

Section 508 of the Rehabilitation Act

On August 7, 1998, President Clinton signed into law the Rehabilitation Act Amendments of 1998 which covers access to federally funded programs and services. The law strengthens section 508 of the Rehabilitation Act and requires access to electronic and information technology provided by the Federal government. The law applies to all Federal agencies when they develop, procure, maintain or use electronic and information technology.

Section 508 addresses the purchase of electronic and information technology (EIT) by Federal agencies. Federal agencies must ensure that this technology is accessible to employees and members of the public with disabilities to the extent it does not pose an "undue burden."

Section 508 speaks to various means for disseminating information, including computers, software and electronic office equipment. It applies to, but is not solely focused on, Federal pages on the Internet or the World Wide Web.

What is the significance of June 21, 2001?

Beginning June 21, 2001, persons with disabilities may file administrative complaints or bring civil actions in Federal court against agencies that fail to comply with the requirements of section 508. This date was established by operation of the law, which authorizes such actions 6 months after the date the Access Board published its standards as a final rule (which was on December 21, 2000).

What is section 508?

Section 508 refers to a statutory section in the Rehabilitation Act of 1973 (found at 29 U.S.C. 794d). Congress significantly strengthened section 508 in the Workforce Investment Act of 1998. Its primary purpose is to provide access to and use of Federal executive agencies' electronic and information technology (EIT) by individuals with disabilities.

Section 508 requirements are separate from, but complementary to, requirements in sections 501 and 504 of the Rehabilitation Act that require, among other things, that agencies provide reasonable accommodations for employees with disabilities, provide program access to members of the public with disabilities, and take other actions necessary to prevent discrimination on the basis of disability in their programs.

What does section 508 require?

Section 508 generally requires Federal agencies to ensure that their procurement of EIT takes into account the needs of all end users - including people with disabilities. Doing so enhances the ability of Federal employees with disabilities to have access to and use of information and data that is comparable to that provided to others.

Similarly, agency procurement of accessible EIT enhances the ability of members of the public with disabilities who are seeking information or

services from a Federal agency to have access to and use of information and data that is comparable to that provided to others.

Comparable access is not required if it would impose an "undue burden" on the agency. If an agency invokes the undue burden exception, the statute requires the information and data to be provided to individuals with disabilities by an alternative means of access.

Agencies are responsible for complying with section 508 as a whole, including identification of applicable Access Board technical provisions and making non-availability and exception determinations.

Contractors interested in selling EIT to the Federal government are responsible for designing and manufacturing products which meet the applicable Access Board's technical provisions.

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