STATE OF MARYLAND DIGITAL ACCESSIBILITY POLICY

1.   Purpose

1.1.   Every Marylander should have equal access to State procured and developed information technology systems and services, ensuring the highest degree of usability for all, regardless of disabilities. The Department of Justice's (Department) final rule updated its regulations for Title II of the Americans with Disabilities Act (ADA). In it, State and local governments with a population of 50,000 or more persons must make sure that their web content, electronic documents and mobile apps conform up to the Web Content Accessibility Guidelines (WCAG) 2.1 Success Criteria Level AA. The deadline to meet the updated ADA Title II standards is April 24, 2026.

1.2.   The United States Census Bureau's American Community Survey states that there are over 1,100,000 individuals with disabilities living in Maryland, and this number is increasing over time. The State of Maryland (State) understands that procuring, developing and deploying accessible information technology across the State is paramount and has prioritized accessibility to ensure that no Marylander is left behind.

1.3.   This policy establishes the responsibilities of Maryland's Executive Branch agencies regarding effective implementation of the State's non-visual access laws and regulations. This policy does not specify or stipulate any particular technology or application. Rather, this policy has been authored with the aim of fostering more inclusive information technology tools and services such that all Marylanders may effectively interact and do business with the State with ease and equivalent access.

2. Definitions

2.1. Accessibility Conformance Report (ACR): A standardized reporting framework employed for the documentation of a product's or service's alignment with international accessibility standards. A widely adopted tool for generating ACRs is the <u>Voluntary Product Accessibility Template (VPAT)</u>, which was developed by the Information and Technology Industry Council.

2.2. Accessible Electronic Document. A document that can be read and interpreted by assistive technologies such as a screen reader, whose content is easily understood by the user and meets <u>WCAG 2.1 AA success criteria.</u>

2.3. Accessibility Officer: A state agency employee that has been designated by their respective agency leadership, trained and coached to address accessibility within their agency with the support of Office of Accessibility and Maryland Department of Disabilities staff.

2.4. Assistive technology. Also known as "access technology." Any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities (21st Century Assistive Technology Act - 2022).

2.5. Electronic Document. Any document that is created, stored, and managed in a digital format.

2.6. Evaluation. A report detailing results from conducted accessibility conformance testing. The test process involves use of automated testing, manual testing, and use of procured and native access technology on both desktop and mobile devices.

2.7. Non-Visual Access. The ability, through keyboard control, synthesized speech, Braille, or other methods not requiring sight to receive, use, and manipulate information and operate controls necessary to access information technology in accordance with standards adopted under State Finance and Procurement Article § 3.5-303(c) and COMAR 14.33.02.01.

2.8. Screen Reader. A type of software that helps people who are blind or have low vision to use a computer. A screen reader reads aloud what's on the screen and lets users control the computer using a keyboard or other tools, like a braille display.

2.9. **Validation Testing:** The process of validating previous evaluations after the completion of remediation efforts to ensure the respective changes are now accessible and compliant.

2.10. **Voluntary Product Accessibility Template (VPAT)**: A template document prepared by a product vendor or developer which explains how an information technology product conforms to accessibility standards such as Section 508 and WCAG.

2.11. **Web Content Accessibility Guidelines (WCAG)**: Defined pre-determined measurable accessibility standards for all web content, including text, images, audio materials, video materials, and code for infrastructure, styles, and interactions. The core concepts of WCAG can be applied to non-web technologies. The guidelines include three specific conformance levels: A (lowest standard, any IT solution that does not meet this level is known as a critical accessibility blocker), AA, and AAA (highest and most difficult to achieve).

3. Applicability

3.1. This policy is applicable to all departments and agencies within the Executive Branch of State government. It applies to both internally and externally facing IT solutions and services developed, provided to, or procured by departments and agencies.

4. Responsibility

4.1. Departments and agencies are responsible for:

4.1.1. Identifying and maintaining an Accessibility Officer to serve as an accessibility champion and point of contact for the accessibility efforts of the DoIT Office of Accessibility and the Maryland Department of Disabilities IT Accessibility Initiative.

4.1.2. Using the DoIT ticket/reporting system to report accessibility concerns, seek consultative support, or request accessibility testing.

4.1.3. Verifying that information technology and services developed or procured by the respective department or agency are accessible prior to deployment, consistent with State law, regulations, and accessibility policies set by DoIT.

4.1.4. Ensuring that vendors test their IT solution(s) to ensure compliance with WCAG 2.1 A & AA Success Criteria through manual testing and automated testing., e.g.:

    4.1.4.1.1. Vendors are required to conduct screen reader testing in multiple environments with the respective IT solution during their development cycle.

    4.1.4.1.2. Vendors are required to perform mobile accessibility testing on iOS and Android devices during their development cycle.

  4.1.4.2. After an evaluation is conducted and remediation is completed, submit the IT solution to either DoIT or the MDOD Statewide IT Accessibility Initiative for the conduct of validation testing to ensure vendors have completed all required work. Agencies should submit an intake ticket request to begin the validation process by emailing doit.intake@maryland.gov with the email titled "_____validation testing request".

4.1.5. Verifying that electronic content and documentation developed, authored, co-authored, provided to, or procured by the respective department or agency is 'born accessible' and available to all Marylanders without and with disabilities prior to publishing to State websites or being made available for public consumption, consistent with State law and accessibility policies set by DoIT.

4.1.6. Ensuring that vendors deliver electronic content and documents that conform to WCAG 2.1 AA success criteria, including documentation submissions of accessibility conformance reports during information technology solicitations.

4.1.7. Ensuring that all new electronic content or existing documentation uploaded to their website or made available for dissemination conforms to WCAG 2.1 AA success criteria.

4.1.8. The agency, in conjunction with their Accessibility Officer, must create a content vetting mechanism to ensure all new and current electronic documents are compliant with this policy unless an applicable exception applies.

4.1.9. Agency appointing authority or designee is responsible for identifying all staff who create, contribute to, publish, author, coauthor, gather, or approve electronic content and or documents.

4.1.9.1. Identified staff must complete the free, asynchronous foundational digital accessibility training courses created by the Maryland Department of Disabilities, and other accessibility training determined by their supervisors;,

4.1.9.2. Supervisors will be responsible for ensuring employees complete the training within 30 days of employment or within 90 days of this policy's publication.

4.1.10. Units should use the DoIT ticketing system to ask for help to develop an approach to testing, remediation, procurements or training. Email doit.intake@maryland.gov to open a ticket with the DoIT Office of Accessibility and the Maryland Department of Disabilities Statewide IT Accessibility Initiative.

4.2. DoIT's Office of Accessibility (OOA) is responsible for:

4.2.1. The development of non-visual access policy and guidelines.

4.2.2. Enforcement of COMAR 14.33.02.

4.2.3. Providing accessibility subject matter expertise and training to Executive branch departments and agencies.

4.2.4. Serving on the Software Review Board to ensure that potential new software is evaluated for risk from an accessibility standpoint.

4.2.5. Collaborating with the Maryland Department of Disabilities and the Maryland Department of General Services to further develop the accessibility requirements within the State's RFPs/TORFPs and assist agencies with NVA compliance in the procurement process.

4.2.6. Consultation with members of the Executive Branch on the accessibility of current and future websites, web applications, and mobile applications.

4.2.7. Actively engaging in ongoing professional development and continuous learning to stay equipped to address emerging accessibility challenges and ensure every Marylander has access to the latest and most innovative information technology solutions.

4.2.8. Exploring, piloting, and leveraging artificial intelligence (AI) to improve the accessibility of information technology solutions and services, including, but not limited to, translation, transcription, accessibility testing, and remediation efforts.

4.2.9. Connecting state agencies with disability rights groups and the disability community of Maryland.

4.2.10. Driving statewide strategy and initiatives to aid with complying with ADA title II requirements as it relates to digital accessibility.

4.3. DoIT's Web Services team is responsible for:

4.3.1. Providing cursory reviews to verify that electronic content provided for inclusion on DoIT-hosted Maryland State websites is accessible prior to publishing.

4.3.2. Returning provided electronic content found to fail to meet with State law and accessibility policies set by DoIT to the department or agency of origin for remediation.

4.4. Maryland Department of Disabilities is responsible for:

4.4.1. Developing and maintaining statewide training resources and guides.

4.4.2. Delivering statewide training via the Workday platform, monthly webinars, and on request.

4.4.3. Providing consultations to state agencies on accessibility work processes, general accessibility issues, and document remediation.

4.4.4. Supporting state agencies who receive constituent concerns; notifying agencies of constituent issues raised to the Maryland Department of Disabilities and working with the agency through the remediation process.

4.4.5. Conducting accessibility reviews upon request and assisting DoIT Office of Accessibility with accessibility testing of large-scale solutions.

4.4.6. Serve as a bridge between disability rights groups, such as the National Federation of the Blind, and state agencies.

4.4.7. Assisting DGS and DoIT with accessibility reviews during the procurement process, including Accessibility Conformance Reports (ACRs) and Request for Proposal (RFP) language under the Non-Visual Access Clause (NVA).

4.4.8. Data collection and sharing with MDDS.

5. Exemptions identified by the Americans with Disabilities Act Title II Rulemaking April 2024

    5.1. Archived web content

        5.1.1. Electronic documents and content are exempt if:

            5.1.1.1. The content was created before 4/24/2026, and

            5.1.1.2. It is kept solely for reference, research, or recordkeeping purposes, and

            5.1.1.3. It is located in a clearly labeled and designated archived section of the website, and

            5.1.1.4. It has not been modified or updated since it was archived.

            5.1.1.5. Examples:

                5.1.1.5.1. Exempt: A water quality report from 1998 stored in an "archive" section of a department website that has not been updated

                5.1.1.5.2. Not-exempt: A recent meeting minutes document created in May 2026, even if placed in an "archive" section.

    5.2. Preexisting conventional electronic documents

        5.2.1. This refers to pre-April 24, 2026, documents like PDFs, Word documents, PowerPoint presentations, and spreadsheets. They are exempt if they meet both of the following conditions:

            5.2.1.1. They were available on the agency website or mobile app before April 24, 2026, and

            5.2.1.2. They are not used to apply for, gain access to, or participate in the department's services, programs, or activities. Any in-use documents, such as an application form or info sheet, must be remediated prior to the deadline of April 24, 2026.

6. Revision History

    6.1. Inaugural accessibility policy announced by Governor Wes Moore and DoIT Secretary Savage on 01/08/2024.

6.2. Policy revised to address the US Department of Justice Americans with Disabilities Act Title II requirements to ensure no Marylander is left behind on 12/2/2025.