

Testimony on HB 1181, March 3, 2021
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Testimony to the House Ways and Means Committee

I am here today to state my support for HB 1181, with amendments, because HB 1181 would ensure that students with disabilities are not faced with discrimination from inaccessible digital technologies and content, while at the same time reducing costs for county Boards of Education.

In the recent past, county Boards of Education in Maryland have procured digital technologies and content that are inaccessible for students with disabilities. This has led to 1) increased costs for the counties as those digital technologies and content must then be remediated, 2) students with disabilities having unequal access to digital technologies and content until the remediations are made.

Simply put, it does not make sense to acquire inaccessible technologies and then spend extra time and money to make these technologies accessible for students with disabilities, when there are suitable, accessible alternatives available. The vendors, not the county Boards of Education, should be responsible for ensuring accessible technologies and content, not putting the responsibility on the county Boards of Education. I teach university courses on how to design technologies to be accessible, and when designed from the start with accessibility in mind, there is no additional cost to design technologies in an accessible manner. The costs are only incurred when a technology is designed to be inaccessible, and then must be remediated ⁽¹⁾.

I respectfully suggest one amendment to the bill: Section (D)(2)(II) requires that if a vendor fails to meet the accessibility standards in accordance with paragraph (D)(1)(II), then the vendor shall indemnify the state for liability from the use of an inaccessible tool. However, an indemnification clause should be inserted into the request for proposals itself and also included in the procurement contract. The indemnification requirement cannot and should not be requested from a vendor after the procurement contract is already signed, and a technology turns out to be inaccessible.

HB 1181 is both a cost savings bill, and a civil rights bill. Maryland has laws already in place, requiring accessibility for technologies developed or procured by the state government⁽²⁾, and HB 1181 would expand the use of those best practices in accessible technology procurement, to county Boards of Education. As a professor of information studies, I want county Boards of Education to copy the existing best practices used for procurement in state and federal government, which can 1) save money and 2) ensure that students with disabilities have equal access to technology. The core approaches proposed

in HB 1181 (requiring accessibility details in procurement contracts, and requiring indemnification by vendors) are best practices for improving accessibility through procurement ⁽³⁾. When a county Board of Education acquires digital technology or content and later determines that it is inaccessible, it often requires extra expenses to remediate the technology, as well as a time delay in access for students with disabilities. Yet, the Board of Education should have never procured the technology in the first place, if the technology was not accessible. By having formal processes in place, the cost, risk, and responsibility are transferred to the vendor, rather than the county Boards of Education.

There are many existing resources for accessible procurement. Because procurement is a very effective method for ensuring accessible technology, there are many existing resources to help with the process. At the Federal level, the General Services Administration provides resources to support the accessibility of technology in procurement ⁽⁴⁾. A partnership of industry and government created the Voluntary Product Accessibility Template (VPAT, referred to in HB 1181), to help vendors provide clear details about the accessibility features of their information technology products ⁽⁵⁾. The National Association of State CIOs (NASCIO) has clear guidance on including IT accessibility in procurement processes ⁽⁶⁾.

I enthusiastically support HB 1181 (with amendments) because it helps remove barriers for students with disabilities, while at the same time reducing costs, by utilizing existing best practices in procurement of digital technologies and content.

References

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*Dr. Jonathan Lazar is a Professor in the College of Information Studies (iSchool) at the University of Maryland. At the University of Maryland, Dr. Lazar is the incoming director of the Trace Research and Development Center, the nation's oldest research center on technology and disability, and is a faculty member in the Human-Computer Interaction Lab. Dr. Lazar joined the iSchool in 2019, after 19 years as a Professor of Computer and Information Sciences at Towson University, where he served as director of the information systems program for 14 years. Dr. Lazar has authored or edited 12 books, including *Research Methods in Human-Computer Interaction* (2nd edition, co-authored with Heidi Feng and Harry Hochheiser), *Ensuring Digital Accessibility Through Process and Policy* (co-authored with Dan Goldstein and Anne Taylor), and *Disability, Human Rights, and Information Technology* (co-edited with Michael Stein). He has published over 140 refereed articles in journals, conference proceedings, and edited books, and has been granted two US patents for his work on accessible web-based security features for blind users. He frequently serves as an adviser to government agencies and regularly provides testimony at federal and state levels, and multiple US federal regulations cite his research publications. Dr. Lazar has recently been honored with the 2020 ACM SIGACCESS Award for Outstanding Contributions to Computing and Accessibility, the 2017 University System of Maryland Board of Regents Award for Excellence in Research, and the 2016 ACM SIGCHI Social Impact Award, given annually to an individual who has promoted the application of human-computer interaction research to pressing societal needs.*

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