

TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 10.1

December 2009 – January 2010

Overview

In this winter edition of the *TDPH*, we call attention to key developments on technology and disability policy for the months of December 2009 and January 2010. The Federal Communications Commission (FCC) was especially active during these last two months. In collaboration with the Federal Emergency Management Agency (FEMA), the FCC announced the development of a new technical standard to disseminate emergency alerts to mobile wireless devices. The standard is part of the creation of the Commercial Mobile Alert System (CMAS), which is a component of a larger deployment of the nation's next generation alerting system, the Integrated Public Alert and Warning System (IPAWS). In other activity, the Commission held a workshop to consider its ongoing review and prospective reform of the Video Relay System (VRS), with a focus on how to make the system more efficient, effective, and affordable. Finally, FCC's Enforcement Bureau issued an *Enforcement Advisory* on the matter of manufacturers and carriers' need to notify consumers with hearing impairments about accessible handsets. The advisory announced the details of the FCC's action against nine companies on this issue, and it reminded other carriers and manufacturers of their obligations under the law.

In other news, Sen. Jay Rockefeller (D-WV) introduced the "**Broadband Opportunity and Affordability Act**," a bill that would mandate a pilot program for a broadband service provision for the universal service program Lifeline, which helps low income Americans obtain lower cost access to telecommunications services. Currently, universal service programs such as Lifeline only cover telephone service, but the proposed legislation marks a step toward expanding the program's reach. In another story, the Department of Justice (DOJ) oversaw the adoption of agreements with four universities and colleges over their use of the Amazon Kindle DX in courses. Disability groups such as the National Federation of the Blind (NFB) have contended that the devices are not accessible to students with disabilities, and that their use by these institutions violates federal law under the Americans with Disabilities Act (ADA). In the agreements, the schools commit to continue their search for accessible technologies for all students

Legislative Activities

Broadband Covered in Senate Bill to Expand Universal Service

December 11, 2009 – Sen. John D. (Jay) Rockefeller IV (D-WV), chairman of the Senate Commerce Committee, introduced the “**Broadband Opportunity and Affordability Act,**” or **BOAA [S. 2879]**. The bill would direct the FCC to conduct a pilot program to expand the Lifeline program to include broadband service among its assistance provisions. Together, Lifeline and Link-Up are programs of the Universal Service Fund (USF) designed to help low income consumers, including people with disabilities, pay for basic telephone service through discounts and subsidies. However, the universal service programs do not pay for Internet service.

Sen. Rockefeller’s proposed legislation would create a two-year pilot program to expand the FCC’s Lifeline program to support the recurring cost of basic broadband service for eligible low-income households. In addition, it requests the FCC to provide Congress with a report on expanding the related Link-Up program to assist with the costs of securing computer equipment to start up broadband service. The FCC’s existing Link-Up program subsidizes the start up costs of beginning basic phone service for low-income consumers. [Source: Library of Congress]

Additional Information:

[Text of S. 2879: Broadband Opportunity and Affordability Act](http://thomas.loc.gov/cgi-bin/query/z?c111:S.2879:)
[<http://thomas.loc.gov/cgi-bin/query/z?c111:S.2879:>]

Department of Education, OSERS Proposed Budget for FY 2011 Released

February 01, 2009 – The President recently submitted his proposed budget for upcoming fiscal year 2011, which includes funding for all federal agencies. Of note is an increase in the budget for the Office of Special Education and Rehabilitative Services (OSERS) in the Department of Education. Many offices would see increased funding for their activities and services. For example, the National Institute of Disability and Rehabilitation Research (NIDRR) would receive an increase of \$2.7 million, from \$109.2 million in 2010 to \$111.9 million in 2011.

NIDRR’s activities improve the lives of people with disabilities through a comprehensive and coordinated program of research, demonstration projects, and related activities, including training of persons who provide rehabilitation services or conduct rehabilitation research. The increase in budget would support research projects related to vocational rehabilitation and rigorous evaluations of programs and activities authorized under the Rehabilitation Act. Many other offices in OSERS would see similar increases in funding for their work. [Source: U.S. Department of Education]

Additional Resources:

[U.S. Dept. of Education, OSERS: Proposed Budget for FY 2011](#)

[\[http://www2.ed.gov/about/overview/budget/budget11/summary/edlite-section3b.html\]](http://www2.ed.gov/about/overview/budget/budget11/summary/edlite-section3b.html)

Regulatory Activities

Amazon Kindle DX at Center of Agreements Between DOJ and Four Universities

January 25, 2009 – The U.S. Department of Justice announced agreements with four universities, under the Americans with Disabilities Act (ADA), involving those schools' continued use of the Amazon Kindle DX electronic reader. At issue in this case was a pilot program at Arizona State University, in which students in an honors course in the history of human culture and thought were provided with the e-book readers that had the required texts preloaded. The university's use of the readers led to a lawsuit filed by the National Federation of the Blind (NFB), which alleged that the Kindle's inaccessibility to blind students was a violation of federal law.

The suit led to a settlement, brokered by the DOJ, which holds that ASU "will strive to use devices that are accessible to the blind" should it decide to use electronic readers in the future. Several days later, the DOJ announced agreements with three other schools, Case Western Reserve University in Cleveland, Pace University in New York City, and Reed College in Portland, Oregon, all of which faced similar issues. The agreements noted that the institutions "will not purchase, recommend, or promote use of the Kindle DX, or any other dedicated electronic book reader, unless the devices are fully accessible to students who are blind and have low vision." Amazon has announced that it is currently at work on features to make the Kindle more accessible to users with visual impairments. [Sources: U.S. Department of Justice, CNET, ABC News]

Additional Information:

Press Release: DOJ Reaches Settlements Regarding Electronic Book Readers

[\[http://www.justice.gov/opa/pr/2010/January/10-crt-030.html\]](http://www.justice.gov/opa/pr/2010/January/10-crt-030.html)

Enforcement Action by FCC on Digital Wireless Service for Hearing Impaired

January 15, 2010 – The FCC's Enforcement Bureau has issued an *FCC Enforcement Advisory* (DA 10-93) that outlines recent action against several companies because of their alleged failure to provide information that helps people with hearing impairments fully utilize wireless phone services. The FCC requires that most digital wireless handset manufacturers and wireless service providers make available a minimum number of hearing aid compatible handsets. The FCC also requires these manufacturers and service providers to make periodic status reports and to post specific information on their public web sites. This information ensures that consumers have access to up-to-date information on the availability of those handsets and allows the Commission to monitor compliance.

The Enforcement Bureau concluded that a number of companies were found to violate these reporting and posting requirements. In response, it proposed forfeitures totaling \$87,000 against seven of them, and citations against two others. The *Enforcement Advisory* outlines the Bureau's judgment and explains what the companies will need to do in order to resolve the situation. It is also meant as a public notice to reiterate the consequences for noncompliance. [Source: FCC]

Additional Information:

[FCC Enforcement Advisory on Digital Wireless Service and Hearing Disabilities \(MS Word and PDF available\)](#)

[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-93A1.txt]

FEMA and FCC Adopt Standards to Mobile Wireless Emergency Alerts

December 07, 2009 – As part of its development of the Integrated Public Alert and Warning System (IPAWS), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) and the FCC announced new technical standards to help relay emergency alerts to mobile devices. More specifically, FEMA and the FCC have adopted design specifications for the development of a gateway interface that will enable wireless carriers to provide its customers with timely and accurate emergency alerts and warnings via their cell phones and other mobile devices.

IPAWS is being designed as the nation's next generation system of networks for emergency alerts and warnings. One of the many projects within IPAWS is the development of a Commercial Mobile Alert System (CMAS) for transmitting 90 character text messages regarding imminent threats to life and property, Amber alerts, and Presidential emergency messages to mobile phones and other wireless devices. With the new standards in place, participating mobile service providers will develop, test, and deploy the system over the next 28 months, with the intention of bringing the service to the public, including people with disabilities, by 2012. [Source: FCC]

Additional Information:

[Press Release: FCC/FEMA Standards for Mobile Wireless Emergency Alerts \(MS Word and PDF available\)](#)

[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-295038A1.txt]

Video Relay Reform Focus of FCC Workshop

December 17, 2009 – The FCC held a workshop as part of its ongoing review of the Video Relay Service (VRS), and the Commission's commitment to ensuring its efficiency, effectiveness, and continued funding. In particular, the workshop considered three main issues. First, the FCC sought to understand the most efficient way to deliver VRS, particularly whether the service should remain a competitive service or be provided via competitive bidding. Second, it took up the matter of establishing a fair, efficient, and transparent compensation methodology. Finally, the Commission

explored mechanisms for combating waste, fraud and abuse, addressing service rules, as well as addressing technical matters such as interoperability, ten-digit numbering, and emergency call handling.

The FCC was represented by Mark Stone and Michael Jacobs of the Consumer and Governmental Affairs Bureau (CGB) and Gregory Hlibok of the Disability Rights Office (DRO). Panelists included Jim Tobias of Inclusive Technologies, Karen Peltz Strauss of the Coalition of Organizations for Accessible Technology (COAT), Claude Stout of Telecommunications for the Deaf, Inc. (TDI), and five other individuals representing both universities, state agencies, disability service providers, and consumer associations. [Source: FCC]

Additional Information:

[Agenda of FCC Workshop on VRS Reform \(MS Word and PDF available\)](#)

[\[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-295208A1.txt\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-295208A1.txt)

Other Items of Interest

Georgia GCCD Sponsors “Making a Difference Discovery Day”

December 16, 2009 - The Georgia Governor's Council on Developmental Disabilities (GCCD) held its Ninth Annual “Making a Difference Discovery Day” at the Renaissance Concourse Hotel Atlanta, December 16, 2009. The theme for this year’s meeting was “Making Accessible Travel and Tourism a Reality in Georgia.” Representatives from state and local government were present, as well as individuals from private industry, advocacy groups, and the research and academic community. Keynote Speaker Eric Lipp, founder and executive director of Chicago’s Open Doors Organization, talked about his experience producing the “Easy Access Chicago” guide for accessible travel and tourism. Travel and tourism is the second largest industry in Georgia, representing approximately \$34 billion in revenue annually. Private companies represented at the meeting included Hartsfield-Jackson Atlanta Airport, International Hotel Group, Delta Airlines, IBM, and others.

An emerging coalition of private and public organizations dedicated to promoting the use of information and communications technology (ICT) to enhance social participation by people with disabilities was also present for the event. Known as the Georgia Alliance for Inclusive Technologies (GAIT), the group has begun conceptual work for a guide to accessible travel and tourism in Georgia. Members of GAIT and the United Nations-sponsored and Atlanta-based Global Initiative for Inclusive Information and Communications Technology (G3ict) provided some of the impetus for the 2009 Making a Difference Discovery Day event. In addition, Bruce Walker, director of Georgia Tech’s Sonification Lab and a project director for the Wireless RERC, was one of the speakers. John Morris

and Ben Lippincott, also of the Wireless RERC, attended the meeting and are prospective contributors to the GAIT/G3ict's upcoming accessibility guide. [Sources: Wireless RERC and Georgia GCCD]

Wireless RERC Updates

Take the Online Accessibility Resources Survey, until March 31, 2010, Win a Free iPod Nano

January 31, 2010 - In 2004, Consumer Advisors asked the Wireless RERC for help in choosing among available wireless products and services. So we developed the popular online and pocket guide, "Your Guide to Choosing a Cell Phone." Today, there are several online guides to help. Which are most useful? Would a "guide to the guides" be helpful? We invite you to take a tour of these sites with us, tell us what you think of them, and register to win an iPod Nano.

The Wireless RERC has a set of wireless resources at its website. By visiting **both** of the **General resources**, **all four** of the **Wireless Carrier resources**, **at least four** of the **Wireless Manufacturer resources**, and **filling out our short online survey**, you will be entered into a drawing to **win an iPod Nano**. Participation in the survey is not required to enter the drawing. Just provide your contact information for a chance to win. The survey will take approximately 15 - 20 minutes and will help determine how useful these resources are to people with disabilities. Deadline for entry is 3/31/09.

For more information, please visit: [<http://www.wirelessrerc.org/news/take-the-2010-online-resources-survey/view>].

Upcoming Events

CSUN Conference on Technology and Persons with Disabilities

March 22, 2010 – March 27, 2010 – The 25th Annual International Technology and Persons with Disabilities Conference, hosted by California State University, Northridge, will be held at the **San Diego** Manchester Grand Hyatt Hotel, on **March 22-27, 2010**. For more information about the conference, please visit the CSUN Center on Disabilities website at [<http://www.csunconference.org/index.cfm?EID=80000218>].

[Source: CSUN Center on Disabilities]

RESNA 2010 Annual Conference

June 26, 2010 - June 30, 2010 – The Rehabilitation Engineering Society of North America (RESNA) will hold its annual meeting from **June 26-30, 2010**, at the Red Rock Spa in **Las Vegas**. The meeting site will also host the associated International Symposium on Quality of Life Technology. For more

information about the conference, including details on how to register, please visit [<http://www.resna.org/conference/index.php>]. [Source: RESNA]

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Technology and Disability Policy Highlights 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 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 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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