TO: House and Senate Committees on Appropriations, % Autumn Crabtree
FROM: Emily Ray, hello@emilyray.com
DATE: February 16, 2026
RE: FY2027 Budget Appropriations & Digital Accessibility Fiscal Oversight (3 V.S.A. § 3306)

Dear Chair Scheu, Chair Perchlik, and Members of the Committees:

Thank you for the opportunity to submit this written testimony in addition to the remarks I will provide on February 19, 2026.

My name is Emily Ray. I am an advocate and the representative payee for a family member who has received disability services in Vermont for decades. I currently reside out of state and do not have the ability to vote in local elections. For stakeholders in my position, public testimony is one of the only meaningful ways to engage with the State on issues that directly affect our families. I appreciate that this committee has made space for that participation.

I would also like to thank Representative Theresa Wood, who has been a consistent ally to our family. Her leadership on conflict-free case management reforms was necessary and overdue, and her guidance remains invaluable as I navigate the structural realities of Vermont's disability services system.

As the State transitions to more centralized governance, it has opportunities to embed durable accessibility and accountability standards from the outset. I recognize that modernizing decades-old systems while maintaining essential services is complex, resource-intensive work. I am writing today to urge approval of the requested funding levels for the Vermont Agency of Human Services (AHS), Department of Disabilities, Aging, and Independent Living (DAIL), and the Agency of Digital Services (ADS).

While my verbal remarks will touch on the lived experience of navigating these systems, this document focuses on the fiscal and legal risks inherent in the current budget cycle

and makes recommendations to encourage proactive safeguards that protect both Vermont's fiscal stability and the civil rights of residents with disabilities.

The Real Cost of Technical Debt

Vermont's current appropriation strategy operates under a "Legacy Paradox." For decades, the State has funded antiquated, non-accessible IT systems[1]. This strategy generates substantial administrative burden, triggers federal funding forfeitures[2], and will soon result in significant compliance exposure under the 2024 ADA Title II Modernization Rule[3].

Inaccessible technology systems create barriers for all Vermonters and expose the State to preventable risk. Outdated digital infrastructure disproportionately impacts people with disabilities. Families are expected to plan for housing, employment supports, healthcare coordination, and long-term care without clear insight into funding availability or mechanisms that directly determine whether those plans are viable. Providers are expected to operate under chronic uncertainty that leads to burnout and workforce leaks[4]. Legislators are asked to appropriate billions without the data and tools to determine whether current or future investments are working as intended.

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[1] Paul Heintz, "Mainframe of Shame: The IT Failure That Crashed Vermont's Unemployment System," Seven Days, April 22, 2020, https://www.sevendaysvt.com/news/the-105-million-it-failure-that-crashed-vermonts-unemployment-system-30248257.

[2] Theo Wells-Spackman, "Obsolete IT Systems Have Cost Vermont Child Services Funding — but No One Knows How Much," *VTDigger*, via *AP News*, February 6, 2026, https://apnews.com/article/phil-scott-vermont-government-budgets-information-technology-general-news-2c515d14009ab96e73507e274583c7ef.

[3] U.S. Department of Justice, "Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments," ADA.gov, last modified April 8, 2024, https://www.ada.gov/resources/2024-03-08-web-rule/.

[4] Cathal Ryan, Michael Bergin, and John SG Wells, "Work-Related Stress and Well-Being of Direct Care Workers in Intellectual Disability Services: A Scoping Review of the Literature," *International Journal of Developmental Disabilities* 67, no. 1 (2021): 1–22, https://doi.org/10.1080/20473869.2019.1582907.

Underfunding digital services only compounds this "technical debt" for tomorrow.

Governor Scott's recommended total appropriation for ADS exceeds $96M[5]. While I urge this committee to approve that recommendation, proactive oversight is necessary to avoid duplicative costs: once to fund One ADS development and again to remediate preventable accessibility barriers after complaint, investigation, or litigation volume increases[6].

By consolidating the State's IT costs into one massive allocation, ADS will gain budgetary autonomy with arguably reduced transparency. The 3895.95% variance in the ADS allocation line[7] appears to be the result of a shift to a Centralized Internal Services Fund (ISF) model intended as an administrative simplification.

Implemented, this move creates three distinct categories of risk for the State of Vermont:

1. The Transparency Gap

By consolidating IT costs into a single mandatory "tax" on departments, the State will decouple payment from performance. Departments like AHS or DAIL will be billed automatically for enterprise services, and if the IT systems provided are non-compliant or data-siloed, the departments lose their primary lever for accountability: the ability to withhold payment for non-compliant deliverables.

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[5] Vermont Office of the Governor, *FY 2027 Budget Summary: Fiscal Year 2027 Governor's Budget Recommendations* (Montpelier, VT, January 20, 2026), https://ljfo.vermont.gov/assets/Uploads/FY2027-Budget-Summary-FINAL.pdf.

[6] National Association of State Chief Information Officers (NASCIO), *The Economic Case for Digital Accessibility: A Guide for State IT Leaders*, August 2025, [page number if applicable],. https://www.nascio.org/wp-content/uploads/2025/08/NASCIO_The-Economic-Case-for-Digital-Accessibility_2025_a11y.pdf

[7] Vermont Office of the Governor, *FY 2027 Budget Summary*, 25.

In the disability space, and for my family personally, these deliverables are exemplified by the lack access to ADA Title II (WCAG 2.1AA) compliant ISBs, ISAs, SIS-As and other service documentation, guardianship forms provided by the judiciary[8], etc.

Attempting to acquire even non-compliant documentation creates advocacy friction, often involving a series of manual emails, calls, or other outreach not just by consumers and their support teams, but by Specialized Services Agencies, Designated Agencies, and State Agencies as well. This isn't simply a transparency or technology issue. Particularly during Vermont's workforce crisis, it also represents a misallocation of human capital[9].

2. Remediation vs Innovation

Under the 2024 ADA Title II Modernization Rule, Vermont faces a hard deadline of April 24, 2026, to ensure all digital content is WCAG 2.1 AA compliant.[10] ADS is acquiring technical debt by delivering systems that are not "born-accessible[11]." Amidst other concerns, this limits AHS and DAIL's ability to provide reliable benefits coordination and service documentation for Vermonters with disabilities.

I recently audited the State's primary digital "front door," Vermont.gov, using the industry-standard AIM (Accessibility IMpact) scale. It scored a 4.1 out of 10, demonstrating several baseline WCAG violations including broken skip links and failing color contrast. (See appendix, fig. 1.) In layman's terms, these errors make

[8] Vermont Judiciary, "Adult Guardianships," accessed February 11, 2026, https://www.vermontjudiciary.org/probate/adult-guardianships.

[9] Van Vranken, Amanda. "An Unbalanced Equation." Vermont Futures Project. December 22, 2022, https://vtfuturesproject.org/an-unbalanced-equation/.

[10] DOJ, "New Rule on the Accessibility of Web Content."

[11] Benetech, "Born Accessible," accessed February 12, 2026, https://bornaccessible.benetech.org/.

it hard for mobility- and cognitively-impaired users to find their way around, and for vision-impaired readers to interact with the content.

Ljfo.vermont.gov scored a 4.4 out of 10 on that same scale. (See appendix, fig 2.) Indeed, a significant number of content points across State agencies, as well as designated agencies delivering disability and other services, are non-compliant.

When the State procures non-compliant systems, it isn't just buying "websites," "portals," "next-gen AI tools," "data security," or other tech-adjacent buzzwords. It is assuming a debt that must be paid back through remediation or litigation.

In software engineering, fixing an accessibility bug after deployment can be 10 times more expensive than fixing it during design[12]. Without embedding accessibility at procurement, and routinely auditing for compliance prior to deployment, ADS risks undermining the effective use of State appropriations by 900% over the system's lifecycle.

One ADS aims to deliver shared frameworks, stabilized costs[13], centralized digital governance, consistency, and equity[14]. However, a 4.1 AIM score on the State's flagship domain suggests accessibility hasn't yet been fully embedded in templates, design systems, release criteria, or vendor acceptance processes. Other

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[12] Maurice Dawson et al., "Integrating Software Assurance into the Software Development Life Cycle (SDLC)," *Journal of Information Systems Technology and Planning* 3, no. 6 (2010): 49–53, https://www.researchgate.net/publication/255965523_Integrating_Software_Assurance_into_the_Software_Development_Life_Cycle_SDLC.

[13] Denise Reilly-Hughes, "Agency of Digital Services SFY27 Budget Request" (presentation, House Appropriations Committee, Montpelier, VT, January 29, 2026), 2, https://ljfo.vermont.gov/assets/Uploads/WDenise-Reilly-HughesADS-FY27-Budget-Presentation1-29-2026.pdf.

[14] Denise Reilly-Hughes, "One ADS Strategic Vision" (presentation, Joint Information Technology Oversight Committee), Montpelier, VT, December 2, 2025), 2–5, https://legislature.vermont.gov/Documents/2026/Workgroups/JITOC/Tech Updates/W~Denise Reilly-Hughes~One ADS Strategic Vision~12-2-2025.pdf.

non-compliant content further indicates agencies are shipping content without sufficient guardrails. (See appendix, fig 3.)

For PWDs and their advocates, accessibility appears to be treated as a casually distributed responsibility instead of a core platform requirement. Errors affecting screen reader users, keyboard users, low-vision, mobility- and cognitively-impaired users directly hinder service access and coordination. They represent a governance gap that can be addressed through clearer IT delivery standards and oversight mechanisms.

3. Forfeiture of Federal "Outcome-Based" Revenue

The federal government (CMS/DOJ) increasingly ties matching funds to a state's ability to provide granular, accessible data[15]. Vermont is currently paying for IT infrastructure that—if built with open data standards and accessibility at the forefront—could qualify for 75-95% federal matching. Instead, the "Legacy Paradox" means limited State revenue is spent on systems that are not fully accessible. This both hinders access for Vermonters with disabilities and reduces potential federal matching funds that could support effective, compliant digital infrastructure.

It has been widely reported that Vermont's existing IT systems cannot universally track the care standards for children or disabled people the State serves[16], or even safeguard the SSNs of its residents[17]. Our family was directly impacted by this

[15] Centers for Medicare & Medicaid Services, "CMS Interoperability and Prior Authorization Final Rule (CMS-0057-F)," *Federal Register* 89, no. 27 (February 8, 2024): 8758–8986, https://www.federalregister.gov/documents/2024/02/08/2024-00895/medicare-and-medicaid-programs-patient-protection-and-affordable-care-act-advancing-interoperability.

[16] Wells-Spackman, "Obsolete IT Systems."

[17] Peter Hirschfeld, "Thousands of Vermonters at Risk after Massive Data Breach at Department of Labor," *Vermont Public*, March 23, 2017, https://www.vermontpublic.org/vpr-news/2017-03-23/thousands-of-vermonters-at-risk-after-massive-data-breach-at-department-of-labor.

data frailty during the Case Management Organization (CMO) assignment process, where system incapacity and manual error were repeatedly cited as barriers to basic service coordination.

When State systems predate the internet, Vermont risks losing millions in federal funding while taxpayers shoulder the full cost of digital infrastructure that is susceptible to data breaches, legally vulnerable, and inaccessible to those it serves.

My family member is served by DAIL, where these issues are acutely relevant. However, they represent a systemic risk to the entire Agency of Human Services. With AHS managing billions in federal revenue, the technical debt accumulation in Vermont's digital infrastructure threatens the State's primary revenue stream and its most vital workforce.

I urge this committee to approve the requested appropriations for AHS, DAIL, and ADS, but to do so with defined performance benchmarks.

To support successful implementation on One ADS, I respectfully suggest the committee consider the following mechanisms:

1. **Digital Accessibility Fiscal Gate:** The JFC has well-established authority to gate technology funds, demonstrated by its oversight of the Unemployment Insurance Modernization project (Act 185, 2022) and the Enterprise Resource Planning (ERP) Finance Module (Nov 2024).[18] As established in 3 V.S.A. § 3306(e), expenditures from the Technology Modernization Special Fund require explicit project authorization by the General Assembly[19], providing the necessary

[18] Joint Information Technology Oversight Committee (JITOC), "Specific Oversight Authority and Action Required," August 25, 2025, https://legislature.vermont.gov/Documents/2026/Workgroups/JITOC/Legislative Counsel/W~Rik Sehgal~Review of Committee Action Items~8-26-2025.pdf.

[19] 3 V.S.A. § 3306, https://legislature.vermont.gov/statutes/section/03/056/03306.

legal mechanism for the JFC to implement an 'Accessibility Gate', a natural extension of existing protocols that will ensure no technical modernization funds are disbursed to projects that cannot demonstrate born-accessible design and execution.

2. **Transparency Requirements for the ISF:** Require ADS to provide a quarterly report to JFC detailing how the centralized "IT Tax" is being used to specifically reduce the administrative burden for Vermonters with disabilities through the deployment of accessible, self-service data portals.

3. **Federal Matching Audit:** Direct a "Data Capacity Audit" to quantify the exact dollar amount of federal matching funds Vermont is currently forfeiting due to antiquated data systems. By identifying these lost revenues, the State can strategically reinvest recovered funds into a Digital Accessibility Compliance Fund for community-based agencies, ensuring that the burden of modernization does not fall on frontline providers.

4. **Accessibility Clawbacks:** Mandate that all new IT contracts administered by ADS include a "Compliance Holdback" of 20%, where final payment is contingent on a third-party audit confirming ADA Title II (WCAG 2.1 AA) compliance.

5. **Establish a Digital Accessibility Compliance Fund:** Establish a dedicated Accessibility Grant Fund for Vermont's Designated and Specialized Services Agencies to ensure they have the training and resources required for technical remediation and future-proofing their own content. This fund should serve as a strategic reinvestment of recovered federal matching funds to ensure that frontline service providers operating on legacy systems can achieve ADA Title II compliance. Providing this support prevents a "compliance cliff" where the State's most vulnerable residents lose digital access to essential community mental health and disability services.

This moment presents an important opportunity. By funding these critical digital accessibility improvement efforts, Vermont can modernize its systems, uphold the civil rights of residents with disabilities, and strengthen the agencies my family relies on, turning this budget cycle into an investment in efficiency, equity, and lasting impact.

Thank you.

Appendix

Figure 1: Automated Accessibility Audit of Vermont.gov (WAVE tool)

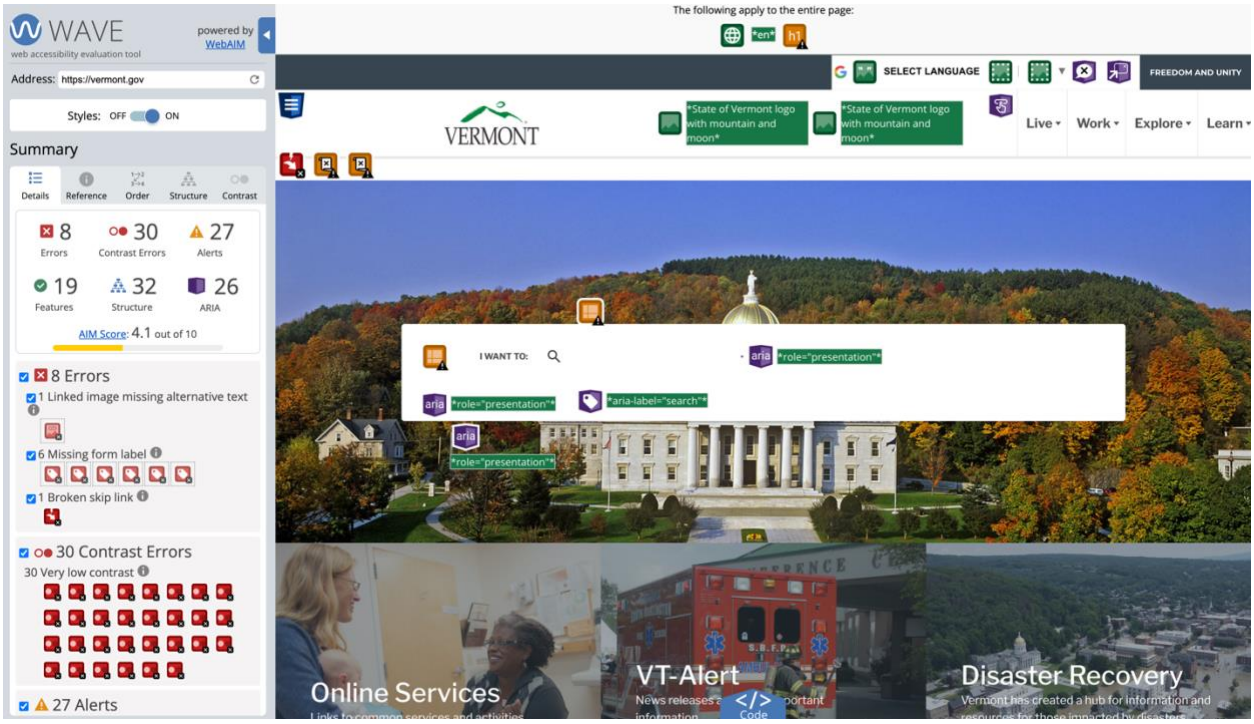

Image description: This screenshot displays an automated accessibility audit of the State's primary portal, Vermont.gov, conducted via the WAVE (Web Accessibility Evaluation Tool.) The results show a failing AIM (Accessibility Impact) score of 4.1, with significant 'Red' critical errors and 'Yellow' alerts.

These results demonstrate that the State of Vermont's 'front door' fails to meet the WCAG 2.1 AA standards mandated by 3 V.S.A. § 3306. This lack of compliance not only violates state law but also places the State at significant legal risk under the ADA Title II federal requirements for state and local governments.

Figure 2: Automated Accessibility Audit of Jfo.vermont.gov (WAVE tool)

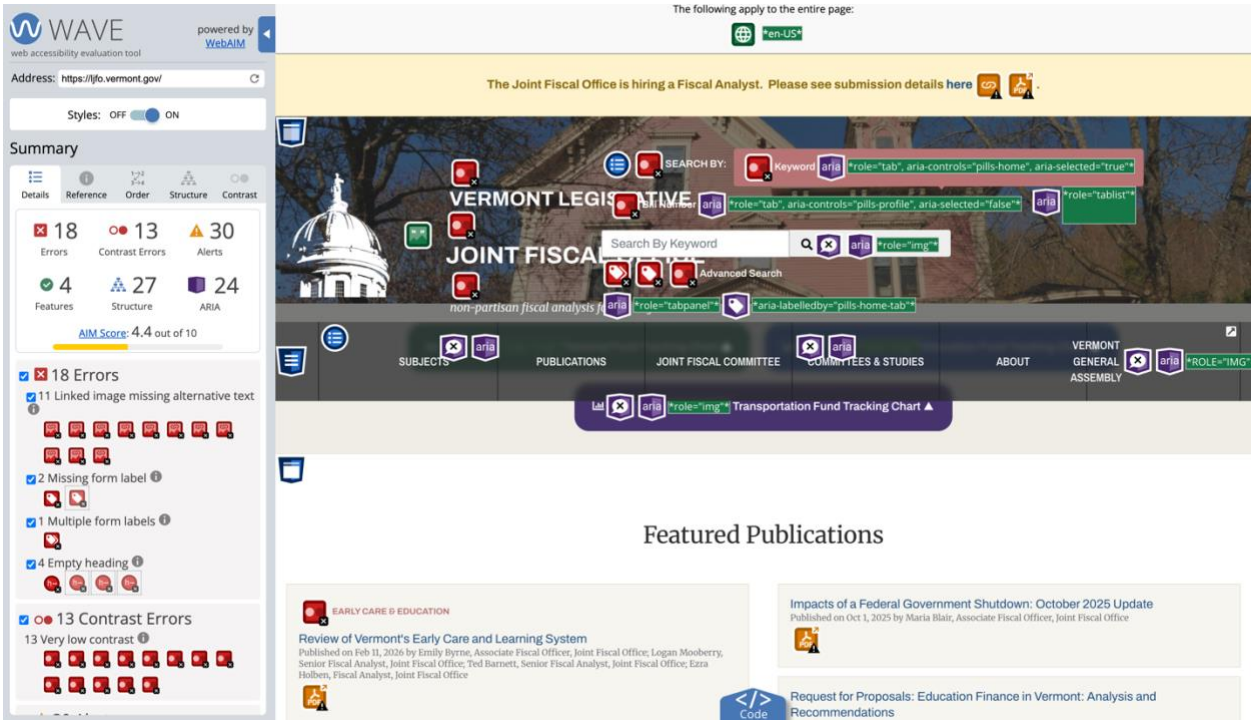

Image description: This screenshot displays an automated accessibility audit result for Vermont's Joint Fiscal Office (JFO) website conducted via WAVE. Despite the JFO's critical role in providing non-partisan financial analysis to this Committee and Vermonters alike, the audit reveals a failing AIM score of 4.4 due to multiple structural and visual accessibility barriers.

These results demonstrate why 3 V.S.A. § 3306 must be enforced through budget 'gates.' When the primary source of fiscal data for the Legislature is not WCAG 2.1 AA compliant, it effectively disenfranchises Vermonters with disabilities from participating in the democratic budget process and monitoring the State's financial health.

Figure 3: Automated Accessibility Audit of Downstream Service Provider (Designated Agency)

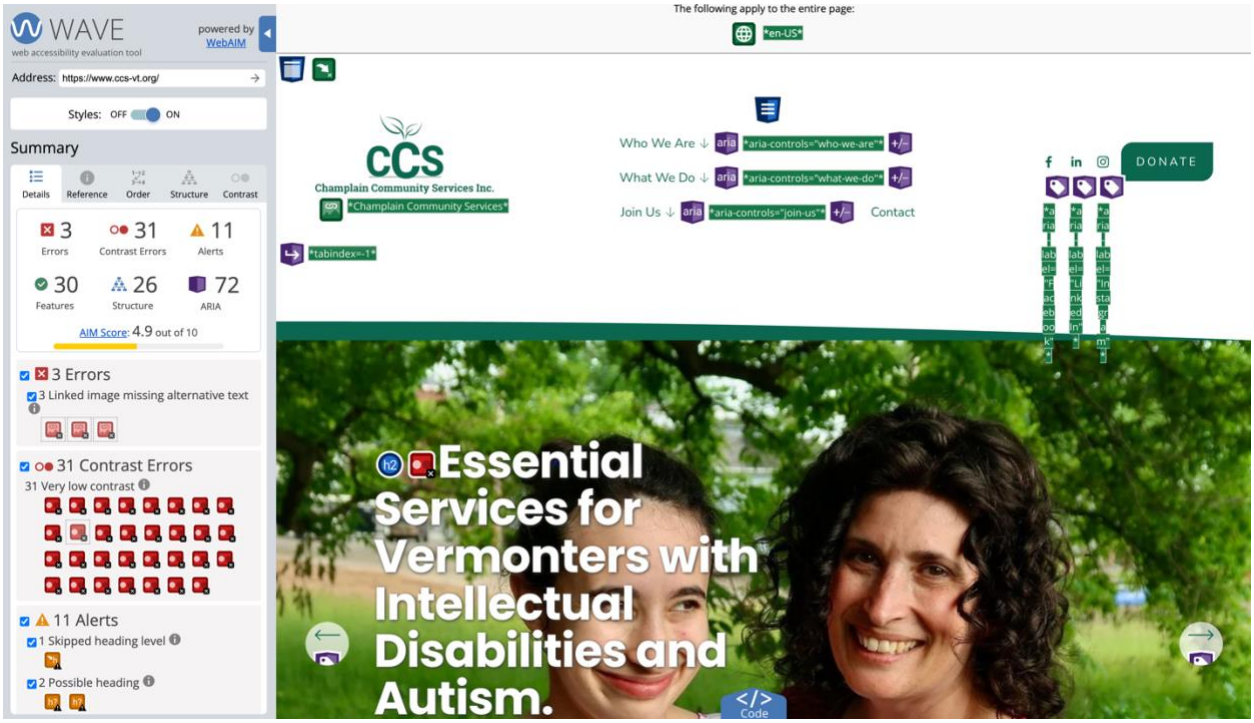

Image description: This screenshot displays an automated accessibility audit for a Designated Agency for Vermonters with disabilities conducted via WAVE. It shows an AIM score of 4.9, including critical errors impacting low-vision users.

Under 3 V.S.A. § 3306 and ADA Title II, the State's responsibility for accessibility and obligation to meet the WCAG 2.1 AA standards does not end at the Capitol. It also extends to digital interfaces where constituents receive care.