

TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 9.04

April 2009

Overview

As the digital television (DTV) transition deadline of June 12, 2009 nears, this past month saw policymakers working to address the impact of the switch on people with disabilities. Of note was the Federal Communication Commission's (FCC) creation of a technical working group to evaluate and address closed captioning and video description issues related to the DTV transition. In addition, the FCC has stepped up its efforts to prepare the nation for the DTV transition by updating the federal DTV website, <http://www.dtv.gov>, to include more detailed information about the transition in users' local areas. The FCC has also teamed up with Consumers Union to produce a new guide to help prepare users for the DTV transition.

In other developments, the federal government is now putting into action the recently passed "**American Recovery and Reinvestment Act.**" The legislation, which appropriated \$787 billion for a variety of projects and programs throughout the nation, includes a provision for the creation of a national broadband plan. The FCC released a *Notice of Inquiry* this past month in order to begin the process of creating this plan, and it seeks comment specifically from the disability community, among the various stakeholders who have been engaged. Also related to the passage of the **Recovery Act**, the U.S. Access Board has issued some policy guidance on its website regarding the need for these projects to be accessible to people with disabilities. Of particular concern is ensuring that information technology projects comply with **Section 508** of the **Rehabilitation Act**.

Click the headings below to link directly to a particular section.

Legislative Activities[Recovery Act website](#)

[<http://www.recovery.gov>]

Access Board information on Recovery Act and Accessibility

[<http://www.access-board.gov/recovery>]

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Legislative Activities

Accessibility Required of Recovery Act Projects, Access Board Advises

03.30.2009 – The U.S. Access Board, an independent federal agency that oversees compliance with federal accessibility regulation, has provided policy guidance regarding the mandated accessibility of projects funded by the “**American Recovery and Reinvestment Act**” [**Public Law No. 111-5**], alternately known as the “stimulus package.” The Access Board notes that projects funded from the \$787 billion measure must comply with federal accessibility laws, including the **Americans with Disabilities Act (ADA)**, **Architectural Barriers Act (ABA)**, and **Rehabilitation Act**, as well as the various standards that have been issued under these acts, including ADA standards for facilities and transportation vehicles, ABA standards for federally funded facilities, and standards for electronic and information technology issued under **Section 508** of the **Rehabilitation Act**.

The Access Board offers more specific guidance on a variety of projects that may be funded by the **Recovery Act**, including facility construction and renovation, transportation systems, housing, streets and sidewalks, and outdoor environments and recreation facilities, and information technology.

Regarding the issue of information technology, the Access Board has observed that it is likely that **Recovery Act** money will be used to acquire or upgrade IT systems and infrastructure. Electronic and information technologies procured by federal agencies must be accessible under the **Rehabilitation Act (Section 508)** and meet the Board’s **Section 508** standards. These standards cover computer hardware and software, websites, phone systems, videos, copiers, and similar technologies. Non-federal entities are strongly encouraged to follow these standards voluntarily to make sure acquired technology is accessible. For more information on **Section 508**, the Access Board has a website at <http://www.section508.gov>.

[Sources: Access Board and Recovery.gov]

Additional Information:

[Recovery Act website](http://www.recovery.gov)

[<http://www.recovery.gov>]

[Access Board information on Recovery Act and Accessibility](#)

[\[http://www.access-board.gov/recovery\]](http://www.access-board.gov/recovery)

Regulatory Activities

Digital Closed Captioning, Video Description to Be Addressed by FCC Working Group

05.01.2009 – The FCC has announced the establishment of a technical working group to focus on matters of television programming accessibility for individuals with disabilities, especially those with hearing and visual impairments. The purpose of the group will be to conduct an assessment of closed captioning and video description issues associated with the transition to DTV, as well as to recommend to the FCC’s Consumer Advisory Committee (CAC) solutions to any technical problems associated with these services that have resulted from the transition. Specifically, the working group has been charged with meeting three goals, 1) identify current and anticipated problems with the transmission and display of digital closed captions and video description; 2) evaluate the closed captioning and video description capabilities of digital equipment; and 3) develop solutions to ensure that closed captions and video description are passed through intact to consumers.

The working group will be a subcommittee of the CAC. The members of the working group were appointed by and serve at the discretion of the Chairman of the FCC. Members of the working group include members from the broadcast, cable, satellite, and local exchange carrier video industries; manufacturers of consumer electronics; manufacturers of equipment used in or connected with the processing and encoding of closed captions and video description; consumer electronics retailers; closed captioning and video description providers; and consumers of closed captions and video description.

The Commission’s *Public Notice* on the technical working group contains more details about the issues to be addressed and a complete list of members. In addition, a tentative agenda for the group’s first meeting, to be held on May 18, 2009, is also included.

[Source: FCC]

Additional Information:

[Public Notice: Technical Working Group for Digital Closed Captioning, Video Description Issues \(MS Word and PDF available\)](#)

[\[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-995A1.txt\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-995A1.txt)

DTV Transition Efforts by FCC Ongoing

04.21.2009 – As the nation continues to prepare for the DTV transition deadline, scheduled to be completed on June 12, 2009, the FCC and other federal authorities are continuing their efforts to prepare the nation and ensure that consumers, including people with disabilities, are not left behind.

Most important this past month was a partnership by the FCC and Consumers Union (CU) to distribute a new consumer guide to help Americans prepare for the transition. In addition, the FCC has recently updated its DTV website, <http://www.dtv.org>, in order to provide consumers with more specific information capable of answering a wide variety of questions.

The booklet, which was produced by CU's *Consumer Reports* magazine, provides instructions, tips, and visual aids to help consumers make the switch to receiving digital signals. The booklet may be obtained from the DTV website, or by calling the FCC's DTV helpline at 1-888-CALL-FCC. It is also available at DTV walk-in help centers and mobile clinics. The updated website allows consumers to locate nearby support centers, obtain channel and contact information for local stations, find nearby DTV events, and determine which stations have already made the transition to all-digital broadcasting. Even more useful, consumers who enter a home address on the DTV reception map page are able to view which stations they should be able to receive once the transition is complete.

[Source: FCC]

Additional Information

[DTV Transition Website](http://www.dtv.gov)

[<http://www.dtv.gov>]

First Responders' Use of Broadband Communications Enhanced by FCC

04.09.2009 – The FCC adopted a *Report & Order and Further Notice of Proposed Rulemaking* (FCC 09-29), designed to expand and enhance first responders' deployment and use of broadband communication technologies in the 4.9 GHz band. The FCC took these actions in order to provide emergency responders with additional flexibility to communicate and share data.

In particular, the FCC granted primary status to 4.9 GHz stand-alone, permanent fixed links that are used to deliver broadband service (such as a fixed video surveillance link used to monitor high-risk facilities or environments). It also conferred the same status on permanent fixed links that connect 4.9 GHz base and mobile stations used to deliver broadband service (for such uses as supporting broadband communications at "hot-spots" and other fixed public safety broadband networks), as well as connect other public safety networks using spectrum designated for broadband use. These new rules will also better enable first responders to more easily share time-sensitive data and streaming video footage in emergencies or life-threatening incidents. In its rulemaking, the FCC also seeks comment on a number of related issues.

[Source: FCC]

Additional Information

[Report & Order and Notice of Proposed Rulemaking: First Responder 4.9 GHz Deployment \(MS Word and PDF available\)](#)

[\[http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-29A1.txt\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-29A1.txt)

National Broadband Plan Development Initiated by FCC

04.08.2009 – The FCC began the process of developing a national broadband plan this month, as mandated by the recent passage of the “**American Recovery and Reinvestment Act of 2009.**” To begin the process, the FCC adopted a *Notice of Inquiry* (FCC 09-31) that seeks input from all stakeholders, including the disability community. The FCC must then deliver the plan to Congress by February 17, 2010, for its consideration.

The plan will serve as a roadmap for ensuring that all Americans reap the benefits of broadband. Toward these ends, the **Recovery Act** mandates that the plan consider several key elements of broadband deployment and use. These issues on which the FCC seeks comment include, 1) the most effective and efficient ways to ensure broadband access for all Americans; 2) strategies for achieving affordability and maximum utilization of broadband infrastructure and services; and 3) evaluation of the status of broadband deployment. Especially relevant for people with disabilities is a fourth objective: how to use broadband to advance consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, worker training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.

Comments to the *NOI* are due by June 8, 2009, and reply comments are due no later than July 7, 2009.

[Source: FCC]

Additional Information:

[Notice of Inquiry: A National Broadband Plan for Our Future \(FCC 09-31\) \(MS Word and PDF available\)](#)
[\[http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-31A1.txt\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-31A1.txt)

Other Items of Interest

National Council on Disability Report on Federal Employment of People with Disabilities

03.31.2009 – The National Council on Disability (NCD) released a report entitled “Federal Employment of People with Disabilities,” which examines the status of people employed by the federal government and offers recommendations to improve the hiring and advancement of these employees with disabilities. In summary, the NCD report found that despite laws, regulations, policy guidance, and other mechanisms to promote employment opportunities for people with disabilities, the number of employees with disabilities within the federal government remains low. However, the report also finds

that increased recognition of key barriers to federal employment has created the opportunity for promising solutions to the problem.

Toward these ends, the NCD makes 10 recommendations. Five of the recommendations address the need for the Office of Personnel Management (OPM) to examine personnel practices that persist as barriers to hiring and advancing qualified people with disabilities. Four other recommendations call on Congress to request the Government Accountability Office (GAO) to conduct studies on Schedule A, supervisor practices, and the veterans' preference system, as well as to expand the authority of the Computer/Electronic Accommodations Program. One final recommendation, aimed at job seekers, encourages people with disabilities to take advantage of the information available on opportunities within the federal government.

[Source: NCD]

Additional Information:

NCD Paper: [Federal Employment of People with Disabilities \(PDF version\)](#)

[http://www.ncd.gov/newsroom/publications/2009/pdf/Federal_Employment_of_People_with_Disabilities.pdf]

NCD Paper: [Federal Employment of People with Disabilities \(MS Word version\)](#)

[http://www.ncd.gov/newsroom/publications/2009/Federal_Employment_of_People_with_Disabilities.doc]

Wireless RERC Updates

2009 State of the Technology Conference: Registration Open

03.01.2009 - The Wireless RERC reminds readers that registration is open for the **Wireless Emergency Communications State of Technology Conference**. This event will take place at the Georgia Tech Research Institute Conference Center in **Atlanta, Georgia, USA** on **September 21-23, 2009**. Don't miss this exciting opportunity to participate in interactive sessions, weigh in on federal policy initiatives, and view promising technology demonstrations.

Speakers will include representatives from:

CTIA-- Wireless Association

Coalition of Organizations for Accessible Technology

Federal Communications Commission

Gallaudet University

National Emergency Number Association

National Telecommunications Information Administration

Research in Motion

WGBH National Center for Accessible Media

Topics will cover:

Technological solutions for accessible emergency alerting.

Barriers and opportunities for emergency alerting.

User needs to achieve accessible emergency communications.

Policy and regulatory actions needed to achieve accessible wireless alerts.

Social networks and collaborations to promote accessible mobile wireless systems.

Inclusion of people with disabilities in emergency scenarios.

Emergency management technologies for connectivity to the disability community.

Deployment strategies by emergency management or public safety entities to provide emergency alerts over wireless networks.

Special networking events will provide attendees the opportunity to meet speakers, sponsors and connect with colleagues. There are limited slots for attendees, so register now! Web address: [<http://sot.wirelessrerc.org>]

If you have questions, please contact:

Salimah LaForce
Conference Coordinator, Wireless RERC
404-894-8297 (office)
404-791-9692 (mobile)

Hearing Aid Compatibility Videos: Choosing a Cell Phone that Works For You

03.01.2009 – The Rehabilitation Engineering Research Center on Wireless Technologies (Wireless RERC) and CTIA - The Wireless Association® announced the release of a new consumer education video series, "Hearing Aid Compatibility: Choosing a Cell Phone That Works For You." Available for viewing at [<http://www.AccessWireless.org>], these videos will help wireless consumers who use hearing aids to identify and choose a hearing aid-compatible (HAC) wireless device that meets their needs.

Each video outlines the key information consumers need to choose a HAC wireless device. The first segment presents general HAC and wireless device information as told by a certified audiologist. The second segment demonstrates a suggested "try and buy" process between a customer representative and a consumer at an actual wireless carrier's retail store.

CTIA's AccessWireless.org hosts the video series, which is accessible to visitors through captioning, audio description and both high- and low-resolution versions. This video series may also be used by wireless carriers as a training tool for sales and customer support staff. The video series was produced by the Wireless RERC with the support of the Alliance for Telecommunications Industry Solutions (ATIS), AT&T, Audiological Consultants of Atlanta, CTIA - The Wireless Association®,

Gallaudet University's Technology Access Program, the Hearing Loss Association of America (HLAA), Nokia, Research In Motion (BlackBerry ®), Samsung and T-Mobile USA, Inc.

Additional Information:

Hearing Aid Compatibility Videos: Choosing a Cell Phone that Works for You

[http://www.accesswireless.org/hearingaid/hac_video.cfm]

Wireless RERC Consumer Forum: My Wireless Review

[<http://www.mywirelessreview.com>]

Helena Mitchell and Salimah LaForce Present at INCLUDE 2009 Conference

04.05.2009 - Helena Mitchell, Ph.D. and Salimah LaForce gave two presentations at the 5th International Conference on Inclusive Design (INCLUDE 2009) at the Royal College of Art in London, on April 5-8, 2009. The conference, sponsored by the Audi Design Foundation, brought together academic researchers, practicing designers, consumer advocates and policymakers to create a dialogue concerning an inclusive approach to design practice, research and business.

Helena Mitchell presented "Accessible Wireless Alerts for People with Disabilities: Realizing New Ideas" (Helena Mitchell, Ph.D. and Salimah LaForce, Wireless RERC). This presentation focused on the summative findings from the Wireless RERC's Wireless Emergency Communications project to develop and field test a working solution for providing accessible emergency alerts on wireless devices.

Salimah LaForce presented "U.S. Regulation of Emergency Alerts: The Accessibility Aspect" (Helena Mitchell, Ph.D. and Salimah LaForce, Wireless RERC). This presentation discussed the progress of policy directives in promoting the inclusive design of a national alerting system, specifically focusing on the modernization of the Emergency Alert System (EAS) and the forthcoming Commercial Mobile Alert System (CMAS).

Additional Information

Helena Mitchell, Ph.D.: Accessible Wireless Emergency Alerts: Realizing New Ideas (PowerPoint)

[<http://www.cacp.gatech.edu/docs/INCLUDE2009FINAL.ppt>]

Salimah LaForce and Helena Mitchell, Ph.D.: U.S. Regulation of Emergency Alert Systems: The Accessibility Aspect (MS Word)

[http://include09.kinetixevents.co.uk/rca/rca2009/paper_final/F15_1485.doc]

Upcoming Events

Access Board Town Hall Meeting in Boston, May 28, 2009

The Access Board will hold a town hall meeting on **May 28, 2009**, at the Fairmont Copley Hotel in Boston. As part of its work as an independent government agency, the Board travels to a different city each year to hold a town hall meeting and open dialogue with the public on accessibility and the work of the Board. These events enable members of the public and interested parties to learn more about Board programs and initiatives and to share issues or questions concerning access to the built environment, transportation, communication, and information technology.

The upcoming meeting will provide a forum for general discussion and feature panel discussions on various topics, including promoting accessibility in design education, the work of the Massachusetts Architectural Access Board (MAAB), and museum exhibit design. For more information, please contact Kathy Johnson by e-mail at johnson@access-board.gov, or by telephone at 202-272-0041 (voice) or 202-272-0082 (TTY).

Additional Information

Announcement: [Access Board Town Hall Meeting](http://www.access-board.gov/news/boston.htm)
[<http://www.access-board.gov/news/boston.htm>]

DTV Transition

On **June 12, 2009**, all full-power broadcast television stations in the United States will stop broadcasting on analog airwaves and begin broadcasting only in digital.

Additional Information:

[What is DTV?](http://www.dtv.gov/whatisdtv.html)
[<http://www.dtv.gov/whatisdtv.html>]

[Converter Box Coupon Program](https://www.dtv2009.gov/)
[<https://www.dtv2009.gov/>]

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 editor, Nathan W. Moon [nathan.moon@cacp.gatech.edu] or Paul M.A. Baker, Ph.D., AICP, CACP Director of Research [paul.baker@cacp.gatech.edu].

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