**NEW YORK STATE EDUCATION DEPARTMENT**

Office of Information Technology Services

Chief Information Officer

89 Washington Avenue, Room 675 EBA

Albany, NY 12234

Email: sedaccess@nysed.gov

# NYSED ITS POLICY

Web Accessibility Policy: NYSED-WEBACC-001
Updated: 4/26/17

**Issued By:** NYSED Chief Information Officer
**Owner:** NYSED Chief Information Officer

## 1.0 Purpose and Benefits of the Policy

This policy establishes accessibility requirements for web-based information and applications developed, procured, maintained or used for all NYSED web-based content. Implementation of this policy reaffirms NYSED’s commitment to ensuring all people with disabilities have an equal opportunity to participate in our benefits, programs, and services through web content.

## 2.0 Scope

This Web Accessibility Policy applies to all internal or external web content and functionality whether developed by, maintained by, or offered either by NYSED or through a third party vendor or open source.

## 3.0 Policy Statement

Web-based content including websites and applications shall be compliant with Web Content Accessibility Guidelines (WCAG) WCAG 2.0 Level AA and implement Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 where applicable for dynamic web content, unless an undue burden or fundamental alteration would be imposed that NYSED Central -ITS office allows[[1]](#footnote-1). Examples of instances where content may constitute an undue burden or fundamental alteration are available on the [webaccess site.](http://www.nysed.gov/webaccess/)  In support of meeting accessibility requirements, web content staff and application developers shall comply with the requirements for accessibility as posted on [the webaccess site.](http://www.nysed.gov/webaccess) These requirements apply to all new or updated web content. All other existing web information shall be remediated for compliance according to the US DOE Resolution Agreement on Accessibility 8/5/16.

Any documents created or otherwise delivered by a vendor to NYSED pursuant to a contract or any other written agreement shall be produced with the expectation that NYSED may, in its sole and absolute discretion, elect to place such content on its website. Therefore, any such materials must be created and delivered in a manner consistent with this Web Accessibility Policy and compliant with Web Content Accessibility Guidelines (WCAG) WCAG 2.0 Level AA and implement Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0.

On and after the effective date of this policy, all solicitation documents, contracts and any amendments hereto executed on and after such date shall include the following clause:

Any documents, web-based information and applications development, or programming delivered pursuant to the contract or procurement, will comply with New York State Education Department IT Policy NYSED-WEBACC-001, Web Accessibility Policy as such policy may be amended, modified or superseded, which requires that state agency web-based information, including documents, and applications are accessible to persons with disabilities. Documents, web-based information and applications must conform to NYSED-WEBACC-001 as determined by quality assurance testing. Such quality assurance testing will be conducted by NYSED employee or contractor and the results of such testing must be satisfactory to NYSED before web-based information and applications will be considered a qualified deliverable under the contract or procurement.

The above clause will also apply to the extent that a NYSED program office contracts with a public or private entity, and such contract requires the creation of any documents or other written materials, or the development, implementation, or hosting of web-based information or applications on behalf of, or for, a state agency. The requirement of this part specifically includes the outsourcing of any of the services identified in this part.

However, portions of an Intranet, the Internet or an extranet that are outside the control of NYSED or the third-party will not be affected.

### Exceptions

For any technology-related requirement for which a NYSED office requests an exception with an undue burden or fundamental alteration defense, such assertion may only be made by the NYSED Commissioner, or an individual designated by the Commissioner who has budgetary authority after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion, including the cost of meeting the requirement and the available funding and other resources. The written statement will be certified by the determining official. If such a determination is made, the certifying official will describe in the written statement how it will provide equally effective alternate access, i.e., other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services provided by NYSED as their nondisabled peers.

## 4.0 Policy Compliance

This policy shall take effect upon publication. To assure compliance, NYSED is required to:

1. Designate a lead and backup point of contact for accessibility for program area websites.
2. Ensure a clearly posted “accessibility” notice appears on each website or web application owned or maintained by NYSED.
3. Web-based intranet and internet information and application will be tested for accessibility compliance as new web-based information and application content is made available. Testing shall be based on requirements for web accessibility as posted on [www.nysed.gov/webaccess](http://atwork.nysed.gov/webaccess/).
4. Perform annual auditing of web content.
5. Document receipt of and responses to any and all inquiries regarding accessibility of NYSED’s web content.

## 5.0 Definitions of Key Terms

**Accessibility Accommodation[[2]](#footnote-2)** is a means or method of providing information and services to users with disabilities in cases where the application of current WCAG 2.0 standards is neither feasible nor helpful.

**Fundamental Alteration**will mean a major change or modification of the critical function or nature of a program or service.

**Undue Financial or Administrative Burden**will mean significant difficulty or expense. In determining whether an action would result in an undue burden, the agency must consider all resources available for use in the funding and operation of the service, program, or activity.

**US DOE OCR Resolution Agreement** – an agreement between NYSED and US Department of Education, Office of Civil Rights, case #02-16-1195. This agreement specifies actions NYSED shall take to ensure accessibility compliance, including establishing a plan for new content, corrective action plan, auditing, and training for accessibility.

**WAI-ARIA**- defines a way to make Web content and Web applications more accessible to people with disabilities. Reference:[WAI-ARIA Overview](https://www.w3.org/WAI/intro/aria)

**WCAG 2.0 Level AA**  – These guidelines are organized under [4 principles: perceivable, operable, understandable, and robust](http://www.w3.org/TR/UNDERSTANDING-WCAG20/intro.html#introduction-fourprincs-head). For each guideline, there are testable success criteria, which are at [3 levels of WCAG 2.0: A, AA, and AAA](http://www.w3.org/TR/UNDERSTANDING-WCAG20/conformance.html#uc-levels-head).

**Reference**: [WCAG Overview](https://www.w3.org/WAI/intro/wcag)

**Web application** – any web content which is accessible via a browser and runs on NYSED web application server or PHP server. This content tends to be interactive. Examples include applications available from eservices.nysed.gov and data.nysed.gov.

**Web-based information and applications**refers to any information or application that is accessed by a web-browser over a network such as the [*internet*](http://en.wikipedia.org/wiki/Internet) *or an* [*intranet.*](http://en.wikipedia.org/wiki/Intranet)The term may also mean a computer software application that is hosted in a browser-controlled environment or coded in a browser-supported language combined with a browser-rendered [markup language](http://en.wikipedia.org/wiki/Markup_language) and reliant on a common web browser to render the application [executable.](http://en.wikipedia.org/wiki/Executable)

**Website** – any web content which is maintained either on a static site with Dreamweaver or Contribute, or a content management system such as a Drupal site. This content tends to be informational. Examples include www.nysed.gov, www.p12.nysed.gov, and engageny.org.

**Web content staff**– NYSED staff or who maintain website content for their area. These staff may have Dreamweaver or Contribute tools for legacy sites, or may have permissions in Drupal to update web content.

## 6.0 Contact Information

Submit all inquiries and requests for future enhancements to the policy owner at:

**NEW YORK STATE EDUCATION DEPARTMENT**

Chief Information Officer

89 Washington Avenue, Room 675 EBA

Albany, NY 12234

Email: sedaccess@nysed.gov

## 7.0 Review Schedule and Revision History

NYSED ITS shall review this policy at least once every year to ensure relevancy. To accomplish this assessment, ITS may issue, from time to time, requests for information to other department offices which will be used to develop any reporting requirements as may be requested by the Department’s Chief Information Officer, the Board of Regents, or Legislative entities.

| **Date**  | **Description of Change**  | **Reviewer** |
| --- | --- | --- |
| 11/28/2016 | Original Standard Release  | IT Governance Board |
| 4/26/2017 | Updated policy reference for explicit reference to documents in clause to vendors. Explicit reference to exception  | IT Governance Board |

## 8.0 Related Documents

* [NYS Web Accessibility Policy NYS-P08-005](https://its.ny.gov/sites/default/files/documents/nys_p08-005_memo_09102010.pdf)
* [US DOE OCR Resolution Agreement on Accessibility 8/5/16](http://atwork.nysed.gov/webaccess/policy/ocr_resolution_agreement.html)
* [Web Accessibility Requirements](http://atwork.nysed.gov/webaccess/policy/website_requirements.doc)
* [Web Content Procedures](http://atwork.nysed.gov/webaccess/policy/webapp_requirements.doc)
* [Webmaster Listing](http://atwork.nysed.gov/webaccess/policy/webmasters.html)
* [HHS Accessibility Accommodations](https://www.hhs.gov/web/section-508/accessibility-accomodation/index.html)
1. See https://www.section508.gov/section-508-of-the-rehabilitation-act [↑](#footnote-ref-1)
2. HHS Standard, https://www.hhs.gov/web/section-508/accessibility-accomodation/ [↑](#footnote-ref-2)