

**2008-2009 ALA CD#52 Revised
2009 ALA Annual Conference**

Purchasing of Accessible Electronic Resources Resolution

- Whereas, ALA Policy 54.3.2 states that “library materials must be accessible to all patrons including people with disabilities”;
- Whereas, ALA Policy 54.2.3, “Library Services for People with Disabilities” states that "libraries should use strategies based upon the principles of universal design to ensure that library policy, resources and services meet the needs of all people" and "universal design" has a principle of equitable use where, "...design is useful and marketable to people with diverse abilities" (Association of Specialized and Cooperative Library Agencies, (ASCLA) Issues, Universal Design);
- Whereas, The Federal Government has created regulations based on Section 508 of the Rehabilitation Act that ensure that its technology is accessible to its employees and the public;
- Whereas, Public and private academic college and university libraries, public libraries, and other libraries must ensure “effective communication” under Section 504 of the Rehabilitation Act, as interpreted by the Department of Education’s Office for Civil Rights, as well as Title II (public libraries) and/or Title III (private libraries) of the Americans with Disabilities Act;
- Whereas, A number of court cases and structured negotiation settlements have upheld the precedent that the Americans with Disabilities Act (ADA) applies to the content of web sites, such as the National Federation of the Blind, et. al., v. Target Corporation, the National Federation of the Blind v. Law School Admissions Council Inc., the National Federation of the Blind v. Connecticut Attorney General's Office (IRS Forms), and American Council of the Blind Staples Accessible Web Site and Point of Sale Settlement Agreement, Rite Aid Web Accessibility Agreement, and Accessible Credit Reports Agreement;
- Whereas, Many libraries receiving state funding must acknowledge the importance of web accessibility issues within state statutes, policies and/or guidelines, through Section 508 and/or WCAG (i.e. Illinois, California, New York, Kentucky, etc.);
- Whereas, “Effective communication” requires that library materials and services provided through library websites be equally accessible to people with disabilities as to people without disabilities, unless doing so would constitute an undue burden or a fundamental alteration of the library program (see ALA Library Services for People with Disabilities Policy (adopted 2001); ADA Title II Regulation, 28 C.F.R. § 35.160-164; ADA Title III Regulation, 28 C.F.R. § 36.303 (www.ada.gov));

Purchasing of Accessible Electronic Resources Resolution/2

Whereas, The World Wide Web Consortium (WC3) has endorsed widely accepted guidelines, Web Content Accessibility Guidelines 2.0, which, the Guidelines state, "will make content accessible to a wider range of people with disabilities, including blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity [and combinations thereof, and in addition] can make Web content more usable to users in general";

Whereas, ALA Council adopted the Office for Information Technology Policy (OITP) Digitization Workgroup's values, through "Resolution on Principles for Digital Content," stating that "[e]quitable access to digital library materials is ensured through maximum accessibility, ubiquity, sustainability, and barrier-free access" (ALA Council Document 20.9, 2007); and

Whereas, ALA Council adopted a Resolution on Accessible Digitization Projects in 2007, which resolves that the American Library Association strongly encourage all libraries engaging in digitization projects to adopt Section 508 regulations to ensure that they are creating versions of materials that are accessible to persons using screen-reader or other assistive technologies; now, therefore, be it

Resolved, that the American Library Association (ALA) strongly recommends

1. That all libraries purchasing, procuring, and contracting for electronic resources and services require vendors to certify that they comply with Section 508 regulations, Web Content Accessibility Guidelines 2.0, or other criteria that become widely accepted as standards of accessibility evolve;
2. That all libraries purchasing, procuring, and contracting for electronic resources and services ensure, through their own testing protocols or by requiring vendor certification, that electronic products and services have been fully tested and found to be in compliance with those accessibility regulations, guidelines, and criteria; and
3. That funding authorities, including private institutions, the federal government and state and local governments, provide adequate funding to allow all libraries purchasing, procuring, and contracting for electronic resources and services the ability to comply with accepted standards and laws of accessibility for people with disabilities.

Adopted by the Council of the American Library Association

Wednesday, July 15, 2009

In Chicago, Illinois



Keith Michael Fiels

ALA Executive Director and ALA Council Secretary