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**State of California**  
**Department of Technology**  
**Information Technology Accessibility**  
**Resource Guide**

**Statewide Information Management Manual – Section 25A**

**April 2023**

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## REVISION HISTORY

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<b>Initial Release</b>	<b>July 2016</b>	<b>Policy/Statewide Strategic Planning</b>	
<b>Revision</b>	<b>October 2017</b>	<b>Policy/Statewide Strategic Planning</b>	Revised Government Code section references from 11135 to 7405.
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## INTRODUCTION TO INFORMATION TECHNOLOGY ACCESSIBILITY RESOURCES

### Overview

Under existing federal and state laws and policies, Agencies/state entities, as well as any contractors working for them, are responsible for ensuring that their Agency/state entity's public websites are accessible to the general public and that their internal electronic and information technology systems are accessible by state employees, including persons with disabilities (State Administrative Manual ([SAM](#)) 4833). The [California Government Code Section 7405](#) 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."

As government continues to provide more services and information to citizens by expanding access to online services, each Agency/state entity has the responsibility to comply with federal and state laws forbidding discrimination against persons with disabilities. Meeting the goals of accessibility include making assistive tools available to employees who require them to perform their jobs, ensuring accessibility is built into an IT project during its earliest planning and requirements stages, and overall awareness of accessibility in developing or retrofitting electronic and information technology. All these steps lead to increased productivity, rework and costs are reduced, and critical information, such as public health and safety, employment, or tax law is available to all who need it.

The California Department of Technology, within the Government Operations Agency, together with the Health and Human Services Agency and the Department of Rehabilitation, has created this resource guide to assist Agencies/state entities in meeting requirements for accessible web, information technology (IT) projects, and digital content creation. This guideline aligns with Web Content Accessibility Guideline ([WCAG](#)) 2.1 Level AA Standards in addition to the requirements of Section 508 ([29 U.S.C. 794d](#)).

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## IT ACCESSIBILITY RESOURCE GUIDE

This resource guide is intended to provide an overview of digital accessibility, drawing from and identifying the extensive information already available. Federal and state governments, as well as the higher education communities, have been working to improve the accessibility of electronic and information technology for persons with disabilities for decades.

The resource guide references excerpted quotes applicable to the topics discussed, along with links to the source materials for further reference. In many cases, additional links to specific language on accessibility requirements or policies are also included for individuals interested in pursuing the topics further.

### 1.0 Accessible IT Goals, Initiatives, and Benefits

The main goal is to address the needs of all individuals. With advancements in technology, more information and services are being provided through state government websites and electronic systems. Consequently, Agencies/state entities have the responsibility for ensuring that “online” information and services are available in formats that are accessible to all the constituents served.

#### Include Everyone

A major goal in state public websites, state intranets and internal electronic systems is to include all potential users. Integrating accessibility into the design, development, testing and maintenance of websites and electronic and information technology (EIT) increases the ability of all citizens to use them.

- “Accessibility is about designing your website so that *more people* can use it *effectively in more situations.*” “Accessibility in User-Centered Design: Background,” [Just Ask: Integrating Accessibility Throughout Design](#)

#### Improve the ability of 6 to 9 million Californians with disabilities to access state digital information and services.

Implementing accessible IT means improving the ability of Californians to access state online information and services, including individuals dealing with one or more disabilities such as:

- Blindness
- Visual impairment
- Color blindness
- Hearing problems
- Manual dexterity limitations
- Speech difficulties

- Developmental disabilities
- Seizure disorders

Individuals with disabilities use the state web and online resources for the same purposes as people without disabilities: to find jobs, file taxes, renew a motor vehicle license, find, and compare schools, get a fishing license, or take a tour of state parks. These resources expand their world, increasing their opportunities for education, careers and employment, better health care, independent living, and personal fulfillment.

## **California's Commitment to Accessibility**

As a technological leader, California continues efforts to ensure all our citizens can fully participate in the electronic offerings of their government.

State government is responsible for providing all citizens and employees, including those with disabilities, the right to access California information resources and online services important for their personal well-being, commerce, recreation, and independence. The state's web presence must be designed in a manner that is accessible to all citizens, and compatible with commonly used assistive technologies.

Technology provides the government with the ability to reach its citizens through digital means. Citizens and the businesses that serve them can access government services with the help of assistive technologies. These principles apply to both public facing and internal applications, as all state employees require effective access to the same information and services available to their fellow employees.

[Web Standards](#) is an online resource for California Agency/state entity webmasters that helps support the efforts of implementing standards, functionality and look and feel into state websites. Specifically, Webtools provides necessary tools, resources, and implementation guidelines for webmasters to implement state standards for usability, accessibility, and separation of presentation.

## **2.0 Digital Accessibility Law**

Federal and state laws have been established to ensure that electronic and information technology (EIT) systems are accessible to persons with disabilities. This section focuses on the various aspects of the federal and state laws, the regulations and standards developed to enforce them, and the permitted exceptions.

The following are federal and state websites/resources where the full text of the relevant laws and regulations are located. Key excerpts are provided for a 'quick read' and to assist in locating the reader's areas of interest:

- **Federal**



- [Americans with Disabilities Act](#)
  - [Rehabilitation Act of 1973, as amended.](#)
    - Section 504 Nondiscrimination Under Federal Grants and Programs
    - Section 508 Electronic and Information Technology Accessibility Guidelines
  - For information on other federal laws:
    - [A Guide to Disability Rights Laws](#) (U.S. Department of Justice)
- **California**
    - [Fair Employment and Housing Act](#) (Government Code sections 12900-12951 & 12927-12928 & 12955 - 12956.1 & 12960-12976)
    - [Disabled Persons Act](#) (Civil Code section 54.1)
    - For information on other federal and California laws:
      - [Disability Laws and Regulations](#) – Federal and State (California Department of Rehabilitation)

In addition, Agencies/state entities are also charged with providing equal employment opportunity to persons with disabilities ([Government Code sections 19230-19237](#) and [Executive Order S-6-04](#)). Accessible information technology is an important aspect in Agencies/state entities enabling and supporting these laws and policies.

## 2.1 Implications of Federal and State Law

The assemblage of federal and state laws, policies, and regulations, as well as court decisions, provides a simple key message:

**All Agencies/state entities are required to have their electronic and information technology accessible.**

[California Government Code section 7405](#) includes the requirement 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 Federal Code of Regulations.”

- [Section 508](#) (29 U.S.C. Sec. 794d): Electronic and Information Technology
- [Section 508 Standards](#): Part 1194 of Title 36 Federal Code of Regulations

The following sections provide key points and information from the laws and regulations, with links provided to enable access to the full context for each:

## 2.2 Government Code Section 7405 Basics

- What is [Government Code Section 7405](#)?
  - State law that provides protection from discrimination from any program or activity that is conducted, funded directly by, or receives any financial assistance from the State of California.
  - Directs that Agencies/state entities follow Section 508 of the federal Rehabilitation Act requiring accessibility of electronic and information technology.
- **Key Points:**
  - **Why:** “The Legislature finds and declares that the ability to utilize electronic or information technology is often an essential function for successful employment in the current work world” [... and passed the act in order to] ... “improve accessibility of existing technology, and therefore increase the successful employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard-of-hearing persons ...]”
  - **Who must comply:** Agencies/state entities are required to comply with Government Code section 7405.
  - **What is required:** Agencies/state 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 Federal Code of Regulations.”

## 2.3 Section 508 Basics

To better serve both the public and state staff, and to improve their own efficiency in the creation of content, Agencies/state entities are encouraged to establish policies, standards, guidelines, templates, and training to support those creating content so that they can make their documents and files accessible from the beginning when the document or file is first created.

In 1998, Congress amended the Rehabilitation Act of 1973 to require Federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities. The law (29 U.S.C. § 794 (d)) applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section

508, agencies must give disabled employees and members of the public access to information that is comparable to access available to others. The United States Access Board discusses the Section 508 law and its responsibility for developing accessibility standards for EIT to incorporate into regulations that govern Federal procurement practices.

In addition to Section 508, the Rehabilitation Act of 1973 has several other sections related to federal disability policy.

- Sections 501 and 505 prohibit federal employers from discriminating against qualified individuals with disabilities.
- Section 503 prohibits employment discrimination based on disability by federal contractors or subcontractors.
- Section 504 prohibits federal agencies, programs, or activities from discriminating and requires reasonable accommodation for qualified individuals with disabilities.

## **2.4 Obligations for Agencies/State Entities**

The emphasis in the IT Accessibility Resource Guide is on future compliance. However, Agencies/state entities should also review the accessibility of electronic and information technology created or procured in the past.

Agencies/state entities are responsible for complying with federal and state laws forbidding discrimination against persons with disabilities. Any electronic or information technology created or procured by Agencies/state entities or their contractors subsequent to the enactment of these requirements should have complied with the accessibility standards of Section 508. Agencies/state entities may find that they have existing documents or online applications that are not currently accessible. To address noncompliance, Agencies/state entities should review the accessibility of all their electronic and information technology, identify any problems, and incorporate resolving those problems into their Agency Information Management Strategy (AIMS) and web planning to include accessibility, with priority given to agency information and services that the agency considers valuable to the people it serves. In addition, as agencies/state entities continue to update, renew, and enhance their web presence, documents or software which need to be modified or updated should be made accessible during the upgrading process.

It should also be noted that Agencies/state entities have additional responsibilities within Section 501 and Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and other federal and state laws. These laws require that Agencies/state entities provide reasonable accommodation to employees with disabilities and provide program access to members of the public with disabilities and take other actions necessary to prevent discrimination on the basis of disability in their programs.

Thus, even where Section 508 may not apply, Agencies/state entities have an obligation to ensure that persons with disabilities have access to the information and services that they provide to the public and their employees regardless of the original date when that information or service was first published on the web.

## 2.5 Digital Accessibility in State Government

Ensuring successful accessible IT in state government requires that accessibility be incorporated in IT policies and requirements and that each Agency/state entity take actions, with appropriate roles and responsibilities assigned throughout the Agency/state entity.

## 2.6 Digital Accessibility Policies and Requirements

California state government incorporates the requirements for digital accessibility in its policies, procedures, and provisions.

### State Administrative Manual (SAM)

- [4833 Information Technology Accessibility Policy](#)

“It is the policy of the State of California that information and services on California State Government’s electronic and information technology be accessible to people with disabilities.”

- [5230 Uniform Standards \(Procurement of Goods and Services\)](#)

Includes: "Acquisitions and projects shall comply with Americans with Disabilities Act (ADA) requirements."

### State Information Management Manual (SIMM)

- **Special Project Report (SPR)**

- Accessibility Certification: The IT Accessibility Certification page must be completed to certify that the project meets Government Code section 7405 (Federal Section 508 of the Rehabilitation Act of 1973), or that the project meets one or more of the exceptions.

- **Procurement Documents**

- In addition to language provided by the Department of General Services (DGS) with regard to the purchase of IT goods and services, it is the responsibility of Agencies/state entities to ensure that requirements take into account accessibility. The earlier accessibility

requirements are addressed, the less likely the need for rework and higher costs.

- ❑ Refer to DGS' Provisions – Information Technology [GSPD-401IT](#)

#### Compliance with Statutes and Regulations

“Contractor warrants and certifies that in the performance of this Contract, it will comply with all applicable statutes, rules, regulations and orders of the United States and the State of California and agrees to indemnify the state against any loss, cost, damage or liability by reason of the Contractor’s violation of this provision.” ... “To the extent that this contract falls within the scope of Government Code Section 7405, Contractor hereby agrees to respond to and resolve any complaint brought to its attention, regarding accessibility of its products or services.”

#### Americans with Disabilities Act

“Contractor assures the state that Contractor complies with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq).”

## **2.7 Integrating Digital Accessibility**

Agencies/state entities, as well as any contractors working for them, are responsible for ensuring that their Agency/state entity public websites are accessible to both the general public and their internal Agency/state entity electronic and IT systems are accessible by state employees, including persons with disabilities. Here are basic steps to begin integrating digital accessibility.

### **• First Steps for an Agency**

- ❑ Charge the Chief Information Officer, or designee, as the lead for the Agency/state entity’s IT accessibility.
- ❑ Establish internal structures to ensure IT accessibility for the public and state staff.
- ❑ Involve all sections of the Agency/state entity in the responsibility for the effort – programs and services, information technology, procurement and business services, administration, and human relations.
- ❑ Evaluate and determine accessibility of the Agency/state entity’s website, including mobile web elements, by persons with disabilities and compliance with Section 508 requirements, and remediate those pages identified as not being accessible.
- ❑ Incorporate appropriate accessibility elements into all stages of the IT development and procurement processes.

- Require digital content to be accessible by the public and by state staff; Develop and provide guidelines and templates to make content accessible from the beginning when the document or file is first created.

## **2.8 Roles and Responsibilities**

All areas of an Agency/state entity need to be involved in digital accessibility and have appropriate responsibilities in that effort – programs and services, information technology, procurement and business services, administration, and human resources. The following identifies roles and responsibilities for the Agency/state entity Director, CIO, and select others who need to be involved. These recommendations are guidelines, recognizing that they may need to be modified by individual agencies/state entities in response to their own environment.

## **2.9 Accessible Web**

Agency/state entity websites are critical sources of information for the public and state employees, and they need to be accessible. There are state standards, and accessible web templates provided by the Department of Technology to assist agencies/state entities in making their websites accessible.

## **3.0 Accessibility Issue Reporting**

Each Agency/state entity is required to include procedures on all its state website home pages, within the “Accessibility” and/or “Contact Us” links, clearly describing how to report issues with accessibility. Receipt of a comment or other issues must be assigned to an individual (e.g., webmaster) or group (e.g., Accessibility Group) with the responsibility and technical knowledge to respond by either correcting the issue or providing an alternative format for the information sought. (See [Management Memo 03-08](#), Alternative Formats.)

## **3.1 Accessible IT Projects**

Information Technology accessibility is most effective and least expensive when it is addressed at the outset, rather than appended onto a development effort after its inception. Architects and contractors know well the expense and challenges of retrofitting accessibility into existing buildings as opposed to designing the building to be accessible at the beginning. The same is true for software and web development.

Integrating accessibility into the procurement or development of IT projects doesn't have to be difficult or expensive – if it is a factor at the front end of design and is integrated throughout the development process. Think of accessibility as a component of all development activities, rather than as isolated components of the development project.” [IBM Human Ability and Accessibility Center](#)

Procurement or development of accessible IT does require an understanding of accessibility in IT project development, different aspects of the Rehabilitation Act and the Americans with Disabilities Act, the types of IT projects required to be accessible, what standards or mix of standards are to be met, and how to include accessibility requirements in the various project documentations for state IT procurements.

### **3.2 Accessibility Policy Guidance**

The Department of Technology, together with the Health and Human Services Agency and the Department of Rehabilitation, has determined that the intent of Government Code section 7405 is for the state's IT to be accessible. Agencies/state entities should identify the individuals and organizations being served by the IT project and address the need for digital accessibility early. As such, it is the policy of the State of California that information and services on California State Government's electronic and information technology is accessible to people with disabilities. ([SAM 4833](#))

### **3.3 Accessible Content Creation**

Agencies/state entities must continue to ensure accessibility in the content that they publish on their websites, place on their internal systems, or distribute via email to staff and to the public. Content needs to be readable by all members of the public including those who rely on assistive technologies. Those responsible for creating much of that content come from throughout the Agency/state entity – the director, public information office, human relations, business services, and various entities providing programs and services, as well as the IT section itself.

Agencies/state entities are not alone in facing this responsibility. Federal and state agencies across the country, as well as most higher education institutions, must do the same. The state Web Standards portal have taken a lead in developing and organizing materials to help state staff in creating accessible content, whether as text or in Word, data tables and Excel, multimedia and captioning, PowerPoint, or Portable Document Format (PDF) files. The Department of Rehabilitation's Web Accessibility Toolkit has many useful up to date resources on creating accessible content.

### **3.4 How Persons with Disabilities Use Computers and the Web**

More than six million Californians have one or more disabilities. Many use the web and online resources to expand their world, increasing their opportunities for education, careers and employment, better health care, independent living, and personal fulfillment. The following sources demonstrate how people use assistive technology (AT) together with accessible IT.

- [How People with Disabilities Use the Web](#) (World Wide Web Consortium (W3C))

- [Accessibility Videos and Podcasts](#): Listening to Learn; Introduction to Screen Readers; Screen Magnification and the Web; Is Your Document Accessible; Etc. (University of Wisconsin – Madison)
- [DO-IT \(Disabilities, Opportunities, Internetworking and Technology\) Streaming Video Presentations](#) (University of Washington)
  - Access to Technology in the Workplace: In Our Own Words - Testimonials from employees with disabilities that support the use of accessible technology in the workplace.
  - Access to the Future: Preparing Students with Disabilities for Careers.

### 3.5 General Usability Guidance for Content Creators

Usability is closely related to accessibility in enabling people to use websites and web content more easily. In addition to what should be done to make a specific type of document accessible, content creators are encouraged to be aware of the more general resources such as:

- [Plain Language](#) (PlainLanguage.Gov)

Selecting and using appropriate file formats for an Agency/state entity's website is a best practice according to which recommends providing access to documents using open, industry standard web formats or using alternative formats that do not impose an unnecessary burden on the intended audience.