

## **CHAPTER 2**

# **ACCESSIBILITY**

Article.

1. General Provisions.
2. Technology Access Clause.

**ARTICLE 1**  
**GENERAL PROVISIONS**

Section.

2-101. Accessibility policy.

## **2-101. Accessibility policy.**

(1) Purpose. This policy contains scoping and technical requirements for information and communication technology (“ICT”) to ensure accessibility and usability by individuals with disabilities.

(2) Definitions. For the purpose of this section, terms defined in referenced documents and not defined in section 1-101 will have the meaning as defined in the referenced documents.

(3) Standards. ICT that is procured, developed, maintained, or used by state agencies shall conform to the following standards: Revised 508 Standards, 36 C.F.R. § 1194 (2018) [<https://www.govinfo.gov/content/pkg/CFR-2018-title36-vol3/xml/CFR-2018-title36-vol3-part1194.xml>].

For the State of Nebraska, the Revised 508 Standards referenced in this subsection are revised as follows:

(a) In E103.4, replace the definition of “Existing ICT” with the following: “*Existing ICT*. ICT that has been procured, maintained or used on or before November 14, 2020.”;

(b) In E202.2, replace the existing language with the following: “*Legacy ICT*. Any component or portion of existing ICT that complies with an earlier standard adopted by the commission, and that has not been altered on or after November 14, 2020, shall not be required to be modified to conform to the Revised 508 Standards.”;

(c) In E202.3, replace the existing language with the following: “*Public Safety Systems*. The Revised 508 Standards do not apply to any ICT operated by state agencies as part of a public safety system.”;

(d) In E202.4, replace the existing language with the following: “*State Contracts*. ICT acquired by a contractor incidental to a contract shall not be required to conform to the Revised 508 Standards.”; and

(e) In E203.1, replace the existing language with the following: “*General*. Agencies shall ensure that all functionality of ICT is accessible to and usable by individuals with disabilities, either directly or by supporting the use of assistive technology, and shall comply with E203. In providing access to all functionality of ICT, agencies shall ensure the following: A. That state employees with disabilities have access to and use of information and data that is comparable to the access and use by state employees who are not individuals with disabilities; and B. That members of the public with disabilities who are seeking information or data from a state agency have access to and use of information and data that is comparable to that provided to members of the public who are not individuals with disabilities.”.

(4) Guidelines. In addition to the web content requirements contained in the referenced standards in subsection (3), the commission recommends compliance with the following guidelines: Web Content Accessibility Guidelines 2.1, W3C World Wide Web Consortium Recommendation 05 June 2018 [<https://www.w3.org/TR/2018/REC-WCAG21-20180605/>].

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**History:** Adopted on October 31, 2001. Amended on November 14, 2019.

**URL:** <https://nrc.nebraska.gov/standards/2-101.pdf>

**ARTICLE 2**  
**TECHNOLOGY ACCESS CLAUSE**

Section.

2-201. Technology access clause.

**2-201. Technology access clause.**

[Section 2-201 appears after this cover page in a legacy format.]

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**History:** Approved by the Technical Panel on December 12, 2000.

**URL:** <http://nitc.nebraska.gov/standards/2-201.pdf>

**Applicability:** Neb. Rev. Stat. § [73-205](#) requires a technology access clause to be included in all contracts entered into by state agencies on and after January 1, 2001.

### **Nebraska Technology Access Standards**

The intent and purpose of these standards is to ensure that the needs of Nebraskans with disabilities are met through reasonable accommodation of the information technology products and services of the state. Future information technology products, systems, and services including data, voice, and video technologies, as well as information dissemination methods, will comply with the following standards to the greatest degree possible.

**1.** Effective, interactive control and use of the technology including, but not limited to, the operating system, applications programs, and format of the data presented must be readily achievable by individuals with disabilities.

The intent is to make sure that all newly procured information technology equipment; software and services can be upgraded, replaced or augmented to accommodate individuals with disabilities.

**2.** Information technology made accessible for individuals with disabilities must be compatible with technology used by other individuals with whom the individual with a disability must interact.

**3.** Information technology made accessible for individuals with disabilities must be able to be integrated into networks used to share communications among employees, program participants, and the public.

**4.** Information technology made accessible for individuals with disabilities must have the capability of providing equivalent access to telecommunications or other interconnected network services used by the general population.

**5.** These provisions do not prohibit the purchase or use of an information technology product that does not meet these standards provided that:

- a.** there is no available means by which the product can be made accessible and there is no alternate product that is or can be made accessible; or
- b.** the information manipulated or presented by the product is inherently unalterable in nature (i.e., its meaning cannot be preserved if it is conveyed in an alternative manner).
- c.** The product is used in conjunction with an existing information technology system, and modifying the existing system to become accessible would create an undue burden.
- d.** The agency must be able to modify or replace the information technology product with one that will accommodate the needs of individuals with disabilities.

When development, procurement, maintenance, or use of electronic and information technology does not meet these standards, individuals with disabilities will be provided with the information and data involved by an alternative means of access that allows the individual to use the information and data.