

**CURRENT POLICY  
w/ PROPOSED  
REVISIONS**



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## Policy # 188 – Accessibility

### Purpose

This policy establishes the expectation for state agencies that people with disabilities have access to and use of information and data and be provided access to the same services and content that is available to persons without disabilities unless providing direct access is not possible due to technical or legal limitations.

The State of Washington is committed to providing access to information technology to the public and Washington State employees, including individuals with disabilities. Information Technology should be procured, developed, maintained, and utilized so that it is accessible to individuals with disabilities, unless it creates an [undue burden](#) on the agency. Information Technology, including Web sites, Web-based applications, software systems, and electronically published documents, should provide the substantially similar functionality to individuals with disabilities as it provides to others.

This policy and the associated standard are intended to assist the State of Washington in meeting its obligations under state and federal law to provide reasonable accommodation to employees and provide persons with disabilities an equal opportunity to participate in, and enjoy the benefits of services, programs, or activities conducted by the state.

Compliance with this policy does not relieve each agency from its responsibility to otherwise comply with state and federal law, ~~including but not limited to Section 508 of the Rehabilitation Act and the Americans with Disability Act.~~

### Policy

1. All [covered technology](#) must be accessible to and usable by individuals with disabilities, either directly or by supporting the use of assistive technology. Standard 188.12-10 - Minimum Accessibility Standard outlines the minimum levels for compliance. This includes all covered technology acquired, procured, developed or substantially modified or substantially enhanced ~~after the effective date of the policy~~, including software available at no cost.

## Standard 188.10 –Minimum Accessibility Standard

### **STANDARD STATEMENT**

1. The minimum level of compliance for accessibility is Level AA compliance with [Web Content Accessibility Guidelines \(WCAG\) 2.1](#)~~Web Content Accessibility Guidelines (WCAG) 2.0~~, including the guidelines associated with these principles:
  - a. ~~Perceivable~~[Perceivable](#) - Information and user interface components must be presentable to users in ways they can perceive.
  - b. ~~Operable~~[Operable](#) - User interface components and navigation must be operable.
  - c. ~~Understandable~~[Understandable](#) - Information and the operation of user interface must be understandable.
  - d. ~~Robust~~[Robust](#) - Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies.

~~2.~~ [WCAG 2.0](#)~~1~~ provides success criteria for measuring web accessibility and also provides principles and useful metrics for products and services that are not specifically web-based.

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### **CONTACT INFORMATION**

[Contact the OCIO Policy & Waiver Mailbox for additional information or to request a waiver.](#)

~~WCAG 2.0 provides success criteria for measuring web accessibility and also provides principles and useful metrics for products and services that are not specifically web-based.~~

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### **SUNSET REVIEW:**

~~August 31, 2018~~[August 31, 2020](#)

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### **ADOPTION DATE:**

~~August 11, 2016~~[Proposed for November 10, 2019](#)

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### **APPROVAL DATE:**

~~While policy is in effect as of adoption date, full approval is anticipated when the full TSB meets in September 2016.~~[Proposed for December 10, 2019](#)

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2. Where a [covered technology](#) is not able to be brought into compliance, the system or content owner is responsible to provide individuals with disabilities [equivalent access](#).
3. Agencies must identify an information technology accessibility coordinator to be the key contact regarding the agency's information technology accessibility plan and to support complaint resolution ~~by June 30, 2017.~~
4. Agencies must develop policy and processes to support and ensure compliance with this policy and associated standard ~~by June 30, 2017.~~
5. Agencies must develop, implement and maintain an Accessibility Plan that identifies how the agency will ensure new covered technologies are accessible and the plan for making existing covered technologies accessible.
  - a. Agency plans must at least contain:
    - i. A list of prioritized non-accessible covered technology, recommended alternative access methods and actions being taken to correct the issue.
    - ii. Contact information for the agency accessibility coordinator.
    - ~~iii. Describe the agency policy concerning accessibility.~~

**SUNSET REVIEW DATE:**

~~TBD~~ [August 31, 2021](#) ~~August 31, 2021~~ [September 19, 2019](#)

**ADOPTION DATE:**

~~TBD~~ [Interim Change Adopted: May 11, 2019](#) ~~17~~ [Proposed for November 10, 2019](#)

**APPROVAL DATE:**

~~TBD~~ [September 12, 2019](#) ~~7~~ [Proposed for December 10, 2019](#)

**-Current Definition of Covered Technology**

Websites, web applications, software systems, electronic documents, E-learning, multimedia and programmable user interfaces. This includes interacting with the technology, access and content. It does not include content that a user may encounter after leaving the covered technology (example: links to other web content).

[Proposed definition](#)

[All public-facing content, including websites, applications, documents and media, blog posts, and social media content.](#)

[Types of non-public-facing content that must comply:](#)

[All electronic content used for official business to communicate: emergency notifications, initial or final decisions adjudicating administrative claims or proceedings, internal or external program or policy](#)

announcements, notices of benefits, program eligibility, employment opportunities or personnel actions, formal acknowledgements or receipts, questionnaires or surveys, templates or forms, educational or training materials, and web-based intranets.

# AGENCY COMMENTS

CIO Comment Reconciliation Document  
Policy 188 – Accessibility and Standard 188.10

Name	Org	Comment	Disposition
Michelle Morgan	WSDOT	No further comments.	
Marie Finn	DSHS	Concur with proposed changes.	
David Sorrell	DOR	No additional comments.	
Mary Mueller	LCB	Looks good to the LCB team.	
Jennifer McNamara	DOH	Thank you for the opportunity to review these policy updates. We have no further input or suggestions. The changes proposed to the definition section are very helpful.	
Brian Thomas	OAH	<p>The proposed definition invoked speculative interpretation from the Deputy Chief Adjudicative Law Judges when we were discussing possible impacts regarding this language. Is the statement “All electronic content used for official business to communicate.” only applicable to the listed examples in the definition?</p> <p>This verbiage speaks specifically to initial or final decisions adjudicating administrative claims or proceedings.</p> <p>Our agency receives evidence in the form of exhibits sent to our agency from 40 different caseloads. These exhibit packets could be hundreds of pages of documentation. In some instance the original format may be integral in the examination of the evidence. Though not an Initial or Final decision they are electronic content used for official business to communicate.</p> <p>If the proposed language is instituted it will create an undue burden on OAH to achieve immediate compliance. We would engage in point forward activities for all public facing technology such as data portals, websites and communication documentation. We would engage employee training to teach how to create accessible documents such as Excel, Word, Outlook and Power Point. We would begin working backward when time permits to address existing technologies that may have accessibility work needed such as templates or internal applications.</p> <p>We would be submitting decision packages to upgrade all multifunction devices and procure high capacity scanning with OCR capabilities. The existing MFD experience a significant performance hit when the OCR capability is turned on. We handle over 55,000</p>	<p>TBD</p> <p>To meet our legal responsibility to have services that do not discriminate against people with disabilities, internal applications must also meet WCAG 2.1 AA and be accessible</p>

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		<p>cases a year and each case requires exhibit packages. We accept them electronically where we can and scan paper to make them electronic where we have to. It is possible that if we slow down the existing technology without upgrade we will need more FTE to complete the work so our timeliness will not be affected resulting in violation of federal standards such as the Federal DOL requirements in the ESD caseload or the interagency agreements in place with agencies such as DSHS and HCA.</p> <p>Let me know if you would like to discuss in greater detail. Any clarification regarding the statement listed above would be appreciated.</p>	
Aaron Powell	UW	<ul style="list-style-type: none"> <li>• Somewhere in the documents, include the definition of what it means for IT to be "accessible". For example, the UW has adopted the definition of "accessible" used by the U.S. Department of Education in resolutions with postsecondary institutions regarding civil rights complaints about the inaccessibility of their IT: <p style="margin-left: 40px;">"Accessible" means a person with a disability is "afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. The person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability (one of many sources is Resolution Agreement: South Carolina Technical College System, OCR Compliance Review No. 11-11-6002 at <a href="https://www2.ed.gov/about/offices/list/ocr/docs/investigations/11116002-b.pdf">https://www2.ed.gov/about/offices/list/ocr/docs/investigations/11116002-b.pdf</a>).</p> </li> <li>• The Minimum Accessibility Standard identifies WCAG 2.1 Level AA as the standard. This will soon be obsolete, as W3C is actively working on a new version of the Accessibility Guidelines ("Silver"), with one or more 2.x versions possible in the interim. Consider changing the standard to "Web Content Accessibility Guidelines 2.1, or a subsequent 2.x version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria."</li> </ul>	TBD



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		<ul style="list-style-type: none"> <li>In the Minimum Accessibility Standard document under "Contact Information", it says: "Contact the OCIO Policy &amp; Waiver Mailbox for additional information or to request a waiver." There is no mention of waivers in the policy, nor the circumstances under which a waiver might be required. Assuming there is no longer a formal process for state agencies to request and receive waivers, this sentence should end with "for additional information."</li> </ul>	
Mark Quimby	WaTech	<ul style="list-style-type: none"> <li>Re: removing "...including but not limited to Section 508 of the Rehabilitation Act and the Americans with Disabilities Act." Consider leaving in as this may add value to inform agencies of additional policies that may be applicable.</li> <li>Re: removing "...after the effective date of the policy..." Are there applicable financial impacts to enact this policy that need to be considered?</li> <li>Re: proposed definition "All public-facing content, including websites, applications, documents and media, blog posts, and social media content." The state does not control social media like Facebook &amp; Twitter so how can this policy provide governance over these external platforms? Should this align with the platforms &amp; services that are under state-governance?</li> </ul>	TBD