

What is Section 508, and Why Do You Need to Know About It?

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If you work for a government agency or for a company that provides information technology to the federal marketplace, you have probably heard at least a few rumors about Section 508 by now. The legislation, named for and consisting of an amendment to the Federal Rehabilitation Act that went into effect on June 25, 2001, is poised to have an immense impact on all vendors of information technology, as well as on nearly all government agencies. The regulation is intended to ensure that electronic and information technology purchased by Federal agencies can be accessed and used by individuals with disabilities, whether these individuals are Federal employees or members of the public who are seeking services or information from the Federal sector.

In addition to setting forth technical and functional performance criteria for these technologies, the revised legislation has teeth: if individuals with disabilities are denied reasonable accommodations or alternative means of access to information or data maintained by Federal agencies which is comparable to that enjoyed by other users, the new rule makes it possible for them to file administrative complaints or even bring lawsuits against those agencies. Hence, the rule requires Federal procurers to ensure that the needs of all end users are taken into account when obtaining or maintaining information technology.

But, what does it mean to be accessible? According to Doug Wakefield, a member of the U.S. Access Board and a key contributor to this legislation, Section 508 is not intended to promote universal accessibility for information technology. Instead, it is aimed at promoting technologies that are compatible with adaptive equipment when such adaptations are necessary. For example, if a Federal agency is purchasing computer monitors, they are not required to purchase screen enlargers for every monitor. However, they do need to purchase monitors that are compatible with screen enlargers. Similarly, web sites created under contract for the Federal government do not need to incorporate audible components for vision-impaired users, but they do need to be compatible with common screen reading programs and constructed in a way that allows those users to easily navigate the site using voice commands.

The scope of the Section 508 standards is technically limited to the Federal sector and, as such, does not compel compliance by private industry or state agencies. However, industry and state agencies will nevertheless be affected. In private industry, vendors who want to sell information technology to Federal agencies must now ensure that their products or services can facilitate access for disabled users that is "equivalent or greater" to the access available to other users. Without documenting the compliance of their products or services, vendors now risk losing bids to competitors who can provide compliant technologies. Since Section 508 mandates that compatibility with the assistive devices used by impaired users now needs to be evaluated during the Federal procurement process, the burden of proving compliance with the rule rests mostly with the vendors. Since the Federal government is the nation's largest purchaser of electronic information technologies, the economic impact of the rule is tremendous. State agencies are also affected, since those that receive certain types of Federal funding may be legally required to comply with the regulations. Furthermore, many state agencies are voluntarily choosing to base their own accessibility initiatives on the Section 508 legislation.

If you work for a government agency, you probably have already heard about Section 508, but you may need assistance bringing your organization into compliance. If you sell information technology products or services to government agencies, you may be concerned about the fiscal implications of these accessibility standards and confused about how to ensure the accessibility of your product. How can you find out if these regulations affect your organization?

Information technology affected by Section 508 is a broad category encompassing any equipment used in the creation, conversion, or duplication of data or information, or any service related to those technologies. This includes computer systems and subsystems (including software); telecommunication products such as telephones, information kiosks, and transaction machines; and office equipment like copiers and fax machines. It also includes videotapes and other multimedia presentations and, of course, web sites created on behalf of the Federal government. The documentation and support for any of the covered technologies is also included in the rule. This means that a private company providing seat management or help desk services under contract to the Feds must ensure that they are able to accommodate the communication needs of users with disabilities.

As with any Federal legislation, Section 508 does have a few loopholes. "Micro-purchases" of information technology amounting to less than \$2,500 is exempt until the year 2003. Electronic systems that are critical to national security (i.e., missile guidance systems or cryptographic analysis tools) are exempt from the rule. However, the military's future purchases of non-critical systems, like general office productivity software, fax machines, and so forth, still need to be compliant with Section 508. Systems that are located in physical spaces primarily used only by maintenance and repair personnel for occasional system monitoring (i.e., a heating system control in an access duct) are also exempt from the rule. Finally, the rule states that agencies do not have to comply with Section 508 if it poses an "undue burden" -- that is, presents a significant difficulty or expense to the agency. The determination of what constitutes an undue burden is made on a case-by-case basis, and will probably be hashed out in the Federal courts as suits are brought against agencies violating the terms of the legislation.

It's important to note that only the systems and services sold to the U.S. government for use by their employees or the general public comes under Section 508's rules. A contractor's own internal systems and corporate web site generally need not be compliant with the Section 508 accessibility standards, unless they are part of the deliverables of a contract. Equipment used by the contractor that is incidental to the actual contract (i.e., authoring tools used to create web sites or software programs) is not affected by the legislation.

Classic System Solutions can help you navigate through the complexities of the Federal standards included in Section 508 of the Rehabilitation Act. We can audit your existing applications for compliance and make specific recommendations that will ensure that your application complies with the Federal Rehabilitation Act.

Additionally, we are currently augmenting the content in [GUIguide™](#) -- adding new guidelines and checklists directly aimed at helping developers create web and client/server applications that comply with the Section 508 standards. [GUIguide™](#) is an enterprise intranet application that enables software development teams to expedite the development of more consistent, Section 508 compliant, user-friendly applications, increasing customer satisfaction, while concurrently reducing development and support costs.

Why take the chance that you will be precluded from selling your applications to the Federal, state, or local governments? Classic System Solutions help ensure that you are in compliance before your competitors beat you to the punch.

About the author:

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