



Maine State Government
Dept. of Administrative & Financial Services
Office of Information Technology (OIT)

Digital Accessibility and Usability Policy

1.0 Purpose

- 1.1 All citizens and employees should be afforded *equal access* to the *digital information and services*, that are developed, procured, or provided by the State of Maine. Digital information and services that are designed to be *functionally accessible* have the highest degree of usability for all people, including those who have disabilities (e.g., visual, auditory, motor, cognitive).
- 1.2 The June 2011 [World Health Organization \(WHO\) Report on Disability](#)¹ estimated that there are a billion people with disabilities. Developing and delivering digital information and services that comply with digital accessibility standards removes barriers to equal access.
- 1.3 The State of Maine's has a long commitment to making digital information and services accessible to individuals with disabilities, that dates back more than two decades. The purpose of this policy is to provide guidance to state agencies, to continually improve the accessibility of, usability of, and equal access to, digital information and services for all State of Maine *end-users*.

2.0 Definitions

- 2.1 **Agency:** Executive branch, or other organizational entity, established to provide specific services, that falls within the domain of the Chief Information Officer.
- 2.2 **Americans With Disabilities Act (ADA):** A civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places open to the public.
- 2.3 **Americans With Disabilities Act (ADA) Coordinators:** Designated agency individual(s), pursuant to [Executive Order 07 FY 04/05](#)², who help ensure that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the State of Maine or be subjected to discrimination by the State.

¹ https://www.who.int/disabilities/world_report/2011/en/

²

http://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Executive_Orders&id=21345&v=Article

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- 2.4 **Archived:** Digital information and services that are no longer actively available to end-users but are still subject to records retention plans.
- 2.5 **Digital information and services:** Delivered to end-users via data, voice, or video technologies.
- 2.5.1 **Electronic content:** This includes, but is not limited to Websites and web-based materials (Internet & Intranet), Microsoft Office & PDF documents, training materials (e.g., online training materials, tests, online surveys), multimedia (video/audio), digital materials (e.g., documents, templates, forms, reports, surveys), maps and infographics, electronic emergency notifications, and subscription services (e.g., news feeds, alert services, professional journals);
- 2.5.2 **Software:** This includes, but is not limited to web, desktop, server, and mobile client applications, authoring tools, associated infrastructure, and service offerings (Software as a Service (SaaS), Platform as a Service (PaaS), Infrastructure as a Service (IaaS));
- 2.5.3 **Hardware:** This includes, but is not limited to computers & laptops, servers, tablets, printers and copiers, scanners, peripheral equipment (e.g., keyboards, mice), kiosks and mobile phones; and
- 2.5.4 **Support documentation and services:** This includes, but is not limited to training services, help desk or call center, automated self-service & technical support, and product materials.
- 2.6 **End-users:** The ultimate consumers of digital information or services. Depending on the intended audience, these could be members of the public, internal personnel, and/or business partner personnel, etc.
- 2.7 **Equal access:** A person with a disability must be afforded the opportunity to obtain digital information and services, in as equally effective a manner as a person without a disability, with substantially equivalent ease of use.
- 2.8 **Equal Employment Opportunity (EEO) Coordinators:** Designated agency individual who is responsible for the implementation, monitoring, and record keeping of the agency EEO Program as well as providing technical assistance to applicants and employees.
- 2.9 **Exceptions:** [Defined exceptions to the revised Section 508 Standards](#)³, including:
- 2.9.1 **Best meets exception:** Provides a mechanism to help agencies balance business needs and obligations to procure products and services that conform to the revised Section 508 Standards when an alternative that fully conforms is not available.
- 2.9.2 **Fundamental alteration exception:** The exception for fundamental alteration applies only to the specific features or functions of the product/service that cannot conform to the Revised Section 508 Standards without fundamentally altering the

³ <https://www.section508.gov/buy/determine-ict-exceptions>

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nature of the product/service.

- 2.9.3 **Maintenance/monitoring space exception:** Where status indicators and operable parts for functions are in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment, such status indicators and operable parts shall not be required to conform to the revised Section 508 Standards.
- 2.9.4 **Safe harbor exception:** Unaltered, existing digital information and services that complies with the original Section 508 Standards need not be modified or upgraded to conform to the revised Section 508 Standards. This safe harbor applies on an element-by-element basis to each component.
- 2.9.5 **Undue burden exception:** Used in rare circumstances, where the cost to fully conform with the revised Section 508 Standards would consume a significant amount of available program resources, or when conformance would present substantial difficulty.
- 2.10 **Functionally accessible:** Any person can use the resource effectively to perform an available task. It is not enough that the resource meets “technical accessibility” standards. It must be easy to use, and the content must be clear and unambiguous for all users, including those with disabilities.
- 2.11 **Legacy:** Digital information and services designed and implemented prior to the issue date of this policy (located at the bottom of this document).
- 2.12 **Section 508 Standards (Revised):** A final rule, published in January of 2017, updating accessibility requirements for information and communication technology (ICT) covered by Section 508 of the Rehabilitation Act of 1973.
- 2.13 **Substantially modified or enhanced:** Includes changes, that, based on their scope and magnitude, could impact the accessibility and usability of existing digital information and services. These include, but are not limited to changes to:
 - 2.13.1 Software interface elements: Delivered to the user via native operating-system based processes.
 - 2.13.1.1 This also includes software interface elements embedded in a web page (e.g. browser plug-ins).
 - 2.13.2 Web interface elements: Delivered to the user via a web browser.
 - 2.13.2.1 This also includes browser-based help pages, embedded in software.
- 2.14 **Web-based:** Digital information and services delivered through the web.
- 2.15 **Web Content Accessibility Guidelines (WCAG) 2.0:** [Accessibility requirements](http://www.w3.org/WAI/standards-guidelines/wcag/)⁴ that apply to all web content, including text, images, audio materials, video materials, and the

⁴ <http://www.w3.org/WAI/standards-guidelines/wcag/>

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code used for structure, style, and interactions. Includes three levels of conformance (A, AA, and AAA).

3.0 Applicability

- 3.1 This policy applies to digital information and services that are made available to citizens and/or employees that fall under the purview of the Chief Information Officer, with the following exceptions:
 - 3.1.1 *Archived* digital information and services; and
 - 3.1.2 *Legacy* digital information and services that have not been *substantially modified or enhanced* since the issue date of this policy.
 - 3.1.2.1 Legacy digital information and services that meet these criteria are subject to the OIT accessibility policies and standards that were in effect prior to the implementation of this policy.
- 3.2 All relevant federal and state regulations, policies, and standards apply. These include, but are not limited to:
 - 3.2.1 [Accessible Information and Effective Communication - Standards and Best Practices](#)⁵
 - 3.2.2 [Americans with Disabilities Act](#)⁶
 - 3.2.3 [Maine Human Rights Act](#)⁷
 - 3.2.4 [Maine State Archives Records Retention Schedule](#)⁸
 - 3.2.5 [Web Standards](#)⁹
 - 3.2.5.1 If there are any inconsistencies between this policy and relevant federal or state regulations, the regulations take precedence.
 - 3.2.5.2 If a waiver is approved, against all or part of this policy, the waiver does not absolve the *agency* from compliance with any relevant federal regulations, state regulations, or legal obligations.

4.0 Responsibilities

- 4.1 ***Americans with Disabilities Act (ADA) Coordinators, specific to this policy, are responsible for:***
 - 4.1.1 Advancing the use of best practices by providing technical assistance, maintaining a list of Disability Related resources, developing a Statewide training program for users under their purview, and recommending management actions.

⁵ <https://www.maine.gov/oit/policies/ADA-Communication-Appendix-A.pdf>

⁶ https://www.ada.gov/2010_regs.htm

⁷ <http://www.mainelegislature.org/legis/statutes/5/title5ch337sec0.html>

⁸ <https://www.maine.gov/sos/arc/records/state/generalschedules.html>

⁹ <https://www.maine.gov/oit/policies/webstandards.html>

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- 4.1.2 Consulting, as necessary with the Office of Information Technology and Information Technology Accessibility Committee regarding sections of this policy that are under the ADA Coordinator purview.
 - 4.1.3 Coordinating Statewide implementation and review of components of this policy that are under the ADA Coordinator purview.
 - 4.1.4 Working with agencies to determine a course of action for equally effective access for publicly available agency digital information and services that are not accessible to people with disabilities.
 - 4.1.4.1 Approval of Equally Effective Alternative Access Plans (EEAAP) for publicly available agency digital information and services under their purview.
 - 4.1.5 Approval of any agency exceptions to the revised *Section 508 Standards*, for internally available agency digital information and services, under their purview.
- 4.2 Agencies are responsible for:**
- 4.2.1 Ensuring that internally developed/delivered agency digital information and services, are accessible to individuals with disabilities, consistent with any pertinent federal regulations, state regulations, and Office of Information Technology policies and standards.
 - 4.2.2 Ensuring that any contractual agreement for vendor developed/delivered agency digital information and services adhere to any pertinent federal regulations, state regulations, and Office of Information Technology policies and standards.
 - 4.2.3 Establishing a mechanism for users to report digital accessibility issues or concerns.
 - 4.2.4 Responding to requests from individuals with disabilities, to make agency digital information and services available in an accessible, alternative format, or provide an equally-effective accommodation, within a reasonable time-period, that is consistent with any pertinent federal or state regulations.
 - 4.2.5 Insuring that agency personnel, involved in developing, procuring, modifying, or sharing digital information and services, or others with digital accessibility roles:
 - 4.2.5.1 Receive appropriate and regular accessibility training, consistent with their assigned roles; and
 - 4.2.5.2 Understand that digital accessibility must be complied with as part of procurement, development, maintenance, and support activities and as stated in this policy.
 - 4.2.6 Ensuring that communication with individuals with a disability are equally effective, integrated, with substantially equivalent ease of use as communications with others.

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- 4.2.7 Providing accessible phone service, including TTY and relay calls, consistent with the Accessible Information and Effective Communication – Standards and Best Practices.
 - 4.2.8 Collaborating with the Office of Information Technology to implement and ensure vendor adherence to digital accessibility requirements for various types of procurements (Requests for Proposals, contractual agreements, etc.)
 - 4.2.9 Ensuring appropriate Equally Effective Alternative Access Plans (EEAAP) are developed in coordination with agency EEO and/or agency ADA coordinators, and the Office of Information Technology Accessibility Testing Team, as necessary, to provide equal access to agency digital information and services that are not accessible to individuals with disabilities.
 - 4.2.10 Identifying and documenting instances where *exceptions* to the revised Section 508 Standards apply.
 - 4.2.10.1 Given that the legal and statutory responsibility for the accessibility of agency digital information and services lies with the agency, agencies must ensure that each exception is appropriately documented, consistent with the revised Section 508 Standards, and approved by agency leadership, by their ADA Coordinator and/or EEO Coordinator, and in consultation with legal counsel.
- 4.3 ***Equal Employment Opportunity (EEO) Coordinators, specific to this policy, are responsible for:***
- 4.3.1 Working with agencies to determine a course of action for equally effective access for internally available agency digital information and services that are not accessible to people with disabilities.
 - 4.3.1.1 Approval of Equally Effective Alternative Access Plans (EEAAP), for internally available agency digital information and services under their purview.
 - 4.3.2 Consulting, as necessary with the Office of Information Technology and Information Technology Accessibility Committee regarding sections of this policy that are under the EEO Coordinator purview.
 - 4.3.3 Approval of any agency exceptions to the revised Section 508 Standards, for internally available agency digital information and services, under their purview.
- 4.4 **The Office of Information Technology is responsible for:**
- 4.4.1 Ensuring that Office of Information Technology personnel receive appropriate and regular accessibility training, consistent with their assigned roles.
 - 4.4.2 Integrating accessibility throughout all stages of the software development life cycle (e.g. initiate, plan, implement, sustain) for Office of Information Technology developed digital information and services.

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- 4.4.3 Consulting with the Information Technology Accessibility Committee (ITAC) regarding evolving digital technology, pertinent to accessibility.
- 4.4.4 Promoting education and awareness of digital accessibility.
- 4.4.5 **The Chief Information Officer (CIO) is responsible for:**
 - 4.4.5.1 Enforcing this policy. [Title 5, Maine Revised Statutes, Chapter 163 §1973](#)¹⁰, Section 1, Paragraph B authorized the Chief Information Officer to “set policies and standards for the implementation and use of information and telecommunications technologies, including privacy and security standards and standards of the Federal *Americans with Disabilities Act (ADA)*, for information technology.”
- 4.4.6 **The Office of Information Technology Accessibility Testing Team is responsible for:**
 - 4.4.6.1 Running applicable tests on digital information and services, to confirm compliance with this policy.
 - 4.4.6.2 Evaluating State of Maine digital information and services for accessibility compliance with industry standard, technical aspects.
 - 4.4.6.3 Evaluating vendor-provided accessibility materials (test results, VPATs, etc.) for accessibility compliance with industry standard, technical aspects. This includes, but is not limited to:
 - 4.4.6.3.1 Reviewing test results for accuracy and completeness.
 - 4.4.6.3.2 Vetting submitted test results through applicable tests on the digital information or service.
 - 4.4.6.4 Scanning state websites for accessibility issues, providing scan results to designated agency personnel.
 - 4.4.6.5 Providing guidance to the CIO regarding digital accessibility.
 - 4.4.6.6 Working with vendors to provide additional insight regarding testing results and any potential testing discrepancies.
 - 4.4.6.7 While the bulk of testing conducted is done upon request, there are instances where testing may be required. Examples include:
 - 4.4.6.7.1 In response to a complaint; and
 - 4.4.6.7.2 To assure compliance with this policy.

¹⁰ <http://legislature.maine.gov/statutes/5/title5sec1973.html>

4.4.7 Office of Information Technology Information Technology Vendor Management is responsible for:

- 4.4.7.1 Resolving disagreements and providing testing clarification as it pertains to contracts.
- 4.4.7.2 Providing information and direction to agencies and vendors regarding accessibility best practices in contracted digital information and services.
- 4.4.7.3 Collaborating with the agencies to identify and implement vendor digital accessibility requirements for various types of procurements (Requests for Proposals, contractual agreements, etc.)
- 4.4.7.4 Reviewing information technology Requests for Proposals, contracts, and other procurement mechanisms for vendor adherence to defined requirements, and compliance with this policy.

4.5 Vendors are responsible for:

- 4.5.1 Complying with the revised [Section 508 Standards](#)¹¹ and [Web Content Accessibility Guidelines \(WCAG\) 2.0, Level AA, Success Criteria](#)¹² for any provided products and services.
- 4.5.2 Submitting a completed [Voluntary Product Accessibility Template](#)¹³, for proposed/provided products and services. For example, when responding to Requests for Proposals, and/or as part of contractual agreements.
 - 4.5.2.1.1 Vendors must use the newest version of the VPAT template, to the extent possible.
 - 4.5.2.2 If VPATs are submitted, using an older version of the template, instead, vendors must also provide an explanation, as to why the newest version is not being used.
 - 4.5.2.2.1 Upon review of the older version template, VPAT content, and the explanation provided, additional pertinent information may be required, for items listed on the new template, that are missing from the old template.
 - 4.5.2.3 The VPAT template should be filled out in its entirety and include testing methodology, conformance level, and remarks for any partially supported or non-supported level per the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA Success Criteria.
 - 4.5.2.4 For any WCAG 2.0 success criteria, which the product or service either only partially meets, or does not meet, the vendor should provide a road map

¹¹ <https://www.section508.gov/manage/laws-and-policies>

¹² <http://www.w3.org/TR/WCAG20/>

¹³ <https://www.itic.org/policy/accessibility/vpat>

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documenting the expected timeframe and release cycle that will resolve each accessibility issue.

- 4.5.3 Providing additional required/requested information to document the accessibility of proposed/provided products and services. For example, when responding to Requests for Proposals, and/or as part of contractual agreements.
- 4.5.4 Promptly fixing accessibility issues that are reported to them, that create a substantial barrier to use.

5.0 Directives:

- 5.1 This policy does not stipulate any specific technology or design approach. The aim is the maximize access to and usability of State of Maine digital information and services (public and internal) by people with disabilities.
- 5.2 All agency public-facing electronic content (including associated support documentation and services) must comply with the revised Section 508 Standards.
 - 5.2.1 Public-facing content that is *web-based*, is also subject to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA, Success Criteria.
- 5.3 All agency non-public-facing electronic content (internal content) that falls into any of the nine categories below, must comply with the revised Section 508 Standards:
 - 5.3.1 Emergency notifications;
 - 5.3.2 An initial or final decision adjudicating an administrative claim or proceeding;
 - 5.3.3 Internal or external program or policy announcements;
 - 5.3.4 A notice of benefits, program eligibility, employment opportunity, or personnel action;
 - 5.3.5 A formal acknowledgement of receipt;
 - 5.3.6 Survey questionnaires;
 - 5.3.7 Templates or forms;
 - 5.3.8 Educational or training materials; and
 - 5.3.9 Intranet content designed on a web page.
 - 5.3.9.1 Non-public-facing content, that is web-based, and falls into any of these categories, is also subject to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA, Success Criteria.
- 5.4 All agency software (including associated support documentation and services) must conform to the revised Section 508 Standards.
 - 5.4.1 If the software is web-based, it is also subject to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA, Success Criteria.
- 5.5 All agency hardware (including associated support documentation and services) must conform to the revised Section 508 Standards.

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5.6 Agencies must manage the criteria/approval process for requested compliance exceptions, that are specifically defined in the revised Section 508 Standards (best meets, fundamental alteration, maintenance/monitoring space, safe harbor, undue burden, etc.).

5.6.1 Agencies must notify the Office of Information Technology of any approved agency exceptions to the revised Section 508 Standards and provide the Office of Information Technology with any associated documentation.

5.6.1.1 Given the nature of these specific exceptions, they are outside the scope of the policy waiver process, identified in section 7.0 of this document.

5.6.1.1.1 The reason for this distinction is that these defined Section 508 exceptions are more overarching than this policy. As such, they cannot be waived by the Office of Information Technology.

5.6.1.2 This is informational only, as these specific exceptions to the revised Section 508 Standards, extend beyond the purview of the Office of Information Technology.

6.0 Resources:

6.1 For additional guidance, please see the following resources:

6.1.1 [Accessibility Guide](#) – Maine Department of Labor.

7.0 Document Information:

This policy replaces the Web Accessibility and Usability Policy, the Computer Applications Program Accessibility Standard, and the Accessibility Policy on Effective Electronic Communications.

Initial Issue Date: December 20, 2019.

Point of Contact: Enterprise.Architect@Maine.Gov.

Approved By: Chief Information Officer, Office of Information Technology.

Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)¹⁴

Waiver Process: See the [Waiver Policy](#)¹⁵

¹⁴ <http://legislature.maine.gov/statutes/5/title5ch163sec0.html>

¹⁵ <https://www.maine.gov/oit/policies/waiver.pdf>