The Closed Digital Door:

**State Public Benefits Agencies' Failure to
Make Websites Accessible to People with Disabilities
and Usable for Everyone**

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The importance of accessible public benefits agency web sites

The internet plays a significant and ever-expanding role in the lives of an increasing number of people in the U.S. It has become one of the primary means by which people can obtain information and interact with government agencies. As noted by the U.S. Department of Justice, unlike other means of interacting with government agencies (e.g., in person visits, mail, and telephone) the internet provides 24 hour-a-day, 7-days-a-week access.[1] An individual seeking to apply for Medicaid or SNAP benefits, for example, can obtain information about program eligibility requirements and the application process, download an application, and in some states, apply for benefits, online, at any time of the day or night, whether or not the agency office is open or staff are available to interact with the individual. Thus, access to public benefits agency websites and to the information and applications processes on those sites is essential for individuals with disabilities.

Web accessibility law, standards, and guidelines

Title II of the Americans with Disabilities Act prohibits discrimination against individuals with disabilities in the programs, services and activities of state and local governments.[2] Regulations implementing Title II require state and local governments to provide an equal opportunity to individuals with disabilities to participate in and benefit from programs and services[3] and prohibit methods of program administration with a discriminatory effect.[4] Section 504 of the Rehabilitation Act prohibits discrimination against individuals with disabilities by entities receiving federal financial assistance. Regulations implementing Section 504 require recipients of federal financial assistance to provide an equal opportunity to individuals with disabilities to participate in and benefit from programs and services[5] and prohibit methods of program administration with a discriminatory effect.[6]

Public benefits agency websites are a part of the agencies' programs and services, and thus, must be accessible to and usable by people with disabilities.[7] As noted by the U.S. Department of Justice (DOJ), even if an agency has other means of making information and benefits available to

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[1] U.S. Department of Justice, *Accessibility of State and Local Government Websites to People with Disabilities, available at* www.ada.gov/websites2.htm.

[2] 42 U.S.C. § 12132.

[3] 28 C.F.R. § 35.130(b)(1)(ii).

[4] 28 C.F.R. § 35.130(b)(3)(i).

[5] 7 C.F.R. § 15b.4(b)(1)(ii); 28 C.F.R. § 35.130(b)(1)(ii); 45 C.F.R. § 84.4(b)(1)(ii); 84.52(b)(2).

[6] 7 C.F.R. § 15b. 4(b)(4); 45 C.F.R. § 84.4(b)(4).

[7] U.S. Department of Justice, *Accessibility of State and Local Government Websites to People with Disabilities, available at* www.ada.gov/websites2.htm.

people with disabilities, these other methods "are unlikely to provide an equal degree of access in terms of hours of operation and the range of options and programs available" because materials "if posted on an accessible website, would be available to people with disabilities 24 hours a day, 7 days a week."[8]

Although the ADA and Section 504 require public benefits agency websites to be accessible to and usable by people with disabilities, they don't specify what "accessibility" means in the context of websites or explain what specific steps agencies must take to achieve accessibility. Web accessibility standards, however, do exist. The U.S. Access Board has issued detailed standards for web accessibility under Section 508 of the Rehabilitation Act, which requires electronic and information technology to be accessible to and usable by people with disabilities unless it would be an undue burden.[9] Section 508 applies to federal agencies,[10] but many states have laws or policies requiring state agency web sites to meet Section 508 standards.[11] In addition, the World Wide Web's Web Accessibility Initiative has developed Web Content Accessibility Guidelines (WCAG).[12] The second version of these guidelines was published in December 2008.[13] Section 508 standards and WCAG guidelines are useful resources for states in developing and evaluating web accessibility.

Assistive technology and the web

People with disabilities use a range of technologies to access the web. Some blind and visually impaired individuals use a screen reader, which is computer software that converts text on the web page into speech. Some individuals use screen readers with a mouse, but many individuals who use screen readers navigate the web by using the "tab" key on a computer keyboard instead of a mouse.

Some individuals who are blind use a Braille display that converts printed text on a web page into Braille. Some individuals use both a screen reader and a Braille display.

Some individuals with low vision use magnifying software, which magnifies the text on the screen. Because the text is magnified significantly, the monitor only displays a limited amount of text at a time, and the user may have to scroll across and up and down the page to see an entire sentence, paragraph, or other visual information on the page.

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[8] *Id.*

[9] 29 U.S.C. § 794d (a)(1) (Section 508); 36 C.F.R. pt. 1194 (Access Board Section 508 standards).

[10] 29 U.S.C. § 794d(a)(1).

[11] *See* Hewlett Packard, *State Web Accessibility*, *available at* http://www.hp.com/hpinfo/abouthp/accessibility/State_Web_Accessibility.pdf for links to state accessible technology laws and policies.

[12] www.w3c.org.

[13] www.w3.org/WAI/intro/wcag.ph.

Some individuals with conditions that limit fine motor coordination cannot use a mouse to navigate a web site but rather, use the tab key on the computer keyboard. Others use voice recognition software to operate the computer with verbal commands.

NCLEJ's public benefits agency accessibility and usability research project

NCLEJ arranged for a team of law students from the Northeastern University School of Law's Legal Skills in a Social Context course to test the accessibility and usability of public benefits agency web sites in California, Florida, Michigan, New York, and Texas. These states were selected for several reasons, including the fact that they have large numbers of TANF, Medicaid, and Food Stamp recipients. Florida was also included because it undertook a major modernization initiative that includes a heavy emphasis on the internet as a means of applying for benefits, obtaining information, and checking the status of a case. Similarly, Texas implemented the Integrated Enrollment and Services (TIES) initiative, which places increased emphasis on methods of access and communication other than face-to-face communication with the agency.

In states with more than one agency responsible for the state's TANF, Medicaid, and SNAP benefits, the students evaluated the accessibility and usability of both state agency websites, and in states with a separate web portal for public benefits, the students tested the accessibility and usability of the portal. In California and New York, where benefits are administered through county agencies, the students also evaluated the accessibility and usability of some county public benefits agency websites.

The students used WAVE, a web accessibility evaluation tool developed by WebAIM,[8] to test the accessibility of the websites. They tested accessibility of website home pages, pages with information on benefits programs, applications for benefits, benefits eligibility screening tools, and other pages that individuals would be likely to visit if they need information on public benefits programs and want to apply for benefits. The students consulted with WebAIM staff and with Jim Tobias, an independent consultant on accessible technology from Inclusive Technologies. They also visited the state agency web sites with blind and visually impaired individuals who use assistive technology.

Testing was conducted during the spring of 2010.

Summary of web accessibility problems found

1. ***Accessibility problems that prevent individuals with disabilities from applying for benefits online.***

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[8] www.webaim.org.

The Florida Department of Children And Families (DCF) ACCESS Florida website has a joint application for Medicaid, cash assistance and SNAP benefits that can be completed and submitted online (without the need to print, fill out, and fax, mail or deliver the application to the agency). The application, however, is not accessible to individuals with vision impairments who use assistive technology such as screen readers and Braille displays. Because assistive technology cannot "read" or interpret images on a web site that are not in a text format (such as photographs, drawings, logos, or other images), Section 508 standards and World Wide Web Consortium Accessibility Guidelines (WCAG) require web sites to have a "text alternative" (or "alt text") that describes or labels any non-text elements on a web site, in text format, so assistive technology users will know the non-text element is there and will know what it is.[9] In Florida, many spaces on the joint application form lacked text labels, so an individual using assistive technology would not know what information to enter information in each box. WAVE, the WebAIM accessibility tool, found over 66 compliance errors on some pages of the application.

Similarly, the Michigan Department of Human Services (MDHS) online application for SNAP benefits has missing text labels, as well as text labels that were too far from the boxes they were intended to label. As with the Florida application, individuals attempting to complete the Michigan online application would not know which boxes to check or where to enter the required information.

Both of these applications violate Section 508 standards and WCAG Guidelines, as well as the states' own internet accessibility policies, which incorporate Section 508 standards.[10] In addition, both applications violate the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504), by denying individuals with disabilities equal opportunity to participate in and benefit from the agency's public benefits programs.[11] DOJ's "Tool Kit" for state and local governments on web accessibility identifies "images without text equivalents" as a common web design problem and instructs state and local governments to "add

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[9] 36 C.F.R. §§ 1194.22(a) ("A text equivalent for every non-text element shall be provided . . "); 1194.22(n) ("When electronic forms are designed to be completed on line, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues." ; WCAG 1.0, Guideline 1; WCAG 2.0, Guideline 1.1; *see also* WebAIM, "Creating Accessible Forms" *available at* www.webaim.org/techniques/forms.

[10] Florida, Florida DCF, and Michigan, have adopted Section 508 standards: *State of Florida Accessibility Statement: MyFlorida.com*, *available at* www.myflorida.com/myflorida/accessibility.html. ("All Florida State Government web sites must comply with Section 508 to ensure the widest possible audience easy access to government information."); Florida Department of Children and Families, CF Operating Procedure No. 50-13, *Systems Management: Internet/Intranet Policy*, Section 9(m) ("Provisions will be made for staff and members of the public with visual, hearing, and physical impairments in accordance with Section 508 of the Rehabilitation Act of 1973."), *available at* www.dcf.state.fl.us/publications/policies/050-13.pdf; Michigan Accessibility Policy, *available at* www.michigan.gov/drive/0,1607,7-246-45712–,00.html. ("The state of Michigan has adopted compliance with Federal laws and policies relating to Section 508 of the Rehabilitation Act: electronic and Information Technology Accessibility Standards.").

[11] 7 C.F.R. § 15b.4(b)(1)(ii); 28 C.F.R. § 35.130(b)(1)(ii); 45 C.F.R. § 84.4(b)(1)(ii); 84.52(b)(2).

a text equivalent to every image" and "design online forms to include descriptive HTML tags that provide persons with disabilities the information they need to complete and submit the form."[12]

Inaccessible online applications for public benefits are a particularly egregious accessibility problem because:

- Federal deadlines for processing Medicaid and SNAP applications are determined from the date an application is filed with the agency,[13] and when an application is granted, benefits are provided back to the date of application.[14] Thus, the inability of individuals with disabilities to apply online, when others can do so, could result in delay in the receipt of benefits and receipt of less benefits by people with disabilities compared with others.

- For individuals with disabilities who are limited in their ability to travel to a welfare center (or "community partner") to apply for benefits, the internet may be the primary or most effective means of applying for benefits. For these individuals, the failure to make an online application process accessible could result in a denial of access to benefits.[15]

- In Florida, the internet is the primary means of applying for benefits. Over 90% of the applications for 90 percent in Florida are submitted online. Thus, an inaccessible online application is a major impediment to accessing benefits.

2. *Accessibility problems that prevent individuals with disabilities from contacting the agency for an application or for information.*

The California Department of Social Services (CDSS) web site informs users that they can email the agency with comments, suggestions and questions, and contains an embedded email form for users to use to email the agency. This form lacks text labels identifying what information should be entered into each box on the email form. Thus, individuals with disabilities who use assistive technology are unlikely to be able to use this form to contact the agency. The web page containing this form does not provide information on other ways to contact the agency (such as an email address or telephone number). The email form violates the ADA and Section 504, by denying individuals with disabilities an equal opportunity to contact the agency. It also violates

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[12] U.S. Department of Justice, *ADA Best Practices Tool Kit for State and Local Governments, Chapter 5: Web Accessibility Under Title II of the ADA*, (hereinafter "DOJ Web Accessibility Toolkit"), *available* www.ada.gov/pcatoolkit/chap5toolkit.htm.

[13] 7 U.S.C. §§ 2020(e)(3); 2020(e)(9)(a); 7 C.F.R. §§ 273.2(a); 2(g)(1); 42 C.F.R.§ 435.911(a)(1).

[14] 7 U.S.C. §§ 2020(e)(3); 42 C.F.R.§ 435.911(b).

[15] 28 C.F.R. § 35.130(a); 45 C.F.R. § 84.4(a); 84.52(a)(1).

Section 508 standards and WCAG guidelines, for the reasons discussed in Point 1 above. Finally, the form violates California state law, which requires State agencies using information technology to comply with the accessibility requirements of Section 508 and implementing regulations.[16]

The Texas Health and Human Services Commission (HHSC) web site has a similar problem. The site has an embedded online form for individuals to use to contact the agency to request an application. The form has missing or poorly located text labels. The form does not meet Section 508 standards or WCAG guidelines, and violates Texas law, which has adopted Section 508 standards.[17]

> **3.** ***Accessibility problems that prevent individuals with disabilities from searching the agency's web site.***

The CDSS and California Department of Health Care Services (CDHCS) web sites have a search function, but search bars do not have text labels. Thus, individuals with disabilities using assistive technology may be unaware of the search function or unable to find or use it. As a result, these websites do not meet Section 508 standards, WCAG, or California law, which incorporates Section 508 standards for State agency web sites.[18]

> **4.** ***Inadequate color contrast that makes it difficult for individuals with low vision to read.***

Some individuals with low vision have difficulty reading text on a website if there is insufficient color contrast between the text and the background. To prevent this problem, WCAG guidelines require a minimum contrast ratio between most text and background.[19]

The CDSS website contains white text over a blue background on the menu bar, which is difficult for some individuals with low vision to read. The Michigan Department of Human Services (MDHS) and Michigan Department of Community Health (MDCH) websites have a menu bar with white text on a blue background that did not meet WCAG guidelines, or Michigan's Accessibility policy, which has adopted WCAG guidelines.[20] The New York State Department of Health web site uses white text on a blue background in some places, which is also problematic for low-vision users.

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[16] Cal. Gov. Code § 11135(d)(2).

[17] 1 Tex. Admin. Code § 213.10.

[18] Cal. Gov. Code § 11135(d)(2).

[19] WCAG 2.0 Guideline 1.4.3.

[20] Michigan Accessibility Policy, *available at* www.michigan.gov/drive/0,1607,7-246-45712–,00.html.

5. ***Design choices that make it difficult or impossible for individuals using assistive technology to read.***

The Michigan DHS and DCH websites and the New York City Human Resources Administration website use a three-column layout. Some of these columns lack titles or headers, which poses problems for individuals with disabilities using assistive technology because screen readers and other assistive technology "read" the screen from left to right and top to bottom. Unless boxes are labeled, assistive technology does not know that these columns exist and will "read" across each line on the page, from across columns, making the information incomprehensible. [21] DOJ recommends that state and local agency web sites "use titles, text, and other heading structures to help users navigate complex pages or elements."[22] The Michigan DHS and DCH web sites had text-only versions of their websites, but these also use a three-column layout without headers. In failing to label these columns, The Michigan DHS and DCH websites fail to meet Section 508 standards, which have been adopted by Michigan.[23] New York State's web accessibility policy does not apply not local agency websites,[24] and New York City does not appear to have a web accessibility policy for New York City agencies. All three sites violate the ADA and Section 504, for the reasons noted above.

6. ***Other accessibility problems.***

Most of the state and local public benefits agency websites examined had missing text labels for pictures, tables, search boxes, and other non-text elements (in addition to those discussed above), which means they could not be read by individuals with disabilities using screen readers and other assistive technology. Although some of these deficiencies were not likely to completely prevent individuals from applying for benefits online, or from contacting the agency, they nonetheless make the websites more difficult to use and information more difficult to obtain for individuals with disabilities who use assistive technology. As discussed above, these deficiencies violate Section 508 standards and WCAG guidelines, the ADA and Section 504, and applicable State accessible technology laws and policies.

The CDSS home page website uses drop down (cascading) menus. For individuals with disabilities that limit fine motor control and those who use a keyboard instead of a mouse to navigate a web site for other reasons, drop-down menus present obstacles to web site navigation,

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[21] *Beyond ALT Text*, pp. 116-117.

[22] DOJ Web Accessibility Toolkit.

[23] Michigan Accessibility Policy, *available at* www.michigan.gov/drive/0,1607,7-246-45712–,00.html.

[24] New York State Office for Technology, New York State Chief Information Officer, No. NYS-PO8-005*, New York State Information Technology Policy: Accessibility of Web-Based Information and Applications,*(May 17, 2009), *available at* www.oft.state.ny.us/policy/nys-p08-005.pdf.

because they require precise motor control to pull-down the menu to the text of interest to the user and to keep the menu open.[25]

The Texas HHSC website contains pop-up windows, which are bewildering to individuals using assistive technology. DOJ recommends that State and local government agency websites "minimize blinking, flashing, or other distracting features."[26] To the extent that these windows make it difficult or impossible to access information on these web pages, the Texas website violates the ADA and Section 504.

Public benefits agency web site usability problems

The students found a number of problems with the usability of the public benefits agency web sites. Although these problems do not violate disability rights laws, they affect the usability of the websites for everyone, and thus should be addressed, so that these web sites can fulfill their intended purpose. Some of the usability problems found are discussed below.

7.   *Information is difficult to find.*

On some public benefits agency websites, it was difficult to find basic information on public benefits programs and how to apply for benefits. A number of factors, including web page organization and layout, word choice, and other factors, caused or contributed to this difficulty.

On the Texas HHSC web site, a user must click on "How to Get Help," and then select one of the options under "Health Care" to find information on the Medicaid program. The term "Medicaid" is not used. On the Your Texas Benefits website, users must select "HHSC Programs (Medicaid/CHIP)," which sends users to the HHSC website, where, as noted above, the term "Medicaid" is not used in the initial screens/links. Many individuals seeking Medicaid benefits are likely to be looking for the word "Medicaid," and may be confused when they don't see it on the website early on in the search process. Further, in states like Texas where there is more than one state public benefits website, and the various sites are linked, individuals may be confused when one website uses the word "Medicaid" but takes the user to another website that does not. Some users may think they have gone to the wrong site, and start their search over, or give up in frustration.[27]

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[25]   Nielson Norman Group, *Beyond ALT Text: Making the Web Easy to Use for Users with Disabilities*, (Oct. 2001) (hereinafter Beyond ALT Text"), p. 63, *available at* www.nngroup.com/reports/accessibility.

[26]   DOJ Web Accessibility Toolkit; *see also*, Beyond Alt Text, p. 59.

[27]   The importance of using the term "Medicaid," which is familiar to many people, on public benefits agency web sites is discussed in *Five Guidelines for Developing Customer-Friendly Web Sites: Improving access to information about Medicaid, SCHIP, and other government Programs*, prepared for Covering Kids and Families by Maximus (Nov. 2006), p.16.

The New York State Office of Temporary and Disability Assistance web site home page contains a link for "programs and services." Users selecting that link must read, scroll, or tab through a list of nineteen links before arriving at "How to Apply for Services," the last link on the page. Given its location, users could easily miss this link.

The New York State Department of Health (NYSDOH) web site informs users that individuals can apply for Medicaid by writing, calling, or going to the local department of social services in their county, and contains a link to a list of local (county) departments of social services, with further links to those local agencies. The links have a variety of problems:

- Some local departments of social services don't have web sites, so there are no links to those local agencies.

- Links to several local departments of social services are broken.

- Some links take the user to the county's website, not to the website of the local department of social services. Individuals have to search on the county's web site to find a link to the local department of social services.

- Some links take users, not to the local DSS home page or to an page containing an overview of the Medicaid program or explaining Medicaid eligibility or how to apply, but rather, to other pages on the local agency's web site, such as pages on managed care that are not relevant to individuals who have not yet applied for Medicaid.

- One county DSS website refers users back to the State Department of Health for information on the Medicaid program.

- Some local DSS websites lack information on how to apply for benefits.

As a result, users from many counties who are seeking information on program eligibility requirements or how to apply for Medicaid in their county may not find it on either the state DOH or the local DSS website.

On the Michigan DCH website, a user who wants to apply for benefits can click on "What is Medicaid," which takes the user to a page with several links, many of which concern managed care contracts and program data. There are no links to a Medicaid application or to information on how to apply for benefits. The most promising link on the page, "Health Care Program Eligibility," takes the user to a long description of nineteen programs, none of which are called "Medicaid." The list includes programs that do not pay for health care (e.g., SSI) as well as Medicaid programs for specific populations, which are referred to without using the word "Medicaid" (e.g., "Group 2 Pregnant Women" and "Caretaker Relatives"). There are no links on the screen that take a user to an application or information to apply for these programs.

In twelve California counties, individuals can apply for SNAP benefits online through the county DSS web sites. Information about this option, however, it not evident from the CDSS web site, and thus it is unclear how applicants would know about it.

8.   *Web pages are cluttered and confusing.*

In Michigan, the MDCH and MDHS web site home pages are extremely cluttered, making the web sites difficult to navigate. Some of the information on these pages, such as links to Facebook, Twitter, and podcasts, add to the clutter and are not sufficiently important to put in the middle of the home page. There is so much information on these page that finding anything is difficult.

Recommendations

It is evident that states have more work to do to make their websites accessible to people with disabilities and usable by everyone. HHS and FNS should:

- Require the states included in NCLEJ's research to fix the accessibility problems identified in the NCLEJ report; and

- Issue instructions and guidance to state Medicaid, TANF, and SNAP agencies making clear that agency websites must be accessible to and usable by people with disabilities.

Instructing the five states included in our study to fix the problems identified, however, is not sufficient. First, we have no doubt that the problems identified in the five states included in the research are the tip of the iceberg, and that other states' public benefits agency websites have similar problems. Second, it is likely that the problems identified by the research are the result, at least in part, of the states' lack of technical expertise, limited resources, and failure to make web accessibility and usability a priority. Given the nature of the problems identified, federal guidance, leadership, and assistance is needed. Therefore, we also recommend that HHS and FNS:

- Create an interagency Work Group comprised of accessible technology experts, public benefits agency stakeholders, including organizations representing people with disabilities and public benefits recipients, and others, to develop templates for accessible/usable public benefits agency web sites; best practices for accessible/usable web site development procurement; sample RFP language; processes necessary to ensure that web accessibility/usability is maintained; protocols for testing web accessibility/usability; and other materials and recommendations to assist states in making their benefits agency websites accessible and usable; and

- Develop a mechanism to provide ongoing technical assistance on these issues to state agencies.