Technology Accessibility Standards Amended Ahead of July 1, 2025 Compliance Deadline

By Nick Cotton-Baez, CIRSA Associate General Counsel

Back in June of 2024, we posted an article concerning House Bill 24-1454, which had the effect of extending the deadline—as originally established in House Bill 21-1110—for public entities to fully comply with the technology accessibility standards established by the Governor's Office of Information Technology (OIT), from July 1, 2024 to July 1, 2025. During the one-year extension, public entities were granted immunity against liability for noncompliance with the accessibility standards if they were able to demonstrate certain "good faith efforts" toward compliance, or toward a resolution of a complaint of noncompliance.

As you're likely aware, the extended deadline for full compliance is quickly approaching. Beginning July 1, 2025, local governments and their instrumentalities will be expected to fully comply with the technology accessibility standards applicable to internal- and external-facing information and communication technology (ICT).[i] In the event of a violation of the standards, an aggrieved individual may bring a civil action for court ordered compliance and the recovery of either actual monetary damages or a statutory fine of $3,500 payable to each plaintiff for each violation.[ii]

In May 2025, OIT adopted amendments to the technology accessibility standards, which take effect on June 30, 2025—the day before the one-year extension for full compliance expires. The 2025 amendments, available here, add several provisions that may mitigate some public entity liability exposures for alleged violations of the "technical standards"[iii] adopted by OIT. The amendments also provide feasible alternatives for entities that were considering broad measures to avoid noncompliance—such as the wholesale removal of inactive and archived electronic content and documents, like scanned PDFs, from their websites and files—due to the cost or administrative burden of modifying digital content and electronic documents for compliance with the technical standards.

You may recall that the 2024 accessibility standards required that all public entity ICT strictly comply with the "technical standards" that OIT had incorporated, by reference, into the accessibility standards, with very few exceptions. The 2025 amendments soften that standard, requiring compliance only when ICT is in "active use", and amending the definition of that term to exclude "previous versions [of ICT] that may still be available, archived content, archivist materials, working products, deliberative materials, or drafts" from the compliance requirements of Rule 11.5.[iv]

While full adherence to the technical standards of course remains a primary option to achieve compliance under the 2025 standards for ICT in active use, Rule 11.5, as amended, establishes several alternative "compliance options",[v] including but not limited to a path for local governments to demonstrate continued good faith progress towards removing accessibility barriers across its inventory of ICT in active use pursuant to a published accessibility plan conforming to Rule 11.5 criteria.

Entities that are working through their compliance plans should carefully review the compliance options in the amended rules. Local governments are deemed to have complied with their obligations under Rule 11.5 of the 2025 accessibility standards as to an item of ICT in active use if they meet any single compliance option, or a combination of the compliance options, and have posted a technology accessibility statement conforming to Rule 11.6 in a conspicuous place, such as the entity's primary website. Therefore, as part of your organization's compliance efforts, you should carefully review your organization's accessibility statement and accessibility plan to ensure their conformance with the 2025 accessibility standards, as each will help your organization defend against civil actions for alleged violations.

Moreover, Rule 11.7 of the 2025 amendments exempts certain items of ICT,[vi] from adherence to the technical standards. These exempted items include but are not limited to certain social media posts and conventional electronic documents (e.g., PDFs) posted or made publicly available before July 1, 2024, and certain content posted on local government websites and platforms by third parties. But, the exemptions for these items apply only so long as the subject ICT item complies with one of the other compliance options set forth in Rule 11.5, or is exempt from compliance as provided in Rule 11.10 (discussed below).

Lastly, public entities are not required to meet the compliance requirements set forth in Rule 11.5 of the 2025 accessibility standards as to a particular item of ICT, if the public entity concludes,[vii] in accordance with Rule 11.10 criteria, that compliance would result in an undue hardship, undue burden, fundamental alteration, or direct threat, as such terms are defined in the accessibility standards. However, reliance on Rule 11.10 is intended as a last resort, and thus entities should not rely on Rule 11.10 as to any item of ICT, until they have first determined, in consultation with their IT department and legal counsel, an undue hardship, undue burden, fundamental alteration, or direct threat exists as to each of the compliance paths set forth in Rule 11.5.

Given their technical nature, organizations should utilize their IT departments, accessibility coordinators, legal counsel, and other qualified professionals to ensure their ICT complies with the 2025 accessibility standards before the July 1 deadline. As part of these efforts, entities should look at the exemptions and alternative paths for compliance established under the 2025 amendments, as they are intended to provide a reasonable path to compliance without hampering the availability of services and information. Moreover, entities should review their accessibility statements to ensure their compliance with Rule 11.6, and update their accessibility plans in view of the exemptions and alternative paths for compliance established under the 2025 amendments. Your organization's accessibility plan will serve the dual function of helping your organization identify non-complying ICT and defend against alleged violations and civil liability.

If you have questions about this article, contact CIRSA's Associate General Counsel, Nick Cotton-Baez, at nickc@cirsa.org.

Note: This article is intended for general information purposes only and is not intended or to be construed as legal advice on any specific issue. Readers should consult with their entity's own counsel for legal advice on specific issues.

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i. See 8 CCR 1501-11.4 for the definition of "information and communication technology (ICT)".

ii. For a claim for a violation of the technology accessibility standards, the violation must be considered a single incident and not as separate violations if the violation occurred on a single digital product, including a website or an application. C.R.S. § 24-34-802(2)(b). In addition, courts may award the prevailing party attorneys' fees and costs.

iii. The technology accessibility standards adopt separate "technical standards" for (i) digital content, (ii) ICT with closed functionality, and (iii) hardware. See 8 CCR 1501-11.4, definition of "technical standards".

iv. See 8 CCR 1501-11.4 for the definitions of "active use", "archived content", and "archivist materials". The terms "previous versions that may still be available", "working products", "deliberative materials", and "drafts" are not defined in the 2025 accessibility standards.

v. See 8 CCR 1501-11.5 for the full list of "compliance options."

vi. See 8 CCR 1501-11.7 for the full list of ICT that is subject to the exemption.

vii. A written statement of the head of the entity or their designee is required in support of a public entity conclusion that an item of public-facing ICT's compliance with the standards would result a fundamental alteration to the underlying program or an undue burden to the entity. While a written statement is not required to support an undue hardship or direct threat determination, adopting such a practice may help organizations defend against civil actions brought under the Act.

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