



HiSoftware Quick Cast Webinar Questions & Answers

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

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As this legislation would mirror somewhat the legislation for physical buildings, what would the penalties be for non-compliance? Would it be like not having handicapped parking or a wheelchair ramp?

As time has gone by, the Department of Justice has been increasingly seeking civil penalties and damages in ADA cases—particularly when defendants have failed to take proactive steps. Elements like parking and wheelchair ramps are carefully specified in the Department of Justice ADA regulations (which reference the Access Board’s design specifications). Those regulations tell architects, for instance, the exact number and type of parking spaces for people with disabilities, the permitted slope and design of ramps, etc. The ADA regulations for web will likely be just as precise—but as I mentioned in my presentation, this is one of the questions that the Justice Department is seeking public comments on.

Along with blind users, what are some of the disabilities that websites should be accommodating? Deaf people? Those that cannot use a mouse?

All kinds of physical and sensory disabilities will be included—just as they are included in the non-web portions of the ADA. The ADA covers any impairment (physical or mental) that “substantially impairs a major life activity.” It is specifically intended to cover all visible disabilities and hidden disabilities (e.g. epilepsy).

Why should this be taken seriously now when the legislation has not been created yet?

I think that the biggest reason is California’s Unruh statute, which is a looming iceberg in most online company’s overall risk profile. Also, because the Section 508 standards and WCAG have now existed for at least a decade—and have given designers and developers clear rules on how and why to make accessible websites, it’s going to be hard for any company to say that they “didn’t know” or “didn’t understand” how or why to make their websites accessible. My bottom line is to start now.

Will this legislation actually cover an entity that does not have a physical presence: Amazon, eBay?

Yes, as I mentioned in my presentation, the Justice Department is thinking about covering entities that are “purely online.” But, even more importantly, California’s Unruh statute clearly covers purely online activities—and this was made clear in the Target case, as discussed in my white paper.

Who/where should I submit comments regarding ADA changes before it will be a final regulation?

The easiest way to find the new ANPRM is to go to <http://www.ada.gov/anprm2010.htm>. The www.ada.gov website is run by the Department of Justice. There are several avenues for providing comments on the ANPRM, which are all described in the ANPRM.

Is there anything in the ANPRM (or the DOJ's thinking) regarding the adequacy of text-only alternate versions of sites?

Not really, but it is pretty unlikely that the Department is going to permit text-only web sites as a viable alternative. Ten years ago, this idea was proposed in the Section 508 rulemaking—and was quickly shot down in all but the most technically impossible cases (a text only page could only be used to make a “non-compliant” web page less “non-compliant”—but it was still violated the standards). The problem had to do with content refresh—in many cases, the Access Board (the agency responsible for the Section 508 standards) found that text-only web pages were quickly becoming out-of-date and were never refreshed as often as the “mainstream” page. The Department is very much aware of that controversy and so I think it is highly unlikely that they would accept text-only pages as an alternative.

Can Hi-Software validate Lotus Notes .nsf files?

Not as the product is today, but we could integrate this capability through a services engagement. We would like to discuss this further with those interested in Notes accessibility.

How does accessibility apply to Flash-based or marketing based websites, which are traditionally minimally accessible or not accessible at all?

Flash has dedicated techniques for making content keyboard accessible and providing text alternatives. Compliance Sheriff converts the Flash to an accessible version of HTML to verify if the attributes have been specified correctly.

Is this product hosted or installed software?

HiSoftware’s products can be purchased in three ways. It can be purchased as traditional software with a perpetual license and installation on the customer’s servers in the customer’s data center. Alternatively, our products are available as perpetual licenses with hosting in HiSoftware’s data center. Lastly, we offer our products on a hosted subscription basis.

We’d really like to see the product. How can I see HiSoftware’s accessibility product?

Our products are very visual in nature and it certainly does help to see them in action. To do so, we can easily set up an online meeting and show you and anyone else in your organization how Compliance Sheriff automates accessibility compliance.

I need to learn more about web site accessibility as some of our employees and our site’s visitors have disabilities. How can I learn more about this area?

Along with the resources on our site (http://www.hisoftware.com/products/CS_Accessibility.html), HiSoftware sponsors a site where you can check your site for accessibility:

<http://www.cynthiasays.com/>. Those in the United States should look into Section 508 compliance while internationally, the standard is WCAG. Online resources: <http://www.webaim.org/>, <http://www.w3.org/WAI/>, and <http://www.section508.gov>.