Accessibility Law & Planning for Local Governments 2023

Introductions

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Agenda

- Why does accessibility matter?

- HB21-1110 & SB23-244 Basics

- Accessibility Planning

- Core Criteria

- Resources

- Q&A

Why Does Accessibility Matter?

It matters because:

- It's the law. It's a civil right. It's a human right. It's the right thing to do.
- Twenty-six percent of the U.S population has a disability (1 in 4)...and, according to the CDC, a little over one million Coloradons have a disability
- Enhancing the lives of *everyone* including those with *and* without disabilities
- Increasing general access to a much broader audience
- Increasing search optimization
- Promotes inclusivity and increasing language access opportunities
- Contributing positively to the digital community
- Showing demonstrated business and community leadership
- Improving your overall brand
- Increasing sales and completing online transactions

HB21-1110 & SB23-244 Basics

Colorado Laws For Persons With Disabilities

- [HB21-1110](#) makes it a state civil rights violation for a government agency to exclude people with disabilities from receiving services or benefits because of lack of accessibility.

- Any Colorado government entity that doesn't comply with state web accessibility standards could be subject to injunctive relief, meaning a court order to fix the problem; actual monetary damages; or a fine of $3,500 payable to the plaintiff, who must be someone from the disability community.

- All state agencies and local governments must be compliant with state standards by July 1, 2024.

What Technology Does It Apply To?

- It relates to all technology, software and hardware, that is both public-facing and internal-facing. That is any technology provided by or procured by a government entity that is used by the public or used by a government entity employee.

- This technology includes but is not limited to websites, applications, kiosks, digital signage, documents, video, audio and third-party tools.

- Find more info on OIT's [Accessibility Operations Memorandum](#) (Google Doc)

SB23-244 Tech Accessibility Cleanup

Helps to clear up any ambiguity within HB21-1110 by:

- Requiring OIT to adopt rules regarding accessibility standards for IT systems.

- Ensuring there is accessibility for all types of disabilities by allowing reasonable accommodations.

- Clarifying that a claim brought for a violation of accessibility standards constitutes a single claim for each digital product.

Find more info on OIT's Fact Sheet: SB23-244 Technology Accessibility Cleanup (Google Doc)

Rulemaking examples:

- Rules can help define what undue financial and administrative burden means and define a fundamental alteration in the nature of the programs, services or activities being offered. Rules can also help to establish procedures for evaluating undue burden or fundamental alteration of services.

- Rules can articulate what and how public- and internal-facing websites, applications and document remediation should be prioritized.

- Rules can help standardize requirements for vetting technology for accessibility.

Rulemaking examples continued:

- Rules can help define the requirements and process for reviewing and approving accommodations, exceptions and exemptions.

- Rules can help define what "most recent web content guidelines" means as stated in HB21-1110.

- Rules can define what a "digital product" is as referred to within SB23-244 regarding violations per digital product.

Accessibility Planning

Accessibility Planning: Checklist

[Accessibility Adoption Planning Checklist Template](#)

- It is not required by state statute to use this template

- The planning template is not intended to be a one-size-fits-all solution—it's up to the organization to customize it to meet its needs.

- It's designed to be a single source of truth and a documentation hub for verifying that the organization is earnestly working toward fixing current issues and operationalizing accessibility in order to provide accessible services.

About the Checklist: Outcomes

- Immediately address existing accessibility compliance issues by taking inventory of all technology touchpoints, assessing them for accessibility compliance then remediating the problems. If the organization is unable to remediate by the deadline, then a plan for accommodation needs to be put in place by the agency.

- Build accessibility into roles and processes in order to operationalize accessibility and avoid costly accessibility debt in the future.

Six Core Criteria

- Governance, Roles & Responsibilities

- Prioritize, Test, Remediate

- Skills & Hiring

- Communication & Support

- Procurement & Vendor Management

- Software Development Lifecycle

Governance, Roles & Responsibilities

Ensure that accessibility is positioned appropriately within the organization and that accessibility-related roles and responsibilities across the organization are defined, including the designation of an executive sponsor or accountable party.

- Define what accessibility governance means
- Create an Accessibility Workgroup that represents the core criteria
- Define roles and responsibilities, including product owner roles
- Identify directives, policies, procedures and guidelines that can be updated with accessibility requirements

Governance: Responsibilities

- Executive Leadership: Executive Sponsor, Change Management

- Communications Team: Communications & Support

- Web Managers/Authors: Communications & Support, Evaluation & Remediation

- Finance: Procurement, Contracting & Vendor Management

- Human Resources (HR): Skills & Hiring

- IT Directors & Business Product Directors: Evaluation & Remediation, Software Development Lifecycle

- Equity, Diversity & Inclusion (EDI) Team: EDI Support & Alignment of Efforts

- Project and/or Program Management

- Other Division or Program Roles

Governance: Responsibilities

- [City of Englewood Digital Accessibility Plan](#)

- Accessibility Workgroup

  - City of Englewood has created a Website Accessibility Committee

  - Department Champions: 1-2+ per department that will champion the responsibility of accessibility for all digital documents

Roles and Responsibilities

1) **Online Accessibility Coordinator(s)**
   a) Establish grievance procedure
   b) Coordinate the city's compliance with this policy
   c) Prepare and provide accessibility training and guidance
   d) Develop accessibility compliance standards
   e) Develop procurement guidelines and standards for new technologies
   f) Promote web accessibility awareness internally
   g) Respond to user inquiries related to web accessibility
   h) Organize on-going assessment of the accessibility of city technologies
   i) Establish an Accessibility Committee to oversee ongoing compliance of this policy
   j) Perform annual audits and prepare annual status reports for presentation to the Accessibility Committee

2) **Information and Technology (IT) Department and Website Manager**
   a) Attend accessibility training as provided by the Online Accessibility Coordinator(s)
   b) Choose and implement tools that conform to this policy
   c) Provide tools to support in automated accessibility testing (SiteImprove)
   d) Participate in Accessibility Committee meetings as needed

3) **Website Administration Team, Content Creators and Department Champions**
   a) Attend appropriate and regular accessibility training as provided by the Online Accessibility Coordinator(s)
   b) Fix accessibility issues identified by the Online Accessibility Coordinator(s)
   c) Identify inaccessible online content and remediate
   d) Champion accessibility best practices within the department
   e) Provide mentorship to department document authors
   f) Participate in Accessibility Committee meetings as needed

4) **Graphic Designers**
   a) Complete accessibility training as provided by the Online Accessibility Coordinator(s)
   b) Create graphics that are compliant with this policy
   c) Fix accessibility issues identified by the Online Accessibility Coordinator(s)
   d) Participate in Accessibility Committee meetings as needed

5) **Leadership**
   a) Complete accessibility training as provided by the Online Accessibility Coordinator(s)
   b) Comply with this policy

6) **Authors of Documents Intended for Public Use**
   a) Attend accessibility training as provided by the Online Accessibility Coordinator(s)
   b) Comply with this policy

Governance: Responsibilities

- [City of City of Colorado Springs Digital Accessibility Plan](#)
- Adopt the standards locally
  - Identify department liaisons to leverage workforce
  - Local mandates help build and foster a culture of accessibility

ADMINISTRATIVE REGULATION 2020-02
MAYOR JOHN W. SUTHERS

DATE: March 6, 2020

TOPIC: ADA Online Accessibility Policy

LEGAL AUTHORITY: City Charter § 3-10(b)

1.0 Purpose and Scope: This Administrative Regulation sets forth the City's online accessibility policy to improve access to City Information and Communication Technology to persons with disabilities in furtherance of the City's obligations under the Americans with Disabilities Act and related non-discrimination laws.

2.0 Terms Defined:

2.1. **"ADA"** – The Americans with Disabilities Act, as amended.

2.2. **"ICT"** – Information and Communication Technology, which means information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include, but are not limited to: computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment, software, applications; websites; videos; and, electronic documents.

2.3. **"WCAG"** – The Web Content Accessibility Guidelines developed and published by the Web Accessibility Initiative, a subgroup of the World Wide Web Consortium.

2.4. **"Web Content"** – Website pages and portable documents intended for public use.

3.0 Procedures:

3.1. **In General:** Pursuant to City Charter § 3-10(b), the Mayor shall perform all executive and administrative functions of the City, including designation of administrative guidelines. Directing City staff through policies and procedures with regard to the City's obligations under the ADA and related non-discrimination laws is an executive and administrative function of the City government.

Prioritize, Test, Remediate

Ensure that the organization accounts for all digital assets, has a plan for testing and validation of technical standards conformance and that plans are developed to address accessibility issues once identified.

- Determine the best tool for creating an inventory of agency technology.
- Engage with business technology product roles and IT project managers to create a plan for testing, remediation and, where needed, accommodations.
- Engage with procurement team members to create a plan for vendor management.

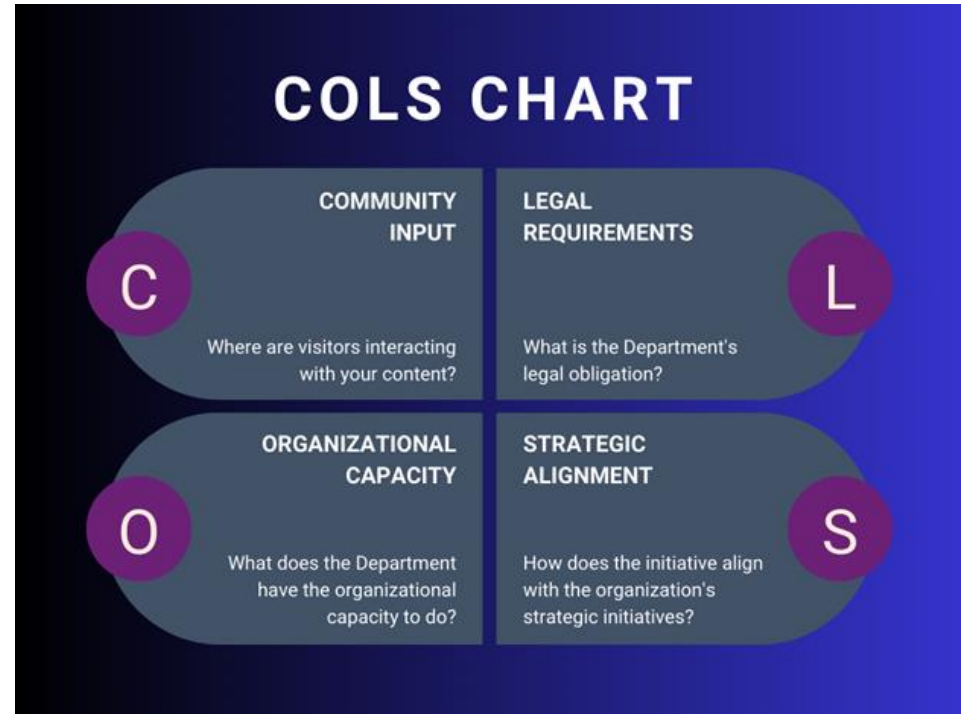# Prioritize, Test, Remediate

An essential partnership:

- IT leadership

- Business technology product roles, e.g., product owners, SMEs, program managers

- Procurement

- Identify applications that are high traffic (Community Input)
- Look for hard lines regarding the organization's legal requirements as prescribed by HB21-1110 (Legal Requirements)
- Look for low hanging fruit to improve accessibility (Organizational Capacity)
- Align your effort with the organization's strategic initiatives to identify funding and other resources (Strategic Alignment)

Baby steps before you run…

Prioritize, Test, Remediate

- Set meetings with each department to identify each public facing software.
- Sent all vendors our blanket statement in 2021.
  - Let the vendors know of HB21-1110 and that they would need to reach WCAG 2.1 AA Compliance by July 2024.
    - 10 signed, 2 agreed to reach compliance, still have a few outstanding that we are working on
- Manual Testing
  - Contracted with Be Accessible to manually test website (Granicus).
  - Identified issues to be remediated by Digital Content Strategist and remaining issues sent to Granicus.
  - Granicus is implementing these changes platform wide.
- Procurement Plan
  - Included in our Digital Accessibility Plan is a policy for Procurement of Digital Services for all newly acquired public facing services.
  - **Policy Statement:** The City of Englewood shall procure digital services that meet WCAG 2.1 Level AA accessibility standards to ensure that all users, including those with disabilities, have equal access to digital services.

Skills & Hiring

Ensure the organization hires people with accessibility skills and trains current employees on skills related to accessibility.

- Identify skills needed for which roles need which skills
- All employees should have "Web Accessibility Basics" training
- Many employees should have document accessibility training
- Identify one or more key people to oversee skills development efforts

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Skills & Hiring

From the State training perspective: Things to think about when assessing skills needs -

- Building on the awareness that accessibility is a responsibility that everyone needs to share—this isn't one person's job (or in some cases, an add-on to one's existing job).

- Time needs to be made for professional development and training in the area of accessibility.
  - Assess current accessibility training offerings within your agency.
  - Identify and prioritize missing training offerings.

- Accessibility needs to be in job descriptions.

- Conducting an employee needs assessment to understand the gaps in knowledge as it relates to accessibility, to then identify what type of accessibility training is needed should be a first step.

- Outline specifically how your executive director/sponsor can help, and what they need to know about accessibility in order to help build awareness and desire.

Skills & Hiring

Things to think about when hiring

- Skill requirements for QA:
    - Proficient (reading and interpreting): 3 years – HTML, CSS, JavaScript, PDF remediation, WCAG, PDF/UA
    - Knowledge of the ADA and reasonable accommodation practices in general (it is important that testing staff understand the what, why, and how)
- Skill requirements for Design and Development:
    - Excellent (writing): 5 years – HTML, CSS, PHP, SQL, Script, XML, XHTML, etc.
    - Knowledge of WCAG
- Skill requirements for Web Content and Media Creators:
    - Knowledge of accessibility
    - Proficient in HTML, CSS, PDF remediation, and social media (with an emphasis on accessibility and using social media platform to specification)

No matter who is hired, you're looking for individuals who can learn, have a foundation in accessibility, and can write code and use applications to specification to the maximum extent feasible

The State's Training Overview

01 Accessibility fundamentals training

- Creating a stable foundation of accessibility knowledge and awareness

02 Training Pathways

- Pathways based on roles and responsibilities, which are accompanied by resources, courses, and training based on one's job role

03 Microlearning

- Quick (under one minute) training videos hosted on YouTube, ranging from beginner topics to advanced topics
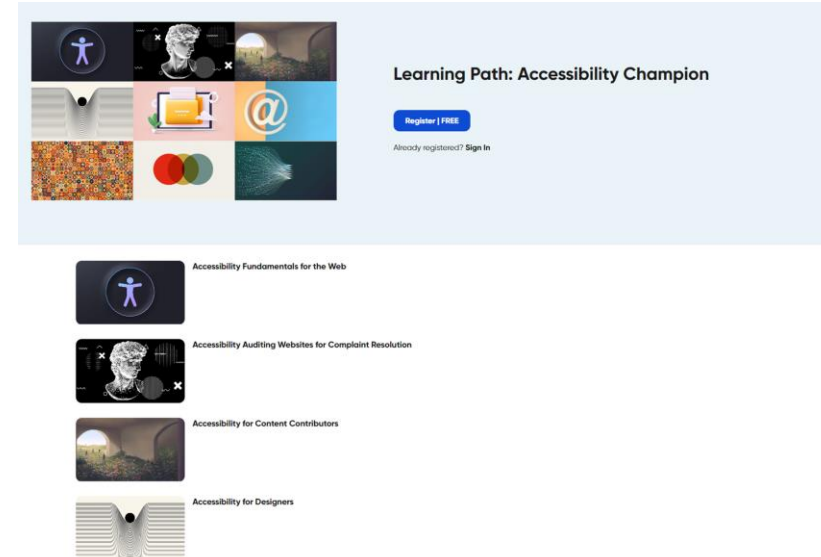
04 Training Hub

- An online training resource center, which will house all training materials

The State's Training Resources (by topic)

- [Accessibility Fundamentals](#)
  - [PDFs](#)
- Google Workspace
  - [Docs](#), [Slides](#), [Gmail](#)
- Understanding a [VPAT](#)
- Strategies for [Procuring Accessible IT](#)
- [Writing with Accessibility in Mind](#)
- [Accessible meetings and presentations](#)
- Developing [accessible websites and web applications](#)

Skills & Hiring

- Identify Accessibility Champions for each department

- Include Accessibility Basics in new hire orientation

- Use Siteimprove to set learning paths based on Roles & Responsibilities outlined in Digital Accessibility Plan

- Identify one or more key people to oversee skills development efforts: Digital Content Strategist and Marketing & Communications Specialist

Learning Path: Accessibility Champion

Register | FREE
Already registered? Sign In

Accessibility Fundamentals for the Web

Accessibility Auditing Websites for Complaint Resolution

Accessibility for Content Contributors

Accessibility for Designers

Communication & Support

Ensures that the organization tracks and resolves incoming accessibility complaints and that there are clear and well-tended channels for receiving feedback on IT accessibility issues.

- Your organization implements a plan for receiving support and accommodations requests
- Public statements of compliance including the state's accessibility statement and contact info
- Internally communicates accessibility as a priority and requirements for compliance

Communication & Support

- Accommodations Requests - Online Form
  - Workflow created to remediate requests created
  - Currently 14 days to remediate and reply - awaiting OIT guidelines for any grievances
- Public statements of compliance, accessibility statement and contact info listed online
- Identify all internal and external stakeholders
- Develop a stakeholder communication plan
- What are the expectations of each stakeholder? How can these expectations be communicated to them effectively? See Skills and HIring

The City of Englewood's
Accessibility Grievance Procedure

Within 14 calendar days after receipt of the grievance, a member of the city's accessibility committee will contact the person initiating the grievance to discuss the problem and the possible resolutions. Within 30 calendar days of the meeting, the accessibility committee will respond in a format accessible to the complainant. The response will explain the position of the city and offer options for a resolution. If the response by the accessibility committee does not satisfactorily resolve the issue, the complainant or their designee may appeal the decision within 30 calendar days after receipt of the response to the City Attorney's Office.

Name of the person initiating the grievance *
Enter your name

Address *
Enter your answer

Email address *
Enter your email address

Phone Number *
Enter your answer

Program or location of the grievance (Examples: Website, Englewood Engaged, etc.) *
Enter your answer

Date *
Enter a date

Description of the problem *
Enter your answer

Submit

Procurement & Vendor Management

Ensures that the organization's solicitation, evaluation and contract processes address IT accessibility/OIT Accessibility Technical Standards compliance.

- Process for purchasing accessible IT
- Process in place for engaging vendors in accessibility accountability
- Requires collaboration with the business product roles

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Communication & Support

Policy For Outside Consultants Providing Compliant Documents For Online Projects (Procurement and IT)

1. **Compliance with WCAG 2.1 Level AA:**

   All outside consultants providing documents to the City of Englewood for online projects must comply with the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA for accessibility. This includes but is not limited to document structure, formatting, and alternative text for non-text content.

2. **Document Creation:**

   All documents provided by outside consultants to the City of Englewood for online projects must be created with accessibility in mind. This includes using appropriate headings, lists, and alternative text for non-text content.

3. **Document Review:**

   The City of Englewood will review all documents provided by outside consultants for compliance with WCAG 2.1 Level AA. If non-compliance is identified, the outside consultant must take corrective action to ensure compliance.

4. **Contract Requirements:**

   All contracts between the City of Englewood and outside consultants must include language requiring compliance with this policy. The contract must specify the requirements for WCAG 2.1 Level AA compliance for documents and the consequences of noncompliance.

5. **Training:**

   All outside consultants must complete training on accessibility and WCAG 2.1 Level AA compliance prior to providing services to the City of Englewood. The training must cover best practices for creating accessible documents and the requirements of WCAG 2.1 Level AA.

6. **Review:**

   The City of Englewood will conduct periodic reviews of all documents provided by outside consultants for compliance with WCAG 2.1 Level AA.
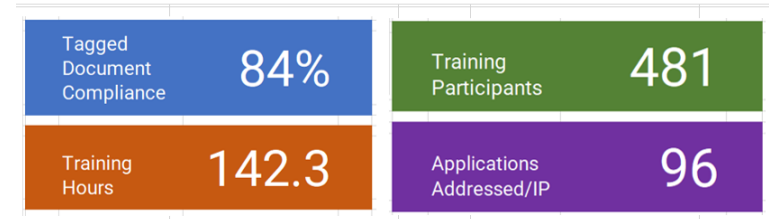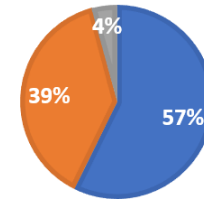
7. **Consequences of Non-Compliance:**

   Failure to comply with this policy may result in termination of the contract with the outside consultant and may preclude the consultant from working with the City of Englewood in the future.

Communication & Support

Policy For Outside Consultants Providing Compliant Documents For Online Projects (Procurement and IT)

- Stakeholder identification
  - Identify all relevant stakeholders, both internally and externally
  - Classify each stakeholder by interest in the project and influence – for example, a vendor with multiple contracts within Colorado can be leveraged based on their exposure to the State as a whole, while small businesses have the opportunity to compete against those that refuse to bring their products into compliance
- Stakeholder engagement
  - Create a communication plan for each stakeholder – who is responsible for managing this vendor? When is their contract up for renewal?
- Monitoring and control
  - Create processes to monitor progress (consider a scorecard)
  - Incorporate stakeholders when the organization experiences successes (we all need a win)

WEBSITE APPLICATION(S) STATUS

■ Complete ■ In-Progress ■ Partially Complete

4%
39%
57%

Tagged Document Compliance — **84%**	Training Participants — **481**
Training Hours — **142.3**	Applications Addressed/IP — **96**

Software Development Lifecycle

Ensures that IT accessibility requirements are incorporated into technology activities such as IT project management, design, development, testing, deployment and ongoing continuous improvement.

What is the SDLC?

It's the process of planning, creating, testing, releasing, maintaining and managing an IT product.

1. Planning
2. Analysis
3. Design
4. Implementation
5. Testing & Integration
6. Maintenance

Software Development Lifecycle: Roles

- IT Directors, Solutions Engineers, Business Analysts

- Project Management Teams

- Executive Sponsors

- Business Technology Product Directors

- Product Owners

- SMEs

- Change Management

- Program Managers

- Developers

- Designers

- Testers

- More!

- Require vendors to submit a **Voluntary Product Accessibility Template** (unless the product is tested, there is no way to know whether something is accessible or not – there is no such thing as "ADA approved")
- Perform accessibility audits throughout the development lifecycle
- **Remember**, the goal is to make your technology accessible and usable for all, which could mean going beyond standards – in other words, you can be "compliant" and still not be accessible to everyone, so its important that accessibility become a part of the culture
- Embedding accessibility requirements in the Development Lifecycle improves opportunities to identify access barriers as they come

Voluntary Product Accessibility Template® (VPAT®)

WCAG Edition

Version 2.4

Resources

- [Accessibility planning template](#)

- [State of Colorado Accessibility Guides](#)

  - [Accessibility Law for Colorado State and Local Government](#)

  - [OIT Accessibility Operations Memorandum](#)

- [Colorado Accessibility Newsletter Sign-Up](#)

- [WCAG 2.1, AA Quick Reference Guide](#)