



Complying with the Technology Accessibility Rules

8 CCR 1501-11

Governor's Office of Information Technology



General Principles

Why do we have rules?

According to the Colorado Revised Statutes ([section 24-34-802](#)),

An individual with a disability must not be subjected to discrimination by any public entity.

Discrimination includes the failure of a public entity to fully comply, on or before July 1, 2024, with the accessibility standards for individuals with disabilities established by OIT.

An individual with a disability who is subject to a violation may file a lawsuit for remedies.



General Principles in the Rules

- The rules are intended to advance the accessibility of government information technology
- The goal is for people with disabilities to engage with similar ease as those without disabilities in government employment, services, programs, and activities
- The rules are intended to mirror existing federal law wherever possible

[Final Rules Adopted Feb 23, 2024](#)

[Plain Language Guide to the Rules](#)

We won't be perfect by July 1. What now?



Take a breath and use the rules. Here's how:

1. Make a plan for accommodations or modifications
2. Post a statement describing how to request accommodations or modifications
3. Make a plan to address accessibility
4. Focus on current and future technology
5. For the things that you can't address in the near future, document for yourself the undue burden that you're facing to get to it all right now
6. Follow your plan

We'll see how this comes up in the rules next.



Rules Summary

Purpose, Scope, and Applicability

11.2 Purpose

- Define the technology accessibility standards and compliance parameters, as directed by HB 21-1110, Colorado Laws for Persons with Disabilities, and SB 23-244, Technology Accessibility Cleanup

11. 2 Scope

- Includes both **internal** and **external** facing information technology

11. 3 Applicability

- The rules apply to any Colorado state government
- The standards established also apply to public entities in Colorado, which includes local governments and any department, agency, special district, or other instrumentality of a local government
- Information technology in **current active use, and newly created or acquired as of July 1, 2024**, and pre-existing technologies not in active use when they're requested or altered



Examples: Information and communication technology in current active use

The rules apply:

- The guidance document developed in 2022 that is still the correct and current version for people to understand the program

The rules do not apply unless requested or when the item is modified:

- Working drafts of annual reports from several prior years that are in your entity's files for employee reference or convenience
- Archives

11.4 Definitions

Generally follow the existing definitions and are intended to share the interpretation from another authority, including:

- Colorado Revised Statutes
- Web Content Accessibility Guidelines (WCAG)
- The U.S. Americans with Disabilities Act and its implementing regulations
- Section 508 of the Rehabilitation Act of 1973 and its implementing regulations

Additional laws may also apply. For example, [special education](#).



Example: Single digital product

Single digital product:

A series of videos on a website or a playlist of videos all containing a series of instructions

Not a single digital product:

All of the videos in a city's inventory which presumably relate to different programs or services and serve different purposes.



11.5 Technical Standards

WCAG 2.1 A and AA conformance

Hardware that contains a user interface may also need to meet US Section 508 of the Rehabilitation Act of 1973 Chapter 4: Hardware

Note:

- WCAG 2.2 will be considered at a future rulemaking

11.6 Accessibility Statement

An accessibility statement shall include at a minimum:

- Responding in a reasonable amount of time to requests for accommodations or modifications
- Prominent notification for how to request accommodations or modifications

Bonus Tool! [Example Technology Accessibility Statement](#)

▼ Example technology accessibility statement

[The Agency] Technology Accessibility Statement

[The Agency] is committed to providing equitable access to our services to all Coloradans.

Our ongoing accessibility effort works towards being in line with the Web Content Accessibility Guidelines (WCAG) version 2.1, level AA criteria. These guidelines not only help make

11.7 Compliance

Five instances when a public entity is in compliance with the rules for technology that does not fully conform with the technical standards:

- The instance of nonconformance does not prevent an individual with a disability from having meaningful and equivalent access to the public entity's services, programs, and activities
- The public entity provides reasonable accommodations or modifications and has a published accessibility statement, plus can provide evidence of making good faith progress on their plan to remove accessibility barriers
- The public entity procures the solution that best meets both the technical standards and their business needs
- The public entity provides a conforming alternate version
- Full conformance would create an undue burden, fundamental alteration, or pose a direct threat



Example:
**Not prevented from
meaningful and
equivalent access**

A small variance from WCAG that doesn't impact the user experience, like a tiny deviation from the color contrast ratio, which is 4.5:1 for normal text

Background Hex Value is 11176F

4.46:1 Hex Value 8185CA

4.6:1 Hex Value 8587CC

Example - Evidence of a Plan

A public entity may be considered in compliance with these rules if they provide reasonable accommodations or modifications and have a published accessibility statement, plus can provide evidence of making good faith progress on their plan to remove accessibility barriers.

A plan could include but is not limited to the following:

- Annual status updates demonstrating progress
- Prioritization considering impacts to the entity and its users, such as user impact, usage metrics, legal requirements, and importance to the program, service or activity
- Steps the entity is taking and timelines to removing accessibility barriers
- Plan for accommodations or modifications in the meantime
- Policies for regular testing and remediation

Bonus Tool! [Example: Evidence of An Accessibility Plan](#)

Your efforts

(In this section you can describe accessibility. This helps users to understand the claims you make in your accessibility statement.)

Example: The Agency is committed to providing accessible services to all Coloradans. Our ongoing accessibility effort involves reviewing all programs, and activities are accessible to all Coloradans.



Example: Best meets the technical standards and your business needs

New Textbooks



Photo by Yan Krutku

Option A

- More accessibility criteria
- Content doesn't meet our teaching quality standards

Option B

- Fewer accessibility criteria
- Content meets our teaching quality standards

You can choose the option that meets your teaching needs, and provide accommodations or modifications as needed.



Examples: Conforming alternate version

- A website that provides identical information to a geographic information system (GIS) in a non-graphical format
- A web application that uses accessible controls as an alternative to one with inaccessible controls
- A document showing changes in redline or strikethrough format and an alternative that lists changes section-by-section

Conforming Alternate Versions and Equivalent Facilitation



Added examples of both for greater understanding

11.8 Conforming Alternate Versions

- In general, conforming alternate versions should be avoided.
- They are allowed due to technical, financial, safety, or legal limitations.

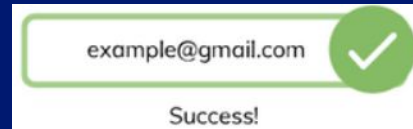
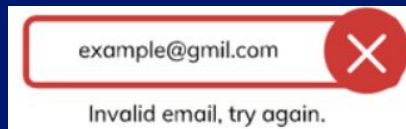
11.9 Equivalent Facilitation

- Public entities can follow a different technique or apply a different standard from that described in the rules as long as whatever they do results in substantially equivalent or greater accessibility.



Example: Equivalent Facilitation

WCAG 3.3.4 requires that user submissions are automatically checked to prevent common errors in legal or financial transactions made through websites.



If a public entity failed to do this (thus violating WCAG), but requires all users to separately verify important transactions in person and outside of its website prior to processing the transaction, it would meet this requirement through equivalent facilitation.



11.10 Undue Burden, Fundamental Alteration, or Direct Threat



- Public entities must conform with the technical standards up to the point that they would experience an undue burden or a fundamental alteration in the nature of their service, program, or activity, or would pose a direct threat to the health or safety of others.
- A public entity shall take any other reasonable action that would not result in undue burden, fundamental alteration, or direct threat but provide service to those with disabilities.
- Undue burden may apply when at least one of the following applies:
 - Resources are not readily and legally available
 - Contractual, legal, regulatory, or technical constraints prevent modification
 - Necessary auxiliary aids or services are not feasibly available



Examples: Undue Burden

Bonus Tools!

- [How To: Document for Undue Burden](#)
- [Undue Burden Template](#)

We have a contract with a vendor for a product that does not meet the accessibility requirements and we can't start a new contract until 2025.

- Contractual constraints present an undue burden to make that product accessible.

Our financial reports are required by statute to use a particular template or formatting standards which are not accessible.

- Legal or regulatory constraints present an undue burden.

In both cases, consider how to provide accommodations or modifications.

11.11 Reasonable Accommodations or Modifications

- If a given piece of technology is inaccessible, the public entity shall make reasonable accommodations or modifications.
- Public entities need to post a notice about how to request accommodations or modifications.
- A public entity cannot require an individual with a disability to pay for the cost of measures required to provide nondiscriminatory treatment.

Bonus Tools! [How To: Equally Effective Alternate Access Plan \(EEAAP\)](#)

[Equally Effective Alternate Access Plan \(EEAAP\) Template](#)

11.12 Complaints and Curing

- Removed the section requiring a system for accepting and addressing complaints about technology accessibility
- An individual does not have to engage with a public entity through their complaint process prior to filing a lawsuit
 - Multiple explorations with the AG's Office reveal that statute will not allow the rules to insert a requirement to exhaust administrative remedies prior to a lawsuit in this case
 - Similarly, the rules cannot provide a period for the entity to cure their violation before a lawsuit because the rules are not able to require participation in administrative action before a lawsuit is filed

What's Next?

You'll find the rules and support documentation online

- [Plain Language Guide to the Rules](#)
- [Guide to Accessible Web Services](#)
- [Rulemaking](#)

Next anticipated rulemaking

- Monitoring the federal proposed rules & WCAG 2.2
- Plan to roll with the adopted rules for now