

What Laws and Rulings Impact the Accessibility of Online Distance Education?

□ As usage of the computer and Internet proliferates, there is an increasing need for information technology, including online distance education, to be accessible to individuals with disabilities. Several laws provide requirements or guidance to ensure that all students, including students with disabilities, have equal access to online learning.

Section 508

□ In 1998 Congress amended Section 508 of the Rehabilitation Act to provide for accessibility to electronic and information technology in the federal sector. Section 508 applies to all Federal agencies when they develop, procure, maintain, or use such technology. The deadline for Section 508 compliance was June 21, 2001.

□ Section 508 in no way replaces or otherwise limits the rights or remedies available under any other existing Federal law that protects the rights of individuals with disabilities. Rather, as part of the Rehabilitation Act, Section 508 clarifies and strengthens the existing obligation of the Federal government to ensure that technology is accessible to individuals with disabilities. Also, Section 508 directed the Federal Access Board to develop access standards for this technology as part of the Federal procurement regulations; these Electronic and Information Technology Accessibility Standards were released on December 21, 2000.

The Americans with Disabilities Act (ADA)

□ The ADA applies to most, if not all, public and private colleges and universities in the United States. The ADA is a civil rights law that prohibits discrimination against people with disabilities by public entities and places of public accommodation. The ADA requires that public and private entities provide communication with people with disabilities in as effective a manner as others.

□ However, there are currently no standards regarding "ADA compliance" with electronic and information technology. The Department of Justice, the federal agency that enforces the Act, takes the position that the ADA applies to online communication. In a letter to Senator Tom Harkin of Iowa, the Department of Justice stated that:

Covered entities under the ADA are required to provide effective communication, regardless of whether they generally communicate through print media, audio media, or computerized media such as the Internet. Covered entities that use the Internet for communications regarding their programs, goods, or services must be prepared to offer those communications through accessible means as well.

Office of Civil Rights Rulings

□ This interpretation of the law has been used by the Department of Education to issue several rulings with regard to online education. The Office of Civil Rights (OCR) of the U.S. Department of Education has pursued complaints filed by individuals with disabilities who were denied equal access to online education, development and/or training. OCR has issued rulings affecting San Jose State University, California State University, Los Angeles, and the California community college system.

□ Many states have or are considering laws regarding the accessibility of electronic information technology by state entities, including public universities. For information about the laws in your state, visit the Information Technology Technical Assistance and Training Center (ITTATC) website at: www.ittatc.org/laws/state.cfm.