

National Federation of the Blind
of Colorado

Statement Concerning
A One-Year Extension Of The Deadline
For Public Agencies To Comply
With Digital Accessibility Standards
If The Public Agency Demonstrates
Good Faith Efforts Toward Compliance

The National Federation of the Blind of Colorado (NFBCO), the largest organization of blind people in the state, appreciates the opportunity to express its views on HB24-1454. This bill would grant a ONE-YEAR “grace period” FOR PUBLIC AGENCIES in Colorado TO COMPLY WITH DIGITAL ACCESSIBILITY STANDARDS IF they can show that they are making good faith efforts TOWARD COMPLIANCE.

HB21-1110 brought the Colorado Anti-discrimination Act (CADA) up to par with current regulations implementing the Americans with Disabilities Act (ADA) of 1990 and, for the first time, clearly defined in statute the standards via which digital accessibility could be achieved. Such accessibility had already been required of public entities under Title II of the ADA and Sections 504 and 508 of the Rehabilitation Act. HB21-1110 set a three-year deadline for public agencies and school districts to come into compliance.

The National Federation of the Blind of Colorado opposes a blanket extension to public agencies which, without penalty, continue to deliver information and communication technology to the public and their employees that is not accessible. During stakeholder negotiations and testimony on HB21-110 and in the several public input opportunities afforded by the Governor’s Office of Information Technology (OIT) during its rule-making process, it was never in doubt that the rules ultimately adopted as a result of HB21-1110 being signed into law would be based on the Web Content Accessibility Guidelines (WCAG). Moreover, discussions and testimony surrounding HB21-1110 emphasized that public agencies would not be required to make every inaccessible legacy file accessible. Instead, agencies would need to focus on moving forward with accessibility – a common-sense cost-saving approach that NFBCO supported then and continues to support today. Web content accessibility guidelines and innumerable resources regarding their implementation can be found across the internet. We cannot understand why, having been privy to all the testimony and invited to be part of the discussions, some local governments and school districts now insist that they need even more time.

We support the provisions of HB24-1454 which would grant a one-year “grace period” to public agencies which demonstrate good faith efforts to comply with technology accessibility standards and develop effective resolution procedures for noncompliance complaints. We also appreciate the examples in the bill of what good faith efforts might entail--specifically, creating a progress-to-date report that demonstrates concrete and specific efforts toward compliance on the entity's or agency's front-facing web pages; updating the report on a quarterly basis; and creating a clear, easy-to-find process for requesting redress for inaccessible digital products, including contact

options that are not dependent on web access or digital accessibility and are prominently displayed on all front-facing web pages.

Accountability is not too much to ask of our public agencies and school districts. We commend public agencies who have been making good faith efforts to comply with HB21-1110. As advocates in the blind and disability community have often pointed out, it has been nearly thirty-four years since the Americans with Disabilities Act was signed into law. It is high time for public agencies in Colorado to ensure that all of their information and communications technologies are accessible to everyone--whether they be able-bodied, blind, or experience other disabilities. Frankly, access delayed is access denied!

We urge passage of HB24-1454 as introduced. Thank you for your vote.

Best regards,

Jessica Beecham
President