

IT POLICY LETTER

SUBJECT: INFORMATION TECHNOLOGY ACCESSIBILITY Emphasis: Addition of a Resource Guide and FSR and SPR changes to address Information Technology accessibility for individuals with disabilities	NUMBER: ITPL 10-10
	DATE ISSUED: JULY 26, 2010
REFERENCES: Government Code Sections 11135 and 11545 State Administrative Manual Sections 4819.2 and 4833 Information Technology Policy Letters 09-01 and 10-05 Statewide Information Management Manual Sections 20, 25, 30	EXPIRES: Until Rescinded
	ISSUING AGENCY: OFFICE OF THE STATE CHIEF INFORMATION OFFICER

Note: Agency Chief Information Officers (Agency CIO) and Department Chief Information Officers (CIO) are requested to forward a copy of this Information Technology Policy Letter (ITPL) to their respective Project Management Office(s) and Information Technology (IT) Project Managers.

DISTRIBUTION

Agency Secretaries
Department Directors
Agency Chief Information Officers
Department Chief Information Officers

PURPOSE

To address improvements in IT and assistive technologies that have occurred over time, the purpose of this ITPL is to:

- Announce updates to the State Administrative Manual (SAM) regarding IT accessibility.
- Remind all state agencies¹ of the IT accessibility requirements for individuals with disabilities, including reviewing and updating Web pages, as needed.
- Announce the addition of an IT Accessibility Resource Guide to the Statewide Information Management Manual (SIMM).
- Announce changes to the Feasibility Study Report (FSR), Special Project Report (SPR), and IT project procurement documents to include additional detail concerning accessibility for proposed IT projects.

BACKGROUND

Within the authority of [Government Code \(GC\) Section 11545](#), the OCIO has responsibility and authority for the establishment and enforcement of state information technology policy in California State Government, which includes establishing and enforcing state IT policies regarding accessibility of IT to state employees and the public.

[GC § 11135](#) directs that: “state governmental entities, in developing,

¹ When capitalized, the term “Agency” refers to one of the state’s super Agencies such as the State and Consumer Services Agency or the Health and Human Services Agency. When used in lower case, the term “agency” refers to any office department, board, bureau, commission or other organizational entity within state government. Within this ITPL, “agency” and “department” are used interchangeably.

procuring, maintaining, or using electronic or information technology, either indirectly or through the use of state funds by other entities, shall comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 (Section 508), as amended ([29 U.S.C. Sec. 794d](#)), and regulations implementing that act as set forth in [Part 1194 of Title 36 of the Code of Federal Regulations](#).” The State Administrative Manual (SAM) Section 4833 is the IT policy in support of the federal and state laws and regulations on accessibility in state government IT.

In requiring compliance with Section 508, GC § 11135 mandates that Electronic and Information Technology² (EIT) be accessible to individuals with disabilities. In addition, GC § 11135 applies the same requirements to state agencies and employees that Section 508 applies to federal agencies or employees. Section 508 states, in part:

“Section 508 requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.”

Finally, under existing state law and policy, state agencies and contractors working on their behalf are responsible for ensuring that their agency public Web sites are accessible to the general public, and that their internal agency information technology systems are accessible by state employees with disabilities.

POLICY

Agencies shall ensure compliance with laws, regulations, and policies regarding accessibility to digital content and to IT applications for state employees and the public in accordance Section 4833 of the SAM. All Web delivered content must remain in compliance with the [California Web Accessibility Standards](#). An advance copy of the updates to SAM Section 4833 is included in this ITPL as Attachment A.

In addition, the agency CIO, or designee, is the lead for the agency’s IT accessibility and will perform the following activities:

1. Review internal structures to ensure existing Web sites and digital content are accessible by the public and state staff, which includes:
 - a. Evaluating and determining accessibility of the agency Web sites (including Mobile Web elements such as smart phones) by persons with disabilities and compliance with Section 508 requirements; remediating those elements identified as not being accessible.
 - b. Reviewing and updating, as appropriate, procedures on all agency Web site home pages and internal IT systems to clearly describe how to report problems with

² For the purposes of this policy, “EIT” is limited to IT that is within the scope of authority of the OCIO.

accessibility utilizing “Contact Us” and/or “Accessibility” links; assigning problem resolution to the appropriate technical resource responsible for correcting the problem (e.g., Webmaster or Accessibility Group); and/or providing an alternative source for the information sought.

2. Involve all appropriate divisions within the organization to ensure appropriate accessibility elements are incorporated into all stages of the project. These divisions can include program areas, IT, procurement, business services, administration, and human resources.
3. Update guidelines and templates to ensure that requirements and issues regarding accessibility to Web sites, digital content, and IT applications are addressed at the earliest phases of the IT project development life cycle. Requirements and issues should include, but are not limited to:
 - a. Developing multimedia content with captions or audio narration.
 - b. Including sufficient explanatory material when developing portable file documents (PDFs), graphics, scanned printed pages, and scanned images to allow search/read capability by screen readers.
4. Describe in FSRs and SPRs how accessibility requirements in GC § 11135 and Section 508 will be met. Section 20 (FSRs) and Section 30 (SPRs) of the SIMM have been updated to include the following:
 - a. A new section within the FSR/SPR narrative to describe how accessibility requirements will be met.
 - b. Revisions to the Executive Approval Transmittal to include certification or qualified exemption(s) to GC § 11135 and Section 508 by the signatories.
5. Include, where applicable, requirements for addressing accessibility in procurements for IT projects, desktops, and Mobile Web.

These changes are effective immediately. The IT Accessibility Resource Guide, which provides information and links to IT accessibility resources to assist with the implementation of these procedures, has been added as Section 25 to the SIMM.

FSRs and SPRs that have been completed, and are in the signature process for submittal to OCIO, will be accepted. In those instances the OCIO Program Management Office (PMO) Managers and Principals will collect accessibility information separately. However, FSRs and SPRs submitted beginning January 2011 must be in the new format and include the completed certifications.

IT systems created or procured by state agencies or their contractors must comply with the accessibility standards of Section 508. To address systems in place or projects underway, state agencies should review the accessibility, identify areas to improve, and incorporate plans for addressing the improvements into their Agency Information Management Strategy (AIMS). In addition, as agencies continue to

4819.2 DEFINITIONS

(Revised xx/10)

Electronic and Information Technology (EIT or E&IT): Includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines.

For the complete definition of EIT, a description of what it does not include (such as equipment that contains embedded information technology used as an integral part of the product), and for other terms, see [§ 1194.4 Definitions](#) in Section 508 Standards.

Electronic technologies that do not qualify as “IT” by the OCIO are identified in [SAM](#) Section 4819.32, Exclusions.

Mobile Web: Mobile Web refers to browser-based access to the Internet or Web applications using a mobile device, such as a smart phone, connected to a wireless network.

4833 INFORMATION TECHNOLOGY ACCESSIBILITY POLICY

(Revised xx/10)

It is the policy of the State of California that information and services within California State Government, and provided via electronic and information technology, be accessible to people with disabilities.

State agencies must comply with federal and state laws forbidding discrimination against persons with disabilities, including accessibility of their electronic and information technology. Under existing federal and state laws and policies, state agencies, as well as any contractors working for them, are responsible for ensuring that their agency public Web sites are accessible to both the general public and that their internal agency electronic and information technology systems are accessible by state employees, including persons with disabilities.

[California Government Code section 11135](#) directs that: “state governmental entities, in developing, procuring, maintaining, or using electronic or information technology, either indirectly or through the use of state funds by other entities, shall comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended ([29 U.S.C. Sec. 794d](#)), and regulations implementing that act as set forth in [Part 1194 of Title 36 of the Code of Federal Regulations](#).”

Government Code section 11135, in requiring compliance with Section 508, mandates that electronic and information technology (EIT) are accessible to individuals with disabilities, specifically:

- State agencies must develop, procure, maintain, or use electronic and information technology, that employees with disabilities have access to and use of information and data that is comparable to the access and use by employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

- Individuals with disabilities, who are members of the public seeking information or services from a state agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

4833.1 Exceptions to Accessibility

The following are exceptions which are allowed for compliance with this policy:

1. A state IT project that is for a “national security system” (FAR 39.204(b) and 36 CFR 1194.3(a)).
2. Acquisition of IT for a state project that is “acquired by a contractor incidental to a contract” (FAR 39.204(c) and 36 CFR 1194.3(b)).
3. A state IT project that is “located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment (FAR 39.204(d) and 36 CFR 1194.3(f))” in what is called the “back-office” exception.
4. Compliance with this policy would present an “undue burden.” Undue burden is defined as “a significant difficulty or expense,” considering all agency resources available to the program or component for which the product is being procured.
5. No commercial solution is available to meet the requirements for the IT project that provides for accessibility.
6. No solution is available to meet the requirements for the IT project that does not require a fundamental alteration in the nature of the product or its components.

See SIMM Section 25, IT Accessibility Resource Guide, for additional information.

SIMM Sections 20 and 30 Changes

Description	FSR	SPR
1. Updated references from the Department of Finance to the OCIO throughout the documents.	1. SIMM 20, Preparation Instructions SIMM 20B, Project Summary Package	1. SIMM 30, Preparation Instructions SIMM 30B, Project Summary Package
2. Updated the narrative regarding the use of the California Project Management Methodology to be consistent with ITPLs 09-01 and 10-05.	2. SIMM 20, Preparation Instructions, Introduction, New Information Technology Investments #16, Section 6.4, 6.6, 7.0 and 7.1	2. SIMM 30, Preparation Instructions, Introduction, Approved Efforts Still under Development, #13. Section 4.2, 4.4, 4.6, 5.0, 5.1.
3. Added narrative regarding Accessibility Certification for Executive Project Approval Transmittals, and the approach for addressing accessibility requirements. Also added Agency CIO signature line. Added new document: <i>IT Accessibility Certification For Delegated IT Projects.</i>	3. SIMM 20, Preparation Instructions, Sections 1.1 and 5.1. SIMM 20A, Executive Approval Transmittal SIMM 25A, <i>IT Accessibility Certification For Delegated IT Projects</i>	3. SIMM 30, Preparation Instructions, Sections 1.1 and 3.4. SIMM 30A, Executive Approval Transmittal SIMM 25A, <i>IT Accessibility Certification For Delegated IT Projects</i>
4. Deleted narrative regarding "Sources of Funding" consistent with a separate ITPL that adds funding source information to the Economic Analysis Worksheets, SIMM Section 20C Instructions and Templates.	4. SIMM 20, Preparation Instructions, Section 2.4. SIMM 20B, Project Summary Package, Section D, Items 5 through 12.	4. SIMM 30, Preparation Instructions, Section 2.4. SIMM 30B, Project Summary Package, Section D, Items 5 through 12.