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VPAT 2.X, The Evolution Of The Accessibility Conformance Report

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Commentary

VPAT 2.X, The Evolution Of The Accessibility Conformance Report

By
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This report is an update to *Introducing VPAT 2.0, the More Stringent Accessibility Reporting Tool Required for Federal Procurement*.

Both public and private entities are now held accountable for the accessibility of all components and services that comprise an entity's "product." Historically, there was a misconception that technology not directly under control of the purchaser provided some degree of protection. Recent actions under Title III of the Americans with Disabilities Act, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 503 of the Rehabilitation Act of 1973, and Section 508 of the Rehabilitation Act of 1973 have shown that a product owner is responsible for ultimate accessibility of the entire application to include third-party components that essential to the

function of the overall product. This includes components directly embedded into the core product and processes linked to from the core product. The key concept is that the accessibility of all features and functions that are essential to the operation of a "product" are the responsibility of the product owner to include the procurement of accessible third-party technologies.

This need for accessible procurement processes is clearly visible in one of the first major Title III accessibility lawsuits to be litigated, *Gil v. Winn-Dixie*. In the *Winn-Dixie* case, the claimant explicitly cited the use of multiple products in the construction of a web-based eCommerce product. The court, in turn, found for the defendant and explicitly made provision for the inclusion of all essential in-process products and services that comprise the overall product.

Excerpts from *Juan Carlos Gil, Plaintiff v. Winn-Dixie Stores, Inc., Defendant, Civil Action No. 16-23020-Civ-Scola*¹

1. Findings of Fact

"There are 6 different third parties, including Google and American Express, who interface with Winn-Dixie's website, so Winn-Dixie needs to make sure that those third parties also make sure that their websites are accessible. Winn-Dixie intends to implement the modification to its website by getting everyone, including the third-party vendors, on board."

2. Conclusions of Law

The factual findings demonstrate that Winn-Dixie's website is inaccessible to visually impaired individuals who must use screen reader software. Therefore,

Winn-Dixie has violated the ADA because the inaccessibility of its website has denied Gil the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations that Winn-Dixie offers to its sighted customers.

3. *Terms of Injunction. . .(Term#) 4. No later than ___ (date)_____, shall require any third party vendors who participate on its website to be fully accessible to the disabled by conforming with WCAG 2.0 criteria.*

In short, the procurement of accessible products and services is a risk that can no longer be ignored by either public or private entities. This need has led to an increased interest in obtaining accessibility attestations from prospective vendors before procuring a product or service. One of the oldest accessibility conformance reporting tools is the Voluntary Product Accessibility Template (VPAT). While the VPAT has historically been a procurement vehicle for federal agencies under Section 508, other public sector entities and private sector organizations have seen the value in leveraging this tool as a means of determining the degree of third-party product accessibility. The remainder of this article will review the most recent changes to the Voluntary Product Accessibility Template.

On October 4, 2017, the Information Technology Council (ITI)² released a 2.0 update to the Voluntary Product Accessibility Template[®] (VPAT[®]). Since that time, there have been several updates. Each update seeks to create an optimized reporting experience for a particular industry. These updates have evolved the VPAT template in four versions³:

- VPAT 2.3 508: Revised Section 508 standards – the U.S. Federal accessibility standard
- VPAT 2.3 EU: EN 301 549 – the European Union’s “Accessibility requirements suitable for public procurement of ICT products and services in Europe”
- VPAT 2.3 WCAG: WCAG 2.1 or ISO/IEC 40500 – W3C/WAI’s recently updated Web Content Accessibility Guidelines
- VPAT 2.3 INT: Incorporate all three of the above standards

The Information Technology Council (ITI) is a Washington D.C. based trade association that represents companies from the information and

communications technology (ICT) industry. They have a broad focus on a variety of information and communication technology (ICT) policy⁴ that includes accessibility.

While the template may have evolved since version 1.X, the goals of a VPAT remain the same:

1. Facilitate Conversations – A VPAT provides a structured document to facilitate conversations between a purchaser and vendor. Most products have some degree of accessibility failures. The VPAT allows the vendor to note these failures and their severity. Further, savvy vendors will also add alternative methods of access (accommodations) as part of their response. Purchasers, in turn, can report these shortcomings to the internal requesting customer. The internal customer can then take one of three actions: Propose their own accommodations; Request the vendor to propose a solution to include remediation prior or post purchase; Reject the product as not suitable.
2. Reduce Procurement Time – Ensuring that a product is accessible is a requirement of federal and state laws. Purchasers who receive a well documented VPAT can greatly reduce the procurement cycle time. This time savings can come in the form of fewer question and answer exchanges and purchasers may be able to forgo gathering other forms of credible evidence such as manual testing.

Consistent Sections Across Template Versions

Each of the four versions has preserved key elements of the original VPAT 2.0. Each template contains an instruction section at the top template that includes guidance and references. When applicable, best practices are included in the sections below.

Accessibility Conformance Report (ACR)

All completed versions of the VPAT 2.x templates are called Accessibility Conformance Report (ACR). This is to make the distinction between a vendor’s attestation of a product or service’s accessibility and the base template.

Name of Product/Version:

Specificity is a key element of an Accessibility Conformance Report. Knowledgeable purchasers

will compare the product name and version to that proposed by the vendor. Frequently, vendors will submit an ACR for a different product version or product.

Product Description:

Frequently this section will include a product description and may include model numbers for certain types of ICT. For example, phone systems may include specific model numbers.

Report Date:

The report date is the completion date of the ACR. Savvy purchasers will use the report date as an indicator of the vendor's commitment to accessibility and the reliability of the attestation. For example, if a report date is two years old, the vendor can expect a savvy purchaser to question if any major updates have been completed within the last two years. This traps the vendor into either acknowledging that the ACR has not been kept current and is therefore unreliable or that their product has not changed.

Contact Information:

To minimize the procurement cycle time, the ACR asks the vendor to provide contact information. This can either be a closely monitored email, phone number or other means of communication. It is in the vendor's best interest that this contact method is closely monitored and not tied to an individual. For example, a monitored, single-purpose email address (accessibility@...com, vpat@...com) would be preferable to that of an individual who may leave.

Notes:

As the name implies, the notes field allows the vendor to communicate anything pertinent to the ACR. One key provision would be the documentation of the conformance levels that deviate from the standard definitions: Supports, Partially Supports, Does Not Support, Not Applicable, Not Evaluated. The instructions provide the following additional guidance:

- Additional information about the product version that the document references

- Any revisions to the document
- Links to any related documents
- Additional information describing the product
- Additional information about what the document does or does not cover
- Information suggested by the WCAG 2.0 Conformance Claim, at <http://www.w3.org/TR/WCAG20/#conformance-claims>
- Information needed to satisfy ISO/IEC 17050-1:2004, Supplier's Declaration of Conformity

Evaluation Methods Used:

One of the most significant upgrades to the VPAT 2.X template is the inclusion of evaluation methods used. The VPAT instructions provide the following suggestions:

- Testing is based on general product knowledge
- Similar to another evaluated product
- Testing with assistive technologies
- Published test method (provide name, publisher, URL link)
- Vendor proprietary test method
- Other test method

Savvy purchasers are now looking for key elements in the evaluation method used to boost confidence in an ACR reliability.

1. Third-Party Audit – Having a product audited and ACR created by a knowledgeable third party lends a great deal of credibility to the reliability of the ACR. This is optional and not required.
2. Testing Methodology – In short, purchasers are looking for testing methodologies that include references to automated and manual testing. Automated testing is the use of tools that scan a product for accessibility issues. Generally, automated testing tools catch between 30% - 40% of technical errors. Manual testing incorporates the use of the actual assistive technologies used by people with disabilities. For example, a purchaser would have a higher degree of confidence in the ACR attestation

if testing incorporated the use of screen readers and screen magnifiers in accessibility testing.

Screen Reader – Assistive technology that can audibly render visual content to the blind and visually impaired.

Magnifiers – As the name implies, magnifiers expand a region of the screen for better perception by people with low vision.

3. Audit Scope – The expense to fully audit a product may exceed what a vendor can bear. As such, some vendors may elect to sample audit key workflows and assets. A vendor **should** disclose the scope for anything less than a full product audit.

Legal Disclaimer (Company)

And finally, each template has a place holder for legal disclaimers. Generally, an organization will leave this section blank unless they have specific concerns. Risk-averse companies will frequently include statements that include language that addresses:

- Informational Purpose – The document is for informational purposes and represents the current state of the product as of the date of publication
- Best Effort – The VPAT may contain errors or omissions
- Future State – Future issues may arise after the date of publication
- Warranty – The VPAT does not override any contractual warranties or contain implied warranties.

Each of these elements is consistent across VPAT versions and have consistent instructions.

VPAT 2.3: WCAG Edition

The VPAT 2.3 WAG Edition template is widely requested by purchasers in state government, private and public universities, and the public sector. In short, purchasers who do not fall under Section 508 of the Rehabilitation Act of 1973 or require compliance with European EN 301 549 accessibility standards, frequently request the WCAG edition. The following

are features that make the WCAG edition unique and attractive to these procurement offices.

Applicable Standards/Guidelines

The Applicable Standards/Guidelines allow the vendor to document the accessibility guidelines used to evaluate the product or service. As there is no federal guidance outside of Section 508, purchasers are free to specify compliance with either the Web Content Accessibility Guidelines (WCAG) version 2.0 or versions 2.1.

Purchaser Best Practice: As of the time of this writing, the best practice for purchasers is to request WCAG 2.0 Level AA compliance unless there is a specific need. Keeping to the 2.0 level AA standard keeps in-line with the widely adopted federal Section 508 requirements. Vendors who prioritize accessibility may not move to achieve WCAG 2.1 level AA compliance until federal legislation changes. As such, purchasers who mandate 2.1 compliance may exclude viable products and services and have fewer options to evaluate.

Purchaser Exception: One of the primary differences between WCAG 2.0 and WCAG 2.1 are the eight mobile-specific success criteria. If the solicitation is for a mobile app or mobile web product, then the purchaser may be justified in requesting the more stringent 2.1 standards knowing that fewer vendors may respond.

Vendor Best Practice: It is widely held that vendors should make plans to adopt WCAG 2.1 as their internal development accessibility guideline. The WCAG 2.1 guideline reached a W3C Recommendation status on June 05, 2018. As such, it is recommended that vendors whose products are currently WCAG 2.1 level AA compliant mark both the Web Content Accessibility Guidelines 2.0 Level A and Level AA as 'Yes' in addition to marking both the Web Content Accessibility Guidelines 2.1 Level A and Level AA as 'Yes'. For vendors who have not substantially met the WCAG 2.1 guidelines should only complete the 2.0 section. Table 1 shows an example of the Applicable Guidelines and Standards table in the report.

Table 1. Example of Applicable Standards/Guideline table from WCAG Edition

Completed Applicable Standards/Guidelines for WCAG 2.0 and WCAG 2.1 Level AA compliance.

This report covers the degree of conformance for the following accessibility standard/guidelines:

Standard/Guideline	Included In Report
<u>Web Content Accessibility Guidelines 2.0</u>	Level A (Yes) Level AA (Yes) Level AAA (No)
<u>Web Content Accessibility Guidelines 2.1</u>	Level A (Yes) Level AA (Yes) Level AAA (No)

Procurement Trap: At this time, Level A and Level AA recognized by the accessibility industry as being achievable both in terms of technology and cost. Level AAA has therefore been designated as a level that documents aspirational success criteria. These AAA success criteria provide guidance where future standards may go as the technology evolves and costs decrease. Unless the vendor product has a special need for AAA success criteria, the vendor should mark Level AAA as 'No.' Marking Level AAA as 'Yes' is a credibility flag for purchasers as it indicates the vendor may not understand the Web Content Accessibility Guidelines and will greatly diminish the perceived accuracy of the attestation. This is true for all four VPAT templates.

Web Content Accessibility Guideline Success Criteria

The bulk of the attestation is completing the Web Content Accessibility Guideline, Success Criteria sections. This is achieved by completing three sections:

- Table 1: Success Criteria, Level A
- Table 2: Success Criteria, Level AA
- Table 3: Success Criteria, Level AAA

The WCAG Edition has a simple layout that asks the evaluator to report on each WCAG success criteria. Each success criteria table has three columns: Criteria, Conformance Level and Remarks and Explanations.

Criteria:

As the name implies, the criteria section contains the WCAG Success Criteria. Vendors should not adjust or change this column.

Conformance Level:

ITI recommends that the evaluator use the standard definitions for reporting compliance levels:

- **Supports:** The functionality of the product has at least one method that meets the criterion without known defects or meets with equivalent facilitation.
- **Partially Supports:** Some functionality of the product does not meet the criterion.
- **Does Not Support:** The majority of product functionality does not meet the criterion.
- **Not Applicable:** The criterion is not relevant to the product.
- **Not Evaluated:** The product has not been evaluated against the criterion. This can only be used in WCAG 2.x Level AAA.

Remarks and Explanations

All three editions contain a Remarks and Explanations column. At a minimum, the evaluator is required to document the defects to the degree that a purchaser can understand the scope and severity of the non-compliance. Failure to adequately describe a defect will result in the purchaser reaching out to the vendor for more information, which will slow the procurement process.

As a best practice, the evaluator should always write something in the Remarks and Explanations even when the criteria achieves a Supports status. This demonstrates the evaluator's understanding of the requirement and commitment to completing an accurate attestation.

Also as a best practice, the evaluator should work with the product development team to document an alternate method of access (accommodation) for any defect marked as partially support or does not support. By providing a reasonable accommodation, a purchaser can make an informed decision based on the document which will keep the procurement time to a minimum. See Table 2 for an example of a completed success criteria description.

Table 2. Example Success Criteria, Level AA, WCAG Edition

Criteria	Conformance Level	Remarks and Explanations
<u>1.1.1 Non-text Content</u> (Level A)	Supports	{Example Supports Statement} All no-text content to include graphics has alternate text.
<u>1.2.2 Captions (Prerecorded)</u> (Level A)	Does Not Support	{Example Does Not Support Statement} Training videos do not have captions. {Example Accommodation – Vendor Supplied} Transcripts of videos can be provided upon request. {Example Accommodation – Customer Supplied} Customers may include the video in a third party player which will facilitate captions.
<u>1.2.3 Audio Description or Media Alternative (Prerecorded)</u> (Level A)		

VPAT 2.3: Section 508 Edition

The VPAT 2.3 508 Edition template is generally required by purchasers who fall under Section 508 of the U.S. Rehabilitation Act of 1973, as amended ((29 U.S.C. § 794 (d)) (Section 508).⁴ This primarily applies to federal agencies but can extend to other entities with contractual ties to the federal government. The 508 edition differs from the WCAG edition in the following areas:

Applicable Standards/Guidelines

The VPAT 2.3 Section 508 Edition has two accessibility guidelines, Web Content Accessibility Guidelines 2.0 and the Revised Section 508 standards published January 18, 2017 and corrected January 22, 2018.

Web Content Accessibility Guidelines 2.0

The Web Content Accessibility Guidelines 2.0 is the same as in the WCAG edition. The template does not allow for the Web Content Accessibility Guidelines 2.1 standard as Section 508 specifically points by reference to the 2.0 standard:

2. BROAD APPLICATION OF WEB CONTENT ACCESSIBILITY GUIDELINES 2.0

The Revised 508 Standards and 255 Guidelines incorporate by reference the Web Content

*Accessibility Guidelines (WCAG) 2.0, a globally-recognized and technologically-neutral set of accessibility guidelines for Web content.*⁵

As WCAG 2.0 Level AA is mandated in legislation, you will note that the template comes pre-filled with both Level A and Level AA marked as ‘Yes.’ Vendors who cannot claim substantial WCAG 2.0 Level A/AA are **ineligible** to bid on most federal procurements.

Revised Section 508 standards published January 18, 2017 and corrected January 22, 2018

The revised Section 508 standards are mapped to the WCAG 2.0 Level A and Level AA standards where applicable. It should be noted that the WCAG is not sufficient to attest to all aspects of Information and Communication Technology as defined in legislation. As such, the VPAT 508 Edition has retained the Section 508 section that complements the WCAG success criteria. As such, the standards/guidelines section will also have the “Revised Section 508 standards published January 18, 2017 and corrected January 22, 2018” requirement marked to ‘Yes.’ As with the WCAG 2.0 Level A/AA requirement, vendors who do not substantially meet the revised Section 508 standards are ineligible to bid on most federal procurements.

This report covers the degree of conformance for the following accessibility standard/guidelines (Table 3)

Table 3. Example of Standards/Guideline Table from Section 508 Edition

Standard/Guideline	Included In Report
<u>Web Content Accessibility Guidelines 2.0</u>	Level A (Yes) Level AA (Yes) Level AAA (No)
<u>Revised Section 508 standards published January 18, 2017 and corrected January 22, 2018</u>	(Yes)

Web Content Accessibility Guideline Success Criteria

The next major sections of the VPAT 2.3 508 Edition are the WCAG Success Criteria sections. Like the WCAG edition, the 508 editions contain the three success criteria levels:

- Table 1: Success Criteria, Level A
- Table 2: Success Criteria, Level AA
- Table 3: Success Criteria, Level AAA

Building on the WCAG Edition, the VPAT 2.3 508 Edition has extended the three columns to include references and requirements of Section 508.

Criteria:

The criteria column has been extended to include specific references back to associated Revised Section 508 requirements. The goal of including these specific references is to ensure the evaluator is aware that they are responsible for reporting on all aspects of the products which includes more than just the core tool.

- 501 (Web)(Software)⁶ – Web-based products that run in a browser must be reported on in this section. The “web software” is generally the core application. It should be noted that software products that run directly in the operating system have a special section, Chapter 5: Software, for documenting compliance; however, there is a

provision in the Conformance Level that provides for conformance reporting. Chapter 5: Software will be covered in a subsequent section.

Further complicating this section, the following requirements are exempt for non-web software:

2. Non-Web software shall not be required to conform to the following four Success Criteria in WCAG 2.0: 2.4.1 Bypass Blocks; 2.4.5 Multiple Ways; 3.2.3 Consistent Navigation; and 3.2.4 Consistent Identification.¹⁰

2.4.1 Bypass Blocks (Level A)

Also applies to:

Revised Section 508

- 501 (Web)(Software) – Does not apply to non-web software
- 504.2 (Authoring Tool)
- 602.3 (Support Docs) – Does not apply to non-web docs
- 504.2 (Authoring Tool)⁷ – Authoring tools are a special category of software that are used to create content and defined as:

Authoring Tool: any software, or collection of software components, that can be used by authors, alone or collaboratively, to create or modify content for use by others, including other authors.⁸

Examples include:

- Word processors
- Presentation creation tools
- Video editing tools
- Software used to develop software
- Web content management systems (CMS)
- Collaboration software
- Wikis, and
- Conferencing/meeting software with an authoring tool in its feature set.
- 602.3 (Support Docs) – Historically, vendors have neglected to evaluate supporting product documentation for accessibility. This can include

manuals, study guides, training, et cetera. In an effort to ensure vendors are aware of the requirement to make the entire product accessible, the criterial column explicitly mentions Support Docs.

*602.3 Electronic Support Documentation. Documentation in electronic format, including Web-based self-service support, shall conform to Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.0 (incorporated by reference, see 702.10.1).*⁹

As with the software category, Supporting Docs contains WCAG exceptions.

*2. Non-Web software shall not be required to conform to the following four Success Criteria in WCAG 2.0: 2.4.1 Bypass Blocks; 2.4.5 Multiple Ways; 3.2.3 Consistent Navigation; and 3.2.4 Consistent Identification.*¹⁰

2.4.1 Bypass Blocks (Level A)

Also applies to:

Revised Section 508

- 501 (Web)(Software) – Does not apply to non-web software
- 504.2 (Authoring Tool)
- 602.3 (Support Docs) – Does not apply to non-web docs

Conformance Level

To a degree, the Conformance Level reiterates the requirements in the Criteria column. Vendors are

asked to provide conformance levels for each possible product component: Supports, Partially Supports, Does Not Support, Not Applicable, Not Evaluated

- Web – Aligns with 501 (Web). Once again, this is the primary web-based application.
- Electronic Docs – Aligns with 504.2 (Authoring Tool).
- Software – Aligns with 501 (Software). As previously stated, software refers to applications that run directly in the operating system and are independent of a web browser.
- Authoring Tool – Aligns with 504.2 (Authoring Tool)

Remarks and Explanations

As mentioned in the VPAT WCAG Edition, the Remarks and Explanation section is where the evaluator can affirm the Supports declaration, document the degree to which a Success Criteria fails for Partially Supports/Does Not Support and can optionally provide alternative methods of access (accommodations). Table 4 shows an example.

The Section 508 Edition takes the Remarks and Explanations section one step further by providing the evaluator the ability to comment on each of the associated Conformance Levels:

- Web:
- Electronic Docs:
- Software:
- Authoring Tool:

Table 4. Success Criteria Table from Section 508 Edition

Table 1: Success Criteria, Level A		
Notes:		
Criteria	Conformance Level	Remarks and Explanations
<p>1.1.1 Non-text Content (Level A)</p> <p>Also applies to:</p> <p>Revised Section 508</p> <ul style="list-style-type: none"> • 501 (Web)(Software) • 504.2 (Authoring Tool) • 602.3 (Support Docs) 	<p>Web:</p> <p>Electronic Docs:</p> <p>Software:</p> <p>Authoring Tool:</p>	<p>Web:</p> <p>Electronic Docs:</p> <p>Software:</p> <p>Authoring Tool:</p>

Criteria	Conformance Level	Remarks and Explanations
<p>1.2.1 Audio-only and Video-only (Prerecorded) (Level A)</p> <p>Also applies to: Revised Section 508</p> <ul style="list-style-type: none"> • 501 (Web)(Software) • 504.2 (Authoring Tool) • 602.3 (Support Docs) 	<p>Web: Electronic Docs: Software: Authoring Tool:</p>	<p>Web: Electronic Docs: Software: Authoring Tool:</p>
<p>1.2.2 Captions (Prerecorded) (Level A)</p> <p>Also applies to: Revised Section 508</p> <ul style="list-style-type: none"> • 501 (Web)(Software) • 504.2 (Authoring Tool) • 602.3 (Support Docs) 	<p>Web: Electronic Docs: Software: Authoring Tool:</p>	<p>Web: Electronic Docs: Software: Authoring Tool:</p>

Chapter 3: Functional Performance Criteria (FPC)

Chapter 3 Functional Performance Criteria (FPC)¹¹ section (Table 5) exists for the documentation of accessibility features that fall outside of the other sections within the VPAT. To clarify, the outcome-based provisions shown in Table 5 apply when applicable technical requirements (i.e., Chapters 4 and 5) do not address one or more features of the product or service, technology standards/guidelines do not exist, or the technical standard cannot be met.

301 General

301.1 Scope. The requirements of Chapter 3 shall apply to ICT where required by 508 Chapter 2 (Scoping Requirements), 255 Chapter 2 (Scoping Requirements), and where otherwise

referenced in any other chapter of the Revised 508 Standards or Revised 255 Guidelines.

As an example, C101.2 Equivalent Facilitation specifically states that Chapter 3 is to be used to document alternative designs or technology that result in substantially equivalent or greater accessibility:

E101.2 Equivalent Facilitation. The use of an alternative design or technology that results in substantially equivalent or greater accessibility and usability by individuals with disabilities than would be provided by conformance to one or more of the requirements in Chapters 4 and 5 of the Revised 508 Standards is permitted. The functional performance criteria in Chapter 3 shall be used to determine whether substantially equivalent or greater accessibility and usability is provided to individuals with disabilities.

Table 5. Example of Chapter 3: Functional Performance Criteria (FPC)¹¹ Table – VPAT 2.3 Section 508 Edition

Criteria	Conformance Level	Remarks and Explanations
302.1 Without Vision		
302.2 With Limited Vision		
302.3 Without Perception of Color		
302.4 Without Hearing		
302.5 With Limited Hearing		
302.6 Without Speech		
302.7 With Limited Manipulation		
302.8 With Limited Reach and Strength		
302.9 With Limited Language, Cognitive, and Learning Abilities		

Chapter 4: Hardware

The Web Content Accessibility Guidelines were never designed to address hardware. As the name implies, the focus of the WCAG has always been web content and

has extended over time to include web techniques that promote an accessible experience. As such, the VPAT 508 Edition has explicitly included a hardware section (Table 6).

Table 6. Example Chapter 4 - Hardware¹² Table of VPAT 2.3: Section 508 Edition Notes:

Criteria	Conformance Level	Remarks and Explanations
<u>402 Closed Functionality</u>	Heading cell – no response required	Heading cell – no response required
<i>402.1 General</i>	Heading cell – no response required	Heading cell – no response required
<i>402.2 Speech-Output Enabled</i>	Heading cell – no response required	Heading cell – no response required
402.2.1 Information Displayed On-Screen		
402.2.2 Transactional Outputs		
402.2.3 Speech Delivery Type and Coordination		
402.2.4 User Control		
402.2.5 Braille Instructions		
<i>402.3 Volume</i>	Heading cell – no response required	Heading cell – no response required
402.3.1 Private Listening		
402.3.2 Non-private Listening		
402.4 Characters on Display Screens		
402.5 Characters on Variable Message Signs		
<u>403 Biometrics</u>	Heading cell – no response required	Heading cell – no response required
403.1 General		
<u>404 Preservation of Information Provided for Accessibility</u>	Heading cell – no response required	Heading cell – no response required
404.1 General		
<u>405 Privacy</u>	Heading cell – no response required	Heading cell – no response required
405.1 General		
<u>406 Standard Connections</u>	Heading cell – no response required	Heading cell – no response required
406.1 General		
<u>407 Operable Parts</u>	Heading cell – no response required	Heading cell – no response required
407.2 Contrast		
<i>407.3 Input Controls</i>	Heading cell – no response required	Heading cell – no response required

Criteria	Conformance Level	Remarks and Explanations
407.3.1 Tactilely Discernible		
407.3.2 Alphabetic Keys		
407.3.3 Numeric Keys		
407.4 Key Repeat		
407.5 Timed Response		
407.6 Operation		
407.7 Tickets, Fare Cards, and Keycards		
<i>407.8 Reach Height and Depth</i>	Heading cell – no response required	Heading cell – no response required
407.8.1 Vertical Reference Plane		
407.8.1.1 Vertical Plane for Side Reach		
407.8.1.2 Vertical Plane for Forward Reach		
407.8.2 Side Reach		
407.8.2.1 Unobstructed Side Reach		
407.8.2.2 Obstructed Side Reach		
407.8.3 Forward Reach		
407.8.3.1 Unobstructed Forward Reach		
407.8.3.2 Obstructed Forward Reach		
407.8.3.2.1 Operable Part Height for ICT with Obstructed Forward Reach		
407.8.3.2.2 Knee and Toe Space under ICT with Obstructed Forward Reach		
<i>408 Display Screens</i>	Heading cell – no response required	Heading cell – no response required
408.2 Visibility		
408.3 Flashing		
<i>409 Status Indicators</i>	Heading cell – no response required	Heading cell – no response required
409.1 General		
<i>410 Color Coding</i>	Heading cell – no response required	Heading cell – no response required
410.1 General		
<i>411 Audible Signals</i>	Heading cell – no response required	Heading cell – no response required
411.1 General		
<i>412 ICT with Two-Way Voice Communication</i>	Heading cell – no response required	Heading cell – no response required
<i>412.2 Volume Gain</i>	Heading cell – no response required	Heading cell – no response required
412.2.1 Volume Gain for Wireline Telephones		

Criteria	Conformance Level	Remarks and Explanations
412.2.2 Volume Gain for Non-Wireline ICT		
<i>412.3 Interference Reduction and Magnetic Coupling</i>	Heading cell – no response required	Heading cell – no response required
412.3.1 Wireless Handsets		
412.3.2 Wireline Handsets		
412.4 Digital Encoding of Speech		
412.5 Real-Time Text Functionality	Reserved for future	Reserved for future
412.6 Caller ID		
412.7 Video Communication		
<i>412.8 Legacy TTY Support</i>	Heading cell – no response required	Heading cell – no response required
412.8.1 TTY Connectability		
412.8.2 Voice and Hearing Carry Over		
412.8.3 Signal Compatibility		
412.8.4 Voice Mail and Other Messaging Systems		
<i>413 Closed Caption Processing Technologies</i>	Heading cell – no response required	Heading cell – no response required
413.1.1 Decoding and Display of Closed Captions		
413.1.2 Pass-Through of Closed Caption Data		
<i>414 Audio Description Processing Technologies</i>	Heading cell – no response required	Heading cell – no response required
414.1.1 Digital Television Tuners		
414.1.2 Other ICT		
<i>415 User Controls for Captions and Audio Descriptions</i>	Heading cell – no response required	Heading cell – no response required
415.1.1 Caption Controls		
415.1.2 Audio Description Controls		

Chapter 5: Software

Chapter 5: Software¹³ allows for the attestation of non-web software. It complements the previously mentioned Table 1: Success Criteria, Level A, and Table 2: Success Criteria, Level AA. This section exists primarily to ensure proper testing. Web-based applications have the advantage of leveraging the accessibility layers of the browser. This gives them an inherent advantage when coding for accessibility. Applications that exist within the operating system (OS) have to instantiate their own connections to the accessibility layers. As such, the Section 508 edition requires an additional attestation

to ensure that OS-based application is perceivable and usable by people reliant on assistive technologies.

Chapter 6: Support Documentation and Services

And finally, Chapter 6: Support Documentation and Services¹⁴ explicitly extends the WCAG Success Criteria and asks the evaluator to attest to both 602 Support Documentation¹⁵ and 603¹⁶ Support Services.

602 Support Documentation

This section attempts to ensure that all documentation is accessible and attempts to provide

reasonable accommodations for documents that are not compliant.

602.1 General. Documentation that supports the use of ICT shall conform to 602.

602.2 Accessibility and Compatibility Features. Documentation shall list and explain how to use the accessibility and compatibility features required by Chapters 4 and 5. Documentation shall include accessibility features that are built-in and accessibility features that provide compatibility with assistive technology.

602.3 Electronic Support Documentation. Documentation in electronic format, including Web-based self-service support, shall conform to Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.0 (incorporated by reference, see 702.10.1).

602.4 Alternate Formats for Non-Electronic Support Documentation. Where support documentation is only provided in non-electronic formats, alternate formats usable by individuals with disabilities shall be provided upon request.

603 Support Services

This section attempts to categorize services that are frequently omitted but are essential for product’s operations. As indicated in the guidelines below, operations such as help desks, call centers, and points of contact are frequently inaccessible to a wide range of disabilities.

603.1 General. ICT support services including, but not limited to, help desks, call centers, training services, and automated self-service technical support, shall conform to 603.

603.2 Information on Accessibility and Compatibility Features. ICT support services shall include information on the accessibility and compatibility features required by 602.2.

603.3 Accommodation of Communication Needs. Support services shall be provided directly to the user or through a referral to a point of contact. Such ICT support services shall accommodate the communication needs of individuals with disabilities.

VPAT 2.3 EU: EN 301 549

The VPAT 2.3 EU: EN 301 549 edition largely mirrors the VPAT Section 508 edition in structure with a few exceptions.

Applicable Standards/Guidelines

The EN 301 549 edition allows for both Web Content Accessibility Guidelines 2.0 Level A/AA/AAA, Web Content Accessibility Guidelines 2.1 Level A/AA/AAA, and EN 301 549 Accessibility requirements suitable for public procurement of ICT products and services in Europe, - V2.1.2 (2018-08). (Table 7)

Table 7. Standard/Guideline Table from EU:EN 301 549 Edition

This report covers the degree of conformance for the following accessibility standard/guidelines:

Standard/Guideline	Included In Report
<u>Web Content Accessibility Guidelines 2.0</u>	Level A (Yes / No) Level AA (Yes / No) Level AAA (Yes / No)
<u>Web Content Accessibility Guidelines 2.1</u>	Level A (Yes / No) Level AA (Yes / No) Level AAA (Yes / No)
<u>EN 301 549 Accessibility requirements suitable for public procurement of ICT products and services in Europe, - V2.1.2 (2018-08)</u> ¹⁷	(Yes / No)

Success Criteria

As with the Section 508 Edition, the EN 301 549 Edition maps the specific EN 301 549 criteria to the Web Content Accessibility Guideline. The citations are more detailed in the European standards and will, therefore, vary in the success criteria.

Example of Standards Variation

Criteria

1.1.1 Non-text Content (Level A)

Also applies to:

EN 301 549 Criteria

- 9.1.1.1 (Web)
- 10.1.1.1 (Non-web document)
- 11.1.1.1.1 (Open Functionality Software)
- 11.1.1.1.2 (Closed Functionality Software)

- 11.8.2 (Authoring Tool)
- 12.1.2 (Product Docs)
- 12.2.4 (Support Docs)

1.2.1 Audio-only and Video-only (Prerecorded) (Level A)

Also applies to:

EN 301 549 Criteria

- 9.1.2.1 (Web)
- 10.1.2.1 (Non-web document)
- 11.1.2.1.1 (Open Functionality Software)
- 11.1.2.1.2.1 and 11.1.2.1.2.2 (Closed Software)
- 11.8.2 (Authoring Tool)
- 12.1.2 (Product Docs)
- 12.2.4 (Support Docs)

Additional Requirements:

As with the Section 508 Edition, the EN 301 549 Edition incorporates chapters that have reporting requirements that cannot be satisfied in the WCAG Success Criteria sections. These include:

- Chapter 4: Functional Performance Statements (FPS)
- Chapter 5: Generic Requirements
- Chapter 6: ICT with Two-Way Voice Communication
- Chapter 7: ICT with Video Capabilities
- Chapter 8: Hardware
- Chapter 10: Non-web Documents
- Chapter 11: Software
- Chapter 12: Documentation and Support Services
- Chapter 13: ICT Providing Relay or Emergency Service Access

VPAT 2.3 INT: Incorporate all three of the above standards

As the name implies, the VPAT 2.3 INT, international edition incorporates all of the standards into one document. It does not attempt to combine redundant reporting requirements, but rather combines the attestations into one convenient document.

Conclusion

In closing, the ongoing evolution of VPAT[®] 2.x updates, help maintain its relevance and position as a powerful tool for vendors and purchasers to have more meaningful and direct conversations during the procurement process, while also stressing accountability for product owners. Increasingly, the best practices outlined in the various VPAT and ACR updates, create potential benefits for procurements across both public and private organizations. However, the end-result of increased promotion and development of products that reduce or eliminate barriers to employment and self-sufficiency for people with vision, hearing, mobility, and cognitive challenges may present the greatest opportunity as these processes continue to evolve.

Endnotes

1. **Gil v. Winn Dixie Stores, Inc., No. 1:2016cv23020**
<https://cases.justia.com/federal/district-courts/florida/flsdce/1:2016cv23020/488749/63/0.pdf?ts=1497432274>.
2. Information Technology Council: ITI History
<https://www.itic.org/about/our-history>.
3. Information Technology Council: Policy <https://www.itic.org/policy/>.
4. VPAT: <https://www.itic.org/policy/accessibility/vpat>.
5. Section 508: <https://www.section508.gov/>.
6. Section 508 WCAG 2.0 By Reference: <https://www.federalregister.gov/d/2017-00395/p-17>.
7. Section 508, 501 (Web)(Software): <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#501-general>.
8. Section 508, 504.2 (Authoring Tool): <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#504-authoring-tools>.
9. Section 508, Authoring Tools: <https://www.section508.gov/create/authoring-tools>.

10. Section 508, Electronic Support Documents: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#602-support-documentation>.
11. Section 508, Non-web Software: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/single-file-version#E207-software>.
12. Section 508, Functional Performance Criteria: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#302-functional-performance-criteria>.
13. Section 508, Hardware: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#401-general>.
14. Section 508, Software: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#501-general>.
15. Section 508, Support Documentation and Services: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#601-general>.
16. Section 508, Support Documentation: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#602-support-documentation>.
17. Section 508, Support Services: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#603-support-services>.
18. EN 301 549: EN 301 549 Accessibility requirements suitable for public procurement of ICT products and services in Europe, - V2.1.2 (2018-08) https://www.etsi.org/deliver/etsi_en/301500_301599/301549/02.01.02_60/en_301549v020102p.pdf.
19. EN 201 549: Functional Performance Statements https://www.etsi.org/deliver/etsi_en/301500_301599/301549/02.01.02_60/en_301549v020102p.pdf#page=17. ■

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