

2016 Federal and State Accessibility Guidelines and Laws for Educators

cielo²⁴ searchable captions

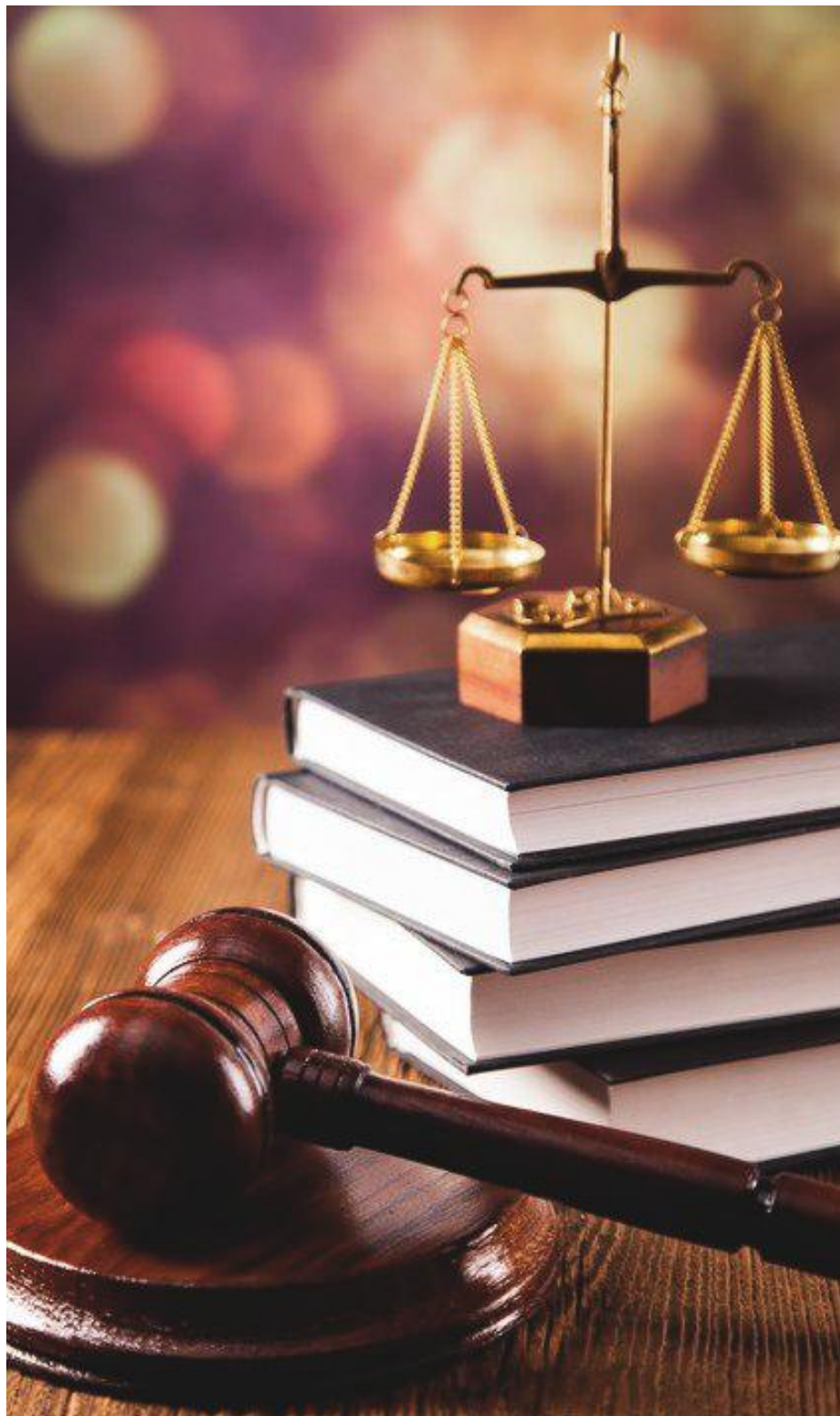
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Regulations Overview

Internet accessibility is one of the most pressing issues faced by educators today. It's important for educators and educational institutions to understand thoroughly the federal and state-level accessibility laws. This e-book will examine current accessibility laws and standards throughout the United States; including Section 508, Section 504, WCAG 2.0, Title II of the Americans with Disability Act and others.

While all states are affected by the Rehabilitation Act's Section 508 mandates, many states have further adapted and built upon their accessibility regulations.



Section 508

The Rehabilitation Act's Section 508 outlines accessibility regulations for federal bodies that include access to federal buildings and digital access. Section 508 is a federal law and doesn't have the same effect on private organizations.

Section 508 says that federal departments and agencies need to ensure electronic and information technology permits disabled individuals to access and use all data. The level of use has to be comparable to the experience those without disabilities have to the same information. This includes:

- Video and multimedia
- Operating Systems
- Websites
- Software
- Internet Applications

Unless the agency or department can prove undue hardship, those with disabilities need to be able to have the same quality of access to electronic and information technology.

Little 508s (State Section 508 adoption)

Some states have felt the Section 508 regulations were not enough for their community and have passed additional laws effectively altering and Section 508. This is known as 'Little 508'. However, there is nothing little about these laws and this e-book will focus on those states with added accessibility requirements.

Helpful Definitions

Closed Captions:

Captions are the visual text display of the audio portion of video or audio media programming.

Captions are native-language to the medium rather than a translation to another language. They are more commonly used as a service to help deaf and hard of hearing audiences, but there are many other benefits too.

Subtitles:

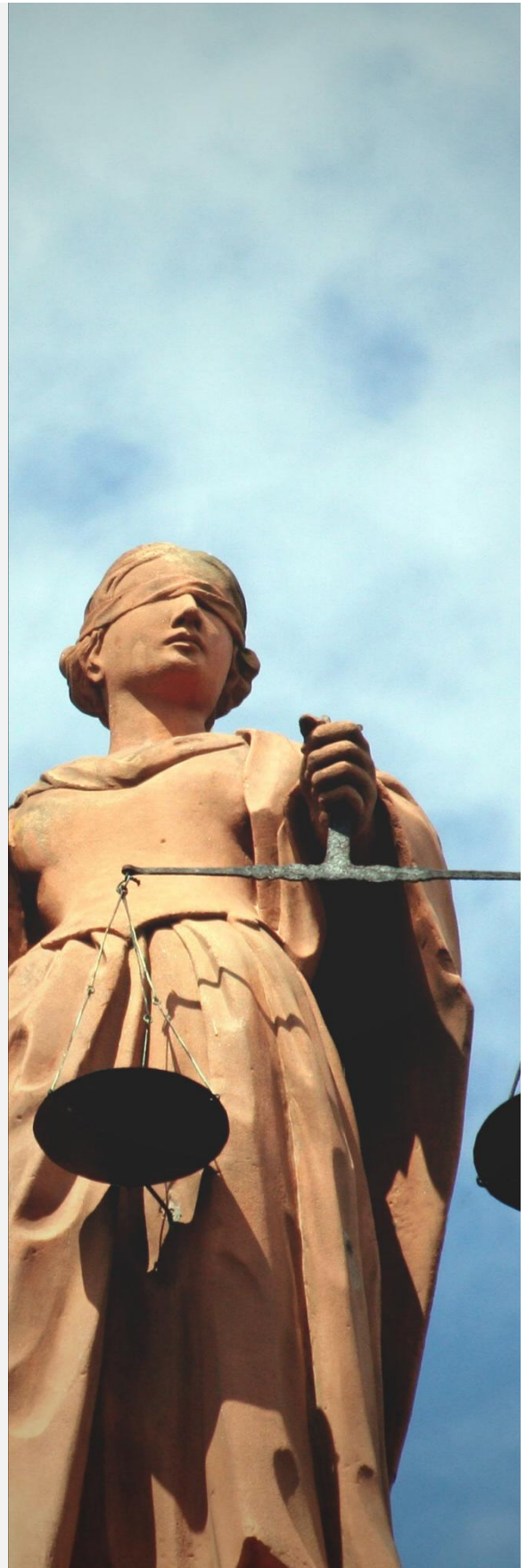
Subtitles are predominantly used as a way of translating a medium into another language, allowing those that speak another language to consume the content.

For instance, English audiences would be unable to follow the plot of a French or Spanish movie, unless subtitles were used.

Transcripts:

A transcript is the written or printed version of your video or media content. As a result of posting media transcripts, search engines will be able to “read” your media.

Currently, there is no way for technology to “watch” your video, so you must turn your video into SEO-friendly transcribed text.



Section 508 & ICT Refresh

Section 508 was further updated in 2015, by the United States Access Board through the ICT Refresh. The board is updating requirements for both information and communication technologies within Section 508 of the Rehabilitation Act and Section 255 of the Communication Act.

The genesis of the ICT Refresh is to more properly address evolving accessibility needs due to rapid technological adoption. The ICT Refresh will presuppose computer hardware and software, websites, multimedia such as video.

The changes will adopt facets of the Web Content Accessibility Guidelines (WCAG 2.0). WCAG 2.0 functions as an international standard for web

accessibility. The WCAG 2.0 provides a much more comprehensive approach to internet accessibility than the US Section 508 of the Rehabilitation Act.

Major Revisions

The proposed rule includes significant changes that would:

- Incorporate the WCAG 2.0 and apply associated success criteria to websites as well as to offline electronic documents and software;
- Require real-time text functionality (text that is transmitted character by character as it is being typed) for products providing real-time, two-way voice communication;
- Specify the types of non-public facing electronic content covered; and
- Further detail the required compatibility of covered technologies, including operating systems, software development toolkits, and

software applications with assistive technology.

The current Section 508 Standards and Section 255 Guidelines remain in effect until the proposed changes have been completed.



Web Content Accessibility Guidelines (WCAG 2.0)

The proposed regulations ICT Refresh incorporates enhanced software, off-line documents as well as internet-related accessibility conformity from the WCAG 2.0. Further, WCAG 2.0 addresses new technologies and recognizes that the products, plug-ins, and apps, have radically evolved and converged over time.

An added advantage of applying WCAG 2.0 is the increased international compatibility. Consistent use of an international constructed set of criteria like the WCAG 2.0 will spread accessibility awareness and adoption.

The Americans with Disability Act

In 1990 the Americans with Disability Act (ADA), was signed into law by President George H.W. Bush. The ADA is the most comprehensive of the nation's disability laws. It guarantees the right of individuals with disabilities to receive reasonable accommodations in order to work and participate in all aspects of society. It prohibits disability discrimination.

There are five titles to the ADA, including:

- Title I - Employment
- Title II - Public Entities & Transportation
- Title III - Public Accommodations
- Title IV - Telecommunications
- Title V - Miscellaneous Provisions.

Looking at Title III, specifically the Act deals with 'Public Accommodations' such as banks, stores, shopping malls, hotels, restaurants, doctors' offices, day care centers, private educational facilities and theaters. As defined, all places of Public Accommodation, must all be readily accessible to individuals with disabilities.

Diving a little deeper, in 2010 the Department of Justice ("DOJ") issued an Advanced Notice of Proposed Rule-making on Accessibility of Web Information and Services of State and Local Governments. These updates included advancements in technology and website/internet standards. Effectively impacting technology and websites for public education, educational institutions and others.

Public and Private University Accessibility Law

Both public and private educational institutions must provide equal access for students with disabilities.

While it may seem obvious which laws and statutes public universities need to comply with, it is not always as easy to understand accessibility accommodations that apply to private universities.

To further add fuel to the proverbial fire, accessibility requirements are currently being revised and defined as we find ourselves addressing worldwide demand on accessibility issues arising in response to rapid technological growth in education. However, there are many laws and statutes that currently affect our educational institutions throughout the United States.

The Americans with Disabilities Act and the Rehabilitation Act are broad accessibility mandates that apply to both private and public educational institutions at all levels.

1. The Americans with Disabilities Act

The Americans with Disabilities Act is civil rights legislation that prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. There are provisions of the ADA that directly affect higher education.

The Americans with Disability Act defines how it assess public and private education.

- Title II of the ADA covers publicly-funded universities, community colleges, and vocational schools.

- Title III of the ADA covers privately-funded schools.

Who does the Title II of the ADA apply to?

The title II regulation covers what is broadly deemed "public entities", as follows:

Public entities include any and all state or local government and any of its departments, agencies, or other instrumentalities whether or not they receive federal funding.

Specifically, Title II applies to all public universities whereas Title III applies to private universities. Who does the Title III of the ADA apply to?

While Title II is straight forward, Title III requires a bit more attention to detail. The law states that:

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or

accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation”.

The title III regulation applies the following definitions:

- Public accommodations.
- Commercial facilities.
- Private entities that offer certain examinations and courses related to educational and occupational certification.

Places of public accommodation include private establishments, such as restaurants, hotels, theaters, convention centers, shopping centers, doctors' offices, hospitals, libraries, parks, amusement parks, private schools, day care centers and many more.

Looking more carefully you will notice that Title III covers private universities in the 3rd defined segment above. And it is under the Title III of The

ADA that Harvard and MIT were recently sued. In the lawsuit, the private universities allegedly discriminated against the deaf and hearing-impaired students for lack of educational video captioning.

The lawsuit went further to say the universities violated the ADA specifically by not only ignoring captioned media by producing poor quality content leaving students at a disadvantage in learning outcome.

The lawsuits have spurred the dialogue on accessibility at all levels of education and sectors of government agencies. In 2007, the research non-profit, International Association for K-12 Online Learning created a policy that “Audio materials should either include a transcript or be captioned to accommodate users with auditory handicaps.”

2. Section 504 of the Rehabilitation Act

Beyond the ADA, another important law to consider is that of the Rehabilitation Act, Section 504. Section 504 States that:

- All public or private schools that receive federal funding are required under Section 504 of the Rehabilitation Act to make their programs accessible to students with disabilities.
- All the programs of public or private schools, including extracurricular activities, must be accessible to students with disabilities.

Digging in a little deeper, it becomes evident that lines between public and private educational institutions tend to blur. One could easily make the argument that both public and private higher education as defined by the institutions themselves, serve the 'public good', however, what is more tangible and binding is the issue of funding.

The fundamental differentiation of private universities, as being defined by receiving private funding only, this is often inaccurate. In the United States, private universities, receive various forms of public funding. Further, the 'gifts' that construct their endowment coffers are a public tax exemption. Also, the federal government provides extensive tax-supported financial aid to private institutions to subsidize enrollment costs. Private universities in many states receive a 'per-student' subsidy for every in-state student they enlist.

Another major area of private institution funding is often made to research designated universities, which receive healthy federal grants and contracts. In the same way, private universities also capitalize on states funds to invest in economic development activities that support their academic initiatives.

The 504 Impact

A greater examination of Section 504 of the Rehabilitation Act distinguishes that private universities are responsible for upholding these mandates. It is equally clear that Title III of the ADA has been applied to private universities in recent landmark lawsuits.

While the activity and the lawsuits surrounding the accessibility landscape are evolving; what is clear, is that accessibility accommodation is becoming a necessity. Having a plan now rather than waiting to address

these concerns until it is too late is the best option for all industries. To better assist your accessibility efforts download the Comparison of Major Disability Rights Statutes.

State Accessibility

Now that we have discussed an overview of some of the regulations that may affect your state accessibility regulations, this e-book will provide more details on those states that have made adjustments to their mandates.

Collaborating on accessibility initiatives within your educational institution may seem overwhelming and even confusing. However, it is necessary to understand both federal and state laws that affect your accessibility planning and maintain compliance. **Let's dive in!**

Arkansas Accessibility Law

Arkansas considers itself the “State of Technology” and as such created legislation and entities to help state agencies with technical and accessibility best practices. While these policies were originally centered on the vision impaired, they have been amended to include hearing impaired individuals.

Department of Information Systems

If you visit the homepage of the [Department of Information Systems](#) (DIS) for the State of Arkansas, you would think you had reached the site of a tech solutions company. With its marketing of cloud solutions, data solutions and network services, it doesn't look like a typical state agency website.

The DIS is responsible for offering information technology services, assist with technology implementation and offer

guidance to state agencies and entities within Arkansas, including local offices and public schools.

The DIS is also responsible for working with the Executive Chief Information Officer for creating policies and guidelines regarding information technology

Accessibility Guidelines

The state of Arkansas requires state agencies and any organization receiving public funds to follow accessibility practices. Arkansas' definition of state agencies excludes public institutions of higher education; however, if the institution is receiving public funds for any project then they have to follow the guidelines for that project.

The state of Arkansas adopted the W3C WCAG 1.0 for its accessibility practices. According to the WCAG 1.0, it is a priority to ensure all non-text elements of a website,

including multimedia, contain text alternatives. The WCAG 1.0 defines text alternatives to include captions and text scripts for video with audio components.

Arkansas has taken a progressive approach to public education. They have launched pilot programs to include distance learning and digital learning access for public schools. As its quest for accessibility, advanced learning, and technical solutions grow, the state of Arkansas will continue to amend its accessibility requirements.

You can keep up to date with Arkansas' latest policies changes on the DIS website.



Accessibility Case Study

Before using cielo24, the team at Atomic Learning spent countless hours transcribing video for captions.

The Challenge:

Atomic Learning produces and publishes thousands of videos for clients across the globe. To meet accessibility requirements, all videos needed accurate captions. Before cielo24, the team did all captioning by hand. It took hundreds of hours, sapping valuable resources that could be used elsewhere.

c24 Solution:

Now Atomic Learning has all their videos automatically captioned using cielo24. In just minutes of uploading a video file through the web interface, caption files are ready to go. [Read the full case study >>](#)

The Results:

With cielo24, the Atomic Learning team has slashed captioning time from 40 hours a week to just 20 minutes. Now they can focus on producing better and more educational training materials.



California Accessibility Law

California requires all state and local entities, and its contractors to observe Section 508 in its entirety.

California's accessibility requirements are outlined in California Government Code 11135 Subsection D. ([Download document](#)) It is a comprehensive code. In summary:

- Requires all state or local government entities to comply.
- Requires contractors with state or local government entities to comply.
- Includes information technology created by or purchased from state or local government entities and contractors.
- Outlines the need for accessible websites.
- Lists California State Accessible Websites.

What does California mean by accessible websites?

California State University created a detailed webpage that discusses accessible websites and their benefits. They outline strategies for:

- Creation of websites that are accessible without the need for graphics, color, script or sound (W3C).
- Multimedia and video content that include captions.
- Creation of content that is separate from presentations so that users can adjust the presentation format without changing the information.

- Make content modifiable for the need of different users.
- Make the website compatible with assistance technologies (e.g. screen readers).
- Test content to make sure it is usable for those with disabilities.

California State University sees the benefits for government and businesses to create accessible websites. As technology improves, the ability to provide accessible content is easier and less expensive.



Tips For Teachers To Create Accessible Course Content

Make sure all documents are organized so that they are easy to navigate and understand. Tips for documents include:

- Headings
- Sub Headings
- Table of Contents for long documents
- Use Sans Serif instead of Serif
and use 12 pt. font or larger
- Small blocks of text
- Shorter sentences

Graphic Alternatives

Include alt text for images, graphs, and other non-text content. Create concise descriptions of the graphics for screen readers and students accessing the webpage via congested campus Wi-Fi.

Text that Stands Out

- Contrasting background and text color
- Larger font sizes
- Helpful classroom accessible course content resources:
 - Color Contrast Analyzer
 - Accessibility Checker Tools(MS Office, Apple)
 - HOS 508 Accessibility Checklist
 - [Captioning Course Content](#)

Colorado Accessibility Law

The state of Colorado requires all state agencies to adhere to its web accessibility guidelines. The state has created a Commission on Information Management (IMC) to work with state agencies to help review and improve access standards.

Office of Information Technology

In addition to the IMC, Colorado also has the Governor's Office of Information Technology (OIT). The OIT created an ADA Standards Work Committee to create an accessibility standards policy.

The policy was based on WCAG 1.0 of the W3C and after careful review of the WCAG and Section 508 of the Rehabilitation Act, the committee decided to combine elements of both into its guidelines. You can see information about the

policy on the accessibility page of the Colorado government website

Closed Captions and Transcriptions

The standards created include seven specific categories involving web accessibility. One of those categories is Device Independent. The ADA Standards Work Committee defines Device Independent as the ability to interact with documents and web pages without the need for assistive technology.

In light of the requirement of accessible design, captions are required for videos that include audio tracks. A transcript that includes dialogue and audio descriptions is also required for multimedia requirements. The committee defines this type of transcript a "collated text transcript".

The IMC will review Colorado's accessibility policy on an annual basis to make sure that it adheres to current needs for equal access. You can visit the Colorado Web Portal to see any changes to the state's accessibility policies or other updates.



Connecticut Accessibility Law

The state of Connecticut requires all state websites to conform to accessibility requirements. Connecticut continues to update the requirements to include recent developments in technology, such as WebTV.

The government created the ConneCT Management Advisory Committee and the Website Accessibility Committee to review and revise requirements that include captions for multimedia content online.

ConneCT Management Advisory Committee

The ConneCT Management Advisory Committee (CMAC)

is the organization responsible for creating the standards and policies for creating official websites.

These policies include Web Content Accessibility Guidelines 1.0 of the W3C and additional policies the

CMAC feels are necessary to allow equal access to information technology.

- All state and state education websites must meet WCAG Conformance Level A
- All states agencies are encouraged to meet WCAG Conformances Level AA for websites but not required to do so
- Text transcriptions are required for multimedia content
- Media content must include captions or text tracks when possible
- All audio content must include written information for all pertinent content
- All audio content must include written information for all pertinent content
- Video and audio content has to include text information that describes speakers and events
- If there is an audio file link on a website, there must be a text description of format of the file and size in KB.

CMAC Web Design Requirements

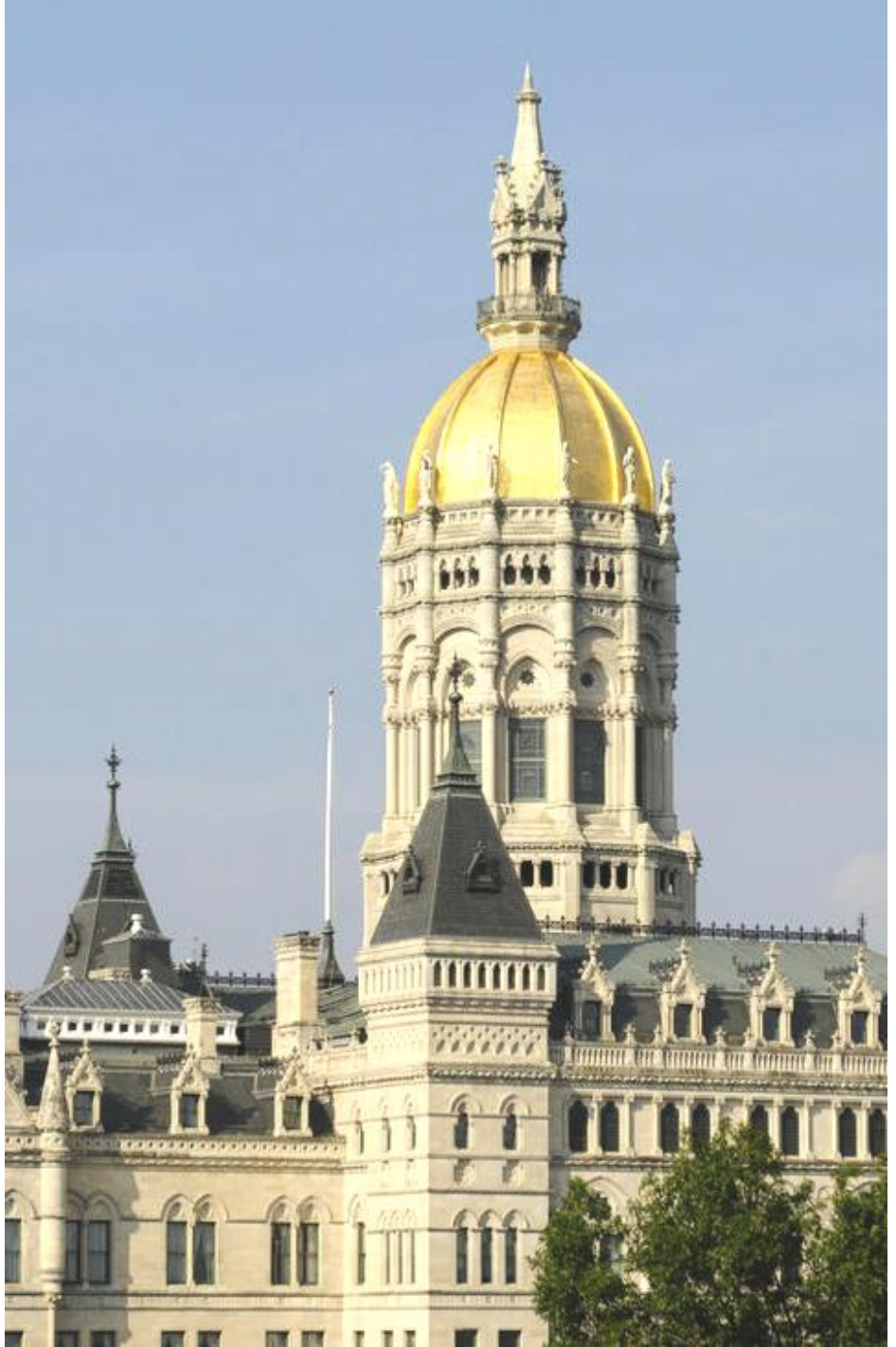
Audio/Visual Features

- Provide text transcriptions of all video clips.
- If possible, include captions or text tracts with a description or sounds of the movie.
- Provide descriptive passages about speakers and events being shown through video clips.
- Give a written description of any critical information that is contained in audio files contained on your website.
- If you link to an audio file, inform the user of the audio file format and file size in kilobytes.

Graphics and Images

- Keep the number of colors in your images to a minimum.
- Minimize the file size and number of images you display on any one page.

- Design your background image at the lowest color depth and resolution you can.
- Ensure that text can always be clearly read at any location against the background.
- Avoid/Limit using image maps; provide an alternate text-based method of selecting options when image maps are used, e.g., separate HTML page or menu bar.
- Use the ALT attribute with image tags to provide associated, meaningful, text for all images, pictures, and graphical bullets.
- Provide information about the image map's contents. This is particularly important for server-side image maps. Full CMAC Web Design Requirements can be found [here](#).



Florida Accessibility Law

As with most states, Florida requires that state government websites comply with federal Section 508 standards.

Section 508 of the Rehabilitation Act was created based on the Web Content Accessibility Guidelines 1.0 (WCAG) created by the World Wide Web Accessibility Consortium (W3C).

Section 508 requires that video, presentation and multimedia content contain captions or transcripts to make them accessible to users with disabilities. Concerning Florida, we will see how a hybrid of WCAG 1.0 and Section 508 affects Florida's Accessibility laws.

WCAG 1.0 Florida state accessibility law

The W3C highly recommended WCAG 1.0 in 1999. Since that time, they have updated these recommendations, known as WCAG 2.0.

Although 2.0 was introduced in 2008, Section 508 and state accessibility laws still follow the standards created in WCAG 1.0. This may change if the US Government approves proposed Section 508 revisions.

The purpose of WCAG is to make web content accessible and an attempt to provide uniformity for ease of use and understanding. The W3C believes that accessibility not only benefits users with disabilities but also anyone accessing web content, including multimedia.

Visual Alternatives Top Priority

The first guideline outlined in WCAG states that alternatives should be provided for visual and auditory content. The guideline further explains that the alternatives used should have the same function as the non-text content.

W3C considers non-text alternatives priority one on the checklist it offers for developers.

A Priority 1 is something that content developers have to fulfill to allow multiple groups to access information.

The W3C, the federal government and state governments all believe that no one should be denied access to information due to a disability. It is up to government entities to provide alternatives, such as captions, so that all users can have access to the same quality of information.

Educational institutions should create policies that reinforce Section 508 and state laws so that all students can view and understand multimedia and web content.



Georgia Accessibility Law

The state of Georgia created an interactive portal through georgia.gov so that residents could have online access to state agencies. However, individual state agencies are encouraged to develop a direct presence for the portal and follow Georgia's Web Standards and Guidelines for all content, including videos.

Georgia Technology Authority

Georgia Technology Authority is responsible for creating policies and unified standards for web accessibility. They have been maintaining the portal since 2002 and created the [Web Standards and Guidelines](#) for state entities.

The state of Georgia requires all state agencies follow current [W3C](#) standards. All websites for the state of Georgia also have to follow Section 508 of the Rehabilitation Act.

These are minimum standards, and state agencies are encouraged to develop accessibility standards beyond Section 508 and the current [WCAG 2.0](#).

Non-Text Alternatives

Georgia's web standards require websites to include transcripts of audio and video tracks as well as any other applicable visual content. They recommend alternatives such as HTML or HTML5

WCAG 2.0 states that captions are required for prerecorded and live synchronized media such as video with audio tracks. It also requires audio descriptions for pertinent video images.

If the foreground audio doesn't pause long enough for an accurate description, then an extended audio description is needed. W3C provides detailed information on how to do this in their [quick reference materials](#).



Video Hosting

The Georgia Technology Authority recommends third party video hosting embedded on the state website instead of hosting on the agency's servers. These hosting servers are often equipped to convert the video into alternative formats, are compatible with multiple web browsers and provide better streaming quality.

This is a better way to ensure captioning requirements without large files or worrying about adequate bandwidth. Recommended hosting services include Vimeo, YouTube and Bright cove.

Georgia strives to assist all state residents with equal access to state websites while offering state agencies assistance with providing accessible web content.



The Individuals With Disabilities Education Act (IDEA)

In 1975 the Individuals with Disabilities Education Act (IDEA) was passed to ensure that every child in America receives equal access to education. The act has been amended several times since its inception. But the spirit of the law remains the same:

- First, the law ensures that all individuals with special needs have access to a free public education. Schools are obligated to teach students with disabilities in a classroom environment whenever possible and to provide them with the tools necessary to succeed.
- The second part of the Individuals with Disabilities Education Act or IDEA, provides parents a voice in their child's education. Parents can collaborate and have input in the educational decisions the school makes giving their child specific rights and protections.

If you feel you or your child's school is not adequately addressing these needs, request to speak with your child's teacher and see if they can develop an Individualized Education Program that will work.

- IDEA overview and history
- Federal regulations for Part B of IDEA
- Federal regulations for Part C of IDEA
- Guidance from the U.S. Department of Education

Hawaii Accessibility Law

The state of Hawaii has an online portal for government departments and agencies. The state has a unique view of approaching accessibility. This includes its approach to multimedia and captions requirements.

eGovernment

Hawaii views accessibility a necessity for [eHawaiiGov](#) and [egovernment](#). They embrace the spirit of the adoption for Section 508 of the Rehabilitation Act and in this spirit created a portal that is compliant with Level A accessibility of W3C WCAG 2.0. The portal includes state departments and agencies as well as the University of Hawaii.

W3C & WCAG 2.0

The W3C Web Content Accessibility Guidelines 2.0 is an expansion on its original accessibility guidelines, known as WCAG 1.0. There are three levels of accessibility requirements, defined as A, AA, and AAA.

- Level A (which eHawaiiGov adheres to) includes requirements for captions of all prerecorded multimedia content and media alternatives for prerecorded video content.
- Level AA (which eHawaiiGov is striving to meet) includes captions for live video content and audio descriptions of prerecorded video content.
- Level AAA includes extended audio descriptions for video content and media alternatives for video-only content.

Hawaii considers accessible technology to be a necessary element of [egovernment](#). As it continues to improve access, you can monitor changes to standards and policies on the [eHawaiiGov](#) website.



Idaho Accessibility Law

The state of Idaho wants to improve not only the equal access of government information technology projects but businesses as well. Idaho has created a goal for its web portal that will advance the transparency of government and create services for businesses within the state.

Captions Requirements for State Agencies

Government agencies that are creating websites need to follow the American Disabilities Act guidelines for accessibility. The full PDF explaining the guidelines [is here](#). Agencies have to provide synchronized captions and audio descriptions for all multimedia presentations.

If agencies have difficulty creating an accessible web page, they should refer to listed references for

assistance. These references include:

- [Web Accessibility Initiative](#) by the W3C.
- [Web Content Accessibility Guidelines Checklist](#) also created by the W3C.

These references will help with captions requirements, accessibility guidelines and a uniform appearance for all state of Idaho websites.

These guidelines were created by the [Idaho Technology Authority \(ITA\)](#), which was formerly known as the Information Technology Resource Management Council (ITRMC).

The goal of the ITA is to help state agencies create accessible websites and develop the Idaho.gov site as a central portal for all state government to offer the public free and important government information.

The ITA believes that accessibility is an essential element of public web

services and believes helping the business community improve its information technology will benefit all Idaho residents.



What is W3C?

In many U.S. state web accessibility guidelines and even areas of the Section 508 of the Rehabilitation Act, you see mention of the World Wide Web Consortium (W3C) and its accessibility guidelines.

What exactly is the World Wide Web Consortium?

W3C Mission

The W3C mission is to lead the World Wide Web to its full potential by developing protocols and guidelines that ensure the long-term growth of the Web.

The concept of the W3C originated from the same person who created the World Wide Web. Tim Berners-Lee created the World Wide Web in 1989. In 1994, Berners-Lee and Dr. Jeffrey Jaffe founded the World Wide Web Consortium within MIT.

Today, the W3C is a vibrant and global community comprised of institutions, dedicated staff, member organizations and people from the public working together to create fair unified standards for the Web. Their objectives include:

- Promoting long-term growth and stability for the Web.
- Make sure that the Web is available to everyone, regardless of IT infrastructure, physical location, culture, language and physical or mental abilities.
- Build trust with transparency by sharing knowledge and participating in the process.
- Ensure that anyone can take part in sharing information on the Web with a universal design and architecture.
- Provide security on the Web to encourage people to share information, socialize and participate in Web services.
- Supporting the wealth of data and services on the Web with universal formatting and structure.

Illinois Accessibility Law

The Illinois Information Technology Accessibility Act (IITAA) strives to outline Illinois state accessibility law and define precise principles to help Illinois create proactive standards.

State Entities Only

IITAA only applies to state agencies and public universities. Local governments, community colleges, and public school districts do not have to adhere to IITAA. This is different from many other state accessibility requirements.

IITAA standards also apply to information technology that has been created, modified or purchased since August 20, 2008. Content prior to that date does not have to comply with IITAA Caption Decoder Circuitry and Captions

Illinois state accessibility law requires caption decoder circuitry for specific televisions and computer monitors. Caption decoder circuitry creates closed captions for DVD, videotape, cable and broadcast signals.

The devices that need caption decoder circuitry include:

- Analog TV displays 13 inches or larger.
- Computer equipment that uses analog TV displays or circuitry.
- Widescreen digital TV displays (DTV) 8 or 13 inches.
- Computer equipment that uses DTV displays or circuitry.

In addition, to caption decoder circuitry, Illinois requires that all multimedia or video content that includes audio for public or internal use include captions.

Illinois provides many beneficial resources to help adhere to the Information Technology Accessibility Act.

Access links to these [resources here](#).

Updates and Resources

The Illinois Center for Instructional Technology Accessibility (CITA) has many [resources available](#).

- [Functional Accessibility Evaluator](#).
- [Accessibility Best Practices](#).
- [The Illinois Assistance Technology Program contact](#).

Because of possible federal changes to Section 508 and the introduction of WCAG 2.0, Illinois may revise IITAA. [Monitor the Illinois DHS page on IITAA](#) to keep abreast of any new revisions.



Kansas Accessibility Law

Kansas web accessibility policies require that state entities keep up to date with recent guidelines from organizations such as the W3C. The Kansas Information Technology Executive Action Council (ITEC) is responsible for creating policies for equal access to electronic information, which includes closed captions for online videos. Resources follow:

- [Section 508 of the Rehabilitation Act](#)
- United State Architectural and Transportation Barriers Compliance Board's Electronic and Information Technology Access Advisory Committee [Full Report](#)
- [ADA and Kansas Acts Against Discrimination](#)
- [Kansas Information Technology Executive Council](#)
- [W3C](#)

State Entities

According to the [State of Kansas Web Accessibility Requirements](#), "All branches, boards, commissions, divisions, departments and agencies of the state" are expected to adhere to the policy.

This policy requires that entities adhere to the recent WCAG guidelines of the W3C. Entities need to comply with Level A and AA Success Criteria of the Accessibility Guidelines as a minimum requirement.

Entities must also comply with Section 508 subsection concerning web-based internet information and applications.

WCAG 2.0

Currently, the W3C accessibility guidelines are [WCAG 2.0](#). The section that concerns video captions is under Guideline 1.2, Time-Based Media. This section states

WCAG 2.0

that captions are required for media that includes both live and recorded audio.

W3C provides a [quick reference guide](#) to show how to meet this guideline to help you find the best methods for your video project.

Many states are deciding that following the requirements of Section 508 of the Rehabilitation Act isn't enough to ensure equal access to information technology. Public entities should keep up to date with recommendations from organizations such as W3C to meet the needs of residents in the fast changing world of the internet and technology.



Maine Accessibility Law

The state of Maine has created statutes to ensure that state employees and the public have access to government information and technology. A Chief Information Officer of the State of Maine is responsible for instituting policies and procedures for information technology, including the use of captions.

Web Accessibility Policies

Maine has passed many statutes that apply to web and information technology. In addition to the ADA and Section 508 of the Rehabilitation Act there is also:

- The Maine Human Rights Act
- Policy Concerning the use of State-Owned Information and Technology (I.T.) and Related Communications Equipment and Resources
- Information Technology Security Policy

- Accessibility Policy on Effective Electronic Communications
- Web Accessibility and Usability Policy

The Web Accessibility and Usability Policy applies to web content published by “all Executive Branch and semi-autonomous (sic) agencies”. These same agencies also have to adhere to the policies listed above and federal statutes.

Caption Requirements

Synchronous captions are required for all multimedia that is required viewing by employees and the public. The Web Accessibility and Usability Policy define multimedia as content that is live or recorded containing audio and video components.

The Web Accessibility and Usability Policy applies to web content published by “all Executive Branch and semi-autonomous (sic) agencies”.

These same agencies also have to adhere to the policies listed above and federal statutes.

Caption Requirements:

Synchronous captions are required for all multimedia that is required viewing by employees and the public. The Web Accessibility and Usability Policy define multimedia as content that is live or recorded containing audio and video components.

The captions need to include relevant information that is vital to understanding the content. Audio descriptions of images and actions listed in the video are also necessary. However, the policy recommends creating descriptions essential to understanding the context of the video. If additional descriptions are necessary, it is suggested that a professional is used to describe the images or actions.

The Web Accessibility and Usability Policy also states that the preferred method for posting online videos is through the tools offered by the Maine State Media Gallery. Sign-up is required.

If the agency is going to use a third party video service, the agency must test it first to ensure that it allows the use of synchronized captions.



Maryland Accessibility Law

Maryland created accessibility policies that are similar to Section 508 of the Rehabilitation Act. They adapted many of the requirements to fit the state's individual needs and have unique exemptions. Understanding Maryland's online video caption requirements is as much about understanding the exceptions, as it is about knowing the rules.

MD IT NVA

The Maryland Information Technology Non-visual Access (MD IT NVA) Regulatory Standards were effective in March of 2005. The Maryland Department of Information Technology created a website to help entities understand the MD IT NVA and its requirements. The Executive Branch of the Maryland government and institutions of higher education need to adhere to

the MD IT NVA. There are exceptions to this, however, including:

- University system of Maryland
- Morgan State University
- St Mary's College of Maryland
- If public institutions of higher learning are using the information technology for research only

The non-exempt entities need to follow the regulatory standards, including multimedia caption requirements.

Caption Requirements

Regulation .07 of the MD IT NVA requires that multimedia products essential to supporting the agency's mission need to have synchronized captions. These captions need to be for audio and graphic content that is necessary for comprehension.

When on-screen option menus are offered for

alternative auditory tracks, the agency must ensure menus are made either audible or otherwise accessible to visually impaired viewers.

Maryland used the framework of Section 508 to create its policies for video captions.

However, it continues to shape the MD IT NVA to fit the unique needs of the state, so it is important to keep up to date on changes to the regulatory standards



Massachusetts Accessibility Law

The Commonwealth of Massachusetts looked at [Section 508](#), the Americans with Disabilities Act and WCAG 1.0 to determine how to create a web accessibility standard unique to their state needs.

The standards are published [here](#).

Online Video Captions

According to Section 3.2 of the Web Accessibility Standards, readable text of all pertinent information must be provided for multimedia presentations. The captions must be controlled by the user and describe visual and auditory information. A transcription has to be included for auditory text in multimedia presentations that can be downloaded for users who are hearing impaired.

All state agencies are also required to audit content to

make sure all uploaded videos adhere to the state's standards. You can find a [list of tools for auditing here](#).

Massachusetts considers the Web Accessibility Standards to be minimum requirements and encourages state agencies to create higher standards for their websites.

As with many states,

Massachusetts believes accessibility an essential requirement for all online communication with the public. They adapt requirements to the unique needs of the state and look to individual agencies to build on the minimum standards.



The Individuals With Disabilities Education Act (IDEA)

In 1975 the Individuals with Disabilities Education Act (IDEA), was passed to ensure that every child in America receives equal access to education. The act has been amended several times since its inception. But the spirit of the law remains the same:

- First, the law ensures that all individuals with special needs have access to a free public education. Schools are obligated to teach students with disabilities in a classroom environment whenever possible and to provide them with the tools necessary to succeed.
- The second part of the IDEA provides parents a voice in their child's education. Parents can collaborate and have input in the educational decisions the school makes giving their child specific rights and protections.

If you feel you or your child's school is not adequately addressing these needs, request to speak with your child's teacher and see if they can develop an Individualized Education Program that will work.

- [IDEA overview and history](#)
- [Federal regulations for Part B of IDEA](#)
- [Federal regulations for Part C of IDEA](#)
- [Guidance from the U.S. Department of Education](#)

Minnesota Accessibility Law

The great state of Minnesota created comprehensive accessibility policies that include Section 508 of the Rehabilitation Act. They have adapted many of the requirements to fit the state's individual needs and have unique exemptions.

Minnesota has been one of the most innovative states in creating and implementing accessibility standards.

Early Adopter

The state passed the [Assistive Technology Bill in 2009](#). The law is geared to ensure equal and fair treatment of state and electronic technology.

The law has been updated since its adoption and was the genesis of the System of Technology to Achieve Results (STAR) program. The program is a unique federally funded program that is designed to help all Minnesotans with disabilities

gain access to and acquire the assistive technology.

STAR Mission:

[To help all Minnesotans with disabilities gain access to and acquire the assistive technology they need to live, learn, work and play](#)

The Minnesota STAR Program is federally funded by the Department of Health and Human Services, Administration for Community Living in agreement with the Assistive Technology Act of 1998, as amended (P.L. 108-364).

Current Accessibility Standards

In 2013, Minnesota passed more comprehensive accessibility requirements. Designed for all impacted State information systems, tools, and information content shall comply with the impacted State information systems, tools and information content shall comply with the following, in the form adopted as of the

effective date of this directive:

- [Web Content Accessibility Guidelines \(WCAG\) 2.0 level AA](#). Level AAA compliance is encouraged.
- [Section 508](#)

[Download the full Minnesota State Accessibility Standards here.](#)

This standard is consistent with the [Chapter Law 131/HF1744](#) introduced by the 2009 Legislature.

Accessible Design Resources

Minnesota has a robust [IT Services website](#) that provides resources for accessible design to state government, their vendors and public institutions. In fact, anyone in Minnesota is encouraged to use their IT accessibility resources.

[Resources included here:](#)

- [Electronic documents](#)
- [Multimedia training and tools](#)
- [Standards checklist for IT Accessibility](#)

- Website and APP design
- Social media best practices
- Meeting and presentation advice
- An overall implementation toolkit



Mississippi Accessibility Law

The Mississippi government believes in the necessity of web accessibility beyond meeting federal requirements. Their Web Accessibility Guidelines contain references for state agencies to help them understand that equal access provides an opportunity to serve employees and the public.

While the laws they have created are different from other states, the spirit behind the guidelines is to inspire rather than dictate adherence.

After Careful Review

Mississippi guidelines were created after careful examination of many different types of websites, including business, federal government and sites such as the [W3C](#).

The state government also instituted the [Department of](#)

[Information Technology Services \(ITS\)](#) to help develop government websites and create guidelines for accessibility based on [W3C](#) and the [WCAG 1.0](#).

Encourages Not Demands

The ITS Web Page Accessibility recommends that all non-government entities be encouraged to follow these guidelines. You can download the pdf, including the checklist, [here](#).

Movie/Video Caption Requirements

According to the Web Accessibility Guidelines, it is important to find alternative representations for movies and video that are accessible for the hearing impaired. Alternatives for movies or multimedia content are a [series of visual images](#) that detail important information conveyed by the audio. If movies are included within the website, closed captions, and a text transcript must be included

that convey relevant content for the soundtrack.

The ITS recommends visiting the [National Center for Accessible Media](#) to learn how to provide these alternatives.

Stay up to date on Mississippi accessibility law [here](#).



E-Learning Case Study?

Because technology education is a precise field, Treehouse educational provider needed its video lessons to be accompanied by accurate subtitles.

Challenge:

Treehouse's previous transcription service had failed to provide reliable captions and subtitles. This resulted in dissatisfied customers and poor feedback. [Read the full case study here.](#)

c24 Solution:

By switching to cielo24 caption and media data solutions, Treehouse not only saw an immediate improvement in transcription accuracy, but also saved time and money.

The Results:

"With cielo24, Treehouse was finally able to deliver videos with subtitles that matched the instructional excellence of its curriculum. Customer experience improved and complaints fell, freeing up the support team to respond more quickly to other support tickets and enhance customer retention."

– Tommy Morgan, Vice-President of Engineering, Treehouse

New York Accessibility Law

The state of New York has created a hybrid of Section 508 and Web Content Accessibility Guidelines (WCAG) for its accessibility standards that include caption requirements on media content.

Accessibility Laws and Disability

New York's approach to disability is that some users may require assistance when browsing the web, accessing content on the Internet.

- State entities must offer content in multiple formats for ease of use.
- Use a consistent navigation and layout to ensure consistency.
- Include text that outlines the purpose of visual content.

Current Standards

The latest version of New York state accessibility laws and standards was adopted

in 2010. It includes 508 subsections 1194.22 as it corresponds with WCAG 2.0 and subsection 11943.1.

Section 1194.22 states that web content meets standards covered in 1194.21. Boiling down legalese:

- That state entities must comply with these standards.
- Includes websites, intranet, internet, extranet sites and web apps.
- Alternative formats for multimedia has to be synched with presentations.
- Alternative text is necessary for non-text content.

Section 1194.31 of 508 of New York state accessibility laws discusses functional performance. This section discusses alternatives that need to be provided for users with disabilities. For hearing impaired users:

- Offer operational and informative formats that don't require hearing, or

support technology that assists hearing impaired users.

- If audio is important for users to understand the content, assistant hearing devices or enhanced auditory technology must be offered.
- Add captions to video and other presentation formats that include audio
- Create eLearning content that doesn't depend on audio cues.
- Create eLearning content that doesn't depend on audio cues.
- Ensure contractor content adheres to these policies.
- Ensure all new content instantaneously adheres to these policies.

Possible Changes

New York reviews and adjusts its accessibility policy every few years. Since 2010, the W3C released WCAG 2.0 and the federal government is looking to update Section 508. In addition, New York is considering making state

entities adhere to the entire Section 508.

These changes may alter caption requirements, so monitor the [New York State policy page](#).



[Download the FCC Section 508 Guidelines Here](#)



Oklahoma Accessibility Law

The state of Oklahoma was among the first to adopt electronic information standards separate from federal statutes such as Section 508.

Oklahoma considers equal access to electronic IT a part of creating a transparent government. Electronic and Information Technology Accessibility Standards (EITA) include caption requirements for online videos.

Applicable Government Entities

The EITA Standards were created to apply to state government entities such as:

- Oklahoma Department of Career and Technology Education System
- Post-secondary educational institutions
- State agencies

These entities must adhere to all aspects of the EITA, including Oklahoma Information Technology Accessibility Standards.

Multimedia Requirements

All information and training products of non-exempt entities for employees, the public, and program participants must include open or closed captions for essential content. Unless the captions are embedded, the captions must be selectable by the user and changed according to individual needs.

Essential visual elements also need to be described and included as part of the alternative content offered for multimedia products.



What is the Universal Design Initiative?

Universal Design makes things safer, easier and more convenient for everyone.

Universal Design involves designing products and spaces so that they can be used by the widest range of people possible. Universal Design evolved from Accessible Design, a design process that addresses the needs of people with disabilities. Universal Design goes further by recognizing that there is a wide spectrum of human abilities.

The AHEAD Universal Design Initiative was established to:

- Promote the concepts of universal design in higher education
- Explore strategies that can be used by AHEAD members in promoting universal design concepts in their institutions
- Identify readily achievable strategies to promote access to the curriculum for diverse populations promote new conceptualizations of disability
- Provide resources and training in these emerging philosophies to the AHEAD members

Links:

- [Annotated bibliography](#)
- [Universal Design resources](#)
- [Bibliography on Disability History, Culture, and Activism](#)

South Dakota Accessibility Law

The state of South Dakota created the Bureau of Information and Telecommunications (BIT) to help state entities improve their information technology and accessibility offerings. The BIT is responsible for creating “state government web development” policies to ensure equal access for the public.

Bureau of Information and Telecommunications

The BIT supports and maintains IT infrastructure across the state for all three government branches, Executive, Judicial and Legislative branches, including:

- Network
- Web Hosting
- Support

The BIT also has a set of standards for web development that follow the guidelines of the W3C and Section 508 of the Rehabilitation Act. These standards include:

- Transcripts for all multimedia content
- Captions or text for audio content, including multimedia
- Descriptions of speakers and events in multimedia and video content

To view more information on web development standards for South Dakota, state entities can go to the [BIT development page](#).

For more information about the BIT and its services, South Dakota government entities can visit the [BIT intranet page](#).



Texas Accessibility Law

The Texas Administrative Code 206.70 Accessibility Standards (TAC) and Subchapter C, which addresses higher learning institutions.

TAC Subchapter C

TAC 206.70 requires that all institutions of higher education create accessibility policies for media and websites. These standards need to adhere to Section 508 Subsection B (1194.22) as well as requirements outlined in the section.

TAC was established in September of 2006 and 206.70(c) was last updated in March of 2012. These standards require captioning for:

- Webinars, training materials and videos that appear on higher education websites.
- All video materials used in classrooms.

- All video and multimedia materials uploaded to the institution's website for class use.
- Non-captioned videos need to be captioned prior to use.
- Universal Design for Learning principles should be applied for all captioning.

Texas state accessibility law resources

You can go to the TAC 206.70(c) webpage to look for updates. Other resources include:

- Rule 213.37 Exemptions and Exceptions
- EIR Accessibility Policy Coordinator
- 21 of Section 508



Utah Accessibility Law

The state of Utah works to keep up to date with the latest accessibility standards and guidelines for equal access. State websites conform to W3C and Section 508 of the Rehabilitation Act as a part of its Universal Design standards.

Captions Requirements in Utah

Utah conforms to W3C standards when creating, maintaining and updating its state websites. Currently, W3C standards are outlined in [WCAG 2.0](#) that was adopted in 2008.

The state of Utah doesn't require captions for multimedia content. They require that transcriptions for multimedia files be included in a link. Also, videos are accessed on a site using an HTML5 player to ensure that users with iPads and iPhones can view the content properly.

You can view current accessibility standards on Utah's [Accessibility Page](#) of their website. As guidelines change in light of new technology, W3C updates or changes to Section 508, you can monitor alterations to Utah's equal access guidelines to its state websites.



Vermont Accessibility Law

The state of Vermont believes that all government websites should be accessible. Therefore, the vermont.gov portal and Vermont.gov sites have to follow W3C WCAG and Section 508 standards. Vermont continuously [assesses accessibility](#) to ensure compliance and works to integrate [Universal Access Design Standards](#).

Video Requirements

Vermont ensures that all videos include text transcriptions or descriptions. All audio files have to have written descriptions and captions for multimedia files.

Vermont believes that Section 508 of the Rehabilitation Act is more precise in some areas than the WCAG standards of the W3C. That is why they have adopted both guidelines as a part of their state standards.

Many states combine several different standards when they are creating their particular accessibility policy. By selecting elements from multiple guidelines, state governments can create a comprehensive policy for guaranteeing equal access for all state residents. You can keep up to date with the latest Vermont Accessibility Guidelines on their policies and accessibility page [here](#).



Virginia Accessibility Law

If you work in Virginia, you may be familiar with the states web accessibility requirements. The Commonwealth has created an agency dedicated to managing information technology acquired and used by state agencies.

They also have policies, standards and guidelines for information technology, including online videos.

VITA

The Virginia Information Technology Agency (VITA) was created to assist state agencies and higher education institutions obtain, secure and manage information technology.

State Executive Branch agencies and higher education entities are required to comply with VITA guidelines, policies and standards.

This includes the Virginia Information Technology Accessibility Standard and you can find a current copy as a pdf [here](#). The most recent version of the Standard was passed in 2005 and all websites, applications and online multimedia that has been created since that date must adhere to the guidelines.

All state entities that are covered under this standard have to use captions for recorded training and informational products. Captions must be descriptive so that they include all important information that is relevant to understanding the content.

If the training or informational products are televised, VITA requires entities to adhere to FCC mandates regarding closed captions. VITA also wants entities to test information technology to make sure it adheres to the Accessibility Standard. Although there are

tools available, the agency believes that human testing is more reliable and ensures quality.

While the Virginia Information Technology Accessibility Standard is basic in terms of captioning requirements, VITA is always evaluating the standard based on technology changes and other accessibility standards. It is important to make sure you are up to date with the latest policies published by VITA to ensure security and accessibility.



Helpful Resources:

1. [The Americans with Disabilities Act \(ADA\) Highlights and Overview](#)
2. [The Web Content Accessibility Guidelines \(WCAG 2.0\)](#)
3. [IDEA overview and history](#)
4. [Guidance from the U.S. Department of Education](#)
5. [Section 508 Compliance Overview](#)
6. [Summary of 508 Compliance PDF](#)
7. [Section 508 Guide for E-learning and Multimedia Technology](#)
8. [GSA Tutorials, Guidance and Checklists for multimedia](#)
9. [United States Access Board](#)
10. [Alliance for Technology Access](#)
11. [Equal Access: Design of Distance Education Learning Program](#)
12. [ADA, Title III Regulations](#)
13. [Universal Design Initiative](#)
14. [IDEA overview and history](#)
15. [Federal regulations for Part B of IDEA](#)
16. [Federal regulations for Part C of IDEA](#)
17. [Guidance from the U.S. Department of Education](#)
18. [IDEA Overview Video](#)
19. [FCC Consumer Guide - Captioning of Internet Programming](#)
20. [United States Access Board](#)
21. [ICT Refresh](#)
22. [Section 255 of the Communication Act.](#)