

NATIONAL FEDERATION OF THE BLIND

NEVADA

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May 4, 2018

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Dear Governor and State Officials:

I write as President of the Nevada Affiliate of the National Federation of the Blind. The National Federation of the Blind ("NFB") is the oldest and largest national organization of blind persons. The NFB and its affiliates promote the general welfare of the blind by assisting the blind in their efforts to integrate themselves into society on terms of equality and by removing barriers that result in the denial of opportunity to blind persons in virtually every sphere of life, including education, employment, family and community life, transportation, and recreation. The ultimate purpose of the NFB is the complete integration of the blind into society on a basis of equality. This objective includes the removal of legal, economic and social discrimination.

The NFB is pleased to know that the State of Nevada, through its Department of Administration, Division of Information Technology ("EITS"), has engaged in efforts to ensure that all State of Nevada websites are accessible to the blind, meaning that blind individuals will have access to the same information when using screen access technology to access Nevada's website as sighted individuals. *See* State of Nevada American Disability (ADA) Remediation

Efforts (update dated February 13, 2018). We are also pleased that EITS has sought the advice and assistance of blind individuals in this effort and has begun making training materials available to state employees who are responsible for meeting legal obligations concerning website access.

It is clear, however, from EITS' initial findings that the vast majority of the websites in the State of Nevada's Content Management System ("CMS") are not accessible to blind citizens, which I remind you is a violation of federal law, including Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

It is also clear from EITS' initial findings that the data gathered to date does not encompass an audit of the websites that are outside of CMS. Such other websites would include those that provide access to legislative hearings and other work of the State Legislature, as maintained by the Nevada Legislative Counsel Bureau, and those websites maintained by the Secretary of State. Moreover, it appears that the initial audit data compiled by EITS for Nevada's CMS involves only web pages and PDFs and not the accessibility of other vital information that people must access from the State's websites. Such other vital information existing on the State's websites is formatted as images, audio files, video files, and documents formatted in MS Word, MS Excel, and MS PowerPoint. Accordingly, we are very concerned that the State's pace of remediation of its non-compliant websites is woefully inadequate to meet the needs of our state's blind citizens.

As all of us know, access to the State's websites provide crucial information that we use daily, whether to keep abreast of legislative initiatives, filling out voter registration applications, applying for an ABLE account, responding to requests for procurement proposals, understanding regulatory obligations, filing tax and other business documents, or applying for needed benefits, to name just a few. For these reasons, notwithstanding the efforts of EITS, it is imperative that the State immediately commit resources and expertise to bringing State websites into compliance.


It is not enough to know that blind users cannot access most of the information that is available on the State's websites. It is imperative that the State establish a timeline for ensuring access and engage outside expertise to work with those within the State who have ultimate responsibility for digital technology. The State must put in place immediate safeguards that would prohibit anyone from placing new information on the website that is inaccessible and to prohibit new software purchases connected with State websites that are similarly inaccessible. Given the breadth of non-compliance already identified by EITS, it is impossible to conceive of how the EITS staff on its own can assure compliance. The State's compliance obligations are not new – it is time to address this well-known lack of compliance. Also, although of course it is invaluable to include blind members in the efforts that are taking place, and we certainly recommend that the State continue to do so, the State cannot rely on volunteers to carry out its work.

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We are reaching out to afford you the opportunity to discuss a global plan for moving forward. Without a clear path towards compliance, with timeframes, resources and other compliance assurances, we will have no option but to move in another direction.

We look forward to working collaboratively on this initiative. Please let me know by May 31, whether the State will take us up on this request. If so, I would like to schedule a meeting shortly.

Sincerely,


Terri Rupp

cc: Mark Riccobono, President
National Federation of the Blind