



Welcome to:

# Understanding and Planning for the Changes to the Americans with Disabilities Act (ADA)

- Before we get started:
  - Due to the number of people registered the participant call line has been muted to eliminate background noise
  - To ask a question please use the Q&A tool in LiveMeeting, found at the top left of your screen, to type in your questions
  - A PDF copy of the slides will be sent after this webinar

# UNDERSTANDING AND PLANNING FOR THE CHANGES TO THE AMERICANS WITH DISABILITIES ACT (ADA)



Larry Concannon, VP, Product Marketing

Ken Nakata, Director, Accessibility Consulting Practice

# New Department of Justice ANPRM for web accessibility

Federal Register / Vol. 75, No. 142 / Monday, July 26, 2010

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Dated: July 21, 2010.

**Thomas E. Perez,**  
*Assistant Attorney General, Civil Rights  
Division.*

[FR Doc. 2010-18331 Filed 7-22-10; 4:15 pm]

BILLING CODE 4410-13-P

#### DEPARTMENT OF JUSTICE

#### 28 CFR Parts 35 and 36

[CRT Docket No. 110]

RIN 1190-AA61

#### **Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities and Public Accommodations**

**AGENCY:** Department of Justice, Civil  
Rights Division.

**ACTION:** Advance Notice of Proposed  
Rulemaking.

**SUMMARY:** The Department of Justice  
(Department) is considering revising the  
regulations implementing title III of the  
Americans with Disabilities Act (ADA  
or Act) in order to establish  
requirements for making the goods,  
services, facilities, privileges,  
accommodations, or advantages offered

- Will set a national baseline for required web accessibility.
- Will become a model for worldwide legislation on web accessibility.
- Sets clear message: web accessibility is a basic civil right.

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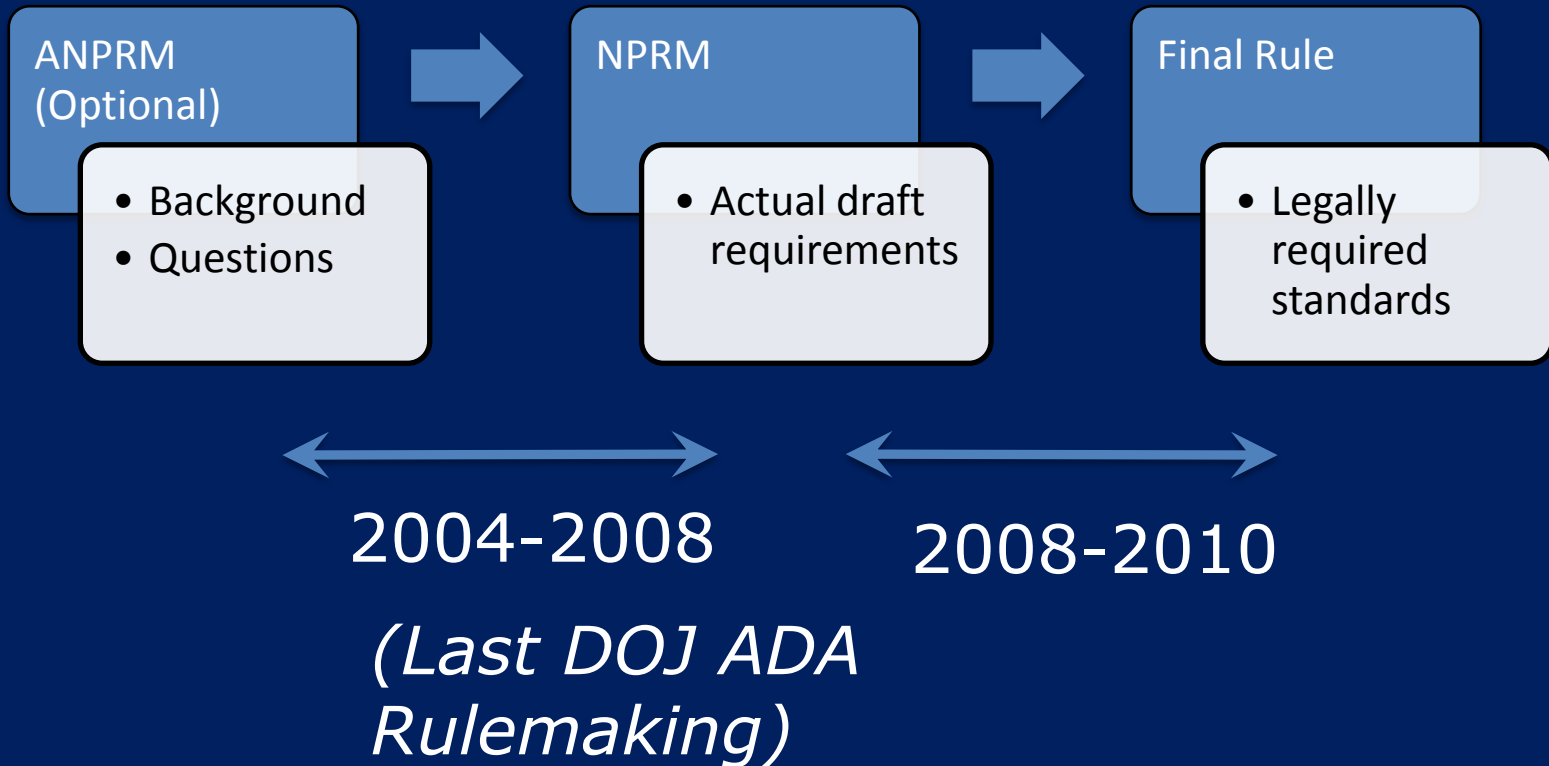
honorific name for a  
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or Act) in order to establish  
Americans with Disabilities Act (ADA

# U.S. Department of Justice

- Lead law enforcement agency.
- Lead agency on civil rights implementation-- especially in accessibility (Exec. Order 12,250).
- Deference to DOJ interpretations of ADA under Chevron doctrine.
- Only Federal agency that can bring suit under the ADA.



# Federal Rulemaking Overview



# Structure of Regulations

Federal Register / Vol. 75, No. 142 / Monday, July 26, 2010

the costs and benefits, both quantitatively and qualitatively, of regulations on individuals with disabilities. This includes the ability to access health care facilities, exercise in hotels, nursing homes, and electronic transactions? The Department will make an analysis of the specific cost and benefit information on the regulations, as well as the net economic impact of the costs and benefits of the regulations on individuals with disabilities.

## All Entities

The Regulatory Flexibility Act of 1980 and Executive Order 12813 require the Department to consider the impact of any proposed regulations on small businesses, small organizations, and small governmental entities, including small nonprofit organizations. The Department will make an analysis of the specific cost and benefit information on the regulations, as well as the net economic impact of the costs and benefits of the regulations on individuals with disabilities.

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*Assistant Attorney General, Civil Rights Division.*  
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**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Department of Justice (Department) is considering revising the regulations implementing title III of the Americans with Disabilities Act (ADA or Act) in order to establish requirements for making the goods, services, facilities, privileges, accommodations, or advantages offered

- Identifies important need for regulations.

- Hints at preferred course for upcoming regulations.

- Asks lots of questions (submit comments).

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# Who Will Be Affected?

## State and Local Government

- Clear after Martin v. MARTA
- Ask for ADA and Title II White Paper from HiSoftware

## Private Businesses with Bricks and Mortar Presence

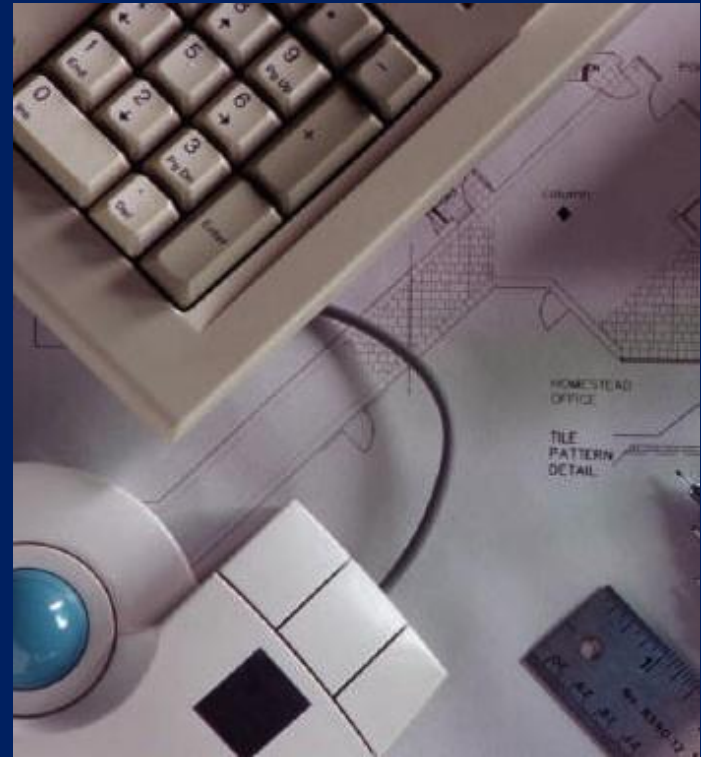
- Consistent with most court opinions
- Ask for ADA and Target White Paper from HiSoftware

## Purely Online Private Businesses

- Consistent with 1<sup>st</sup> Circuit
- Consistent with past DOJ positions

# Applicable Standards

- Questions Posed by DOJ: WCAG 2.0, Section 508, or performance-based standards?
- Need for consistency and harmony.
- Advice: stick with WCAG 2.0 AA.
- Ask for WCAG 2.0 AA White Paper from HiSoftware.



# Timeline

Federal Register / Vol. 75, No. 142 / Monday, July 26, 2010

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- Questions Posed by DOJ: six-month grace period and phased-in implementation?
- Most likely 2-3 years until final regulations.
- Advice: start now (Unruh, penalties, etc).
- Ask for Target web accessibility white paper from HiSoftware.

# ADA Versus Unruh

	Unruh	ADA
Coverage	Any business-related activity	Difficult coverage questions
Jurisdiction	Any activities with a California customer	Nationwide
Damages	Huge monetary damages	Injunctive Relief DOJ lawsuit
Timeline	NOW!!	Possibly 2-3 years (?)
Standards	Unclear but likely WCAG 2.0	Unclear but likely WCAG 2.0



# Automating Accessibility Compliance

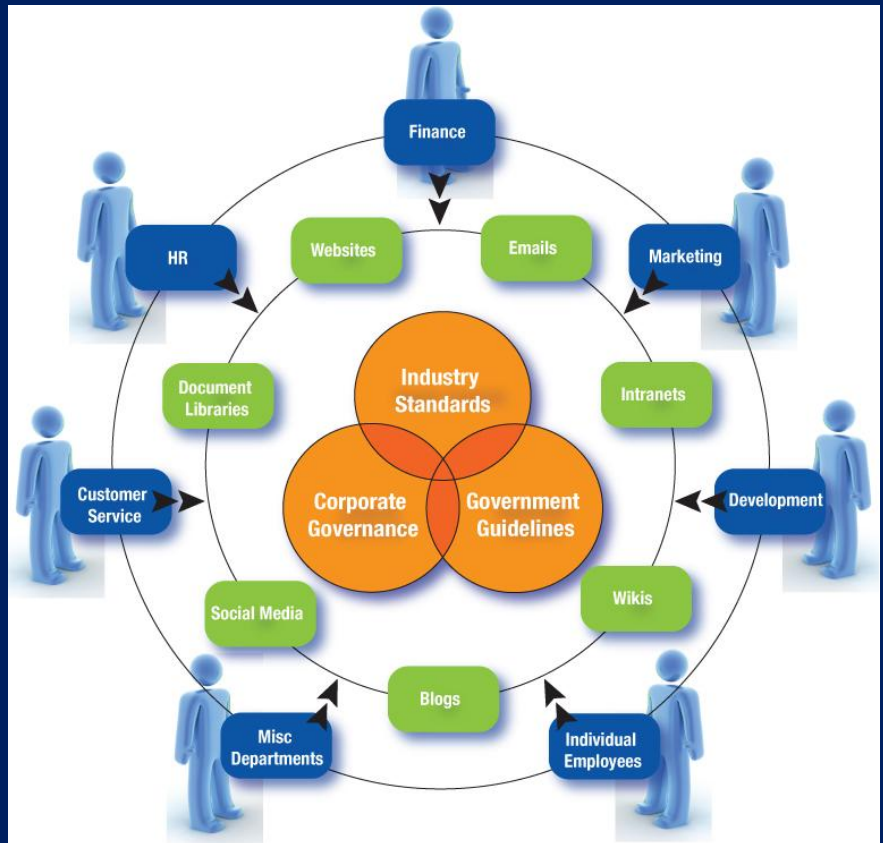
# Why Automate Accessibility Compliance?

- Manual checking = 20 minutes/page
- Scan sites and resolved identified problems
- Software tracks all compliance problems
- Create reports of quality issues over time
- Enable system to grow over time



# Who's Contributing to Your Content?

- Multiple content contributors within an organization
- Content changes on day to day basis:
  - Documents uploaded / edited
  - Email communications sent
  - Social collaboration through blogs / wikis
  - External and Internal website content is added / edited
- How can all content contributors be aware of regulations like Section 508 or WCAG?



# Compliance Sheriff

- Authors can check for accessibility when submitting content (checkpoints: Section 508, WCAG)
- Scans existing content for non-compliant content
  - Reports
  - Email notifications
- Web properties
  - Public web sites, intranets, applications
  - Social media: blogs, wikis, forums...
  - Files attached to web pages (PDF, XLS, DOC...)

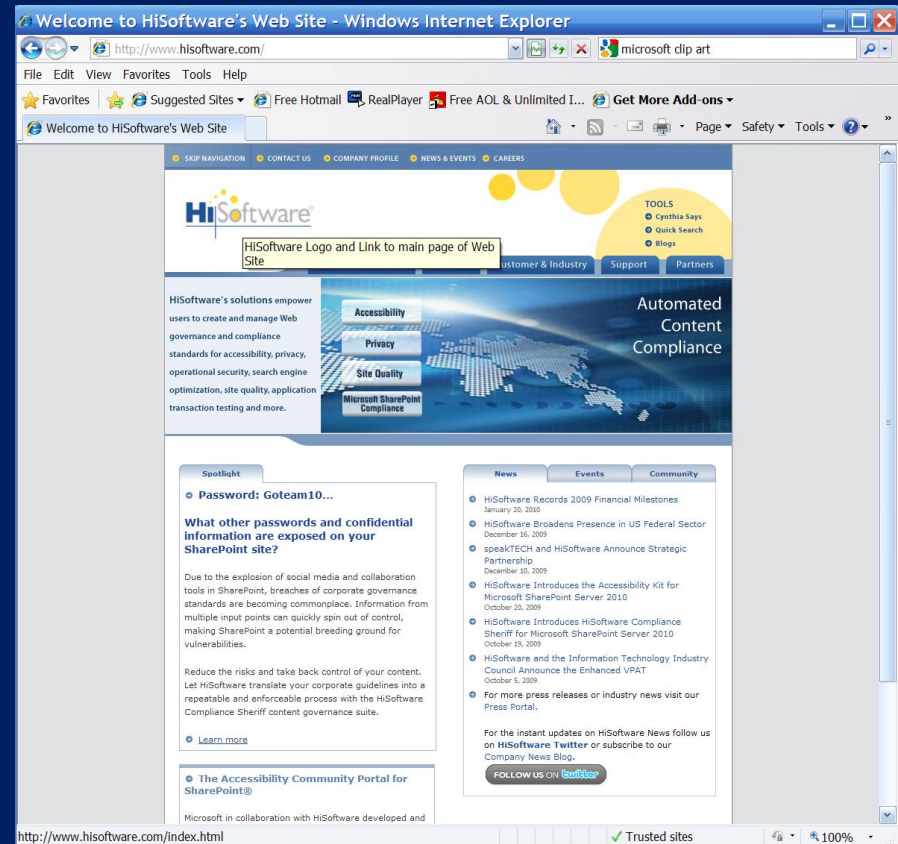


# HiSoftware Compliance Sheriff

## ACCESSIBILITY COMPLIANCE SCENARIOS


# ALT Text Missing

- People working with disabled colleagues often forget to put alt text on the images in their documents making them non-compliant and usable
- The Compliance Sheriff workflow lets you educate your enterprise and guide users to include the necessary information to make documents easy to use for all users





# Accessibility ALT Text

Home

 Home

[Home](#) [Blog](#) [Document Workspace](#) [Meeting](#) [News](#) [Private Data](#) [Publishing](#) [Reports](#) [Search](#) [Sites](#) [Wiki](#)

HiSoftware Results

Status	Inspection Results	Error(s)	File Location	Additional Information?
	IMG element contains no ALT attribute.	1	<a href="#">View File</a>	<a href="#">How to Fix</a>
	Verify page uses valid contrast ratios			<a href="#">How to Fix</a>

# Accessibility ALT Text

Windows Internet Explorer browser window showing a cached page. The address bar displays: `http://nsp07dev2:81/CSWorkflow/Show.aspx?resultId=3940`. The page content includes a message about a missing ALT attribute for an image and the image itself, which is the HiSoftware logo.

This is the rendered page for Compliance Sheriff's cache of <http://nsp07dev2/doc/Shared Documents/Sales Figures Q2 2009.docx> as retrieved on 1/26/2010 3:48:55 AM GMT.  
Result message: IMG element contains no ALT attribute.  
Occurrences: 1  
You may also view the [source code](#).



Sales figures have increased year over year for the last five years. Lorem ipsum dolor sit amet, consectetur adipiscing elit. Nam congue nunc eget justo luctus ullamcorper. Integer vestibulum lacinia nulla, vel fermentum quam consequat vitae. Phasellus scelerisque varius arcu, ut iaculis dolor dapibus ut. Quisque vel dui non odio euismod congue non et mi. Vivamus pretium vulputate dolor ac scelerisque. Fusce vel lorem eu nulla sodales venenatis vel nec nisl. Nunc cursus scelerisque turpis, a pellentesque mi aliquet at. Ut faucibus augue vitae diam tempor eu auctor magna pharetra. Proin vel nisi eget metus lacinia lobortis. Ut varius ultrices augue, feugiat aliquam purus convallis nec. Curabitur a dui et lorem luctus volutpat et vitae dui. Donec lacinia lorem quis lectus placerat at malesuada eros tristique. Pellentesque nec facilisis purus. Morbi sodales tincidunt diam, vel tincidunt lectus pharetra mattis. Suspendisse convallis facilisis urna a iaculis. Nam leo tellus, sollicitudin id pellentesque sit amet, fringilla nec mauris. Phasellus diam tellus, sollicitudin ut scelerisque a, lacinia in augue. Vivamus at ultrices velit. Suspendisse varius rutrum purus at cursus. Sed laoreet, libero et hendrerit pellentesque, mi massa congue eros, nec bibendum enim velit non magna.

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Maecenas ut est at massa elementum dictum. Phasellus tristique faucibus cursus. Vivamus tempus dignissim gravida. Sed ornare fermentum nunc, sed molestie odio laoreet in.

Done

Internet | Protected Mode: Off 100%

# Insufficient Color Contrast

- People in an office environment often highlight or use their own conventions for marking information. Vision impairments are very common. The Web content accessibility guidelines include clear rules for color contrast settings.
- The Compliance Sheriff check scan lets the document creator know if the content will be difficult to see for users with vision impairments



# Accessibility Contrast

Cached page http://nsp07dev2/doc/Shared Documents/Scan Groups.docx - Windows Internet Explorer

http://nsp07dev2:81/CSWorkflow/Show.aspx?resultId=3941

Cache: Cached page http://nsp07dev2/doc/Shared Docu...

This is the rendered page for Compliance Sheriff's cache of <http://nsp07dev2/doc/Shared Documents/Scan Groups.docx> as retrieved on 1/26/2010 3:50:59 AM GMT.

Result message: Page uses invalid contrast ratios

Occurrences: 1 | 2

You may also view the [source code](#).

- If an executing scan group is aborted, it would be in an indeterminate state – “incomplete”. Some of the scans may have completed successfully, but others yet to run at all.
- Clicking “run” on an aborted scan group may cause successful scans to re-run unnecessarily
- If the user had run all the scans inside a particular group individually, and they all ran to completion, it’s not clear if the run status of the scan group should reflect this, especially if the scans had completed some time ago, e.g. long before the scan group was even defined.
- There’s significant potential for users to unintentionally schedule the same scans to run multiple times when only once was intended, e.g. a scan may be already scheduled to run on the 1<sup>st</sup> of each month, but then multiple groups that contain the scan may also be scheduled to run at the same time. One suggestion here is to warn the user when a scan is scheduled multiple times through different screens.
- By default choosing to run a group would simply cause the contained scans to run one after another, however it’s possible better performance would be achieved by executing multiple scans at once

Another feature that has been requested is the ability to ensure that all scans in a particular group have the same “settings”. However most of the settings will need to be different between scans belonging to the same group, namely:

- Display Name
- Base Url
- Start Pages (including levels, transaction scripts, http authentication settings)
- Additional Domains
- Potentially, include/exclude filters, e.g. if an exclude filter is used to prevent a “logout” link being crawled after executing a transaction script.

Indeed, really the only setting that there is a good case for being able to ensure is identical between multiple scans in the same group is the selected checkpoint groups. The simplest/safest way to implement this is for every scan group to have a flag set via a checkbox called “Synchronise checkpoint groups between scans” or something similar, such that if checked, every time the list of checkpoint groups for any one scan in the group is changed (via the normal scan editing screen), all other scans in the group are updated to have the same set of checkpoint groups automatically (if if one of those other scans then belongs also to another group, all scans in *that* group should probably be updated too, recursively as necessary!). The screen for editing a scan group will be otherwise similar to that for editing checkpoint groups – a however a scan group will only have a single “Display Name” and no “Long Description”. Like checkpoint groups, scan groups can either contain sub-groups or scans, but must contain at least one of either.

Internet | Protected Mode: Off 100%

# Monitor

- Scan site(s) for quality problems
  - Ad hoc
  - Scheduled: five minutes, Daily, weekly, monthly

The screenshot shows the HiSoftware Compliance Sheriff interface. The top navigation bar includes 'Dashboard', 'Scans', 'Monitors' (selected), 'Checkpoints', 'Views', 'Notifications', 'Settings', and 'Admin'. The 'Monitors' section is active, displaying a configuration form for a scheduled scan. The form is titled 'Schedule for 'Check basic QA on the customer page':'. It includes a 'Frequency' section with dropdowns for 'Every', '3', and 'day(s)'. The 'Start time' is set to '1 : 00' and the 'Beginning' date is '5/22/2010 (Sat)'. There are 'Save' and 'Cancel' buttons at the top, and an 'Add' button at the bottom of the form.

HiSoftware®  
HiSoftware Compliance Sheriff™

Powered by

Sign out | Help

Dashboard Scans **Monitors** Checkpoints Views Notifications Settings Admin

Save Cancel

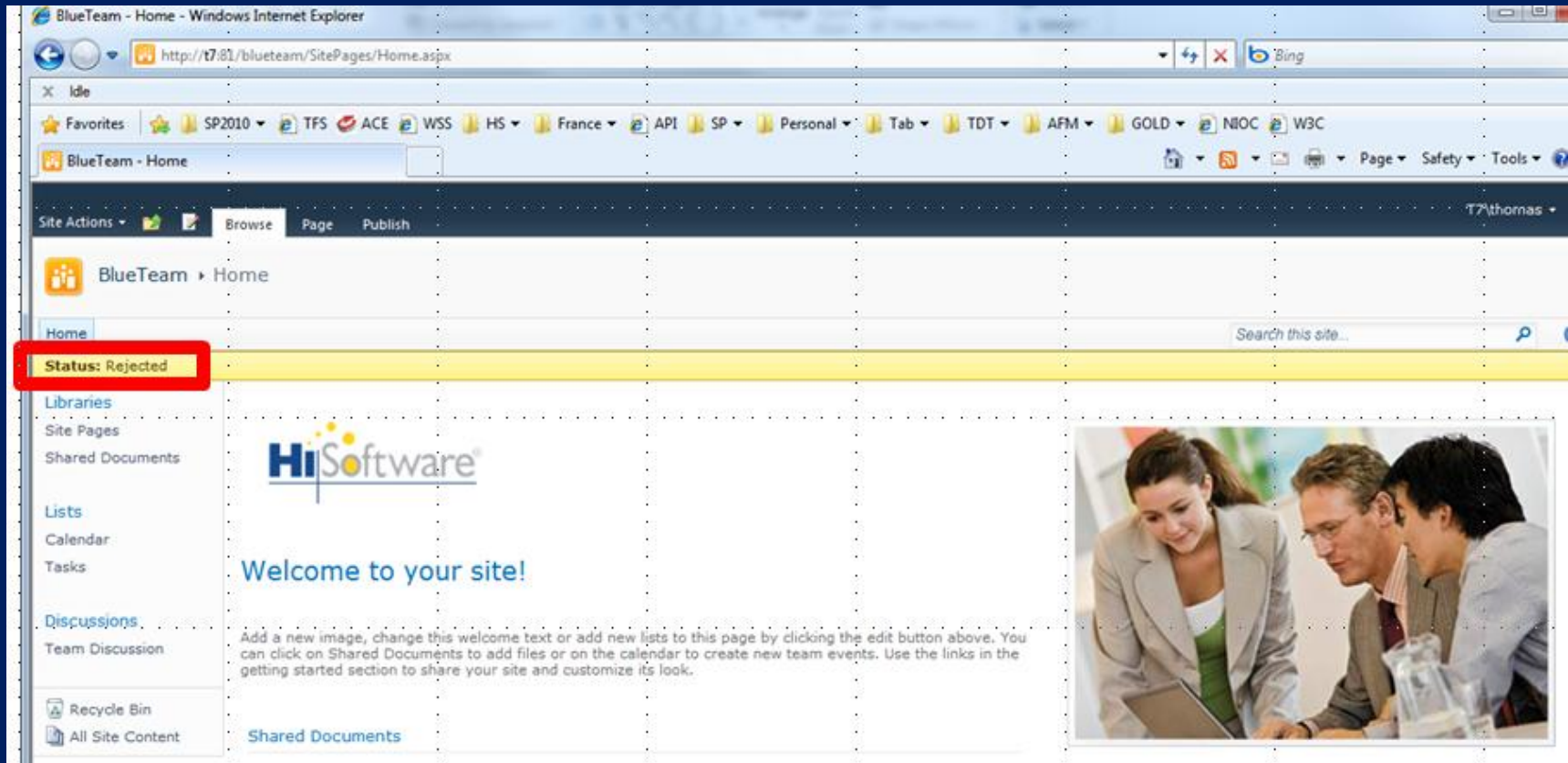
Schedule for 'Check basic QA on the customer page':

Frequency	Start time	Beginning
Every 3 day(s)	1 : 00	5/22/2010 (Sat)

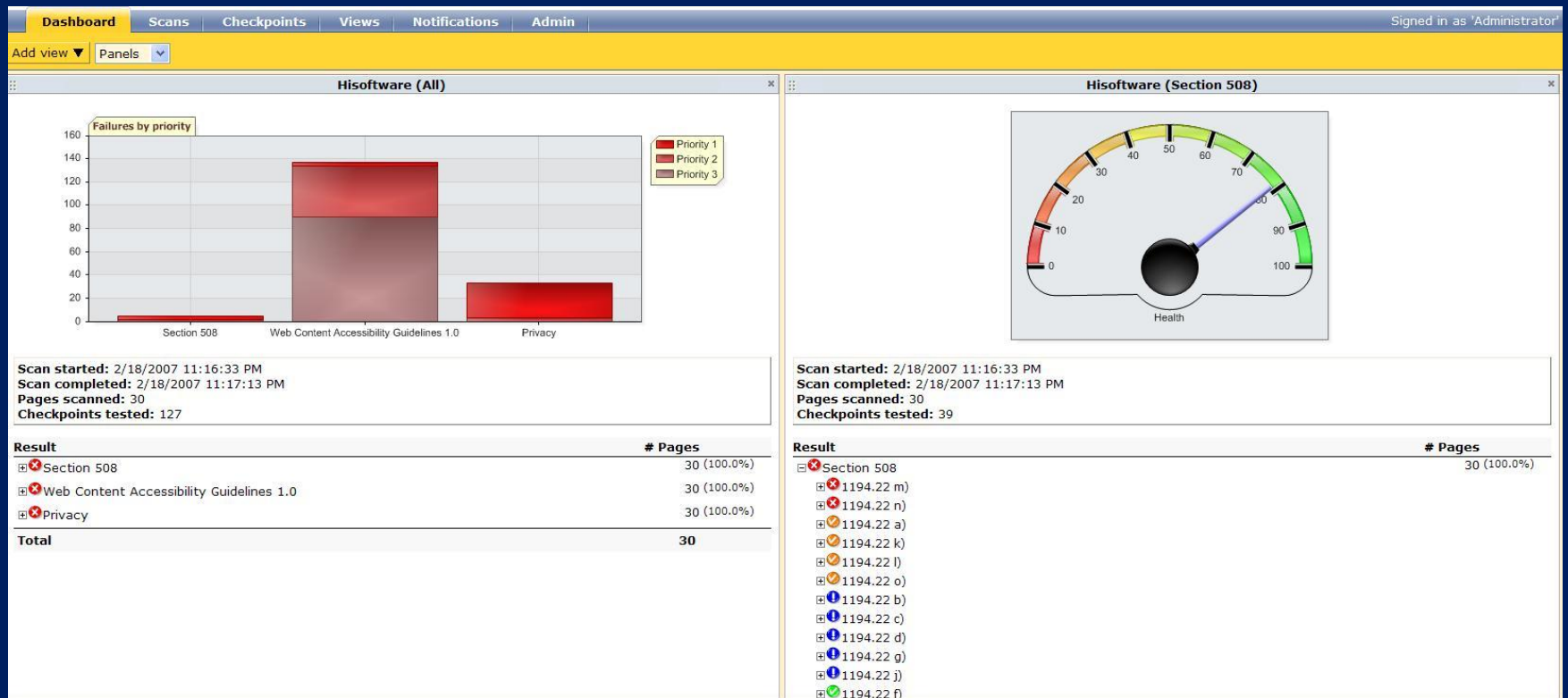
Add

# Notify Users

- Notify users of problem



# Executive Dashboard Reporting



# A Complex Problem.... Solved with Automation

**Deliver highest standards compliance...automatically**



## Repeatable

- Automated checks for International standards
- Easily customized by your staff to meet your specific regulatory governance requirements
- Repeatable testing incorporated into the content life-cycle

## Practical

- Reduces time & money spent on manual testing / custom solutions
- Standardizing testing takes the guesswork out of content compliance
- Scalable - include only the compliance options you need

## Measurable

- Provides visibility to compliance issues across the enterprise (Executive to developer)
- Tracks site compliance over time
- Automated monitoring/auditing to keep content compliant

# Compliance Beyond Accessibility



## Invasion of Privacy

*Passwords, credit cards or other Personal / Health Information (PII/PHI) or sensitive corporate information are included in sites, documents or email*



## Accessibility Complaint

*Section 508 and WCAG violations such as images in documents and/or web content missing ALT text in HTML, PDF and DOCX files*



## Social Computing

*Inappropriate or offensive language appears on collaborative sites and social computing portals*



## Brand Integrity & Site Quality

*Brand Integrity issues: multiple logos and/or formats on public facing websites.*

*Site Quality problems: broken links, typos, missing graphics and SEO tags*



## Operational Security Breach

*Troop movements, dignitary visits, power plant schematics or an address/phone number on a website creates a security threat*

**Is it possible to manage these risks without overwhelming resources?**

# 4,000 Diversified Organizations....

## Similar Standards Issues

### Pharmaceutical/Healthcare

 Schering-Plough

 MERCK

 WebMD  
Better information. Better health.

 WELLPOINT

 Pfizer

### Technology

 Microsoft

 hp  
invent

 KRONOS



 CISCO

### Retail

 Sears

 bbc.co.uk  
BBC

 Expedia.com

 KOHL'S.com  
expect great things

 Walgreens

 drugstore.com  
the uncommon drugstore

### Public: Federal

 Booz | Allen | Hamilton



### Finance

 WELLS  
FARGO

 AIG

 Honeywell

 MetLife

 citi

 WACHOVIA

### Public: EDU / SLG

 Maine.gov  
OFFICIAL WEB SITE OF THE STATE OF MAINE



 CSU The California State University  
WORKING FOR CALIFORNIA

 SUNY  
THE STATE UNIVERSITY of NEW YORK

# Next Steps...

- [www.hisoftware.com](http://www.hisoftware.com)
  - White papers
    - “Content Management Systems (CMS) and WCAG 2.0: WCAG 2.0 Conformance for Users with Disabilities”
    - “Section 504: Ramifications on IT Accessibility within SLG / EDU Markets ”
    - “Analysis of Website Accessibility After National Federation of the Blind v. Target “
  - Recorded webcasts
  - Case studies
  - SharePoint: [www.hisoftware.com/sharepoint](http://www.hisoftware.com/sharepoint)
- Online meeting
  - Accessibility: best practices
  - Technology: software demonstration



## Questions

- Ken Nakata
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- Larry Concannon
  - VP, Product Marketing
  - [l.concannon@hisoftware.com](mailto:l.concannon@hisoftware.com)

