Digital accessibility is a field that encompasses several laws, standards, and components.

- **ICT**: Information & Communications Technology
  - Nearly synonymous with **EIT** (Electronic Information Technology)
- **A11y**: Accessibility – There are 11 letters between the A & Y.
- **WCAG**: Web Content Accessibility Guidelines
**Definitions**

- **Section 508**: A set of standards that must be met to enable people with disabilities to be informed, perform work, receive government benefits, and conduct business.

- **Section 508 Conformance**: Anytime the government “develops, procures, maintains, or uses” information and communications technology (ICT) the information and data must be available to persons with disabilities.

- **Accessible**: How successfully people with a disability can locate, get to, and understand information they want or need.

**Content Applicability**

- ICT includes software, hardware, and products that people use to obtain, retrieve, and communicate information electronically.

- Other applicable inclusions:
  - Software used but not purchased by the Federal Government.
  - Posting to and the use of social media sites
  - Access to all support materials. Includes, but is not limited to, user guides, installation guides, customer support, and technical support communications.

**Disability Groups**

- Photosensitive epilepsy
- Cognitive impairments
- Limited language, cognitive and learning abilities
- Deaf or limited hearing
- Blind or limited vision
- Without perception of color
- Non-verbal or limited speech
- Limited manipulation
- Limited reach and strength
Legal Authorities and Drivers for Accessibility

Most Relevant Mandates:


- HHS Acquisition Regulation (HHSAR)

- HHS Policy for Section 508 Compliance and Accessibility of Information and Communications Technology (ICT)

- Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, June 25, 2021

- Web Content Accessibility Guidelines (WCAG)

List of Applicable Accessibility Laws and Mandates
5 Ws and 1 H of Accessibility

WHY (does it matter): It’s the law. If content is not planned with accessibility in mind, the likelihood of achieving accessibility in the end is significantly diminished and introduces a high risk of litigation to the Department.

WHO (is responsible): Contract officers (CO), contracting officer representatives (COR), product owners, project managers, development teams, and other staff involved in the ICT project life cycle.

WHAT (needs to happen): guidance during market research; formulation of project requirements; add language in SOW/SOO/PWS; collect ACRs; include SME TEP activities; establish accessibility milestones throughout life cycle.

WHERE (is it incorporated): At the VERY beginning! Ideally within project requirements development or during market research. Section 508 language *MUST* be incorporated into a solicitation, best practices used throughout project development, and ICT verified at delivery.

WHEN (is there an impact): Always, throughout the life cycle! There are rare instances when Section 508 will not apply (as determined by an OS Accessibility Program manager).

HOW (do I do it): Incorporate the OS Accessibility Program into your processes. Can provide: SME, guidance on ACRs, known product accessibility issues, evaluations of products, and so much more.
Risk & Impact

**Exclude:** Does not include or consider accessibility

**Acknowledge:** Checks a box

**Guidance:** Seek out information from an authoritative source

**Collaborate:** Interact with authoritative source to make specific ICT decisions

**Embed:** Accessibility drives decisions

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<thead>
<tr>
<th>Step</th>
<th>Severity</th>
<th>Engagement</th>
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<tbody>
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**Risk Level: Moderate**

Risk Assessment: Low, Moderate, High, Very Risky

Severity: Negligible, Moderate, Critical, Catastrophic

Engagement: Excluded, Acknowledged, Guidance, Collaborated, Embedded
## Improve Market Research and Project Requirements

<table>
<thead>
<tr>
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<th>How to Improve</th>
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<tbody>
<tr>
<td>Market Research</td>
<td><strong>Acknowledge</strong> that accessibility is a requirement and therefore accessibility must be considered when assessing tools or services. <strong>Guidance</strong> is gained when independent research is conducted to determine the accessibility claims of the tools that meet the business need. <strong>Collaborate</strong> with the Accessibility Program to determine the most accessible option. <strong>Embed</strong> the Accessibility Program to test the different offerings and provide a recommendation.</td>
</tr>
<tr>
<td>Project Requirements</td>
<td><strong>Acknowledge</strong> that accessibility is a requirement and therefore accessibility must be considered when developing requirements for tools or services. <strong>Guidance</strong> is gained when independent research is conducted to determine what accessibility properties are available in the tools being used to meet the business need and how to design accessible features. <strong>Collaborate</strong> with the Accessibility Program to receive recommendations on the most accessible implementation of the project requirements. <strong>Embed</strong> the Accessibility Program to provide specific recommendations based on the business need to ensure the highest level of compliance.</td>
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# Improve Language in SOO/SOW/PWS and ACRs Collected

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<tr>
<td><strong>Language in SOO/SOW/PWS</strong></td>
<td><strong>Acknowledge</strong> that accessibility is a requirement, but the necessary language to include is unknown. Guidance was obtained by inserting the standard ITAR language.  &lt;br&gt; <strong>Collaborate</strong> with the Accessibility Program to determine all areas in which have accessibility implications.  &lt;br&gt; <strong>Embed</strong> the Accessibility Program to provide specific information to the COR and PM to schedule and accept accessible material.</td>
</tr>
<tr>
<td><strong>ACR Collected</strong></td>
<td><strong>Acknowledge</strong> that an ACR should be collected.  &lt;br&gt; Guidance is obtained by independent research of what an ACR is and how typical responses appear.  &lt;br&gt; <strong>Collaborate</strong> with the Accessibility Program to determine what an ACR contains and how to interpret one.  &lt;br&gt; <strong>Embed</strong> the Accessibility Program to provide specific guidance on how to respond to a vender's ACR (i.e., ask if the product can be modified).</td>
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## Improve SME on TEP and A11y Life Cycle Milestones

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| SME on TEP | **Acknowledge** that accessibility must be measured during the evaluation of offerors.  
**Guidance** is obtained by independent review of the ACR responses from the offerors.  
**Collaborate** with the Accessibility Program to determine the state of the ACRs provided.  
**Embed** the Accessibility Program to serve as an TEP evaluator. |
| Accessibility Life Cycle Milestones | **Acknowledge** that accessibility needs to, at a minimum, be fully tested at the end.  
**Guidance** is obtained by independent research and review of the accessibility impacts of each functional release  
**Collaborate** with the Accessibility Program to test the final product  
**Embed** an expert from the Accessibility Program into the development team. |
Engaging the Project Stakeholders

Project Conformance Questions

❑ Is an ACR available for each product and has it been evaluated and deemed conformant with the HHS accessibility requirements?

❑ If implementing a Commercial off the Shelf (COTS) product, has a preliminary Section 508 conformance review been conducted and does it meet HHS accessibility requirements?

❑ Are Section 508 and accessibility requirements language included in the procurement package?

❑ Has the HHS & OS Accessibility Program been engaged and provided recommendations?

❑ Has the COR been trained in accepting conformant deliverables in all content formats?

❑ Is the respective StaffDiv prepared to assume all risk and responsibility of meeting Section 508 requirements, including paying for all litigation?

Responding & Reacting

✓ During market research it is imperative all products’ conformance state be identified and the most accessible product be chosen.

✓ Code-level access is important to fix outstanding defects as low-code options often do not provide enough flexibility to address conformance.

✓ A Section 508 and Accessibility Requirements section must be included in the documentation to cover the entire project. Optionally, additional accessibility language can be included in each task.

✓ Engage the HHS & OS Accessibility Program early and often throughout the project life cycle to ensure conformance measures are being met.

✓ CORs need to perform a few rapid evaluations prior to delivery acceptance.

✓ With or without contractors, the government is accountable for conformance and must respond to access requests and litigation.
Our Values:
• Facilitate a culture that empowers customers to become self-sufficient through education, consultation, and partnerships with OpDivs, StaffDivs, and the greater accessibility community.
• Foster the implementation of accessible foundations by evaluating ICT conformance to avoid refactoring and minimize the cost throughout a lifecycle.
• Focus on driving accessibility forward by adapting to the growing and changing needs of emerging ICT.

Stakeholders: Focus on engagement
• Communications strategy identifying stakeholder communities
• Understand internal offices’ operations and assist with implementing accessibility practices.

Customers: Focus on satisfaction
• Implement process improvements to reduce risk of non-conformance
• Increase educational resources
Resources

- **HHS & OS Accessibility Program** (internet)
- **HHS & OS Accessibility Program** (intranet)
  - **HHS & OS Accessibility Intake Form** (intranet)
- **HHS Accessibility Compliance Checklists** (by content type)
- **HHS Accessibility and Section 508 Policy**
- **HHSAR Clause 339.205 Section 508 Accessibility Standards for Contracts**
  - Note: The HHS & OS Accessibility Program has a version available with minor updates.
- **ITI's Voluntary Product Accessibility Template (VPAT)**: “The Accessibility Conformance Report (ACR) based on the ITI VPAT® is the leading global reporting format for assisting buyers and sellers in identifying information and communications technology (ICT) products and services with accessibility features.” - ITI
- **Accessibility Requirements Tool (ART)**: “A step-by-step guide to help you easily identify relevant accessibility requirements from the Revised 508 Standards, and incorporate them into your procurement and contracting documentation, as well as in-house IT development.” - GSA
- From the Access Board, **Revised Section 508 and 255 Guidelines**
Questions

CONTACT US

HHS & OS Accessibility Program
Office of the Chief Information Officer
Department of Health and Human Service
Email: 508HelpDesk@hhs.gov
Website: 508.HHS.gov
Use Case Scenarios
## Use Case: Common Submission

<table>
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<tr>
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<th>Probability</th>
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<tbody>
<tr>
<td>Market Research</td>
<td>Negligible</td>
<td>Excluded</td>
<td>Used an enterprise platform solution, so market research was minimal to what the agency had already procured</td>
</tr>
<tr>
<td>Project Requirements</td>
<td>Critical</td>
<td>Acknowledged</td>
<td>Implemented human-centered design, but their humans didn't include individuals with disabilities</td>
</tr>
<tr>
<td>Language in SOO/SOW/PWS</td>
<td>Catastrophic</td>
<td>Guidance</td>
<td>Followed the ITAR process including standard accessibility language but did not associate accessibility requirements to the list of deliverables.</td>
</tr>
<tr>
<td>ACR Collected</td>
<td>Moderate</td>
<td>Acknowledged</td>
<td>Vendor provided a link to their website in which an ACR exists.</td>
</tr>
<tr>
<td>SME on TEP</td>
<td>Negligible</td>
<td>Excluded</td>
<td>There was no accessibility measurement or consideration for reviewing the offers or ACRs.</td>
</tr>
<tr>
<td>Accessibility Life Cycle Milestones</td>
<td>Catastrophic</td>
<td>Guidance</td>
<td>Followed the EPLC process that includes Accessibility as a critical partner and ensures the content is tested prior to operational readiness.</td>
</tr>
</tbody>
</table>

### Risk Assessment: Very Risky
## Use Case: Prior Agency-Acquired Platform/Tool

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<tr>
<td>Market Research</td>
<td>Negligible</td>
<td>Acknowledged</td>
<td>Used an enterprise platform solution - market research was minimal to what the agency had already procured but the accessibility best meets requirements were acknowledged.</td>
</tr>
<tr>
<td>Project Requirements</td>
<td>Negligible</td>
<td>Acknowledged</td>
<td>Purchased a tool that fulfills a business need with no considerations for customizations.</td>
</tr>
<tr>
<td>Language in SOO/SOW/PWS</td>
<td>Negligible</td>
<td>Guidance</td>
<td>Followed the ITAR process and inserted standard accessibility language.</td>
</tr>
<tr>
<td>ACR Collected</td>
<td>Catastrophic</td>
<td>Guidance</td>
<td>ACRs were retrieved from the vendor websites and values of &quot;satisfied&quot; were identified; therefore, no further investigation occurred.</td>
</tr>
<tr>
<td>SME on TEP</td>
<td>Critical</td>
<td>Collaborated</td>
<td>The accessibility team was provided one round of review and recommendations on the TEP.</td>
</tr>
<tr>
<td>Accessibility Life Cycle Milestones</td>
<td>Critical</td>
<td>Guidance</td>
<td>HHS Section 508 checklists were completed by the accessibility team post deployment.</td>
</tr>
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</table>

### Risk Assessment: Moderate
## Use Case: Expected Outcome

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<tr>
<td>Market Research</td>
<td>Negligible</td>
<td>Embedded</td>
<td>Engaged with accessibility program and worked together to determine the most accessible product</td>
</tr>
<tr>
<td>Project Requirements</td>
<td>Moderate</td>
<td>Collaborated</td>
<td>Interacted with accessibility program team to review business requirements and receive recommendations for accessibility.</td>
</tr>
<tr>
<td>Language in SOO/SOW/PWS</td>
<td>Catastrophic</td>
<td>Embedded</td>
<td>Formed language throughout the acquisition documentation that includes standard paragraphs plus specifics for the project.</td>
</tr>
<tr>
<td>ACR Collected</td>
<td>Moderate</td>
<td>Collaborated</td>
<td>Accessibility program team assisted in reviewing the validity of the collected ACR content.</td>
</tr>
<tr>
<td>SME on TEP</td>
<td>Negligible</td>
<td>Collaborated</td>
<td>Asked accessibility program team to participate on the TEP and provide scores.</td>
</tr>
<tr>
<td>Accessibility Life Cycle Milestones</td>
<td>Catastrophic</td>
<td>Embedded</td>
<td>In conjunction with the accessibility program team a schedule was prepared that incorporates accessibility practices, an accessibility SME is integrated into the project team, and each release/distribution has a conformant HHS checklist(s).</td>
</tr>
</tbody>
</table>

### Risk Assessment: Low