
MASSACHUSETTS ACCESSIBILITY LAWS & POLICIES

GOVERNMENT & HIGHER EDUCATION

GOVERNMENT

The Commonwealth of Massachusetts has multiple policies and standards that ensure information and communication technology is accessible for people with disabilities. These include:

- [Web Accessibility Standards](#)
- [EnterpriseIT Accessibility Standards](#)
- [IT Acquisition Access Compliance Program](#)
- [Statewide IT Accessibility Services Contract, ITS61](#)

Enterprise Web Accessibility Standards

Published in 2005, the [Enterprise Web Accessibility Standards Version 2.0](#) detail all the requirements for state agency web pages.

These standards were developed by the Information Technology Division (ITD) with the participation of state web page developers, including developers with disabilities. They are intended for use by all state agencies and their contractors to address accessibility issues in web page design and application development.

The standards are based on Section 504 and 508 of the Rehabilitation Act and the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines (WCAG) 1.0.

The Enterprise Web Accessibility Standards apply to all web sites maintained by Executive Department agencies, whether or not those sites and those agencies are subject to federal law.

Section 3 covers Graphics and Sound, with three specific requirements relating to multimedia:

- Standard 3.1: A state agency web page must provide a text equivalent for every non-text element.
- Standard 3.2: A state agency web page must provide synchronized auditory and readable text descriptions of the important information of the visual track of a multimedia presentation.
- Standard 3.3: A state agency web page must provide a text equivalent for information provided in audio format.

EnterpriseIT Accessibility Standards

The EnterpriseIT Accessibility Standards were created to ensure that Massachusetts information technology solutions are available and accessible to people with disabilities. This includes both Commonwealth employees and members of the general public.

Executive Department agencies and their contractors are required to comply with the standards and all public entities are strongly encouraged to address accessibility issues.

The standards are based on Section 508 of the Rehabilitation Act, which sets requirements for electronic and information technology developed, maintained, procured, or used by the Federal government.

[Standard 2.3 Training Materials](#) requires all training and informational video and multimedia productions acquired as part of an information technology solution to be open or closed captioned.

HIGHER EDUCATION

The Massachusetts Department of Higher Education follows the Enterprise Web Accessibility Standards discussed above. Universities in Massachusetts that receive any federal funding are required to follow federal accessibility laws, including the ADA and Section 504.

[In 2015, MIT and Harvard University were sued](#) by the National Association of the Deaf (NAD) and four deaf and hard of hearing individuals for discriminating against deaf and hard of hearing people by "failing to caption the vast and varied array of online content they make available to the general public, including massive open online courses (MOOCs)."

The universities attempted to have these federal class action lawsuits dismissed by claiming that captioning the video content of their free online courses to the NAD's standards (which draw from federal accessibility laws) would cost them an unfair amount of resources.

[On November 4, 2016](#), Judge Mark G. Mastroianni of the District Court of Massachusetts accepted Magistrate Judge Robertson's recommendation to deny Harvard and MIT's motion to dismiss the closed captioning lawsuit brought against them by the National Association of the Deaf (NAD).

The coming year should see a settlement or legal battle for this case. In the meantime, Harvard and MIT have strengthened their commitment to online accessibility. MIT created the [Accessibility and Usability at MIT](#) website to provide extensive accessibility education, consulting, and resources for the MIT community. Harvard University created the [HUIT Online Accessibility Website](#) to provide instructions and resources for Harvard web developers and content creators.

Section 508 of the Rehabilitation Act

[Section 508](#) establishes requirements for electronic and information technology (EIT) developed, maintained, procured, or used by the Federal government. The standards are based off of the [World Wide Web Consortium's \(W3C\) Web Content Accessibility Guidelines](#).

According to Section 508, federal agencies must make electronic and information technology accessible to people with disabilities. In doing so, they must ensure that the ease of use and access to information for people with disabilities is equal to that of people without disabilities.

Unless the agency or department can prove undue hardship, those with disabilities need to have the same quality of access to electronic and information technology.

New Standards and Guidelines

On January 9, 2017, the US Access Board approved the ICT Refresh, a final rule that updates Section 508 standards to reflect WCAG 2.0.

Section 508 was originally published in 1998 using WCAG 1.0. In 2008, the W3C updated WCAG 1.0 and replaced it with WCAG 2.0. Ever since then, an update of the Section 508 standards has been needed.

The new ICT Standards and Guidelines contain the exact Level A and AA Success Criteria found in WCAG 2.0, with some further clarifications. All federally funded organizations will have until **January 18, 2018** to bring their websites and online content up to code with WCAG 2.0 Level A and AA requirements.

Resources:

- [US Access Board's complete guide to the new Standards and Guidelines](#)
- [WCAG 2.0 Success Criteria and corresponding Section 508 requirements](#)
- [WCAG 2.0](#)