

January 24, 2018



Assistive Technology and Updates to WIOA Section 188 Non Discrimination and Equal Opportunity, 29 CFR Part 38

Agenda



- Background on the Accessible Technology Provisions in WIOA
- Why One-Stops Should Care About Accessible Technology
- Examples of Digital Access Barriers to People with Disabilities and How to Solve Them
- Monitoring for Compliance
- Illinois Assistive Technology Program
- WIOA 188 Updates

AGENDA



Understanding WIOA



- **Workforce Innovation and Opportunity Act (WIOA)**
- Signed into law on July 22, 2014.
- Supersedes the Workforce Investment Act of 1998 (WIA) and amends the Rehabilitation Act of 1973.
- Reaffirms the role of the customer-focused one-stop service delivery system, and enhances coordination among several key employment, education, and training programs.

WIOA & Accessible ICT (1/2)



- Provision within WIOA states that all comprehensive One-Stop Centers and affiliated sites must be **physically and programmatically** accessible to individuals with disabilities.
- Information and communication technology (ICT) designed, procured, maintained, and used by One-Stops must comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and its implementing regulations.
- One-Stops must use technologies—including websites, online systems and courses, and applications—that are accessible to individuals with disabilities.



WIOA and Accessible ICT (2/2)



- WIOA's revised Section 188 rule specifies that "when developing, procuring, maintaining, or using [ICT], a recipient must utilize [ICT], applications, or adaptations which:
- Incorporate accessibility features for individuals with disabilities;
- Are consistent with modern accessibility standards, such as [Section 508*](#) standards and the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines ([WCAG](#)) 2.0 AA; and
- Provide individuals with disabilities access to, and use of information, resources, programs, and activities that are fully accessible, or ensure that the opportunities, and benefits provided by the [ICT] are provided to individuals with disabilities in an equally effective and equally integrated manner.

*Note: While One-Stop's are not required to comply with Section 508, its standards and related educational resources can help One-Stops set modern accessibility goals.



State and Local Certifications



- "Physical and Programmatic Accessibility" is one of the certification criteria One-Stops must meet to be eligible to receive infrastructure funding.
- State Workforce Development Boards are responsible for establishing objective criteria and procedures for the certification process, and Local Boards use the State's criteria to certify their providers every three years.



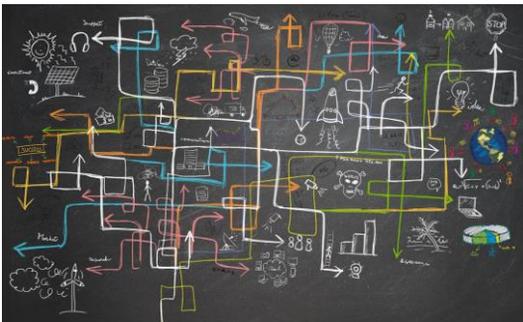
Why One-Stops Should Care About Accessible ICT



- Technology is everywhere in today's workforce development system.
- One-Stops use websites, online systems, mobile applications, and other technology to promote and implement their products and services.
- BUT the technology used at One-Stops can often be inaccessible to people with disabilities.
- **The result?** A digital divide between how citizens with and without disabilities access key employment, education, and support services that One-Stops make available to the public.



Examples of Digital Access Barriers



- Websites that are not compatible with assistive technologies such as screen readers.
- Training videos that lack open captioning and audio descriptions.
- Electronic documents whose images lack alternative text.
- Complicated web content that is difficult to understand.

Inaccessible technology



- Keeps your products and services out of the hands of key customer segments.
- Is a barrier to success and career advancement for people with disabilities.
- Limits opportunities for people with disabilities to get hired.
- ***Inaccessible online job applications*** can prevent people with disabilities from applying for jobs at your One-Stop.



Illinois Assistive Technology Program



- IATP's mission is to increase access to and the acquisition of Assistive Technology (AT) devices and services for individuals of all ages with disabilities. IATP provides AT information and services in the areas of education, employment, community living, and IT/telecommunications. Our goal is to improve the quality of life of all Illinoisans with disabilities and enable them through greater access to assistive technology devices to fully participate in all aspects of life.

IATP Services



- Device Loan
- Assistive Technology ReUse and Reutilization
- Demonstration Center
- Low Interest Financial Loans
- Assistive Technology Assessments
- K – 12 Assistive Technology Assessments
- Individualized Education Plan (IEP) Support
- Work Incentives Planning and Assistance (WIPA) Program
- Assistive Technology Training
- Information Communication Technology (ICT) Accessibility



Device Loan



Program loans devices to:

- Determine compatibility between users and devices
- To use as a backup while waiting for a repair
- To be used while conducting an assessment or evaluation by a therapist or assistive technology specialist or other professional
- Device loans are free to anyone in Illinois and can be kept for 5 weeks



Assistive Technology ReUse and Reutilization



- It is a assistive technology recycling program
- Individuals and companies donate assistive technology and or durable medical equipment to be redistributed to individuals with disabilities

Demonstration Center



- Located in Springfield
- Showcases a variety of Assistive Technology
- Provides hands-on exploration of Assistive Technology
- Resource information available
- Large interactive sensory room for kids
- If you can't come to us, we can bring it to you

Financial Loans



IATP ATLOAN\$

- Loan amounts range from \$1,001 to \$30,000 with the exception of home modifications which are limited to a maximum of \$5,000.
- Credit builder loans are available to qualifying applicants.
- These loans are meant for individuals that typically can't get a loan through other means.

Assistive Technology Assessments



Assistive Technology Assessments

- IATP provides fee for service assistive technology assessments to identify assistive technology needs.
- IATP along with DHS/DRS provides assistive technology assessments for DRS clients.
- IATP provides On-site employment evaluations.
- Recommendations for home modifications.
- Individualized training based on assistive technology assessments.
- Follow up services.

K – 12 Assistive Technology Assessments



- Free to schools
- Suggested devices loaned to schools for trial
- Training provided on AAC & AT as requested

FREE

Individualized Education Plan (IEP) Support



Individualized Education Plan (IEP) Support

- Assist parents with IEPs & 504 plans
- Train teachers & parents on IEP process
- Work with college students on getting accommodations
- Need does not have to be AT related

Work Incentives Planning and Assistance (WIPA) Program



- Work Incentives Planning & Assistance Program for individuals receiving SSI/SSDI
- Explains Social Security work incentives and other State & federal benefits
- Open to anyone between age 14 & retirement age receiving Social Security disability benefits who wants to work

SSA 
Work Incentives

Assistive Technology Training



- IATP offers free introductory training on assistive technology products.
- IATP also offers fee for service based training on specific assistive technology.

Information Communication Technology (ICT) Accessibility



INFORMATION &
COMMUNICATION
TECHNOLOGIES

Information Communication Technology (ICT) Accessibility

- ICT Accessibility encompasses all realms of digital information, websites, digital documents, computer applications, emails etc.
- IATP offers assistance with understanding ICT accessibility and how to meet required laws.

What is Assistive Technology



- Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of persons with a disabilities.

Examples of Assistive Technology



Simple Devices

- Clocks and wrist watches
- Modified forks, knives, and spoons
- Shoes with Velcro straps
- Large button TV remotes
- Height adjustable desks and ergonomic chairs



Examples of Assistive technology



Complex Devices

- Computer based assistive technology software
- Communication devices
- Hearing aids
- Cellular phones
- Electronic devices



General categories of assistive technology



- Low vision / blindness / deaf blind
- Deaf and or hard of hearing
- Learning disability
- Physically handicapped

Common assistive technology for low vision / blindness / deaf blind:



- Typically an electronic device for example computer, tablet, or laptop.
- Most of the time a piece of software known as a screen reader (text to speech) is used or a screen magnifier.
- For instances of low vision magnification devices are used, they can be both manual like a magnifying glass or digital like a handheld magnifier with digital zoom.
- Advanced technology can be used by individuals that are deaf blind, typically screen readers and braille devices are used so individuals can communicate.
- ICT accessibility

Common assistive technology for Deaf and or hard of hearing:



- Video relay service (VRS)
- Open captions for online and other videos
- Live captioning for online webinars
- Voice amplification systems
- Hearing aids with t-coil and or Bluetooth
- ICT accessibility



Common Assistive Technology for individuals with learning disabilities:



- Text to speech
- Speech to text (voice recognition)
- Literacy suites
- Digital recorders / note taking aids



Common Assistive Technology for Physically handicapped



- Height adjustable work areas
- Ergonomic chairs
- Keyboard trays
- Adaptive input devices (keyboard, mouse)
- Speech to text (voice recognition)

Information Communication Technology (ICT) Accessibility



- ICT encompasses all digital media
 - Websites
 - Social media
 - Digital documents: Word, PowerPoint, PDF's
 - Video's
 - Applications and systems
- Illinois Information Technology Accessibility Act (IITAA)
 - www.dhs.state.il.us/iitaa



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Recipient Monitoring



- WIOA Contractor/Provider EO ADA Evaluation Form
 - Complete Information heading (Facility Address and Programs Offered)
 - Review EO/ADA Contract Clauses
 - Are Appropriate Notices and Communication present?
 - Accessibility Measurements
 - Reasonable Accommodations & LEP Policy
 - Review Sexual Harassment Policy
 - Is Confidential Information Appropriate Secured?



What's New in the WIOA Nondiscrimination and Equal Opportunity Final Rule



- USDOL Civil Rights Center (CRC) has revised its regulations to implement the nondiscrimination and equal opportunity obligations under WIOA Section 188.
- Updates the nondiscrimination and equal opportunity provisions to align them with current law and legal principles.
- Section 188 prohibits discrimination against individuals in any WIOA Title I—financially assisted program or activity, which includes job training for adults and youth and programs or activities provided by recipients at American Job Centers (one-stop centers).

Changes generally reflect obligations already imposed



- While the revised rule makes many substantive changes since 1999, it **does not impose significant new obligations on recipients**.
- The rule's updated provisions generally **reflect obligations already imposed** by changes to other nondiscrimination and equal opportunity laws.



Section 188 Key Changes



- Ensures protection from discrimination based on pregnancy.
- Safeguards meaningful access to the workforce system for persons with Limited English Proficiency (LEP).
- Ensures access to the workforce system for people with disabilities by bringing the regulations in line with updated disability civil rights law.
- Ensures that recipients and beneficiaries are aware of the full scope of their responsibilities and rights.
- New Outline protections for transgender and gender non-conforming people.



Section 188 – Written format Changes in the Non-Discrimination Plan



- The 9 elements of the MOA are no longer utilized for describing how State programs and recipients have satisfied the requirements of the following regulations:

(i) Sections 38.25 through 38.27 (Assurances);

(ii) Sections 38.28 through 38.33 (Equal Opportunity Officers);

(iii) Sections 38.34 through 38.39 (Notice and Communication);

(iv) Sections 38.41 through 38.45 (Data and Information Collection and Maintenance);

(v) Section 38.40 (Affirmative Outreach);

(vi) Section 38.53 (Governor's Oversight Responsibility Regarding Recipients' Recordkeeping);

(vii) Sections 38.72 and 38.73 (Complaint Processing Procedures); and

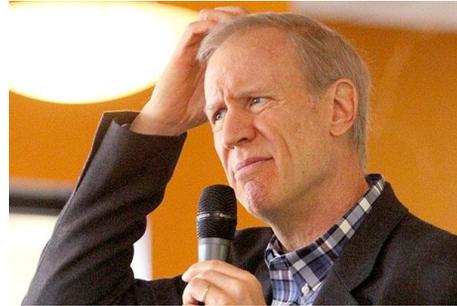
(viii) Sections 38.51 and 38.53 (Governor's Oversight and Monitoring Responsibilities for State Programs).

Section 188 – Change to State Equal Opportunity Officer Designation

(29 CFR 38.28 -38.33)



- Governors must designate an individual as a State-level Equal Opportunity Officer, **who reports directly to the Governor and is responsible for State Program**–wide coordination of compliance with the equal opportunity and nondiscrimination requirements in WIOA. The State-level EO Officer must have staff and resources sufficient to carry out these requirements.



Section 188 – Changes to increase LEP in Notices and Communications

(29 CFR 38.34 -38.39)



- Take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access for LEP individuals.
- The regulations clarify that discrimination based on national origin includes failing to provide language services to someone with limited English proficiency.
- In addition, the rule clarifies which documents contain “vital” information and thus must be translated into languages spoken by a significant number or portion of the population eligible to be served or likely to be encountered.

Section 188 – Changes in Notice and Communication

(29 CFR 28.25)



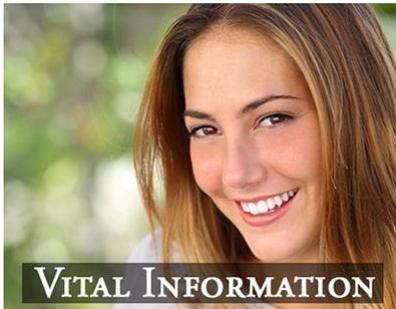
- Besides, English, the Equal Opportunity is the Law posting must be posted in the following languages at every recipient site:

Spanish	Korean
Arabic	Portuguese
Chinese Traditional	Russian
French	Tagalog
French Creole	Vietnamese



Section 188 – Inclusion of the Babel Notice

(29 CFR 38.9(g)(3))



“Recipients must include a “Babel notice,” indicating in appropriate languages that language assistance is available, in all communications of vital information, such as hard copy letters or decisions or those communications posted on websites.”

Example - **IMPORTANT!** This document contains **important information** about your rights, responsibilities and/or benefits. It is critical that you understand the information in this document, and we will provide the information in your preferred language at no cost to you. Call (xxx) xxx-xxxx for assistance in the translation and understanding of the information in this document.

Examples of LEP Babel Notices



Spanish

¡IMPORTANTE! Este documento contiene **información importante** sobre sus derechos, responsabilidades y/o beneficios. Es importante que usted entienda la información en este documento. Nosotros le podemos ofrecer la información en el idioma de su preferencia sin costo alguno para usted. **Llame al (xxx) xxx-xxxx** para pedir asistencia en traducir y entender la información en este documento.

Chinese - Traditional

重要須知！本文件包含重要資訊，事關您的權利、責任，和／或福利。請您務必理解本文件所含資訊，而我們也將使用您偏好的語言，無償為您提供資訊。請致電 **(xxx) xxx-xxxx** 洽詢翻譯及理解本文件資訊方面的協助。

Arabic

مهم! يحتوي هذا المستند على معلومات مهمة حول حقوقك ومسؤولياتك و/أو فوائده. من الأهمية بمكان فهم المعلومات الواردة في هذا المستند، وسنوفر **(xxx) xxx-xxxx** المعلومات بلغتك المفضلة دون تحميلك أي تكلفة. اتصل على الرقم للحصول على مساعدة في ترجمة المعلومات الواردة في هذا المستند وفهمها.

Section 188 – Change to require addition Data and Information Collection and Maintenance



- Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminnee (29 CFR 38.41-38.45).



Section 188 Increases Monitoring Requirements



- Annual Monitoring of **all recipients** (change from periodic monitoring to yearly)
- Nondiscrimination Plans **must include copies of monitoring reviews**



Section 188 – Updates disability rights



- Ensures equal access to the workforce system for people with disabilities by bringing the regulations in line with updated disability rights law.
- Updated language ensures that the definition of “disability” will be interpreted broadly, which will enable more individuals with disabilities to be effectively served within the workforce development system.
- Addresses accessibility requirements (such as for information and electronic technologies) and service animals.

Section 188 – Mandates Universal Access



- **Universal Access** is taking appropriate steps to ensure access to programs and activities for all eligible individuals, including individuals with disabilities. In order to ensure universal access, all recipients must pay particular attention to the various functions it performs.

Strategic planning

Marketing and outreach

Consultation with community groups

Operational collaboration among partners

Intake

Registration and orientation

Service delivery

Training



Section 188 - Universal Access Examples



- During welcome/orientation, ask ALL customers if they need assistance rather than only those you think have a disability.
- Make information on all services available to ALL customers, avoid assuming certain customers may or may not be interested in certain services.
- Provide options for career assessment that can be completed on-line, on paper, through an interview or other flexible options.
- Provide information through on-line self-directed methods, as well as in group workshop settings.
- Provide information in multiple languages.
- Use signage with graphics and pictures combined with text.

Question/Answer



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