



**Maine State Government
Department of Administrative and Financial Services
Office of Information Technology**

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 designed to be *functionally accessible* have the highest degree of usability for all people, including those who have visual, auditory, motor, cognitive, or other disabilities.
- 1.2 The [World Health Organization \(WHO\)](#)¹ estimates that there are more than a billion people in the world with disabilities and that the number is increasing. Developing and delivering digital information and services that comply with digital accessibility standards removes barriers to equal access for these individuals.
- 1.3 The State of Maine's commitment to making digital information and services accessible to individuals with disabilities dates back more than two decades. The purpose of this policy is to provide guidance to State agencies for continually improving 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 and that falls within the Chief Information Officer's domain.
- 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 **ADA Coordinators:** Designated agency individual(s) who, pursuant to [Executive Order 07 FY 04/05](#)², 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.
- 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.

¹ <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>

² https://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Executive_Orders&id=21345&v=Article

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- 2.5.1 **Electronic content:** This includes, but is not limited to, websites and web-based materials (internet/intranet), Microsoft Office, and PDF documents, training materials (for example, online training materials, tests, online surveys), multimedia (video/audio), digital materials (for example, documents, templates, forms, reports, surveys), maps and infographics, electronic emergency notifications, and subscription services (for example, 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, Platform as a Service, Infrastructure as a Service);
 - 2.5.3 **Hardware:** This includes, but is not limited, to computers and laptops, servers, tablets, printers and copiers, scanners, peripheral equipment (for example, 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 and technical support, and product materials.
- 2.6 **End-users:** The ultimate consumers of digital information or services. Depending on the intended audience, these people 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 manner that is equally effective to that of 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 Equal Employment Opportunity (EEO) program, as well as for 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:** Applies only to the specific features or functions of the product or service that cannot conform to the Revised Section 508 Standards without fundamentally altering the 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 comply with the original Section 508 Standards need not be modified or upgraded to conform to the revised Section 508 Standards. This “safe harbor” exception applies on an element-by-element basis to each component.

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

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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 original 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 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 These elements also include software-interface objects embedded in a web page (for example, browser plug-ins).

2.13.2 Web-interface elements: Delivered to the user via a web browser.

2.13.2.1 These elements also include 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](#)⁴ for all web content, including text, images, audio materials, video materials, and code for structure, style, and interactions. The Guidelines include three conformance levels: A, AA, and AAA.

3.0 **Applicability**

3.1 This policy applies to digital information and services that fall under the purview of the Chief Information Officer that are made available to citizens and/or employees, 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 original issue date of this policy.

3.1.2.1 Legacy digital information and services that meet these criteria are subject to Office of Information Technology 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:

⁴ <https://w3c.github.io/wai-website/standards-guidelines/wcag/>

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- 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 If there are any inconsistencies between this policy and relevant Federal or State regulations, the regulations take precedence.
- 3.2.6 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 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.
- 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 publicly 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 contractual agreements for vendor-developed or vendor-delivered agency digital information and services adhere to any pertinent Federal regulations, State regulations, and Office of Information Technology policies and standards.

⁵ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/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>

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- 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 to provide an equally effective accommodation, within a reasonable time period that is consistent with any pertinent Federal or State regulations.
- 4.2.5 Ensuring 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 compliance is 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 is equally effective, integrated, with substantially equivalent ease of use as communications with others.
- 4.2.7 Providing accessible phone service, including teletype and relay calls, consistent with the [Accessible Information and Effective Communication – Standards and Best Practices](#).⁹
- 4.2.8 Collaborating with the Office of Information Technology to implement and ensure vendor adherence to digital accessibility requirements for all types of procurement instruments.
- 4.2.9 Ensuring appropriate EEAAPs are developed in coordination with agency *EEO* and/or agency ADA coordinator(s) 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, consulting with the Office of Information Technology Accessibility Team, as necessary, for additional guidance to help make the determination.
 - 4.2.10.1 These exceptions, specifically defined in Section 508, represent rare instances where technology (as a whole or in part) cannot, or does not, have to conform to the standards. Where applicable, given that 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, is consistent with the revised Section 508 Standards, is consistent with any other pertinent agency legal requirements, and is approved by agency leadership, as well as by their ADA Coordinator and/or EEO Coordinator.

4.3 *EEO Coordinators, specific to this policy, are responsible for:*

⁹ <https://www.maine.gov/oit/sites/maine.gov/oit/files/inline-files/ADA-Communication-Appendix-A.pdf>

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- 4.3.1 Working with agencies to determine a course of action to provide equally effective access for internally available agency digital information and services that are not currently accessible to people with disabilities.
 - 4.3.1.1 Approval of EEAAPs for internally available agency digital information and for 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 (for example, initiate, plan, implement, sustain) for Office of Information Technology–developed digital information and services.
 - 4.4.3 Consulting with the Information Technology Accessibility Committee 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](http://legislature.maine.gov/statutes/5/title5sec1973.html)¹⁰, Section 1, Paragraph B authorizes 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 Team is responsible for:**
 - 4.4.6.1 Evaluating State of Maine digital information and services for accessibility compliance with industry standard technical aspects.
 - 4.4.6.2 Providing accessibility guidance, information, and resources to Office of Information Technology, and agency personnel.
 - 4.4.6.3 Establishing, maintaining, and adhering to digital accessibility testing guidelines.
 - 4.4.6.4 Running applicable tests on digital information and services, to confirm compliance with this policy.
 - 4.4.6.5 Evaluating vendor-provided accessibility materials (test results, completed Voluntary Product Accessibility Templates (VPATs), and so on) for accessibility compliance with industry standard technical aspects. This includes, but is not limited to:

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

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- 4.4.6.5.1 Reviewing test results for accuracy and completeness; and
- 4.4.6.5.2 Vetting submitted test results through applicable tests on the digital information or service.
- 4.4.6.6 Scanning State websites for accessibility issues, and providing scan results to designated agency personnel.
- 4.4.6.7 Providing guidance and serving as a subject matter expert to the CIO regarding digital accessibility.
- 4.4.6.8 Working with vendors to provide insight into testing results and any testing discrepancies.
- 4.4.6.9 While the bulk of the testing conducted is done upon request, there are instances where testing may be required. Examples include:
 - 4.4.6.9.1 In response to a complaint; and
 - 4.4.6.9.2 To assure compliance with this policy.
- 4.4.7 **The Office of Information Technology Application Development Team is responsible for:**
 - 4.4.7.1 Providing information and direction to agencies and vendors regarding accessibility best practices in contracted digital information and services.
 - 4.4.7.2 Resolving disagreements and providing testing clarification as it pertains to contracts.
 - 4.4.7.3 Collaborating with agencies to ensure vendor adherence to defined requirements and compliance with this policy.
- 4.4.8 **State Procurement, IT Procurement, is responsible for:**
 - 4.4.8.1 Collaborating with application development teams and agencies to identify and implement vendor digital accessibility requirements for various types of procurements (Requests for Proposals, contractual agreements, etc.).
 - 4.4.8.2 Collaborating with application development teams to review information technology requests for proposals, contracts, and other procurement mechanisms for vendor adherence to defined requirements and for compliance with this policy.
- 4.5 **Vendors are responsible for:**
 - 4.5.1 Complying with the revised [Section 508 Standards](https://www.section508.gov/manage/laws-and-policies)¹¹ and [Web Content Accessibility Guidelines \(WCAG\) 2.0, Level A and AA, Success Criteria](http://www.w3.org/TR/WCAG20/)¹² for any provided products and services.
 - 4.5.2 Submitting a completed [Voluntary Product Accessibility Template](https://www.itic.org/policy/accessibility/vpat)¹³, where required, for proposed/provided products and services; for example, when responding to Requests for Proposals, and/or as part of a contractual agreement.

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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- 4.5.2.1 Vendors must use the newest version of the VPAT template (Section 508 edition), to the extent possible.
- 4.5.2.2 The VPAT template needs to be filled out in its entirety and must identify testing methodology. Conformance level and remarks need to be specified for each entry included in WCAG 2.0 Level A and AA Success Criteria.
- 4.5.2.3 For any WCAG 2.0 Level A and AA Success Criteria item wherein a conformance level of “partially supports” or “does not support” is specified, the vendor should include the plan and expected time frame in which the item will be brought to a “supports” conformance level.
- 4.5.2.4 If VPATs are submitted using a pre-2.0 version of the template, vendors must also provide an explanation as to why a newer version is not being used.
- 4.5.2.5 The completed VPAT needs to accurately and fully report the level of accessibility conformance. If the review of the VPAT triggers questions and/or identifies missing content, additional information may be required.
- 4.5.3 Providing additional required and requested information (testing results, and so forth) to document the accessibility of proposed or provided products and services; for example, when responding to Requests for Proposals, as part of contractual agreements, and/or in association with [Application Deployment Certification](#)¹⁴ requirements.
- 4.5.4 Promptly fixing reported accessibility issues that involve a substantial barrier to use.

5.0 Directives:

- 5.1 This policy does not stipulate any specific technology or design approach. The aim is to 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 WCAG 2.0, Level A and AA, Success Criteria.
- 5.3 All agency nonpublic-facing electronic content (internal content) that falls into any of the nine categories listed below must comply with the revised Section 508 Standards:
 - 5.3.1 Emergency notifications;
 - 5.3.2 Initial or final decision adjudicating an administrative claim or proceeding;
 - 5.3.3 Internal or external program or policy announcements;
 - 5.3.4 Notices of benefits, program eligibility, employment opportunity, or personnel action;
 - 5.3.5 Formal acknowledgements of receipt;

¹⁴ https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/application-deployment-certification_0.pdf

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- 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 WCAG 2.0, Level A and 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 WCAG 2.0 Level A and AA Success Criteria.
- 5.5 All agency *hardware* (including associated support documentation and services) must conform to the revised Section 508 Standards.
- 5.6 In rare instances where compliance exceptions to the revised Section 508 Standards apply (such as best meets, fundamental alteration, maintenance/monitoring space, safe harbor, undue burden), agencies must manage the documentation and approval process.
 - 5.6.1 Due to the nature of these specific exceptions, they are outside the scope of the policy waiver process identified in section 7.0 of this document.
 - 5.6.2 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.
 - 5.6.2.1 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.
 - 5.6.2.2 This is informational only, as these specific exceptions to the revised Section 508 Standards extend beyond the Office of Information Technology purview.

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:

- 7.1 This policy replaces the Web Accessibility and Usability Policy (initial issue date: May 1, 2012), the Computer Applications Program Accessibility Standard (initial issue date: January 13, 1998), and the Accessibility Policy on Effective Electronic Communications (initial issue date: November 6, 2007).
- 7.2 Initial Issue Date (Version 1.0): December 20, 2019.
- 7.3 Current Revision Date (Version 2.1): September 7, 2021.
- 7.4 Point of Contact: Enterprise.Architect@Maine.Gov.
- 7.5 Approved By: Chief Information Officer, Office of Information Technology.

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7.6 Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)¹⁵

7.7 Waiver Process: See the [Waiver Policy](#)¹⁶

¹⁵ <http://legislature.maine.gov/statutes/5/title5ch163sec0.html>

¹⁶ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/waiver.pdf>