

April 8, 2020

## Letter of Reasonable Accessibility for DF Institute, LLC (Kaplan Professional)

No organization can claim that its digital properties are 100% accessible because of the subjective nature and interpretation of absolute accessibility. The best anyone can do is test and resolve for best practices and provide a dedicated outlet to assist users when issues occur.

Kaplan has taken such steps by retaining the Bureau of Internet Accessibility (“BoIA”) to assist in testing and improving the accessibility of Kaplan’s website, [www.kaplanfinancial.com](http://www.kaplanfinancial.com). BoIA is an independent, third-party accessibility consultant that has expertise and knowledge concerning accessible web development, digital accessibility and Web Content Accessibility Guidelines (“WCAG”). Since 2001, BoIA has successfully been working with organizations to improve the accessibility of their websites and digital properties by conducting digital accessibility audits and assisting with remediation.

This letter serves to summarize the results of BoIA’s testing of Kaplan’s website as well as the steps being taken by Kaplan to improve accessibility and/or remedy any noted issues. This letter is provided at Kaplan’s request and is intended for use only by Kaplan. Third parties are not entitled to rely on the contents of this letter. Likewise, while the contents of this letter reflect BoIA’s professional impressions and opinions, BoIA’s auditors are not attorneys and this letter should not be construed as a legal opinion.

Accessibility

## Overview

As used in this letter, “Reasonable Efforts” means, with respect to a given goal or obligation, the efforts that a reasonable person or entity would use to achieve that goal or obligation. Reasonable Efforts shall be interpreted so as not to require Kaplan to undertake measures that might constitute an undue burden (as defined in Title III of the Americans with Disabilities Act (the “ADA”)), whether due to the cost, difficulty or impact of such measures on Kaplan’s website or digital-related operations or otherwise, or that might result in a fundamental alteration in the manner in which Kaplan operates its website or digital-related properties or the primary functions related thereto.

As described in greater detail herein, BoIA’s professional opinion is that the Kaplan digital properties tested:

- Do not deny persons with an impairment the opportunity to participate in and benefit from the goods, services, facilities, privileges, advantages, and accommodations provided through Kaplan’s website. 42 U.S.C. §12182(b)(1)(A)(i); 28 C.F.R. § 36.202(a);
- Use Reasonable Efforts to provide persons with an impairment an equal opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, and accommodations provided through Kaplan’s website. 42 U.S.C. § 12182(b)(2)(A)(ii); 28 C.F.R. § 36.202(b); and
- Use Reasonable Efforts to ensure that persons with an impairment are not excluded, denied services, segregated, or otherwise treated differently because of the absence of auxiliary aids and services provided through Kaplan’s website. 42 U.S.C. § 12182(b)(2)(A)(iii); 28 C.F.R. § 36.303.

BoIA believes that the Kaplan digital properties tested are reasonably accessible and have made appropriate accommodations for individuals with disabilities, including individuals who are blind or have low vision, individuals who are deaf or hard of hearing, and individuals who have physical disabilities affecting manual dexterity.

## Testing Standards

Kaplan has selected WCAG 2.1 Level A and AA Success Criteria (“WCAG 2.1 A/AA”) as its standard for testing. The Web Accessibility Initiative (“WAI”) of the World Wide Web Consortium (“W3C”) has created recognized international guidelines for digital accessibility. These guidelines, which are set out in the WCAGs, detail how to make websites accessible to all individuals with disabilities. The Department of Justice currently uses WCAG 2.0 Level AA as the accepted standards by which to measure a website’s accessibility. WCAG 2.1 Level AA includes WCAG 2.0 Level AA standards.

The results of BoIA's testing indicate that Kaplan's website prudently conforms to the WCAG 2.1 A/AA standards, such that the website is likely to be reasonably accessible to persons with impairments.

## Testing for Diverse Abilities

Testing conducted on the website includes testing for a diversity of abilities, including auditory, cognitive, physical, speech, and visual disabilities.

### Visual

Visual disabilities range from mild or moderate vision loss in one or both eyes ("low vision") to substantial and uncorrectable vision loss in both eyes ("blindness"). Some individuals have reduced or lack of sensitivity to certain colors ("color blindness"), or increased sensitivity to bright colors. These variations in perception of colors and brightness can be independent of visual acuity. Testing for accessibility to those with visual disabilities includes testing of:

- Images, controls, and other structural elements that do not have equivalent text alternatives.
- Text, images, and page layouts that cannot be resized, or that lose information when resized.
- Missing visual and non-visual orientation cues, page structure, and other navigational aids.
- Video content that does not have text or audio alternatives, or an audio-description track.
- Inconsistent, unpredictable, and overly complicated navigation mechanisms and page functions.
- Text and images with insufficient contrast between foreground and background color combinations.
- Websites, web browsers, and authoring tools that do not support the use of custom color combinations.
- Websites, web browsers, and authoring tools that do not provide full keyboard support.

### Auditory

Auditory disabilities range from mild or moderate hearing loss in one or both ears ("hard of hearing") to substantial and uncorrectable hearing loss in both ears ("deafness"). Some individuals with auditory disabilities can hear sounds but are not sufficiently able to understand all speech, especially when there is background noise. This can include people

using hearing aids. Testing for accessibility to those with auditory disabilities includes testing of:

- Audio content, such as videos with voices and sounds, without captions or transcripts.
- Media players that do not display captions and that do not provide volume controls.
- Media players that do not provide options to adjust the text size and colors for captions.
- Web-based services, including web applications, that rely on interaction using voice only.
- Lack of sign language to supplement important information and text that is difficult to read.

### Cognitive, Learning, and Neurological

Cognitive, learning, and neurological disabilities involve neurodiversity and neurological disorders, as well as behavioral and mental health disorders that are not necessarily neurological. These disorders may affect any part of the nervous system and impact how well people hear, move, see, speak, and understand information. Cognitive, learning, and neurological disabilities do not necessarily affect the intelligence of a person. Testing for accessibility to those with cognitive, learning and neurological disabilities includes testing of:

- Complex navigation mechanisms and page layouts that are difficult to understand and use.
- Complex sentences that are difficult to read and unusual words that are difficult to understand.
- Long passages of text without images, graphs, or other illustrations to highlight the context.
- Moving, blinking, or flickering content, and background audio that cannot be turned off.
- Web browsers and media players that do not provide mechanisms to suppress animations and audio.
- Visual page designs that cannot be adapted using web browser controls or custom style sheets.

### Physical

Physical disabilities (sometimes called “motor disabilities”) include weakness and limitations of muscular control (such as involuntary movements and tremors, lack of coordination, and paralysis), limitations of sensation, joint disorders (such as arthritis), pain that impedes movement, and missing limbs. Testing for accessibility to those with physical disabilities includes testing of:

- Websites, web browsers, and authoring tools that do not provide full keyboard support.
- Insufficient time limits to respond or to complete tasks, such as to fill out online forms.
- Controls, including links with images of text, that do not have equivalent text alternatives.
- Missing visual and non-visual orientation cues, page structure, and other navigational aids.
- Inconsistent, unpredictable, and overly complicated navigation mechanisms and page functions.

## Speech

Speech disabilities include difficulty producing speech that is recognizable by others or by voice recognition software. For example, the loudness or clarity of someone's voice might be difficult to understand. Testing for accessibility to those with speech disabilities includes testing of:

- Web-based services, including web applications, that rely on interaction using voice only.
- Websites that offer phone numbers as the only way to communicate with the organizations.

## About Kaplan Professional

Kaplan Professional is a for-profit corporation that provides educational services to colleges and universities and corporations and businesses, including higher education programs, professional training and certifications, test preparation and student support services.

### Digital Properties Tested

www.kaplanfinancial.com was tested on Desktop.

### Testing Conducted on the Digital Properties

#### *Manual Testing*

BoIA employs human testers to conduct manual tests on websites and mobile applications. Manual testers with visual disabilities used assistive technology to thoroughly examine the content and accessibility of high-traffic pages and unique templated pages, as well as the functionality of each custom use case. Then, a fully sighted subject matter expert reviewed and validated each outcome, evaluated the accessibility checkpoints that the first-round tester could not assess, such as color contrast or those related to video, and performed a complete second round of manual testing.

Specific use cases were developed to emulate an actual user:

1. Free CFA Monthly Candidate Guide Form and Check Error Messaging
2. Search, Select Package Options and Add to Cart
3. Update Cart and Purchase

The manual review using both visually impaired testers and sighted subject matter experts was completed on 6/21/2019. A retest was then requested and completed on 3/10/2020.

#### *Automated Testing*

BoIA programmed its automated A11Y® platform to break down the WCAC 2.1 A/AA guidelines and checkpoints of a website into testable components with specific rules and parameters for each case scenario. The server-scanning technology methodically tests each page against hundreds of rules. All violations are organized into specialized databases by issue theme (Media, Structure, Text, Scripting, CSS and Forms) and are tied back to specific WCAG 2.1 A/AA checkpoints. The last automated test was conducted during the audit.

### *Issues Discovered During the Audit*

During the audit, specific issues detected by BoIA were reviewed with the Kaplan team. Some of the most frequently found issues include inaccessible form fields, headings not being provided correctly, link purpose clarity, and the lack of visible focus indicators.

### *Improvements Made Since the Audit*

During the retest which was delivered 3/10/20, improvements were documented. The results show that the Kaplan team has made some improvements, such as to the inaccessible form fields, labels and instructions, and visible focus that were identified during the initial audit.

### *Plan for Addressing Additional Issues not Fixed*

Kaplan plans to address the issues over time. To address outstanding issues in the short term, Kaplan was offered with a toll-free number in which they can have users access a live BoIA operator 24 hours a day and 7 days a week. Along with the toll-free number, Kaplan was also offered an email address in which their users may utilize for accessibility inquiries.

### *3rd Party Content Found on the Kaplan Digital Properties*

The following third-party applications or plug-ins were found on Kaplan's website.

- Facebook
- YouTube
- Twitter
- LinkedIn

In order to improve the accessibility of these third-party applications, BoIA has suggested that Kaplan contact each of the applicable application providers to request that they issue a letter of commitment agreeing to substantially conform to the WCAG 2.1 A/AA standards.

## Sitewide Accessibility Issues Accommodations

Kaplan has been instructed to ensure their website contains an accessibility statement that is clearly disclosed (the "Accessibility Statement"). BoIA provided the language for the Accessibility Statement to Kaplan on 11/4/2019. The Accessibility Statement indicates that Kaplan is making efforts to maintain and increase the accessibility of its website in order to ensure that persons with disabilities have full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations that Kaplan provides through its website. The Accessibility Statement also solicits feedback from site visitors on how website

accessibility can be improved and offers immediate support for issues relating to accessibility, including by means of a toll-free phone number and an accessible email address where representatives knowledgeable about the Web Accessibility Policy can be reached.

### Dedicated Accessibility Phone Number

A Federal District Court Judge in California (U.S. District Judge James Otero) stated that telephonic access could be a lawful alternative for people experiencing accessibility issues on a website (Case CV 16-06599 SJO).

A dedicated toll-free number was offered to Kaplan for use on their website for accessibility issues and is intended to be available to all site visitors. Visitors with disabilities who are experiencing technical difficulties with the website or mobile applications can call for assistance and will have the option to speak with a live representative 24 hours per day, 7 days per week. The live operator uses his or her best efforts to resolve the caller's issue while on the phone. All issues are tracked as tickets. A full transcription of the call with any additional notes is reviewed following the call and, if appropriate, the caller is contacted as needed to follow up on any such issues.

### Dedicated Accessibility Email Address

Kaplan was also offered a dedicated email address for addressing accessibility issues. All issues are tracked as tickets.

### Accessibility Statement Link Location

BOIA instructed Kaplan to provide a direct link from the website's footer that's on the homepage and all other pages directs site visitors to Kaplan's Accessibility Statement. As of the date of this letter, BoIA can confirm that there is a link in the footer of [www.kaplanfinancial.com](http://www.kaplanfinancial.com) called "ADA policy". The language in the statement is not the language provided by BoIA but is Kaplan's own, and includes an email and a phone number for users to reach Kaplan directly to be provided with an application.

### Dedicated Accessibility Statement Language

The provided language of the Accessibility Statement is as follows:

*Kaplan Financial Education is committed to making its website usable by all people, including those with disabilities by meeting or exceeding the requirements of the Web Content Accessibility Guidelines 2.1 Level A/AA (WCAG 2.1 A/AA). We strive to make our site an equal experience for everyone.*



*We continue to monitor our site and make sure that all content provided is accessible to all visitors. In order to help us in this process, we have engaged The Bureau of Internet Accessibility ([www.BoIA.org](http://www.BoIA.org)), an accessibility consulting company, to conduct a full accessibility audit consisting of both automated and manual testing of our website using BoIA's A11Y@ platform which provides us with specific recommendations that will assist us in ensuring that our Web presence is in conformance with the WCAG 2.1 A/AA.*

#### *Disclaimer*

*It is important to note that efforts to the website are ongoing as we work to implement the relevant improvements to meet WCAG 2.1 A/AA guidelines over time.*

#### *Third Party Applications*

*While you are visiting our site, you will notice that we make use of third-party sites such as Facebook, Twitter, LinkedIn, and YouTube to provide information about Kaplan Financial Education. Though individuals may have challenges with access to these particular sites, Kaplan Financial Education does not control or remedy the way content is portrayed.*

### **Staff training**

Kaplan has been provided annual training on website accessibility for website content personnel. Kaplan has purchased 199 training licenses from BoIA which are good for the following courses: Accessibility Best Practices, PDF Accessibility, and Mobile Accessibility Best Practices. Currently 196 training courses were completed. These courses are for individuals who are new to accessibility. The most recommended course, Accessibility Best Practices, covers an overview of the WCAG 2.1 guidelines and breaks them down into easy-to-understand summaries. It also offers instruction using specific, real-life examples, teaching what to watch for when ensuring an online presence is reasonably accessible to everyone.

### **Accessibility Coordinator**

Kaplan has informed BoIA that it has designated an employee as the web accessibility coordinator at Kaplan.