

Section 508 Takes Effect June 21, 2001

Introduction

Effective June 21, 2001, new standards developed by the Federal Access Board take effect that may affect some Colleges and Universities. While the standards do not directly affect non-federal agencies or those who receive federal funds, the Department of Education has stated that they will require compliance for those states receiving funds under the "State Grants Program for Technology-Related Assistance for Individuals With Disabilities". Public institutions in states that are participating in this program may need to comply with the new regulations as a result of their association with the state.

Background

In August of 1998, Congress passed the Workforce Investment Act of 1998 that re-authorized Section 508 of the Rehabilitation Act of 1973. The amended Section 508 requires that when "Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency." The law directed the Federal Access Board to develop standards in support of the requirement. The standards were issued on December 21, 2000, and take effect 6 months later on June 21, 2001.

The Standards

The standard states that "when developing, procuring, maintaining, or using electronic and information technology, each agency shall ensure that the products comply with the applicable provisions of this (standard), unless an undue burden would be imposed on the agency." The standard includes requirements in the following areas:

- Software Applications And Operating Systems.
- Web-Based Intranet and Internet Information and Applications.
- Telecommunications Products.
- Video and Multimedia Products.
- Self Contained, Closed Products (Information Kiosks, Information Transaction Machines, Copiers, Fax Machines, Printers, And Other Similar Types Of Machines)
- Desktop and Portable Computers.

Examples of requirements within the above areas include the following:

- Compliance with the W3C (World Wide Web Consortium) guidelines for web accessibility;
- Non acoustic connections for TTY devices where a product supports voice communication and does not have a built-in TTY capability;
- Voice mail systems that support TTY use;
- Interactive voice response systems that require responses within a specific time interval must provide an alert when the time interval is about to expire and provide sufficient time for the user to indicate that more time is required.

The standard does not apply to technology that is already in place unless that item is maintained or modified. However any item acquired or developed on or after June 21, 2001, should comply. Detailed information on the standard may be found at <http://www.access-board.gov/news/508-final.htm>.

Summary

The Federal Access Board standards make good suggestions that every institution should consider regardless of any mandated requirement. Other reasons such as compliance with the Americans with Disabilities Act or state law may also add to the incentive to follow the standard.

For those institutions whose states receive funds under the State Grants Program for Technology-Related Assistance for Individuals with Disabilities (often referred to as the Assistive Technology Act or AT Act), legal counsel should be consulted as to your responsibilities.