

Accessible Websites Make Good Legal and Business Sense

By Virginia Jacko

A growing number of courtrooms throughout America are hearing lawsuits brought by visually-impaired and hearing-impaired plaintiffs, alleging that specific commercial websites have violated their rights under Title III of the Americans with Disabilities Act (ADA) because they cannot access them.

Although judges' decisions have varied in past cases and some appeals are pending, a very simple question arises from these disputes. Why would any profit-motivated, reputation-conscious establishment take the risk of offending millions of consumers with disabilities, their families and friends when resolution of the website accessibility issue is readily available?

Visually-challenged Internet users rely on a variety of assistive technologies, including large-print software, braille output devices and page-reading software, to access digital content. However, many of today's private- and public-sector websites are improperly designed or coded to accommodate these specialized tools, rendering their digital content inaccessible to the visually impaired.

For hearing-impaired Internet users, the issue is video and other content with sound that lacks closed captioning options. Since they cannot hear this content, they are being prevented from receiving potentially relevant information.

As a direct result, the visually impaired and hearing impaired are often prevented from taking advantage of such common Internet conveniences as online shopping, banking, bill paying, learning and other interactive services. Nearly all of the incompatibilities that bar assistive technologies and closed captioning can be replaced by implementing alternate programming languages and designs. Yet many businesses and other website owners are hesitant to dedicate the time and expense to ensure full inclusion on their sites. In some cases, establishments prefer



to dedicate their energies and resources to legal action rather than issue resolution, a lose/lose decision for any company concerned about its public image.

It is noteworthy that the U.S. Department of Justice filed a Statement of Interest in one recent Florida case, *Gil v. Winn-Dixie*, asserting that ADA "Title III applies to discrimination in the goods and services 'of' a place of public accommodation, rather than being limited to those goods and services provided 'at' or 'in' a place of accommodation." Therefore, the Justice Department concludes that Title III accessibility requirements are equally applicable in the digital world.

The "gold standard" of website accessibility rules is the Web Content Accessibility Guidelines (WCAG), developed by the World Wide Web Consortium. WCAG benchmarks have been adopted by thousands of progressive e-commerce businesses and by the federal government. By following WCAG recommendations, any establishment or entity can ensure that its website is ADA compliant.

Miami Lighthouse for the Blind and Visually Impaired provides auditing services of private and public websites, offering a full examination of coding and design, audits accessibility of website content, and tests for usability within that ensure accessibility of information on the monitor with keystroke commands utilizing screen-reading software. Past customers of Miami Lighthouse's Website Accessibility Compliance services include a variety of public- and private-sector entities, including city and county governments, educational and medical institutions, airlines and nonprofits.

Miami Lighthouse's highly qualified computer science instructors review websites to ensure industry-best practices complying with Section 508 of the ADA law and the World Wide Web Consortium, to ensure legal compliance. The implementation of the audit-report findings demon-

strates pro-active, civic-minded commitment to inclusion of all Internet users because accessibility benefits everyone in the long run.

An increasing number of advocates for the rights of the visually impaired and hearing impaired are encouraging the filing of highly publicized website-accessibility lawsuits in federal and state courts throughout the United States. Knowing that a rising tide of litigation is upon us, the wise choice is to be certain your company or institution proactively adopts website standards that fully accommodate persons with disabilities.



About the Author and Miami Lighthouse for the Blind and Visually Impaired

Virginia Jacko is President and CEO of Miami Lighthouse for the Blind and Visually

Impaired. She is one of the only CEOs in the country who happens to be blind; however, her vision has enabled the Miami Lighthouse to increase the number of program participants 33 fold during her thirteen-year tenure. During this period, revenue increased fourfold to over \$11 million in 2017, and the organization's Charity Navigator rating has gone to 4-stars, the highest rating possible. This 4-star designation has now been received ten consecutive times placing Miami Lighthouse among the top 38 nonprofits in the nation.

A variety of innovative new programs and ventures have been introduced under her leadership: website accessibility audits for ADA compliance, Braille and technology literacy, adult basic education, GED, ESOL, job readiness, music, year-round programming for blind and visually impaired schoolchildren, inclusion pre-kindergartens for blind and visually impaired three- and four-year olds and their sighted peers, and eye wellness services to schoolchildren throughout the State of Florida to prevent blindness. Miami Lighthouse is recognized as a national Center of Excellence through professional publications and academic presentations.

For additional information visit www.miamilighthouse.org