

MN.IT SERVICES POLICIES - Minnesota State Accessibility Standard

MINNESOTA STATE ACCESSIBILITY STANDARD

From the Office of Carolyn Parnell
Chief Information Officer, State of Minnesota

Version: 2.00

Approved Date: 10/03/2013

Approval: Signature on file

Standard Statement

All impacted State information systems, tools and information content shall comply with the following, in the form adopted as of the effective date of this directive:

- Web Content Accessibility Guidelines (WCAG) 2.0 level AA. Level AAA compliance is encouraged.
- Section 508, as qualified, below.

Standard, Amplified

WCAG 2.0

The Web Content Accessibility Guidelines (WCAG) have been developed by the Web Accessibility Initiative (WAI) of the Worldwide Web Consortium (WC3), which develops strategies, guidelines and resources to help make the Web accessible to people with disabilities. All impacted State information systems, tools and information content shall comply with the following:

- WCAG 2.0
 - Level AA compliance is required.
 - Level AAA compliance is encouraged.

Section 508

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. Inaccessible technology interferes with an ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in information technology, open new opportunities for people with disabilities and encourage development of technologies that will help achieve these goals. All impacted State information systems, tools and information content shall comply with the following Subparts of Section 508:

- Section 508 Subpart A General:
 - 1194.3 General exceptions subparts (a), (b), (c) for workstations of State employees, (d), (e), (f) and other exceptions defined in Minnesota law or set forth in State policy
 - 1194.4 Definitions, except definitions of “Agency” and “Undue burden” which are defined in Minnesota State Statute
 - 1194.5 Equivalent facilitation
- Section 508 Subpart B Technical Standards:
 - 1194.21 Software applications and operating systems
 - 1194.22 Web-based intranet and internet information and application. Notes to §1194.22 are to be disregarded as the profile of WCAG 2.0 cited above applies instead
 - 1194.23 Telecommunications products
 - 1194.24 Video and multimedia products
 - 1194.25 Self-contained, closed products
 - 1194.26 Desktop and portable computers
- Section 508 Subpart C Functional Performance Criteria:
 - 1194.31 Functional performance criteria

- Section 508 Subpart D Information, Documentation, and Support:
 - 1194.41 Information, documentation and support
- Should either WCAG 2.0 or Section 508 be updated, the Minnesota Standard automatically updates to the new version.

Compliance

Where a State information system, tool, or information content is not able to be brought into compliance, the system or content owner is responsible for reasonable accommodation.

The standard applies to all information technology acquired, procured, developed, or substantially modified or substantially enhanced after the effective date of this standard, including software available without cost. This standard does not apply to any procurement or development process initiated before the effective date of the standard.

This standard does not apply to external web pages outside of the editorial control of the State of Minnesota or that are supplied to the State of Minnesota under contract where the web site is part of a larger external website with minor customizations for the State of Minnesota. Links to external websites should be clearly marked in such a way that it is clear before clicking the link that the destination is not maintained by the State of Minnesota.

Reason for the standard

The reason for this standard is to improve the accessibility and usability of information technology products and services for all State of Minnesota government end-users. This standard is consistent with the Chapter Law 131/HF1744 introduced by the 2009 Legislature, directing the adoption of accessibility standards for use by the State of Minnesota. 2009 Chapter Law 131/HF 1744 was signed into law on May 21, 2009.

Issue Date

The directive was issued 10/03/2013. It replaces two standards that existed concurrently: version 1.0, effective 10/01/2010 and version 1.5, effective 04/29/2011.

Effective Date

The directive is effective 10/03/2013. The effective date for the purposes of procurement initiations is 09/01/2010.

Applicability and Exclusions

This standard applies to executive branch state agencies as defined in the State of Minnesota Enterprise Security Office Applicability Standard.

Legislative, judicial and other non-executive branch organizations are encouraged to follow this standard.

Related Information

- *Accessibility Guidelines*
- 2009 Chapter Law 131/HF 1744.
<https://www.revisor.mn.gov/laws/?id131&doctype=Chapter&year=2009&type=0>
- The State of Minnesota Enterprise Architecture Policy, April 6, 2010
- State of Minnesota Enterprise Security Office *Applicability Standard*.
http://www.state.mn.us/mn/externalDocs/OET/bESOEnterprise_Security_Program_Applicability_Standard_62209_072309081937_EnterpriseSecurityProgramApplicabilityStandard_FINAL_v01.pdf
- State of Minnesota Enterprise Security Office *Glossary of Information Security Terms and Definitions*. Minnesota Statutes Section 16E.03. <https://www.revisor.mn.gov/statutes/?id=16E.03>

Procedures and Exceptions

The nature of the work determines the exception process. Appropriate action depends on, whether the work is the product of internal development or the result of a procurement.

When performing a procurement, (acquisition of commodities and general services) or obtaining a contract for professional and technical services, follow the regular purchasing process. Any request for exception must either accompany the initial acquisition or professional services request or be attached to it later. The regular purchasing forms have been updated to include sections on accessibility, where applicable. The Enterprise Architecture Office receives copies of these attachments as part of the normal process.

Projects that use internal resources must follow an alternate exception process. In those cases where an organization determines that an exception is warranted, the organization self-certifies the exception using the *Accessibility Exception* form available from the OET web site and forwards a copy of the signed form to the Enterprise Architecture Office at OET.

The following list of exceptions may be referenced in the exception request.

- Procurements or development processes initiated before September 1, 2010.
 - The Standard applies to all information technology procured, developed, or substantially modified or substantially enhanced after September 1, 2010. The Standard does not apply to any procurement or development process initiated before September 1, 2010.
- **Undue Burden:**
This is an exception from MN Statute, and is also approved by the Technology Accessibility Advisory Committee.
 - Definition (16E.015, subd. 4). Undue burden means significant difficulty or expense determined and documented by the funding agency, including but not limited to difficulty or expense associated with technical feasibility.
- **Infrastructure Hardware:**
This is an exception from MN Statute, and is also approved by the Technology Accessibility Advisory Committee.
 - “Infrastructure hardware” means servers, routers, switches, and non-end-user platform devices and their operating systems.
- **Emergency Purchases:**
This is an exception from MN Statute, and is also approved by the Technology Accessibility Advisory Committee.
 - Emergency Acquisition. (a) For the purpose of this subdivision, “emergency” means a threat to public health, welfare, or safety that threatens the functioning of government, the protection of property, or the health or safety of people. (b) The solicitation process described in this chapter is not required in emergencies. In emergencies, the commissioner may make any purchases necessary for the repair, rehabilitation, and improvement of a state-owned structure or may authorize an agency to do so and may purchase, or may authorize an agency to purchase, goods, services, or utility services directly for immediate use.
- **State and National Security:**
This is an exception approved by the Technology Accessibility Advisory Committee.
 - Electronic and information technology operated by state or federal agencies, the function, operation, or use of which involves intelligence activities, cryptologic activities related to state or national security, command and control of public safety or military forces, equipment that is an integral part of a weapon or weapons system, or systems which are critical to the direct fulfillment of public safety, military, or intelligence missions. Systems which are critical to the direct fulfillment of public safety, military, or intelligence missions do not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

- **Non-compliant or partially compliant products or services procured through a single source process:**

This is an exception approved by the Technology Accessibility Advisory Committee.

- The fact that a procurement is based on a single source selection is not an automatic exception. The focus must be on whether the product or service provided by the single source vendor is or can be made accessible. If it can, the product or service must meet the accessibility Standard unless it is subject to an exception. Definition (16C.02, subd. 18) Single source. "Single source" means an acquisition where, after a search, only one supplier is determined to be reasonably available for the required product, services, or construction item.

- **Incidental to a contract:**

This is an exception approved by the Technology Accessibility Advisory Committee.

- The Standard applies to the products and services being procured by State agencies and not a contractor's own internal workplace EIT. For example, if a State agency enters into a contract to have a web site developed, the web site is required to meet the applicable technical provisions of the state accessibility Standard because the web site is the deliverable that is being acquired by the agency (unless, of course, an exception applies). However, the contractor's office system used to develop the web site does not have to meet the technical provisions, since its equipment is incidental to the contract.

- **Individual Workstation:**

This is an exception approved by the Technology Accessibility Advisory Committee.

- The Standard does not require the installation of specific accessibility-related software or the attachment of an assistive technology device at a workstation of a state employee who is not an individual with a disability.

- **Alternate Location:**

This is an exception approved by the Technology Accessibility Advisory Committee.

- When agencies provide the public with access to information or data through electronic and information technology, agencies are not required to make products owned by the agency available for access and use by individuals with disabilities at a location other than that where the electronic and information technology is provided to the public, or to purchase products for access and use by individuals with disabilities at a location other than that where the electronic and information technology is provided to the public. Example: An agency would not have the obligation to provide assistive technology for home use.

- **Fundamental Alteration:**

This is an exception approved by the Technology Accessibility Advisory Committee.

- This part shall not be construed to require a fundamental alteration in the nature of a product or its components.

- **Service Personnel Space:**

This is an exception approved by the Technology Accessibility Advisory Committee.

- Products located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment are not required to comply with the Standard. For hardware, two conditions must be met before an agency uses this exception when procuring a product. First, the agency must intend to locate the product in a physical space frequented only by service personnel. Second, the use of the product by the service personnel must be for maintenance, repair or occasional monitoring. If both conditions are met, the product does not have to meet the Standard. Hardware that might meet these dual conditions includes telephone equipment placed on racks in a "closet" or small room and network routers and storage devices or servers located in rooms or areas frequented only by service personnel for maintenance, repair or occasional monitoring of equipment. In addition, software which is installed or operated on a product which falls under this exception would be exempt from the Standard if the software application could only be operated from the physical place where the product is located. This might include specialized diagnostic software. By contrast, if the software could be operated from a remote workstation, the software would be subject to the Standard, irrespective of who is

using it, since the product interface is not located in a physical space which meets the criteria for this exception.

- **Procurements conducted in accordance with the Matrix:**

This is an exception approved by the Technology Accessibility Advisory Committee.

- Procurements conducted utilizing the Accessibility Procurement Matrix (where the selection options has been approved by Admin and OET) comply with the approved Standard.

- **Monetary Thresholds:**

This is an exception approved by the Technology Accessibility Advisory Committee.

- The Standard does not apply to 1) Acquisitions (commodities and general services) of \$50,000 and under; and 2) P/T (professional and technical services) of \$25,000 and under.

History & Ownership

Revision History – record additions as Major releases, edits/corrections as Minor

Date	Author	Description	Major #	Minor #
10/1/2010	Technology Accessibility Advisory Committee	Original Standard	1.0	
04/29/2011	Craig Finseth	Updated to include procedures and exceptions	1.5	
10/03/2013	Jay Wyant, CIAO	Update to reconcile 1.0 and 1.5 and clean up language	1.0	

Review History – periodic reviews to ensure compliance with program

Date	Reviewer	Description	Compliance

Approval History – record of approval phases

Phase	Description	Date
Comment/revisions	Members of Technology Accessibility Advisory Committee met to draft changes	April 2013
Final review	Email review and approval by Technology Accessibility Advisory Committee	August 1, 2013
Architecture review	Solicit feedback from Architecture Governance Committee. There were no suggested changes	September 25, 2013
Final	In-person vote/ratification of updated Standard by Technology Accessibility Advisory Committee.	October 3, 2013

Contact:

Jay Wyant, Chief Information Accessibility Officer: jay.wyant@state.mn.us

Phone: 651.201.1001

Fax: 651.296.6398