



# Americans With Disabilities Act and Website Design

# Some Quotes

- Comment of Judges Ruling against Netflix requiring Closed Captioning
  - “he has potentially ripped open a huge hole in Internet law”
- Legal commentary
  - “the ADA was passed into law years before the World Wide Web came to be something that the public in general would use suggests rather strongly that the law was never intended to apply to the online world.”



# Public Place of Accommodation

- Websites are coming under consideration of the the American With Disability Act because of
  - “public place of accommodation”
- The Americans with Disabilities Act attempts to ensure equal access to
  - Schooling,
  - Services,
  - Facilities, etcfor all people whether they are disabled or not.
- So is a web page a public place of accommodation?



# Conflicting Rulings

- Access Now, Inc. v. Southwest Airlines Co. (18 August 2002 Ruling)
  - Southwest Airlines was not in violation of the Americans with Disability Act because the ADA is concerned with things with a physical existence and thus cannot be applied to cyberspace.
  - Judge Patricia A. Seitz found that the “virtual ticket counter” of the website was a virtual construct, and hence not a “public place of accommodation.” As such, “To expand the ADA to cover ‘virtual’ spaces would be to create new rights without well-defined standards.”

# Conflicting Rulings

- Ouellette v. Viacom International Inc.
  - A mere online presence does not subject a website to the ADA guidelines.
  - Therefore Myspace and YouTube were not liable for a dyslexic man's inability to navigate the site regardless of how impressive the "online theater" is.



# Conflicting Rulings

- National Association of the Deaf v. Netflix (2012)
  - “In a society in which business is increasingly conducted online, excluding businesses that sell services through the Internet from the ADA would ‘run afoul of the purposes of the ADA,’ ”
- Wendy Parmet, professor of law at Northeastern University and a specialist on disability law commentary
  - “Virtual spaces are spaces.”
  - “Online is a place,”

# U.S. Department of Justice

## Civil Rights Division

- The Department of Justice (DOJ) has started to issue guidance to State and Local Governments
  - [Accessibility of State and Local Government Websites to People with Disabilities](#)
- “An agency with an inaccessible website may also meet its legal obligations by providing an alternative accessible way for citizens to use the programs or services, such as a staffed telephone information line.”
  - Is this cost effective?

# U.S. Department of Justice

## Civil Rights Division

- Companies are seeing this as a precursor to rules for them
- W3C has created [Accessibility Guideline](#) that
  - Meet the spirit of The American With Disabilities Act
  - Companies are using as the de facto standard



# Accessibility of State and Local Government Websites

- The Internet is dramatically changing the way that American government serves the public. Taking advantage of new technology, many State and local governments are using the web to offer citizens a host of services including:
  - corresponding online with local officials;
  - providing information about government services;
  - renewing library books or driver's licenses;
  - providing tax information and accepting tax returns;  
and
  - applying for jobs or benefits.

# Accessibility of State and Local Government Websites

- These government websites are important because they:
  - allow programs and services to be offered in a more dynamic, interactive way, increasing citizen participation;
  - increase convenience and speed in obtaining information or services;
  - reduce costs in providing programs and information about government services;
  - reduce the amount of paperwork; and
  - expand the possibilities of reaching new sectors of the community or offering new programs.

# Accessibility of State and Local Government Websites

- The Americans with Disabilities Act (ADA) and, if the government entities receive Federal funding, the Rehabilitation Act of 1973, generally require that State and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden.

# Accessibility of State and Local Government Websites

- Online Barriers Faced By People with Disabilities

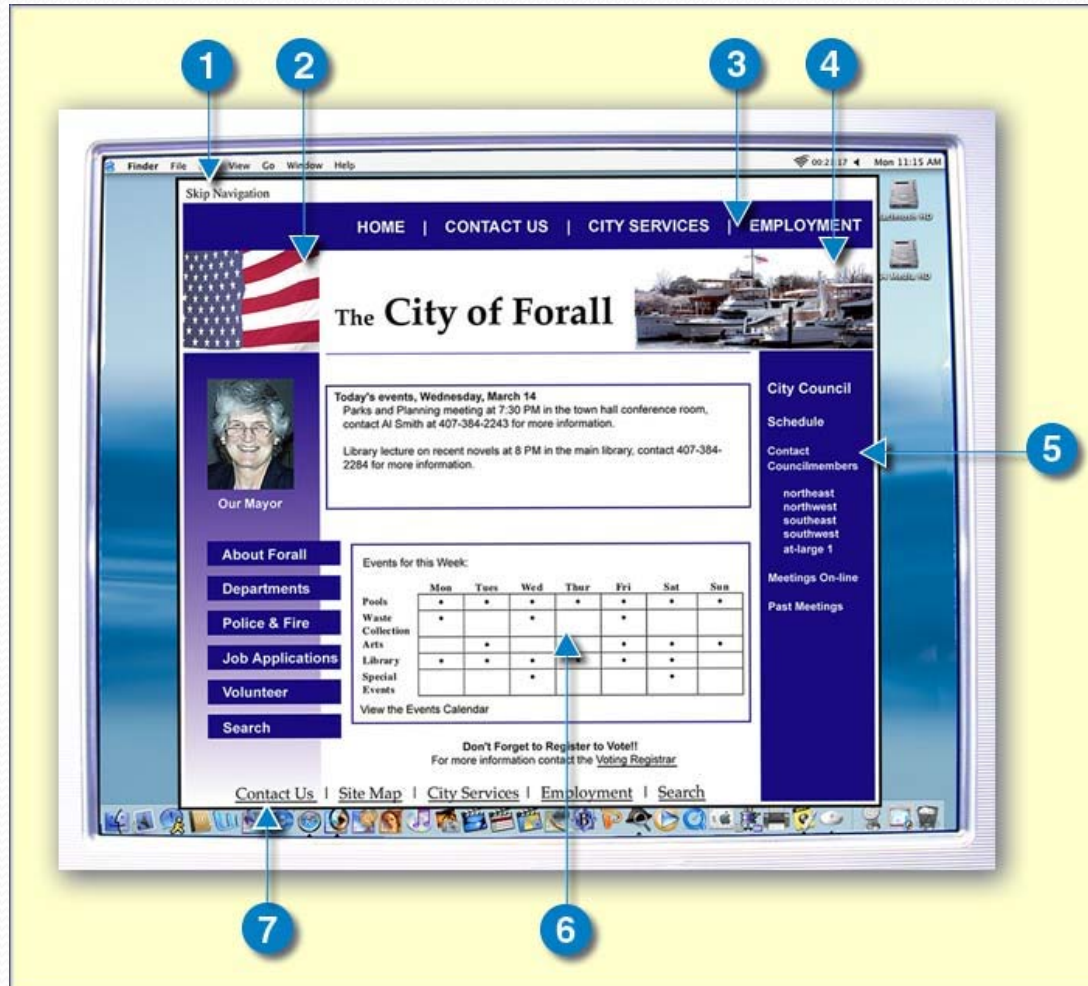
# Accessibility of State and Local Government Websites

- Accessible Design Benefits Everyone

# Accessibility of State and Local Government Websites

- Resources for Web Developers

# Accessibility of State and Local Government Websites



# Accessibility of State and Local Government Websites

- Examples of Accessible Features for Websites
  1. When navigation links are used, people who use a screen reader must listen to all the links before proceeding. A skip navigation link provides a way to bypass the row of navigation links by jumping to the start of the web page content
  2. All images and graphics need to have an alt tag or long description
  3. Use alt tags for image maps and for graphics associated with the image map so that a person using a screen reader will have access to the links and information.



# Accessibility of State and Local Government Websites

- Examples of Accessible Features for Websites
  4. Some photos and images contain content that cannot be described with the limited text of an alt tag. Using a long description tag provides a way to have as much text as necessary to explain the image so it is accessible to a person using a screen reader but not visible on the web page.
  5. Text links do not require any additional information or description if the text clearly indicates what the link is supposed to do. Links such as “click here” may confuse a user

# Accessibility of State and Local Government Websites

- Examples of Accessible Features for Websites
  4. When tables with header and row identifiers are used to display information or data, the header and row information should be associated with each data cell by using HTML so a person using a screen reader can understand the information.
  5. A link with contact information provides a way for users to request accessible services or to make suggestions.