2022 Biennial Performance Report
Electronic Information Resources Accessibility

This report addresses Section 2054.055(b)(9) of the Government Code requiring the Texas Department of Information Resources (DIR) to include in the Biennial Performance Report[1] a summary of agency and statewide results in providing access to electronic and information resources (EIR) to individuals with disabilities.

Background

There are more than 5.4 million adult Texans with disabilities[2]. Like other Texans, many use communication services, receive electronic information, and access the internet. Accessible state agency[3] EIR helps these Texans access government services and allows state employees to perform work functions independently, regardless of disability. The Texas Government Code[4] gives DIR rulemaking authority to ensure state agencies' EIR provides access to individuals with disabilities. Through the Texas Administrative Code (TAC)[5], DIR's state accessibility rules require state agencies to develop, procure, maintain, and use accessible EIR. In addition, DIR has promulgated rules[6] for the accessibility of state websites and technologies, such as computer hardware, software, and telecommunications products.

DIR also collaborates with public and private organizations to facilitate statewide progress for EIR accessibility by:

- elevating levels of accessibility within Texas state agencies and vendors;
- identifying and communicating best practices for EIR accessibility;
- providing training, technical assistance, and tools that facilitate progress in accessibility compliance;
- supporting Texas agencies in the procurement of accessible EIR;
- evaluating and recommending revisions to statewide accessibility standards, rules, and guidelines; and
- providing input to the federal government, national organizations, and international standards bodies in the development of accessibility policies and legislation that affect Texans.

Each biennium, DIR conducts an Accessibility Survey that surveys state agencies to evaluate their EIR accessibility progress, gauge compliance with state accessibility requirements, and understand barriers to ensuring accessibility of state information technology (IT) resources. The 2022 Accessibility Survey was conducted as part of the Information Resources Deployment Review (IRDR).

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[1] DIR compiles this report using information from responses to the 2022 Information Resources Deployment Review (IRDR) required by Government Code Section 2054.0965.

[2] *See Centers for Disease Control and Prevention Disability and Health Profile Data for Texas.*

[3] *See* Government Code Section 2054.451 (2) (defining a state agency to include a university system or institution of higher education as defined by Section 61.003, Education Code).

[4] *See* Government Code Chapter 2054, Subchapter M, Access to Electronic and Information Resources by Individuals with Disabilities.

[5] *See* 1 TAC 213.18.

[6] *See* 1 TAC 206 and 213.
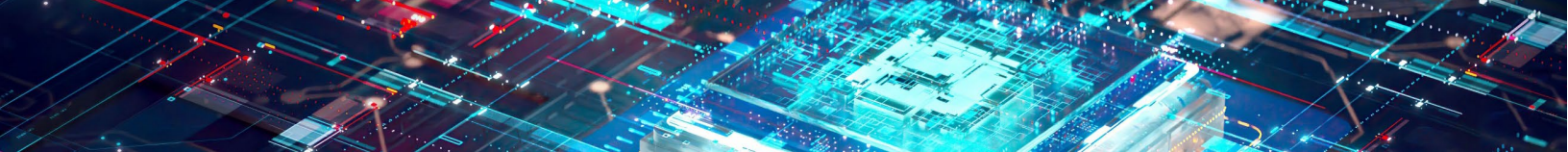
EIR Accessibility Initiatives

Over the past biennium, state agencies have made varying degrees of progress in their EIR accessibility initiatives. DIR provides programs and tools to assist state agencies in advancing EIR accessibility and compliance with the TAC rules. For example, DIR's web scanning program supports state agencies and public universities in monitoring their websites' accessibility.

During the pandemic, the need for equal access to information and digital services increased as the state shifted to remote work. DIR worked directly with state agencies to ensure they had access to communications services and accessible technology to support their employees working from home. DIR also upgraded the accessibility learning management system (LMS) to expand training offerings and make training more user-friendly.

Accessibility of Products and Services in DIR's Cooperative Contracts Program

While the number of accessible IT products and services is growing, many still do not comply or only partially comply with technical standards for EIR accessibility. When selecting accessible IT products, state agencies need accurate documentation from vendors to understand compliance levels, assess risks, and make informed decisions. Therefore, DIR implemented procedures to improve the accuracy of the EIR accessibility documentation that vendors provide when responding to IT solicitations through DIR's Cooperative Contracts Program. Through these methods, DIR has generated improvement in the documentation many vendors provide.

EIR Accessibility Learning Management System

In April 2022, DIR upgraded the EIR accessibility LMS to expand on-demand and live training offerings for state agencies. Access Academy is an upgraded training platform and is available to all state employees within state agencies at no cost to the agencies.

Figure 1 shows that 64% of state agencies responding to the 2022 Accessibility Survey found the LMS "Very to Somewhat Valuable" to achieving accessibility compliance.

Figure 1: How valuable and effective is the free EIR Accessibility Learning Management System in achieving accessibility compliance to 1 TAC 213 and 1 TAC 206?

Not very valuable, 7%

Not valuable, 1%

Neither valuable nor not valuable, 28%

Very to somewhat valuable, 64%
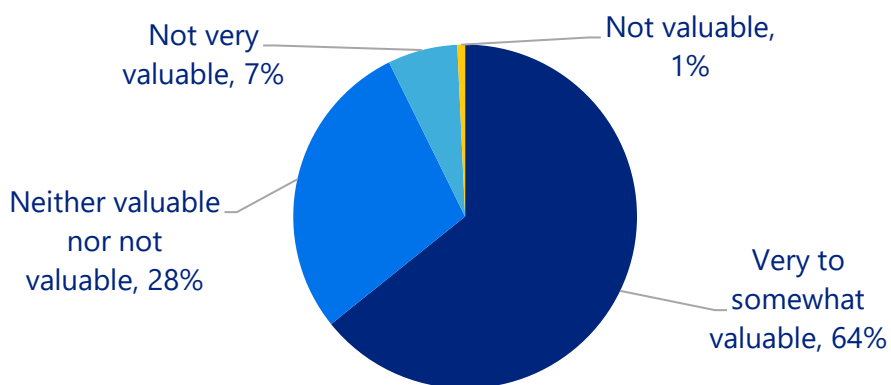
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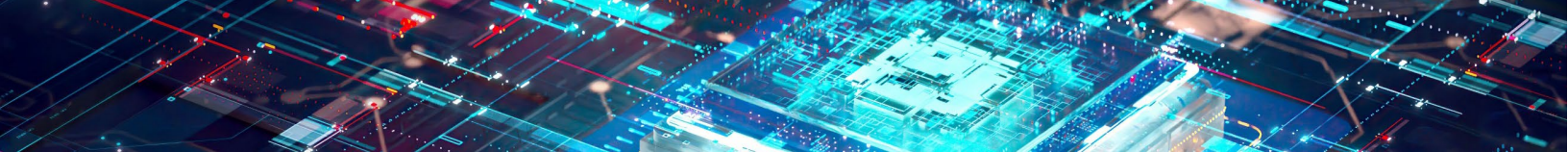
Promoting Policy-Driven Adoption for Accessibility

Policy-Driven Adoption for Accessibility (PDAA), a maturity model developed through the National Association of State Chief Information Officers (NASCIO), is based on the premise that organizations with mature EIR accessibility policies and programs are more likely to produce accessible products and deliverables. When vendors work toward and achieve mature accessibility policies and programs, the accuracy of the accessibility documents they provide for solicitation responses improves and, ultimately, results in more compliant accessibility offerings. The PDAA self-assessment tool is used as part of DIR solicitations.

DIR Web Accessibility Scanning Program

In FY 2021 and FY 2022, DIR offered website scanning services at no charge to enrolled Texas state agencies. This service analyzes websites for compliance with Web Content Accessibility Guidelines (WCAG), checking web pages for compliance with common accessibility issues. It also reports quality assurance errors such as misspellings or broken links. According to the IRDR responses, 54 state agencies are using this service with an additional 45 using their own web accessibility scanning tools and services. Combined, responses indicate a total scanning utilization of 71%, which is a 16% increase from the last survey. DIR promotes and encourages use of scanning solutions as an effective method for identifying accessibility issues with websites.

Outreach

Outreach is an important aspect of EIR accessibility efforts. DIR's Statewide Digital Accessibility Program Administrator hosts a bi-monthly meeting with the EIR Accessibility Coordinator (EIRAC) community, consults with individual customers, and presents at various forums, including the 2022 Executive Leadership for IT Excellence (ELITE) class and DIR Connect Technology Expo. During the current biennium, DIR participated in the following areas of outreach:

- International Association of Accessibility Professionals
- Multistate Digital Accessibility Collaboration Work Group
- AccessU Technical Conference
- Governor's Committee on People with Disabilities

In addition, DIR moderates an EIR accessibility discussion list with over 350 government and private sector subscribers. The list offers discussion forums, information on meetings, and opportunities for webinars on EIR accessibility topics. Also, DIR provides consultation with state agencies and the vendor community on a wide range of accessibility-related topics.

EIR Accessibility Progress and Challenges

Key findings from this survey show progress in the areas of:

- Increased compliance with EIR accessibility standards for public-facing web pages;
- Increased use of accessibility metrics; and
- Increased compliance with WCAG 2.0 AA.

Barriers and continued challenges include:

- Continued struggles with EIR accessibility compliance for public-facing applications;
- Limitations in state agency staff knowledge and budget for EIR accessibility training; and
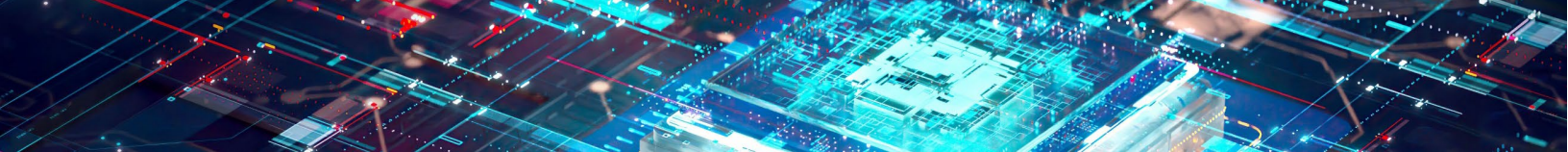
- Limitations in the accessibility of vendor-procured solutions, Commercial-Off-The-Shelf (COTS) products, and other software applications and operating systems.

As shown in Figure 2, state agencies reported improvement with compliance on externally facing websites and webpages. Approximately 78% of the responding state agencies reported within the 75% to 100% range, an increase of 8% from 2020. This increase may be attributed to greater awareness and knowledge of website accessibility and leveraging scanning tools provided by DIR.

Figure 2: What percentage of the agency's publicly-facing web pages are in full compliance with state accessibility requirements, 1 TAC 206 and 213?

Sources: 2020, 2022 IRDR   ■ 2020 (Left)   ■ 2022 (Right)
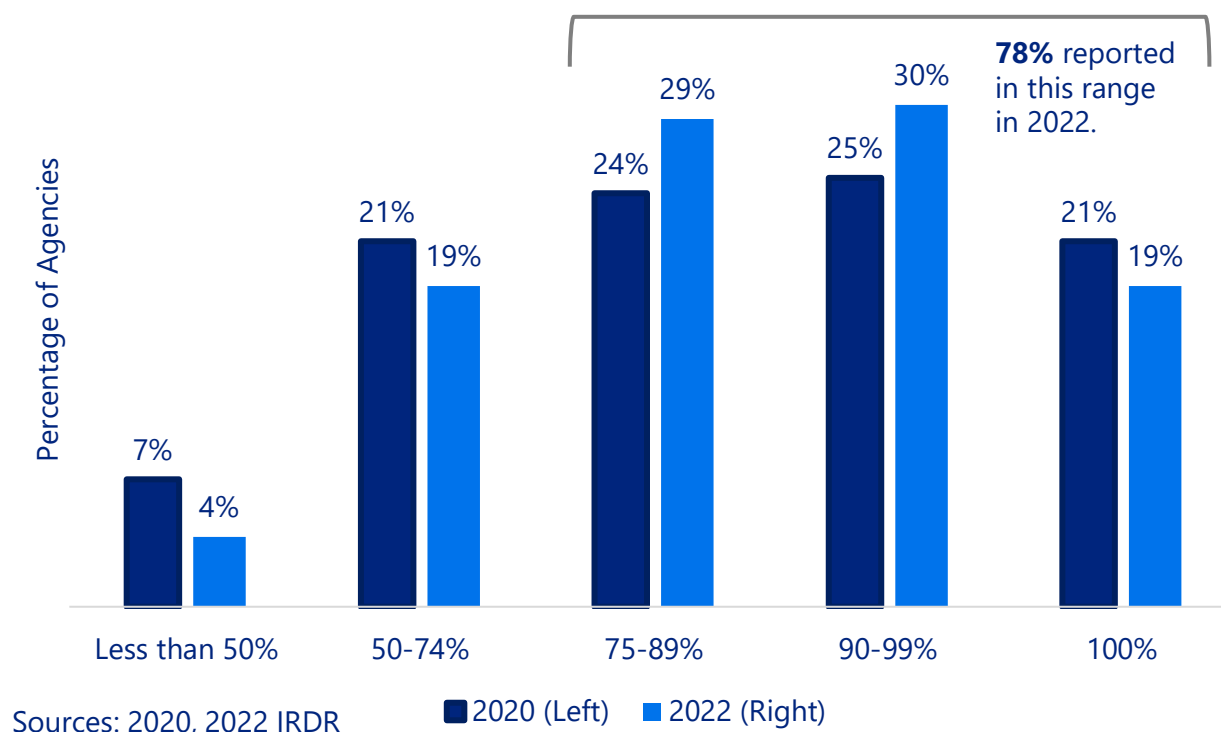
Setting goals for EIR accessibility and tracking progress are critical factors for advancing EIR accessibility. Statewide standards for accessibility require state agencies to establish and track EIR accessibility metrics[7].

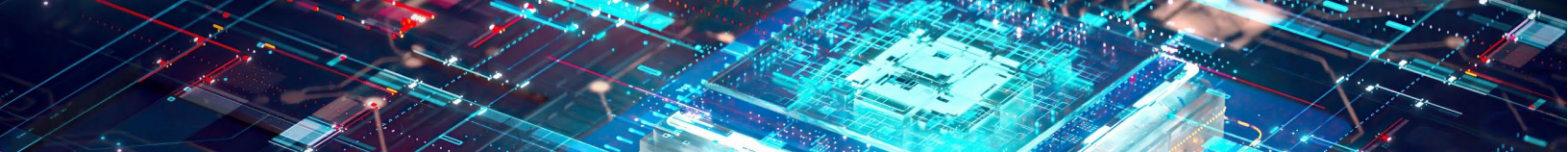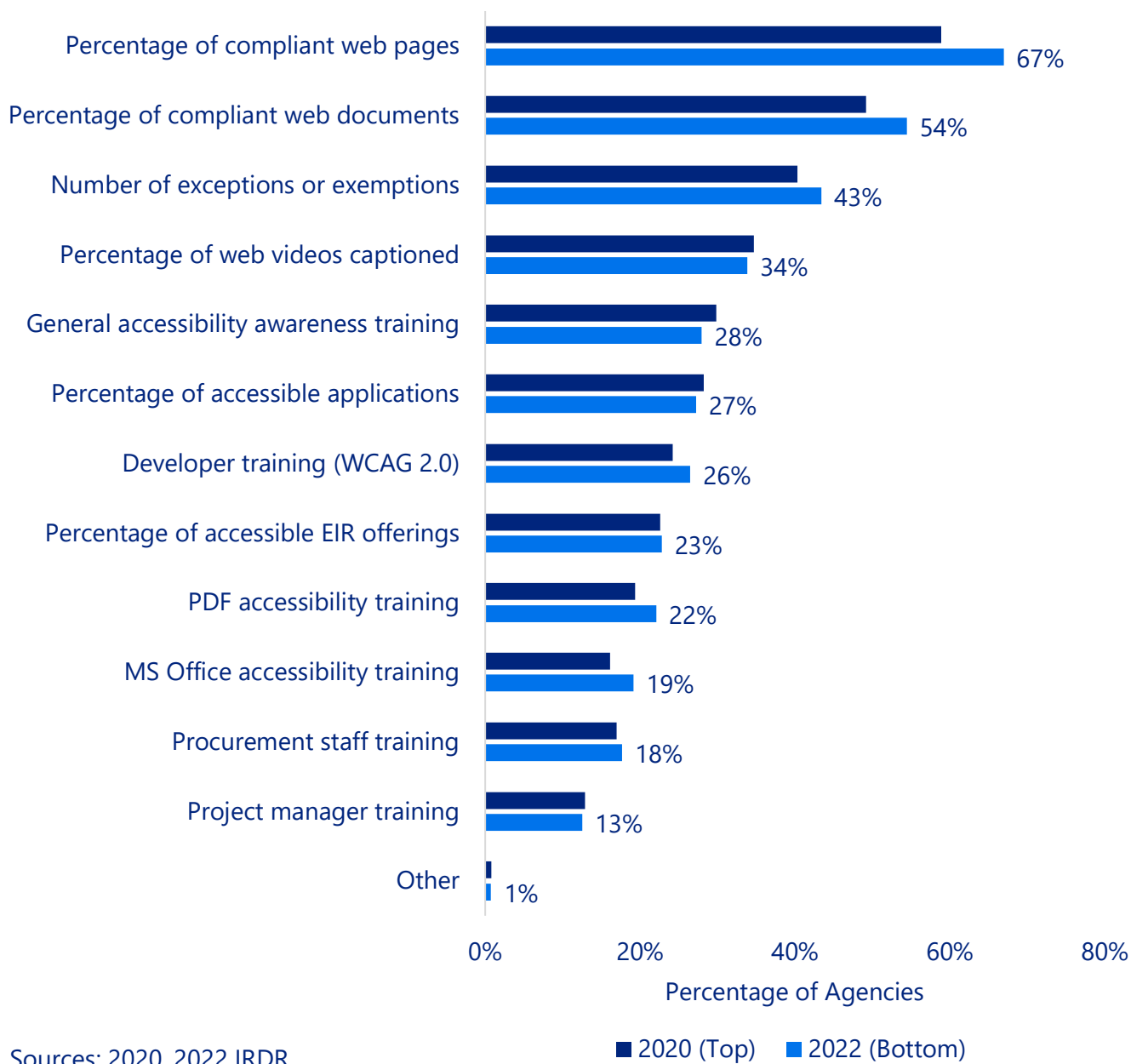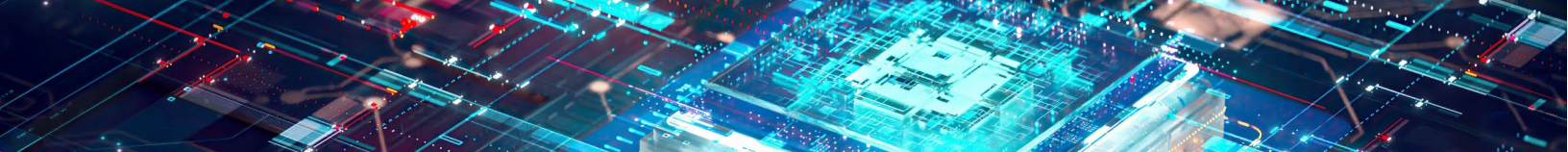[7] *See* 1 TAC 213.21(f) and 1 TAC 213.41(f).

Figure 3 shows an increase in the use of various accessibility metrics between 2020 and 2022.

Figure 3: Agency and IHE Accessibility Metrics

Metric	2020 (Top)	2022 (Bottom)
Percentage of compliant web pages		67%
Percentage of compliant web documents		54%
Number of exceptions or exemptions		43%
Percentage of web videos captioned		34%
General accessibility awareness training		28%
Percentage of accessible applications		27%
Developer training (WCAG 2.0)		26%
Percentage of accessible EIR offerings		23%
PDF accessibility training		22%
MS Office accessibility training		19%
Procurement staff training		18%
Project manager training		13%
Other		1%

Percentage of Agencies

Sources: 2020, 2022 IRDR

In 2008, the World Wide Web Consortium (W3C), the main international standards organization for the world wide web, improved WCAG 2.0. WCAG 2.0 expands accessibility to a wider range of people with disabilities and was adopted by the Americans with Disabilities Act (ADA). DIR started promoting the use of this standard in 2013. In April 2020, DIR set rules requiring state agency websites to be compliant with the current technical standard for web accessibility in use across the U.S., WCAG 2.0 Level AA.[8]

Figure 4 shows a 12% increase in state agencies adopting WCAG 2.0 AA. Only 5% have not yet adopted the standard.

Figure 4: Has your agency begun to implement accessibility technical standards defined in WCAG 2.0 level AA for new website and web application development?
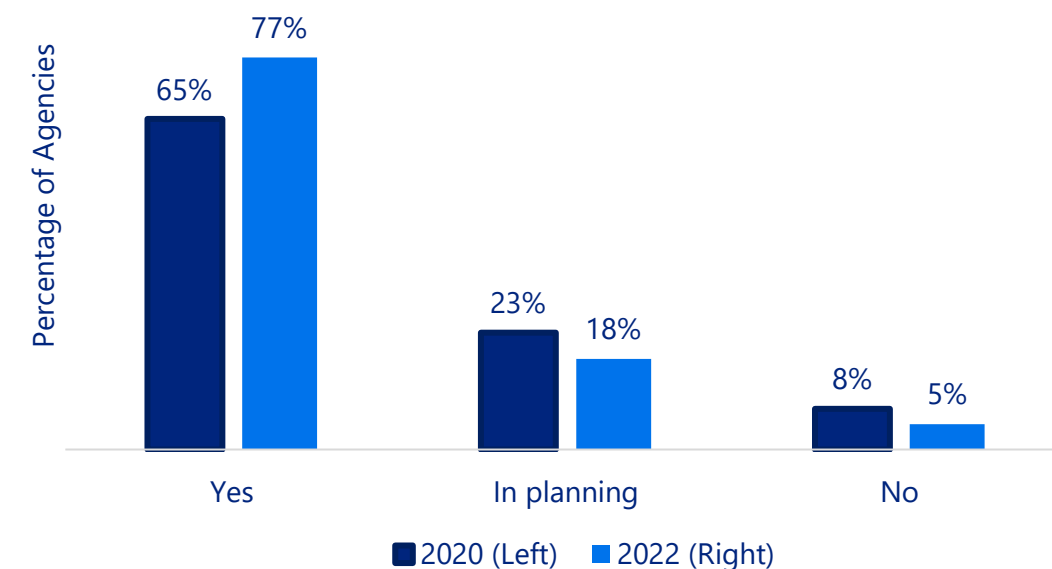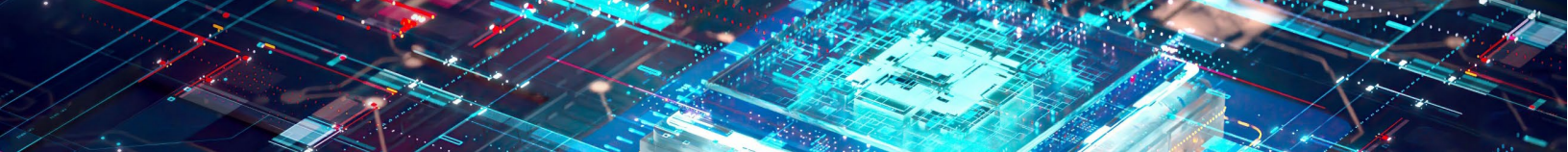

Sources: 2020, 2022 IRDR

Figure 5 shows an increase in the number of state agency web applications that are fully compliant with 1 TAC 206 and 1 TAC 213. DIR works with state agencies supporting their compliance with the TAC and with the vendor community to provide more accessible applications.

Figure 5: What percentage of the agency's publicly-facing web-based applications are in full compliance with state accessibility requirements, 1 TAC 206 and 213?

Sources: 2020, 2022 IRDR
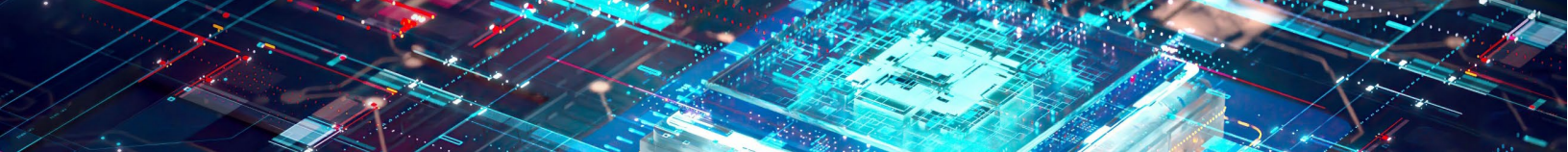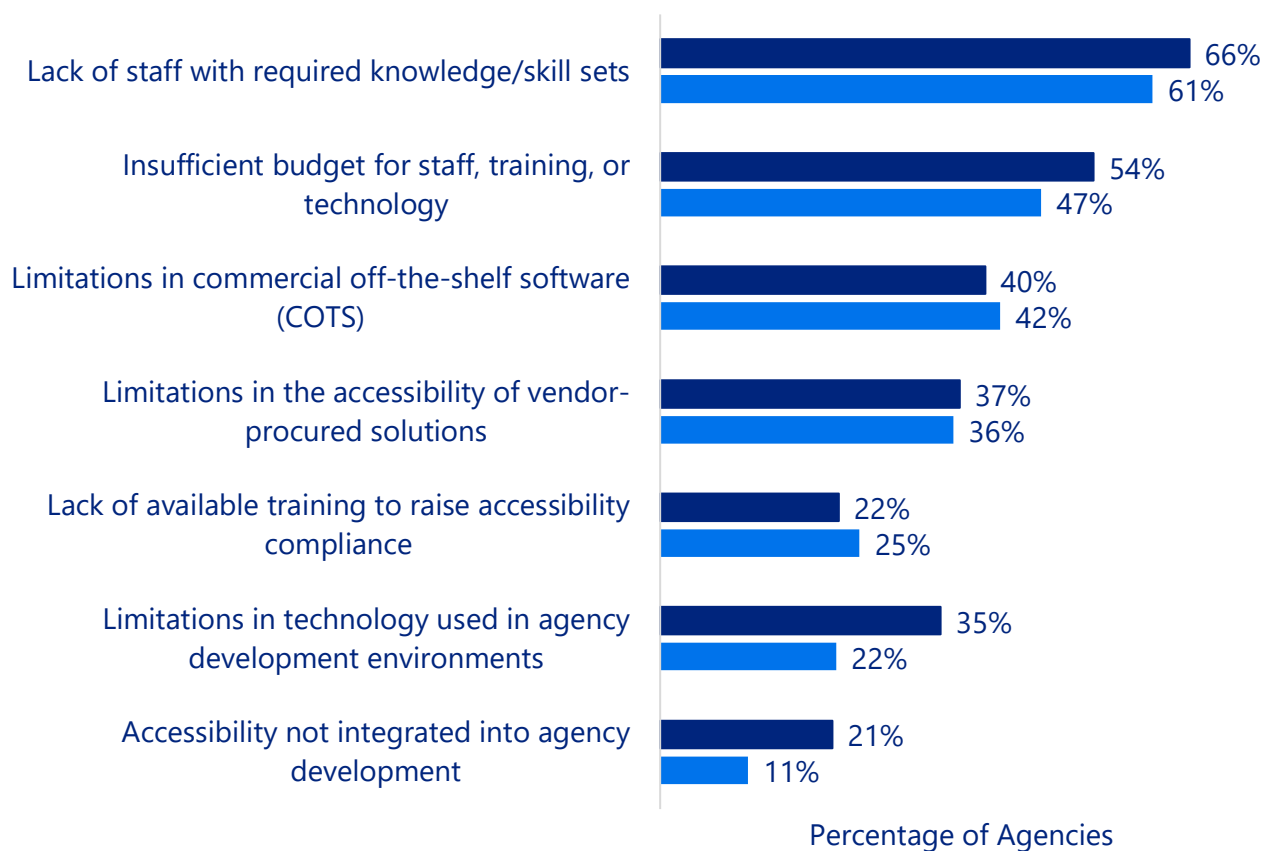
■ 2020 (Left) ■ 2022 (Right)
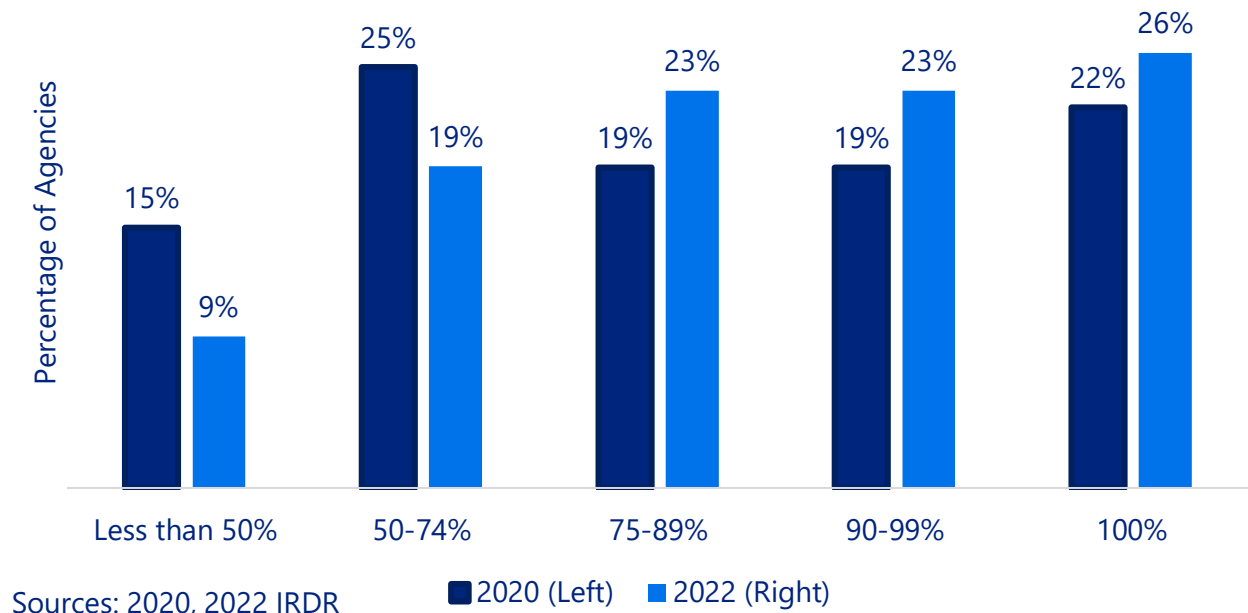
Figure 6 shows top barriers to compliance reported by state agencies from 2018 to 2022. There were decreases in many of the barriers experienced in past years. State agencies reported an increase in limitations for accessible commercial products and applications. DIR will continue to work with the vendor community to require Accessibility Conformance Reports for products and more accessible product offerings.

Figure 6: Top Barriers to EIR Accessibility Compliance

Lack of staff with required knowledge/skill sets: 66% (2020), 61% (2022)
Insufficient budget for staff, training, or technology: 54% (2020), 47% (2022)
Limitations in commercial off-the-shelf software (COTS): 40% (2020), 42% (2022)
Limitations in the accessibility of vendor-procured solutions: 37% (2020), 36% (2022)
Lack of available training to raise accessibility compliance: 22% (2020), 25% (2022)
Limitations in technology used in agency development environments: 35% (2020), 22% (2022)
Accessibility not integrated into agency development: 21% (2020), 11% (2022)

Percentage of Agencies

Sources: 2020, 2022 IRDR   ■ 2020 (Top)   ■ 2022 (Bottom)

Next Steps/Recommendations

State agencies should:

1. Train employees in EIR accessibility (leveraging the training platform provided by DIR) and build a culture of accessibility inclusion.
2. Implement and increase compliance with WCAG 2.0 Level AA or higher for all new IT projects and procurements.
3. Involve the EIR Accessibility Coordinators (EIRAC) in the EIR procurement process from solicitation development to negotiation to minimize gaps and ensure compliance with the TAC.
4. Use their EIR accessibility survey results to understand their strengths and deficiencies, and work with their EIRACs to address accessibility challenges.
5. Invest in EIR accessibility initiatives and best practices.

DIR will:

1. Continue to evolve procurement language in its Cooperative Contracts program to strengthen vendor requirements around EIR accessibility.
2. Encourage state agency use of web scanning tools, free online training, other tools and tutorials on the DIR website, and active participation in the EIRAC community meetings and discussion board.
3. Introduce new methods, processes, and tools to help state agencies in their EIR accessibility programs and procurements,
4. Work with vendors participating in DIR's Cooperative Contracts program to improve the credibility of vendor documentation and expansion of accessible product and service offerings.
5. Consult with state agencies and vendors on ways to improve and expand EIR accessibility for all Texans.