Technology and Disability Policy Highlights

November 2016

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# Overview

In November, Federal Communications Commission (FCC) rules concerning emergency alert improvements were published in the Federal Register, re/starting the compliance clock countdown. In response to a joint petition filed by advocacy organizations and the National Association of Broadcasters (NAB), the FCC adopted a *Memorandum Opinion and Order* [**MB Docket No. 12-107**] extending the compliance deadline to November 22, 2017, for the provision of audio descriptions of visual but non-textual emergency information shown during non-newscast programming. While this extension is effectively a restart of the compliance countdown, the FCC agreed to provide additional time to overcome industry challenges and design a more inclusive, viable solution that all broadcasters could implement. November 3, 2016, marked the effective date for final EAS rule revisions requiring that Emergency Alert System (EAS) participants that make alert messages available in languages other than English report their efforts. The FCC contends that this reporting requirement will help them understand the current state of delivery of EAS messages to the multilingual population. Finally, final rules concerning the FCC rulemaking *In the Matter of Improving Wireless Emergency Alerts* (WEA) *and Community Initiated Alerting* [**PS Docket No. 15-91**] were published in the Federal Register announcing effective dates for several rule amendments aimed at enhancing the utility of WEA messages.  The compliance deadlines span December 1, 2016 (early adopters) to May 1, 2019. Over the next couple of years, the public will begin to receive WEA messages with up to 360 characters that include embedded resources such as URLs. The increased character length and clickable URLs will allow for more actionable and accessible emergency messages. The character extension reduces the need for message originators to rely on acronyms and abbreviations, which is likely to improve message comprehension. Accessible formats such as American Sign Language (ASL) interpreted and audio described video can be provided via the link. Wireless RERC survey and focus group research findings support many of the changes outlined in the Final Rule. With 2016 marking the ten year anniversary of the signing of the WARN Act calling for the establishment of an accessible, flexible, and technologically advanced National Alert System, we are pleased to see FCC actions realizing the goals outlined in the legislation.

This issue also includes announcements about research, publications and industry news regarding increasing accessibility to public information, federal services, and entertainment; as well as technologies and programs to enhance the community integration and independence of people with disabilities.

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# Executive Branch Activities

**Accessibility of Federal Agency Websites and Digital Services**

November 8, 2016 - The Executive Office of the President-Office of Management and Budget issued a memorandum to the Heads of Executive Departments and Agencies mandating agency websites and digital services to:

1. Establish Integral Digital Governance;
2. Ensure Information Quality and Accuracy;
3. Ensure Accessibility for Individuals with Disabilities – Section 508 - 1973 Rehabilitation Act.
   1. Agencies must comply with Section 508 and EIT Accessibility Standards
   2. 508 and EIT Accessibility requirements must be included in procurement-EIT products
   3. Agencies must develop accessibility statements for websites & have 508 Coordinators
4. Use Plain Writing; and
5. Provide Multilingual Content.

The above are just a few of the eighteen points included in the memorandum.  The goal of the memorandum is to have agencies comply with the requirements set forth within 180 days of its publication date.  This memorandum has a number of resources and guidelines regarding requirements to achieve stated goals as well as information regarding protecting privacy. As background, in May of 2012, a Digital Governance Strategy roadmap was implemented to guide agencies towards improving digital services and incorporating emerging technologies.  In August 2014, the White House released the [U.S. Digital Services Playbook](http://www.digitalgov.gov/resources/checklist-of-requirements-for-federal-digital-services/). In February 2017, federal agency websites and digital services should be in compliance with the mandates outlined in the memorandum.

#### Additional Information:

[Read the Memo](https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-06.pdf)

[<https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-06.pdf>]

# [U.S. Digital Services Playbook](http://www.digitalgov.gov/resources/checklist-of-requirements-for-federal-digital-services/)

<http://www.digitalgov.gov/resources/checklist-of-requirements-for-federal-digital-services/>

# Regulatory Activities

**Justice Department Requires Movie Captioning and Audio Description**

November 22, 2016 - The U.S. Department of Justice (DOJ), announced a final rule regarding Title III of the Americans with Disabilities Act (ADA) clarifying a public accommodation’s obligation to provide appropriate auxiliary aids and services for people with disabilities.  The final rule provides that public accommodations that own, operate, or lease movie theaters are required to provide closed movie captioning and audio description whenever showing a digital movie that is produced, distributed or otherwise made available with these features.  The initial rule was presented on June 10, 2010.  Despite the current use of closed captioning and audio description features in many movies, the Justice Department received numerous complaints stating that these features were not universally available for individuals with a disability who wanted to enjoy a movie. Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department’s Civil Rights Division commented: “The Justice Department’s regulation establishes a nationally consistent standard and ensures that, in theaters across the country, people with hearing and vision disabilities can fully enjoy watching movies with their families and friends.”

#### Additional Information:

[News Release](https://www.justice.gov/opa/pr/justice-department-revises-regulations-require-closed-movie-captioning-and-audio-description)

[<https://www.justice.gov/opa/pr/justice-department-revises-regulations-require-closed-movie-captioning-and-audio-description>]

[Final Rule](https://www.ada.gov/regs2016/movie_captioning_rule_page.html)

[<https://www.ada.gov/regs2016/movie_captioning_rule_page.html>]

**CVAA 2010 Compliance Deadline Extended to 2017**

November 16, 2016 - The FCC adopted a *Memorandum Opinion and Order* [**MB Docket No. 12-107**] extending the compliance deadline to November 22, 2017, for the audio provision of visual but non-textual emergency information shown during non-newscast programming.  As set forth by rules adopted in 2013, implementing provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), May 2015 was the deadline for broadcasters to comply with accurately and effectively conveying the critical details of non-textual, visual emergency information. A joint petition filed by the American Council of the Blind (ACB), the American Foundation for the Blind (AFB), and the National Association of Broadcasters (NAB) requested an 18-month extension to provide additional time to overcome industry challenges, and design a more inclusive viable solution that all broadcasters could implement and execute. One of the possibilities includes a real-time automated solution similar to technology developed by Facebook that gives real-time descriptions of images that are posted. Other developments include an automated solution that broadcasters can use to aurally describe maps and other graphics on a secondary audio stream that would benefit both broadcasters and consumers who are blind or visually impaired.

#### Additional Information:

[Memorandum Opinion and Order](http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1116/DA-16-1284A1.pdf)

[<http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1116/DA-16-1284A1.pdf>]

**Final Rule and Effective Dates for Multilingual EAS Messages**

November 3, 2016 – The Final Rule related to the Order, *Review of the Emergency Alert System* [**EB Docket No. 04-296**],p was published in the Federal Register announcing November 3, 2016, as the effective date for the revised rules. EAS participants that make alert messages available in languages other than English are now required to report their efforts. The FCC contends that this reporting requirement will help them understand the current state of delivery of EAS messages to the multilingual population. The State Emergency Communications Committees will analyze the data to determine the availability of multilingual EAS across the United States.

#### Additional Information:

[Final Rule](https://www.federalregister.gov/documents/2016/11/03/2016-26555/amendment-of-the-emergency-alert-system-independent-spanish-broadcasters-association-the-office-of)

[<https://www.federalregister.gov/documents/2016/11/03/2016-26555/amendment-of-the-emergency-alert-system-independent-spanish-broadcasters-association-the-office-of>]

[Order: Review of the Emergency Alert System [EB Docket No. 04-296]](http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0330/FCC-16-32A1.pdf)

[<http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0330/FCC-16-32A1.pdf>]

**Wireless Emergency Alert Enhancements Effective Dates Announced**

November 1, 2016 - The Final Rules concerning the FCC rulemaking *In the Matter of Improving Wireless Emergency Alerts and Community Initiated Alerting* [**PS Docket No. 15-91**] was published in the Federal Register announcing effective dates for several rule amendments.  Some of the main WEA amendments and their effective dates are listed below:

* Effective May 1, 2019 – Increase the maximum WEA character length from 90 characters to 360 characters on 4G LTE and later networks;
* Effective May 1, 2019 - Adding a fourth message type, “Public Safety Message” allow alerting authorities to send information concerning shelter locations, boil water advisories and other pertinent life and property saving information that comes in the wake of an initial emergency message;
* Effective May 1, 2019 - Enabling local authorities to test the WEA system;
* Effective January 3, 2017 - Require the geotargeting of WEA messages to be more precise; and
* Effective November 1, 2017 – Support of embedded references such as Uniform Resource Locators (URLs) in the WEA message. Early adoption of this amendment is allowable and may begin as early as December 1, 2016.

The above amendments enhance the utility of WEA messages, but in efforts for rules to be congruent with technology advances, industry practices and consumer protections there are issues that remain to be addressed. As such, the WEA Proposed Rules were published in the Federal Register on November 8, 2016, setting the deadlines for initial comments on December 8, 2016, and reply comments due on or before January 9, 2017. The Proposed Rules seek stakeholder input on a number of topics, including WEA message preservation, WEA on 5G networks, the inclusion of multimedia, and consumer education tools, to name a few. Comments may be submitted to the FCC via the electronic comment filing system [<https://www.fcc.gov/ecfs/filings>].

#### Additional Information:

[Final Rule](https://www.federalregister.gov/documents/2016/11/01/2016-26120/wireless-emergency-alerts-amendments-to-rules-regarding-the-emergency-alert-system)

[<https://www.federalregister.gov/documents/2016/11/01/2016-26120/wireless-emergency-alerts-amendments-to-rules-regarding-the-emergency-alert-system>]

[Proposed Rule](https://www.federalregister.gov/documents/2016/11/08/2016-26901/wireless-emergency-alerts-amendments-to-the-commissions-rules-regarding-the-emergency-alert-system)

[<https://www.federalregister.gov/documents/2016/11/08/2016-26901/wireless-emergency-alerts-amendments-to-the-commissions-rules-regarding-the-emergency-alert-system>]

[Electronic Comment Filing System](https://www.fcc.gov/ecfs/filings)

[<https://www.fcc.gov/ecfs/filings>]

[R&O/NPRM](https://www.fcc.gov/document/improving-wireless-emergency-alerts-and-community-initiated-alerting-1): [Docx](https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-127A1.docx) -- [Pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-127A1.pdf) -- [Txt](https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-127A1.txt)

[<http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0929/FCC-16-127A1.pdf>]

# Wireless RERC Updates

**Text-to-911 and NG911 Policy Study**

November 2016 – The Wireless RERC published a research brief summarizing the results of a study of 9-1-1 policies at the state and local levels in relation to text-to-911 and next generation 9-1-1 (NG911) deployments in the United States. The brief is a high-level summary of state emergency communications offices and public-safety answering point (PSAP) policies regarding text-to-911 and/or NG911 as it relates to people with disabilities’ access to emergency services. The purpose of the study was to identify the extent to which content regarding individuals with disabilities was included in state and local text-to-911 and NG-911 policies.

#### Additional Information:

[Text-to-911 and NG911 Policy Study](http://www.wirelessrerc.gatech.edu/content/newsroom/text-911-and-ng911-policy-study)

[<http://www.wirelessrerc.gatech.edu/content/newsroom/text-911-and-ng911-policy-study>]

# Publications/Reports

**Youth with Autism and Services Needed During the Transition to Adulthood**

November 17, 2016 - The U.S. Government and Accountability Office (GAO) released the first in a series of reports, *Youth with Autism: Roundtable Views of Services Needed During the Transition into* *Adulthood*.At the request of members of Congress, GAO studied the services and supports needed by youth with Autism Spectrum Disorder (ASD) during the transition to adulthood. The study included 24 participants comprised of adults with ASD, service providers, researchers, and parents of youth with ASD. The study asked participants about services and supports needed to achieve goals in the following five categories: postsecondary education; employment; maximizing independent living; health and safety; and maximizing community integration. Individualized plans for transition could incorporate learning how to use technologies such as a smartphone for navigation, medication management, community or social connections, or money management.

Some overarching suggestions included:

* Provision of equitable access to services regardless of race, gender, family income, or location.
* Implement efforts to increase public understanding of autism.

GAO findings also stated that “access to services should not vary depending on the states and communities where youth live. For example, in rural areas, support services like transportation or telemedicine—wherein providers serve patients remotely, such as via video conference—may help improve access to services that are more common in large cities…The panel suggested a portable and flexible funding mechanism that would allow youth to pay for services in any location.”

#### Additional Information:

[Highlights Page, Full Report, and Accessible PDF Version](http://gao.gov/products/GAO-17-109?source=ra)

[<http://gao.gov/products/GAO-17-109?source=ra>]

# Other Items of Interest

**CTA Foundation Announces CES Eureka Park Accessibility Contest Winners**

November 29, 2016 – The Consumer Technology Association (CTA) Foundation announced the winners of the second annual Eureka Park Accessibility Contest.  There were over three hundred entries submitted for the contest with an emphasis on designing technology that may have a positive impact on the lives of seniors and people with disabilities. The winners are ActiveProtective, Aira, Bansen Labs, BLITAB, and KinTrans.  A few designs include:

* ActiveProtective: Wearable belt that deploys an airbag when a fall is detected to help prevent hip fractures in older adults.
* BLITAB: The world’s first tactile braille tablet that can display an entire page at once without any mechanical elements.
* KinTrans: Sign language translation software designed to provide effective communication between sign language users and those who use spoken language.

“We look forward to witnessing new technologies that provide tools for seniors and people with disabilities, as well as their caregivers, that enable more healthy and independent lives,” said Stephen Ewell, executive director of the CTA Foundation. “Accessibility technology is truly changing lives for the better and will be front and center at CES 2017.” To learn more about the CTA Foundation and the addition of two CTA Foundation sponsored conference tracks focused on accessibility, including Why Accessibility Matters to Tech Leaders and Autonomous Vehicles Will Aid Independent Living, visit [www.CTAFoundation.tech](http://www.CTAFoundation.tech).

#### Additional Information:

[Press Release](https://www.cta.tech/News/Press-Releases/2016/November/CTA-Foundation-Announces-CES-Eureka-Park-Accessibi.aspx)

[<https://www.cta.tech/News/Press-Releases/2016/November/CTA-Foundation-Announces-CES-Eureka-Park-Accessibi.aspx>]

# Upcoming Events

**7th Annual ARC Conference**

The Seventh Annual Advancing & Redefining Communities for Emergency Management (ARC) Conference will convene from December 13th to 14th, 2016 in Washington, D.C. The ARC Conference supports evidence-based practices in emergency management and shares these practices and tools with professionals with an interest in disaster preparedness and response. The ARC promotes advances in emergency management that help ensure timely, high-quality care for communities during disasters.

#### Additional Information:

[Conference Website](http://www.arc4em.org/)

**[**<http://www.arc4em.org/>**]**

**32nd Annual 32nd CSUN Assistive Technology Conference**

The 32nd Annual CSUN Assistive Technologies Conference, also known as CSUN 2017, will convene in San Diego, CA from February 27 to March 4, 2017. CSUN conferences are well attended by professionals, advocates, and academics that work at the intersection of technology and access by people with disabilities.

#### ADDITIONAL INFORMATION

[Conference Website](http://www.csun.edu/cod/conference/2017/sessions/)

[<http://www.csun.edu/cod/conference/2017/sessions/>]

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The Technology and Disability Policy Highlights (TDPH) reports on national public policy events and tracks emerging issues of interest to individuals with disabilities, researchers, policymakers, industry, and advocacy professionals. The TDPH is published monthly by the Wireless RERC. The Wireless RERC is a research center that promotes universal access to wireless technologies and explores their innovative applications in addressing the needs of people with disabilities. For more information on the Wireless RERC, please visit our website at [<http://www.wirelessrerc.org>].

For further information on items summarized in this report, or if you have items of interest that you would like included in future editions, please contact this edition’s editors Synge Tyson [synge@cacp.gatech.edu], or Salimah LaForce [salimah@cacp.gatech.edu].

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