

Public Policy and Campus Accessibility

Colleges and universities are responsible for accommodating students who have disclosed disabilities under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) to incorporate information from the Americans with Disabilities Amendments Act of 2008 (Amendments Act). Responsibilities under ADA and Section 504 are governed by the Departments of Justice (DOJ) and Education (ED). Institutions which receive any federal money must “provide students with appropriate academic adjustments and auxiliary aids and services that are necessary to afford an individual with a disability an equal opportunity to participate in a school's program.”¹

Recently, most of the focus on accessibility has been on digital accessibility. DOJ and ED reached out to the higher education community in 2016 to request comments on a Supplemental Advance Notice of Proposed Rulemaking (SANPRM) relating to Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities and Public Accommodations, 81 Fed. Reg. 28,658. NASPA joined comments submitted by the American Council on Education (ACE)² supporting establishment of a recognized standard for web accessibility, even if it is imperfect, as well as advising caution on the Departments placing undue restrictions on the sharing of scholarly knowledge given the relatively unrestrictive environment for content sharing in general.

In 2017, bipartisan legislation known as the Accessible Instructional Materials in Higher Education (AIM-HIGH) Act was introduced in Congress. The legislation would create an independent commission to establish voluntary guidelines for higher education electronic instructional materials and was supported by a number of higher education associations as well as the National Federation of the Blind, the Association of American Publishers, and the Software and Information Industry Association³.

Things to Do

- Reach out to your campus senior leadership to educate them about your institution’s responsibilities under the ADA and Section 504. Work with them to establish a policy and a plan regarding improving accessibility on your campus. Recognize that this may seem an insurmountable task, but every improvement will make it easier for all members of your campus community to live and learn.
- Talk with your campus information technology leadership to find out if your institutional website is compliant with the Web Content Accessibility Guidelines (WCAG) 2.0 standards at the AA level. The

¹ ED Office of Civil Rights Frequently Asked Questions About Section 504 and the Education of Children with Disabilities: <https://www2.ed.gov/about/offices/list/ocr/504faq.html>

² ACE, Associations Comment on Proposed Web Accessibility Rules: <https://www.acenet.edu/news-room/Pages/Associations-Comment-on-Proposed-Web-Accessibility-Rules.aspx>

³ ACE Supports Bill to Promote Equal Access to Education for Students with Disabilities: <https://www.acenet.edu/news-room/Pages/ACE-Supports-Bill-to-Promote-Equal-Access-to-Education-for-Students-with-Disabilities.aspx>

World Wide Web Consortium (W3C), the author of the WCAG standards, has a checklist for compliance on their website: <https://www.w3.org/TR/2006/WD-WCAG20-20060427/appendixB.html>

- Reach out to your elected officials to encourage them to work with Representatives Phil Roe (R-TN) and Joe Courtney (D-CT) and Senator Elizabeth Warren (D-MA) to reintroduce the AIM-HIGH Act and to work to incorporate similar language in any upcoming legislation reauthorizing the Higher Education Act. A sample letter you can use to contact your elected officials is available from the National Student Affairs Day of Action website: <https://www.naspa.org/focus-areas/civic-learning-and-democratic-engagement/national-student-affairs-day-of-action>

Additional Resources

EDUCAUSE Policy Spotlight: Digital Accessibility Law and Regulations: Current Status and What to Do About It (1/23/2019): <https://er.educause.edu/blogs/2019/1/digital-accessibility-law-and-regulation-current-status-and-what-to-do-about-it>

U.S. Department of Education Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities: <https://www2.ed.gov/about/offices/list/ocr/transition.html>

AIM HIGH Act (H.R. 1772, 115) text from last Congress: <https://www.congress.gov/bill/115th-congress/house-bill/1772>

About NASPA

NASPA – Student Affairs Administrators in Higher Education is the leading association for the advancement, health, and sustainability of the student affairs profession. Student affairs is a critical component of the higher education experience, collaborating with colleagues across institutions of higher education to offer students valuable learning opportunities, meaningful social engagements, and safe and inclusive environments. NASPA’s Public Policy Agenda is grounded in a commitment to ensuring opportunity for all institutional members’ students and a belief that higher education is a great benefit to both individuals and society.