

What To Do When Competing Products Are Partly Compliant

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Section 508

- Section 508 applies to all E&IT purchases.
- Technically any E&IT that is "DUMPed" falls under 508:
 - **D**eveloped
 - **U**sed
 - **M**aintained
 - **P**rocured
- However, only purchases are subject to legal liability.

Rule of Thumb

- Is it electronic? And/or does it fit in one of those six categories?
- Does it have a display and/or keypad that humans interact with?
- Does that display have information about creating, converting, sending, receiving, or duplicating any sort of data or information?
- If you answer yes to all of these, you are dealing with E&IT.

Examples of E&IT under 508

- Faxes
- Scanners
- Printers
- Copiers
- PDAs
- Computers
- Computer software
- Computer operating systems
- Phones
- Information kiosks
- ATMs
- Multimedia
- Videos
- World Wide Web

Not E&IT under 508

- Microwaves (unless it sends faxes, too!)
- Coffee makers
- Heating and ventilation systems
- Thermostats

The Gray Area

- “Back office” E&IT is exempted
 - Must literally be somewhere that people do not go all the time
 - Applies to equipment that only technicians interact with

How to Buy under 508

- Functional requirements drive the procurement, not Section 508.
- First determine your business needs.
- Then consider 508 accessibility.

The Process

- Figure out as specifically as possible what you need.
- Decide which sections of Part B apply.
- Do market research.
- Use VPATs and/or a checklist.
 - In some cases, may need to do testing (508 Standards, Part C).
- Pick the most accessible product that meets your needs.

Step One

- Determine functional requirements

What Do You Need?

- Be clear about your functional requirements
 - What are the technical specifications?
 - How fast? how many pages? how big/small?
 - What features? What functions?
 - What are the minimum requirements?
 - What specific need does the product meet (i.e., what must it do)?
 - Are there specific academic considerations to be taken into account?
- Document your needs.

Requirements may include...

- Campus's ability to support the product
- Campus IT's need to safeguard current network
- Technician's knowledge of maintenance and repair

- Just make sure to document the needs!

Step Two

- Determine what's out there

Add Accessibility into the Equation

- Once you have determined your needs, research the market.
 - You already do market research for models, prices, features, durability, etc.
 - Just make accessibility one more item on the list.

Getting Technical

- Each of the six E&IT categories has a list of technical specifications in Part B of Section 508.
- Determine the appropriate sections of Part B.

The First Three Categories

- Software applications and operating systems
 - <http://www.section508.gov/index.cfm?FuseAction=Content&ID=12#Software>
- Web-based information and applications
 - <http://www.section508.gov/index.cfm?FuseAction=Content&ID=12#Web>
- Telecommunications products
 - <http://www.section508.gov/index.cfm?FuseAction=Content&ID=12#Telecommunications>

The Last Three Categories

- Video and multimedia products
 - <http://www.section508.gov/index.cfm?FuseAction=Content&ID=12#Video>
- Self-contained, closed products
 - <http://www.section508.gov/index.cfm?FuseAction=Content&ID=12#Self>
- Desktop and portable computers
 - <http://www.section508.gov/index.cfm?FuseAction=Content&ID=12#Desktop>

Multiple Categories

- Hardware run with a software interface
- Hardware accessed over the Web
- Software application running on the Web

- Make sure to look at all aspects of the product

Researching Accessibility

- VPATs
 - Voluntary Product Accessibility Templates
 - Done by vendors
 - Not always done well but getting better
- Examples
 - <http://www.microsoft.com/industry/government/section508.msp#ECAA>
 - <http://images.apple.com/accessibility/>

You Can Create Your Own Checklist

- Use the technical standards in Part B as a checklist.
- Some federal agencies send checklists to vendors and only consider vendors who complete the checklists.
- Example
 - http://www.uspto.gov/web/offices/cio/s508/vendor_sw.doc

USPTO Excerpt

Questions for Software and OS Accessibility	Meet Standard and How	Do Not Meet Standard	Not Applicable and Why
(a) If software is designed to run on a system that has a keyboard, are product functions executable from a keyboard where the function itself or the result of performing a function can be discerned textually?			
(b. i) Does the application avoid disrupting or disabling activated features of other products that are identified as accessibility features (where those features are developed and documented according to industry standards)?			

Talk to Vendors

- Ask vendors how their products are accessible, not just whether they are.
- Ask them how they meet the specific standard.
- If you are suspicious of anything on the VPAT, question their representative.
- Don't just accept the statement that they are fully accessible. Ask for specifics.

BEWARE!

- There is no such thing as “508 Certification.”
- If a vendor claims that their product has been “certified” as being “508 compliant,” they are not being truthful.
- Currently, no independent agency certifies that a product conforms to the 508 standard, nor is there any sort of “508 seal of approval.”

Organize the Information

- Using the standards from Part B, create a table listing how each vendor did with a particular standard.
- Add your columns and see who met the most standards.

Step Three

- Pick the most accessible product

Analyze the Competition

Category of Standards	Product A	Product B	Product C
Standard 1	Compliant	Compliant	
Standard 2	Compliant	Compliant	Compliant
Standard 3		Compliant	Compliant
Standard 4			Compliant
Standard 5	Compliant	Compliant	
Total	3	4	3

Choose

- You have already determined that all of these products meet your needs, so choose the most accessible.
- If there is a tie, choose whichever you prefer.
- If you choose a less accessible model, there needs to be a compelling reason (other than price!).

How much will it cost?

- Typically the more accessible products cost the same as or little more than any other product in their class.
- However, the only time cost is taken into account is in the case of a tie!
- But remember, only buy the functionality you need.

Product Testing

- On high-end products, VPATs and checklists may not be enough.
- If testing is required, do you test in-house or outsource?
- In-house
 - Can work with 508 committee, but realize that individuals may not be that skilled
 - CSUs have CUDA

Independent Testing Facilities

- American Foundation for the Blind
 - www.afb.org
- Prosoft Technologies
 - www.prosoft-tech.com
- Criterion
 - www.criterion508.com
- TecAccess
 - www.tecaccess.net

CSU Testing

- CUDA
 - CSU Long Beach

Step 4

- Look at exemptions

Four Exemptions

- Fundamental alteration
 - Product does not do what is required
- Technical infeasibility
 - Not possible to make it accessible
- Commercially unavailable
 - It doesn't exist
- Undue burden
 - Would have to prove the cost is high enough to cause a fundamental disruption of the organization
 - Burden of proof on defendant

Bottom Line

- Focus on the functional requirements and you won't have to worry too much about the exemptions
- If no accessible products meet your functional requirements, you still buy what you need.

Workflow Example Exercise

- A purchase request has been made to buy new overhead projectors for the college.
- Where do you start?

Determine Product Criteria

- Gather input from all relevant staff, faculty, and administration
- For this product, we want the following product criteria:
 - Ceiling mount
 - 4:3 aspect ratio
 - Closed-caption decoder built in
 - Minimum contrast ratio 400:1

Product Survey

- Determine which products are available
 - Panasonic PT-F100
 - Epson PowerLite 83c
 - Canon LV-7585

Product Analysis

- Judge each product against the product criteria
- Results:
 - Panasonic PT-F100
 - Epson PowerLite 83c

Determine Most Accessible

- Review VPATs
- Analyze against Section 508 Standards
- Determine accessibility score

Possible Projectors for Purchase

- Epson \$900
- Panasonic \$1700
- This is the step in which price can be used as a determining factor.
 - Note:
The less-accessible projector (Canon LV-7585) was \$7000.

Final Step

- If multiple products have the same score, pick what you like
- Have 508 Coordinator review and approve selection
- Make the purchase

Both Partly Compliant?

- Legally the 508 Standards are all weighted equally
- Do not give preference to certain standards because of greater concern about that disability group
- Do not give preference based on specific employees

When Compliance Is Equal...

- You really can just pick whichever one you want based on whatever you like
 - Price
 - Individual preference
 - Color
 - Size
 - It doesn't matter...

Access Only Goes So Far

- Part of buying accessible is to ensure that products work with assistive technology
- Individual needs must still be accommodated
- Buying accessible will reduce, not alleviate, the need for individual accommodation
