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M E M O R A N D U M

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TO: Joint Technology Committee
FROM: Matt Becker, Research Analyst, 303-866-4785
SUBJECT: Information Technology Accessibility in State Government

Summary

This memorandum addresses information technology (IT) accessibility for state employees and customers of the state who are disabled. Specifically, it summarizes legal compliance requirements, current practices, and the state's future plans for improving IT accessibility for disabled persons, including blind and visually impaired individuals in Colorado.

Legal Compliance Requirements for IT Accessibility

Both state and federal law require IT to be accessible to users with disabilities, including those who are blind or visually impaired.

State law. Current law requires the Governor's Office of Information Technology (OIT) to approve minimum standards and criteria to be used by state agencies when procuring adaptive technologies for nonvisual access.¹ Examples of nonvisual access technologies include synthesized speech, Braille, and other output methods, such as screen readers. Screen readers are used by persons with zero or severely limited vision to interpret text that is displayed on a computer screen with a speech synthesizer or Braille display.

OIT's standards and criteria only apply to software, peripheral devices, or other IT used by blind or visually impaired individual. They do not explicitly require any state agency to purchase nonvisual adaptive equipment. The law also requires that any applications, programs, and underlying operating systems used to manipulate or present information that are procured by OIT must be compatible with and permit the installation and effective use of nonvisual access software and peripheral devices. These procurement requirements also apply to upgrades and replacements of existing IT equipment or software. For the purpose of nonvisual access

¹Section 24-85-104, C.R.S.

standards, IT includes all electronic information processing hardware and software, including telecommunications.²

OIT is required to maintain nonvisual access standards for IT systems employed by state agencies.³ These standards must:

- provide blind or visually impaired individuals with access to information stored electronically by state agencies; and
- be designed to present information, including prompts used for interactive communications, in formats intended for both visual and nonvisual use, such as the use of text-only options.

Furthermore, the Chief Information Officer of OIT must consult with state agencies and representatives of blind or visually impaired individuals concerning these nonvisual access standards and procurement criteria. The head of each state agency must also establish a written plan, as part of its annual IT plan, and develop proposed budget requests for implementing the access standards for the agency at its public facilities.

Federal law. The Rehabilitation Act of 1973 was amended in 1998 to make IT accessible to people with disabilities.⁴ Under Section 508 of the act, government agencies must give disabled employees and members of the public access to information that is comparable to access available to others. The United States Access Board develops accessibility standards for federal procurement practices. Other federal laws concerning IT accessibility for persons with disabilities include:

- the Americans with Disabilities Act (ADA);
- Section 255 of the Communications Act, which requires telecommunications products and services to be accessible to persons with disabilities;
- the Assistive Technology Act of 1998, which establishes a grant program to provide federal funds to support state programs that address assistive technology needs;
- the Help America Vote Act of 2002, which mandates improvements to voting systems and voter access; and
- the 21st Century Communications and Video Accessibility Act of 2010, which requires advanced communications services and products to be accessible.

Current IT Accessibility Initiatives

OIT has a stated goal of ensuring that all state IT systems, software, hardware, and peripheral devices are accessible to all users, including persons with disabilities. It recognizes that IT can increase independence, quality of life, and employment opportunities for persons with disabilities. To meet these goals, OIT uses the Section 508 accessibility standards developed by the United States Access Board as a platform for IT accessibility guidelines in Colorado. OIT also monitors compliance of the state's IT systems with the ADA, as the internet has been interpreted to be a place of public accommodation, and follows the Web Content Accessibility Guidelines (WCAG) developed by the World Wide Web Consortium (W3C). W3C

²Section 24-85-102, C.R.S.

³Section 24-85-103, C.R.S.

⁴29 U.S.C. § 794d

employs international cooperation to provide a single shared standard for web content accessibility that meets the needs of all individuals, organizations, and governments.

Technology Accessibility Solution Architect. OIT is in the process of establishing a new Technology Accessibility Solution Architect position. However, funding for the position has not been appropriated. Until a new FTE position is obtained, the Enterprise Architecture unit within OIT has dedicated an existing Solution Architect position (0.3 FTE) to work on IT accessibility initiatives for the state.

Technology Accessibility Plan. OIT is also creating a Technology Accessibility Plan that will develop:

- standard contract language, auditing mechanisms, and enforcement procedures to ensure that vendors are providing accessible IT products and complying with contract terms;
- best practices and processes to ensure IT projects and purchases conform to accessibility standards;
- a toolkit for state departments to use when purchasing peripherals and developing internal IT applications, documents, forms, and websites; and
- a process for reviewing existing IT systems and applications for compliance with accessibility standards and for bringing inaccessible systems into compliance.

Technology Accessibility Advisory Board (TAAB). OIT is forming the TAAB to advise the office on how to improve IT accessibility. The board will be comprised of both private sector and state employees and will include, at a minimum:

- two blind or visually impaired users of adaptive technology, one of whom is employed by the state;
- two representatives from other disability groups, one of whom is employed by the state;
- a representative from the Division of Vocational Rehabilitation;
- a technology accessibility expert not employed by the state;
- a representative from the State Purchasing Office; and
- the state ADA coordinator.

IT procurement. OIT currently includes the following language in all requests for proposals (RFPs) it issues for IT goods and services:

"The solutions should, when practicable, comply with: HTML5, CSS, JavaScript (W3C); Section 508 of the U.S. Rehabilitation Act, or at minimum, be compatible with screen readers (both the site and any downloadable artifacts), capable of displaying large fonts, and content context that does not rely on color alone; and code design standards as provided."

The RFPs typically include links to a list of compliance requirements (including Section 508) necessary to qualify and perform the work, as well as to the federal user interface design standards for web-based solutions. With the completion of the Technology Accessibility Plan, the federal standards will eventually be replaced by state-specific standards.

Future Plans for IT Accessibility

OIT intends to integrate Section 508 compliance requirements into all of its practices, including the purchase of IT products, unless doing so would impose an undue burden. What might constitute an undue burden has not yet been defined by OIT, but the TAAB, once formed, could potentially help OIT make that determination. OIT has pledged to eliminate barriers, improve access, and make it easier for all of its clients, state agencies, state employees, and the general public to conduct and do state business. OIT's future IT accessibility plans include:

- offering guidance to IT development groups within the state, including recommended tools, to ensure Section 508 compliance;
- establishing a cross-discipline team to assess and recommend roadmaps for non-compliant IT systems within state agencies;
- aggregating recommendations into formal documents and standards; and
- implementing a communication program intended to inform and educate state employees, contractors, and the general public about Section 508 compliance.