

U.S. LAWS REQUIRE ACCESS FOR THOSE WITH PRINT DISABILITIES

The Americans with Disabilities Act (ADA)

In U.S. history, laws once allowed public facilities, such as libraries, to limit access based on race. This injustice was made illegal with the passage of the Civil Rights Act of 1964. Likewise, U.S. public entities, such as libraries, were able to build and maintain buildings and services that were inaccessible to people with disabilities. This injustice was made illegal with the passage of the Americans With Disabilities Act (ADA) of 1990.

The ADA gives courts and others a tool for taking a new look at information access issues and standards in relation to available access technology. The ADA makes specific references to a multitude of assistive devices that can be used in libraries. Title II of the ADA states that a “public entity [such as a public library] shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.” The U.S. Department of Education, Office of Civil Rights (the agency with the primary responsibility for enforcing the ADA as it applies to libraries) has repeatedly held that the term “communication” means the “transfer of information, and it includes the right of a person with a disability to equally access the verbal presentation of a lecturer, the printed text of a book, and the vast resources of the Internet.”

Hawthorne, Senge, and Coombs, in the article, “The Law and Library Access for Patrons with Disabilities,” say the ADA is steadily moving in the direction of mandating barrier-free access to information housed in schools, universities, and libraries.

www.rit.edu/~easi/itd/itdv04n1/article5.html

Section 508 of the Rehabilitation Act

The ADA was not the nation’s first attempt to assure that people with disabilities receive equal access to activities and services to help maintain and improve the quality of life. The Rehabilitation Act was passed in 1973 (and amended in 1992 and 1998) and required federal agencies to provide people with disabilities the tools to execute tasks related to their job requirements. In 1998, Congress amended the Rehabilitation Act to require federal agencies to make their electronic and information technology accessible to people with disabilities.

Under Section 508 (29 U.S.C. § 794d), agencies must give disabled employees and members of the public access to this technology that is comparable with the access available to others. The law applies to all federal agencies when they develop, procure, maintain, or use electronic and information technology. Inaccessible technology interferes with a person’s ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in information technology, to make

[www.access-board.gov/
sec508/508standards.htm](http://www.access-board.gov/sec508/508standards.htm)

Information providers can
find valuable information at
[www.access-board.gov/
telecomm/html/
telfinal12.htm](http://www.access-board.gov/telecomm/html/telfinal12.htm).

available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. The law further requires that people with disabilities who are seeking information or services from a federal agency have access to and use of information and data that is comparable with that provided to the non-disabled public, unless an undue burden would be imposed on them.

Laura Ruby, regulatory program manager for Microsoft Corp.'s Accessible Technology Group, says the extent of Section 508's impact on state and local governments and industry in general may remain murky until the law faces a test in court. "It's a very contentious issue right now...as with many laws, often times there are gray areas that don't get defined until complaints are filed and the laws are challenged," Ruby says. This could mean libraries that receive federal dollars may be required to comply with Section 508. The entire text of the Electronic and Information Technology Accessibility Standards may be found on the Internet.

The Telecommunications Act of 1996

The Telecommunications Act of 1996 addresses the need for manufacturers to evaluate the accessibility, usability, and compatibility of telecommunications equipment and seeks to eliminate barriers to accessibility by people with disabilities. The Act encourages manufacturers to work closely with people with disabilities when designing or refining products.

The Act requires that manufacturers provide information and documentation in alternate formats and modes. To aid manufacturers, the Act describes the process to facilitate the adaptation.

Other lands, other laws for equity in information access

Governments throughout the world are recognizing the need for legislation in relation to the access to information rights of people with disabilities. The following countries and the European Union have enacted policies:

- Australia passed the Disability Discrimination Act of 1992 with specific provisions to accommodate people with disabilities. In March 2000 the Australian cabinet adopted specific requirements for Commonwealth Web sites, which included compliance with W3C accessibility.
- Canada adopted the Policy on the Provision of Accommodation for Employees with Disabilities in July 1999. It recognized the need for technological accommodations.
- Denmark's "Freedom to Choose Action Plan for IT Use by People with Disabilities" says the Danish info-society must be open to everyone—including people with disabilities. The plan reads: "The State should ensure that new computerized information systems offered to the general public are either initially accessible or adapted to be made accessible to people with disabilities."
- The European Commission launched "Communication eEurope—An Information Society for All" in December 1999. The Commission is

committed to making all public Web sites and their content accessible to people with disabilities by the end of 2001, and to create centers of excellence in each member State in which a European Union curriculum universal design can be developed.

- Ireland sharpened the government's "Employment Equality Act and the Equal Status Act" with the passage of the "Equal Status Act 2000." This act outlawed discrimination in all services that are generally available to the public, regardless if the provider is from the public or private sector.
- The Portuguese government was petitioned by the Portuguese Accessibility Special Interest Group for a commitment on Web site accessibility. As a result, accessibility is now mandatory in Portugal for public and Administrative Web sites.
- Sweden's government commissioned the Swedish Handicap Institute to develop a program of improving technology access for disabled and older adults. The government partnered with organizations concerned about these groups.

Abiding by the Golden Rule prevents lawsuits

People with disabilities have made numerous complaints regarding access to computers and Web sites. Libraries have not been spared but have been able to settle out of court (and out of the media) by agreeing to remedy the situations, and, in some cases, by agreeing to pay damages. Making your library and Web site accessible is easier, less expensive, and more rewarding than resolving lawsuits.

