

	INFORMATION TECHNOLOGY STANDARD	
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INFORMATION TECHNOLOGY ACCESSIBILITY		

PURPOSE

This standard is established to comply with the Virginia Community College System (VCCS) [ITS Accessibility Policy](#) and support the VCCS community in promoting the opportunity for access to information and data comparable to the access and use by those who do not have disabilities, an often underrepresented population, unless an undue burden would be imposed through the application of accessibility standards, guidelines, training, tools, and methods consistent with higher education. The aim is to provide the opportunity in a setting that fosters independence and meets the guidelines of the Technical Standards for Information Technology Accessibility Rehabilitation Act - Section 508 - 36 CFR Part 1194, and the W3C Web Content Accessibility Guidelines 1.0 – Conformance Level A. This Standard sets forth the principles that reflect best practices for achieving accessibility to information and data for use by employees, program participants, and members of the general public with disabilities.

The VCCS System Office and each college shall ensure that information technology equipment and software used by blind or visually impaired employees, program participants, or members of the general public (i) provide access (including interactive use of the equipment and services) that is comparable to that provided to individuals who are not blind or visually impaired; (ii) are designed to present information (including prompts used for interactive communications) in formats adaptable to both visual and non-visual use; and (iii) have been purchased under a contract that includes the technology access clause required pursuant to § 2.2-3503 of the *Code of Virginia*.

SCOPE

This Standard identifies criteria specific to promoting IT accessibility including:

- General accessibility standard for procurement;
- General accessibility standard for development and maintenance;
- Equivalent facilitation;
- Accessibility Implementation Plan;
- Requesting exemption to requirements for procedures.

APPLICABILITY

The IT Accessibility Standard is applicable to the System Office, colleges, departments, auxiliaries, research and administrative entities (organizations) supporting the programs or services for the twenty-three colleges and VCCS (hereinafter collectively “organizations” and individually “organization”).

DEFINITIONS

Accommodation – a means or method outside of Section 508 designed to provide users with disabilities access to information in situations where the application of current Section 508 standards is not feasible, helpful or, in certain cases, practical.

EIT – Electronic Information Technology**Section 508 – Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d, 1973)**

Undue Burden – The [U.S. Access Board](#) defines undue burden as a significant difficulty or expense. The *Code of Virginia*, §2.2-3504, indicates that software or devices for the covered entity that would increase the total cost of the procurement by *more than five percent* may be considered to constitute an undue burden. Significant difficulty or expense will vary from organization to organization and depends on the nature of the cost of the accommodation in relation to the resources, i.e. availability of technology, necessary skills, or funding, at the facility and to the organization as a whole.

STANDARD**1. GENERAL ACCESSIBILITY STANDARD FOR PROCUREMENT**

Consistent with current procurement policy, IT hardware, software, and services procurements shall include the following statements regarding Section 508 Compliance and Non-Visual Access:

SECTION 508 COMPLIANCE

All information technology which, pursuant to this Contract, is purchased or upgraded by or for the use of any Commonwealth agency or institution or political subdivision of the Commonwealth (the “Technology”) shall comply with Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended. If requested, the Contractor must provide a detailed explanation of how compliance with Section 508 of the Rehabilitation Act is achieved and a validation of concept demonstration. The requirements of this Paragraph along with the Non-Visual Access to Technology Clause shall be construed to achieve full compliance with the Information Technology Access Act, §2.2-3500 through §2.2-3504 of the *Code of Virginia*.

NON-VISUAL ACCESS

All information technology which, pursuant to this Contract, is purchased or upgraded by, or for the use of, any State agency or institution or political subdivision of the Commonwealth (the “Technology”) shall comply with the following non-visual access standards from the date of purchase or upgrade until the expiration of this Contract:

- (i) Effective, interactive control and use of the Technology shall be readily achievable by non-visual means;
- (ii) The Technology equipped for non-visual access shall be compatible with information technology used by other individuals with whom any blind or visually impaired user of the Technology interacts;
- (iii) Non-visual access technology shall be integrated into any networks used to share communications among employees, program participants or the public; and
- (iv) The technology for non-visual access shall have the capability of providing equivalent access by non-visual means to telecommunications or other interconnected network services used by persons who are not blind or visually impaired.

Compliance with the foregoing non-visual access standards shall not be required if the head of the using agency, institution or political subdivision determines that (i) the Technology is not available with non-visual access because the essential elements of the Technology are visual and (ii) non-visual equivalence is not available.

Installation of hardware, software, or peripheral devices used for non-visual access is not required when the Technology is being used exclusively by individuals who are not blind or visually impaired, but applications programs and underlying operating systems (including the format of the data) used for the manipulation and presentation of information shall permit the installation and effective use of

non-visual access software and peripheral devices.

If requested, the Contractor must provide a detailed explanation of how compliance with the foregoing non-visual access standards is achieved and a validation of concept demonstration.

The requirements of this Paragraph shall be construed to achieve full compliance with the Information Technology Access Act, 2.2-3500 through 2.2-3504 of the *Code of Virginia*.

2. GENERAL ACCESSIBILITY STANDARD FOR DEVELOPMENT AND MAINTENANCE

(a) When developing and maintaining software applications, web pages, or electronic and information technology systems, applicable organizations shall ensure that the Web and non-Web based products comply with Section 508 and that Web based products comply with the WAI WCAG Version 1 Level A requirements of this Standard, unless an undue burden would be imposed.

(1) Electronic and information technology systems are any electronic information equipment or interconnected systems that are used in the:

- acquisition,
- storage,
- manipulation,
- management,
- movement,
- control,
- display,
- switching,
- interchange,
- transmission, or
- reception of data or information, including audio, graphic, and text.

(2) When developing and maintaining a product, if an applicable organization determines that compliance with any provision of this Standard imposes an undue burden, the documentation of the organization supporting the development and maintenance, shall explain why and to what extent compliance with each such provision creates an undue burden. A request including such documentation must be submitted to the System Office, ITS Project Management Office, Accessibility Coordinator. (See 5. Requesting Exemption to Requirements)

(3) When compliance with this Standard is deemed to impose an undue burden, an applicable organization shall provide individuals with disabilities the information and data *involved by an alternative means of access*. That alternate means of access shall allow the individual to use the information and data in accordance with other applicable Commonwealth and Federal laws such as Title I and Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

(b) Accessibility and usability of software applications, web pages, or electronic and information technology systems shall be validated with automatic tools, independent from a developmental toolset, and human review. Validation results will be maintained as project documentation in accordance with records retention schedules.

3. EQUIVALENT FACILITATION

Organizations may develop or accept electronic and information technology offered by vendors; i.e., Usablenet, which uses designs or technologies that do not meet the applicable technical provisions, but provide *substantially equivalent or greater access to and use of a product for people with disabilities*. This is referred to as "equivalent facilitation." Equivalent facilitation is not an exception or variance from the requirement to provide comparable access. Rather, it is recognition that technologies may be developed or used in ways not envisioned by the technical provisions of this document but still result in the same or better functional access. Functional outcome – not form – is the key to evaluating whether a technology results in *substantially equivalent or greater access*.

The difference between "equivalent facilitation" and "alternative means of access"

Equivalent facilitation focuses on whether a product or service provides access that is equal to or greater than that required in the technical provisions in Subpart B of section 508 standards. By contrast, an alternative means of access focuses on the accessibility of the information and data, rather than the accessibility of the product or service itself.

Under section 508, agencies have a statutory obligation to make information and data available by an "alternative means of access" when acquiring EIT that meets the applicable technical provisions of the Access Board's standards would impose an undue burden. (See 36 CFR 1194.4 and section B.6.ii, below.)

If equivalent facilitation and alternative means of access is not possible, organizations have additional obligations under sections 501 and 504 of the Rehabilitation Act, including the obligation to provide those with disabilities "reasonable accommodations." "Reasonable accommodation" focuses on the needs of a particular individual with a disability. "Equivalent facilitation" instead focuses on whether the technology itself is designed to afford a specific degree of accessibility – e.g., that which would have been provided if the product or service strictly adhered to the specific technical provisions of Subpart B.

4. VCCS ACCESSIBILITY IMPLEMENTATION PLAN

The VCCS shall develop and maintain a plan that describes the strategy for implementing and improving accessibility as technology and policy change, and identifies:

- who will lead the overall compliance effort
- who will lead the application compliance effort and to whom that person reports
- who will lead the web-site compliance effort and to whom that person reports
- how the VCCS plans for checking existing applications or web-pages for compliance
- how the VCCS plans to mitigate the risk of adding non-compliant applications or web pages
- application/web-site inventory indicating number of compliant and non-compliant pages
- if equivalent facilitation or alternate access is used, where the application is used when it will be replaced, what is the equivalent facilitation or alternate access that will be used until replacement
- how will progress made toward full compliance be published.

5. REQUESTING EXEMPTION TO REQUIREMENTS

All applicable organizations are to implement both accessibility and usability requirements of this Standard.

However, there may be unanticipated situations where all or some of this Standard might cause an undue burden, a significant difficulty or expense on an applicable organization, such as conflicting with a legislative mandate or a mission goal. The [U.S. Access Board](#) defines *Undue burden as a significant difficulty or expense. In determining whether an action would result in an undue burden or significant difficulty or expense, an organization shall consider all organization resources available to the program or component for which the product is being developed, procured, maintained, or used.* If the affected organization can document an undue burden resulting from significant difficulty or expense, it has the option of applying for an exemption to some or this entire Standard as stated below.

- A. The organization with respect to non-visual access software or peripheral devices, approve the exclusion of the technology access clause only to the extent that the cost of the software or devices for the covered entity would increase the total cost of the procurement by more than five percent. (§2.2-3504 of the *Code of Virginia*)
- B. The acquisition and installation of hardware, software, or peripheral devices used for non-visual access when the information technology is being used exclusively by individuals who are not blind or visually impaired shall not be required.
- C. Organizations may make accommodations for persons with disabilities. In these instances, an

effective accommodation is an accessible statement that acknowledges an accessibility issue and offers assistance in helping to determine the needs of disabled users and working with them to respond to queries in a reasonable time frame, typically no longer than two business days. Accommodation mechanisms may include:

- In-house response and/or
- Contracted accommodation services

The use of an accommodation is not intended to relieve organizations of their responsibility of making electronic information accessible.

To be considered for an exemption a written request must be completed and sent to the System Office, Director, Technology Administrative Services (TAS), in care of the Accessibility Coordinator.. As part of the organization's exemption request a detailed explanation is required to demonstrate how the organization will provide "equivalent facilitation," to the public and Commonwealth employees. Equivalent facilitation is that which provides the similar level of access as that provided to non-disabled individuals. Equivalent facilitation is required for all non-compliant, inaccessible content of web sites, and all non-compliant products, services and devices.

Submit written exemption requests to:

Attention: Director, Technology Administrative Services
Virginia Community College System
101 N. 14th Street, 14th Floor
Richmond VA 23219

VCCS's Project Management Office will coordinate with the requestor and provide information and technical expertise to assist the TAS Director in making decisions on waiver requests.

REFERENCES

[Core Contractual Terms,](#)

(<http://www.vita.virginia.gov/uploadedFiles/SCM/StatutorilyMandatedTsandCs.pdf>)

[Electronic and Information Technology Accessibility Standards \(Section 508\),](#) <http://www.access-board.gov/sec508/standards.htm>

[Information Technology Access Act](#) , Code of Virginia § 2.2-3500 et seq. (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-3500>)

[Procurement of Information Technology Goods and Services; Computer Equipment to be based on Performance-Based Specifications,](#) Code of Virginia § 2.2-2012 (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2012>)

[Technology Accessibility Rehabilitation Act - Section 508,](#) (<http://www.section508.gov/index.cfm?FuseAction=Content&ID=14>)

[United States Access Board Definitions,](#) <http://www.access-board.gov/Sec508/guide/scope.htm#Definitions>

[VCCS Information Technology Policies – Accessibility Policy,](#) (http://www.vccs.edu/Portals/0/ContentAreas/ITS/Policies/VCCS-ITS-08-5100_Accessibility_Policy.pdf)

[W3C Web Content Accessibility Guidelines 1.0,](#) (<http://www.w3.org/TR/WCAG10/>)

REVISION HISTORY

Date	Version	Author	Revision Description
09/30/2008	1.0	Fred Franklin	Initial version
10/26/2009	1.1	Abdulaziz Bulling	Revised draft version