Technology and Disability Policy Highlights

July 2014

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# Overview

With July marking the 24th anniversary of the Americans with Disabilities Act (ADA), the President took steps to accelerate employment opportunities for people with disabilities by signing the *Workforce Innovation and Opportunity Act (WIOA)* [H.R. 803]. Among other things, the Act includes provisions to enhance pre-employment transition services for youth with disabilities, which will work to provide additional support as students navigate the transition from school to the workforce. In the days following the signing of WIOA, President Obama signed a Presidential Proclamation that acknowledged that there is still work to be done to expand access to community living, healthcare, and employment for people with disabilities.

Not to be outdone by legislative action, regulators also took steps to uphold the tenets of the ADA. The U.S. Department of Justice (DOJ) commemorated the anniversary of the ADA with a Notice of Proposed Rulemaking requesting input on the provision of closed captions and audio description in movie theaters. The DOJ also resolved its investigation of Hubbard, Oregon’s alleged violations of Title I of the Americans with Disabilities Act (ADA). The Settlement Agreement reads, “The United States alleges that the City has engaged in a pattern or practice of discrimination under the ADA by requiring applicants to disclose disabilities and/or medical information in their applications prior to making a conditional offer of employment.”

In efforts to ensure access to online content, the Federal Communications Commission (FCC) announced new sanctions extending closed captioning for online video content, including: “straight lift” clips, montages, live and near-live television programming. Program distributors will be required to provide closed captioning for online video-clips of programming that originally appeared on television. Regarding parity of access to emergency information, the FCC’s Notice of Proposed Rulemaking in the Matter of Review of the Emergency Alert System [EB Docket No. 04-296], invites stakeholders to comment on issues identified following the first nationwide test of the Emergency Alert System (EAS) on November 9, 2011, including the introduction of standards regarding the crawl speed, completeness and placement of text information and the need to ensure that audio and visual information provide identical information.

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# Legislative

**House Passes Social Media Emergency Response Bill**

July 8, 2014 – With the continuous growth of emergency response on social media, the House passed the *Social Media Working Group Act of 2014* **[HR 4263]** allowing the Department of Homeland Security (DHS) to establish social media use standards in the event of terrorist attacks. The bill encourages the federal government to communicate with citizens by establishing a social media working group to report emergency preparedness support technologies, social media response activity, and social media use recommendations to the DHS and Congress. Bill sponsor, Rep. Susan Brooks (R-Indiana) stated, “Social media is transforming the way the nation responds before, during, and after a terrorist attack.” Recent research by the Wireless RERC indicates that people with disabilities are active users of social media, generally, and their use of social media platforms for receipt and sharing of emergency information is on the upswing.

#### Additional Information

[Social Media Working Group Act of 2014](http://www.gpo.gov/fdsys/pkg/BILLS-113hr4263rh/pdf/BILLS-113hr4263rh.pdf)

[<http://www.gpo.gov/fdsys/pkg/BILLS-113hr4263rh/pdf/BILLS-113hr4263rh.pdf>]

[Social Media, Public Emergencies & Disability](http://www.wirelessrerc.gatech.edu/content/publications/csun-2013-social-media-public-emergencies-disability)

[<http://www.wirelessrerc.gatech.edu/content/publications/csun-2013-social-media-public-emergencies-disability>]

## President Signs Workforce Development Bill

July 22, 2014 — President Barack Obama signed into law the *Workforce Innovation and Opportunity Act (WIOA)* [**H.R. 803**], a bill to amend the *Workforce Investment Act of 1998*. The Act, which was approved by the U.S. House of Representatives and U.S. Senate in June, reorganizes the current workforce development system; this includes many provisions for people with disabilities, such as, education and vocational rehabilitation. Working to streamline workforce development, WIOA eliminates 15 current programs and creates new standardized metrics to help evaluate remaining programs. Additionally, the Act includes provisions to enhance pre-employment transition services for youth with disabilities, which will work to provide additional support as youth transition from education to the workforce. Through reauthorization of the Rehabilitation Act, programs such as the National Institute on Disability and Rehabilitation Research (NIDRR) will relocate from their current position under the Department of Education to the Administration of Community Living in the Department of Health and Human Services, aligning the missions of the program with the department. Under WIOA, a reconfiguration of the National Council on Disability (NCD) will also occur, as the council will be reduced from 15 to 9 members and will receive a minor increase in funding.

In signing the bill, the President noted, “[WIOA] will help us bring [job-training programs] into the 21st century by building on what we know works based on evidence, based on tracking what actually delivers on behalf of folks who enroll in these programs -– more partnerships with employers, more tools to measure performance, more flexibilities for states and cities to innovate and to run their workforce programs in ways that are best suited for their particular demographic and their particular industries. And as we approach the 24th anniversary of the ADA, this bill takes new steps to support Americans with disabilities who want to live and work independently.”

The Act takes effect on July 1, 2015, with specific provisions for State Unified Plans becoming effective on July 1, 2016.

#### Additional Information

[H.R. 803 Bill Text](http://edworkforce.house.gov/uploadedfiles/wioa_sa_hr803.pdf)

[<http://edworkforce.house.gov/uploadedfiles/wioa_sa_hr803.pdf>]

[H.R. 803 Bill One-Pager](http://www.help.senate.gov/imo/media/doc/WIOA%20One%20Page%20Summary%20May%202014.pdf)

[<http://www.help.senate.gov/imo/media/doc/WIOA%20One%20Page%20Summary%20May%202014.pdf>]

[Remarks by President Obama on Signing WIOA](http://www.whitehouse.gov/the-press-office/2014/07/22/remarks-president-and-vice-president-bill-signing-workforce-innovation-a)

[<http://www.whitehouse.gov/the-press-office/2014/07/22/remarks-president-and-vice-president-bill-signing-workforce-innovation-a>]

## 24th Anniversary of the Americans with Disabilities Act

July 25, 2014 — President Barack Obama encouraged the nation to celebrate the 24th Anniversary of the Americans with Disabilities Act (ADA) in a recent Presidential Proclamation honoring the day. The proclamation acknowledged that while there is still work to be done, the Obama Administration has worked diligently to expand access to community living, healthcare, and employment for people with disabilities. President Obama concluded his proclamation by noting that that Anniversary of the ADA allows us to “celebrate [the accomplishments of people with disabilities], stand against discrimination in all its forms, and honor all who sacrificed so future generations might know a more equal society.”

#### Additional Information

[Presidential Proclamation](http://www.whitehouse.gov/the-press-office/2014/07/25/presidential-proclamation-anniversary-americans-disabilities-act)

[<http://www.whitehouse.gov/the-press-office/2014/07/25/presidential-proclamation-anniversary-americans-disabilities-act>

# Regulatory Activities

## NFB Calls for ADA Internet Regulations

July 7, 2014 – The National Federation of the Blind (NFB) concluded their 2014 National Convention with a unanimous vote urging the Obama administration to issue Internet regulations in compliance with Title III of the Americans with Disabilities Act. More than twenty-five hundred members of the NFB adopted the resolution, noting the need for accessible website design and content that allows access to the Internet through computerized speech software or Braille conversion. President of the NFB, Dr. Marc Maurer, stated “Since public accommodations, as defined by the Americans with Disabilities Act (ADA), increasingly conduct business with the public over the internet, it is imperative that their websites be accessible to the blind…Technology holds the promise that blind people will be able to live the lives we want to a degree never before possible, but only if internet technology is properly designed …That is why we demand that the Obama administration issue the long-delayed ADA regulations applying to the Internet the legal principle of equal access for all.”

#### Additional Information

[National Federation of the Blind Urges Obama Administration to Issue ADA Internet Regulations](https://nfb.org/national-federation-blind-urges-obama-administration-issue-ada-internet-regulations)

[<https://nfb.org/national-federation-blind-urges-obama-administration-issue-ada-internet-regulations>]

## Justice Dept. Settles Employment Discrimination Investigation

July 9, 2014 – The Department of Justice has resolved its investigation of Hubbard, Oregon’s alleged violations of Title I of the Americans with Disabilities Act (ADA). The Settlement Agreement reads, “The United States alleges that the City has engaged in a pattern or practice of discrimination under the ADA by requiring applicants to disclose disabilities and/or medical information in their applications prior to making a conditional offer of employment.” The City of Hubbard has since withdrawn all disability-related questions from job applications and agreed to the following:

1. Not to conduct a medical examination or make a disability-related inquiry of a job applicant before a conditional offer of employment is made;
2. Not requiring a medical examination or making inquiries of an employee’s disability or the severity of the disability;
3. Confidentially maintaining the medical or disability-related information of applicants and employees in separate files; and
4. Training hiring personnel and employees on the requirements of the ADA, addressing and reporting ADA compliance.

#### Additional Information

[Settlement Agreement between the United States of America and The City Of Hubbard, Oregon](http://www.ada.gov/hubbard-sa.htm)

[<http://www.ada.gov/hubbard-sa.htm>]

## FCC Implements Closed Caption Requirements for Online Video

July 11, 2014 – The Federal Communications Commission has announced new sanctions extending closed captioning for online video content, including: “straight lift” clips, montages, live and near-live television programming. Under the Twenty-first Century Communications and Video Accessibility Act of 2010 and internet protocol (IP) closed captioning rules, the decision aims to further access to online content for people who are deaf and hard of hearing. Program distributors will be required to provide closed captioning for online video-clips of programming that originally appeared on television. Compliance deadlines begin in 2016 and extend into 2017.

#### Additional Information

[FCC Moves to Ensure Online Video Clips are Accessible to Americans Who Are Deaf or Hard of Hearing](http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0711/DOC-328173A1.pdf) [<http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0711/DOC-328173A1.pdf>]

## FCC Sets Comment Deadlines for EAS Refresh

July 15, 2014 – The FCC’s *Notice of Proposed Rulemaking in the Matter of Review of the Emergency Alert System* [EB Docket No. 04-296] was published in the Federal Register, officially setting the deadlines for public input as August 14, 2014 for initial comments and August 29, 2014 for reply comments. Stakeholders are invited to comment on issues identified following the first nationwide test of the Emergency Alert System (EAS) on November 9, 2011. Although the test was regarded as successful, the Bureau noted that more recent technological advances could aid in ensuring more effective alerting through EAS. Accordingly, the FCC is seeking comment on the adoption of a national location code, which could designate the entire country as an affected area during national emergencies or tests of the EAS system. The FCC is also seeking comment on the adoption of rules requiring EAS participants to submit results of EAS tests to the FCC within 45 days of a system test. Finally, the nationwide test revealed that the visual text crawls accompanying the alert were often reported as unreadable due to either the speed of the crawl or the font. Accordingly, the Bureau is seeking comment on the introduction of standards for visual text crawls, specifically noting the need for standards regarding the crawl speed, completeness and placement of text information and the need to ensure that audio and visual information provide identical information.

#### Additional Information

[Notice of Proposed Rulemaking [EB Docket No. 04-296]](http://www.gpo.gov/fdsys/pkg/FR-2014-07-15/pdf/2014-16417.pdf)

[<http://www.gpo.gov/fdsys/pkg/FR-2014-07-15/pdf/2014-16417.pdf>]

## Justice Dept. Announces Accessibility Agreement with Florida Courts

July 17, 2014 – The U.S. Justice Department has announced a settlement with Florida’s Orange County Clerk of Courts to resolve violations regarding the Americans with Disabilities Act (ADA). The Orange County Clerk of Courts allegedly failed to provide accessible court documents to a blind attorney, despite repeated requests. The attorney’s appeal for electronic documents, accessible by screen reader technology, was not provided in an accessible format for over four months.

The Orange County Clerk of Courts has agreed to a settlement, providing individuals with disabilities with any official court record document in an accessible format upon request. In accordance with the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA requirements, the Clerk of Courts will also make their website accessible to individuals with disabilities, including the blind. Additional settlement conditions include $10,000 in retribution and WCAG 2.0 AA accessibility training.

#### Additional Information

[Justice Department Reaches Agreement with Orange County Clerk of Courts in Florida to Ensure Equal Access to Court Records for Blind Individuals](http://www.justice.gov/opa/pr/2014/July/14-crt-751.html)

[<http://www.justice.gov/opa/pr/2014/July/14-crt-751.html>]

## Justice Dept. Proposes Movie Theater Accessibility Ruling

July 25, 2014 - The U.S. Department of Justice commemorates the 24th anniversary of the Americans with Disabilities Act (ADA) with a Notice of Proposed Rulemaking requesting input on the provision of closed captions and audio description in movie theaters. The proposed changes to Title III of the ADA would require theaters to inform movie-goers about these accessibility services, while upholding current Title III mandates requiring movie theaters to provide public accommodations. The proposal highlights a six-month compliance deadline for digital movie screens and seeks public comment for a compliance date of four years for analog screens. For more information, please visit the link below.

#### Additional Information

[Justice Department Announces Proposed Amendment to Americans with Disabilities Act Regulations to Expand Access to Movie Theaters for Individuals with Hearing and Vision Disabilities](http://www.justice.gov/opa/pr/2014/July/14-crt-781.html)

[<http://www.justice.gov/opa/pr/2014/July/14-crt-781.html>]

# Other Items of Interest

## W3C Introduces New Method to Help Evaluate Websites

July 10, 2014 – The W3C Web Accessibility Initiative published a new document to help developers assess the accessibility of websites in addition to web and mobile applications. Titled *Website Accessibility Conformance Evaluation Methodology (WCAG-EM)*, the document provides a methodology developers can use to test websites and apps for conformance to the Web Content Accessibility Guidelines (WCAG) 2.0. In general, WCAG 2.0 focuses on individual web pages. Given as a series of five steps, the guidelines walk developers through defining an evaluation scope, exploring the target website, selecting a representative sample of individual pages from the site, and auditing the sample. While the WCAG-EM does not replace WCAG 2.0, it provides a first step to evaluating more comprehensive websites.

#### Additional Information

[Website Accessibility Conformance Evaluation Methodology (WCAG-EM) 1.0](http://www.w3.org/TR/WCAG-EM/)

[<http://www.w3.org/TR/WCAG-EM/>]

## ODEP Advisor Appointed to Office of Public Engagement for White House

July15, 2014 – The National Council on Disability (NCD), a federal advisory committee recognized by the President and Congress, released a press release embracing the appointment of Taryn Mackenzie Williams as an advisor for the White House’s Office of Public Engagement. Experienced as Senior Policy Advisor for the Office of Disability Employment Policy (ODEP), Williams brings her expertise in the disability policy areas of workforce development, education, Medicaid, social security, and youth transition services to the Executive Branch, effective as of July 14, 2014.

#### Additional Information

[NCD Welcomes Appointment of Taryn Mackenzie Williams as White House Public Engagement Advisor](http://www.ncd.gov/newsroom/07152014)

[<http://www.ncd.gov/newsroom/07152014>]

## Change My World in One Minute Contest

July 22, 2014 — In honor of World Cerebral Palsy Day, United Cerebral Palsy (UCP) has announced the *Change My World in One Minute Contest*. The contest gathers life-changing ideas, which should take no longer than a minute to explain. The public will then vote on their favorite idea, and inventors from around the world will work to create the ideas with the most votes, while competing for $50,000 in prizes. Ideas may be posted [here](http://en.worldcpday.org/) up until October 31, 2014.

#### Additional Information

[World CP Day](http://en.worldcpday.org/)

[<http://en.worldcpday.org/>]

## Google Faculty Research Award Focuses on Accessibility

July 24, 2014 – Google Vice President, Vint Cerf, encourages academic faculty to focus on accessibility when proposing research for Google’s Faculty Research Award. The award program encourages faculty members at academic institutions to pursue research in various areas of mutual interest. Regarding Internet policy, Google is accepting applications that address the following categories:

* Accessibility
* Access
* Intellectual property in the digital area
* Freedom of Expression
* Internet Governance
* Open Standards and Interoperability

The program reviews proposals twice a year, awarding winners with up $150,000 in funding for research. The next application deadline is October 15, 2014. For more information, visit <http://research.google.com/university/relations/research_awards.html>

#### Additional Information

[Focus Areas for Policy & Standards Research Proposals](http://googleresearch.blogspot.com/2014/07/focus-areas-for-policy-standards.html)

[<http://googleresearch.blogspot.com/2014/07/focus-areas-for-policy-standards.html>]

# Wireless RERC Updates

**Smart Steps Mobile App: Decisions Made Easy**

July 2014 – Featured in this month’s Special Needs App Review, the Smart Steps mobile app helps to support users with cognitive challenges through guided decision making and individualized feedback. Assisting individuals with autism, Down syndrome, and other developmental disabilities, the app helps users regain their independence in the community, classroom, and workplace by assisting in everyday decision-making. Some features include: 24/7 support options, decision trees, and the ability to personalize an account. The Smart Steps app is free of charge and can be found in the iTunes App Store. For additional information, please visit: <http://smartsteps4me.com/>.

Smart Steps was made possible, in part, by the Wireless RERC’s App Factory and the National Institute on Disability and Rehabilitation Research (NIDRR).

#### Additional Information

[Smart Steps Mobile](http://www.friendshipcircle.org/apps/browse/smart-steps-mobile/)

[<http://www.friendshipcircle.org/apps/browse/smart-steps-mobile/>]

**Wireless Technology and 508**

July 2014 – Wireless RERC researcher Ben Lippincott, along with Timothy Creagan (U.S. Access Board) and Jamal Mazrui (FCC) will address wireless accessibility at a webinar on Section 508 Best Practices. Sponsored by the Accessibility Committee of the Chief Information Officers Council (CIOC), the U.S. Access Board and eFedLink, the event will convene Tuesday, July 29, 2014 at 1:00pm ET. This will be one webinar in a series that will address wireless technology accessibility barriers, wireless industry developmental resolutions, accessibility resources, and 508 standards as they apply to wireless technology. For more details and registration information, visit the link below.

#### Additional Information

[Section 508 Best Practices: Wireless Technology and 508](http://www.adaconferences.org/CIOC/)

[<http://www.adaconferences.org/CIOC/>]

**Updated: 12 Considerations for Accessible Emergency Communications**

July 9, 2014 – The Wireless RERC recently updated their consideration guide to help emergency response and preparedness communities plan for individuals with access and functional needs. The document highlights technology, policy, training and education concerns for making emergency communications more accessible. Some considerations include:

1. Procuring and utilizing software/hardware solutions and interoperable networks for (1) receiving alert feeds from multiple sources and (2) transitioning to a next generation 9-1-1 system.
2. Ensuring responsible federal agencies enforce laws safeguarding people with disabilities.
3. Empowering end-users by providing information and resources on accessible emergency alert and information options.

The reverse of the document includes links to resources with topic specific information.

#### Additional Information

[12 Considerations for Accessible Emergency Communications](http://www.wirelessrerc.gatech.edu/content/newsroom/updated-12-considerations-accessible-emergency-communications)

[<http://www.wirelessrerc.gatech.edu/content/newsroom/updated-12-considerations-accessible-emergency-communications>]

# Upcoming Events

## International Deaf-Blind Expo

The 1st International Deaf-Blind Expo will be held July 30 - August 3, 2014 at the Riviera Casino and Hotel in Las Vegas, Nevada. The event, hosted by Bapin Group, will feature educational workshops, networking opportunities and an expo showcasing vendors from around the world. Those interested in attending can register [here](http://www.bapingroup.com/index.php?route=information/ostatic/).

#### Additional Information

[International Deaf-Blind Expo](http://www.bapingroup.com/index.php?route=information/ostatic/)

[<http://www.bapingroup.com/index.php?route=information/ostatic/>]

## The Arc’s 2014 National Convention

The ARC’s 2014 National Convention will be held in New Orleans, Louisiana September 30 – October 2, 2014. The Convention aims to offer an environment for people to come together to “learn, improve and lead the movement for people with intellectual and developmental disabilities (I/DD) into the future.” Registration for the convention is currently open.

#### Additional Information

[The Arc’s 2014 National Convention](http://convention.thearc.org/page.aspx?pid=3975)

[<http://convention.thearc.org/page.aspx?pid=3975>]

## 17th Annual Accessing Higher Ground Conference

The Association on Higher Education and Disability (AHEAD) will host the 17th Annual Accessing Higher Ground Conference from November 17 – 21, 2014 in Westminster, Colorado. The conference will offer those within higher education and industry discussions and information on use of accessible media, adoption of universal design practices, and compliance with accessibility policies. Registration for the event is now open and can be accessed [here](https://www.cvent.com/events/accessing-higher-ground-2014/registration-a9f740ba394c448881392e12b039009f.aspx?r=112099f0-8853-4544-9d51-5f114cc5a47e).

#### Additional Information

[17th Annual Accessing Higher Ground](http://accessinghigherground.org/index.html)

[<http://accessinghigherground.org/index.html>]

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The Technology and Disability Policy Highlights (TDPH) reports on national and local public policy events and recent wireless technological advances and political activities; and tracks emerging issues of interest to individuals with disabilities. *Technology and Disability Policy Highlights* 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 web site 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, Braeden Benson [braeden@cacp.gatech.edu], Amelia Williams [Amelia@cacp.gatech.edu] or Salimah LaForce [salimah.laforce@cacp.gatech.edu].

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