some states that have adopted legislation similar to Section 508 and standards also require any recipient of state money to comply with the laws. To date 22 states have adopted laws, executive orders or policies requiring accessibility to electronic and information technology. Arizona, Oklahoma, and Virginia adopted legislation during the 2004 legislative session.

Oklahoma passed House Bill 2197 based on Section 508 in April 2004. State agencies are now required to make information technology accessible for people with disabilities. The Office of State Finance’s Information Services Division and the Department of Central Services must ensure compliance. This law also creates a 23- member Electronic and

Information Technology Accessibility Advisory Council, including four governor-appointed individuals with disabilities who use information or electronic technology. The





advisory group will make recommendations on the accessibility of current electronic information technology. It will also provide advice and assistance to the lead agencies on the development of accessibility standards and complaint procedures.

States are also adopting other initiatives to promote accessibility. During the 2004 session, in addition to adopting a state 508 law (Chapter 310), the Arizona Legislature passed HB 2352 that amends a previous statute related to accessibility to textbooks and instructional materials. This law requires the State Board of Education to adopt rules by Aug. 1, 2005, requiring the purchase of instructional materials only from vendors who provide accessible electronic formats.

Virginia amended its procurement law by adopting Chapter 0237 that requires conformance with Section 508. In addition, the state passed House Bill 354 in April 2004, which authorizes the board of directors of the Assistive Technology Loan Fund Authority to help "provide loans to individuals with disabilities for the acquisition of assistive technology, other equipment or other authorized purposes."

Federal and State Accessibility Resources

For additional information on federal laws and initiatives, the General Services Administration's website on Section 508 (www.section508.gov) provides users with the law and its application as well as information on purchasing accessible products. Another federal resource is the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). The Access Board is an independent federal agency that is

responsible for the following:

- Developing and maintaining accessibility requirements for facilities, transportation and communication.
- Providing technical assistance and training on these guidelines and standards.
- Enforcing accessibility standards for federally funded facilities.

The Access Board has an extensive website (www.access-board.gov) that includes accessibility guidelines and standards for facilities, transportation and communication, an updated training schedule and a list of relevant publications.

In October 2004, the U.S. Department of Education awarded a five-year \$3.25 million

grant to the Center for Applied Special Technology (CAST) to lead two national centers (NIMAS Development Center and NIMAS Technical Assistance Center) to improve and implement the National Instructional Materials Accessibility Standards (NIMAS). The NIMAS Development Center will update the current standard through identifying new research and technological advances. The NIMAS Technical Assistance Center will collaborate with and advise states, school boards and publishers about the benefits of using accessible materials.

For state accessibility laws or policies, a good starting point for any questions about electronic and information technology accessibility, as well as other questions about assistive technology and accessible information technology, is a state's program office. Program office information can be located at www.resna.org/taproject/at/statecontacts.html.

Another useful resource for states is the Information Technology Technical Assistance and Training Center, funded through the National Institute on Disability and Rehabilitation Research and housed at the Georgia Institute of Technology. The center's Web site provides a state-by-state chart that has links to state information technology Web sites, state accessibility laws, policies and standards.

Resources

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The National Collaborative on Workforce and Disability for Youth (NCWD/ Youth) is composed of partners with expertise in disability, education, employment, and workforce development issues. NCWD/Youth is housed at the Institute for Educational Leadership in Washington, DC. The Collaborative is charged with assisting state and local workforce development systems to integrate youth with disabilities into their service strategies. This Information Brief was written by Diana Hinton Noel. To obtain this publication in an alternate format please contact the Collaborative at 877-871-0744 toll free or email contact@ncwd-youth.info. This Information Brief is part of a series of publications and newsletters prepared by the NCWD/Youth. All publications will be posted on the NCWD/Youth website at www.ncwd-youth.info. Please visit our site to sign up to be notified of future publications.

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Selected References

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“Overview of State Accessibility Laws, Policies, Standards and Other Resources Available On-line.” Information Technology Technical Assistance and Training Center. <http://www.ittatc.org/laws/stateLawAtGlance.cfm>.

“Section 508 Information Technology Access: Questions, Answers and Unknowns for State and Local Entities.” Association of Tech Act Projects. <http://www.ataporg.org/questions%20and%20answers.htm>.

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