Recommendations for Policymakers and Public Administrators to Advance Responsible AI Governance Practices and Disability Rights

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As part of our work to provide recommendations to various stakeholders on how to create an AI ecosystem that is more inclusive for people with disabilities,[1] the Center for Democracy & Technology (CDT) recognizes the unique role of policymakers and public administrators, particularly those who make decisions about how public agencies develop, procure, and use AI or algorithmic systems.

These internal decision-makers have the ability to enact policies that address opportunities for and risks to disabled people, and to implement practices within governmental offices and agencies that balance these priorities.

The following recommendations are directed toward individuals who work at the local, state, and federal levels and will help them establish more accessible and equitable uses of AI and AI-enabled tools within their respective governments and agencies. These priority steps address potential and existing civil rights concerns, accessibility barriers, and risks of AI for disabled people, while supporting the responsible and inclusive advancement of AI that improves services for disabled people.

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1   This brief was produced alongside a longer report, co-authored with the American Association of People with Disabilities (AAPD) with recommendations aimed at disability community members, agencies, and private AI practitioners. That report is entitled "Building a Disability-Inclusive AI Ecosystem — A Cross-Disability, Cross-Systems Analysis of Best Practices" and is available here: https://cdt.org/insights/building-a-disability-inclusive-ai-ecosystem-a-cross-disability-cross-systems-analysis-of-best-practices/

Conduct a government-wide needs assessment to identify common barriers, challenges, and opportunities related to issues that impact the disability community and identify best practices for AI development, procurement, and related efforts.

Federal, state, and local government leaders should coordinate within and between public agencies to share best practices and evaluate common needs related to AI and disability communities.[2] Policymakers and public administrators who have influence over the use of AI within their agencies or organizations should center people with disabilities when identifying shared successes and challenges in AI governance. Such a needs assessment should include an evaluation of the accessibility of AI tools that are integrated into internal governmental activities, services, and technologies; internal capacity to conduct demographic testing and impact assessments as they relate to people with disabilities; and any workforce or training needs related to disability inclusion. By focusing on these needs, policymakers and public administrators can direct resources and collaboration to effectively address the most pressing AI governance needs to ensure that AI does not have a disproportionately negative impact on disabled people.[3]

Prioritize resources and support to aid agencies in identifying high risk use cases, including those that impact disability rights and disability justice.

Identifying whether or not a use case is high risk, including use cases that have a significant impact on individuals' privacy, safety, or legal rights, is one of the most important factors in ensuring that AI is equitable for people with disabilities. These determinations serve as the primary basis upon which public agencies assess the level of risk management practices needed for a given use case: an incorrect or incomplete determination could lead to a lack of appropriate safeguards.[4]

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2   Many state governments are already adopting this approach through legislation that requires task forces or commissions to study the current gaps, challenges, and opportunities around the use of AI within state government. *See* Quinn Anex-Ries, *Regulating Public Sector AI: Emerging Trends in State Legislation*, Center for Democracy & Technology (January 10, 2025) https://cdt.org/insights/regulating-public-sector-ai-emerging-trends-in-state-legislation/ [https://perma.cc/KX8M-EK44].

3   *See generally*, Henry Claypool et. al., *Centering Disability In Technology Policy*, Center for Democracy & Technology & American Association of People with Disabilities (Dec. 13, 2021), https://cdt.org/insights/cdt-and-aapd-report-centering-disability-in-technology-policy-issue-landscape-and-potential-opportunities-for-action/ [https://perma.cc/6W8K-GQYT].

4   For example, a number of proposed and enacted public sector state AI bills, such as Maryland's Artificial Intelligence Governance Act of 2024, use a "high risk" designation to determine which AI systems are required to undergo an impact assessment before deployment. *See* Quinn Anex-Ries, *supra* at footnote 2.

Of course, it can be challenging for agencies to assess the rights- or safety-related impacts of complex systems, particularly for people with disabilities. Given the diverse range of disabilities and needs within the disability community, there are unique nuances that agencies need to consider when evaluating the rights and safety impacts of these systems for this particular population. For example, an AI tool that relies on audio processing may present some risks for people with speech differences and others for people who are D/deaf or hard of hearing, each requiring their own assessment and mitigation strategies. This highlights the need for agencies to conduct thorough evaluations of AI tools considering a range of user profiles, aided by people with lived experience and relevant subject matter expertise.

Policymakers and public administrators should dedicate specific attention and resources to aid agencies in these determinations, including by creating a system for sharing determinations and relevant learnings between federal, state, and local agencies. These resources should include specific materials to support agencies in conducting qualitative analyses of AI systems' impacts on people with disabilities, including guidance about how to consult and incorporate feedback from disability experts.

Include evaluations of accessibility and disability discrimination in efforts to address equity, fairness, bias, or discrimination.

Local, state, and federal agencies should dedicate specific attention and resources to enhance their capacity to evaluate and test for discrimination on the basis of disability and incorporate these measures into their ongoing work to implement risk management practices for high risk use cases.[5] To the extent possible, this work should be supported through the exchange of technical resources that allow for the implementation of risk mitigation practices that directly address risks for people with disabilities. For instance, algorithmic discrimination testing should include measures to identify and assess a system's impact on people with disabilities.[6] Agencies should also attempt to address any unlawful bias or discrimination that arises from the procurement of AI; in doing so, agencies should implement contractual requirements to ensure that such systems comply with existing disability rights laws such as the Americans with Disabilities Act.

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5   Many proposed and enacted state bills require state agencies to conduct impact assessments to identify and mitigate potential harms before deploying a system. *See* Quinn Anex-Ries, *supra* at footnote 2.

6   Demographic measurement is one particularly important aspect of algorithmic discrimination testing, and government agencies should take steps to ensure that such measurement includes disability-related data. *See* Miranda Bogen, *Navigating Demographic Measurement for Fairness and Equity*, Center for Democracy & Technology (May 16, 2024) https://cdt.org/insights/report-navigating-demographic-measurement-for-fairness-and-equity/ [https://perma.cc/UH3V-2SE3]; *see also* Ariana Aboulafia et. al., *To Reduce Disability Bias in Technology, Start with Disability Data*, Center for Democracy & Technology (July 25, 2024) https://cdt.org/insights/report-to-reduce-disability-bias-in-technology-start-with-disability-data/ [https://perma.cc/2RA6-WHG7].

Internal decision-makers have the ability to enact policies that address opportunities for and risks to disabled people, and to implement practices within governmental offices and agencies that balance these priorities.

Ensure that senior officials for accessibility and/or disability rights are involved with agency efforts to procure, implement, and govern AI use, including mitigating risks.

Many federal, state, and local agencies have incorporated senior civil rights and privacy officers into their AI governance process.[7] It is important that these agencies also ensure that senior personnel specifically responsible for accessibility and disability rights are also involved. Directly involving and empowering these officials will help agencies surface and address disability rights concerns early in the process of AI planning, acquisition, development, and use.

Ensure that agency officials directly engage with the disability rights and justice communities throughout the planning, acquisition, development, and use of any AI system.

Local, state, and federal agencies should consult with impacted communities and the public during the design, development, and use of any high risk AI system.[8] Such consultation should include direct engagement with the disability rights and justice communities — including academic experts, disabled activists, directly impacted community members, and disability rights and justice organizations — to help agencies proactively identify whether and how a use case may impact people with disabilities and to inform the adoption of potential mitigation measures.

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7   *See* e.g., Quinn Anex-Ries, *Analysis of Federal Agencies' Plans to Comply with Recent AI Risk Management Guidance: Inconsistencies with AI Governance May Leave Harms Unaddressed*, Center for Democracy & Technology (Dec. 9, 2024) https://cdt.org/insights/analysis-of-federal-agencies-plans-to-comply-with-recent-ai-risk-management-guidance-inconsistencies-with-ai-governance-may-leave-harms-unaddressed/ [https://perma.cc/5HZL-7HXE].

8   *See* e.g., Eliza McCullough & Sarah Villenueve, *Participatory & Inclusive Demographic Data Guidelines*, Partnership on AI https://partnershiponai.org/wp-content/uploads/2025/01/demographic-data-guidelines-PAI.pdf [https://perma.cc/24P6-VUH6].

Collaborate on and share best practices to ensure that agency use case inventories are accessible, specifically address how they considered the impact of AI use on people with disabilities, and describe the steps that have been taken to mitigate potential harms.

Public documentation and disclosure of AI systems deployed by government agencies through use case inventories is an increasingly common practice among federal, state, and local governments.[9] As an important aspect of transparency related to the government's use of AI, these inventories should be created through uniform standards that make agency inventories easily navigable, sufficiently detailed, uniform, written in plain language, and accessible to all stakeholders including people with disabilities. These standards should also include guidance about how federal, state, and local agencies publicly report the measures used to identify and mitigate any discriminatory harms related to protected characteristics, including disabilities.

Create and share common, ready-to-use resources to assist agency staff in the implementation of AI governance policies that benefit people with disabilities.

Some local, state, and federal agencies may already have established testbeds and evaluation procedures for assessing AI systems, but many agencies are only at the beginning of building out their capacity and resources to implement risk management practices such as impact assessments and real-world testing. Additional ready-to-use resources that address issues related to accessibility and disability rights can play an important part in supporting agencies in this process. Policymakers and public administrators should collaboratively develop shared template resources, which could include sample contract language, sample impact assessments, accessibility guides for AI systems, and other actionable tools.[10]

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9   Mandating AI inventories among state agencies was a common area of focus among state legislators during the 2024 state legislative session. *See* Quinn Anex-Ries, *supra* at footnote 2. For examples of current public sector AI inventories, *see: 2024 Federal Agency AI Use Case Inventory* at https://github.com/ombegov/2024-Federal-AI-Use-Case-Inventory [https://perma.cc/4WN8-W9NX]; *see also 2024 State of Connecticut Artificial Intelligence Inventory* at https://portal.ct.gov/das/-/media/das/communications/communications-list-docs/special-reports/ai-inventory-report---2024.pdf?rev=a021d88c48f94450a42a68516dab8590 [https://perma.cc/R7EC-76BP]; *also see 2024 Vermont Agency of Digital Services Annual Report* at https://legislature.vermont.gov/assets/Legislative-Reports/ADS-2024-Annual-Report.pdf [https://perma.cc/X8XB-GW7F]; *and see New York City CY 2023 Summary of Agency Compliance Reporting of Algorithmic Tools* at https://www.nyc.gov/assets/oti/downloads/pdf/reports/2023-algorithmic-tools-reporting-updated.pdf [https://perma.cc/7E7F-49WR].

10   Organizations like the GovAI Coalition – a group of local, state, and federal agencies – are already working to create such resources by publishing template policy documents and guides, *see e.g.,* at https://www.sanjoseca.gov/your-government/departments-offices/information-technology/ai-reviews-algorithm-register/govai-coalition [https://perma.cc/5GJR-ZPQQ].

Find more from the joint CDT-AAPD report, *Building A Disability-Inclusive AI Ecosystem*, at [cdt.org](cdt.org).

The Center for Democracy & Technology (CDT) is the leading nonpartisan, nonprofit organization fighting to advance civil rights and civil liberties in the digital age. We shape technology policy, governance, and design with a focus on equity and democratic values. Established in 1994, CDT has been a trusted advocate for digital rights since the earliest days of the internet.