

Introduction to this issue:

Disability, Public Policy, and Technology

The Americans with Disabilities Act (ADA) of 1990 launched a new era for individuals with disabilities. This law, considered by many to be the Civil Rights Act for people with disabilities, prohibits employment discrimination and generally requires equal access for individuals with disabilities (O'Day, Scharz, & Blanck, 2002).

The prior special issue, 20(6), of *Behavioral Sciences and the Law* examined the barriers facing persons with disabilities in achieving employment integration, self-sufficiency, and economic independence. This special sub-issue examines a complementary topic, the emerging and central importance of accessible technology and Internet access to integrated employment and independence for individuals with disabilities.

American society has changed dramatically in the 13 years since the passage of the ADA. People are more dependent on computers and technology for information, employment, education, support, and recreation. Every day, millions of people use the Internet. From their homes, offices or even cafes, people research, purchase products, search for jobs, participate in distance learning, and contact friends and family.

The articles in this special sub-issue highlight the central importance of accessible technology, the Internet, and computers to the daily lives of persons with disabilities and to evolving disability policy and law. Individuals with hearing impairments or who are blind do not need interpreters or aids to do business on accessible Internet sites. Individuals who use wheelchairs and walkers do not have to worry about whether there are ramps and elevators to shop online.

Yet, individuals with disabilities are far less likely than individuals without disabilities to own computers at home or to access the Internet (see Kaye, 2002). Even with access to computers, many individuals with disabilities, such as those with sensory or motor skill disabilities, require “assistive technology” or special computer software and hardware to access the Internet.

Despite the progress in making society more accessible in the years since the passage of the ADA with the elimination of many physical barriers in streets, buildings, and public transportation, the Internet community remains inaccessible for many individuals with disabilities. Internet “accommodation” takes a variety of forms. For some individuals, accessibility may include adequate color contrast, the ability to identify images on the screen, or features that allow the print to be enlarged.

Many web sites do not have the essential features necessary for individuals with disabilities to effectively use the web site despite the user's assistive hardware or software. A recent study of federal websites after implementation of Section 508 of

the Rehabilitation Act (the technology access accessibility law applicable to the federal government) reports that only 13.5% of the websites surveyed were fully accessible (Stowers, 2002).

The inaccessibility of the Internet became a legal issue in 1999 when the National Federation of the Blind (NFB) filed a lawsuit alleging that America Online, Inc. (AOL) was violating the ADA by not making its online services accessible to blind users (*NFB v. AOL*, 1999). In the lawsuit, NFB alleged that AOL was a “place of public accommodation” under Title III of the ADA and, therefore, AOL’s failure to make its services readily accessible to visually impaired individuals was prohibited discrimination under the ADA.

Although NFB and AOL eventually settled their dispute, left unresolved was whether private websites and online services are “places of public accommodation” covered under ADA Title III, and thereby subject to its antidiscrimination provisions (for a full discussion, see Blanck and Sandler, 2000). Recently, a Florida federal trial court ruled that an airline’s private Internet site was not a place of public accommodation covered by the ADA (*Access Now, Inc., v. Southwest Airlines, Co.*, 2002).

The first article in this special sub-issue by Ritchie and Blanck investigates the provision of web-based services and accessibility of websites of Centers for Independent Living (CILs). Ritchie and Blanck find that CILs are increasingly providing peer counseling, advocacy, independent living skills, and information and referral services via the Internet. Their review of 200 CIL Internet sites concludes that these websites often include accessibility features, but that the majority of sites need improvement and maintenance to become and remain fully accessible.

In the next article, Klein and his colleagues examine high school website accessibility throughout the State of Iowa. They find that many high school websites are not accessible, but could easily be made so. The authors discuss issues that web developers may consider, as well as theories on web accessibility, to enhance the educational experience and inclusion of young adults with varying disabilities.

In the final article, Blanck, Ritchie, Schmeling and Klein describe a new partnership between the Law, Health Policy and Disability Center (LHPDC) and the Independent Living Research Utilization (ILRU) on the project “Technology for Independence: A Community-Based Resource Center (CBRC).” Over a five year period, the CBRC will enhance the capacity of community-based and consumer directed disability organizations to design, implement, and disseminate research activities and projects that promote environmental access and use of technology for independence.

Together, the articles in this special sub-issue illustrate the importance of accessible and affordable information technologies to people with disabilities in all aspects of daily life. Research on the technological, policy, economic, and organizational barriers to full inclusion into society for persons with disabilities is crucial (Blanck & Scharzt, 2001). We believe that the articulation of this information will shape the lives of the next generation of children with disabilities who have experienced integrated education and who will become part of 21st century America.

Helen A. Scharzt, Ph.D., J.D., Bonnie O’Day, Ph.D.,
and Peter Blanck, Ph.D., J.D.

REFERENCES

- Access Now, Inc., v. Southwest Airlines, Co., 2002 WL 31360397, 15 Fla. L. Weekly Fed. D 591 (S.D.Fla. Oct 18, 2002).
- Blanck, P., & Sandler, L. A. (2000). ADA title III and the internet: technology and civil rights. *Mental and Physical Disability Law Reporter*, 24(5), 855–859.
- Blanck, P. D., & Scharztz, H. A. (2001). Towards reaching a national employment policy for persons with disabilities. In R. McConnell (Ed.), *Switzer Seminar Monograph Series. Emerging Workforce Issues: W.I.A., Ticket to Work, and Partnerships* (pp. 1–10). Alexandria, Va: National Rehabilitation Association.
- Kaye, H. S. (2002). Improved employment opportunities for people with disabilities, *Disability Statistics Report 17*. Washington, DC: U.S. Dept. Education, NIDRR.
- National Federation of the Blind v. America Online, Inc. 1999, No. 99CV12303EFH (D. Mass. Filed Nov. 4, 1999).
- O'Day, B., Scharztz, H. A., & Blanck, P. (2002). Introduction to this special issue: disability, public policy, and employment. *Behavioral Sciences and the Law*, 20(6), 1–3.
- Stowers, G. (2002). *The state of federal websites: The pursuit of excellence*. San Francisco State University, Public Administration Program. Retrieved October 22, 2002, from <http://www.endowment.pwcglobal.com/pdfs/StowersReport0802.pdf>