Technology and Disability Policy Highlights

January 2015

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# Overview

In January, Federal Communications Commission (FCC) rules implementing provisions of the Twenty-first Century Communications and Video Accessibility Act of 2010 (CVAA) became effective and enforceable. Specifically the rulemaking addressed, (1) rules requiring digital apparatus to make appropriate built-in functions (i.e., if used for the reception, play back, or display of programming) accessible to individuals who are blind or visually impaired, and (2) rules requiring navigation devices to make on-screen text menus and guides for the display or selection of multichannel video programming audibly accessible.

In what some advocates may consider to be a stall in accessibility regulations, the FCC approved a waiver extension for eReaders, exempting them from the requirements of the advanced communications services (ACS) accessibility rules. However, this waiver only applies to *basic* eReaders, lasts one year and comes with many stipulations. Future reviews of this waiver extension will take into consideration not only if ACS is a prominent feature of the eReader, but the context in which it is used, i.e. educational and employment environments may necessitate greater regulation.

In other news, the Wireless RERC filed comments in response to the FCC’s Public Notice, *Request for Updated Information and Comment on Wireless Hearing Aid Compatibility (HAC) Regulations* [**WT Docket Nos. 07-250 and 10-254**], reaffirming that the accessibility of information and communications technology (ICT) and services are essential to enhancing inclusion and independence for people with disabilities. Among other things, the comments supported requiring that all mobile handsets to be compliant with HAC regulations. The Wireless RERC acknowledged the difficulty of crafting these regulations due to the sometimes competing priorities of industry and consumers and the complexity of interaction between increasingly sophisticated and powerful wireless handsets. Nevertheless, they also maintained that people with hearing loss deserve and are entitled to having parity of access to telecommunications services, wireless, or otherwise.

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# Regulatory Activities

**Justice Dept. Settles with Dispute over Museum Access**

January 13, 2015 – The National Museum of Crime and Punishment (NMCP), located in Washington D.C., has resolved a federal investigation and compliance review brought by the U.S. Department of Justice concerning alleged violations of the Americans with Disabilities Act (ADA). The investigation was initiated in response to allegations that the 28,000 square foot facility failed to provide accessible accommodations to people with disabilities and ensure full and equal enjoyment to goods, services, and facilities under Title III of the ADA. According to the Justice Department, NMCP did not make all exhibits, public programs, and facilities accessible to people with disabilities due to physical barriers such a protruding objects, inaccessible routes, and bathrooms with inaccessible features. The compliance review also found that auxiliary aides and services were not provided to people with hearing and vision disabilities.

Under the settlement, the NMCP has agreed to 7undertake the following:

* Provide staff assistance or pre-recorded audio description of program and exhibit information for patrons who are blind or have low vision.
* Provide a printed copy of program information that is not currently available in print, such as daily and seasonal exhibits that are not in the printed brochure, for patrons who are deaf or hard of hearing.
* Provide museum tours that are audio described and include tactile experiences for individuals who are blind or have low vision.
* Provide printed materials, floor plans and maps in alternate formats (audio, large print and Braille).
* Provide a description in an accessible format of each museum-sponsored public program and special event.
* Ensure that its website conforms to the Level AA Success Criteria and Conformance Requirements of the Web Content Accessibility Guidelines 2.0.
* Remediate physical barriers such as protruding objects, inaccessible routes and restroom barriers.

According to Vanita Gupta, Acting Assistant Attorney General for the Justice Department’s Civil Rights Division, “This agreement ensures that people with disabilities will be able to enjoy the fascinating elements of the history of crime and law enforcement.

#### ADDITIONAL INFORMATION

[Settlement Agreement Between The United States Of America And The National Museum Of Crime And Punishment Under Title III Of The Americans With Disabilities Act](http://www.ada.gov/crime_punishment_museum/crime_punishment_sa.htm)

[<http://www.ada.gov/crime_punishment_museum/crime_punishment_sa.htm>]

**Accessibility of User Interfaces, and Video Programming Guides and Menus**

January 26, 2015 – The FCC announced that the Office of Management and Budget (OMB) has approved the information collection associated with the FCC’s Report and Order implementing Section 204 and 205 of the Twenty- First Century Communications and Video Accessibility Act of 2010 (CVAA). The Report and Order [47 CFR 79], adopts rules requiring digital apparatus to make appropriate built-in functions (i.e., those used for the reception, play back, or display of video programming) accessible to individuals who are blind or visually impaired. The Report and Order also adopts rules requiring navigation devices to make on-screen text menus and guides for the display or selection of multichannel video programming audibly accessible. Other rules pursuant to Section 204 and 205 of the CVAA include requiring digital apparatus and navigation devices to provide access to closed captioning and video description through a mechanism that is reasonably comparable to a button, key, or icon. By publication of this notice in the Federal Register, the above referenced rules became effective and enforceable on January 26, 2015.

#### ADDITIONAL INFORMATION

[Accessibility of User Interfaces, and Video Programming Guides and Menus](http://www.gpo.gov/fdsys/pkg/FR-2015-01-26/pdf/2015-01240.pdf)

[http://www.gpo.gov/fdsys/pkg/FR-2015-01-26/pdf/2015-01240.pdf]

**FCC Extends Waiver of Disability Access Requirements for Basic E-Readers**

January 29, 2015 – The FCC’s Consumer and Governmental Affairs Bureau (CGB) granted a distinct and narrow class of e-readers a one year extension [**CG Docket No. 10-213**], waiving their compliance requirements for the advanced communications services (ACS) accessibility rules. Though capable of accessing ACS, the specified e-readers are designed primarily for reading text-based digital works and will not have to comply with ACS rules until January 28, 2016.

The extension comes in response to a petition filed by the Coalition of E-Reader Manufacturers seeking a waiver of the FCC’s disabilities access rules for a defined class of basic e-readers. The FCC granted the request for e-readers that meet the following requirements:

1. The device has no LCD screen, but rather utilizes a screen that is designed to optimize reading.
2. The device has no camera.
3. The device is not offered or shipped to consumers with built-in ACS client applications and the device manufacturer does not develop ACS applications for its respective device (but may have a browser or social media app).
4. The device is marketed to consumers as a reading device and promotional material about the device does not tout the capability to access ACS.

In extending the waiver, the FCC found that e-readers remain capable of ACS, though their primary purpose has not changed. This determination was based on an FCC analysis of the record and an independent review of manufacturers’ marketing materials for e-readers. The *E-Reader Waiver* noted, “if ACS features on the next generation of these devices are featured more prominently, and, for example, begin to be utilized regularly in education, employment, and as a tool of social integration, it is conceivable that mobile communication in the online e-reader environment may become a co-primary purpose of basic e-reader devices.”

#### ADDITIONAL INFORMATION

[CG Docket No. 10-213](http://www.commlawmonitor.com/wp-content/uploads/sites/512/2015/01/E-Reader-Waiver-Extension-Order-DA-15-117.pdf)

[http://www.commlawmonitor.com/wp-content/uploads/sites/512/2015/01/E-Reader-Waiver-Extension-Order-DA-15-117.pdf]

# Other Items of Interest

**UNICEF/GAATES Seek Participation for Assistive Technologies Questionnaire**

The United Nations Children’s Fund (UNICEF) and the Global Alliance on Accessible Technologies and Environments (GAATES) are seeking information on products most commonly used to reduce educational barriers for children with disabilities. To gather this information, UNICEF and GAATES are conducting a survey on the most commonly used assistive devices and technologies around the world, having particular interest in the technologies used in low-resource settings.

UNICEF and GAATES are encouraging the global community of members and supporters to complete the [online questionnaire](http://www.gaates.org/quest/qintro.php) by **February 15, 2015**.

#### ADDITIONAL INFORMATION

[UNICEF/GAATES Assistive Devices/Technologies Questionnaire](http://gaates.org/unicefgaates-assistive-devicestechnologies-questionnaire/)

[http://gaates.org/unicefgaates-assistive-devicestechnologies-questionnaire/]

**First ever Online International Deaf-Blind Conference**

January 8, 2015 – The *Online International Deaf-Blind Conference* made history this month as the first multi-language offered via a web-based platform conference for people who are Deaf-Blind. The online event included closed-captioning and subtitles in 78 languages, translations into synthesized voice in 35 languages, presentations via spoken English, and American Sign Language.

The official sponsor of the two-day conference was DB-TIP (Deaf-Blind Training, Interpreting and Professional Development) and supported by Translate Your World (www.TranslateYourWorld.com), creators of speech translation software that generates text and voice directly from a speaker.

The conference was open to the public and encouraged participation from the global community with its theme, "The DeafBlind Community: Communication, Trends & Techniques." The event offered attendees the opportunity to learn about communication techniques and trends within the Deaf-Blind community, as well as the opportunity to network and learn from leaders, medical professionals, educators, service providers, corporate communication leaders, and governmental representatives.

Guest speakers and presenters for the conference included: Chris Woodfill of the National Association of the Deaf, Eugene Bourquin of the Helen Keller National Center, and Jelica Nuccio, Executive Director at Deaf-Blind Service Center.

#### ADDITIONAL INFORMATION

[Conference Website](http://www.deafblindtip.com)

[[www.deafblindtip.com](http://www.deafblindtip.com/)]

**Multilingual and Sign Language Disaster Training Library Offered Online**

January 23, 2015 – Disaster Resistant Community Group, a Florida based organization, has expanded their organization’s “Just In Time Disaster Training” video library to feature a wide array of video training, now available in eighteen spoken languages and two forms of sign language. “Just In Time Disaster Training” offers viewers over 1,800 videos from various sources, specifically related to disaster preparedness, mitigation, response and recovery for individuals, families, organizations, and first responder personnel. American Sign Language and Australian Sign Language are offered, as well as the following spoken languages:

* Arabic
* Burmese
* Cambodian
* Cantonese
* Chinese
* English
* French
* Hindi
* Krio
* Korean
* Mandarin
* Pidgin
* Russian
* Somali
* Spanish
* Turkish
* Urdu
* Vietnamese

#### ADDITIONAL INFORMATION

[Just In Time Disaster Training Library Multilingual / Sign Language Search Engine](http://www.drc-group.com/project/jitt.html#non-english)

[[http://www.drc-group.com/project/jitt.html#non-english](http://www.drc-group.com/project/jitt.html%23non-english)]

# Wireless RERC Updates

**Top TDPH Stories of 2014, Thank you for Sharing!**

Technology and Disability Policy Highlights (TDPH) editors produced over 190 stories in 2014, covering a wide range of disability issues. The “hot” topics were accessibility, provision of accessible services, assistive technology (AT), wireless technology, and policy. Measured by social media sharing rates, with a combined total of 602 shares from the Wireless RERC newsroom, last year’s top ten stories were:

* [AT&T and the Wireless RERC Launch Mobile Device Training For People with Disabilities](http://www.wirelessrerc.gatech.edu/content/newsroom/consumer-wireless-education)
* [House Passes Social Media Emergency Response Bill](http://www.wirelessrerc.gatech.edu/content/newsroom/house-passes-social-media-emergency-response-bill)
* [CSUN 2015 Call for Papers: Technology & Persons with Disabilities](http://www.wirelessrerc.gatech.edu/content/newsroom/csun-2015-call-papers-technology-persons-disabilities)
* [Smart Steps Mobile App: Decisions Made Easy](http://www.wirelessrerc.gatech.edu/content/newsroom/smart-steps-mobile-app-decisions-made-easy)
* [Save the Date: 2014 Annual Compendium of Disability Statistics and Research-to-Policy Roundtable](http://www.wirelessrerc.gatech.edu/content/newsroom/save-date-2014-annual-compendium-disability-statistics-and-research-policy)
* [FCC Issues Final Rules for Closed Captioning](http://www.wirelessrerc.gatech.edu/content/newsroom/fcc-issues-final-rules-closed-captioning)
* [W3C Proposes New Recommendations for Web Applications](http://www.wirelessrerc.gatech.edu/content/newsroom/w3c-proposes-new-recommendations-web-applications)
* [Survey: Defining Current Practices in Teaching Universal Design](http://www.wirelessrerc.gatech.edu/content/newsroom/survey-defining-current-practices-teaching-universal-design)
* [Blind and Deaf Consumer Preferences for Android and iOS Smartphones](http://www.wirelessrerc.gatech.edu/content/newsroom/blind-and-deaf-consumer-preferences-android-and-ios-smartphones)
* [Participants Needed! Focus Group on Emergency Information](http://www.wirelessrerc.gatech.edu/content/newsroom/participants-needed-focus-group-emergency-information)

The TDPH reaches 657 subscribers directly via email, and extends to a much greater audience through social media. We engage over 841 members in our LinkedIn Group ([ATPG](https://www.linkedin.com/groups?gid=1854667&trk=my_groups-b-grp-v)), 535 followers on Twitter ([@CACPGT\_wRERC](https://twitter.com/CACPGT_wRERC)), and 256 fans on Facebook ([WirelessRERC](https://www.facebook.com/WirelessRERC)). In 2014 alone, the Wireless RERC’s social media presence on Twitter was able to reach more than 450,000 profiles/people.

None of this would be possible without you, our readers. You may receive the newsletter directly as a monthly digest, or as-it-happens updates on social media. Either way we appreciate your being a part of our network. As always…thanks for reading and sharing!

#### ADDITIONAL INFORMATION

[Wireless RERC Newsroom](http://www.wirelessrerc.gatech.edu/newsroom)

[<http://www.wirelessrerc.gatech.edu/newsroom>]

**Wireless Researchers Presenting at CSUN 2015**

Wireless RERC researchers Salimah LaForce, Ben Lippincott, John Morris, and James White will be presenting at the *30th Annual Technology & Persons with Disabilities Conference*, also known as CSUN 2015. The conference will convene in San Diego, CA from March 2 to March 7, 2015. Attend the conference and be sure to visit the following Wireless RERC sessions:

[Wireless Independence Now Workshop](http://www.csun.edu/cod/conference/2015/sessions/index.php/public/presentations/view/386): AT&T and the Wireless RERC will conduct educational outreach sessions that will educate users with disabilities about accessibility features found on wireless devices.

[Futures of Disabilities: The Migration to a Digital World](http://www.csun.edu/cod/conference/2015/sessions/index.php/public/presentations/view/24): What are the possible consequences of the migration to mobile, digital technologies for people with disabilities, and what future possibilities exist to amplify positive change?

[Use of Mainstream Wireless Technology by Adults who Use AAC](http://www.csun.edu/cod/conference/2015/sessions/index.php/public/presentations/view/23): This lecture will present findings of a study of access to and use of mainstream wireless technology by adults who use specialized Speech Generating Devices.

[EyeRemember App on Google Glass for People with Acquired Brain Injury](http://www.csun.edu/cod/conference/2015/sessions/index.php/public/presentations/view/25): Presentation of results from development and testing of Google Glass app that reminds users with acquired brain injury of important information regarding friends and family.

#### ADDITIONAL INFORMATION

[Conference Website](http://www.csun.edu/cod/conference/2015/sessions/index.php/public/website_pages/view/1)

[<http://www.csun.edu/cod/conference/2015/sessions/index.php/public/website_pages/view/1>]

[Search Conference Sessions](http://www.csun.edu/cod/conference/2015/sessions/index.php/public/conf_sessions/)

[<http://www.csun.edu/cod/conference/2015/sessions/index.php/public/conf_sessions/>]

**Wireless RERC on the Record - Hearing Aid Compatibility Regulations**

The Rehabilitation Engineering Research Center for Wireless Technologies (Wireless RERC), in collaboration with Georgia Tech’s Center for Advanced Communications Policy (CACP), submitted comments in response to the FCC’s Public Notice, *Request for Updated Information And Comment On Wireless Hearing Aid Compatibility (HAC) Regulations* [**WT Docket Nos. 07-250 and 10-254**]. Released on November 21, 2014, the Public Notice sought insight into the current consumer experience, technical or other barriers to the provision of hearing aid compatible mobile phones, and considerations to amend rules for Twenty-First Century Communications and Video Accessibility Act (CVAA) compliance. The Wireless RERC and CACP reaffirmed the belief that the accessibility of information and communications technology (ICT) and services are essential to enhancing inclusion and independence for people with disabilities. Comments were respectfully based on subject matter expertise developed over the past 14 years: findings from consumer surveys and focus groups, policy research, and development efforts. The comments were also largely informed by analyses of data collected via the Wireless RERC’s hearing aid compatibility (HAC) survey research.

The FCC sought to update the record on two principle issues: (1) Whether the FCC should revise the hearing aid compatibility requirement to apply in a technologically neutral manner to all mobile wireless devices; and (2) Whether the FCC should consider moving away from the fractional compliance benchmarks and implement a requirement that all mobile wireless devices must comply with the hearing aid compatibility rules. The Wireless RERC and CACP addressed both issues with the following assertions:

* Ease of finding a compatible phone would be greatly improved if HAC requirements applied to all wireless handsets and would simplify phone selection for people with varying capabilities. For people with hearing loss, when purchasing a handset there are other mainstream *and* accessibility features to consider in conjunction with HAC compliance. One should not have to sacrifice other phone features to ensure they are purchasing a HAC compliant phone.
* Phones are rapidly changing forms and technologies; the Commission should attempt to create a large tent to encompass as many technologies that might be used in devices with phone features. Most Wi-Fi phones and private internal phone networks interconnect with the public switched telephone network (PSTN) through a gateway so they can be used to make traditional phone calls. …a technologically neutral manner should be adopted.
* Hearing aid users report little improvement in ease of finding a hearing aid compatible wireless handset over the course of implementation of the HAC Act requirements. Substantial proportions of hearing aid users still report their search as being difficult or very difficult. Furthermore, fractional deployment causes problems for consumers in today’s market as more and more consumers are opting to have wireless devices only. These factors indicate it might be time to phase out the fractional deployment rules.

In closing, the comments acknowledged the difficulty of crafting regulations due to the sometimes competing priorities of industry and consumers and the complexity of interaction between increasingly sophisticated and powerful wireless handsets. Nevertheless, they also maintained that people with hearing loss deserve and are entitled to having parity of access to telecommunications services, wireless, or otherwise.

#### ADDITIONAL INFORMATION

[Wireless RERC/CACP Comments Filed in Response to Public Notice [WT Docket Nos. 07-250 and 10-254]](http://apps.fcc.gov/ecfs/document/view?id=60001015649)

[<http://apps.fcc.gov/ecfs/document/view?id=60001015649>]

# Upcoming Events

**30th Annual Technology & Persons with Disabilities Conference**

The 30th Annual Technology & Persons with Disabilities Conference, also known as CSUN 2015 will convene in San Diego, CA from March 2 to March 7, 2015. CSUN conferences are well attended by professionals, advocates and academics that work at the intersection of technology and access by people with disabilities.

#### ADDITIONAL INFORMATION

[Conference Website](http://www.csun.edu/cod/conference/2015/sessions/index.php/public/website_pages/view/1)

[<http://www.csun.edu/cod/conference/2015/sessions/index.php/public/website_pages/view/1>]

**NFB Hosts 2015 Jacobus tenBroeck Disability Law Symposium**

The National Federation of the Blind (NFB) is hosting the *2015 Jacobus tenBroek Disability Law Symposium* from March 26 to 27 in Baltimore, Maryland. Named in honor of the constitutional law scholar and founder of NFB, the event celebrates the Americans with Disabilities Act by looking ahead to the next twenty-five years. The theme for this year’s symposium is “The Americans with Disabilities Act (ADA) at 50: The Future of Disability Law and the Right to Live in the World.” The event will offer legal experts, students, and advocates of rights for people with disabilities the opportunity to engage in workshops and discuss topics such as: the future of disability, how to enable the participation of people with disabilities in court proceedings, the unique challenges faced by criminal suspects and offenders with intellectual and developmental disabilities, a vision for the next twenty-five years to improve and augment the ADA, Rehabilitation Act, and more.

The event will take place at the NFB Jernigan Institute, 200 East Wells Street at Jernigan Place, Baltimore, Maryland 21230. Registration fees apply: $174 for general admission, $25 for students.

#### ADDITIONAL INFORMATION

[Conference Registration](https://nfb.org/civicrm/event/register?reset=1&id=49)

[<https://nfb.org/civicrm/event/register?reset=1&id=49>]

**AFB and Arizona AER Host 2015 Leadership Conference**

The American Foundation for the Blind (AFB) and Arizona Association for Education and Rehabilitation of the Blind and Visually Impaired (AER) are jointly hosting the 20*15 Leadership Conference: Rising to the Challenge*. The annual Leadership Conference covers relevant topics in the field of blindness and offers the opportunity for conference attendees to engage technology experts, corporate representatives, educators, and rehabilitation professionals. Registration is now open. The event will be held April 9-11, 2015 at the Renaissance Phoenix Downtown Hotel, 50 East Adams Street, Phoenix, AZ 85004. Conference fees are $125 for one day, $200 for two days, and $250 for three days. Rates increase after March 9.

#### ADDITIONAL INFORMATION

[American Foundation for the Blind Leadership Conference 2015 and the Arizona AER Statewide Conference](http://www.afb.org/info/about-us/events-and-awards/american-foundation-for-the-blind-leadership-conference-2015/123)

[http://www.afb.org/info/about-us/events-and-awards/american-foundation-for-the-blind-leadership-conference-2015/123]

**M-Enabling Summit**

The *4th Annual M-Enabling Summit* will take place June 1-2, 2015 at the Renaissance Arlington Capital View Hotel, 2800 South Potomac Ave, Arlington, Virginia 22202. M-Enabling is a two day conference and showcase dedicated to promoting solutions and implementing accessible mobile communications and services for persons of all abilities and senior citizens. Participants will have the opportunity to gain insight on how accessible mobile applications and services transform customer relations for the private and public service sectors. The Summit also provides the opportunity to network with industry, governments, and Fortune 500 companies promoting universal access and greater usage.

The 2015 M-Enabling Summit will feature wearable computing, Near Field Communications, mobile payments, cloud solutions, M2M, Internet of Things, as well as new apps and services.

#### ADDITIONAL INFORMATION

[2015 M-Enabling Summit](http://m-enabling.com/reg.html)

[<http://m-enabling.com/reg.html>]

**Society for Disability Studies 2015 Annual Conference**

The Society for Disability Studies (SDS) is holding their 28th annual conference in Atlanta, June 10-13, 2015.  This year's theme, “getting it-right/s,” will address focus areas such as ADA Legacy, Communities / Identities, Critical Design & Technology Studies, Power and Privilege, Professional Development, and Translational Research in Health Sciences and Disability Studies. Each strand will have three to four related events, varying in format (complete panels, individual presentation, topical discussion, workshop, poster, etc.).

The event will be held at Hyatt Regency Atlanta, 265 Peachtree Street NE, Atlanta, Georgia, USA, 30303. For more information, contact the SDS Atlanta 2015 Program Committee at [sdsconf15@gmail.com](mailto:sdsconf15@gmail.com).

#### ADDITIONAL INFORMATION

[Conference Website](https://www.disstudies.org/conferences/atlanta)

[<https://www.disstudies.org/conferences/atlanta>]

**National Federation of the Blind National Convention 2015**

The National Federation of the Blind announced that their 2015 National Convention will take place July 5-10, 2015 at the Rosen Centre Hotel in Orlando, Florida. The primary function of the national convention is to address policy issues in the upcoming years and officer/board member elections. The NFB convention also provides practical benefits for attendees including seminars for those new to blindness and reviews of the latest adaptive technology for the blind.

The Rosen Centre Hotel is located at: 9840 International Drive, Orlando, Florida 32819. Hotel reservations can be made at (800) 204-7234 after January 1. Additional information as to meetings, schedule, hotel, etc., may be obtained as it becomes available by visiting the link below.

#### ADDITIONA INFORMATION

[National Federation of the Blind National Convention 2015](https://nfb.org/convention)

[<https://nfb.org/convention>]

**Technology and Disability Policy Highlights,** January 2015

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The Technology and Disability Policy Highlights (TDPH) reports on national and local public policy events and recent wireless technological advances and political activities; and tracks emerging issues of interest to individuals with disabilities. *Technology and Disability Policy Highlights* is published monthly by the Wireless RERC. The Wireless RERC is a research center that promotes universal access to wireless technologies and explores their innovative applications in addressing the needs of people with disabilities. For more information on the Wireless RERC, please visit our web site at [<http://www.wirelessrerc.org>].

For further information on items summarized in this report, or if you have items of interest that you would like included in future editions, please contact this edition’s editors Amelia Williams [Amelia@cacp.gatech.edu] or Salimah LaForce [salimah@cacp.gatech.edu].

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