OS Digital Accessibility

OS Digital Accessibility Program (OS Digital A11y)
Office of Governance, Strategy, and Policy (GSP)
Office of Enterprise Services (OES)
Office of the Chief Information Officer (OCIO)

Poll Question

Select all that apply:

A. I work with someone with a disability (or think I might)

B. I know someone with a disability (or think I might)

C. I wear glasses or contacts

D. I find my myself turning up the volume after someone else has watched TV

E. I have adjusted the click speed of a mouse

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Why Digital Accessibility

Significant Laws & Regulations

- Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., as amended, Sections 504 and 508, 29 U.S.C. §§ 794, 794(d), as amended in 2018
- Federal Acquisition Regulation (FAR), Subpart 39.2, Information Communication and Technology, 48 CFR Section 39.2.
- 21st Century Communications and Video Accessibility Act (2010)
- 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
- OMB Memorandum M-24-08, Strengthening Digital Accessibility and the Management of Section 508 of the Rehabilitation Act

Disability Groups

A disability is any condition that limits a person's movements, senses, or activities. Recognized groups of disabilities include:

- 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

The way each of us gathers, collaborates, discusses, shares and learns is different. Everyone has unique requirements that make tasks easier.

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OS Digital Accessibility Services

- **Conformance Verification**
  - Requirements and prototype design reviews
  - Evaluation of content formats (web, docs, media)
  - Defect review post-evaluation to understand issues and steps for remediation
  - Retesting of content
  - Checklist indicating conformance
- **Training & Guidance**
  - Targeted topic guides
  - Authoring tool guidance
- **Acquisition**
  - ICT Conformance Risk in a Life Cycle calculator
  - Content State Risk calculator
  - Contract language
  - Accessibility Conformance Report (ACR) guidance

- **Inclusion in Business Processes**
  - Consultation to include accessibility in business processes and SOPs
- **Accessibility Inclusion in Policy**
  - Consultation and review to ensure accessibility is appropriately addressed in policy and procedures
- **Critical Partner Risk Assessments**
  - Acquisition
  - Budget review
  - Governance

Misnomer Challenges

<Product/service> is built on a low code/no code platform that is accessible, so anything built is also accessible.

An automated scanning tool or checker was run, and came back with no errors, so <product/service> is accessible.

If I create an accessible <product/document> in <application X> and convert it to PDF, it will be accessible by default.

<Product/service> had a Section 508 evaluation <insert # 1+ years ago> and had no issues, so it is accessible.

The <product/service> was used with a screen reader and worked just fine, so it is accessible.

No one using <product/service> has a disability, so it doesn't need to be accessible.

Accessibility takes too much time.

The content must be black & white text to be accessible, and I want colorful design elements.

The acquisition is for services only, so the deliverables do not have to be accessible.

No issues appear in the vendor's ACR; therefore, it is conformant.

<Product/service> is at another agency, has an ATO, is FedRAMP certified, or is on the GSA schedule, so it's accessible.

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Digital Accessibility FAQs

Who is responsible for conformance?

a) All management, business owners, technical team members, and other staff involved in the ICT life cycle. With or without contractors, the government is accountable for conformance and must respond to access requests, litigation, and ensure conformance.

When are the HHS digital accessibility conformance standards (including Section 508) applicable to ICT?

a) Always assume the standards are applicable. Unless determined by an OpDiv Digital Accessibility Program Manager. Applicable technical requirements depend on the format of the product or content. More than one chapter of the standards may apply.

What are some risk factors that affect conformance?

a) Audience size – How many users?
b) Visibility – Team, OpDiv, Department, Public?
c) Impact – How severe the outcomes are if accessibility is excluded from a life cycle step.

What is needed to confirm approval of content for distribution or release?

a) Per HHS policy, each OpDiv Digital Accessibility Program has the authority to authorize or reject content. HHS conformance checklist(s) can be reviewed for content-specific guidance. Content with checklists reflecting full conformance can be distributed/released.

Can my project get a Section 508 exception?

a) Most exceptions apply during the acquisition phase and only to specific features/functions. The seven types of exceptions each have unique criteria and documentation requirements. Exceptions can only be granted by the HHS & OpDiv Digital Accessibility Program Managers.

How do I prepare for the risks of complaints?

a) Offer contact: Before complaints occur, provide a contact or resource mailbox to send concerns.
b) Identify a process: Validate complaints are product/content issues versus user preference. Then determine escalation, prioritization, and severity criteria for addressing the defect(s).

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Applying Conformance

Timeline:

- All ICT developed or modified on or after January 18, 2018, must conform to the revised Section 508 standards
- ICT developed between 2001 and prior to January 18, 2018 (that has not been modified since) must conform to the original Section 508 standards.

Applicable Types and Formats:

External public facing content, non-public facing official agency communications, and internal applications. Examples:

- Laptops, printers, scanners, [desk & mobile] phones, kiosks, and any hardware with a user interface;
- COTS and GOTS licenses, software used but not purchased by the federal government;
- Email, PDFs, Microsoft Office documents, support material;
- Educational or training materials;
- Audio and/or video, webinars, recorded meetings;
- Posting to and the use of social media sites;
- Intranet content designed as a webpage or application
- External website or web application

Applies to all, including services-only, contract deliverables!

(Additional examples available on the Digital Accessibility @ HHS website.)

Reducing Conformance Risk

Risk Levels
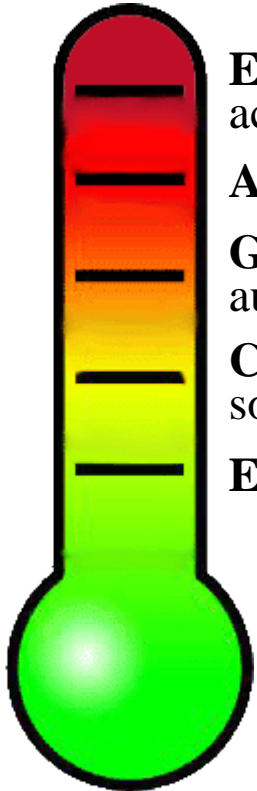
Exclude: Does not include or consider accessibility

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

Get Support During Each Phase

Incorporating accessibility standards throughout the life cycle reduces remediation effort, time, and cost.

- Concept planning & project requirements
- Market research
- ACR collection (products or platforms)
- Langauge in SOO/SOW/PWS
- SME for Technical Evaluation
- Content development
- Acceptance testing
- Post-Release Maintenance

Seek Conformance Verification

(Following are examples; instances are not limited to this list.)

- Major software version upgrades / releases
- Internet and intranet content updates
- Hardware upgrades
- Content creation (emails, reports, presentations, etc.)
- Design / user experience changes (i.e. swapping drop downs for radio buttons; changes to navigation methods; etc.)

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Takeaways: Pre-Award Phases

- **Market research / project requirements**:
  - <u>Products or Platforms</u>: Review accessibility conformance report(s) ACR(s) for most accessible. Acquisitions for licenses are at an appropriate level to produce conformant content.
  - <u>Services only</u>: Vendor information discusses applying digital accessibility (Section 508 or WCAG) standards.
- **ACR Quick Tips**:
  - Report date is within the last 2 calendar years
  - HHS checklist or VPAT (version 2.4 or higher) used
  - Correct product name and version identified
  - Manual testing identified in the test method
  - At a minimum, WCAG 2.0 A & AA evaluated
  - Revised Section 508 standards evaluated
  - Remarks do not repeat guideline
  - Consult an OpDiv Digital Accessibility PM

- **Solicitations/contract documentation**: Confirm HHS Digital Accessibility Conformance (Section 508) language is included in SOWs/PWSs/SOOs.
  - The HHS Digital Accessibility Governing Board has approved minimum applicable language for acquisitions. Place language in a standalone section of the documentation to cover the entire project.
  - HHSAR clauses 352.239-78 and 352.239-79 from the March 2024 DEVIATION must be inserted.
  - <u>Red Flags</u>: "EIT", "1194.21, 1194.22, 1194.24, 1194.31, or 1194.41", "HHS Product Accessibility Template (PAT)" must be updated before proceeding.

- **Technical Evaluation:**
  - Applies to all ICT acquisitions (including services).
  - Engage OpDiv Digital Accessibility PM to assess/rank.
  - Offerors should define how the usage, development, and maintenance efforts associated with the objectives will comply with the established ICT accessibility standards.

Takeaways: Acceptance of Deliverables

Content formats conform to the standards by using different techniques.

- Use the OS Digital Accessibility Acceptance Criteria to determine a state of testability.

- Follow the OS Digital Accessibility Conformance Baseline Evaluations to quickly assess some minimal accessibility of content.

- OS owned & managed: Submit an OS Digital Accessibility Solution Center intake form for formal review and approval.

Color Scheme	Too Little Contrast	Sufficient Contrast
gray/white	gray on white	gray on white
dark gray/light gray	light gray on dark gray	light gray on dark gray
teal/white	teal on white	teal on white
sea green/green	sea green on green	sea green on green
orange/white	orange on white	red-orange on white

(Source: Penn State Accessibility and Usability)

Conformance Resources

HHS Resources

- HHS Policy for Digital Accessibility and Section 508 Compliance of ICT
- HHS Accessibility Conformance Checklists
- HHS Digital Accessibility FAQs
- HHS Digital Accessibility Terms

OS Resources

- OS Digital Accessibility Services
  - OS Conformance Review Guidelines
  - OS Conformance Baseline Evaluations
  - OS Conformance Review Acceptance Criteria
- OS Digital Accessibility Technical Resources
- OS Digital Accessibility Acquisition Resources
  - OS Digital Accessibility Acquisition FAQs

External Resources

- Revised Section 508 Standards and 255 Guidelines
- FAR Subpart 39.2 - Information and Communication Technology
- ITI's Voluntary Product Accessibility Template (VPAT®)
- GSA's Accessibility Requirements Tool (ART)
- GSA's Content Creation Resources
- GSA's Design and Develop Resources
- GSA's Testing Resources

Engagement + Empowerment

= Effective Conformance

CONTACT US

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Risk Use Cases

Risk Use Case: Common Submission

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

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Risk Assessment: Very Risky

Risk Use Case: Prior Agency-Acquired Platform/Tool

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

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Risk Assessment: Moderate

Risk Use Case: Expected Outcome

Step	Severity	Engagement	Example
Market Research	Negligible	Embedded	Engaged with accessibility program and worked together to determine the most accessible product
Project Requirements	Moderate	Collaborated	Interacted with accessibility program team to review business requirements and receive recommendations for accessibility.
Language in SOO/SOW/PWS	Catastrophic	Embedded	Formed language throughout the acquisition documentation that includes standard paragraphs plus specifics for the project.
ACR Collected	Moderate	Collaborated	Accessibility program team assisted in reviewing the validity of the collected ACR content.
SME on TEP	Negligible	Collaborated	Asked accessibility program team to participate on the TEP and provide scores.
Accessibility Life Cycle Milestones	Catastrophic	Embedded	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).

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Risk Assessment: Low