



TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS

June 2012



OVERVIEW

This month, President Barak Obama issued an Executive Order, "Accelerating Broadband Infrastructure Deployment," which emphasizes that access to broadband is essential to the United States'. The Order establishes a working group which is tasked to "develop and implement a strategy to facilitate the timely and efficient deployment of broadband facilities" on federal properties.

Judge Michael Ponsor of the District Court of Massachusetts rejected the motion to dismiss the court case against Netflix for failing to provide closed captions on most of its "Watch Instantly" programming streamed on the Internet. Netflix argued that the case should be dismissed on the grounds that the ADA does not apply to web-only businesses and that the 21st Century Communications and Video Accessibility Act (CVAA) "'carves out' all video programming streamed over the Internet as separate from the ADA."

In the regulatory arena, the FCC issued a Consumer Guide outlining rules "adopted to implement the video description provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA)," which became effective July 1, 2012.

LEGISLATIVE ACTIVITIES

PRESIDENT ISSUES EXECUTIVE ORDER FOR BROADBAND DEPLOYMENT

June 14, 2012 – President Barack Obama issued an Executive Order “Accelerating Broadband Infrastructure Deployment.” The Order emphasizes that access to broadband is essential to the United States’ “global competitiveness in the 21st century” and has the potential to promote job creation and innovation while increasing interoperability for public safety officials. The Order states that broadband deployment within federal properties (including federal lands, buildings and rights of way, federally assisted highways, and tribal lands) has the potential to facilitate expansion of broadband infrastructure.

The Order establishes a working group composed of representatives from many federal departments including Defense, Interior, Agriculture, Commerce, Transportation, Veterans Affairs, and the Postal Service, as well as representatives from various federal agencies including the FCC. The working group is tasked to “develop and implement a strategy to facilitate the timely and efficient deployment of broadband facilities” on federal properties. In addition, the working group will ensure that information regarding accessing federal properties for use of broadband deployment is available and that there is a uniform process by which nongovernment entities can access federal properties for use of broadband deployment. Finally, the Order highlights that installing “underground fiber conduit along highway and roadway rights of way...can reduce the cost of future broadband deployment.” Accordingly, the Order directs the Department of Transportation to review “dig once requirements” and work with state and local governments to develop best practices in this regard. [Source: The White House]

ADDITIONAL INFORMATION:

[Executive Order](#)

[<http://www.whitehouse.gov/the-press-office/2012/06/14/executive-order-accelerating-broadband-infrastructure-deployment>]

JUDGE DENIES DISMISSAL OF NETFLIX CLOSED CAPTIONING CASE

June 19, 2012 – In June 2011, legal action was taken against Netflix by the National Association of the Deaf (NAD), The Western Massachusetts Association of the Deaf and Hard of Hearing, and a Deaf Massachusetts resident. The Plaintiffs stated that Netflix violated Title III of the Americans with Disabilities Act (ADA) “by failing to provide closed captioning on most of its “Watch Instantly” programming streamed on the Internet, thereby denying equal access to the deaf and hard of hearing community.” In a motion filed by Netflix, the company argued that the case should be dismissed on the terms that the ADA only applies to physical businesses, not a web-only business such as Netflix, and that the 21st Century Communications and Video Accessibility Act (CVAA) “carves out” all video programming streamed over the Internet as separate from the ADA.”

In June 2012, Judge Michael Ponsor of the District Court of Massachusetts rejected the motion filed by Netflix, stating, "In a society in which business is increasingly conducted online, excluding businesses that sell services through the Internet from the ADA would run afoul of the purposes of the ADA and would severely frustrate Congress's intent that individuals with disabilities fully enjoy the goods, services, privileges and advantages, available indiscriminately to other members of the general public." In addition, Judge Ponsor highlighted that the Plaintiffs have "sufficiently alleged that Netflix owns, leases, or operates a place of public accommodation for purposes of the ADA," and that the CVAA does not "carve out" video programming from the ADA. According to the CEO of NAD, Howard Rosenblum, "This legal ruling is a major decision that ensures the ADA remains current with this technological age." [Source: National Association of the Deaf]

ADDITIONAL INFORMATION:

[NAD Press Release](#)

[<http://www.nad.org/news/2012/6/landmark-precedent-nad-vs-netflix>]

[Disability Rights Education and Defense Fund](#)

[<http://www.dredf.org/captioning/>]

REGULATORY ACTIVITIES

CONSUMER GUIDE FOR VIDEO DESCRIPTION SERVICES

June 22, 2012 –The FCC has issued a Consumer Guide outlining the rules "adopted to implement the video description provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA)," which became effective July 1, 2012. The Guide highlights that at least fifty hours of video-described prime time and/or children's programming is required for the following networks:

- Local TV station affiliates of ABC, CBS, Fox and NBC in select TV markets
- Disney Channel, Nickelodeon, TBS, TNT and USA
- Subscription TV systems with over 50,000 subscribers

The Guide also describes how consumers can access video description on their televisions as well as the complaint process for individuals who feel programming distributors have violated the FCC video description rules. [Source: FCC]

ADDITIONAL INFORMATION:

[FCC Video Description Consumer Guide](#)

[http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db0622/DOC-314799A1.pdf]

PUBLICATIONS AND REPORTS

SOCIOECONOMIC IMPACTS OF WIRELESS TECHNOLOGY

May 10, 2012 – CTIA - The Wireless Association released their report “Socioeconomic Impacts of Wireless Technology: A Review of Opportunities and Challenges in Health Care, Finance, Education and Community Empowerment,” examining the current and future impact of wireless technologies. The report reviews many wireless technology innovations and examines their role to increase accessibility for socioeconomically disadvantaged populations within the fields of health care, finance, education and community empowerment. The report considers that many wireless technologies are avenues of social change due to their ubiquity, remote capabilities, and ability to close information gaps. With approximately “6 billion mobile phone connections worldwide,” wireless technologies have the potential to bridge socioeconomic gaps. For example, the report highlights that mobile health technology can help both the elderly and rural populations connect with doctors with “wireless devices that immediately contact emergency care workers” or apps that “connect rural patients with urban doctors.” In addition, wireless technology has the potential to help the under-banked and unbanked by allowing easier access to a bank account outside of bank hours; assist students by providing an interactive learning experience through eBooks; and empower citizens by giving them access to government actions. However, the report also highlights that new technologies also carry challenges, such as privacy risks. [Source: CTIA SmartBrief]

ADDITIONAL INFORMATION:

[Socioeconomic Impacts of Wireless Technology](#)

[http://files.ctia.org/pdf/Wireless_and_Society_03-05-2012.pdf]

OTHER ITEMS OF INTEREST

NEW FREE APP FOR THE BLIND AND PRINT-DISABLED

June 4, 2012 – NFB-NEWSLINE, a service sponsored in part by the National Federation of the Blind (NFB), launched a free Apple app allowing users to access the NFB-NEWSLINE free audible newspaper service for the blind and print-disabled. The app grants NFB-Newsline subscribers access to over three hundred newspapers, forty magazines, and television listings on their iPhone, iPod touch, or iPad. Director of the NFB-NEWSLINE program Scott White stated, “We are proud to offer our subscribers this new exciting mobile iOS application that allows them access to their favorite publications at home, while travelling to work, in the classroom, or in the office. If you’re looking for news from around the corner or from around the globe, NFB-NEWSLINE Mobile can help you quickly find it.” Those interested in subscribing to the NFB-NEWSLINE service may fill out an application [online](#) or call 866-504-7300. [Source: NFB-NEWSLINE]

ADDITIONAL INFORMATION:

[NFB-NEWSLINE](#)

[<http://nfbnewslineonline.org/nlmobile.htm>]

[Apple App Store: NFB-NEWSLINE Mobile](#)

[<http://itunes.apple.com/us/app/nfb-newsline-mobile/id530470425?mt=8>]

NEW HAPTIC USER INTERFACE PROTOTYPE FOR SMARTPHONES

June 5, 2012 – Tactus Technology gave the first public demonstration of Tactile Layer, at the 2012 Display Week in Boston, Massachusetts. Tactile Layer is a “deformable tactile surface” “with real physical buttons, guidelines, or shapes that rise out of the surface (and recede into invisibility) from any touch screen” In use, Tactile Layer would be installed into devices by replacing a “layer of the already existing display stack” thus not changing the thickness of the device. Tactile Layer utilizes microfluidic technology to create physical buttons on the surface of the screen which “users can feel, press down, and interact with” and that recede when no longer in use. Currently Tactile Layer is being “showcased on a prototype Google Android tablet;” however in the future, this technology could be applied to smartphones, eBook readers, and personal navigation devices. [Source: Tactus Technology]

ADDITIONAL INFORMATION:

[Tactus Press Release](#)

[http://www.tactustechnology.com/release_120605.html]

CEA SUBCOMMITTEE TO ADDRESS INTERNET DELIVERED CLOSED CAPTIONS

June 13, 2012 – The Consumer Electronics Association (CEA) Television Data Systems Subcommittee has formed a new working group to examine the effects of Internet-delivered closed captioning in relation to recent FCC regulations. In January of 2012, the FCC issued a Report and Order (R&O) implementing rules governing closed captioning for previously televised video programming delivered using Internet protocol (IP). The R&O, which became effective April 30, 2012, outlined requirements for owners, providers, and distributors of IP delivered video programming as well as manufacturers of devices used to display such content. The new CEA Television and Data Systems Subcommittee will specifically examine “receiver ramifications of Internet-delivered closed captions” including “decoder behavior recommendations, as well as studying the methods for signaling and transport of the captions in an MP4 file wrapper.” Those interested in joining the subcommittee or working group are asked to email Mark Levine. [Source: CEA SmartBrief]

ADDITIONAL INFORMATION:

[CEA Press Release](#)

[http://www.smartbrief.com/news/cea/storyDetails.jsp?issueid=ADB3AB93-1594-4418-8736-2174E715D6F3©id=4F0D0CFF-4541-451E-9A7D-9D11484FEBAE&brieff=cea&sb_code=rss&&campaign=rss]

CEA COMMITTEE NEW SEEKS MEMBERS

June 13, 2012 – The Consumer Electronics Association (CEA) Portable Handheld and In-Vehicle Electronics Committee is seeking individuals interested in standards development to join the committee. The committee “develops standards, bulletins and other technical publications that address portable and handheld consumer electronics products, and consumer electronics products used in private and commercial vehicles, boats and aircraft.” Those interested in joining the committee can visit [the CEA website](#) for more information. [Source: CEA SmartBrief]

ADDITIONAL INFORMATION:

[CEA Press Release](#)

[<http://www.smartbrief.com/news/cea/associationNews.jsp>]

[Joining a CEA Committee](#)

[<http://standards.ce.org/kwspub/join/>]

WIRELESS RERC UPDATES

WIRELESS RERC COMMENTS ON NIDRR LONG RANGE PLAN

June 18, 2012 – The Wireless RERC submitted comments to the Department of Education in response to their notice “In the Matter of National Institute on Disability and Rehabilitation Research; Notice of Proposed Long-Range Plan for Fiscal Years 2013 - 2017” [FR Doc. No. 2012-9365]. The proposed Long-Range Plan included objectives such as ensuring that research, development and other activities are balanced between areas of focus including employment, community living, and health, and that supporting projects that have potential benefit for multiple groups of people with disabilities. Wireless RERC comments highlighted that mainstream wireless technologies are allowing for opportunities to enhance independence and improve community participation for people with disabilities and may have a direct impact on the areas of focus mentioned in the plan. Current trends demonstrate that not only do people with disabilities utilize wireless technologies at the same rates as people without disabilities but that many people with and without disabilities utilize wireless technologies in an assistive manner, such as in receiving turn-by-turn directions. Wireless RERC comments to the NIDRR Long-Range Plan thus suggested that certain objectives within the plan include explicit references to accessible mainstream technologies in addition to assistive technologies in order to impact how the objectives are interpreted by those responsible for implementation. [Source: Wireless RERC]

ADDITIONAL INFORMATION:

[Wireless RERC Comments](#)

PUBLIC POLICY LUNCHEON DISCUSSES IMPLICATIONS OF CVAA ACT OF 2010

June 21, 2012 – In May, the Center for Advanced Communications Policy in association with the Federal Communications Bar Association, sponsored a luncheon, as part of the Public Policy Luncheon Series, discussing The Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA). The luncheon series is an opportunity for “local, state and federal government leaders, industry representatives and a diverse set of stakeholders to address the public policy issues facing the telecommunications industry, particularly pertaining to accessibility for persons with disabilities.” Luncheon panelists included Karen Peltz Strauss of the FCC, Julie Kearney from the Consumer Electronics Association, and Matthew Gerst from CTIA – The Wireless Association. Panelists took this time to discuss how the CVAA is contributing to “accessibility in communications media for persons with disabilities” and current solutions for industry CVAA compliance. [Source: Georgia Tech]

ADDITIONAL INFORMATION:

[School of Public Policy Luncheon Series](#)

[<http://spp.gatech.edu/careerblog/?p=5566>]

DR. JAMES WHITE AWARDED CONTRACT WITH NCD

June 25, 2012 – Dr. James White, Wireless RERC, Co-project Director - Policy Approaches to Promote Access to Wireless Technologies, has been awarded a contract with the National Council on Disability to conduct a study on effective communication for people with disabilities before, during and after emergencies. The study will examine the accessibility of current emergency communications and will document best practices and possible barriers to effective emergency-related communications. In addition, the study will examine current disability laws that pertain to emergency communications and will survey people with disabilities to determine their experiences and perceptions relating to emergency communications. [Source: Center for Advanced Communications Policy]

ADDITIONAL INFORMATION:

[CACP Press Release](#)

[<http://www.cacp.gatech.edu/docs/NCD%20jw%20letter.pdf>]

UPCOMING EVENTS

GET READY GWINNETT! EMERGENCY PREPAREDNESS RESOURCE FAIR & SPEAKER SERIES

The Gwinnett Emergency Preparedness Committee is hosting an Emergency Preparedness Resource Fair and Speaker Series on Saturday, September 15, 2012, from 9:00am – 4:00pm at the Annandale Village in Suwanee, Georgia. The goal of the event is to improve the preparedness of, and provide resources to people with disabilities, the elderly and others with access and functional needs. To participate as a vendor and/or to attend send an e-mail to getreadygwinnett@gmail.com.

ADDITIONAL INFORMATION:

Help Line: 770-955-3339

getreadygwinnett@gmail.com

THE STATE OF THE STATES IN COGNITIVE DISABILITY AND TECHNOLOGY

The Coleman Institute for Cognitive Disabilities will host their 12th annual conference, "The State of the States in Cognitive Disabilities and Technology," on November 2, 2012 at the Westin Westminster Hotel in Westminster, Colorado. The conference will "cover an annual review of the state of the economy, the state of federal disability policy and law, and the state of technology with projections for the future and explorations of impact on quality of life for people with cognitive disabilities."

ADDITIONAL INFORMATION:

[The State of the States in Cognitive Disability and Technology](#)

[<http://www.colemaninstitute.org/>]

ACCESSING HIGHER GROUND

The University of Colorado at Boulder will host the 15th Annual Accessing Higher Ground Conference from November 12 – 16, 2012 at the Westin Hotel in Westminster, Colorado. The conference “focuses on the implementation and benefits of accessible media, universal design and assistive technology in the university, business and public settings” and will discuss topics including the accessibility of PDF documents and mobile applications and websites.

ADDITIONAL INFORMATION:

[Accessing Higher Ground](#)

[<http://www.colorado.edu/ATconference/index.html>]

ASSISTIVE TECHNOLOGY ACROSS THE LIFESPAN CONFERENCE

WisTech in collaboration with The Stout Vocational Rehabilitation Institute, Cooperative Educational Service Agencies, and Milwaukee Public Schools will host the Assistive Technology Across the Lifespan Conference from December 6 – 7, 2012 at the Glacier Canyon Lodge Conference Center in Wisconsin Dells, Wisconsin. The conference will discuss “successful applications of assistive technology for persons with disabilities” and will also feature an exhibition hall with hands-on assistive technology sessions.

ADDITIONAL INFORMATION:

[Assistive Technology Across the Lifespan Conference](#)

[<http://www.atacrosslifespan.org/>]

THE WIRELESS INNOVATION FORUM CONFERENCE

The Wireless Innovation Forum will be hosting a conference on Communications Technologies and Software Defined Radio (SDR-WInnComm) in Washington, DC from January 8-13, 2013. The conference will discuss “advancement of reconfigurable radio technologies from research through deployment.”

ADDITIONAL INFORMATION:

[The Wireless Innovation Forum Conference](#)

[<http://conference.wirelessinnovation.org/mc/page.do?sitePageId=102427&orgId=s1>]

2013 INTERNATIONAL CES CALL FOR SPEAKERS

The Consumer Electronics Agency (CEA) will host the 2013 International Consumer Electronics Show (CES) from January 8 – 11, 2013 in Las Vegas, NV. Conference sessions include business insights, home entertainment, lifestyle technology, wireless communications, emerging technology, disruptive technologies, and in-vehicle technology.

ADDITIONAL INFORMATION:

[2013 International CES Call for Speakers](#)

[<http://speaker.ce.org/index.cfm?do=cnt.page&pg=1003>]

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June 2012

Technology and Disability Policy Highlights reports on national and local public policy events and recent wireless technological advances and political activities; and tracks emerging issues of interest to individuals with disabilities. *Technology and Disability Policy Highlights* is published monthly by the Wireless RERC. The Wireless RERC is a research center that promotes universal access to wireless technologies and explores their innovative applications in addressing the needs of people with disabilities. For more information on the Wireless RERC, please visit our web site at [<http://www.wirelessrerc.org>].

For further information on items summarized in this report, or if you have items of interest that you would like included in future editions, please contact this edition's editors, Braeden Benson [braeden@cacp.gatech.edu], Salimah LaForce [salimah.laforce@cacp.gatech.edu], or James White, Ph.D., [james@cacp.gatech.edu].

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