Act Now: Understanding New PreK-12 Digital Accessibility Requirements

ROB CARR: Good day, everybody. Welcome We are thrilled to have you all here with us. My name is Rob Carr. I'll give you a little bit more formal introduction here in just a few moments. Joined by Christopher Phillips from the National Center on Accessible Digital Educational Material and Instruction. And we're here today to talk a little bit about why you need to act now and understanding the new pre-K through 12 digital accessibility requirements.

We do have a resource page that we'll share later on that will consolidate everything we've put together for this. And also just want to remind everybody that there is another webinar one week from today, same time, and we're going to be discussing then the overlap and the differences between IDEA and the ADA. So today, we're focused only on the Americans with Disabilities Act. Next week, we'll broaden that conversation out just a little bit as well.

So, like I said, my name is Rob Carr. I am a digital accessibility specialist with NCADEMI. I also work with WebAIM, which is a nonprofit web and digital accessibility group. And as I mentioned, joined by Christopher Phillips today as well.

CHRISTOPHER PHILLIPS: Thank you. Christopher, also with the NCADEMI and just super excited to be here with you for this webinar today. We wanted to start by just sharing a little bit of information about an NCADEMI. We will have another presentation later on in the new year. But this information was just so important. We wanted to get it out to you. And we'll just share briefly who we are.

We're a new technical assistance center funded by the US Department of Education's Office of Special Education. And our goal is to improve the quality, availability, and timely provision of accessible digital educational materials and instruction for learners with disabilities from preschool all the way through high school graduation.

NCADEMI is housed at Utah State University within our University Center for Excellence, the Institute for Disability Research, Policy, & Practice. And its unique collaboration partnership between both WebAIM, or Web Accessibility in Mind, that many of you are familiar with, as well as our technical assistance for Excellence in Special Education Center.

And so that is some of [AUDIO OUT] we are. And as you get to know us and our resources. A couple of housekeeping items just as we get started. We hope you'll reach out to us with questions. Any questions you might have, go ahead and put them any time in the session in the Zoom Q&A. The Zoom chat is open as well, not just for you to talk to each other, share, but if you have questions you'd like us to address, please make sure to open up that Zoom Q&A box.

And then towards the end, after we do some presentation, we will have some time for some more open Q&A. And if you'd like to go on mic at that point, we just ask that you raise your hand to do so. We'll call on you and you can share your question with everybody live in the webinar.

With that, we'll go right into our objectives for what we hope to get out of this webinar today. There are some new digital accessibility standards under the Americans with Disabilities Act. And we just hope to share and have all of you walk away with an understanding of how those apply to pre-K to 12 education. And then with that understanding, really taking that and then look at what are some immediate steps you

can take to get started on meeting those accessibility requirements and meeting the deadlines that come with them. With that, I'll hand it over to you, Rob.

ROB CARR: Thanks, Christopher. So I want to take just a little bit of a step back, because while there are new regulations and rules about digital accessibility under the Americans with Disabilities Act, I want to take a little bit higher level view and just talk a couple of minutes about the ADA itself.

The Americans with Disabilities Act is very, very broad civil rights law. It goes into multiple parts of our day to day lives. And the intent is to protect those with disabilities from discrimination. The ADA is broken up into different sections, which are called Titles. For example, Title I deals with discrimination in employment. Title II is what we're really going to focus on today.

Title II is a charge to those of us who are part of state or local governments. That includes then state education agencies as well as local public education entities as well. So public schools are covered by Title II. And that's going to become a little bit more specific, at least a change that we're going to talk about specifically within Title II. So that's really what we're going to focus on today.

But in general, when we look to Title II and the guidance that it provides, it says that we can't discriminate against people with disabilities when we provide programs, services, or activities, which, when you think about in the school setting and at the state agency setting, that's a lot, right? That's our public facing websites, which we have had a little bit of activity around in the past.

But that extends into the classroom. And that's where this becomes a very different kind of conversation for us in a school setting. What the ADA requires then is that we're proactive in accounting for accessibility, and that we're not only relying on reactive positions and action to make sure that those with disabilities don't face discrimination in what we provide. That's all I'm going to say about the ADA. It's a very big topic.

But I just did want to point out that I think it's going to be really helpful as you all are having conversations about this to think about the bigger picture and to think about what the ADA, and again, specifically Title II asks us to do generally. But that doesn't mean that these changes aren't very specific.

So what we saw in the spring, back in April, was the Department of Justice published a set of new regulations that are very, very specific to our technology environments. And again, think about this through a proactive lens. And we'll dig into that a little bit more here in a few minutes. Before the spring, what we had from both the Department of Justice and the Department of Education was several sets of guidance.

We didn't have anything formally in the ADA in any of its titles that spoke directly to websites, software, et cetera. So prior to the spring, we didn't have this at all. There wasn't any kind of reference to technical standards that we might refer to, to help us to actually measure accessibility. There are international technical standards that we'll talk about a little bit more here in a few minutes that never were written into any part of the ADA.

And we did, though, see a lot of enforcement activity from the Department of Justice and the Department of Education, both in trying to motivate different public entities as well as private entities to improve accessibility in their digital offerings. Since April, since this final rule was published, since these regulations were published, we have a big change, a big add to Title II, again, just to the piece that aims at the public sector.

There are lots of pieces of this that we'll dig into a little bit of depth. But just to give you an idea of a couple of the highlights that are in the new Title II regulations. One, we do have a technical standard. And

it does get very technical. And we'll speak a little bit to needing to reach across your entity to be able to really pull this off in a holistic and sustainable way. But this technical standard is called the Web Content Accessibility Guidelines, or WCAG-- W-C-A-G.

And in the ADA now, we are guided to refer to WCAG version 2.1, level AA. Again, this could be in and of itself a whole other talk, talking about WCAG. But we will have plenty of resources for you to be able to follow up to learn more about the standards and how they do fit into this conversation.

There's also, importantly, a specific timeline for conformance to the new rules. Depending on the census count that your district or your school has as far as the audience that it serves, you have either until 2026 or maybe 2027 to conform to these new standards. For most, it's going to be 2026 because of the way that's calculated.

Again, that's something you can dig more into with some of the resources we'll provide later on. We do anticipate continuing enforcement activity under the ADA. We're not sure what that's going to look like. There was a fair amount of enforcement activity still going through the previous administration. And I think that we'll continue to see that enforcement activity, especially since the new regulation is much more specific.

But that is a little bit of a question mark. So just a couple of the highlights there of some of the changes that are present. And Christopher is going to dig more into the technical pieces here.

CHRISTOPHER PHILLIPS: Thank you, Rob. And so as we consider what does it mean, the regulations call out web content and mobile applications. It's important to really recognize the scope of that and what it covers. It certainly will cover things like your public websites or any applications on mobile devices as well as things like social media content.

Some of the specific ones we would want to call out that are more connected to educational experiences specifically are going to be any third party tool. And that can really be-- that's pretty vast. It might include third party tools or content, for example, videos from YouTube, or a textbook from a publisher, or a website that you use to do quizzes with students in a classroom, anything at all, whatever that might include.

And then, of course, just all digital educational material and materials and instruction, which is an area that we'll be addressing specifically from an NCADEMI. And as we think about the impact of that, first maybe looking at state and local education agencies. This is going to likely require new policies and standards. Some states already have these in place, or local education agencies.

But for many state and local education agencies, those types of policies and standards around digital accessibility just don't exist yet. They may exist at a state level or other areas where you can kind of pull that in, as well as training and support resources for whatever people are going to need to be able to provide that, to get their material and that digital content from where it is to where it needs to be, there's going to need to be a lot of help to get that to make that happen.

And as well, just some new and additional conversations with risk assessment and compliance groups and divisions. And then, certainly, there's going to be some big conversations with all procurement offices. And we'll talk a little bit more about that one in just a little bit. But certainly, there's going to be a lot for administrators to do.

But then also for educators, there's going to have to be some work done for them to make sure that their content that they're sharing with students is accessible. And that's going to include both teacher-created content as well as content that they get from other places. And so even if you're purchasing it from a third

party or finding it on another website, the same requirements hold that that content that you're sharing with students is going to need to be accessible.

We do have a resource we want to share just briefly with you real quick. And one of my team members can hopefully put this in the chat here. Let me just jump over. Oops. There's an ADA Title II roadmap that we hope you'll all take a look at. And we'll come back to this in a little bit, and especially in our coaching session later on. But this is really just a step by step, some tiers of things that you can do, starting with tier one, of how to get started as far as meeting these new requirements.

So really would encourage all of you to take a look at this, review this. And like I say, we'll go into a couple of specific steps from that here shortly. But before that, we want to take a look. There are some exceptions included in that. And Rob's going to tell us a little bit more about those.

ROB CARR: Yes. So it's not uncommon to find exceptions in laws like this. And one of the things that the Department of Justice wrote in its long form of the rule is that it really weighed the additional ask that this new regulation puts on entities in the public sector against the benefit to those that have disabilities. And there were some exceptions in the draft that did not make it when a draft of the rule was published a few months ago. There are several that didn't make it over there, too, that are notable.

But the ones that are here, I want to talk through just a little bit to give you an idea. The notion, again, here is to not place too large of a burden on the entities that need to comply with this rule. So we have exceptions. There are, I think, five, but we've grouped them to discuss because some of them are very, very similar.

There are exceptions for things that aren't really being used or that people don't need to engage in a program, service, or activities. One is archived web content. And the word "archived" is very specific here, meaning that this is content that really people don't need. It's there for research or historical purposes. And it's stored in a place on the website or within a web presence that is clearly labeled and archived.

And then there are two exceptions that are very similar as far as the way they're structured. They just deal with different kinds of electronic content. So we have an exception for, we'll call it old electronic documents. These are Word documents, PDFs, things like that, that are published before the conformance deadline.

And similarly, an exception for old social media posts. So Facebook or X or what have you, that, again, are posted prior to that deadline. Now, that does allow some room under the ADA the way it's written, and what that conformance deadline for you to maybe wait to address accessibility in those. But we're advising entities and individuals to go ahead and start trying to fold accessibility into the creation of those documents now so that it's not something that you have to really push up to that deadline. Same with social media.

So yes, technically under the rule, you can go until that deadline. But start working on accessibility into these pieces now. There's an exception for things that are posted by a third party. This is different. We talked a little bit about that part. Christopher just mentioned that your third party paid products are very much a big part of this conversation. And we will get more into that.

There is an exception for things that you don't have any kind of a formal arrangement to provide. An example that I can think of is if you allow people to post comments on a blog post or something like that. That's a third party. You don't have any kind of arrangement with folks. And so accessibility there is accepted. We don't really have a way to control that. And I think that's part of the reason that this exception exists.

The final exception is one for individualized documents with, again, really specific criteria. So one, we're talking about those PDFs or Word documents that are about a specific person or a specific account and that are behind a login, that are password protected.

And in a school setting, if you have a statement of account that students have for their school lunches, for example, it's unique to that student, that student's guardians are the only people who might log in to that and they have to get a login username and password, then that, the way I interpret it, would probably fall under this kind of an exception.

So, a few things, again, there's a lot more that you can go and read and discover about this, but we just wanted to point these out and at least introduce them to you all. Remember a couple of things. One, you still have a requirement, under the ADA, this is an existing obligation, that if someone who has a disability needs to access one of these things that falls under an exception, you do still need to provide an accessible version to them.

And just in general, when content is required for somebody to move through a program or a service or an activity, generally speaking, it's not going to be exempt. I think that especially kind of reflects back on the notion of archive. If you have a school board meeting notes that go back however many years, if there's one of those that stands out that, because of something that came up in discussion, people do still actively use it, members of the public actively go through and download or read that content, it may not fit that definition, because at that point, it may well be something that is part of your program service or offerings.

So just bear that in mind. Anything that people need to use to get through a program, service or activity is likely not going to be an exemption. So. Go ahead, Chris.

CHRISTOPHER PHILLIPS: Fantastic. Thank you so much, Rob. I want to go back real quick to one side as we consider the scope of these requirements and all the different digital content that is impacted by these new regulations. Many of you may have already started hearing from different vendors. Many of them offering legitimate, helpful tools and services. There are also some companies out there that may be providing one click type of fixes or installer tool and it'll fix all of your problems.

We would just offer a brief caution against those types of tools. And again, that's a discussion that we can maybe expand upon or we'll have resources around. But often making content that's not accessible accessible does take work. And so anything that's offering really quick fixes or magical solutions, just be a little bit cautious of those types of services.

We have a couple of things with this basic understanding around-- we want to call out and recommend for all of you things that you can do right now today as far as taking some next steps towards meeting these Title II regulations. I will pause real quick, though, just as a reminder, in a few minutes, we'll have some Q&A. And any questions that you have around anything we've discussed today or other items, we'd encourage you to open up that Q&A box and put your questions in there for us.

With that, let's go ahead and talk about a couple of these call to actions. And also, just as a reminder, this is part one of a two-part kind of registration that you signed up for. Today is a presentation. On Thursday, we'll have a coaching call, where we hope you'll come back to that webinar. We'll tackle these calls to action a little bit more specifically.

And it'll be more of an open forum. We'll be able to work with you, answer any questions, celebrate some of your wins for some of you who have done some of this. And again, both of these first two calls to action come from that roadmap that was shared a little bit earlier.

And so the first one we would recommend is just to find out if there is already an individual or a committee with the responsibility for meeting these new requirements. And if not, we would encourage you to have that conversation. We'll be sharing some resources with you later that will even include an email template you might use to send that out.

But for many of you, you might be that person. And so that's great. But if you don't know who is addressing this within your local education agency or your state education agency or even in your school, reach out and have that conversation.

The second call to action we'd love to encourage all of you is procurement is going to be a big part of meeting these regulations. We've been reminded that software contracts are signing right now will be in place for many of you when these new rules go into effect in April of 2026 or 2027. And so really need to make sure our procurement officers are on board as far as reviewing the accessibility of any new software that's purchased and just making sure that it's accessible and is going to be usable for all students.

And then the third call to action, and somebody can put the webinar link here in the chat again, so this week we're doing this two-part webinar. There'll be another part two of this webinar series, the intersection of special education and new pre K-12 digital accessibility requirements, that will be happening next week. So if you haven't registered for that one, we'd encourage all of you to take a minute right now, go over and make sure you're registered there.

There's some really interesting conversations that'll be happening there around, again, and I think the thing we would just make sure we want to make note of is-- going to go right back to this slide right here. Sometimes people hear disability or accessibility and they think special education. This is not a special education problem to solve. Special education will certainly be at the table and an important member of the team perhaps having these conversations.

But as we talk about public websites, all instructional content, this is all classrooms, all technology. And so it's a much bigger issue than just one department. We want to be really careful that this doesn't get put on the lap of special education, especially where they don't have the resources or often authority to make some of the changes that are going to be required. With that, let me put you back over to you, Rob.

ROB CARR: Sure. Just remember that we have a coaching call coming up here just in two days on Thursday, 2:00 PM Eastern, to follow up on this conversation. So we've given you some pieces and really done a very high level introduction to this new regulation and the ADA and introduced some ideas. We want to give everybody a day, a couple of days to digest some information. Come back and we're going to have a coaching call.

And we've got some structured time potentially. We are going to be available to try to field more questions. We see a couple of questions that have come through the Q&A. And certainly, we invite more of those. But just remember, this same time here in two days, we will be back to go through that coaching call and spend a little bit more time in some more active discussion as opposed to really just presenting. Christopher, you're muted.

CHRISTOPHER PHILLIPS: Sorry about that. But before we go into the Q&A, I just want to share real quick a resources page that is now available up on our website. We had some technical difficulties. But if you go to bit.ly/ada-k12, you'll see a resources page for this webinar. You can download the slides, see a description and some of the resources we've shared.

But by tomorrow morning, our plan is to have a recording of that available. We'll also send that out to everyone. I would encourage you to go back if you need to review anything. But also, if there's any

attendees or any colleagues you know who would be great to have at the coaching session on Thursday, you can send them that recording. They can be up to speed. We'd love to have them join us on Thursday and jump into that conversation.

So take a look there. And again, the recording will be on that slide by tomorrow morning. So with that, we want to pause for a second. And I think, oops, sorry. Jump back to our Q&A for just a minute here. I think we're going to go ahead and end our recording now, actually. So we'll take a break. So you can feel comfortable to ask any questions you would like. Rob and I will be looking at the questions coming--