Website Accessibility Requirements in IT Contracts
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BUSINESS PARTNERSHIP FORUM

WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES

Consider This

- About 700,000 Washington Citizens depend on some form of accessibility assistance to use our web sites and the systems and content embedded in them.
  - Web Site Pages
  - Documents
  - Video Content
 - Line of Business Applications

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What "Accessibility" is and is Not

- Accessibility is not just the ability to "get to" something but the ability to use it when you get there.

- Example: DES Web Site Accessibility Page

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Why are we focused on "Accessibility"?

- It's the right thing to do

- It is the law of the land

- We can be sued if we don't
  - It is expensive to defend
  - Could result in financial penalties to your agency
  - We want to use tax money to provide services to Washington citizens, not pay for legal costs and fines.

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DES Story – careers.wa.gov
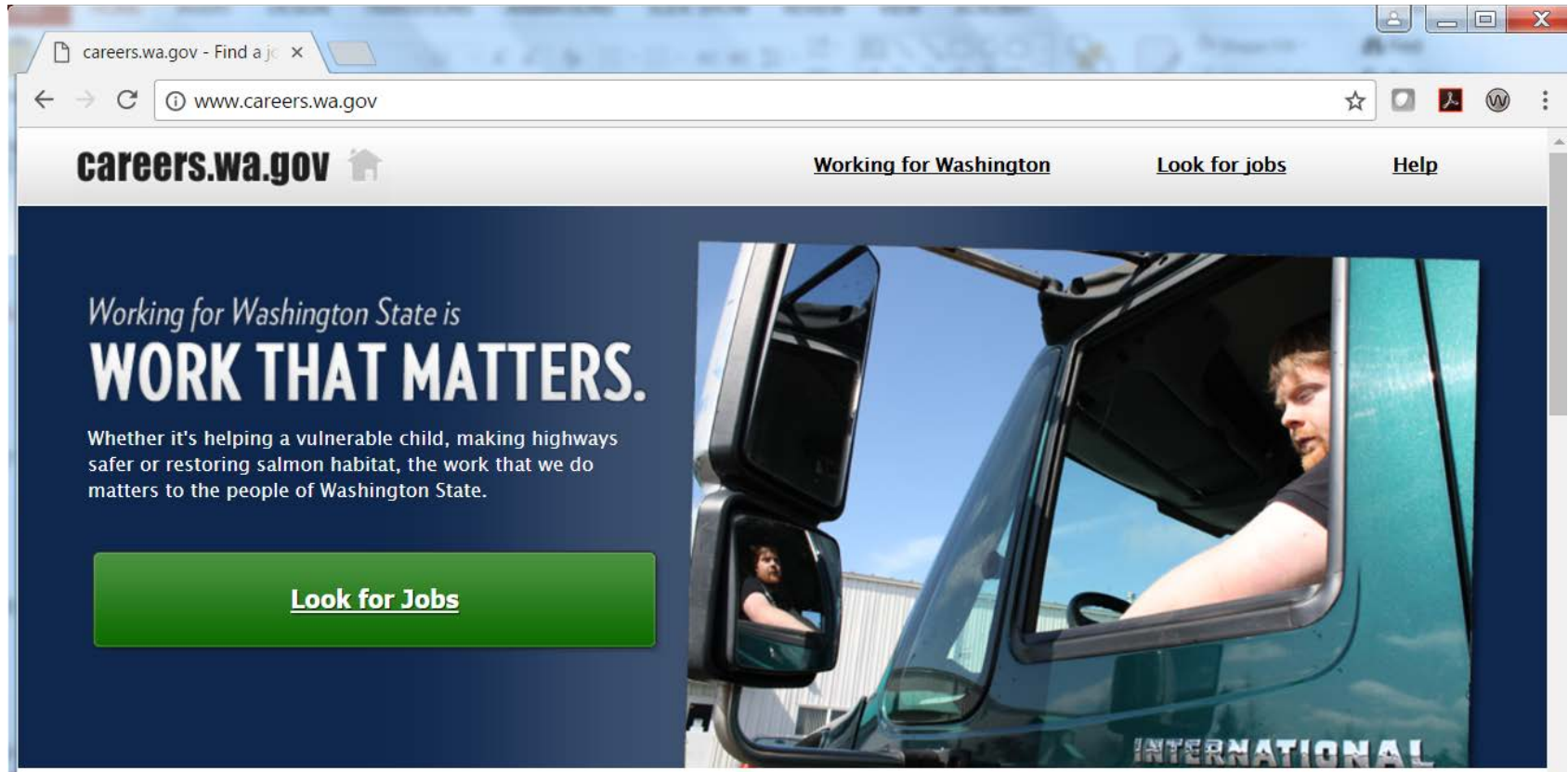
Careers.wa.gov Saga

- Web Site includes a vendor application
  - Application Link: https://www.governmentjobs.com/careers/washington
  - Vendor contract indicated they would be and remain compliant with section 508 standards

- All is good, right?

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Not So Much!

- January 2017 – The Washington State Attorney General received a letter from the "National Federation of the Blind"
    - Complained about the state's job site
    - Indicated a person with disability could not apply for an open job,
    - Threatened litigation if the site was not fixed.
- Got the attention of the DES Director and CIO
- Then got my attention in the form of "go fix this"

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What We Did

- Partnered with the ATG's Office to understand the issue and risks to the state
- Partnered with WaTech Web Services to test the site
  - The site was not accessible
- Worked with the DES site business owner and out AAG team to communicate the problem to the vendor
- Worked with the vendor and WaTech to fix the site and embedded application

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Business View

- Legal Reality – There is a body of law that exists related to discrimination in hiring
  - Lack of Accessibility = Discrimination
- It could happen to your agency too
- Don't assume the vendor has this covered because they said "yes" to your current section 508 requirement
  - You need something more from vendors

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How We Got Proof

- Teamed with WaTech to test the site and provide feedback to the vendor.
- Vendor contracted with third party accessibility testing firm
  - Automation Tools
  - Human navigation testing
  - Disabled person testing using assistive technologies.
- Washington Services for the Blind provided final user acceptance testing

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View of IT Procurement from My Chair

- My Roles include:
  - Statewide Cyber Liability risk, loss prevention, and insurance specialist
  - DES IT Security and Accessibility Officer
- Role in Procurements
  - Reviewer of some contracts
  - DES reviewer of internal IT projects/contracts
  - DES set contract requirements for my are of responsibility

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What I See Concerns Me

- Contracts often do not include appropriate provisions for:
  - Accessibility requirements
  - Insurance appropriate to the deal and risk of the deal
  - Records management requirements
  - Security requirements

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What You Need to Do?

- Make sure that your web sites, including embedded applications and content, are "usable" by citizens who use assistive technologies.

  – Make this a requirement in all current and future IT procurements
  – Demand proof

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Review

Washington State Web Sites:

- Are used by "People" using computers

- Approx. 8% of population uses some kind of accessibility tool like a screen reader.

- The State conducts our business using web sites and web applications.

- Our web sites, web content, and applications accessed from the web must be usable by "ALL" people authorized to use them.

The Law of the Land

Federal Law Requires "Accessibility" in our information technology and communications systems:

- ADA
- Section 503
- Section 504
- Section 508 - Procurement

Washington State Policy

Washington State Office of the CIO

[Accessibility Policy 188](#)

[Minimum Accessibility Standard (188.10)](#)

First Approved:	December 6, 2016
Revised:	May 11, 2017
Revision Approved:	June 13, 2017

OCIO Policy 188 – Scope

- Covered Technology
  - Websites, web applications, software systems, electronic documents, E-learning, multimedia and programmable user interfaces.
  - This includes interacting with the technology, access and content.
  - It does not include content that a user may encounter after leaving the covered technology (example: links to other web content).

OCIO Policy 188 – Part 1 of 2

1. All covered technology must be accessible to and usable by individuals with disabilities, either directly or by supporting the use of assistive technology.

2. Standard 188.10 - Minimum Accessibility Standard outlines the minimum levels for compliance.

3. <u>This includes all covered technology acquired, procured, developed or substantially modified or substantially enhanced after the effective date of the policy , including software available at no cost.</u>

2. Where a covered technology is not able to be brought into compliance, the system or content owner is responsible to provide individuals with disabilities equivalent access.

3. Agencies must develop policy and processes to support and ensure compliance with this policy and associated standard by June 30, 2017.

4. Agencies must develop, implement and maintain an Accessibility Plan that identifies how the agency will ensure new covered technologies are accessible and the plan for making existing covered technologies accessible by June 30, 2017.

Policy Definition of "Accessibility"?

- "Accessible" means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use.

- The person with a disability must be able to obtain the information as fully, equally and independently as a person without a disability.

188.10 Standard & Principles

Based on established and testable standard from the "World Wide Web Consortium" called the "Web Content Accessibility Guidelines", commonly referred to as:

[WCAG 2.0 Level AA](#)

Four Principles:

1. Perceivable
2. Operable
3. Understandable
4. Robust

Accessibility in IT is Not New

- Americans With Disabilities Act of 1990
  - Signed by President George Bush
- Section 508 Rehabilitation Act
    - Access to information and communication technology
    - Required if funded with Federal Money
- Section 255 Communications Act
- All 3 Updated January 2017
  - [New Guidelines and Standards based on WCAG](#)
    - Effective March 20, 2017
    - Compliance by January 18, 2018

Procure "Accessible" Solutions

- Your agency should be committed to having its covered technology accessible to WCAG 2.0 AA standards:
  - Include this requirement during RFI, RFP, and RFQ processes
  - Bid's should be scored on Accessibility compliance
  - Require a [VPAT 2.0](#) from vendors
    - VPAT – [Voluntary Product Accessibility Template](#)
    - Documents how their product meets the "Four Principles" of WCAG: Perceivable, Operable, Understandable, and Robust

What is a "VPAT"?

- VPAT – [Voluntary Product Accessibility Template](#)
  - Section 508 required by January 18, 2018
  - Use [VPAT 2.0](#) template
  - Used to document product conformance with accessibility standards and guidelines
  - **Required for all IT purchases going forward**

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VPAT Examples

- [Microsoft VPAT's](#)

- [Salesforce.com VPAT's](#)

- [Google VPAT's](#)

- [Amazon AWS VPAT](#)

What we are telling IT vendors

- If you sell to the State of Washington we expect your products to already be accessible

- 3rd party certification will be required for public facing technology

- Every update or upgrade must be tested for Accessibility with assurance provided to the business owner

Vendors Requirements

- Conduct Accessibility Testing – 3 Things they need to do:
    1. Use Accessibility Testing Tools – Find the basic problems
    2. Conduct Human Testing – Find the navigation and color contrast problems
    3. Conduct testing by real users of accessibility tools – Does your stuff really work for them?

- Require independent assessment for public facing IT

- Demand accessible documents

What "Accessible" Documents

- PDF and Microsoft Office Document must be Accessible.
  - Accessibility Testing Tools included in current version

Vendors can get help

- Accessibility Testing Vendors
- State's have agencies that support the disabled – Use them for testing.
  - WA State Services for the Blind
  - WA School for the Blind
  - DSHS Office of the Deaf and Hard of Hearing

What Happens if you don't?

- OSPI Example – Forced Compliance if your agency uses federal money
- Threat of litigation
  - Troll's looking for a way to sue the state
  - National organization pushing an agenda
  - Federal agencies scanning your external web sites

Lean Forward

- You can make a difference
- You are the change agents to get this done
- Partner with your agency "Accessibility Coordinator"

Thank you

Questions?

References

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