[**2008: Reauthorization of the Higher Education Opportunity Act – Public Law 110-315**](https://www2.ed.gov/policy/highered/leg/hea08/index.html) - boosted the cachet of UDL for faculty development by requiring any college or university receiving federal aid to report on the outcomes of UDL training offered to students pursuing education majors and minors.

[**2015: Every Student Succeeds Act (ESSA)**](https://www.ed.gov/essa) – explicitly includes UDL as a standard for assessing curriculum design and technology plans.

Reasonable accommodation is no longer considered good enough in legal challenges. You still can be found to be discriminating if all you have is a reasonable accommodation policy in place.

UDL is a framework intended to get faculty members and course designers to think proactively about the needs of all of their learners, following the instructional planning process outlined by James Basham of the [**Universal Design for Learning Implementation and Research Network (UDL-IRN)**](https://udl-irn.org):

1. Establish clear outcomes – clear understanding of the goals of the lesson or unit
2. Anticipate learner needs – prior to planning instructional experience
3. Plan measurable outcomes and assessment – how learning is going to be measured
4. Instructional experience – sequence of events
5. Reflection and new understandings – establish checkpoints for teacher reflection and new understandings

In 2015, advocates for the deaf filed federal lawsuits against Harvard and M.I.T., saying both universities violated antidiscrimination laws by failing to provide closed captioning in their online lectures, courses, podcasts and other educational materials.

“Much of Harvard’s online content is either not captioned or is inaccurately or unintelligibly captioned, making it inaccessible for individuals who are deaf or hard of hearing,” the complaint said, echoing language used in the M.I.T. complaint. “Just as buildings without ramps bar people who use wheelchairs, online content without captions excludes individuals who are deaf or hard of hearing.”

In 2019, Judge Katherine A. Robertson of the U.S. District Court of Massachusetts largely rejected the universities' second attempt to dismiss the cases. On March 28, Robertson denied the institutions' pleas for the exclusion of their websites from Title III of the Americans With Disabilities Act and Section 504 of the Rehabilitation Act. Title III of the ADA prohibits disability discrimination by "places of public accommodation." Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in programs that receive federal funding.

<https://www.insidehighered.com/news/2019/04/08/mit-and-harvard-fail-get-out-video-captioning-court-case>

The University of California, Berkeley, decided to remove thousands of educational videos from public view in 2017 after the U.S. Justice Department ordered the university to provide captions. The decision drew criticism from disability rights advocates but highlighted the financial and administrative burden placed on universities by web-accessibility requirements.

From an instructional design standpoint, it is much easier to design courses and resources with accessibility in mind, rather than trying to fix an accessibility problem after the semester as started if a student should self-identify in a class (online or face-to-face).  If you are linking to someone else’s video online (one that you do not own and therefore cannot add captioning to) it is acceptable to post a text transcript of the video content along with the video.  Some campuses, but not all, have resources for transcription services in the Office of Accessibility.

<https://www.d.umn.edu/~lcarlson/atteam/lawsuits.html>

<http://www.atlantic.edu/documents/nfb_lanzailotti_atlantic_cape_consent_decree.pdf>