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Big Tex, Bigger Tech: The Future of Texas IT

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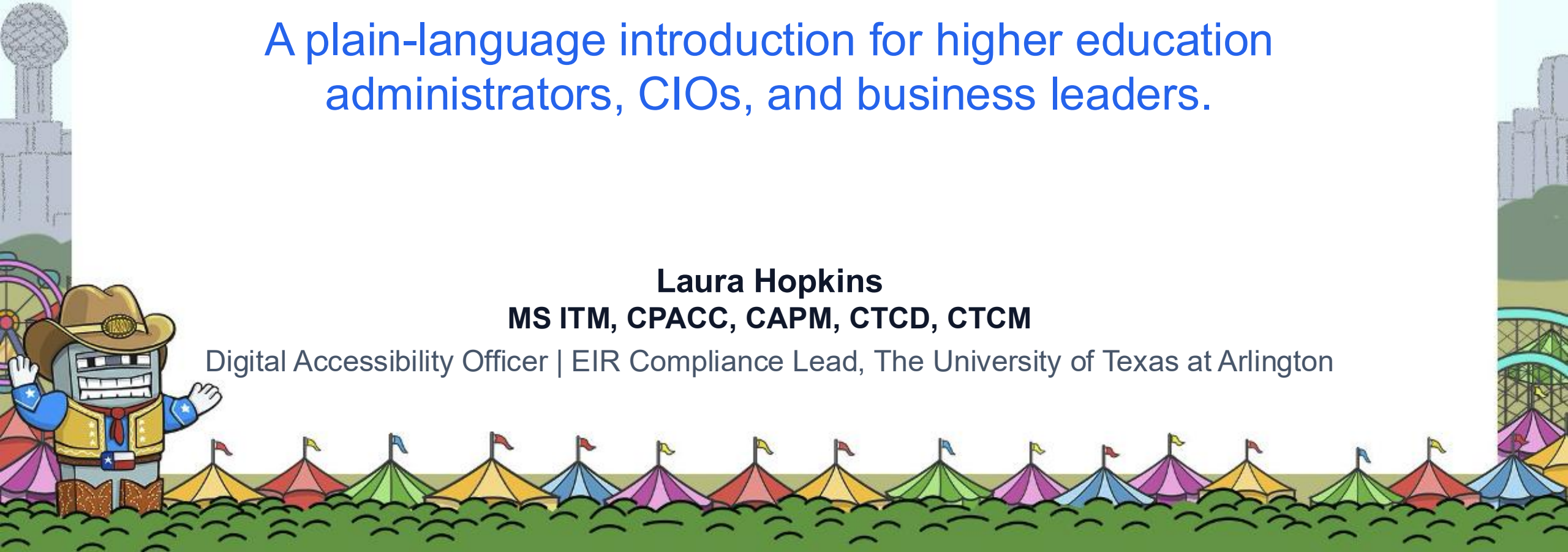
Digital Accessibility: What Leaders Need to Know

A plain-language introduction for higher education administrators, CIOs, and business leaders.

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What We'll Cover

- Why This Matters to You as a Leader
- The Vocabulary Leaders Need
- Where the Legal Obligation Comes From
- Scope, Exceptions, and Managing Risk Responsibly
- Leading Without Being a Technical Expert
- The Cost of Getting This Wrong
- Q&A

What You'll Take Away

- Speak confidently about WCAG, VPAT, ACR, and EIR — without needing to be technical.
- Understand where the legal obligation for digital accessibility comes from, federally and in Texas.
- Know what's typically in scope, what may be exempt, and how a Fundamental Alteration determination works.
- Recognize the operational and financial risk of undocumented non-compliance.
- Identify the decision-level levers you control: governance, documentation, and prioritization.

SECTION ONE

01 Why This Matters to You as a Leader

Digital accessibility decisions carry legal weight and financial exposure — that makes them leadership decisions, not just technical ones.

Digital Accessibility Is a Civil Rights Obligation

MORE THAN

1 in 4

U.S. adults — over 70 million people — live with a disability.

Source: CDC, Disability and Health Data System, 2022 BRFSS (released 2024)

- People with disabilities interact with your institution digitally — applying, registering, learning, paying, and communicating online.
- Federal and state law treat unequal digital access the same way they treat unequal physical access.
- This isn't a niche accommodation issue. It's a baseline expectation of how your institution operates.
- How well you meet that expectation is increasingly visible — to regulators, to litigants, and to the public.

This Is a Leadership Problem, Not Just an IT Problem

- Legal and financial exposure sits with the institution — not with any one office or developer.
- Deciding what risk is acceptable, and for how long, is an executive-level judgment call.
- Technical staff can flag a gap. They can't authorize an exception or accept risk on the institution's behalf.
- Auditors and courts look for documented decisions made by people with the authority to make them.
- You don't need to read code. You need to know what questions to ask, and who should be answering them.



Digital Accessibility Governance

Digital Accessibility Officer

Legal Affairs

Procurement

Compliance Office

Faculty Support

Human Resources

Communications & Marketing

Information Technology

Student Support

Information Security Office



SECTION TWO

02 The Vocabulary Leaders Need

A handful of terms show up in nearly every accessibility conversation. You don't need to be technical to use them correctly.

Common Acronyms for Digital Accessibility

Term	Stands For	What It Means
EIR	Electronic and Information Resources	The umbrella term for the websites, software, documents, hardware and technology this all applies to.
WCAG®	Web Content Accessibility Guidelines	The technical standard that defines what "accessible" means in measurable terms.
VPAT®	Voluntary Product Accessibility Template	A vendor's self-reported accessibility disclosure for a product.
ACR	Accessibility Conformance Report	A completed VPAT — the filled-out document itself.

WCAG – VPAT - ACR

WCAG

Later versions of Accessibility Guidelines

- 1. **Perceivable**
 - 1.1 Text Alternatives
 - 1.1.1 Non-text Content
 - 1.2 Time-based Media
 - 1.2.1 Audio-only and Video-only (Prerecorded)
 - 1.2.2 Captions (Prerecorded)
 - 1.2.3 Audio Description or Media Alternative (Prerecorded)
 - 1.2.4 Captions (Live)
 - 1.2.5 Audio Description (Prerecorded)
 - 1.2.6 Sign Language (Prerecorded)
 - 1.2.7 Extended Audio Description (Prerecorded)
 - 1.2.8 Media Alternative (Prerecorded)
 - 1.2.9 Audio-only (Live)
 - 1.3 Adaptable
 - 1.3.1 Info and Relationships
 - 1.3.2 Meaningful Sequence
 - 1.3.3 Sensory Characteristics
 - 1.3.4 Orientation
 - 1.3.5 Identify Input Purpose
 - 1.3.6 Identify Purpose
 - 1.4 Distinguishable
 - 1.4.1 Use of Color
 - 1.4.2 Audio Control
 - 1.4.3 Contrast (Minimum)

VPAT

Criteria	Conformance Level	Remarks and Explanations
1.1.1 Non-text Content (Level A)		
1.2.1 Audio-only and Video-only (Prerecorded) (Level A)		
1.2.2 Captions (Prerecorded) (Level A)		
1.2.3 Audio Description or Media Alternative (Prerecorded) (Level A)		
1.3.1 Info and Relationships (Level A)		
1.3.2 Meaningful Sequence (Level A)		
1.3.3 Sensory Characteristics (Level A)		
1.4.1 Use of Color (Level A)		
1.4.2 Audio Control (Level A)		
2.1.1 Keyboard (Level A)		
2.1.2 No Keyboard Trap (Level A)		

ACR

Criteria	Conformance Level	Remarks and Explanations
1.1.1 Non-text Content (Level A)	Supports	
1.2.1 Audio-only and Video-only (Prerecorded) (Level A)	Not Applicable	
1.2.2 Captions (Prerecorded) (Level A)	Not Applicable	
1.2.3 Audio Description or Media Alternative (Prerecorded) (Level A)	Not Applicable	
1.3.1 Info and Relationships (Level A)	Supports	
1.3.2 Meaningful Sequence (Level A)	Supports	
1.3.3 Sensory Characteristics (Level A)	Supports	
1.4.1 Use of Color (Level A)	Supports	
1.4.2 Audio Control (Level A)	Not Applicable	
2.1.1 Keyboard (Level A)	Supports	
2.1.2 No Keyboard Trap (Level A)	Supports	

Evaluating a VPAT

- Once you have a VPAT – what do you do with it?
- Review it to determine if the vendor supports all required criteria.
- If the resource is not compliant, what is the vendor's plan to bring it into compliance?

SECTION THREE

03 Where the Legal Obligation Comes From

You don't need to practice law.

You need to know which laws apply to your institution,
and what they actually require.

The Federal Foundation

- ADA Title II — applies to public colleges and universities as state and local government entities. Sets WCAG 2.1 Level AA as the technical standard for web content and mobile apps (28 CFR § 35.200(b)).
- Section 504 of the Rehabilitation Act — applies to any institution receiving federal financial assistance, public or private. Nearly every institution qualifies because of federal student aid.
- Title III of the ADA — applies to private institutions as places of public accommodation; most federal courts now extend this to websites and digital services.
- All three carry a private right of action — an individual can sue directly, in addition to any regulatory enforcement.

Key Dates Leaders Should Know

Law	Authority	Applies To	Deadline
ADA Title II	28 CFR § 35.200(b)	Public entities serving 50,000+	April 26, 2027
ADA Title II	28 CFR § 35.200(b)	Smaller public entities & special districts	April 28, 2028
Section 504	HHS Rule, May 2024	Recipients with 15+ employees	May 11, 2027
Section 504	HHS Rule, May 2024	Recipients with fewer than 15 employees	May 10, 2028

Deadlines reflect the April 2026 DOJ Interim Final Rule (Title II) and the May 2026 HHS Interim Final Rule (Section 504), each extending the original 2024 compliance dates by one year.

The Texas Layer

- Texas Administrative Code (TAC) Chapter 213 sets accessibility expectations for state agencies (Subchapter B) and public institutions of higher education (Subchapter C).
- TAC §213.38(b) requires institutions to get accessibility documentation — a VPAT/ACR or equivalent — from vendors before procurement.
- TAC §213.37 governs exceptions: written approval from the president or chancellor, an expiration date, and an alternate-access plan.
- The Texas Department of Information Resources (DIR) provides templates and resources — but enforcement responsibility sits with the institution.

Texas law and federal law point in the same direction: document the decision, know who owns it.

SECTION FOUR

04 Scope, Exceptions, and Managing Risk Responsibly

Accessibility isn't all-or-nothing. The law itself builds in a formal, documented way to manage what can't be fixed immediately.

What's Typically In Scope — and What May Be Exempt

IN SCOPE

- Websites and mobile apps
- Learning management systems and course content
- Software (yours or a vendor's)
- Digital documents — PDFs, forms, presentations
- Digital communications use

MAY BE EXEMPT

- Archived web content, if properly labeled and untouched since archiving
- Preexisting documents, unless currently used to access a service
- Individualized password-protected documents (about one person, property, or account)
- Third-party content the institution didn't create or use for its own programs
- Preexisting social media posts, made before the compliance date

Source: 28 CFR §§ 35.201– 35.202 (DOJ Title II final rule exceptions)

Fundamental Alteration: The Formal Off-Ramp

- When full conformance would fundamentally alter a service, or create an undue financial or administrative burden, federal law provides a documented exception — not a loophole.
- The determination can only be made by the head of the institution or their designee, after considering all resources available.
- It must come with a written statement of the reasons for that conclusion.
- Even then, the institution must still provide access to the maximum extent possible — the obligation doesn't disappear.

28 CFR § 35.204 — Fundamental alteration / undue burden determinations, ADA Title II.

What a Defensible Exception Looks Like

- Approved by someone with the actual authority to accept institutional risk — not delegated informally to IT or a single office.
- Documented in writing, with the specific reasons, not just "we couldn't fix it in time."
- Time-bound, with an expiration or review date — not an indefinite pass.
- Paired with an alternate-access plan so affected users aren't simply left without a path forward.
- In Texas, this is exactly what TAC §213.37 requires for institutions of higher education.

SECTION FIVE

05 Leading Without Being a Technical Expert

You don't need to fix every page yourself. You need to own the decisions that only a leader can make.

Reframe: Not All-or-Nothing

- Perfect, immediate conformance across every system isn't the realistic goal.
- Establish an ongoing program: assess, prioritize, document, remediate, repeat.
- Put a review system, with a standard workflow, into place.
- A defensible posture comes from showing consistent, good-faith progress and documented decisions.
- Treat accessibility like information security: a standing program with governance, not a project with an end date.

Five Levers You Control

Lever	What It Means
Governance	Who decides, who reviews, who signs off — a clear chain of ownership.
Documentation	A written record of what was found, what was decided, and why.
Prioritization	A risk-based order for what gets fixed first, given limited time and budget.
Process/Workflow	Establish a review system used to track and document all accessibility reviews.
Decision-Making	Someone with real authority saying yes, no, or "not yet — here's the plan."

Where to Start When You Can't Fix Everything at Once

- Highest traffic first — the pages and tools most people rely on every day.
- Highest-stakes populations first — admissions, financial aid, registration, and anything tied to a deadline.
- Anything currently in procurement — it's far cheaper to require accessibility before signature than after.
- Anything already the subject of a complaint or a documented exception nearing its review date.
- Setup the process review



SECTION SIX

06 The Cost of Getting This Wrong

Undocumented non-compliance is a cost you carry silently — until it isn't silent anymore.

The Risk of Undocumented Non-Compliance

- Private lawsuits — individuals can sue directly under Title II, Title III, and Section 504, regardless of regulatory enforcement activity.
- OCR and DOJ complaints — often triggered by a single inaccessible experience, not a systemic audit.
- Reputational exposure — complaints and litigation are public record.
- Operational disruption — remediation under legal pressure happens on someone else's timeline, not yours.
- Undocumented gaps carry full liability. Documented, risk-managed gaps carry a defense.

What Proactive Governance Buys You

REACTIVE POSTURE

- Remediation happens under legal or public pressure.
- Timelines are set by a complaint or a court, not by you.
- Costs concentrate — the well-documented 30x escalation from scoping to post-purchase fixes.
- Every gap looks the same: undocumented, unexplained, indefensible.

PROACTIVE GOVERNANCE

- Remediation happens on a schedule you set and can defend.
- Exceptions are documented, time-bound, and reviewed on your calendar.
- Costs are distributed across planned, budgeted work.
- Gaps that remain are explainable — a decision, not an oversight.

Shifting Left with Accessibility

What do we mean by “shifting left” and why does it matter for digital accessibility?

In 2002 the National Institute of Standards and Technology (NIST) analyzed the software development lifecycle and reported on the relative cost of finding and fixing defects at different stages of that cycle.

In the arrows below, X is the normalized unit of cost, expressed in terms of person-hours, dollars, etc. NIST (2002). The Economic Impacts of Inadequate Infrastructure for Software Testing. <https://bit.ly/nist2002>



In the past, the Americans with Disabilities Act (ADA) didn't offer specific standards for digital content accessibility. That left it up to the courts to determine if digital content was accessible or not. Accessibility auditing and remediation (or accommodations) were often relegated to post-rollout activities, if they happened at all. It wasn't good for students nor for institutions.

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The new rules

- All state and local government web content and mobile apps must support WCAG 2.1 Level A and AA accessibility standards.
- Deadline for conformance is 4/24/26 for most entities, one year later for a few smaller entities.
- Applies to all web content & mobile apps the entity provides directly or makes available via contractual or licensing arrangements.

The standards

- WCAG is a global industry standard set of observable, testable criteria to make digital content accessible to everyone, including users with disabilities and/or assistive technology.
- WCAG 2.1 includes 32 Success Criteria (SC) at Level A and 24 at Level AA.
- As an industry standard, WCAG enjoys broad awareness among vendors and developers, and has lots of support material available.

The opportunity

- Harmonized standards and unified voices across the public sector
- More inter-institutional collaboration
- “Shift Left” to include accessibility early: in procurement, planning, design and development
- Improved user experience and improved learning outcomes
- Greater efficiency and cost moderation

In April 2024, the US Department of Justice published new rules under Title II of the ADA that set specific technical standards for accessibility of state and local government web content and mobile apps. So now, with clear standards for designers and developers, public institutions have an opportunity to “shift left” by adopting inclusive principles.

Learn more:



What This Means for You, as a Leader

- Name an owner. Someone needs clear authority and accountability for accessibility governance. (Committee)
- Require documentation from the vendor. (Required by TAC)
- Establish a real exception process. Written, time-bound, reviewed — not an informal shrug.
- Recognize this as an ongoing program with a budget line, not a one-time project with an end date.

Role of Leadership: Close the Culture Gap

The Fallacy	The Reality	The Risk
<i>"This isn't a formal document."</i>	Any shared communication carries an accessibility obligation — emails, Teams, flyers, announcements.	Inaccessible safety communications. Unequal information access. Legal exposure.
<i>"Nobody on my team has a disability."</i>	Disabilities are often not visible or disclosed. Teams change over time. Communications reach beyond your team.	Exclusion of undisclosed colleagues. Legal exposure — including implied hiring discrimination.
<i>"I don't have time."</i>	Accessibility becomes faster with habit. Remediation always costs more time and money than building it in.	Procurement backlogs. Increased remediation cost. Unreviewed purchases create institutional risk.
<i>"You can't make me."</i>	Texas Government Code, TAC, ADA, and Section 508 all require it. Not optional. Not discretionary.	Institutional legal liability. ADA compliance reviews. Reputational harm. Individual accountability.



Key Takeaways

- Digital accessibility is a civil rights obligation that touches every part of how your institution operates online.
- You don't need to be technical — you need the vocabulary and the legal context to ask the right questions.
- Federal law (Title II, Section 504) and Texas law (TAC 206/213) both point the same direction: document the decision, know who owns it.
- Exceptions and Fundamental Alteration determinations are legitimate tools — when they're documented, time-bound, and made by the right person.
- The real cost isn't having gaps. It's having undocumented ones.

DISCUSSION

Questions & Discussion

Laura Hopkins, CPACC, CAPM, CTCD, CTCM — Digital Accessibility Officer & EIR Compliance Lead, UT Arlington

About the Speaker

- Laura Hopkins is the Digital Accessibility Officer and EIR Compliance Lead at UT Arlington, where she has led digital accessibility initiatives since late 2018.
- Her work includes establishing accessibility governance for enterprise systems, digital content, and technology procurement; partnering with vendors on accessibility requirements; and integrating accessibility into Information Security and Enterprise Architecture workflows.
- She also develops enterprise training programs that support institutional readiness through risk-based decision-making, defensible exception processes, and long-term compliance sustainability.
- Laura holds an MS in Information and Technology Management, is a Certified Professional in Accessibility Core Competencies (CPACC, IAAP), a Certified Associate in Project Management (CAPM), and holds State of Texas CTCD and CTCM procurement certifications.
- She has presented on digital accessibility, compliance, and governance at AccessU, DIR, EDUCAUSE, TxDLA, NAEP–TOAL, TV-AiD Ignite, and the TTLE conference.