January 12, 2023

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Ranking Member, Rules and Administration

Minority Leader Lisa Demuth
Ranking Member, Rules and Legislative Administration

Attached you will find the report required under Minnesota Laws 2019, First Special Session, chapter 10, article 5, from the Legislative Staff Working Group on Accessibility Measures. The working group met regularly between September 2021 and January 2023 to develop the information contained in the report. The report includes:

1. an overview of the approach the working group took to develop knowledge on the state's accessibility standards, under Minnesota Statutes, section 16E.03;
2. a summary of the results of an external audit performed on a sampling of existing information available on the Minnesota Legislature's website;
3. a summary of the processes leading up to, during, and after a legislative committee or commission meeting, especially those processes involving the creation or publication of digital content;
4. recommendations to help the legislature comply with the requirements of Minnesota Statutes, section 3.199, and the standards in 16E.03; and
5. a description of the resources necessary to implement the recommendations.

The working group would like to emphasize the need to approach accessibility of digital content as a continuous process in which staff, members, and stakeholders actively work to improve the accessibility of information on an ongoing basis. Minnesota Statutes, section 3.199, goes into effect on October 1, 2024, and legislative staff have actively been working to improve the accessibility of information available on the legislature's website for several years, specifically with the redesign of the website in 2018.

The working group would like to thank the staff from other state agencies including MNIT, State Services for the Blind, the Minnesota Council on Disability, and the Minnesota Commission of the Deaf, Deafblind & Hard of Hearing for the expertise and consultation they provided to the working group.

Please feel free to contact any of the working group members if you have questions on the report.

Sincerely,

Michelle Weber, Chair
Joint Offices and Commissions

Bjorn Arneson, Co-Vice Chair
Senate

Mike Speiker, Co-Vice Chair
House of Representatives

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Legislative Staff Working Group on Accessibility Measures Report

As required by Minnesota Laws 2019, First Special Session, chapter 10, article 5

January 12, 2023

Executive Summary

In 2019, the Minnesota Legislature established the Legislative Staff Working Group on Accessibility Measures to study the legislature's current digital accessibility measures and report back to the legislature by January 15, 2023 ([Laws 2019, First Special Session, chapter 10, article 5](#)).

The law required the report to include the following components:

- identification of ways the legislature's accessibility measures for digital content do not meet the standards currently in place for state agencies
- identification of issues and technologies that present barriers to compliance
- suggestions for a compliance exception process
- plans to update the legislature's accessibility measures to be comparable to that required of state agencies
- cost estimates for updates to the legislature's accessibility measures

The 2019 law also required the Minnesota Legislature to meet the same accessibility standards for technology, software, and hardware procurement that are currently required for state agencies by October 1, 2024.

The working group consisted of 12 members appointed by the senate majority leader, the speaker of the house, and the chair of the Legislative Coordinating Commission (LCC). Between August 2021 and January 2023, the working group met 26 times by video conference. The group adopted a charter, developed a work plan, and engaged in ongoing learning activities related to accessibility.

Website Audit Results

In order to assess the current state of the legislative website, the working group contracted with the accessibility consulting firm Level Access to perform an audit of the website. While a comprehensive audit of the website was not possible due to time and cost constraints, Level Access audited 36 representative pages (both HTML and PDF) from the House, Senate, and Joint Offices and Commissions websites. The audit showed that, overall, the pages were "partially compliant" with Web Content Accessibility Guidelines (WCAG) 2.1, level A and AA. Level Access staff reported that the legislature's compliance rating exceeded that of many similar large organizational audits the company has performed. The compliance rating also reflects the significant effort legislative staff have already undertaken to improve the accessibility of the website.

Business Process Mapping

The working group sought to identify areas where digital content is created and handled in the committee process. It contracted with Minnesota Management and Budget, Management Analysis and Development (MAD) to conduct business process mapping for the work leading up

to and during committee and commission hearings. The process maps showed that for every hearing, the level of compression of work is high, which may be due to limited time or limited staff. As a result of the business process mapping, the working group concluded that accessibility of digital content will need to be built into legislative business processes and cannot be accomplished as an add-on at the end of any process.

Barriers to Full Compliance with Accessibility Standards

The audit showed that it will take significant effort to address some accessibility issues in a timely and coordinated manner. Some items that were identified are easier to fix, and appropriate staff are evaluating the results and will begin to implement changes in 2023. Other issues are more challenging and will require more investment of resources.

Plan Recommendations

After in-depth examination, consultation, and discussion of accessibility issues, the working group is proposing the following recommendations for consideration by the legislature:

- Allow the Legislative Staff Working Group on Accessibility Measures to expire upon submission of the report, with the chair and co-chairs of the group developing a transition plan to continue work on accessibility efforts leading up to the October 1, 2024, implementation date
- Develop an accessibility policy that provides direction to staff in meeting the accessibility standards
- Establish criteria in the policy that can be used for prioritizing staff accessibility initiatives and granting exceptions for content that does not meet standards
- Permit the responsible authority for the House, Senate, and Joint Offices and Commissions to delegate decisions about granting exceptions to other qualified staff
- Create an exception process that, among other things, considers barriers to making something accessible, allows exceptions for system-generated content, and has exceptions expire for re-evaluation
- Provide resources for additional dedicated staff housed in the Legislative Coordinating Commission (LCC) to serve in high-level, expert, coordinating, training, and consulting functions with each body designating an individual to manage accessibility efforts within each body and to consult with LCC accessibility experts
- Develop substantial and ongoing training on digital accessibility for legislative staff
- Create a mechanism that permits the public to report accessibility issues easily and receive feedback from legislative staff on issues
- Continue legislative staff interaction with stakeholder groups and the executive branch digital accessibility coordinator group during the next phase of digital accessibility plan development and implementation
- Target future audits of digital content to high-priority digital material/systems that require fundamental redesign, or difficult remediation projects
- Evaluate workflows to determine where digital accessibility can be built into the process

- Use standardized language that would require digital accessibility for products procured through a request for proposals or information process and take digital accessibility into account when replacing legacy systems

Resources to Implement Accessibility Plan and Recommendations

The working group has identified the need for additional staffing, software/hardware investments, and training resources to implement the recommended plan. Existing staff do not have the capacity to absorb this work without additional resources.

The estimated cost to implement the proposed plan and recommendations is $1,534,000 over the fiscal year 2024-2025 biennium.

For a more thorough discussion on all of these issues, please see the full report.

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Report Requirements

Minnesota Laws 2019, First Special Session, chapter 10, article 5, required certain content to be included in the working group's report. In particular, the report must:

1. identify ways the legislature's accessibility measures do not meet the standards applicable to state agencies;
2. identify issues and technologies that may present barriers to compliance;
3. suggest a compliance exception process;
4. describe a plan to update the legislature's accessibility measures to be comparable to those required of state agencies; and
5. estimate the costs for updates to the legislature's accessibility measures.

For the purposes of the report, the working group was not required to consider making archived documents, recordings, or publications accessible.

The estimated cost to develop this report was $126,872. This includes legislative staff time, consultant contracts, and time contributed by other agencies. Special funding was not appropriated for the staff time associated with preparing this report. Resources were provided to contract for expertise necessary for the audit and business process mapping.

Background and Introduction

Establishment and Background Context

The Legislative Staff Working Group on Accessibility Measures was established by Laws 2019, First Special Session, chapter 10, article 5.

That same act provided that, beginning October 1, 2024, "the senate, the house of representatives, and joint legislative offices and commissions must comply with accessibility standards adopted for state agencies by the chief information officer … for technology, software, and hardware procurement, unless the responsible authority for a legislative body or office has approved an exception for a standard for that body or office."

Additionally, the United States Department of Justice issued updated guidance in March 2022 on web accessibility and the Americans with Disabilities Act (ADA), confirming the department's position that the general nondiscrimination and effective communication provisions of the ADA apply to web accessibility. The Minnesota Legislature and other state government offices are subject to the requirements of the ADA under Title 2 of the act.

As indicated in the report requirements described above, the working group's scope was specifically limited to "accessibility measures," not "accommodations" or "assistive technology." These concepts differ in key ways:

- In general, an accessible technology or document is proactively designed in a way that meets standards intended to reduce barriers for users with a disability, often who access material using

> assistive technology. Accessibility measures often benefit a wide audience, including users without a disability.
>
> - An accommodation is provided (often reactively) to remove barriers or to provide an alternative format, customized for an individual's need. Fewer accommodations are needed when materials are designed to align with accessibility standards.
> - Assistive technology are the tools used to enhance functional capabilities of users with a disability. Examples of assistive technology include screen reader software, personal amplification systems, alternative keyboards and pointing devices, and much more.

Although accessibility can apply to physical environments (e.g., wheelchair-accessible doorways or curb cuts), the working group's scope was specifically limited to "computing and telecommunications hardware and software, the activities undertaken to secure that hardware and software, and the activities undertaken to acquire, transport, process, analyze, store, and disseminate information electronically" (see Minnesota Statutes, section 16E.03).

The legislature has already made substantial progress in its digital accessibility measures. For example, legislative web developers have implemented common frameworks across legislative websites that make the websites more accessible and usable. Legislative media offices continue to make improvements and investments in closed captioning services. In addition, although remote operations during the COVID-19 pandemic temporarily disrupted some legislative working patterns, one positive effect is that legislative materials that had previously only been available in hard copy (e.g., to attendees at a committee hearing) are now generally available in digital formats online.

Working Group Members

The working group was composed of 12 members. The senate majority leader and the speaker of the house each appointed four employees from among the offices that serve the respective bodies: media offices, information technology offices, legal and fiscal analysis offices, the secretary of the senate, the chief clerk of the house of representatives, and other offices. The chair of the Legislative Coordinating Commission (LCC) appointed four members from among the employees who serve in the Office of the Revisor of Statutes, the Legislative Reference Library, the LCC, and the Office of the Legislative Auditor.

House of Representatives appointees:
- Max Carlson, House Web Developer
- Barry LaGrave, House Information Services
- Mike Speiker, House Information Technology
- Brenda van Dyck, House Research Department

Senate appointees:
- Bjorn Arneson, Senate Counsel, Research, and Fiscal Analysis
- Robert Ludden, Senate Information Systems
- Melissa Mapes, Office of the Secretary of the Senate
- Steve Senyk, Senate Media Services

Legislative Coordinating Commission appointees:
- Ryan Inman, Office of the Revisor of Statutes
- Elizabeth Lincoln, Legislative Reference Library

- Judy Randall, Office of the Legislative Auditor
- Michelle Weber, Legislative Coordinating Commission

The working group elected Michelle Weber to serve as chair. The working group elected Mike Speiker and Bjorn Arneson to serve as co-vice-chairs. The LCC provided administrative support to the working group.

In addition to the appointed membership, other staff from the House of Representatives, Senate, and Joint Offices and Commissions regularly attended working group meetings, participated in the working group discussion, and contributed to the development of this report.

Duties and Duration of the Working Group

The working group was required to submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over rules and to the chair and vice-chair of the LCC by January 15, 2023.

The working group expires January 15, 2023, or a later date selected by agreement of the appointing authorities, except that the working group must expire no later than January 15, 2028.

Background on the Accessibility Standards Applicable to State Agencies

The digital accessibility standards applicable to state agencies are governed under Minnesota Statutes, section 16E.03, subdivision 9. That statute imposes certain duties on the state's chief information officer, including:

- development of accessibility standards applicable to technology, software, and hardware procurement, not including infrastructure hardware (By law, the state-developed standards must incorporate section 508 of the Rehabilitation Act, United States Code, title 29, section 794d, as amended by the Workforce Investment Act of 1998, Public Law 105-220 (August 7, 1998), and the Web Content Accessibility Guidelines, 2.0.);
- requiring state agencies to adhere to the standards unless the chief information officer approves an exception;
- evaluating and modifying the state-developed standards if the chief information officer determines that they pose an undue burden to the state; and
- reviewing subsequent revisions to section 508 of the Rehabilitation Act and to the Web Content Accessibility Guidelines and optionally incorporating the revisions in the accessibility standards.

Minnesota IT Services' Office of Accessibility oversees the implementation of digital accessibility standards for Minnesota's executive branch.

The state's Accessibility and Usability of Information Technology Standard was last revised June 14, 2018.

Working Group Activities

Between August 2021 and January 2023, the working group met 26 times by video conference. To fulfill its responsibilities, the working group adopted a charter, developed a work plan, and engaged in

ongoing learning activities related to accessibility. In addition to discussion led by various working group members, the working group consulted with accessibility, disability, and business process experts, including:

- Becky Bernauer, Digital Accessibility Coordinator, MNIT/Minnesota Department of Health
- Josh Cunningham, Kae Warnock, and Pam Greenberg, National Conference of State Legislatures
- David Dively, Executive Director, Minnesota Council on Disability
- Matt Gehring, Legislative Analyst, House Research Department
- Natasha Jerde, Director, Minnesota State Services for the Blind
- Joann Rautio and Samantha Fischer, Digital Accessibility Coordinators, MNIT/Department of Employment and Economic Development (DEED)
- Elaine Settergren, Reference Librarian and Digital Accessibility Coordinator, Minnesota Legislative Reference Library
- Jay Wyant, Chief Information Accessibility Officer, MNIT
- Renae Youngs, Consultant, Minnesota Management and Budget, Management Analysis and Development (see discussion of business process mapping later in this report)
- Darlene Zangara, Executive Director; Anne Sittner-Anderson; and Alicia Lane-Outlaw; Minnesota Commission of the Deaf, DeafBlind & Hard of Hearing
- Various staff from Level Access, an accessibility consulting firm (see discussion of accessibility inventory and audit later in this report)

Outside of the formal working group meetings, members met in small groups or individually with other stakeholders, including legislative human resources staff and budget analysts, to gather information necessary to develop the required elements of this report.

In spring 2022, the working group surveyed key legislative staff contacts on the current accessibility of legislative technology and digital materials, digital accessibility activities in progress throughout the legislature, and participants' general awareness and knowledge of the digital accessibility requirements going into effect in October 2024. The results of the staff survey helped the working group identify key digital materials and legislative processes for further study.

Working group members received regular pre-meeting accessibility training through training modules, webinars, and other content curated by Elaine Settergren from the Legislative Reference Library.

Audit Results

The working group was charged with (1) identifying ways the legislature's accessibility measures for technology, software, and hardware procurement do not meet the state's accessibility standards and (2) identifying issues and technologies that may present barriers to compliance. To meet this requirement, the working group sought to have an accessibility expert audit the website and identify problems.

The working group contracted with the consulting firm Level Access to perform an accessibility audit of the legislative website. It quickly became apparent that a comprehensive audit of the entire site was not feasible due to time and cost restraints. The working group worked with Level Access to identify web pages and documents that were representative of overall content, which Level Access calls "modules." They also tested two "use cases," which involved testing multiple pages as a part of a typical user process.

Areas included in the audit were sitewide elements, like headers and footers; pages related to bills (bill status, bill drafts, side-by-sides, bill summaries); statutes, session laws, and administrative rules; fiscal information including fiscal notes and spreadsheets; member information including newsletter emails and a portal for finding member maps; information related to committee meetings and floor sessions including schedules, livestreams, and journals; media and information services; and topical and data-generated material. The two use case processes tested were: how to use the website to successfully find a user's representatives and how to successfully navigate the shared calendar.

Level Access tested 36 modules within the legislative website. Collectively, the pages tested from the Joint Offices and Commissions, the House, and the Senate were "partially compliant" with accessibility measures. Level Access used an internal scoring process to evaluate the level of compliance with Web Content Accessibility Guidelines (WCAG) 2.1, which is the current version of the international digital accessibility guidelines. (At the time of this report, the state standards align with the WCAG 2.0 guidelines. The WCAG 2.1 guidelines are an incremental extension of the WCAG 2.0 guidelines.) Level Access evaluated both HTML pages and PDF files that were posted on the website. Level Access staff indicated that the legislature's "partial compliance" under the vendor's rubric exceeded the compliance rating of many similar large organizational audits performed by Level Access and reflected the substantial work that the legislature has already undertaken to improve accessibility measures.

Issues Identified in the Audit

The results reported here are specific to the content that was included in the audit. There were also other issues that were not included in the audit that legislative staff identified, such as the use of strikethrough and underline to convey changes in law.

Joint Offices and Commissions

Level Access tested 15 pages from the Joint Offices and Commissions; 13 of these were modules (both HTML and PDF) and two were "use cases" tested with assistive technology tools. For the PDF files that were tested, Level Access made the following recommendations:

- Ensure data table headers are associated with data cells

- Ensure image and drawing remnants/artifacts are grouped properly
- Ensure all content is tagged
- Ensure headings are denoted through structure and not implicitly
- Provide a clear identifying title property for the document
- Ensure list items are structured properly
- Ensure table headers are properly tagged
- Ensure that lengthy documents provide bookmarks
- Ensure that document content is rendered in the proper order
- Ensure non-distinct header and footer content are labelled as artifacts
- Avoid using tables for non-tabular data
- Ensure font attributes are properly indicated through attribute objects
- Ensure a document specifies a language
- Ensure tags are used to structure content in a valid manner

For the web pages, Level Access made the following recommendations:

- Provide a valid label for form fields
- Indicate live regions for dynamically changing content
- Ensure alternative text for image links is informative
- Ensure that status messages can be determined programmatically without receiving focus
- Ensure keyboard focus is indicated visually
- Provide an informative, context-sensitive page title
- Ensure custom controls provide proper textual name, role, and state information

Level Access conducted two use cases using JAWS 2022. JAWS is screen reading assistive technology often used by those with low to no vision. The testing identified issues for JAWS users visiting the shared calendar page and the "Find Your Representative" page. Level Access rated the task of "navigating the shared calendar" as a "fail for severe accessibility problems" and the task of "Find Your Representative" as a "pass – minor accessibility problems." (Note that, in this context, "severe accessibility problem" indicates that a use case presented a substantial problem for the end user, but does not necessarily indicate that the problem is difficult to correct.)

House

Level Access tested 12 modules from the House and identified the following problems in those modules:

- Controls are not keyboard focusable
- Controls with no accessible name
- Links with nondescriptive names
- Controls with no visual focus
- Dynamically changing content not announced
- PDF documents with no tags

Senate

Level Access tested nine modules from the Senate and identified the following problems in those modules:

- Implicit headings
- Inline links only indicated by color
- Text with low contrast ratio
- Links in emails are not meaningful
- Lists in PDF are not structured properly
- PDF documents with no title

Level Access provided the working group with information for each set of tested pages, listing the areas that were not in compliance, a description of the recommended fix, and the WCAG standard where compliance was not achieved. As explained elsewhere in this report, legislative staff are already addressing issues identified in the audit.

Business Process Mapping

The working group contracted with the Management Analysis and Development (MAD) office of Minnesota Management and Budget (MMB) to conduct business process mapping for the work of developing and posting digital content leading up to and during committee and commission hearings. The consultant was Renae Youngs, senior management consultant at MAD. The intent of the mapping was to document the current state of the committee process in the House, Senate, and Joint Offices and Commissions, with particular attention to the creation and distribution of digital content.

MAD conducted interviews with a wide range of staff members to capture the varying steps in the committee process. The process mapping was designed to summarize the committee process, from the time a committee hearing is scheduled to when all the work related to that hearing is complete.

MAD created two maps: one that tracks the committee process in the House and Senate, and one that tracks the committee process in the joint commissions. While there is variation between the House and Senate committee processes and variation across committees within each body, the House and Senate map captures the general process followed for all legislative committees. Likewise, there are variations among joint commissions; however, the map captures the general process of joint commission meetings.

The process maps illustrate the typical timing of tasks. They also note points where a document or other type of digital content is created or handled and describes the staff involved.

An overview of the hearing process reflects that work for a committee hearing may begin up to seven to ten days before the hearing, starting when a hearing is scheduled, and continue for approximately seven days after the hearing, when a final engrossment of a bill as amended in committee is completed.

The process maps identified the phases of the committee process with various participants and steps in each phase. The phases are scheduling; agenda and preparation; fiscal analysis; research and bill summary (House and Senate committees only); testifiers and materials; amendments; hearing setup and

meeting; post-hearing materials; hearing recordings; and hearing minutes. MAD noted that many of these phases are concurrent.

The process maps detailed many stages where digital content that will be posted to the web is created and handled, and the number of people who are involved. The creation or handling of digital content is active throughout the process, typically beginning up to four days before a hearing and continuing through the following stages:

- committee hearing notice and scheduling
- committee listserv distribution
- agenda creation
- agenda links to bills and materials
- submission of testifier materials
- fiscal note creation
- spreadsheet creation, posting, and subsequent updating
- bill summary creation, posting, and subsequent updating
- amendment creation and posting
- engrossment of adopted amendments
- hearing broadcast and captioning
- addition of alt text to photos from hearing
- post-production audio/video
- audio file creation
- links to recordings on web pages
- meeting minutes finalization and web posting
- committee report creation

Of particular note are materials provided by individual testifiers, including state agency staff, that legislative staff do not produce. Staff have less control over the accessibility of these materials, and these materials are handled in a compressed timeframe.

The process maps show that, for an individual committee hearing, the level of compression of work is high and that compression can either be due to limited time or due to limited staff. There are at least a dozen separate roles or entities involved in the process, including chairs, members, committee administrators, legislative assistants, commission assistants, testifiers, information technology staff, nonpartisan and caucus research staff, fiscal staff, public information and media staff, library staff, and revisor staff.

While MAD was only contracted to capture the process as it currently exists, the consultant noted that there was variability in practices among committees. There may be opportunities in the future to institute consistency, which would aid accessibility practices. The consultant also noted that with the wide range of individual actors involved in the committee process and document creation and handling, building ownership of accessibility will be important.

As a result of the business process mapping, the working group concluded that accessibility of digital content will need to be built into legislative business processes and cannot be accomplished as an add-on at the end of any process. As a result, everyone involved in the committee process will need to

develop an awareness of compliance with accessibility standards, with certain staff responsible for ensuring that content that is developed and posted is compliant, whenever practical. Documents and materials developed and submitted by individuals from outside of the legislature may need special consideration as they are often received at the last minute and may not be received in an accessible format.

Barriers to Full Compliance with Accessibility Standards

In the near term, the legislature faces barriers to full compliance with accessibility standards. Some of these barriers are technological barriers, including document formats or systems that are costly or time-consuming to modify. Other barriers are more process-oriented, including the decentralized, unpredictable, and sometimes urgent nature of legislative activity.

Over time, members of the legislature and legislative staff have developed working patterns and document formats that meet the demands of the legislature and the legal requirements and parliamentary traditions that govern how the legislature operates. As a result, the fundamental purpose, design, or business practice involved with a particular legislative document itself is sometimes a barrier to compliance with accessibility standards. For example, side-by-side documents and fiscal tracking spreadsheets are key tools for legislative decision-making. However, these documents as currently designed are extremely difficult (if not impossible) to remediate for accessibility, especially within the short timelines available for this work in the last several days of a legislative session.

The audit showed that it will take significant effort to address some accessibility issues in a timely and coordinated manner. Some issues are relatively easy to fix and staff are already addressing issues identified in the audit. Other issues are more challenging and will require more investment of resources. These include documents and/or materials that are system-generated. For example, the revisor's Xtend system for generating bill drafts and amendments produces PDF files with strikethrough and underline in text, but these documents cannot currently be remediated for full accessibility using external tools and then placed back into the Xtend system.

Another barrier to full compliance with accessibility standards is the fast and unpredictable pace of the work of the legislature and the large number of people involved in creating and maintaining documents, as described in the business mapping process section of this report. As noted elsewhere in the report, it will be important for the legislature to build accessibility into the process at every step in the document creation and handling workflow. Particular consideration will be needed for documents and materials provided by individuals outside of the legislature, such as public and agency testifiers.

Other barriers and challenges include: the large number of materials produced by the legislature; no dedicated staff for the time consuming, complicated, and skilled work of accessibility; lack of awareness of the need for or the importance of accessibility; inconsistent quality of automated video captioning; the decentralized structure of the legislature that hampers widespread, consistent training; relatively high staff turnover in certain job types; and uncertainty about whether public requests indicate a usability preference or an accessibility barrier.

Plan Recommendations

The working group developed the following initial recommendations, recognizing that these are first steps to meeting accessibility standards and that this work will continue as the legislature routinely re-evaluates digital accessibility due to the sheer volume of content that is created by the legislature, changes and updates to technology, changes to the accessibility standards, and turnover in staffing.

Working Group Status

The working group recommends that the appointing authorities allow the Legislative Staff Working Group on Accessibility Measures to expire upon submission of this report and that staff continue to work collaboratively on improving the accessibility of legislative materials.

The working group suggests that the chair and co-chairs of the working group develop a transition plan in coordination with staff from the House, Senate, and Legislative Reference Library who have experience with digital accessibility. The working group also recommends that the transition group assist the legislature with developing position descriptions for any new staff.

Accessibility Policy

An internal-facing digital accessibility policy should be developed by staff for consideration by members to guide work into the future.

The policy should be universal across the House, Senate, and Joint Offices and Commissions, should be enforceable, and should be considered for adoption by the legislature.

The working group recommends that policy development be the first step in the next phase of work and that it includes a review of policy elements and best practices from the executive branch, stakeholders, and other models.

The policy should also include a public-facing statement indicating the legislature's commitment to accessibility.

Prioritizing Work Toward Full Compliance

The legislature has already made and can continue to make significant progress toward full compliance with Minnesota Statutes, section 3.199, as October 1, 2024, approaches.

Legislative offices should use risk criteria applicable to the proposed exception process (below) to identify priorities for accessibility activities. For example, whether the content is external-facing or internal-facing may be considered when prioritizing accessibility improvements. Although the working group was not required to consider the issues related to making archived materials accessible, archival status could potentially become a prioritization or exception consideration in the future.

Exceptions

Minnesota Statutes, section 3.199, provides the legal authority for certain exceptions from compliance with accessibility standards. That same section identifies the legislative staff authorized to approve an

exception for various offices. Appropriate use of an exception process is a key element of compliance with the law.

The working group was required by law to suggest an exception process for materials that do not meet the accessibility standards applicable to the legislature after October 1, 2024.

The working group recommends that, to the extent practical, the exception process be formalized in policy and be as uniform as possible across the legislature. The responsible authority for the House, Senate, and Joint Offices and Commissions should be permitted to delegate decisions about granting exceptions to other qualified staff.

The working group recommends that an exception process include:

- a requirement that the requestor document the accessibility issue and the good-faith remediation efforts they pursued, and explain why the technology, product, or digital material cannot be made accessible at the time of the request;
- exceptions for a whole system or process rather than requiring that each individual output of that system or process generate an exception;
- a shared rubric for evaluating exception requests and granting exceptions, with the exception process managed by each office or body. Further, the shared rubric could assess "risk factors," such as time or cost to remediate or replace, ease of replaceability or substitution, audience, publishing regularity, and source (e.g., internally produced or obtained from the public or other government agency); and
- an expiration date so that the requestor must review the exception and demonstrate again if the content cannot be made accessible. Shorter term exceptions should be considered for projects or materials when time to remediate is the only barrier to compliance.

Organizational Structure

The working group recommends that the legislature hire full-time dedicated staff within the LCC to provide high-level, expert, coordinating, internal training, and consulting functions ("LCC accessibility experts"). These new staff may need to specialize by function (e.g., expertise in overall compliance, accessibility training and remediation, and accessible IT development).

The dedicated LCC accessibility experts would not have managerial control over Senate, House, or Joint Offices and Commissions' accessibility activities.

See the staffing/training section of the working group's recommendations for additional staffing recommendations.

Staffing

The working group recommends that the key duties of the dedicated LCC accessibility experts include:

- developing and maintaining a working knowledge of the core functions and accessibility activities of all legislative offices and serving as a consistent point of contact for the legislature on issues related to digital accessibility;
- developing and maintaining a higher level of expertise on digital accessibility standards, which will include certification by the International Association of Accessibility Professionals (IAAP);

- consulting with accessibility coordinators and other legislative offices on issues related to human resources, training, procurement, best practices, accessibility policy development and implementation, major project planning, emerging technologies, state and federal accessibility standards, and other accessibility-related topics; and
- providing technical assistance on difficult-to-remediate digital content and guiding the legislature's adoption of new accessible document formats and layouts.

The working group recommends that, in addition to the centralized staff in the LCC, each body designate an individual, with the appropriate level of authority, to manage the accessibility activities within each body in close coordination with the LCC accessibility experts.

Additional positions employed by the Senate, House, and Joint Offices and Commissions will likely be needed to carry out day-to-day administrative and technical accessibility work to meet the requirements of the law. Existing staff do not have the capacity to take on this work in addition to current responsibilities.

Training

Legislative staff, especially those that regularly create or publish digital content, will have a responsibility for the accessibility of the materials they produce and will need substantial and ongoing training on digital accessibility. This training could include content on methods for accessibility testing and effective use of existing and newly purchased software and hardware.

To the extent possible, the staff training should be tailored according to the responsibilities and workflows for each job type—for example, procurement, document production, committee administration, video production, and web design and development.

Members of the legislature should also consider participating in training on the requirements of digital accessibility so that they understand the requirements, including the resources and time that will be necessary to ensure staff are generating accessible materials.

Accessibility Issue Reporting

The working group recommends that the public be able to report accessibility issues easily and receive feedback from legislative staff regarding the status of the issue, for example, through a webform or to a consistent point of contact.

Each notification should be routed immediately or be viewable by staff in the applicable body or area of the legislature with the ability and authority to correct the issue.

Stakeholder Engagement

The working group recommends that legislative members and staff continue ongoing and engaged interaction with stakeholder groups and the executive branch digital accessibility coordinator group during the next phase of digital accessibility plan development and implementation.

Legislative staff should continue to collaborate with stakeholders to manage expectations in the context of internal capacity and resources available for plan implementation.

Inventory/Audit

The costs of conducting an accessibility audit are significant. A full audit of all digital legislative materials is not practical or cost-effective.

If there is a need to contract with a vendor for an audit in the future, the scope of work should be specifically targeted to high-priority digital materials, systems that require a fundamental redesign, or exceptionally difficult remediation projects.

Business Processes

Compliance with accessibility standards is most efficiently and effectively achieved when it is built into processes from the very beginning. Identifying ways to improve and standardize digital accessibility measures in committee operations, to the extent practical, will assist with compliance.

The working group recommends that legislative offices that create digital content evaluate workflows to determine the points at which digital accessibility can be built into the process and include a review process before publishing. For example, legislative offices could individually consider using business process mapping for their work: identifying areas of inaccessible content, planning for remediation, reforming processes, and documenting improvements.

Whenever possible, legislative offices should standardize and automate common processes to ensure accessible outputs—for example, through web applications or Microsoft Office templates.

Software and Hardware Investments

Standardized language should be developed that would require digital accessibility for products procured through a request for proposals or request for information process. When replacing legacy systems, digital accessibility should be among the criteria in the evaluation of the new product. Accessibility testing should be among the key steps in deployment of any new system.

The Senate and the House currently caption all video streams of floor sessions, committee hearings, and press conferences. Accuracy of captions improves when the service is provided by an individual, rather than an auto-caption system. Due to limited resources, the legislature should consider providing caption services using contracted individuals and/or American Sign Language (ASL) interpreters for high-profile, special legislative events. Ongoing efforts should continue to improve the quality of all captions for live streams and archived videos.

The working group recommends that the legislature continue to work to improve the accuracy of automated closed captioning and provide ASL services upon request of an accommodation within available resources.

Staff with document creation, remediation, or system testing responsibilities will need updated software and training. This software may carry a high license cost and require significant training. Web testing software should be provided for those who design and program websites and applications.

The working group also recommends that resources be provided for a digital accessibility web scanning software system.

Departments and offices may want to consider employing or contracting for special expertise, including from employees or contractors with disabilities, regarding assistive technology purchases, evaluation, and training. For example, testing for JAWS compatibility requires specialized skill, which may not be available from existing staff.

Resources to Implement Accessibility Plan and Recommendations

The working group has identified the need for additional staffing, software/hardware investments, and training resources to implement the recommendations included in this report. Existing staff do not have the capacity to absorb this work without additional resources and without a realignment of responsibilities. Dedicated full-time staff and funding will be necessary to support the work of improving the accessibility of information on an ongoing basis.

In 2019, a fiscal note on H.F. 1962, legislation that required compliance with the state's accessibility standards, estimated the costs to be approximately $1.4 million in the first biennium and approximately $2 million in the second biennium.

The working group estimates the costs to implement the accessibility plan to be $828,000 in fiscal year 2024 and $706,000 in fiscal year 2025 (and on an ongoing basis) for an initial biennial total of $1,534,000. This includes new staff dedicated specifically to accessibility across the legislature as well as training and technology investments.

These costs are investments to improve the accessibility of digital content posted to the legislative website and do not include the costs of replacement of existing technology systems, remediation of archived materials, an expansion of closed captioning being performed by human captioners, or the provision of ASL interpreters for all legislative proceedings.