

Summary of the Rehabilitation Act of 1973

Sections 504 and 508 – how it applies to your website.

What is Section 508?

Section 508 is part of the Rehabilitation Act of 1973 which applies to all Federal departments and agencies. A new version of Section 508 was signed into law in 1998 as an amendment of the Rehabilitation Act. It requires Federal agencies to provide persons with disabilities, both employees and members of the public) to have comparable access to and use of electronic information. On January 18, 2017, the Access Board published a “refresh” of Section 508 and Section 255 Guidelines.

Who does Section 508 apply to?

Section 508 does is not relevant to the private sector websites unless such website is provided under contract to a covered entity. For example, when a Federal agency contracts with a private company for services, such as to gather information for the Federal agency, the section of the company’s website that is used to gather the information is subject to the requirements of Section 508. Section 508 and does not apply to the private sector who are recipients of Federal funds.

Who is responsible for Section 508?

The [U.S. Access Board](#) is responsible for developing Information and Communication Technology (ICT) accessibility standards to incorporate into regulations that govern Federal procurement practices. On January 18, 2017, the Access Board issued a final rule that updated accessibility requirements covered by Section 508, and refreshed guidelines for telecommunications equipment subject to Section 255 of the Communications Act. The final rule went into effect on January 18, 2018.

The rule updated and reorganized the Section 508 Standards and Section 255 Guidelines in response to market trends and innovations in technology. The refresh also harmonized these requirements with other guidelines and standards both in the U.S. and abroad, including standards issued by the European Commission, and with the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG 2.0), a globally recognized voluntary consensus standard for web content and ICT.

What is Section 504 and how does it relate to Section 508?

Section 504 of the Rehabilitation Act of 1973 prohibits the recipients of federal funding from discriminating against an individual because of a disability.

Section 504 requires agencies to provide individual with disabilities equal opportunity to participate in their programs and benefit from their services both their employees and the public sector.

According to Section 504, recipients of federal financial aid must

- file an assurance of compliance;
- engage in remedial actions where violations are proven;
- take voluntary steps to overcome the effects of conditions that result in limiting the participation of students with disabilities in their programs;
- conduct a self-evaluation;
- designate a staff member, typically at the central office level, as compliance coordinator;
- adopt grievance procedures; and
- provide notice to students, and their parent that the school's programs are nondiscriminatory.

Who does Section 504 apply to?

Section 504 specifically applies to private non-private schools that receive federal funds, directly or indirectly, such as school lunch programs, anti-drug programs, technology grants, government contracts, government loans, etc.

If an entity or organization receives funds and organizes a program that is presented to a private school, the school then is a recipient of federal funds indirectly. Upon receipt of the federal funds, the recipient must comply with Section 504.

What standards are used for Section 508?

Section 508 has its own set of accessibility standards which are a part of the Federal Acquisition Regulation (FAR) and address access for people with physical, sensory, or cognitive disabilities. The standards apply to software applications and operating systems, web-based information and applications, computers, telecommunications products, video and multi-media and self-contained closed products. Up until January 2018, Section 508 Standards did not give as much detail as WCAG 2.0, and gives a website a pass or fail grade. Since January 2018, Section 508 now uses WCAG standards.

How does this apply to your website?

Agencies must ensure all public electronic information is compatible with assistive technology devices used by people with disabilities.

Even if Section 504 or Section 508 does not apply to your school or organization, Title III of the Americans with Disability Act does.

Why have an accessible website?

Besides giving all your visitor a useful and pleasant experience when on your website, the OCR enforces the application of the ADA and Section 504 civil rights laws in schools.

The OCR policy includes website accessibility and states:

Technology plays an increasingly important role in education at all levels. For example, schools and colleges commonly use computers in traditional classrooms, electronic book readers that supplement or replace paper textbooks, online classes, and online registration and class scheduling. Section 504 and Title II require schools and colleges to ensure that the technology they use is fully accessible to individuals with disabilities or otherwise to provide equal access to the educational benefits and opportunities afforded by the technology.

Reference: <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/dis-issue06.html>

The OCR provides instruction on “[How to File a Discrimination Complaint with the Office for Civil Rights](https://www2.ed.gov/about/offices/list/ocr/docs/howto.html)” on their website. And states that organizations may be subject to a complaint.

<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

These civil rights laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries and museums that receive federal financial assistance from ED. These include all public schools and most public and private colleges and universities.

This statement requires a website, document, PDF or other digital assets a visitor has access to on your website must be accessible to persons with disabilities.

An increase of complaints filed by the U.S. Department of Education Office of Civil Rights (OCR) targeting public and private school websites. The ORC website accessibility complaints not that the public-facing websites and the digital documents on the websites fail to comply with federal laws and standards. Complaints have been filed from K-12 through higher education websites.

How can you make your website accessible?

An understanding of the requirements set out by Section 508 and WCAG and how to implement accessibility is the first step.

View both sets of standards:

- [Section 508 Standards](#)
- [How to Meet WCAG 2 \(Quick Reference\)](#)
<https://www.w3.org/WAI/WCAG21/quickref/?versions=2.0>

For those who are not up for the steep learning curve of what and how to implement the WCAG requirements and Section 508 Standards, hiring an accessibility professional is the best choice. Get ADA Accessible works with businesses, schools and web agencies who have clients with accessibility needs.

- The process begins with an accessibility audit of your existing website to determine what errors are present.
- With an Accessibility Report in hand, your team or ours can then made the needed changes shown on the Accessibility Report. Post change, we again audit the areas initially found to have issues to confirm the needed changes are complete.
- Documents and PDFs must also be accessible. They are reviewed for their accessibility level. Remediation of the documents is performed.

Accessibility is a perpetual task.

If your website is active with new content, training for those who will be updating the website is required. Get ADA Accessible also offers Accessibility Assurance Program wherein we can take care of updating your website and scanning the website on a designated schedule.

Where to start.

It's most cost-effective to incorporate accessible from the very beginning of a web project when the design, page content, documents and forms are being determined.

Many agencies have turned to Get ADA Accessible for auditing of their design prior to the coding being done. For those who do not have an accessibility designer or accessibility developer, Get ADA Accessible has a full team of designers, developers and auditors who are ready to help you on the road to making the Internet accessible to all their visitors with an accessible website.



Contact: Phone: 812-413-9906

Email: Info@getadaaccessible.com

Website: GetADAAccessible.com