



Electronic and Information Resources Accessibility Policy and Procedures Manual

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Chapter 1: Overview

1.1 Purpose and Scope

- 1.1.1 State Employees
- 1.1.2 Members of the Public
- 1.1.3 Individuals with Limited English Proficiency
- 1.1.4 Electronic and Information Resources
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1.2 Application

1.3 Compliance Plan

- 1.3.1 Exception for Significant Difficulty or Expense
- 1.3.2 Alternative Methods of Compliance
- 1.3.3 General Exceptions

1.4 Lack of Commercial Availability

It is the policy of the Office of the Attorney General (OAG) that agency electronic and information resources, including OAG websites that are developed, procured, maintained, or used by the OAG directly and/or products provided by OAG vendors and/or service providers whose contract terms require the use of electronic and information resources, shall be accessible to individuals with disabilities and individuals with limited English proficiency.

1.1 Purpose and Scope

The purpose of this policy and procedures manual is to ensure accessibility by aligning the policies and practices of the OAG with Chapter 2054 of the Texas Government Code and the accessibility rules found in Title 1, Chapter 206, Subchapter B, and Chapter 213, Subchapter B of the Texas Administrative Code (T.A.C.). The standards set forth in the accessibility rules and this procedures manual are based on the standards set in Section 508 of the Federal Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d) (hereafter, Section 508). Requirements in this procedures manual are intended to ensure accessibility for both state employees and members of the public.

In the development, procurement, maintenance, and use of electronic and information resources, the OAG, pursuant to section 2054.456 of the Texas Government Code, will provide employees with disabilities comparable access to and use of information as employees without disabilities, unless such requirement imposes a significant difficulty or expense on the agency. The OAG will take reasonable steps to ensure that employees with disabilities have reasonable access to perform their job duties.

1.1.1 State Employees

In the development, procurement, maintenance, and use of electronic and information resources, the OAG, pursuant to section 2054.456 of the Texas Government Code, will provide employees with disabilities comparable access to and use of information as employees without disabilities, unless such requirement imposes a significant difficulty or expense on the agency. The OAG will take reasonable steps to ensure that employees with disabilities have reasonable access to perform their job duties.

1.1.2 Members of the Public

Pursuant to section 2054.457 of the Texas Government Code, the OAG will provide members of the public with disabilities, who are seeking information or other services from the agency, with access to and use of ELECTRONIC AND INFORMATION RESOURCES that are comparable to that provided to members of the public without disabilities, unless such requirement imposes a significant difficulty or expense to the agency.

In the development, procurement, maintenance, and use of electronic and information resources, the OAG, pursuant to section 2054.456 of the Texas Government Code, will provide employees with disabilities comparable access to and use of information as employees without disabilities, unless such requirement imposes a significant difficulty or expense on the agency. The OAG will take reasonable steps to ensure that employees with disabilities have reasonable access to perform their job duties.

1.1.3 Individuals with Limited English Proficiency

Pursuant to section 2054.116 of the Texas Government Code, the OAG shall make a reasonable effort to ensure that Spanish-speaking persons of limited English proficiency can meaningfully access agency information online. A “person of limited English proficiency” means a person whose primary language is other than English and whose English language skills are such that the person has difficulty interacting effectively with a state agency.

1.1.4 Electronic and Information Resources

“Electronic and information resources” (EIR) includes information technology and any equipment or interconnected system or subsystem of equipment used to create, convert, duplicate, store, or deliver data or information. The term also includes telecommunications products, information kiosks and transaction machines, web sites, multimedia, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, equipment such as thermostats or temperature control devices, and medical equipment that contain information technology that is integral to its operation, are not information technology. If the embedded information technology has an externally available web or computer interface, that interface is considered electronic and information resources. 1 T.A.C. §§ 206.1(9), 213.1(9).

1.1.5 Accessibility Coordinator

The OAG shall appoint an Accessibility Coordinator, who shall:

- 1) work with the General Counsel Division to support, and maintain this Accessibility policy;
- 2) consult with OAG personnel to facilitate the alignment of their business practices with this Accessibility policy;
- 3) maintain and coordinate plan(s) to correct electronic and information resources that are not in compliance with this Accessibility policy;
- 4) coordinate the timely completion of the Department of Information Resources Accessibility Survey as required by Title 1, Section 213.20 of the Texas Administrative Code;

- 5) serve as the liaison to the First Assistant Attorney General for reviewing requests for exceptions as stipulated in Chapter 1.3.1 of this policy manual; and
- 6) serve as the OAG's central point of contact for information concerning accessibility issues and solutions for electronic and information resources.

1.2 Application

This procedures manual applies to electronic and information resources developed, procured, maintained, or used by:

- the OAG directly, and
- OAG vendors and/or service providers whose contract terms require the use of electronic and information resources.

1.3 Compliance Plan

The OAG shall ensure that electronic and information resources comply with applicable provisions described in this manual, unless an exception is granted pursuant to Chapter 1.3.1 of this procedures manual.

Pursuant to Title 1, Section 206.50(e) of the Texas Administrative Code, the OAG shall have its electronic and information resources, including web pages and web applications, monitored to ensure they are in compliance with all applicable accessibility requirements. The Accessibility Coordinator will coordinate with personnel he/she determines appropriate to conduct such monitoring.

Pursuant to Title 1, Sections 206.50(a) and 213.21(c) of the Texas Administrative Code, any electronic and information resources not in compliance with applicable accessibility requirements will be brought into compliance unless an exception is warranted under section 1.3.1. On a case-by-case basis, the Accessibility Coordinator will coordinate with personnel he/she determines appropriate to bring non-compliant resources into compliance. It is this agency's intention to work with any person with a disability that prevents them from using an OAG electronic and information resource in order to provide them an acceptable alternate form if necessary.

1.3.1 Exception for Significant Difficulty or Expense

The Attorney General or the First Assistant Attorney General is authorized to exempt the OAG from compliance with the applicable standards and specifications found in Title 1, Chapters 206 and 213 of the Texas Administrative Code and any provision described in this procedures manual if compliance imposes a significant difficulty or expense on the OAG. 1 T.A.C. § 213.17(3). In determining whether compliance imposes a significant difficulty or expense to the OAG, the Attorney General or the First Assistant Attorney General shall consider all agency resources available to the program or program component for which the product is being developed, procured, maintained, or used. The Attorney General's or the First Assistant Attorney General's decision to grant an exemption is final and may not be appealed.

If a division chief or member of Executive Management in the OAG determines that an exception to compliance is warranted, the division chief will submit the [Accessibility Exception Request Form](#) to the OAG Accessibility Coordinator explaining why, and to what extent, compliance will create a significant difficulty or expense. The OAG Accessibility Coordinator shall evaluate exception requests and make recommendations to the First Assistant Attorney General on whether to grant the exception.

An exception request must be submitted for each development or procurement, including outsourced development, which does not comply with the applicable standards and specifications found in Title 1, Chapters 206 and 213 of the Texas Administrative Code and the provisions described in this manual.

An approved exception must include a date of expiration or duration for the exception; a plan for alternate means of access for persons with disabilities; a justification for the exception, including technical barriers, cost of remediation, fiscal impact for bringing the resource into compliance, and other identified risks; documentation of how the agency considered alternative solutions and all agency resources available to the program or program component for which the product is being developed, procured, maintained, or used, including agency budget, grants, and alternative vendor or product selections; and the Attorney General's or First Assistant Attorney General's signature. 1 T.A.C. § 213.17(4).

Records of exception requests will be maintained by the Accessibility Coordinator according to the OAG's records retention schedule.

1.3.2 Alternative Methods of Access

Pursuant to section 2054.456 of the Government Code, the OAG must take reasonable steps to ensure that a disabled employee has reasonable access to perform the employee's duties.

When an exception to compliance is granted pursuant to Chapter 1.3.1 of this manual, the OAG will make a reasonable effort to provide the information and/or data through a different means of access.

1.3.3 General Exceptions:

Employee Workstations

Pursuant to section 2054.456(b) of the Texas Government Code, the OAG is not required to install specific accessibility-related software or attach an assistive technology device at a workstation of a state employee.

Agency-Owned Products

Pursuant to section 2054.457(b) of the Texas Government Code, the OAG is not required to:

- make OAG-owned products available for access and use by individuals with disabilities at a location other than the location where the electronic and information technology is provided to the public; or
- purchase products for access and use by individuals with disabilities at a location other than the location where the electronic and information technology is provided to the public.

Fundamental Alterations

The provisions of this manual shall not be construed to require a fundamental alteration in the nature of a product or its components.

Building Maintenance and Monitoring Equipment

Equipment located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring are exempt from the requirements described in this manual. Examples include environmental controls or utility metering equipment.

Note: The provisions of this manual do not apply to products acquired by a contractor incidental to a contract, such as the contractor's computer, telephone, fax machine, and other equipment not part of the deliverables required under the contract.

1.4 Lack of Commercial Availability

The lack of commercial availability of products, including computer software, and specific technologies that would impose a significant difficulty or expense to the OAG are identified under "Exceptions and Emerging Technologies" in the Accessibility Section of the State website Guidelines available from DIR.

Chapter 2: Website Accessibility and Usability

2.1 Texas Web Accessibility Standards

- 2.1.1 Web applications developed prior to effective date
- 2.1.2 Webcasts
- 2.1.3 When compliance cannot be accomplished

2.2 Linking and Indexing State Websites

2.1 Texas Web Accessibility Standards

Effective April 18, 2020, unless an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to 1 T.A.C. § 213.17, all new or changed web pages must comply with the standards referenced in Section 508 Appendix C Chapter 7 § 702.10 (WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media). § 702.10 is available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#702-incorporation-by-reference>. 1 T.A.C. § 206.50.

§ 702.10 incorporates by reference the Web Content Accessibility Guidelines (WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media) W3C Web Accessibility Initiative, Massachusetts Institute of Technology, available at <https://www.w3.org/TR/WCAG20/>.

2.1.1 Web applications developed prior to effective date

OAG shall consider the use of the WCAG 2.0 Level AA standards for new websites or web applications prior to the effective date. OAG may, however, continue to use Section 508 standards published in the Federal Register on December 21, 2000, subpart B § 1194.22, paragraphs (a) through (p), excluding paragraphs (b) and (k), for web pages and applications developed prior to April 18, 2020. 1 T.A.C. § 206.50(a)(1)(A)–(B).

2.1.2 Webcasts

Based on a request for accommodation of a webcast of a live/real time open meeting or training and informational video productions which support the OAG’s mission, OAG will consider captioning and alternative forms of accommodation for videos posted on state websites. 1 T.A.C. § 206.50(b).

2.1.3 When compliance cannot be accomplished

When compliance cannot be accomplished for an EIR, an alternative version of the page, form, application, document, or other EIR with equivalent information or functionality, must be provided. The alternative version must remain synchronized to the primary EIR and updated whenever the primary EIR changes. 1 T.A.C. § 206.50(c).

2.2 Linking and Indexing State Websites (1 T.A.C. §§ 206.53, 206.54)

All new or changed HTML documents on an OAG Website that meet the criteria of a “state publication,” as defined by the Texas State Library and Archives Commission, must include the meta tags required by the Texas State Library and Archives Commission. 1 T.A.C. § 206.54(a); 13 T.A.C. § 3.3.

“State publication” is defined as information in any format that is produced by the authority of or at the total or partial expense of a state agency or is required to be distributed under law by the agency and is publicly distributed by or for the agency. The term does not include information the distribution of which is limited to contractors with or grantees of the agency, persons within the agency or within other government agencies, or members of the public under a request made under Chapter 552 of the Government Code if it does not otherwise meet the definition of a state publication. 13 T.A.C. § 3.1(19).

Pursuant to 1 T.A.C. § 206.54(b), the home page of the OAG Website shall incorporate TRAIL (Texas Records and Information Locator) meta data and shall provide links to the following State of Texas resources:

- State electronic Internet portal (www.texas.gov);
- Texas Homeland Security Website;
- TRAIL, statewide search website; and
- State Auditor’s Office Fraud, Waste, or Abuse Hotline, and the agency fraud policy, if applicable.

Pursuant to 1 T.A.C. § 206.54(c), the home page or site policies page of the OAG Website shall provide links to the following agency resources:

- agency linking notice;
- agency privacy notice;
- contact information;
- agency policy and procedures relating to the Open Records/Public Information Act;
- Compact with Texans; and
- agency electronic information resources accessibility:
 - policy; and
 - coordinator contact information.

Pursuant to 1 T.A.C. § 206.54(d), key public entry points of the OAG Website shall include links to the following agency resources:

- OAG home page;
- Site policies page or contact information;
- Site policies page or linking notice;
- Site policies page or privacy notice; and
- agency electronic and information resources accessibility:
 - policy; and
 - coordinator contact information.

Chapter 3: Functional Performance Criteria for Websites and Applications

3.1 Overview

3.2 Criteria to Assist Users with Visual Impairment

3.3 Criteria to Assist Users with Hearing Impairment

3.4 Criteria to Assist Users with Speech Impairment

3.5 Criteria to Assist Users with Motor Skills Impairment

3.1 Overview

The OAG shall take reasonable steps to make websites and web-oriented applications accessible to all users. “Accessible” under this chapter is defined as “a Web page that can be used in a variety of ways and that does not depend on a single sense or ability.” –1 T.A.C. § 206.1(2)

3.2 Criteria to Assist Users with Visual Impairment

Without vision – When a visual mode of operation is provided, information and communication technology shall provide at least one mode of operation that does not require user vision.

With limited vision – When a visual mode of operation is provided, information and communication technology shall provide at least one mode of operation that enables users to make use of limited vision.

Without perception of color – When a visual mode of operation is provided, information and communication technology shall provide at least one visual mode of operation that does not require user perception of color.

See 1 T.A.C. § 213.15 (incorporating by reference Section 508 Appendix C, Chapter 3, §§ 302.1–302.3, Functional Performance Criteria), available at: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#302-functional-performance-criteria>.

3.3 Criteria to Assist Users with Hearing Impairment

Without hearing – When an audible mode of operation is provided, information and communication technology shall provide at least one mode of operation that does not require hearing

With limited hearing – When an audible mode of operation is provided, information and communication technology shall provide at least one mode of operation that enables users to make use of limited hearing.

See 1 T.A.C. § 213.15 (incorporating by reference Section 508 Appendix C, Chapter 3, §§ 302.3–302.4, Functional Performance Criteria), available at: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#302-functional-performance-criteria>.

3.4 Criteria to Assist Users with Speech Impairment

Without speech – When speech is used for input, control, or operation, information and communication technology shall provide at least one mode of operation that does not require user speech.

See 1 T.A.C. § 213.15 (incorporating by reference Section 508 Appendix C, Chapter 3, § 302.6, Functional Performance Criteria)), available at: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#302-functional-performance-criteria>.

3.5 Criteria to Assist Users with Motor Skills and Cognitive Impairment

With limited manipulation – When a manual mode of operation is provided, information and communication technology shall provide at least one mode of operation that does not require fine motor control or simultaneous manual operations.

With limited reach and strength – When a manual mode of operation is provided, information and communication technology shall provide at least one mode of operation that is operable through limited reach and limited strength.

With limited language, cognitive, and learning abilities – Information and communication technology shall provide features making its use by individuals with limited cognitive, language, and learning abilities simpler and easier.

See 1 T.A.C. § 213.15 (incorporating by reference Section 508 Appendix C, Chapter 3, §§ 302.7–302.9, Functional Performance Criteria), available at: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#302-functional-performance-criteria>.

Chapter 4: Electronic Forms

4.1 Overview

4.2 Privacy Legend

4.3 Translation of Online Forms

4.1 Overview

When the OAG determines it is necessary, it will include instructions within the form to meet user needs and accessibility requirements.

4.2 Privacy Legend

OAG strives to protect the privacy and personal identifying information of members of the public who provide or receive information from or through the OAG website. OAG will publish a privacy notice that describes applicable provisions of its privacy policy on its home page and all key public entry points or its site policies page.

The privacy notice must:

- (1) describe the practices employed by the state agency to protect personal identifying information;
- (2) conform to requirements of Chapters 552 and 559, Texas Government Code;
- (3) be consistent with the State Website Linking and Privacy Policy published on the Department of Information Resources' website.

Prior to providing access to information or services on the OAG website that requires personal identifying information, OAG will conduct a transaction risk assessment and implement appropriate privacy and security safeguards that conform to requirements of Chapter 202 of the Texas Administrative Code.

Any web-based form on a state agency's website that requests information from the public shall have a link to the OAG's website privacy notice.

Web pages designed for children must comply with all applicable federal and state laws, including provisions of the Children's Online Privacy Protection Act of 1998 and Texas Penal Code Chapter 33, intended to protect minors. *See* 1 T.A.C. § 206.52.

4.3 Translation of Online Forms

Each state agency shall make a reasonable effort to ensure that Spanish-speaking persons of limited English proficiency can meaningfully access state agency information online. *See* Tex. Gov't Code § 2054.116(b)

For information on the translation of online forms, please see Chapter 10: Spanish Language Translation.

Chapter 5: Software Applications and Electronic Information Resources

5.1 Software Applications Scope

5.2 Software Applications and Operating Systems

- 5.2.1 WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media
- 5.2.2 Interoperability with Assistive Technology
- 5.2.3 Applications
- 5.2.4 Authoring Tools

5.1 Software Applications Scope

All OAG software applications developed, procured, or changed on or after April 18, 2020, must comply with the provisions of 1 T.A.C. § 213.10 unless an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to 1 T.A.C. § 213.17.

5.2 Software Applications and Operating Systems

5.2.1 WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media

All software applications and operating systems developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508 Appendix C, Chapter 7, § 702.10 (WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media), available at: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#702-incorporation-by-reference>. 1 T.A.C. § 213.10(1).

§ 702.10 incorporates the standards promulgated by Worldwide Web Consortium (W3C), W3C Web Accessibility Initiative, Massachusetts Institute of Technology, available at www.w3c.org.

5.2.2 Interoperability with Assistive Technology

All software applications and operating systems developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508 Appendix C, Chapter 5, § 502 (Interoperability with Assistive Technology), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#502-interoperability-assistive-technology>. 1 T.A.C. § 213.10(2).

5.2.3 Applications

All software applications and operating systems developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508 Appendix C, Chapter 5, § 503 (Applications), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#503-applications>. 1 T.A.C. § 213.10(3).

5.2.4 Authoring Tools

All software applications and operating systems developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508 Appendix C, Chapter 5, § 504 (Authoring Tools), available at: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#504-authoring-tools>. 1 T.A.C. § 213.10(4).

Chapter 6: Testing and Validation

- 6.1 Testing and Validation Procedure
- 6.2 Automated Testing/Validation Tools
- 6.3 Manual Testing/Validation

6.1 Testing and Validation Procedure

To ensure that OAG electronic and information resources are designed with consideration for the widest range of user abilities, all OAG developers, publishers, and content providers are responsible for validating that their electronic and information resources meet applicable accessibility requirements prior to publishing.

The OAG shall monitor its electronic and information resources for compliance with applicable accessibility requirements. See Chapter 1.3 (Compliance Plan) of this manual.

Effective September 1, 2006, unless an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this title, all new or changed web page/site designs must be tested by the state agency using one or more EIR accessibility validation tools, including but not limited to the use of automated methods, manual methods or assistive technologies to validate compliance with this chapter. 1 T.A.C. § 206.50(d).

A state agency must establish an accessibility policy as described in § 213.21 of this title which must include criteria for monitoring its website for compliance with the standards and specifications of this chapter. Additional information about testing tools and resources are available on the Department of Information Resources' website at: <http://www.dir.state.tx.us>. 1 T.A.C. § 206.50(e).

6.2 Automated Testing/Validation Tools

Any automated testing and/or validation tools used for accessibility compliance must include functionality that determines the conformance of electronic and information resources to accessibility checks which can be executed automatically. It is also desirable that the tool effectively assist reviewers in performing accessibility checks which need to be evaluated manually.

6.3 Manual Testing/Validation

Manual testing and validation of electronic and information resources for accessibility compliance should be conducted as appropriate to complement any automated testing and validation.

Chapter 7: Telecommunications Products and Systems

7.1 Overview

- 7.1.1 Telecommunications

7.2 Telecommunications Products

- 7.2.1 47 U.S.C. § 255
- 7.2.2 36 C.F.R. § 1194.2, Appendix B

7.1 Overview

All OAG telecommunications equipment and systems acquired on or after September 1, 2006 must meet the applicable accessibility requirements of Title 1, Chapter 213 of the Texas Administrative Code.

To better serve the needs of individuals with varying disabilities in accessing telecommunications and call centers, OAG divisions are encouraged to provide:

- alternative input controls including voice command and
- access to live operators for users experiencing difficulty with automated systems.

For compliance procedure requirements, see Chapter 1: Overview, 1.3 Compliance.

For telecommunications systems and equipment purchasing requirements, see Chapter 9: Procurement and Contracts for Electronic and Information Resources.

7.1.1 Telecommunications

The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. 1 T.A.C. § 213.1 (20).

The term "telecommunications" applies to the transmission of actual information and the means of transmittal. For example, telecommunications include both a voice mail message as a piece of actual information and a telephone system as a means of transmittal.

7.2 Telecommunications Products

Effective April 18, 2020, unless an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to 1 T.A.C. § 213.17, when purchasing telecommunication equipment or services, OAG shall contractually require the manufacturer of telecommunication equipment or provider of telecommunication services to ensure that the equipment or services are in compliance with 47 U.S.C. § 255 and 36 C.F.R. § 1194.2, Appendix B., when such products are readily available or compliance is achievable. 1 T.A.C. § 213.11.

7.2.1 47 U.S.C. § 255

Manufacturers of telecommunications equipment or services shall ensure that the equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable. 47 U.S.C. § 255.

7.2.2 36 C.F.R. § 1194.2, Appendix B

36 C.F.R. § 1194.2, Appendix B, is available at: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#appendix-b>.

Chapter 8: Hardware

8.1 Hardware

- 8.1.1 General
- 8.1.2 Closed Functionality
- 8.1.3 Biometrics
- 8.1.4 Preservation of Information Provided for Accessibility
- 8.1.5 Privacy
- 8.1.6 Standard Connections
- 8.1.7 Operable Parts
- 8.1.8 Display Screens
- 8.1.9 Status Indicators
- 8.1.10 Color Coding
- 8.1.11 Audible Signals
- 8.1.12 ICT with Two-Way Communication
- 8.1.13 Closed Caption Processing Technologies
- 8.1.14 Audio Description Processing Technologies
- 8.1.15 User Controls for Captions and Audio Descriptions

8.2 Hardware in Maintenance or Monitoring Spaces and Spaces Frequented Only by Service Personnel

8.1 Hardware

Effective April 18, 2020, unless an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all hardware developed, procured, or changed by a state agency shall comply with the standards/specifications referenced in Section 508, Appendix C, Chapter 4, sections 401–415. 1 T.A.C. § 213.13(a).

8.1.1 General

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 401 (General), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#401-general>. 1 T.A.C. § 213.13(a)(1).

8.1.2 Closed Functionality

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 402 (Closed Functionality), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#402-closed-functionality>. 1 T.A.C. § 213.13(a)(2).

8.1.3 Biometrics

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 403 (Biometrics), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#403-biometrics>. 1 T.A.C. § 213.13(a)(3).

User identification and security controls for self-contained products may not solely depend upon fingerprint scans, retina scans, voice recognition, or other biological means of identification or activation. An alternate, accessible means of access and/or input must be provided.

8.1.4 Preservation of Information Provided for Accessibility

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 404 (Preservation of Information Provided for Accessibility), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#404-preservation-information>. 1 T.A.C. § 213.13(a)(4).

8.1.5 Privacy

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 405 (Privacy), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#405-privacy>. 1 T.A.C. § 213.13(a)(5).

8.1.6 Standard Connections

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 406 (Standard Connections), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#406-standard-connections>. 1 T.A.C. § 213.13(a)(6).

8.1.7 Operable Parts

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 407 (Operable Parts), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#407-operable-parts>. 1 T.A.C. § 213.13(a)(7).

8.1.8 Display Screens

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 408 (Display Screens), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#408-display-screens>. 1 T.A.C. § 213.13(a)(8).

It is recommended that flashing objects be avoided whenever possible. This rule is intended to prevent triggering seizures in people with photo-sensitive epilepsy.

8.1.9 Status Indicators

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 409 (Status Indicators), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#409-status-indicators>. 1 T.A.C. § 213.13(a)(9).

8.1.10 Color Coding

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 410 (Color Coding), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#410-color-coding>. 1 T.A.C. § 213.13(a)(10).

Products may not use color as the only method of imparting information or meaning to a user or indicating an option for the operation of product controls (e.g., the “Stop” button on a copy machine should not only be colored red but also be labeled with the text “Stop”).

8.1.11 Audible Signals

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 411 (Audible Signals), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#411-audible-signals>. 1 T.A.C. § 213.13(a)(11).

The use of a standard headphone jack to access an audio output signal is an example of a product specification that addresses the requirement for an industry standard connector. Input controls must allow the user to interrupt, pause, and restart information delivered through the product's audio signal.

8.1.12 Information and Communication Technology (ICT) with Two-Way Communication

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 412 (ICT with Two-Way Communication), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#412-two-way-communication>. 1 T.A.C. § 213.13(a)(12).

8.1.13 Closed Caption Processing Technologies

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 413 (Closed Caption Processing Technologies), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#413-closed-caption>. 1 T.A.C. § 213.13(a)(13).

8.1.14 Audio Description Processing Technologies

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 414 (Audio Description Processing Technologies), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#414-audio-description>. 1 T.A.C. § 213.13(a)(14).

8.1.15 User Controls for Captions and Audio Descriptions

All hardware developed, procured, or changed by a state agency shall comply with the standards referenced in Section 508, Appendix C, Chapter 4, § 415 (User Controls for Captions and Audio Descriptions), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#415-user-controls-captions-audio-descriptions>. 1 T.A.C. § 213.13(a)(15).

8.2 Hardware in Maintenance or Monitoring Spaces and Spaces Frequented Only by Service Personnel

When hardware is located in maintenance or monitoring spaces, and where status indicators and operable parts are located 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 provisions in section 8.1. 1 T.A.C. § 213.13(b).

8.3 Video and Multimedia Products

Effective April 18, 2020, unless an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to 1 T.A.C. §213.17, all video and multimedia developed, procured, or changed by a state agency shall comply with the applicable standards referenced in Section 508, Appendix C. 1 T.A.C. § 213.12(a).

Section 508, Appendix C, is available at: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#appendix-c>.

8.3.1 Accommodations requests

Based on a request for accommodation of a webcast of a live/real time open meeting (Open Meetings Act, Texas Government Code, Chapter 551) or training and informational video productions which support the agency's mission, each state agency that receives such request shall consider captioning and alternative forms of accommodation for videos posted on state websites. 1 T.A.C. § 213.12(b).

8.4 Access to Support Documentation and Services

Effective April 18, 2020, unless an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to 1 T.A.C. § 213.17, all documentation and services that support the use of EIR developed, procured, or changed by a state agency shall comply with the following standards referenced in Section 508 Appendix C, Chapter 6, section 602 (Support Documentation), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#602-support-documentation>; and section 603 (Support), available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#603-support-services>. 1 T.A.C. § 213.16.

Vendors must provide users with product support documentation, including users' manuals and operating instructions, in an alternate format upon request. Alternate formats may include electronic files, audio files, large print, or braille documentation. OAG staff should contact the ITS Division for the requested documentation.

Chapter 9: Procurement and Contracts for Electronic and Information Resources

- 9.1 Overview
- 9.2 Embedded Technology
- 9.3 Procurement Accessibility Plan
- 9.4 Access by Alternate Means
- 9.5 State Contracts

9.1 Overview

Unless an exception is approved by the agency head pursuant to § 2054.460, Texas Government Code, and § 213.17 of this chapter, or unless an exemption is approved by the [Department of Information Resources], pursuant to § 2054.460, Texas Government Code, and § 213.17 of this chapter, all EIR products developed, procured or materially changed through a procured services contract, and all electronic and information resource services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206 and Chapter 213 of this title, as applicable. 1 T.A.C. § 213.18€

This subchapter applies to EIR developed, procured, or materially changed by an agency, or developed, procured, or materially changed by a contractor under a contract with an agency which requires the use of such product, or requires the use, to a significant extent, of such product in the performance of a service or the furnishing of a product. 1 T.A.C. § 213.18(d)

Effective September 1, 2006, all OAG procurement of electronic and information resources must comply with accessibility requirements in this manual in addition to other applicable procurement requirements. The OAG will:

- 1) purchase accessible electronic and information resources, unless an exception is granted pursuant to Chapter 1.3.1 of this manual;
- 2) include accessibility requirements when developing specifications in bid documents for electronic and information resources purchases; and
- 3) include a uniform accessibility clause in solicitations to contractors and vendors.

9.2 Embedded Technology

Electronic and information resources equipment that contains embedded information resources that are used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of information is not considered an electronic and information resource for purposes of Title 1, Chapters 206 and 213 of the Texas Administrative Code. *See* Tex. Gov't Code § 2054.462.

Heating, ventilation, and air conditioning equipment such as thermostats and temperature control devices are examples of such embedded technology.

9.3 Procurement Accessibility Plan

The accessibility standards in other chapters of this manual shall be used when OAG personnel make procurement decisions to ensure compliance with any applicable accessibility standards. These accessibility standards will also be used to develop solicitation specifications and statements of work. When planning an electronic and information resources purchase, the OAG will:

- consider the uses of the electronic and information resources goods and services,
- include specifications and statements of work in solicitations that meet the needs of the agency;
- comply with the applicable accessibility standards in this procedure manual, and
- evaluate whether responses to solicitations are responsive to applicable accessibility requirements.

1 T.A.C. § 213.18(c).

9.4 Access by Alternate Means

Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter if they result in substantially equivalent or greater access to and use of a product for people with disabilities. 1 T.A.C. § 213.18(f)

The OAG may develop or procure technologies that do not strictly follow the accessibility standards described in this procedure manual but still result in an outcome of equivalent or better access to the same information for individuals with disabilities.

9.5 State Contracts

A contract may require the contractor to use electronic and information resources to a significant extent in performing a service or furnishing a product. Whether electronic and information resources are directly or indirectly required, the contractor must comply with accessibility standards described in this manual.

Incidental uses of electronic and information resources in the performance of a contract do not fall under this procedure. If electronic and information resources are used to access and/or manipulate information by a contractor's employees and is not used by the public, the electronic and information resources are considered incidental or insignificant for purposes of the contract.

In addition to terms and conditions that may be required by other statutory, regulatory, and purchase requirements, a contract that directly or indirectly requires the purchase of electronic and information resources will contain sufficient language to hold the contractor accountable for fulfilling applicable accessibility requirements.

Chapter 10: Spanish Language Translation

Section 2054.116 of the Texas Government Code directs state agencies to make a reasonable effort to ensure meaningful access to their online information for Spanish-speaking individuals with limited English proficiency (LEP).

An individual with LEP is a person whose primary language is other than English and whose English language skills are such that the person has difficulty interacting effectively with a state agency. Tex. Gov't Code § 2054.116(a). This procedures manual addresses the replacement of English text (source language) with an equivalent Spanish text (target language).

Pursuant to section 2054.116(c) of the Government Code, and to help determine whether Spanish-speaking individuals with LEP have meaningful access, the OAG shall consider the following:

- Number or proportion of Spanish-speaking individuals with LEP in the OAG's eligible service population;
- Frequency with which Spanish-speaking individuals with LEP seek agency information or contact regarding OAG programs;
- Importance of the services provided by the OAG's programs; and
- Resources available to the OAG.

Pursuant to section 2054.116(d) of the Government Code, the OAG must avoid the following when making a reasonable effort to provide meaningful access:

- Providing information in Spanish that is limited in scope;
- Unreasonably delaying the provision of information in Spanish; and
- Providing program information, including forms, notices, and correspondence, in English only.

Note: This does not apply to interactive applications provided through the state electronic Internet portal (www.texas.gov). Tex. Gov't Code § 2054.116(e).

The OAG must review the online information that it provides to the public in relation to the requirements of section 2054.116 of the Government Code

Chapter 11: Training

With the assistance of the IT Division, the OAG's Accessibility Coordinator shall coordinate with appropriate OAG personnel receive training necessary to meet accessibility-related rules. *See* Tex. Gov't Code § 2054.452; 1 T.A.C. § 213.19(b).