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MINNESOTA STATE STANDARD

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Chief Information Officer, State of Minnesota

Approved Date: 04/29/2011
Approval: Signature on file

State of Minnesota Standards Accessibility Standard

This standard replaces the Accessibility Standard dated 09/01/2010.

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.

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.

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

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 04/29/2011.

Effective Date

The directive is effective 04/29/2011. 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 invited 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

Exceptions to this standard shall follow the standard Architecture exception process which starts by contacting the Enterprise Architecture Office. The document used when contacting the Enterprise Architecture Office is determined by the type of procurement.

For Acquisitions that are more than \$50,000 or Professional Services that are more than \$25,000, the regular purchasing process is followed. 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.

All other procurements including Acquisitions that are less than or equal to \$50,000, Professional Services that are less than or equal to \$25,000, or projects that are developed using internal resources 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.**
- **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.
 - Accessibility standards. The Chief Information Officer shall develop accessibility standards applicable to technology, software, and hardware procurement, with the exception of infrastructure hardware. The standards shall not impose an undue burden to the state. Definition (16E.015, subd. 3) Infrastructure hardware. “Infrastructure hardware” means servers, routers, switches, and non-end-user platform devices and their operating systems.
- **Emergency Purchases:** This is an exception 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 Security:** This is an exception approved by the Technology Accessibility Advisory Committee.
 - Electronic and information technology operated by state 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 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 accessibility standards 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.
 - Unlike some other civil rights laws (such as section 504 of the Rehabilitation Act), the section 508 responsibilities do not follow the receipt of Federal funds to contractors, but only apply to the product and services being procured by (State) agencies. Section 508 applies only to (State) agencies – including their EIT products and services that are deliverables under a contract. Section 508 does not apply to 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 Access Board’s standards 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.
 - Except as required to comply with the provisions in this part, this part 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 access to the public 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 a screen reader for someone to sue at home to access a web site, but the agency would have an obligation to make sure the web site they created is screen-readable.
- **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 this part. 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 standards. 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.
 - **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 standards.