# Accessible Communications: An Overview

**COLORADO CROSS-DISABILITY COALITION**

# Agenda

- **Introductions + Housekeeping**

- **Effective communications laws for people with disabilities**

- **Accessible communications principles**

- **Best practices for making communications accessible**
    - **Plain language**
    - **Social media platforms**
    - **Documents**

- **Break**

- **Best practices for website accessibility**

- **Additional resources to continue learning**

- **Q+A**

# What do we mean when we say "accessible"?

Accessible communication is the practice of creating and delivering information in a way that is easily understood and useable by all individuals, regardless of disability. It involves various strategies and techniques to make content perceivable, operable, and understandable for everyone, including those with visual, auditory, motor, or cognitive disabilities.*

*Definition adapted from the Oxford Review

# Overview of Effective Communication Laws for People with Disabilities

# General Structure of the ADA

- Title I
  - Employment

- Title II
  - Public Entities

- Title III
  - Places of Public Accommodations

- Title IV
  - Miscellaneous Provisions



Americans with Disabilities Act

# Title II – Public Entities

- "exclu[sion] from participation in or [denial of] the benefits of the services, programs, or activities of a public entity . . . ."  42 U.S.C.A. § 12132.
    - "A public entity shall **make reasonable modifications in policies, practices, or procedures** when the modifications are necessary to avoid discrimination on the basis of disability . . . ."  28 C.F.R. § 35.130(b)(7).

- Public Entity is "any State or local government; any department, agency, special purpose district, or other instrumentality of a State or States or local government . . . ." 42 U.S.C. § 12131(1)

# Title III – Public Accommodations

- Title III: "a failure to make **reasonable modifications in policies, practices, or procedures**, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities . . . ." 42 U.S.C.A. § 12182(b)(2)(A)(ii).

- Applies to any private business that engages in "commerce which concerns more states than one[.]" *Heart of Atlanta Motel*, 379 U.S. 241 (1965).

# Title III – Public Accommodations

## Public Accommodation is defined as:

**(A)** an inn, hotel, motel, **or other** place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

**(B)** a restaurant, bar, **or other** establishment serving food or drink;

**(C)** a motion picture house, theater, concert hall, stadium, **or other** place of exhibition or entertainment;

**(D)** an auditorium, convention center, lecture hall, **or other** place of public gathering;

**(E)** a bakery, grocery store, clothing store, hardware store, shopping center, **or other** sales or rental establishment;

**(F)** a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, **or other** service establishment;

**(G)** a terminal, depot, **or other** station used for specified public transportation;

**(H)** a museum, library, gallery, **or other** place of public display or collection;

**(I)** a park, zoo, amusement park, **or other** place of recreation;

**(J)** a nursery, elementary, secondary, undergraduate, or postgraduate private school, **or other** place of education;

**(K)** a day care center, senior citizen center, homeless shelter, food bank, adoption agency, **or other** social service center establishment; and

**(L)** a gymnasium, health spa, bowling alley, golf course, **or other** place of exercise or recreation.

42 U.S.C.A. § 12181(7).

# Section 504, 29 U.S.C. § 794, *et seq.*


Rehabilitation Act of 1973

- Applies broadly to any recipient of Federal financial assistance. 29 U.S.C. § 794(b).

- Explicitly incorporates ADA's standards and requirements. 29 U.S.C. § 794(d).

# Affordable Care Act, 42 U.S.C. § 18116

- Incorporates Section 504 Standards and Remedies

- Applies broadly (CVS case)

- "Primary Consideration"

# Colorado State Laws

- Colorado Anti-Discrimination Act, Colo. Rev. Stat. § 24-34-601, *et seq*. and 801, *et seq*.
  - Recently amended

- Deceptive Trade Practices/RID Certification Requirement, Colo. Rev. Stat. § 6-1-707(e).

# What is "Effective Communication?"

Communication that is "as effective as communication with others"

- Title II: 28 C.F.R. Part 35, Appendix A.
- Title III: 28 C.F.R. Part 36, Appendix C.
- Section 504: 28 C.F.R § 39.160.
- ACA: 45 C.F.R. § 92.202(a).

Expressive <u>and</u> Receptive

# Providing effective communication

## Auxiliary Aids and Services

- Deaf
  - Interpreter, VRI, writing for simple things
- Blind
  - Reader, scribe, digital access
- DD, TBI, CP, Neurodivergence, etc.
  - Services versus aids
    - Must modify policies, practices and procedures

## Primary Consideration

- Title II
- Section 504
- ACA

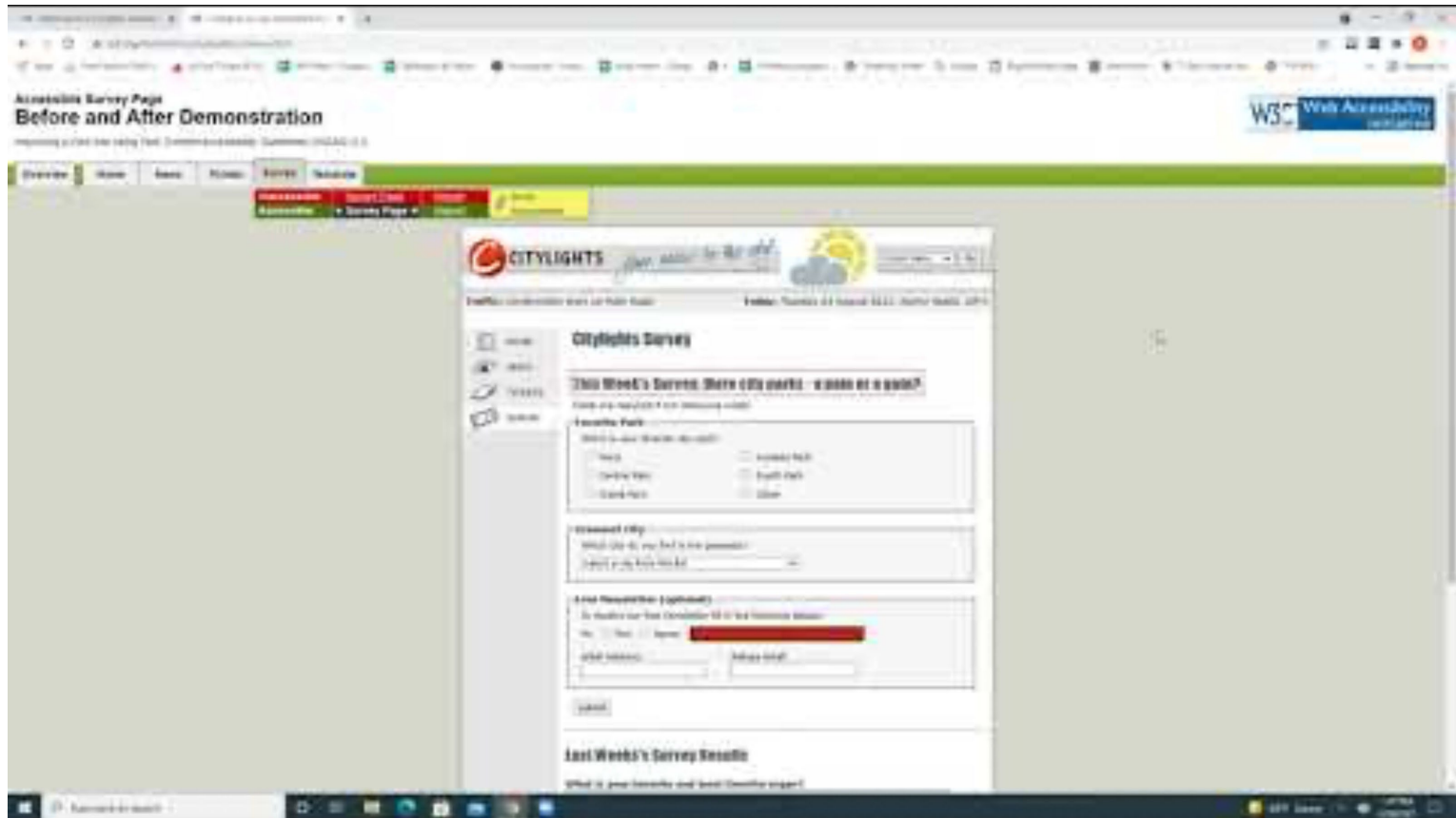"a public entity shall give primary consideration to the requests of individuals with disabilities"

# Accessible Communications Principles

# Best Practices

- Plain Language

- Multiple Formats

- Accessibility
  - For technology
  - For people who are print disabled

- Clearly Organized Information

- People First Language

- Accessibility Contact

# Screen Readers

# Plain Language

# Plain Language: What is it?

Definition:

The reader or listener is able to understand the information the first time they read or hear it

AND

The reader or listener is able to understand what action to take after they read or hear the information

# Why Plain Language?

- Helps everyone, not just people with disabilities

- Helps your organization communicate clearly and accessibly about the things your organization cares the most about

- Helps you increase trust with your audience, members and constituency

- Helps your organization grow your audience

- Helps people understand the action they need to take (e.g. how to access services, how to advocate, etc.

- Can increase efficiency because instructions and expectations are clear

## Before Plain Language:

Dear Clients,

Due to recent budget cuts made by the general assembly, we are having to cut our hours at GenericFoodBank. We know that this will be an inconvenience for many, but we are left with no other options.

Our new hours will be:
Monday-Friday – 9am to 2pm
Saturday and Sunday – 10am to 1pm

We hope you will understand our need to shorten hours and bear with us as we do our best to serve the community with the resources we currently have.

Sincerely, OrganizationExample

## After Plain Language:

Dear Clients,

**Important Update: Changes to Our Hours**

Due to recent budget cuts, we have to reduce our hours at GenericFoodBank. We know this may be hard for some people. We appreciate your understanding as we work to support the community with the resources available.

**Our new hours are:**
•**Monday to Friday:** 9 AM – 2 PM
•**Saturday and Sunday:** 10 AM – 1 PM

Thank you for your patience and support during this time. We're committed to helping as many people as possible.

Sincerely, OrganizationExample

# Plain Language Tips

- Use familiar language, not jargon

- Organize content in a way that makes logical sense

- Use descriptive headings

- Use active voice for clarity

- Break up text into manageable blocks

# Plain Language Resources

- The Arc of the US, Arc of Colorado, or your local chapter
- Digital.gov
- Plainlanguage.gov
- Center for Plain Language
- Selfadvocacyinfo.org

# Some Best Practices: Digital & Document Universal Design

# The Basics

- Plain language
- Accessible color contrast and fonts
  - Serif and sans serif
  - High contrast colors
- Describe or caption all images, charts, and graphics
- Have a clearly designated contact if someone needs something in an alternative format

# Low Contrast

**We're Hiring!**

# High Contrast

**We're Hiring!**

# Multiple Formats: Some Examples

Print materials (as opposed to digital)

Large print materials

Braille materials

Materials with color contrasts that are accessible

# Document Accessibility

- Some document formats are default inaccessible
  - PDFs are a great example
- For those documents, make sure that you use the software's accessibility tools (Microsoft Office has some great built-in tools, Google requires extensions, Adobe has a built-in tool that requires some work)
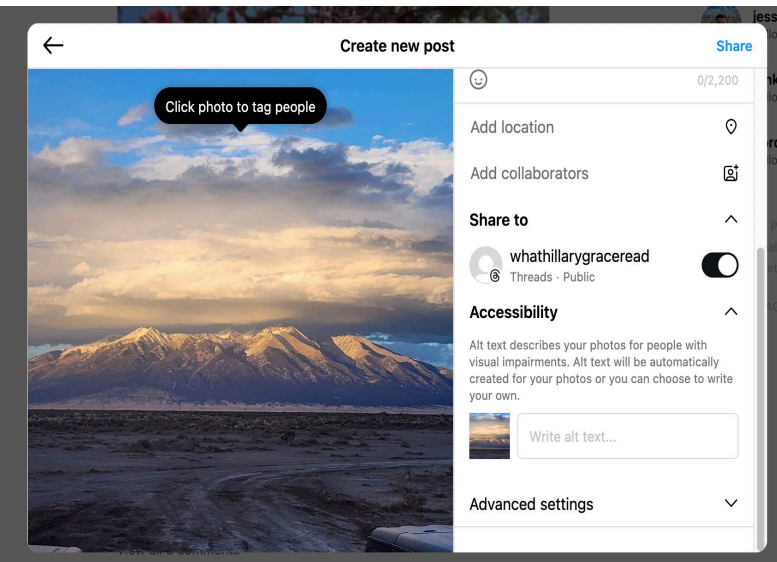- Don't rely solely on AI to generate image descriptions
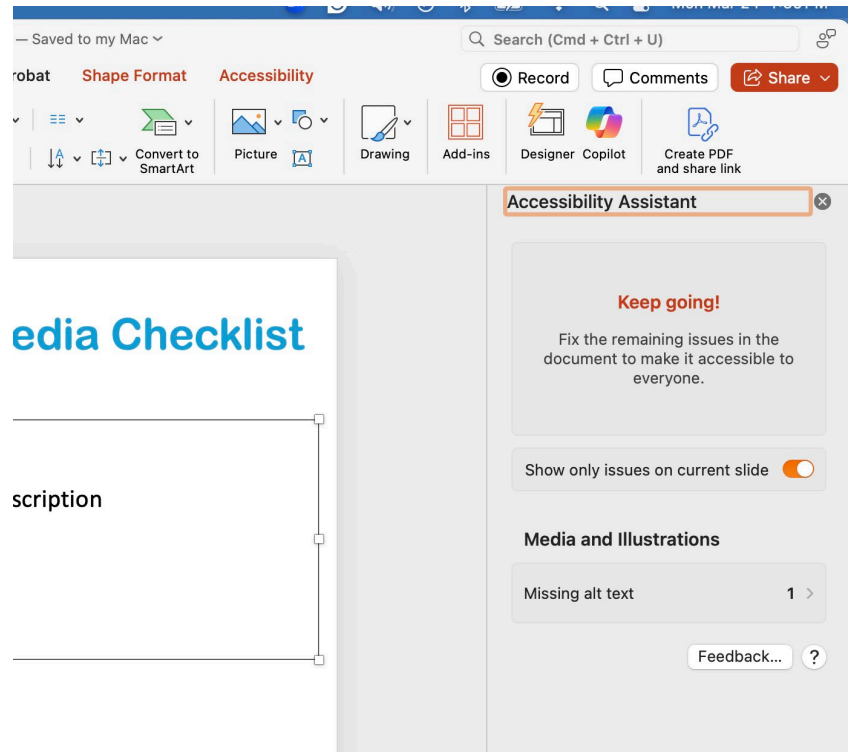
# Some Best Practices: Social Media

# Accessible Social Media Checklist

- ✓ Accessible font
- ✓ Alternative text and/or an image description
- ✓ Captions on all videos
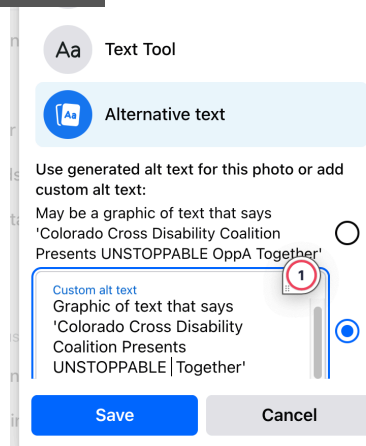- ✓ Limited use of emojis

# Some Examples: Alternative Text (ALT)

# Writing Image Descriptions

Example One: A photo of five dogs lounging in a kitchen. Three dogs, an older yellow lab, a black lab puppy, and a senior golden retriever stare directly into the camera. The other two dogs, which are rust-colored, look away from the camera.

Example Two: A photo of five dogs crowded around the photo taker (who we can't see) in various poses. Some are looking directly at the camera while others are looking away.

# Adding Captions to Videos

- Most social media platforms support captions in their video editor
- Third party video editing software also supports captions
- Technology has made captioning considerably easier, but you still need to have a human check any AI or automatically generated captions



Colorado Cross Disability Coalition is a statewide social justic...

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# Some Best Practices: Websites

# Websites: Same Principles, More Dynamic Circumstances

- Same principles, but more things to think about
- Additional accessible practices:
  - Things such as buttons, hyperlinks, click image to navigate, etc. are coded accessibly. Lots of the fun features on a lot of plug and play websites are not accessible.
  - Java, in general, is not accessible. You can get plug-ins to help make Java accessible, but it's not accessible on its own.
  - All drop down menus should be navigable via key strokes
  - Any uploaded documents should be accessible (reminder that PDFs are not accessible unless accessibility features are turned on)
  - Use key subject headings liberally
  - Audio and video should include subtitles and/or transcript

# Q+A

# Resources

# Screen Reader Tests

- [NVDA](#) offers a free screen reader that you can download and use to test documents
- The Illinois Department of Innovation and Technology has a good [guide](#) to testing your documents and websites for screen reader accessibility
- University of Washington [video](#) on website accessibility and screen readers

# Document Accessibility

- Software help center (Adobe, Microsoft, etc. all have tutorials on how to make their suite of documents more accessible)
- Colorado's Office of Information Technology accessible documents [guide](#)

# Accessible Websites

- Expand the Room [video](#) on accessible websites for non developers
- University of Washington [video](#) on website accessibility and screen readers
- Companies like accessiBI and WebAIM that offer accessibility plug-ins for purchase
- [ADA.gov](#) website accessibility page (unclear if this will continue to be updated)

# Remember

- ❖ Effort, not perfection
- ❖ Clearly organize, describe images and graphics, and always have an accessibility contact
- ❖ Never be afraid to ask!
- ❖ There are lots of resources

# Contact Information

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**COLORADO CROSS-DISABILITY COALITION**

*"Nothing About Us Without Us."*