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TO: Presidents

FROM: Gary W. Reichard
Executive Vice Chancellor / Chief Academic Officer

Richard P. West
Executive Vice Chancellor / Chief Financial Officer

RE: **Access to Electronic and Information Technology for Persons with Disabilities**

> This correspondence sets forth revised timelines and clarifies the tasks and deliverables associated with the implementation of the Accessible Technology Initiative. These revisions respond to campus requests for additional time for consultation and capacity building. The information below effectively replaces Section III and Section IV of Coded Memo AA-2006-41. Please note, in particular, the changes in timeline associated with each priority as well as the addition of a "Definitions" section at the end of this memorandum. A matrix of tasks and timelines also is presented for easy reference. Please direct questions or concerns to Ms. Mary Cheng, Director, Accessible Technology Initiative, at mary.cheng@csueastbay.edu or at (510) 885-2844.

The Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 require that qualified individuals with disabilities be provided equal access to programs, services, or activities. California Government Code 11135 applies Section 508 of the 1973 Rehabilitation Act, as amended in 1998, to State entities and to the CSU. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. The CSU policy statement on accessibility was articulated in Executive Order 926, and the tasks and timelines described herein reflect implementation steps for EO 926.

Recent experience at four campuses with the Office of Civil Rights has reinforced the importance of timely provision of accessible materials to students with disabilities.

In all cases, if achieving accessibility is either not possible or would constitute an undue burden, then plans to provide equally effective alternative access must be developed, documented, and communicated.

CSU Campuses			
Bakersfield	Fresno	Monterey Bay	San Francisco
Channel Islands	Fullerton	Northridge	San José
Chico	Humboldt	Pomona	San Luis Obispo
Dominguez Hills	Long Beach	Sacramento	San Marcos
East Bay	Los Angeles	San Bernardino	Sonoma
	Maritime Academy	San Diego	Stanislaus

It is anticipated that Section 508 will be revised in the future, possibly within the timelines established in this memo. If modifications result in substantially different accessibility requirements, further guidance and advice will provided to the campuses.

RESPONSIBILITIES

Ensuring the accessibility of information technology and resources is a shared responsibility that cuts across the campus and will require ongoing, overall institutional attention and commitment for its success. One of the common requirements in each plan described in this memo is the identification of roles and responsibilities for each aspect of accessibility. Achieving accessibility will require collaboration among faculty, disability resource centers, bookstores, academic and student services departments, academic technology and other institutional staff, and students with disabilities. Campuses are encouraged to institutionalize their accessibility compliance efforts by establishing policies that support the three ATI priorities. Additionally, systemwide support working with vendors and publishers to address the accessibility of materials will be critical.

In order to demonstrate executive level institutional commitment, Presidents are asked to formally communicate by March 30, 2007 to campus faculty and staff, the importance of ensuring access to information technology and resources to individuals with disabilities. The communication should address the shared responsibility for complying with the requirements for web accessibility, instructional materials accessibility, and accessible electronic and information technology procurement. (Note: this action item replaces the requirement for the development and dissemination of the campus policy on web accessibility and broadens the scope of the communication to include all three priorities.)

PLANS AND TIMELINES

Priority One: Web Accessibility (Administrative)

Access to the Internet and its resources, including websites, web applications, and digital content, is considered an area where the ADA applies. The ubiquity of the Internet in delivering information and providing services is an essential reason to make its accessibility a priority for the CSU. Creating and maintaining accessible websites will be an ongoing institutional responsibility. The dynamic nature of the web and the continuous updating of content require a process that can be facilitated by the use of an enterprise-wide web evaluation and monitoring tool along with well-defined campus policy and implementation procedures.

Web Accessibility Implementation Plan

The plan should include, but is not limited to, the following elements, and is due with the First Year Web Report on June 15, 2007.

1. A process for auditing, monitoring and remediation of websites.
2. A process for establishing accountability and documentation procedures.
3. A strategy to ensure that new websites and web content incorporate accessibility in the design and authoring process.
4. A process for determining exceptions and for developing, documenting and communicating the equally effective alternate form of access that will be provided.
5. A process for identifying critical administrative websites that require remediation.
6. A process for providing alternative ways of delivering information during any period in which websites are undergoing retrofit.
7. A training plan for those who develop and maintain websites and who author web content.
8. A communication plan to educate the campus about web accessibility requirements.
9. An evaluation process to measure the effectiveness of the plan.

10. The identification of roles and responsibilities associated with the above processes.
11. Milestones and timelines that conform to the dates listed below.

Timeline

The milestones identified take into consideration infrastructure development and represent targets for meeting accessibility requirements. To mitigate risk and cost, campuses are urged to begin implementation as soon as possible.

May 15, 2007: Completion of the First Year Web Report. This project replaces the 20-page manual evaluation previously described in the Coded Memo AA 2006-41 dated September 28, 2006. A draft process guide incorporating both an automated and manual checking process for evaluating a sample of campus websites has been developed and placed on the ATI Blackboard site at https://fullerton.blackboard.com/. This first year project will assist campuses in conducting a self-evaluation of the accessibility of their websites and in planning for remediation. (The Technology Access Transition Plan referenced in Coded Memo AA 2006-41 is no longer required.)

June 15, 2007: Submission of the Web Accessibility Implementation Plan and First Year Web Report

No later than September 1, 2007: New and updated administrative websites, web applications, and web content produced by the CSU or by third-party developers should, at a minimum, conform to baseline accessibility standards as defined in Section 508, Subpart B, and where appropriate, Subpart C (http://www.access-board.gov/sec508/standards.htm). This timeline applies only to administrative sites. The deadlines applied to instructional sites are provided in the Instructional Materials section of this memo.

May 15, 2009: All administrative sites that are critical to institutional access (as established in the Web Accessibility Implementation Plan) should, at a minimum, conform to baseline accessibility standards as defined in Section 508. If remediation or replacement of the website is not possible or would constitute an undue burden, then a plan to provide an equally effective alternate form of access must be developed, documented, and communicated.

May 15, 2012: All websites at the CSU should fully conform to Section 508. Once again, undue burden plan requirements (as described above) apply.

Priority Two: Instructional Materials Accessibility

Instructional materials and online course materials also must be accessible to persons with disabilities in order to provide them with effective communication. Communication should be, to the extent possible, as effective for persons with disabilities as it is for persons without disabilities. An essential component of effective communication is timeliness of delivery of accessible formats. To the extent possible, instructional materials, including online course materials, must be accessible to students with disabilities at the same time it is available to any other student enrolled in that program.

Instructional Materials Accessibility Plan

By June 2007, following consultation with local faculty senates as appropriate, each campus should create a plan to support faculty and staff practices that will ensure timely access to instructional materials. This plan should include, but is not limited to, the following elements:

1. A process for timely adoption of textbooks by faculty.
2. A process for identification of textbooks for late-hire faculty.
3. A process for early identification of students with disabilities who require instructional materials to be provided in an alternate format.

4. A strategy to increase faculty use of the campus learning management system (LMS) for delivering technology-enabled courses, and for posting syllabi and instructional materials online for traditional face-to-face and hybrid or blended courses.
5. A process to incorporate accessibility requirements in the purchase of digital or multimedia instructional materials (captions on videos, for example).
6. A method to incorporate accessibility as a required component in the curriculum review and approval processes.
7. A plan to support faculty in the creation of accessible course content.
8. A communication process and training plan to educate students, staff, and faculty about the campus Instructional Materials Accessibility Plan.
9. An evaluation process to measure the effectiveness of the plan.
10. The identification of roles and responsibilities associated with the above processes.
11. Milestones and timelines that conform to the dates listed below.

Timelines

June 15, 2007: Submission of the campus Instructional Materials Accessibility Plan (IMAP).

July 1, 2007: Campuses will implement the IMAP provisions related to timeliness of alternate formats for print-based instructional materials such as those reflected in points #1 to #4 above. These provisions should impact the timeliness of materials for the first academic term of Calendar Year, 2008.

Fall Term, 2008: New courses and new course content, including instructional materials and instructional websites, will be designed and authored in a manner that incorporates accessibility. If incorporating accessibility is not possible or would constitute an undue burden, then a plan to provide an equally effective alternate form of access must be developed, documented, and communicated. Existing course content will be made accessible at the point of course redesign or when a student with a disability enrolls in the course.

Fall Term, 2012: Instructional materials and instructional websites for all course offerings will be accessible. Once again, undue burden plan requirements (as described above) apply.

Priority Three: Accessible Electronic and Information Technology (E&IT) Procurement

Section 508 includes a set of accessibility standards for six categories of electronic and information technology (E&IT) including web applications, hardware, software, telecommunications, multimedia, and self-contained closed products like copiers, fax machines, kiosks, etc. The CSU must incorporate Section 508 standards as it develops or acquires new E&IT resources. The CSU is required to purchase E&IT products and services that conform to the standards established for each category of covered items, if such are commercially available, and their purchase does not result in an undue burden or fundamental alteration.

Electronic and Information Technology Procurement Plan

By June 15, 2007, each campus must develop an implementation plan for the procurement of electronic and information technology (E&IT) covered under Section 508. The plan should include, but is not limited to, the following elements:

1. Research, evaluation, documentation, verification where appropriate, and determination of exceptions related to E&IT procurement.
2. A process for determining undue burden or fundamental alteration.
3. Procedures for providing equally effective alternate access for E&IT acquisitions that are approved for exception or that are not yet subject to the E&IT accessible procurement process.

4. A communication process and training plan to educate the campus community about Section 508 procurement requirements and the established procedures.
5. An evaluation process to measure the effectiveness of the plan.
6. The identification of roles and responsibilities associated with the above processes.
7. Milestones and timelines that conform to the dates listed below.

<u>Timelines</u>

Campuses should consider the potential impact of all E&IT acquisitions regardless of source or costs when these products or services are expected to be used by a significant portion of the campus community. This includes acquisitions that do not involve the exchange of monies (open source software) or that are below the $2,500 threshold (survey instruments that will be used by a significant percentage of students).

June 15, 2007: Submission of the Electronic and Information Technology Procurement Plan.

No later than September 1, 2007: Implementation of an accessible procurement process for E&IT formal solicitations and acquisitions greater than $50,000.

September 1, 2008: Implementation of an accessible procurement process for E&IT acquisitions greater than $2,500. All procurement card purchases are exempt from the accessible procurement process at this point in time.

September 1, 2009: Implementation of an accessible procurement process for all E&IT procurement card acquisitions greater than $2,500.

September 1, 2010: Implementation of an accessible procurement process for all E&IT acquisitions less than or equal to $2,500 to be determined by this date, following evaluation of campus progress reports.

REPORTING REQUIREMENTS

Campuses are required to submit the following reports, preferably electronically, to Dr. Keith Boyum, Associate Vice Chancellor, Academic Affairs, at kboyum@calstate.edu. You may reach Dr. Boyum at (562) 951-4712 [voice] or via fax at (562) 951-4981.

June 15, 2007:	Web Accessibility Implementation Plan and First Year Web Report Instructional Materials Accessibility Plan Electronic and Information Technology Procurement Plan
Yearly Reports:	Web and Instructional Materials Progress Reports - June 15 each year Procurement Progress Reports - August 15 each year
June 15, 2012:	Web and Instructional Materials Final Reports
August 15, 2012:	Procurement Final Report

DEFINITIONS:

Administrative Website or Webpage: A website or webpage is administrative if its primary function is governance, commerce, or navigation to institutional resources or publication of institutional information.

*Critical Administrative Websites***:** These are websites determined by the campus to be important for its mission and operation.

Instructional Website or Web Content: A website or webpage, as well as the contents of such pages, is instructional if its primary function is as an informational resource for course completion. This includes but not limited to items such as course syllabi, reading materials, test materials and multimedia.

Learning Management System: A Learning Management System (LMS) is an administrative website. Content placed within the LMS may be either administrative (committee materials) or instructional (course materials) depending on its primary function.

Equally Effective: Equally effective communication for persons with disabilities is based on
(1) timeliness of delivery, (2) accuracy of translation, and (3) delivery in a manner and medium appropriate to the disability of the person. Aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for disabled and non-disabled persons, but must afford disabled persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

Fundamental Alteration: A modification to a university program or service may constitute a fundamental alteration if it changes the essential purpose of the product or service or any of its components. In situations where a fundamental alteration can be documented, an equally effective alternate form of access must still be provided.

Undue Burden: A modification to a university program or service may constitute an undue burden if it involves "significant difficulty or expense". Because the Office of Civil Rights generally considers the institution's entire budget when reviewing claims of undue burden, the decision to invoke undue burden should be carefully weighed and sufficiently documented. In situations where an undue burden can be documented, an equally effective alternate form of access must still be provided.

Attachment

c: Chancellor Charles B. Reed
        Provosts/Vice Presidents of Academic Affairs
        Vice Presidents of Business/Administration
        Vice Presidents of Student Affairs
        Vice Presidents of Advancement
        Chief Information Officers
        Chair, CSU Academic Senate
        Campus Academic Senate Chairs
        Chancellor's Office Staff

Communication to Campus	New Timeline	Former Timeline	Rationale for Change
Develop and disseminate official communication from the campus president addressing campus commitment to implement all three priorities.	March 30, 2007		This change replaces Web Accessibility Policy and broadens communication to include all three priorities.

Web Accessibility Milestones & Deliverables (Administrative)	New Timeline	Former Timeline	Rationale for Change
Complete the *First Year Web Report*	May 15, 2007		Clarifies prior Coded Memo
Submit *First Year Web Report and Web Accessibility Implementation Plan* to the Chancellor's Office	June 15, 2007	June 15, 2007	No Change
New and updated websites, web applications, and web content, will, at the minimum, conform to baseline accessibility standards as defined in Section 508: (www.access-board.gov/sec508/standards.htm). If remediation or replacement of the website is not possible or would constitute an undue burden, then a plan to provide an equally effective alternate form of access must be developed, documented, and communicated.	No later than September 1, 2007	March, 2007	Additional time for training and building campus capacity.
Submit Progress Report to the Chancellor's Office	June 15, 2008	June 15, 2008	No Change
All administrative sites that are critical to institutional access (as determined in the *Web Accessibility Implementation Plan*) will, at the minimum, conform to baseline accessibility standards as defined in Section 508. If remediation or replacement of the website is not possible or would constitute an undue burden, then a plan to provide an equally effective alternate form of access must be developed, documented, and communicated.	May 15, 2009		Milestone added for clarity
Submit Progress Report to the Chancellor's Office	June 15, 2009	June 15, 2009	No Change
Submit Progress Report to the Chancellor's Office	June 15, 2010		Extended yearly reports to year 4
Submit Progress Report to the Chancellor's Office	June 15, 2011		Extended yearly reports to year 5
All web sites at the CSU will fully conform to Section 508 or to a stricter, future standard. If remediation or replacement of the website is not possible or would constitute an undue burden, then a plan to provide an equally effective alternate form of access must be developed, documented, and communicated.	May 15, 2012		Added endpoint for clarity
Submit Final Report to the Chancellor's Office	June 15, 2012		

Instructional Materials and Instructional Websites Milestones and Deliverables	New Timeline	Former Timeline	Rationale for Change
Submission of *Instructional Materials Accessibility Plan (IMAP)* to the Chancellor's Office.	June 15, 2007	June 15, 2007	No Change
Campuses to implement the IMAP provisions related to timeliness of alternate formats for print-based instructional materials. These provisions should impact the timeliness of materials for the first academic term of Calendar Year, 2008.	July 1, 2007		Milestone added for clarity
Submit Progress Report to the Chancellor's Office	June 15, 2008	June 15, 2008	No change
The development of new courses and new course content, including instructional materials and instructional websites will incorporate accessible design. If incorporating accessibility is not possible or would constitute an undue burden, then a plan to provide an equally effective alternate form of access must be developed, documented, and communicated. Existing course content will be made accessible at the point of course redesign or when a student with a disability enrolls in the course.	Fall Term, 2008	July 1, 2007	Allows time for campuses to build capacity
Submit Report to the Chancellor's Office	June 15, 2009	June 15, 2009	Added for consistency with Web Initiative
Submit Progress Report to the Chancellor's Office	June 15, 2010		Extended yearly reports to year 4
Submit Progress Report to the Chancellor's Office	June 15, 2011		Extended yearly reports to year 5
Instructional materials and instructional websites for all course offerings will be accessible. If incorporating accessibility is not possible or would constitute an undue burden, then a plan to provide an equally effective alternate form of access must be developed, documented, and communicated.	Fall Term 2012	July 1, 2009	Matches the curriculum review cycle so that accessibility can be incorporated as part of the review process.
Submit Final Report to the Chancellor's Office	June 15, 2012		

E&IT Procurement Milestones and Deliverables	New Timeline	Former Timeline	Rationale for Change
Submit Campus *Accessible E&IT Procurement Implementation Plan* to the Chancellor's Office	June 15, 2007	January 29, 2007	Allows additional time for planning
Implementation of an accessible procurement process for formal solicitations and E&IT acquisitions greater than $50,000	No later than September 1, 2007	January 29, 2007	Allows additional time for planning. Expands application of process to E&IT acquisitions greater than $50,000
Submit Progress Report to the Chancellor's Office	August 15, 2008	June 15, 2008	Avoids conflict with end-of-year closing
Implementation of accessible E&IT Procurement process for all E&IT purchases greater than $2,500. Procurement card purchases are exempt from the accessible procurement process at this point in time.	September 1, 2008	July 1, 2007	Date change avoids conflict with end-of-year closing. The $2,500 amount mirrors the threshold set by the federal government in its Section 508 implementation. Implementation of procurement card purchases is delayed to allow time to develop p-card process.
Submit Progress Report to the Chancellor's Office	August 15, 2009	June 15, 2009	Avoids conflict with end-of-year closing
Implementation of an accessible procurement process for all E&IT procurement card acquisitions greater than $2,500	September 1, 2009		Added intermediate step
Submit Progress Report to the Chancellor's Office	August 15, 2010		Extended yearly reports to year 4
Implementation of accessible procurement process for all acquisitions that are less than or equal to $2,500 to be determined by this date following evaluation of campus progress reports.	September 1, 2010		
Submit Progress Report to the Chancellor's Office	August 15, 2011		Extended yearly reports to year 5
Submit Final Report to the Chancellor's Office	August 15, 2012		