**Disability Advisory Commission (DAC) Priorities and Suggested Next Steps in Response to DAC Annual Report 2021-22**

***(8-8-22)***

**PRIORITY 1. Program and Desk Audit of the Disability Compliance Office**

Hire an external independent firm to conduct a program and desk audit of the DCO. The audit is needed to assess its capacity and identify the staffing and resources needed to enable it to fulfill its mandate to address the Countywide Findings and Recommendations contained in the April 2020 Sacramento County ADA Self Evaluation Report. (See Section IIA: Self-Evaluation Results Findings and Recommendations for County-wide Programs, Services and Activities pages 12-21).

It is critical for the firm to have a specialty in the area of federal and state disability civil rights law compliance. The audit should include, but not be limited to:

* Evaluating the management structure, budget, organizational position and physical location of the DCO in terms of its ability to develop and oversee county-wide policies and procedures, track progress and measure results, provide technical assistance to departments, and coordinate training for County employees.
* Analyzing the duties and responsibilities of each staff person in order to determine their proper classification.
* Determining if additional positions are needed, and at what classifications.
* Considering development of new disability compliance specific classifications both County-wide and in line departments.
* Coordinating with the DAC throughout the process to ensure the disability community perspective is considered.

The DAC recommends holding these discussions outside of public meetings with progress reports to the DAC regarding key outcomes and decisions.

**PRIORITY 2.** **Disability Access Issues Not Contained in the** **SETP** (Note: the following two items are considered equal in priority.)

**2A.** **Sacramento County Airport Systems (SCAS)**

The DAC appreciated during its 8-2-22 meeting the presentation given by David Defanti, Deputy County Executive - Community Services; Cindy Nichol, Director, Sacramento County Airports; TJ Chen, Chief Administrative Officer, Airport Design and Development; Sherri Thompson-Duarte, Deputy Director of Airport Operations and Maintenance; Chris Martin, Airport Facilities Manager, regarding SCAS’ response to DAC’s 2021-22 Annual Report. SCAS has committed itself in hiring an independent qualified Americans with Disabilities Act (ADA) access consultant(s) to perform a systemwide ADA self-evaluation and transition plan (ADA SETP), which will be overseen by Sherri Thompson-Duarte.

DAC’s desire/priorities for the ADA SETP are:

1. Hiring an ADA consultant(s) with extensive experience in ADA Title II compliance to conduct an airport-wide ADA SETP of SCAS services, programs, policies, and facilities, including the accessibility of websites and documents; multi-purpose wayfinding system; owned, operated, maintained, or contracted public transportation systems; automated people mover; public right-of-way/parking facilities at all airports.
2. Providing input in the development of and reviewing the RFP scope of work and qualifications for hiring an independent qualified ADA access consultant(s) with verifiable experience in successfully completing a minimum of three comprehensive ADA SETPs for airports or comparable facilities, preferably within the last five years.
3. The consultant must possess at least the knowledge, expertise, and experience with the following:
4. All titles of the ADA and regulations.
5. Sections 504 and 508 of the Rehabilitation Act of 1973 amended.
6. U.S. Department of Transportation 49 CFR Parts:

* Part 27 Nondiscrimination on the basis of Disability in Programs or Activities Receiving Federal Financial Assistance.
* Part 37 Transportation Services for Individuals with Disabilities (ADA).
* Part 38 Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.

1. Section 255 of the Telecommunications Act of 1996.
2. 2010 ADA Standards for Accessible Design.
3. Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way.
4. California Building Code.
5. California Manual on Uniform Traffic Control Devices.
6. Sections 51 and 54 of the California Civil Code.
7. Web Content Accessibility Guidelines (WCAG) 2.1 and 2.2 at the level AA.
8. Any other relevant federal, state, and local codes or standards that may be more stringent than the ADA guidelines.
9. The consultant must have the knowledge, expertise, and experience to evaluate the existing SCAS multi-purpose wayfinding system for its accessibility, efficiency, and safety, which is to include but not be limited to:
10. Managing the flow of passengers through various checkpoints.
11. Personalizing passenger experience.
12. Easy feedback collection.

The multi-purpose wayfinding system includes low to high technologies, such as: contrasting tactile, color, and pattern floor treatments; color coding; directional informational signage; maps; audio announcements; visual displays; and skycaps.

This will mean the consultant must have familiarity with cutting edge wayfinding research, such as:

1. Airport Cooperative Research Program, ACRP Research Report 175, Improving Intelligibility of Airport Terminal Public Address Systems, Wilson Ihrig, 2017.
2. Airport Cooperative Research Program, ACRP Research Report 177, Enhancing Airport Wayfinding for Aging Travelers and Persons with Disabilities, James R. Harding, Jr., Sheila J. Bosch, Wilson P. Rayfield, Jr., John Florie, Gresham, Smith and Partners, 2017.
3. United States Government Accountability Office, Report to Congressional Committees, Passengers with Disabilities, Airport Accessibility Barriers and Practices and DOT’s Oversight of Airlines’ Disability-Related Training, April 2021.

The consultant should be expected to conduct focus group meetings with people with a variety of cross disabilities, such as cognitive, learning, visual, hearing, mobility, dexterity. During these meetings, the ongoing evaluation findings of the accessibility of the SCAS multi-purpose wayfinding system, including relevant policies and procedures, should be presented to the focus group members. The outcome of these meetings would be the creation of recommendations for making access improvements to the existing SCAS wayfinding system as well as proposing future advancements in the field of wayfinding systems.

1. The consultant must have the knowledge, expertise, and experience to evaluate the existing SCAS website, print/online documents, and information and communication technology (e.g., informational kiosks).

The consultant is expected to have the knowledge, expertise, and experience in the use of Section 508 of the Rehabilitation Act, WCAG 2.1 and 2.2 at the level AA, Section 255 of the Telecommunications Act, and any other relevant web access regulations/standards to evaluate the accessibility of the SCAS website, print/online documents, and information and communication technology, without relying on automatic evaluation tools/software. No automatic evaluation tools/software alone can determine if a site, document, or information and communication technology meets accessibility standards. Knowledgeable human evaluation is required to determine if a site, print/online documents, and information and communication technology are accessible and how to recommend the necessary access improvements.

Additionally, the consultant should not recommend “accessibility overlays” software created by several different companies, including “accessible” for the reasons as stated in “For Blind Internet Users, the Fix Can Be Worse Than the Flaws” <https://www.nytimes.com/2022/07/13/technology/ai-web-accessibility.html> and “Accessibility overlays make the Web worse, not better: New York Times” <https://www.accessibility.org.au/accessibility-overlays-make-the-web-worse-not-better-new-york-times/> .

Finally, the consultant should be expected to conduct focus group meetings with people with a variety of cross disabilities, such as cognitive, learning, visual, hearing, mobility, dexterity. During these meetings, the ongoing evaluation findings of the accessibility of the SCAS website, print/online documents, and information and communication technology, including relevant policies and procedures, should be presented to the focus group members. The outcome of these meetings would be the creation of recommendations for making access improvements to the existing SCAS website, print/online documents, and information and communication technology, as well as for future versions of each.

1. Coordinating throughout the development of the airport’s ADA SETP that there is an inclusive and accessible public engagement and outreach process/component similar to the method used in the “SCAS Americans with Disabilities Act ADA Transition Plan”, 11-15-08, Section 6 “Public Review and Input”, page 8, authored by Logan Hopper Associates.
2. Reviewing accessible-formatted RFP responses from potential ADA access consultants, as well as participation on the interview and selection committee for the hiring of a consultant(s).
3. Providing input to ensure that the airport and the countywide ADA SETPs are harmonized with one another.
4. Reporting regularly to the DAC as to the status of the implementation of the SCAS ADA SETP (e.g., standing agenda item every other month or quarterly) in-person and/or brief written updates with opportunity for follow-up.

**2B.** **County Webpages, Documents (print and online) and Other Electronic Processes**

The DAC wants to ensure that all information and communication technology including products that store, process, transmit, convert, duplicate, or receive electronic information are accessible to and usable by people with disabilities and compliant with Federal and State regulations. Some examples include but are not limited to: software applications and operating systems; web-based information and applications, such as online forms; conferencing technology; telephones and other telecommunications products; kiosks; and office products such as photocopiers and fax machines.

Our number one priority recommendation to the Department of Technology is as follows:

***Short-term Goals***

1. Hiring only qualified professional ADA access consultants with verifiable knowledge and experience in making websites, documents (print and online), and information and communication technology (e.g. kiosks) accessible and usable by at least meeting the requirements of accessible website development, Sections 504 and 508 of the Rehabilitation Act of 1973 amended, Title II of the ADA 1990 amended, Web Content Accessibility Guidelines (WCAG) 2.1 and 2.2 at the level AA, Section 255 of the Telecommunications Act of 1996, and when updated or new regulations are issued.
2. Utilizing a transparent, competitive, and open recruitment process for the hiring of qualified professional ADA web, document, and information and communication technology access consultants.
3. Involving at the inception of any RFQs and RFPs the Disability Compliance Office, Disability Advisory Commission, and its designees as equal partners in the drafting of these documents for the hiring of only qualified professional ADA web, document, and information and communication technology access consultants.
4. Appointing at least one: Disability Compliance Office staff member, DAC member, and a member of the public with a disability with applicable knowledge and expertise to serve on the search and selection committees for the hiring of qualified professional ADA web, document, and information and communication technology access consultants.

***Long-term Goals***

1. Providing funding to the Department of Technology (DTech) to establish a permanent DTech Division of Web and information and Communication Technology and to hire for this division permanent staff with verifiable knowledge, expertise, and experience in making accessible and usable the county website, print and online documents, and information and communication technology for people with disabilities.
2. Providing funding to Sacramento County DTech for ongoing training to be made available to existing permanent staff and/or hired permanent new staff so to have the knowledge, expertise, and experience needed in making websites, documents (print and online), and information and communication technology accessible and usable by at least meeting the requirements of accessible website development, Sections 504 and 508 of the Rehabilitation Act of 1973 amended, Title II of the ADA 1990 amended, Web Content Accessibility Guidelines (WCAG) 2.1 and 2.2 at the level AA, Section 255 of the Telecommunications Act of 1996, and when updated or new regulations are issued.

The DTech should be responsible for but not limited to:

1. Coordinating Sacramento County’s compliance with regulations and standards for web, document, and information and communication technology access and usability.
2. Providing ongoing oversight, support, and training for designated staff to be knowledgeable about accessible website development, Sections 504 and 508 of the Rehabilitation Act of 1973 amended, Title II of the ADA 1990 amended, Web Content Accessibility Guidelines (WCAG) 2.1 and 2.2 at the level AA, Section 255 of the Telecommunications Act of 1996, and when updated or new regulations are issued.
3. Providing ongoing oversight, support, and training for designated staff to be knowledgeable about the development, procurement, maintenance, and use of information and communication technology that is accessible and usable to people with disabilities, including those that are employees.
4. Creating comprehensive guidance to evaluate any proposed online services or documents for compliance with accessible website development, Sections 504 and 508 of the Rehabilitation Act of 1973 amended, Title II of the ADA 1990 amended, Web Content Accessibility Guidelines (WCAG) 2.1 and 2.2 at the level AA, Section 255 of the Telecommunications Act of 1996, and when updated or new regulations are issued, while being intuitively usable by people with disabilities.
5. Performing any necessary document remediation without relying on automatic evaluation tools/software to keep Sacramento County in compliance with web, document, and information and communication technology regulations and standards. No automatic evaluation tools/software alone can determine if a site, document, or information and communication technology meets accessibility standards. Knowledgeable human evaluation is required to determine if a site, print/online documents, and information and communication technology are accessible and how to recommend the necessary access improvements.
6. Conducting an accessibility review prior to the issuance of any Sacramento County proposed projects (including the design and administration of survey instruments) for their online accessibility and usability for people with disabilities.
7. Conducting an annual website and document accessibility evaluation without relying on automatic evaluation tools/software.
8. Supervising independent, external, and professional web, internet, and/or information and communication technology access consultant team(s) in their work with the DTech staff in evaluating the accessibility and usability of the county’s website, documents, and information and communication technology without relying on automatic evaluation tools/software. Also, the consultants’ work is to assist in the implementation of the access improvements without the utilization of “accessibility overlays” which are needed for making the website, documents, and information and communication technology accessible and usable for people with disabilities.

“Accessibility overlays” software created by several different companies, including “accessible”, should not be utilized for the reasons as stated in “For Blind Internet Users, the Fix Can Be Worse Than the Flaws” <https://www.nytimes.com/2022/07/13/technology/ai-web-accessibility.html> and “Accessibility overlays make the Web worse, not better: New York Times” <https://www.accessibility.org.au/accessibility-overlays-make-the-web-worse-not-better-new-york-times/>

Finally, we would like to recommend to the DTech that they report regularly to the DAC starting in October or November as to the status of the implementation of all or some of the above short and long-term proposed goals (e.g., standing agenda item every other month or quarterly) in-person and/or through brief written updates with opportunity for follow-up.

**PRIORITY 3. Accessibility in Sacramento County Coivd-19 Services**

As the Coivd-19 virus continues to be a major health concern and other potential threats looming (e.g., monkey pox, polio, tuberculosis), the DAC would like to ensure that the progress made with regard to enhancing the accessibility and usability of Public Health services for people with disabilities is ongoing.

1. Continue working toward the development and implementation of mobile in-home testing and vaccination services for people who are homebound.

2. Ensure Public Health staff have disability access resources and guidelines for removing or mitigating access and usability barriers included in their directions for starting up temporary testing and vaccination or other emergency health services facilities and websites in the future.

3. Secure funding for staff training in the areas of disability access and sensitivity to the needs of people with disabilities and seniors, which should include but not be limited to American Sign Language interpreters, accessible-formatted documents (braille, large print, audio, and digital) in the provision of health care services.

4. Evaluate the public outreach process including but not limited to, policies and procedures, documents, and webpages to ensure ongoing effective communication and access compliance under Title II of the ADA 28 CFR Part 35, Sections 35.130, 35.149, and 35.160.