



Accessibility Through Legislation

Formal Submission of Feedback on the British Columbia Framework for Accessibility Legislation

Executive Summary

In this formal submission of feedback on the British Columbia Framework for Accessibility Legislation, the Provincial Resource Centre for the Visually Impaired and the Accessible Resource Centre – British Columbia recommend the development and implementation of a dedicated set of accessibility standards for the BC K-12 education sector. Consistent with the principles of digital accessibility and inclusive design, two standards related to access to digital learning content for students with disabilities are proposed:

- To ensure meaningful and equitable access for all students, creators of web-based learning content for the K-12 education sector, including subscription based learning management systems and platforms, must ensure that web-based content conforms to, at minimum, Level AA of the Web Content Accessibility Guidelines (WCAG) 2.1.
- Publishers of educational learning resources in digital formats make an accessible version of their content, produced to internationally recognized accessibility specifications, available to students with perceptual disabilities upon request or provide a "conversion-ready" file that can be easily created in an accessible format. A specific timeline for the retirement of the "conversion-ready" clause in the standard determines a pathway to the publishing of educational learning resources that are "born accessible" for all students.

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Name and purpose of organization. This submission is respectfully prepared and submitted by the Provincial Resource Centre for the Visually Impaired (PRCVI) and Accessible Resource Centre – British Columbia (ARC-BC)

The [Provincial Resource Centre for the Visually Impaired](#) is a Provincial Outreach Program serving students with visual impairments and their educational teams in the K-12 education sector in British Columbia. Mandated and funded by the Ministry of Education and hosted by the Vancouver School Board (VSB), PRCVI provides adapted learning materials and educational resources to students with visual impairments as well as outreach support to teachers of students with visual impairments (TSVIs) in all public schools districts and Group I and II independent schools.

The [Accessible Resource Centre – British Columbia](#) is a program hosted by PRCVI that is responsible for creating learning materials in digital alternate formats on behalf of students with perceptual disabilities in all public school districts and Group I and II independent schools. These materials, created in accordance with Section 32(1) of the *Copyright Act* (R.S.C., 1985, c. C-42), enable students to access learning content in digital format through the use of assistive technology where they would have otherwise experienced significant challenges in seeing, holding, or comprehending the content in hard copy print format.

Connection to accessibility. PRCVI and ARC-BC are resource and service providers in the BC K-12 education sector. Both programs have a vested interest in ensuring meaningful access to learning for students with disabilities and thus have a keen professional interest in the proposed *British Columbia Framework for Accessibility Legislation*. Operating at the intersection of equitable access to learning, inclusive teaching practices, and accessible publishing, PRCVI and ARC-BC are uniquely positioned to comment on the proposed legislation, in particular those elements that relate to access to information for persons with disabilities.

Importance of Accessibility Legislation for BC

Broadly stated, accessibility legislation has the potential to set a statutory landscape within which communities can extend their efforts toward identifying and mitigating systemic barriers to full and meaningful inclusion for persons with disabilities. Within our communities, schools and places of learning occupy a unique niche. Inclusive teaching practices and

specialized programming, tools, and technology are provided to students with disabilities with the goal of preparing these students for meaningful engagement at home, work, in the community, and in post-secondary education. Historically, instructional approaches have focused on equipping the individual learner with a skillset that includes the knowledge, strategies, and tools to overcome or compensate for the barriers to access and inclusion that they may encounter in their communities. The promise of accessibility legislation is that it provides a framework for expanding the scope of responsibility for access and inclusion from students with disabilities and the educators and families supporting them to include stakeholders and actors in the broader community – establishing shared ownership and engagement in promoting access and inclusion.

Model and Scope of Legislation

In referencing federal legislation and international conventions, the proposed model for legislation is appropriately grounded in a relevant policy context that will help to ensure clarity and consistency across jurisdictions. The *Accessible Canada Act* and the *United Nations Convention on the Rights of Persons with Disabilities* both affirm the importance of equitable access to information for individuals with disabilities.

A main principle of the *Accessible Canada Act* is inclusive design, defined as "design that considers the full range of human diversity with respect to ability, language, culture, gender, age and other forms of human difference" ("What is Inclusive Design?," n.d.). When applied to access to information, the principle of inclusive design requires that informational content be published according to internationally recognized specifications and in formats that ensure access for the greatest number of users. Colloquially, this is content that is born accessible rather than content that is simply born digital ("AEM and the Digital Shift," n.d.).

Article 21 of the *United Nations Convention on the Rights of Persons with Disabilities* affirms freedom of expression and opinion, and access to information. Under this article, states are to provide information intended for the general public in accessible formats and technologies and are to encourage the dissemination of information that is accessible to persons with disabilities through the mass media, including online content. Further, Article 24 of the Convention refers directly to education, requiring that states ensure that "[p]ersons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live" (UN General Assembly, 2007). Taken together, these articles underscore the importance of inclusive

programming for students with disabilities that includes accessible learning content.

In the context of national and international standards and recognizing that there are accessibility priorities that are unique to primary and secondary education, it is recommended that the scope of accessibility legislation in British Columbia explicitly extend to the K-12 education sector in the form of a dedicated set of accessibility standards. This set of Education standards would include specific guidance on the creation, publication, procurement, and implementation of digital accessible learning content, including web-based content. Further information on this proposed guidance can be found in the section titled "Accessibility Standards in the Legislation."

Purposes and Principles of Legislation

The purposes of accessibility legislation are clearly stated and together establish realization as a project shared by individuals with disabilities and stakeholders and actors in the public and private sectors. Collaborative action works to ensure that steps taken to promote accessibility and inclusion do not fall under the exclusive purview of a limited number of specialist individuals and/or organizations. Mechanisms for accountability under the legislation not only facilitate conformance and enforcement requirements but also provide stakeholders with a means of monitoring and evaluating progress towards the realization of goals set out in the legislation.

The guiding principles for the development of accessibility legislation also emphasize collaborative action and affirm a high value on diversity and self-determination among persons with disabilities. An emphasis on self-determination not only empowers individuals but increases the authenticity of the provincial dialogue around accessibility by ensuring that the voices of advocates and self-advocates are heard.

Accessibility Standards in the Legislation

The set of content areas for accessibility standards that are outlined in the *Framework* are aligned with what is currently reflected in accessibility legislation in other provinces. As mentioned previously, PRCVI and ARC-BC recommend that a set of standards be developed to address specific considerations related to access and inclusion in the education sector. This set of standards could also be expanded to apply to post-secondary education and training so that there is a continuous set of integrated standards across students' educational careers. However, post-secondary education and training are outside of the scope of this submission.

Learning from the experiences of other provinces where accessibility legislation is currently in place is cited as a primary source of information in the development of legislation for British Columbia. Among provinces with accessibility legislation in place, two (Ontario and Nova Scotia) are currently in consultation to add accessibility standards for the education sectors in their respective provinces ("Accessibility: legislative reviews, committees and councils," 2019; "Accessibility directorate: education standard development committee," n.d.). Standards development committees have been convened in both provinces to develop recommendations for proposed accessibility standards to address barriers to access and inclusion for students with disabilities in each province.

The development of a set of standards for information accessibility in the K-12 education sector in British Columbia would ensure that barriers to access and inclusion are directly identified, articulated, and transformed through collective action. This would also maintain alignment with legislation in other provinces.

Digital accessibility for K-12. As accessibility standards for the education sector are currently in development in other jurisdictions, there are no legislative models for information accessibility in K-12 for the purpose of comparison. However, there are standards relating to digital accessibility, including web-based content, that apply broadly to public-facing digital content in those jurisdictions and provide a starting place for the development of information accessibility standards in British Columbia.

Developed and maintained by the World Wide Web Consortium (W3C), the Web Content Accessibility Guidelines (WCAG) are "a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally" ("Web Content Accessibility Guidelines (WCAG) Overview," 2018). For digital content to conform to WCAG, it must fully meet one of three conformance levels – Level A, AA, or AAA – with A being the lowest and AAA the highest level of conformance.

In Ontario, the *Accessibility for Ontarians with Disabilities Act* (AODA) states that "all public websites and web content posted after January 1, 2012 must meet WCAG 2.0 Level AA other than criteria 1.2.4 (live captions) and 1.2.5 (pre-recorded audio descriptions) [S.O. 2005, c. 11, s.14 (4)]. This compliance deadline applies to all public sector organizations and private or non-profit organizations with 50 or more employees.

In the British Columbia K-12 education sector, the redesigned curriculum emphasizes digital literacy, personalized learning, and flexible

learning environments for all students. To prepare students to be flexible, critical consumers of information in an ever-evolving digital landscape, educators are engaging learners through an eclectic array of learning materials in digital format. Further, options for online learning are increasingly leveraged by students and families as a means of providing flexible access to instruction. If students with disabilities are to achieve a level of meaningful access to digital content and online learning commensurate with that of their peers, PRCVI and ARC-BC recommend that specific standards for digital accessibility of learning content be reflected in the proposed Education standards

PRCVI and ARC-BC recommend that a standard or set of standards like those in the AODA be adopted for digital accessibility in the K-12 education sector in British Columbia. Recognizing that there are a wide range of products and resources that are published or created to support student learning, and that many of these products and resources are purchased and not available on public-facing websites, the AODA standard should be extended as in the example below:

"All web-based learning materials in digital format created or procured for use in the K-12 education sector in British Columbia must meet WCAG 2.1 Level AA. This includes the websites and infrastructure that hosts web-based learning materials such as school/district websites and subscription-based online learning management systems and services." For example, a subscription-based web platform for sharing information on student progress with students with families should conform to WCAG 2.1 Level AA.

Specific timelines for conformance can be developed to align with timelines associated with other standards related to information accessibility. Please note that at the time of writing, WCAG 2.1 is the most current specification published by the W3C.

Accessible publishing for K-12. Where historically students would be expected to use hard copy printed materials, students are now interacting with texts through a variety of formats and modalities. Students with disabilities may not be able to achieve a level of meaningful access to these texts commensurate with that of their peers if these texts are not available in a digital accessible format.

In Ontario, the AODA requires that producers of educational or training materials publish content in an accessible format or provide a "conversion-ready" electronic format to the educational institution requesting an accessible format (*Accessibility for Ontarians with Disabilities Act, 2005, S.O.*

2005, c. 11, s.17 (1-2)). Conversion-ready refers to "digital information that can be easily converted into an accessible format which would provide individuals with an alternative means to access information and educational resources" (What does it mean to be conversion ready?, n.d.). This text in "conversion-ready" electronic format can then be converted to a digital accessible alternate format by an organization such as ARC-BC.

The requirement that a conversion-ready file format be made available by the publisher of the content is an important step toward ensuring that students with perceptual disabilities have timely and equitable access to learning content. However, a specific timeline for the removal of the "conversion-ready" language is recommended, following a period of systematic training and capacity building around digital accessibility and inclusive design in the education publishing sector. A legislated timeline for publishers to create and deliver digital learning materials in accessible formats works to ensure that these materials are truly "born accessible."

Governance for Accessibility Legislation

The governance structure proposed in the *Framework* has key components in place to ensure representative and responsive implementation, compliance, and enforcement of accessibility legislation. In reference to access to information in digital format for learners in the K-12 education sector, the Accessibility Directorate would need to provide comprehensive and robust training and audit services in digital accessibility and inclusive design. Further, the Standards Development Board for Education would need to have representation from persons with disabilities, including students, stakeholders from across the K-12 education sector, as well as technical specialists from the web design and educational publishing communities. Mechanisms for both are proposed in the next section.

Incentives, Compliance, and Enforcement for Accessibility Legislation

The *Framework* proposes a range of incentive, compliance, and enforcement mechanisms that together form a comprehensive strategy to ensure the realization of the goals of accessibility legislation and the fostering of a culture of accessibility and inclusion in British Columbia. The sections that follow contain recommendations for capacity building and compliance related to information accessibility in the K-12 education sector, situated within a proposed set of standards for Education within the legislation.

Capacity building and compliance in the publishing sector for K-12. To sustainably achieve the proposed requirements for digital accessibility for learning materials published and procured for the K-12 education sector (e.g., textbooks, novels), a capacity building and incentive structure will need to be put in place for the education publishing industry. The details of this structure need to be informed by consultation with industry stakeholders, customers (i.e., schools and school districts), and end users (i.e., students and educators). The province, however, may wish to collaborate with federally funded initiatives already underway to provide awareness and training on accessible publishing, such as those currently led by the National Network for Equitable Library Services ("Accessible Publishing Summit: Advocating for Born Accessible Books," 2019). In addition to direct capacity building efforts, accessibility audits of learning materials published for the K-12 education sector are an essential mechanism for compliance. Clear, precise audit processes that provide appropriate weighting to end user perspectives and conformance to internationally recognized technical specifications are required.

Capacity building and compliance for content creators in K-12. The redesigned K-12 curriculum in British Columbia emphasizes personalized learning as a means of promoting student engagement in learning and empowering learners by giving them choices. Educators tailor learning materials to students' strengths and interests, resulting in a significant proportion of locally developed learning materials, whether web-based or digitally formatted documents. As content creators, educators require adequate awareness and training in digital accessibility and inclusive design, specifically in the authoring, publishing, and dissemination of accessible learning materials in digital format. As of the submission of this feedback document, PRCVI and ARC-BC are delivering professional learning to educators in digital accessibility and inclusive design and are open to consultation and collaboration with the Accessibility Secretariat and the committees and stakeholders engaged in designing the proposed accessibility legislation.

Reviews of Accessibility Legislation

Legislative reviews that follow a specific and regular timeline are an important mechanism for maintaining accessibility standards for the K-12 education sector that reflect the most current provincial, national, and international standards and technical specifications. Furthermore, regular reviews ensure that legislation reflects the evolving access requirements of persons with disabilities in British Columbia. With the swiftness of

development in hardware and software programs to promote access to digital content as well as developments in the accessibility and usability of digital content itself, regular updating of any standards governing access to learning materials in digital content is critical. Furthermore, dynamic work by expert committees and working groups from all over the globe (e.g. Accessibility Guidelines Working Group at the W3C) requires that accessibility legislation be reviewed regularly so that standards in British Columbia are aligned with the current evidence base in digital accessibility and inclusive design.

In terms of a specific timeline for review, it is important to balance the considerations outlined above with the time required for knowledge translation, planning, and implementation. Therefore, legislative reviews at three to five year intervals are recommended to work at the maximum point between these multiple considerations and to align with practice in other provincial jurisdictions where accessibility legislation is in force.

Fostering a Culture of Accessibility and Inclusion in British Columbia

The scope of the current *Framework* seeks to address barriers to access across several key sectors of the economy as well as life in public and private spheres in BC. However, given the unique considerations and challenges associated with ensuring meaningful access and inclusion to learning in the K-12 education sector for students with disabilities, PRCVI and ARC-BC recommend that a dedicated set of standards for education be developed within the proposed legislation. Within this set, specific standards relating to digital accessibility and inclusive design are proposed to ensure that students have equitable access to learning content in digital formats and on the web.

The British Columbia *Framework for Accessibility Legislation* represents an important initial conceptualization of the purpose and promise of legislative action around accessibility. This action has the potential to engage a broader range of stakeholders, transforming accessibility and inclusion into a shared project for all British Columbians.

Thank you for the opportunity to provide feedback. Please do not hesitate to contact PRCVI and ARC-BC with any questions or for any additional information.

Sincerely,

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