

# **Access Ready Statement of Values, Principles, Issues, And Concerns**

## **Statement of Values and Principles**

Access Ready is an independent, non-profit, cross-disability education and advocacy organization promoting a policy of inclusion and accessibility of information and communication technology (ICT). Access Ready's strategies include technical findings, policy discussions, best practices, and advocacy efforts made available to the public through [www.accessready.org](http://www.accessready.org), its social media stream, and other public relations efforts.

Access Ready asks the question, "If physical facilities in this country must be built in accordance with accessibility standards, why not information and communication technology?" Businesses, employers, and federal, state, and local governments are becoming more and more dependent on information and communication technology to provide goods and services. For people with disabilities, accessible information and communication technology is a necessity, not a luxury or a convenience, that fosters independence, economic self-sufficiency, and active, meaningful participation in civic life. As stated by Tennessee Governor Bill Lee, "For people without disabilities, technology makes life easier. For people with disabilities, technology makes life possible."

Inaccessible information and communication technology presents a clear, growing, and present danger to the civic, economic, and social welfare of people with disabilities.

## **Statement of Issues and Concerns**

The COVID-19 pandemic placed the United States and the world into uncharted waters, including "stay at home orders," self-isolation, social distancing, tremendous demands on the health care system, economic repercussions, virtual workplaces, and more. Accessible information and communication technology became an integral part of one's existence in these pandemic times and for what is the foreseeable future. The pandemic changed our perception of normal.

The transformation to a remote, virtual world is difficult in the best of situations. However, it is even more challenging for the approximately sixty-one million adults in the United States living with a disability of some kind, according to the Centers for Disease Control and Prevention (CDC) — about 26 percent of the population.

Over the years, the proliferation of information and communication technology has grown exponentially, largely in ways that are not accessible to individuals with disabilities and has locked out and discriminated especially against those with

sensory, physical, and cognitive disabilities. Inaccessible ICT has and is preventing people with disabilities from fully, independently, privately, and easily participating in:

- \* Civic life, including electoral, legislative, governance and other opportunities available to their non-disabled peers;
- \* Public and private educational opportunities available to their non-disabled peers;
- \* Economic opportunities available to their non-disabled peers; and
- \* Social opportunities available to their non-disabled peers.

In each of these four areas of concern, the provision of an accommodation is too often used as an excuse for not providing accessibility from the outset. Instead, what is needed is a commitment to "universal design," i.e., design that is usable by all people, to the greatest extent possible, without the need for adaption, specialized design, or reasonable accommodations; while still recognizing that some individuals with disabilities may still need a reasonable accommodation where necessary to meet their unique needs.

A lack of planning and requirements has led to the inaccessible status quo, which is only growing with each new inaccessible development in the field of ICT. The business, government, and nonprofit sectors of the community have largely failed to require accessibility in their purchasing and use of ICT, in many cases failing to comply with statutory and regulatory requirements. ICT developers have largely ignored accessibility concerns in their development, production, and marketing of most aspects of their products. Accessibility has been broadly de-emphasized and ignored to the point that a niche accessible technology industry has developed to provide "band-aid" technologies at prices higher than universally accessible designs would likely reflect.

The COVID-19 pandemic that sent millions of participants in civic, economic, educational, and social life home to vote, work, learn, teach, and play has demonstrated and often exacerbated the true impact of inaccessible information and communication technology.

Many people with disabilities find that the systems being used successfully at home by their non-disabled peers do not provide them with the necessary access. This has prevented people with disabilities from:

- \* Fully participating in the electoral process in a presidential election year;
- \* Continuing their education and/or that of their children;
- \* Working, shopping, and other forms of economic engagement from home; and

- \* participating socially with their non-disabled peers.

When working from home becomes difficult or impossible due to a lack of accessibility, people with disabilities have been laid off (through no fault of their own) only to find that a collapse of the largely inaccessible online unemployment system in their state prevents them from filing for benefits they have a right to obtain without undue hardship.

Receiving inaccessible communications from business, government, and nonprofit leaders has put the lives of many with disabilities in jeopardy and allowed the virus to spread. As the health care system relies more and more on telehealth and other virtual treatment options, people with disabilities are reminded how rarely accessible technology has been meaningfully adapted by hospitals, physician offices, and other facilities. While many at the staff level do what they can to assist their patients with disabilities, many medical administrators and hospital systems totally ignore accessibility concerns.

The widespread lack of accessible ICT, permeating nearly every aspect of society, presents a clear and present threat to the civic, economic, and social welfare of people with disabilities. To overcome this threat, it is necessary to undertake a comprehensive review and analysis of existing policies, practices, and procedures and pursue new approaches that hold employers; federal, state, and local governmental agencies; and businesses accountable for ensuring digital accessibility as a basic civil right for people with disabilities. These new approaches must include the following:

- 1) **Standards**. Adoption of accessibility and usability standards for ICT applicable to employers, state and local governments, and public accommodations comparable to the standards adopted by the Access Board in regulations implementing Section 508 of the Rehabilitation Act (and consistent with [Web Content Accessibility Guidelines](#) - WCAG 2.1 A and AA) that apply to the topic areas addressed below.
- 2) **Implementation strategies**. Adoption of implementation strategies that hold covered entities accountable for designing, procuring, using, and/or maintaining ICT that is accessible to and usable by individuals with disabilities. Examples of implementation strategies include:
  - \* Adopting accessibility policies and distributing (with sufficient explanation and education as appropriate) to all appropriate employees and contractors;
  - \* Designating and empowering a digital accessibility officer;
  - \* Providing meaningful training;

- \* Including accessibility in performance metrics for employees and contractors who design, develop, procure, or maintain ICT;
- \* Performing automated accessibility tests as well as (not instead of) testing by individuals with a range of disabilities;
- \* Providing feedback mechanisms that route to those empowered to make improvements;
- \* Requiring measures of compliance with and implementation of accessibility standards to be included in annual management audits;
- \* Requiring certification (verification) of vendor accessibility claims by third parties with material experience and expertise in accessible ICT;
- \* Establishing complaint resolution mechanisms that allow for personal complaints and anonymous complaints on behalf of a class;
- \* Adopting enforcement strategies, including sanctions for non-compliance, private rights of action, and recovery of attorneys' fees;
- \* Offering incentives and tax credits; and
- \* Developing grant programs for facilitating research and state-of-the-art systemic changes.

3) **Internet or Cyber Space Presence.** Clarification that any employer, state or local government, or public accommodation (including an owner or operator of a website, mobile application, or online system offering goods, services, or information and data to the public, whether or not such owner or operator also owns or operates a physical local offering the same or similar goods, services, or information or data) must make their website, mobile application, or online system accessible to and usable by persons with disabilities in accordance with applicable accessibility and usability standards.

4) **Applicable Commercial and Consumer Information and Communication Technologies.** All commercial and consumer products and services utilizing ICT (including both hardware and software) must meet accessibility and usability standards. This includes any device, appliance, or future product utilized by commercial entities or individual consumers, encompassing both provider- and user-facing systems. Applicable categories of ICT include, but are not limited to:

- \* **Communications Utilizing ICT.** All one-way and two-way telecommunications, Internet-based communications, digital broadcasts, satellite communications, cable delivery systems and any future development of technologies that is to be used in commercial and consumer communications. This also includes all software and hardware used in the delivery of such communications and the content developed to be made available over such systems.

This content requirement should cover movies, television, audio-visual communications, emergency broadcasts, and supporting advertising (including promotions, such as contests, requiring the participation of the public). All such programming must make available sign language interpreting and captioning as well as audio description of all program elements.

- \* **Point of Sale ICT.** All point-of-sale digital information technology used for financial transactions of all kinds, whether retail, wholesale, banking, or investment at a physical location or online through website-based or future technological developed services, such as credit card readers and inventory management systems. This includes seller-facing ICT as well as consumer-facing.
- \* **Educational Systems and ICT.** All software and hardware utilized in public and private education at all levels, such as remote learning software and online assignment/grading systems.
- \* **Health Care ICT.** All software and hardware utilized in public and private health care at all levels, such as telehealth/remote visit technology and patient portals.
- \* **Banking and Finance ICT.** All software and hardware utilized in public and private banking and finance at all levels, such as mobile banking and investment applications and online consumer account systems.

5) **Digital Information Technology Security and Exemptions.** The accessibility of digital information technology must not be sacrificed unless it would result in undue hardship, including creating actual security problems that cannot be ameliorated. If such systems cannot be made both accessible to and usable by people with disabilities and secure, then accommodations must be made for people with disabilities. Such accommodations must provide the same level of service as is provided to others accessing the secure system. Personal information collected through the accommodation pathway must be secured in ways not unlike that protected by the secure system, with appropriately tiered levels of protection for especially sensitive information, such as passwords, financial data, and personally identifiable information including health data. No digital information technology system utilized by the business, local/state government or nonprofit sectors may be exempt unless sufficient cause can be shown that providing accessibility would impact the usability, security, or effectiveness of the system. Such an exemption could be sought through an application process established and administered jointly

by the United States Department of Justice (DOJ) and the United States Access Board.