

TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 9.05

May 2009

Overview

With the completion of the digital television (DTV) transition on June 12, 2009, this past month was notable for the final efforts to prepare the nation for the switch. In order to reach American citizens, including people with disabilities, who may not be ready for the end of analog broadcasting, the Federal Communications Commission (FCC) conducted a "soft test" that briefly simulated how unprepared households would be affected by the transition and provided information on how to receive over-the-air digital signals. Also of note in May was the FCC's release of information on informal consumer complaints specific to people with disabilities. Separately, the Census Bureau released new and updated statistics on people with disabilities in the United States.

In other developments, the "**ADA Notification Act of 2009**" was introduced in the House of Representatives. This bill, versions of which have been introduced in previous sessions, provides up to a 120-day period for correcting alleged violations of the **Americans with Disabilities Act** (ADA) before complainants could file suit in court. In another important story, the American National Standards Institute (ANSI) released its final report on emergency preparedness for people with disabilities. The report augments ongoing efforts to ensure that individuals with disabilities are included in emergency planning and communications.

Legislative Activities

"ADA Notification Act" Introduced in House

05.13.2009 – Rep. Duncan Hunter (D-CA) introduced the **"ADA Notification Act of 2009" [H.R. 2397]** in the House of Representatives. The bill would amend Title III of the ADA, which covers public accommodations, commercial facilities, and private entities, to require individuals filing an accessibility complaint to provide a written notice to the defendant of the alleged violation. The notice would be required to contain the facts of the alleged violation, including the place and date that it occurred. After receipt of the letter, the defendant would have 90 days, as well as a possible 30-day extension, to take corrective action before the complainant could pursue any legal action.

Versions of this bill have been introduced over the past decade. Its supporters contend that the law would reduce unnecessary lawsuits regarding ADA compliance. However, groups opposed to the legislation, particularly disability rights groups, argue that such a law would impose an unfair and unusual burden on people with disabilities for seeking remedies in enforcing a longstanding federal law.

[Sources: Library of Congress, United Cerebral Palsy]

Additional Information:

[Text of "ADA Notification Act" \[H.R. 2397\]](#)

[<http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.2397:>]

Regulatory Activities

DTV Transition Completion Just Weeks Away, Efforts by FCC Ongoing

05.22.2009 – As the nation continues to prepare for the DTV transition, scheduled to be completed on June 12, 2009, the FCC and other federal authorities are continuing to prepare the nation and ensure that consumers, including people with disabilities, are not left behind. As part of its efforts, the FCC conducted a DTV "soft test" on May 21, 2009. Aimed at television viewers who still receive programming through analog signals, the "soft test" involved brief interruptions to the regular programming of these viewers to warn them that they not prepared for the transition. The interruptions, which lasted between two and five minutes at intervals through the day, did not affect viewers receiving programming over digital signals. The "soft tests" were designed to simulate partially what viewers would experience once the DTV transition is complete.

In response to the "soft test," the FCC reported the following day that it had received over 55,000 calls from consumers. Prior to the test, the Commission's help line had received an average of only 15,000 calls per day. The greatest percentage of calls received by the FCC, almost 44 percent, related

to the converter box coupon program. Other pertinent issues included reception and technical problems and converter box setup. The greatest volume of calls originated in the Chicago media market, followed by New York and Dallas-Ft. Worth. Nationwide, Nielsen estimated that about 3.3 million households, 2.9 percent of U.S. households with televisions, were still unready for the transition as of May 10. In the final weeks before the completion of the transition, the FCC will be increasing its assistance efforts to ensure consumers are prepared for the end of analog broadcast service for full-power television stations.

[Source: FCC]

Additional Information

[Data from FCC's May 21 "Soft Test" \(MS Excel and PDF formats available\)](#)

[\[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-290932A2.txt\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-290932A2.txt)

Report on Informal Consumer Complaints by People with Disabilities Released by FCC

05.06.2009 – As part of its reporting on informal consumer complaints, the FCC's Consumer & Governmental Affairs Bureau released information on complaints processed by the Disability Rights Office (DRO) during the fourth quarter of 2008. In particular, DRO is concerned with five categories: 1) access to telecommunications service and equipment (**47 U.S.C. § 255**, i.e. **Section 255**); 2) telecommunications relay service (TRS) (**47 U.S.C. § 225**); 3) closed captioning (**47 C.F.R. § 79.1**); 4) accessibility of video programming providing emergency information (**47 C.F.R. § 79.2**); and 5) hearing aid compatibility (**47 U.S.C. § 610**).

During the fourth quarter of 2008, DRO received 30 informal complaints regarding **Section 255**; 38 complaints related to TRS issues; 80 complaints dealing with closed captioning; four complaints involving the accessibility of video programming providing emergency information; and two complaints on hearing aid compatibility issues. The FCC commonly receives informal complaints that do not involve violations of the **Communications Act** or Commission rules, nor does a complaint necessarily indicate wrongdoing by the company at issue.

[Source: FCC]

Additional Information:

[Report: Informal Complaints Regarding Telecommunications Access to People with Disabilities](#)

[\[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-290584A1.txt\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-290584A1.txt)

Other Items of Interest

ANSI Emergency Preparedness Report Regarding People with Disabilities

05.21.2009 – The American National Standards Institute’s (ANSI) Homeland Security Standards Panel (HSSP) recently published a Workshop Report on the need for standards-based solutions to address the needs of people with disabilities during emergencies. The report is based on the ANSI-HSSP Workshop on Emergency Preparedness for Persons with Disabilities and Special Needs, held this past February at Gallaudet University in Washington, D.C. Over 100 public and private sector participants discussed real-life examples of evacuation of people with disabilities from recent events, the strengths and weaknesses of existing standards, and priorities in creating standards for emergency preparedness.

Specifically, the report finds a need for the inclusion of the disability community in the development of emergency/disaster exercises, planning scenarios and response actions, and standards-based solutions. The ANSI report also stresses a need to educate the public about how disability affects everyone’s life, either temporarily or permanently because of age, illness, or injury; a need to develop standards for emergency evacuation devices; and the improvement of post-emergency evacuation procedures and considerations for people with disabilities. Following up on the outcomes of the conference and report, ANSI has indicated that it will form a task group to engage the disability community to identify and prioritize specific needs, which include public education, enhanced federal policy, and transportation-related issues. It will also work to develop input to code-developing organizations and state, local, and government agencies for use in their policy development procedures.

[Source: ANSI]

Additional Information:

Press Release: [ANSI-HSSP Workshop Report on Emergency Preparedness for Persons with Disabilities](http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=2200)
[http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=2200]

[ANSI-HSSP Final Workshop Report \(PDF format, also available as ASL video\)](http://publicaa.ansi.org/sites/apdl/Documents/News%20and%20Publications/Links%20Within%20Stories/Final%20Workshop%20Report%20Persons%20with%20Disabilities%2005-07-09.pdf)

[<http://publicaa.ansi.org/sites/apdl/Documents/News%20and%20Publications/Links%20Within%20Stories/Final%20Workshop%20Report%20Persons%20with%20Disabilities%2005-07-09.pdf>]

Census Bureau Releases Updated Statistics on People with Disabilities

05.26.2009 – In advance of the July 26 anniversary of the ratification of the ADA, the U.S. Census Bureau has released updated statistics on people with disabilities in the United States. Some of the data provided in this report comes from previous reports, such as the 2007 American Community Survey, while some of it is new. The Census Bureau finds that 41.2 million Americans has a disability, which represents 15 percent of the non-institutionalized civilian population aged five and older. Regarding specific disabilities, 1.8 million Americans over 15 years old are unable to see printed words or are blind, and 1 million Americans report not being able to hear conversations at all or deafness.

Two-and-a-half (2.5) million citizens have some sort of communication impairment, with 431,000 unable to have their speech understood at all. Finally, 16.1 million Americans have some sort of cognitive impairment, or emotional or mental illness, that interferes with their daily activities.

Around 13.3 million people between 16 and 64 years old report having a medical condition or disability that makes it difficult to find a job or remain employed. Among Americans with disabilities between the ages of 21 and 64, 46 percent were employed in the last year, as compared with 84 percent among non-disabled people. Among individuals 21 to 64 with difficulty hearing, the employment rate is 59 percent, while it is 41 percent for people with difficulty seeing.

[Source: U.S. Census Bureau]

Additional Information:

[U.S. Census Bureau: Americans with Disabilities](#)

[[http://www.census.gov/Press-](http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/013739.html)

[Release/www/releases/archives/facts_for_features_special_editions/013739.html](http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/013739.html)]

NCTI Presents Findings of State-of-the-Art Assistive Technology and Training Survey

05.28.2009 – The National Center for Technology Innovation (NCTI) presented the findings from its State-of-the-Art Assistive Technology and Training survey. The survey was prompted by the observation that Individuals with Disabilities Education Act (IDEA) Part B Recovery funds could be used to obtain “state-of-the-art assistive technology devices and training.” It asked 65 key stakeholders in assistive technology research, development, implementation, and policy how they defined “state-of-the art” AT devices and training.

Regarding “state-of-the-art” devices, the highest percentage of respondents, 31 percent, emphasized “convergence of tools/updated technology.” Other answers, in order, included “customizability/universal design for learning” (25%), “portability/promotes independence” (16%), “research or evidence-based” (15%), and “interoperability” (13%). Regarding “state-of-the-art” training, emphasis was placed on “hands-on” (24%), “expert-led and client-centered” (21%), “focused on implementation” (19%), “ongoing” (15%), “via distance or online” (13%), and “adult learning and research strategies” (8%) as key approaches.

[Source: NCTI]

Additional Information:

[NCTI's State-of-the-Art AT Technology and Training: Survey Results](#)

[<http://www.nationaltechcenter.org/index.php/2009/05/22/state-of-the-art-at-and-training-share-your-thoughts-and-ideas>]

***Technology in the Works* Winners for 2009 Announced, 2008 Project Showcased**

05.05.2009 – NCTI also announced the winners for its 2009 *Technology in the Works* competition this month. This project pairs together teams of researchers and vendors to examine the impact of assistive technology on students with disabilities, while also improving educational results for all students. The \$15,000 award, given to each of the four teams, emphasizes rapid research and outcomes to improve the technological needs of people with disabilities. The winners for 2009 include “Touching the Future with a Spark: How iPod Touches and Studywiz Spark Facilitate the Learning of At-Risk Students” (researchers from University of Michigan, University of Michigan-Dearborn, and vendor Etech Group North America); “Developing Number Sense” (researchers from Simmons College and EdTech Solutions and vendor Cambium Learning Technologies); “Look Mom, No Hands: The NIA as an Alternative Computer Interface (researcher from Wright State University and vendor Brain Actuated Technologies); and “Enabling More Effective Use of the Web Anywhere with WebAnywhere and Trailblazer” (researcher from the University of Washington and vendor IBM Almaden Research Center).

In addition, the NCTI highlighted one of its 2008 winners, “Point and Chat Software,” a project led by Jeff Higginbotham, Ph.D., Professor and Director of the Signature Center on Excellence in Augmented Communication at SUNY-Buffalo, and Benjamin Slotznik, J.D., Ph.D., President of Point-and-Read, Inc. Their project was an effort to develop instant messaging (IM) capabilities on alternative and augmentative communications (AAC) platforms, opening up a new means of communication for users of these devices.

[Source: NCTI]

Additional Information:

2009 Winners of NCTI *Technology in the Works* Competition

[<http://www.nationaltechcenter.org/index.php/funding/tech-in-the-works/2009-tech-in-the-works/awardees>]

"Instant Messaging for AAC Users: Cool Heads and Collegiality Prevail"

[<http://www.nationaltechcenter.org/index.php/2009/05/05/im-for-aac-users>]

Updated Vision and Hearing Impairment Simulator from University of Cambridge

05.20.2009 – The University of Cambridge’s Engineering Design Centre has released an updated version of its Vision and Hearing Impairment Simulator as part of the center’s larger Inclusive Design Toolkit. The simulators present common effects of various hearing and vision impairments utilizing image and sound files accessed by the user and applied to any computer desktop. For example, one file simulates the effects of macular degeneration by reproducing dark splotches on the computer desktop that mirror the loss of vision in the center of the visual field and its attendant blurriness.

A free 14-day trial for the simulator is currently available. The minimum order of 3 activation codes costs £200 + VAT, and discounts are available for bulk orders.

[Source: Engineering Design Centre, University of Cambridge]

Additional Information:

[Inclusive Design Toolkit: Impairment Simulators](#)

[<http://www.inclusivedesigntoolkit.com/betterdesign/downloads/impairmentsims/impairsim4.html>]

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:

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Conference Coordinator, Wireless RERC
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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]

Upcoming Events

RESNA Annual Conference in New Orleans, June 23-27, 2009

The Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) will be holding its annual meeting at the Sheraton New Orleans Hotel, in New Orleans, on June 23-27, 2009. The first two days of the conference will feature instructional courses and the popular RESNA Fundamentals Course in Assistive Technology. This two-day course provides interested individuals with an overview of the numerous areas of assistive technology and is also designed to broaden the knowledge of AT professionals. June 25-27 will feature numerous workshops and platform sessions, as well as exhibition halls.

For information on how to register and for a copy of the program, please visit the RESNA website provided below

Additional Information

[RESNA 2009 Conference Website](http://www.resna.org/conference/index.php)

[<http://www.resna.org/conference/index.php>]

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/>]

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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