

Slide 1 - Laws Governing Accessibility

Laws Governing Accessibility



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Welcome to the lecture on laws governing accessibility.

In this lecture, we'll cover the laws and regulations pertaining to accessibility. There are many more than are covered here, but these are the main ones that apply to cross media products.

Slide 2 - Why do I need to know the laws?

Why do I need to know this?

- 2018 ADA lawsuits = 2300+
- 2023 ADA lawsuits = 4,600+
- Nearly 80% = e-commerce sites
- 99% = lawsuits involving websites



Statistics source: UsableNet's 2024 MidYear Report on ADA Digital Accessibility Lawsuits: Websites, Mobile, and Video

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I know you're thinking, why is she devoting an entire lecture to this? Because it's reality. Lawsuits involving websites, mobile apps, and videos have skyrocketed.

According to UsableNet, two thousand three hundred and fourteen website lawsuits filed for violations of the ADA in two thousand eighteen. In twenty twenty three, it was four thousand six hundred and thirty.

Also from UsableNet, ecommerce sites are the biggest target with nearly eighty percent of all lawsuits being filed against ecommerce. Second is food service sites such as restaurants and online ordering at eleven percent.

And one final statistic: Ninety nine percent of disability lawsuits in twenty twenty four so far are for websites.

Slide 3 - Laws & guidelines

Laws & guidelines

- Laws = required & enforceable
- Regulations = required & enforceable
- Guidelines = not required, not enforceable
but good practice

I don't expect anyone here to be an attorney, and I certainly am not. So here's a brief explanation.

Laws and regulations are required and enforceable, meaning if you do not follow them, there can be legal repercussions.

Guidelines and standards are not enforceable and not required, but they're best practices.

Let's go more in-depth with these.

Slide 4 - Laws

Laws

- Passed by legislative bodies
- Required & enforceable
- Businesses & organizations must comply or face fines/sanctions
- User right



Source: Americans with Disabilities Act

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On the right side of the slide is the icon of a judge's gavel and block. Look for this in another icon to differentiate between laws and the next ones we'll discuss, regulations.

Laws are passed by legislative bodies such as Congress.

Because they are laws they're required to be in in compliance with, and if you are not, you could face lawsuits, sanctions, and more.

For example, the Americans with Disabilities Act or ADA is a law passed by congress in nineteen ninety. It's been amended several times.

The ADA is considered public law. Other countries have similar laws. In appendix A in the Gilbert book is a list of international accessibility laws.

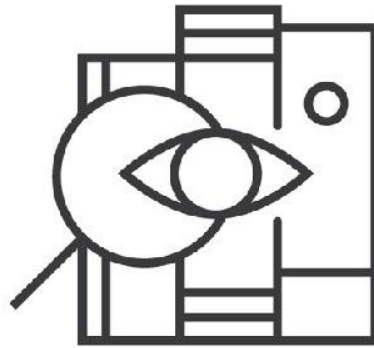
If businesses or organization owners do not comply with the ADA, they could face legal action and or sanctions or fines. In addition, they could face negative public relations leading to customer skepticism of the business, which sometimes can be more damaging than any fine.

The ADA is a user right. If a user finds noncompliance with the law, they can file a complaint, which is then investigated.

Slide 5 - Regulations

Regulations

- Developed by government agencies to implement laws
- Required & enforceable
- Businesses & organizations must comply or face fines/sanctions
- User right



Source: Americans with Disabilities Act

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The icon on the right side of the slide is a line drawing of three binders with a magnifying glass and an eye in front of them meant to represent regulations.

Regulations are developed by government agencies to implement laws.

For example, the Department of Justice developed regulations to that help implement the ADA. Included in these regulations are titles two and three of the ADA, which focus on how the laws are implemented and to whom the implementation is directed.

Regulations also can be called rules.

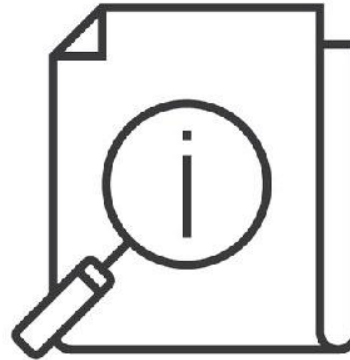
Much like laws, regulations need compliance.

If a user finds noncompliance with Title II, for example, they can file a complaint. Also like laws, this can result in the same sanctions such as fines. Also like laws, regulations protect users' rights.

Slide 6 - Laws & guidelines

Guidelines

- Also known as standards
- Not required, not enforceable
- No fines or other punishments to businesses & organizations
- Paths to achieve legal compliance



Source: Americans with Disabilities Act

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Guidelines aren't enforceable. So if a designer doesn't quote unquote follow them, they cannot be sued, and there are no fines or other sanctions. However, guidelines are industry standards that show you the way to legal compliance of regulations and laws.

You may hear people say, this website is not compliant with the WCAG standards. Since WCAG standards and other guidelines are not law, they are not something to be in compliance with. It's best to say adherence to guidelines.

In this lecture, we'll discuss the laws and regulations. In the next lecture, it's all about guidelines because there are so many to cover.

So look for the guideline icon, which is a page with a magnifying glass overlaying it and the letter “i” inside the glass.

Slide 7 - Accessibility-related laws

Accessibility-related laws & regulations

- Americans with Disabilities Act (ADA)
 - Title II
 - Title III
- Rehabilitation Act of 1973
 - Section 504
 - Section 508
- Twenty-First Century Communications and Video Accessibility Act (CVAA)

As mentioned earlier, there are many accessibility related laws and regulations, but we're going to concentrate on the ones that are closely related to cross media products.

The first is the Americans with Disability Act or ADA. And it does have two different titles that work for cross media products, and that's title two and title three.

The Rehabilitation Act of nineteen seventy three has two sections that apply, section five zero four and section five zero eight.

And then the third law is the twenty first Century Communications and Video Accessibility Act. That's a mouthful. It's abbreviated to CVAA.

Slide 8 - Americans with Disabilities Act

Americans with Disabilities Act



- Enacted: July 26, 1990
- Summary:
 - Significant step forward for equality for people with disabilities
 - Prohibits disability discrimination
 - Requires reasonable accommodations
- Impact:
 - Extends protections to millions
 - Reduces barriers
 - Fosters greater awareness

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The Americans with Disabilities Act or ADA was enacted in July nineteen ninety. And at the top of the screen next to the slide title is our icon for laws, which is the judge's gavel and block.

So realize that before the ADA, before nineteen ninety, accommodations for people with disabilities was not required. It sounds like a long time ago, but in the grand scheme of things, thirty plus years is a very short amount of time.

The ADA is a landmark civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places open to the general public.

In addition, the ADA requires that reasonable accommodations be made for people with disabilities.

It was a significant step forward in addressing the rights of people with disabilities and promoting their full participation in society.

While the ADA does not specifically mention digital accessibility, courts have interpreted it to apply to websites and other digital platforms, particularly under title three, which covers public accommodations.

The ADA is one of the most comprehensive pieces of civil rights legislation in US history, extending protections to millions of Americans with disabilities and pushing to remove barriers.

It has significantly increased access to employment, public services, transportation, and public spaces, helping to reduce barriers and improve the quality of life for individuals with disabilities.

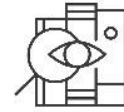
The ADA has also fostered greater awareness and understanding of challenges faced by people with disabilities, leading to a more inclusive society.

Speaking of title three, the ADA has five titles which address different areas. Title one is about employment, and title five is what we call miscellaneous provisions.

Title four addresses telecommunications, which does touch on closed captioning. However, the regulations most associated with cross media accessible design are titles two and three, which we'll discuss on the next few slides.

Slide 9 - Americans with Disabilities Act > Title II

Americans with Disabilities Act > Title II



- Enacted: 1991, with revisions through 2024
- Summary:
 - Prohibits discrimination in state & local government
 - Includes digital government digital services!
 - **Final rule (August 2024)** = further clarifies duty of government to make websites & mobile apps accessible
- Impact:
 - People with disabilities given access to online government services
 - Courts interpreting **digital services** as included in regulation

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Title two of the ADA, also referred to as twenty eight CFR part thirty six dash nondiscrimination on the basis of disability in state and local government services. Title two was enacted in nineteen ninety one and has gone through revisions up to and including twenty twenty four.

As you see with the icon next to the title of the slide, we have the regulations icon.

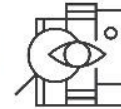
Title two is a regulation that prohibits discrimination against individuals with disability in all services, programs, and activities provided by state and local governments. This includes public transportation, schools, and other public entities.

Title two of the ADA includes requirements for physical accessibility and program access as well as mandates for ensuring effective communication with individuals with disabilities, including through digital means such as websites and online services, which was added in August twenty twenty four.

This is a big deal because it spells out what is considered quote, unquote, digital services.

Slide 10 - Americans with Disabilities Act > Title II

Americans with Disabilities Act > Title III



- Enacted: 1991, with revisions through 2010
- Summary:
 - Prohibits discrimination in public accommodation and commercial facilities
 - Extends to include businesses & NPOs
- Impact:
 - Accessibility to public entities must be compliant under ADA
 - Look for compliance digital services to follow

Title three, also known as twenty eight CFR part thirty six dash nondiscrimination on the basis of disability by public accommodations and in commercial facilities. It was enacted in nineteen ninety one but has been revised several times, the last being two thousand ten.

Next to the title of the slide is our regulations icon.

This regulation implements Title three of the ADA, which prohibits discrimination on the basis of disability in places of public accommodation, such as businesses and nonprofit organizations that serve the public as well as commercial facilities.

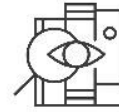
The regulation covers accessibility standards for buildings and facilities. And although it doesn't explicitly mention digital accessibility, it has been interpreted by the courts to apply to websites and other online

services that are considered extensions of physical spaces, including retail stores, restaurants, doctors' offices, pharmacies, etcetera.

So this means the rules under title two, which was for government entities, now extends to public entities. Since title two now specifically mentions websites and mobile apps, my guess my guess is adding this wording to title three isn't that far behind.

Slide 11 - Rehabilitation Act > Section 504

Rehabilitation Act > Section 504



- Enacted: 1973
- Summary:
 - Prohibits discrimination from any federally funded entity
 - Includes educational institutions!
- Impact:
 - Opened access for people with disabilities to non-governmental entities

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The Rehabilitation Act was enacted in nineteen seventy three, and it was the first time a major federal law addressed disability rights. The Rehabilitation Act dealt mostly with the federal government and federal contractors.

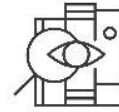
Section five zero four is a regulation. As you can see next to the title, we have our regulation icon.

This regulation prohibits discrimination based on disability in any program or activity receiving federal financial assistance. This includes public and private entities, such as educational institutions. Yes. ASU is part of that.

These institutions must ensure their digital content, including courses, are accessible to individuals with disabilities. Why institutions such as ASU? Because we get federal money through grants and scholarships.

Slide 12 - Rehabilitation Act > Section 508

Rehabilitation Act > Section 508



- Enacted: 1973, with amendments in 1998 & 2007
- Summary:
 - Federal agencies' must make electronic & information technology systems accessible
 - Regulation aligns with Web Content Accessibility Guidelines (WCAG)
- Impact:
 - Any federal-based digital services must be accessible

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Section five zero eight also is a regulation of the Rehabilitation Act, and you can see the regulation icon next to the slide title.

This regulation mandates that federal agencies make their electronic and information technology accessible to people with disabilities.

This nineteen ninety eight amendment explicitly requires federal agencies to ensure that their website software and electronic documents are accessible.

It's just it's not just websites. It's any kind of service offered electronically by a federal agency.

Section five zero eight standards were updated in two thousand seventeen to align with the Web Content Accessibility Guidelines, WCAG 2.0, created by the World Wide Web Consortium or W3C. I mentioned these earlier.

It's interesting because a regulation has aligned itself with guidelines.

Note this is different than Title two of the ADA, which are regulations for state and local agencies.

Section five zero eight makes it official for federal agencies as well.

Slide 13 - Twenty-First Century CVAA

Twenty-First Century CVAA



- Enacted: 2010
- Summary:
 - Update to Communications Act of 1934
 - Includes “modern” communications technology
 - Includes video content
 - Includes video games created after 2018
- Impact:
 - Communication within advanced technology devices must be accessible

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Enacted in two thousand ten, the twenty first Century Communications and Video Accessibility Act or CVAA is an updated version of the Communications Act in nineteen thirty four.

This is a law as indicated by the judge’s gavel and block icon next to the slide title.

The CVAA ensures people with disabilities have access to modern communications technologies such as smartphones, tablets, and video programming, any advanced communication services and products.

Provisions in this law mandates that online video content must include closed captioning and audio descriptions. It also includes video games, namely the user interface and any in game communications like chat.

Any games released after twenty eighteen must be compliant. Any games developed before twenty eighteen are exempt. However, if they go through a major redesign, they do have to be compliant.

This is a much needed law and was a long time in the making given that it took until two thousand ten to have it on the books.

Slide 14 - View the Guidelines lecture & how to design for compliance

**View the Guidelines lecture &
how to design for compliance**



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This is the end of the laws governing accessibility lecture. Thanks for watching.

Make sure to view the guidelines lecture. Guidelines are the key to being compliant with the laws we've discussed.