



Understanding and Expanding Accessibility in Online Learning Environments

Transforming Lives and Societies

28th ICDE World Conference on Online Learning

Dublin, Ireland

November 3-8, 2019

Susan H. Stephan, J.D.

Associate Dean of Graduate and Online Programs
NSU Shepard Broad College of Law

NSU

Florida

Shepard Broad
College of Law

**NOVA SOUTHEASTERN
UNIVERSITY**

Accommodation

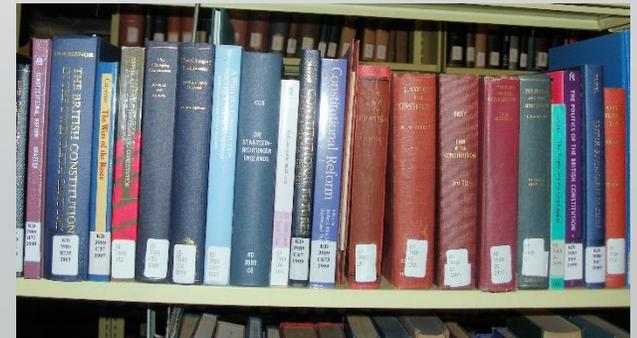
- We are familiar with "accommodations" as adaptations made for specific individuals when a product or service is not accessible, for example:
 - captions on a video (when a specific student who is hearing impaired requests them)
 - remediation of documents to make them accessible to students who are vision impaired and use screen readers (or who have dyslexia and other learning disabilities that make reading easier when they can see printed words and listen to them spoken at the same time)
 - Problem: do many students **not** disclose their disability?
 - Apparently yes, up to 80% in some cases

Proactivity in development, use of accessible software, websites, videos, documents, and other IT reduces the need for accommodations and will be important moving forward.

Accommodation vs Inclusive environment

Laws, Regs, and Guidelines

- EU Directive on the Accessibility of Websites and Mobile Applications
- EU Equality Act 2010
- UN Convention on the Rights of Persons with Disabilities (UNCRPD)
- US Section 504 of the Rehabilitation Act of 1973
 - Section 508
- Titles II and III of the Americans with Disabilities Act of 1990 (ADA), as amended
- Web Content Accessibility Guidelines AA (WCAG 2.0 AA)
 - WCAG 2.1 is the new goal
- *Possible* proposed rule for public accommodations websites in US



US Higher-Ed Complaints and Lawsuits

Here is a handy litigation timeline from California State University San Marcos (CSUSM): <https://www.csusm.edu/accessibility/ati/lawsuits/index.html>

The University of Minnesota compiled a list of higher-ed-related accessibility complaints and lawsuits: <http://www.d.umn.edu/~lcarlson/atteam/reports/litigation/lawsuits.html>

In November of 2018, Jason Camacho, a blind NY resident, initiated lawsuits in the SDNY against 50 colleges over website accessibility.

Most lawsuits thus far have resulted in settlements/consent agreements, and here is a list of agreements that reference **WCAG**: <http://www.d.umn.edu/~lcarlson/wcagwg/settlements/>

Here are common themes of these lawsuits:

- Failure to caption educational videos
- Use of inaccessible websites, apps, and LMS
- Use of technologies and materials that are not accessible to screen readers
- Use of inaccessible devices in the classroom such as clickers and electronic readers



Global Context

- The [European Union \(EU\) Directive on the Accessibility of Websites and Mobile Applications](#) requires EU member states to make sure their websites and mobile apps meet common accessibility standards - as of September 23, 2018.
- The Directive uses the four principles of WCAG 2.0, (“Perceivable, Operable, Understandable, and Robust”), citing WCAG 2.0 Level AA as the expected standard.
- Also, the EU adopted the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in November 2009.
 - The UNCRPD - The Key Principles
 - Respect for inherent dignity, individual autonomy and independence
 - Non-discrimination
 - Full and effective participation and inclusion in society
 - Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
 - Equality of opportunity
 - Accessibility





- When the UK leaves the EU (?), all of the existing European legislation in the UK will be converted to domestic legislation.
- Accessibility laws could be:
 - left as-is
 - replaced by domestic versions
 - Invalidated and unreplaced
- The Equality Act 2010 will almost certainly continue as it is, because the Equality Act is a British statute, passed by the Westminster Parliament.
- The Disability Discrimination Act 1995, later incorporated into the Equality Act, was passed by the British Parliament before EU requirement
- Disability laws are a fraction of the UK rules that will be affected
 - AI as a solution?

WCAG 2.0 AA

- The World Wide Web Consortium (W3C) published the original set of Web Content Accessibility Guidelines (WCAG 1.0) in 1998. An updated version, WCAG 2.0, was published in 2008, and we are working with this version in many contexts, although WCAG 2.1 was officially recommended in June of 2018.
 - *The federal government adopted WCAG 2.0 AA* in 2017 for its agency websites, so this was seen as an indication that DOJ would move forward on its projection that a proposed rule for public accommodations websites would happen in 2018 (probably based on 2.0 AA) but this process was put on hold under the Trump Administration, leaving the regulatory environment for websites and online learning uncertain.*
- 12 Guidelines divided into four general principles:
 - **Perceivable** – Information and user interface components must be presentable to users in ways users can perceive
 - **Operable** – User interface components and navigation must be operable
 - **Understandable** – Information and the operation of user interface must be understandable
 - **Robust** – Content must be robust enough that it can be interpreted reliably by a wide variety of users/user agents, including assistive technologies

*The Guidelines go from A to AA to AAA, with a thorough checklist here: <https://www.wuhcag.com/wcag-checklist/>

WCAG 2.1

- WCAG 2.1 was published as a Final Recommendation on June 5, 2018.
 - W3C Advisory Committee Members were invited to send formal review comments to the W3C Team until May 22, 2018.
 - There are 17 new guidelines
 - Here is a link to the working/editor's draft: <https://w3c.github.io/wcag21/guidelines/> and the April 24 proposal: <https://www.w3.org/TR/WCAG21/>
- **“The primary focus for WCAG 2.1 is accessibility requirements for mobile accessibility, people with low vision, and people with cognitive and learning disabilities...WCAG 2.1 is designed to be ‘backwards compatible’ so websites that conform to WCAG 2.1 will also conform to WCAG 2.0 — which means that a website that meets WCAG 2.1 will meet the requirements of policies that reference WCAG 2.0.”**
- WCAG 3.0: The Silver Task Force and the [W3C Silver Community Group](#) are performing the preliminary work for a successor to WCAG. (W3C says it is currently unclear if 2.2 is needed, will depend on progress of Accessibility Guidelines 3.0 and the outcome of WCAG 2.1)
 - Updates: <https://www.w3.org/community/silver/>

Inclusivity: Big Picture Course Design Issues

- **Really consider inclusive, learner-centric environment**
 - accessibility beyond reactive accommodation
- Design websites and LMS content to operate with the keyboard as opposed to mouse-only
- Make links descriptive
- Provide alternative text for all images
- Structure all content in a module with ordered titles
- Use simple, high contrast fonts
- Caption all videos and provide transcriptions for audio
- Avoid PDFs if possible, otherwise make sure they are accessible
- Appoint someone on your team to focus on WCAG 2.1

Pedagogical Choices

- Consider Universal Design for Learning (UDL) - <http://udlguidelines.cast.org/>
 - Concept that you create from the beginning something that works for everybody
- Present content in multiple ways
- Make information and assignments relevant to students with a wide variety of interests and backgrounds
- Provide options for student communication and collaboration that are accessible to individuals with a variety of abilities
- Make instructions and expectations clear
- Offer outlines and other scaffolding tools to help students learn
- Provide opportunities for practice – quizzes, asking students to recap in their own words
- Provide ample feedback and offer second chances

Resources

- Don't forget [WCAG 2.1](#)
- UDL: Universal Design for Learning at www.udlcenter.org,
<http://udlguidelines.cast.org/>
- Blackboard Ally: <http://www.blackboard.com/accessibility/blackboard-ally.html>
- Canvas/Instructure Accessibility Checker (within courses)
- Moodle: <https://docs.moodle.org/dev/Accessibility>
- Universal Design Online Inspection Tool (UDOIT):
<https://cdl.ucf.edu/teach/accessibility/udoit/>
- Quality Matters: rubric with accessibility and usability standards
- Association on Higher Education and Disability (AHEAD): www.ahead.org
- EU on the Accessibility Act: <https://ec.europa.eu/social/main.jsp?catId=1202>

Yours?



Thank You!

Susan H. Stephan

Associate Dean of Graduate and Online Programs
NSU Shepard Broad College of Law

sstephan@nova.edu | 1-954-361-3611

NSU

Florida

Shepard Broad
College of Law

**NOVA SOUTHEASTERN
UNIVERSITY**