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I am here today to state my support for HB 547, because HB 547 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 frequently 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 as inaccessible, and then must be remediated [(1)].

HB 547 **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 547 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 547 (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. But, 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. In the fiscal note on this bill, it stated that Baltimore City Public Schools “anticipates the need

to hire one staff specialist, at an annual cost of approximately $113,000 for salaries and benefits, to support vendors with the completion of the required form…" This type of misunderstanding by BCPS is exactly the type of mistake that the HB 547 aims to remedy. If a vendor is unable to fill out the Voluntary Product Accessibility Template (VPAT), a form documenting the level of accessibility of a product, then the technology vendor does not have even a basic understanding of accessibility and should not be selected for a contract under any circumstances. No employee of BCPS (or any other school system) should be supporting vendors in filling out a basic form about the accessibility of their products.

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 547), 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)]. What HB 547 requires for K-12 schools is already common practice in state and federal government technology procurement.

In their testimony submitted related to the Senate version of HB 547, The Public Schools Superintendents' Association of Maryland (PSSAM) stated that:

> *"it might not always be possible and affordable to find vendors who would be willing to accept the liability and other mandates required by the bill. Even some of the largest education technology suppliers in the country may choose to forego the responsibilities set out in the bill by not offering their services to Maryland school systems."*

This is a common claim made, that "vendors won't accept these terms" however similar terms are frequently used in the technology industry. If a technology vendor cannot make an accessible product or isn't willing to take the responsibility for making an accessible product, no school system should procure from that vendor. We do not accept procurement of faulty products that do not meet the stated requirements, using taxpayer dollars. Why would the situation of technology procurement for K-12 schools be any different? If a vendor cannot meet the basic requirements of accessibility to meet the needs of students with disabilities, then no educational entity in Maryland should procure technology from that vendor.

I enthusiastically support HB 547 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

1. Wentz, B., Jaeger, P. T., & Lazar, J. (2011). Retrofitting accessibility: The legal inequality of after-the-fact online access for persons with disabilities in the United States. First Monday 16(11), available at: https://firstmonday.org/ojs/index.php/fm/article/view/3666.

2. MD Code, State Finance and Procurement, § 3A-311, Nonvisual access clause for use in procurement of information technology.

3. Lazar, J., Goldstein, D., and Taylor, A. (2015). Ensuring Digital Accessibility Through Process and Policy. Waltham, MA: Elsevier/Morgan Kaufmann Publishers.

4. U.S. General Services Administration. (2017). Procuring Accessible Information Technology. Available at: https://app.buyaccessible.gov

5. U.S. General Services Administration. (2017). VPAT/GPAT. Available at: https://www.section508.gov/sell/vpat

6. National Association of State CIOs (2017). Accessibility in IT procurement. Available at: http://www.nascio.org/PDAA

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 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 14 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 150 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. The

opinions expressed in this testimony are the opinions of Dr. Lazar and do not represent the University of Maryland or the University System of Maryland.

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