

**TITLE 28 STATE INFORMATION TECHNOLOGY
OVERSIGHT COMMISSION**

Proposed Rule
LSA Document #04-123

DIGEST

Adds 28 IAC concerning the purchasing and maintaining of information technology products to be compliant with Section 508 of the Rehabilitation Act standards. Effective 30 days after filing with the secretary of state.

28 IAC

SECTION 1. 28 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 28 STATE INFORMATION TECHNOLOGY OVERSIGHT COMMISSION

ARTICLE 1. TECHNOLOGY ACCESSIBILITY

Rule 1. Accessibility Standards

28 IAC 1-1-1 Accessibility standards and applicability

Authority: IC 4-23-16-12

Affected: IC 5-22-5

Sec. 1. The standards developed under this rule shall apply to the executive, legislative, judicial, and administrative branches of state and local government. *(State Information Technology Oversight Commission; 28 IAC 1-1-1)*

28 IAC 1-1-2 Federal standards

Authority: IC 4-23-16-12

Affected: IC 5-22-5

Sec. 2. In the interest of maintaining consistency with federal standards, the state information technology oversight commission adopted the federal standards published by the federal Architectural and Transportation Barriers Compliance Board under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended. *(State Information Technology Oversight Commission; 28 IAC 1-1-2)*

28 IAC 1-1-3 Information technology

Authority: IC 4-23-16-12

Affected: IC 5-22-5

Sec. 3. Information technology equipment, software, and services that are developed, procured, maintained, or used by governmental units in the state of Indiana must comply with these standards. This includes Web pages hosted by or for Indiana units of government. *(State Information Technology Oversight Commission; 28 IAC 1-1-3)*

28 IAC 1-1-4 Compliance

Authority: IC 4-23-16-12

Affected: IC 5-22-5

Sec. 4. Governmental units must include compliance to these standards as a requirement in any procurement solicitation,

bid, quotation, or contract for information technology related products or services. The vendor will be responsible for validating compliance to these standards. If, however, the product or service is commercially unavailable or an undue burden is imposed upon the agency, then the agency must get a waiver approved by state information technology oversight commission's assistive technology standards group before a special procurement may be awarded. A cost difference of more than fifteen percent (15%) will be considered an undue burden. *(State Information Technology Oversight Commission; 28 IAC 1-1-4)*

Rule 2. Exclusions to the Accessibility Standards

28 IAC 1-2-1 Exclusions

Authority: IC 4-23-16-12

Affected: IC 5-22-5

Sec. 1. Voting systems are excluded from this rule as they are covered under the Help America Vote Act (HAVA), 42 U.S.C. 15481, Section 301(a)(3). Web sites that are linked from Indiana government pages but are not hosted by or for Indiana governmental units are not required to comply. Students who develop Web pages as part of their educational curriculum are not required to comply. *(State Information Technology Oversight Commission; 28 IAC 1-2-1)*

Rule 3. Waiver Requests

28 IAC 1-3-1 Waiver requests

Authority: IC 4-23-16-12

Affected: IC 5-22-5

Sec. 1. To request a waiver for compliance to the standards, a request for waiver of assistive technology standards must be submitted from the agency head or the agency information technology or management information services director to the assistive technology standards group for review and approval. If approved, the waiver will be in effect for the earlier of one (1) year from approval date or when a compliant product is available. The requesting agency will be notified in writing of the waiver approval or disapproval. *(State Information Technology Oversight Commission; 28 IAC 1-3-1)*

Rule 4. Availability of References

28 IAC 1-4-1 Availability of references

Authority: IC 4-23-16-12

Affected: IC 5-22-5

Sec. 4. (a) The federal Architectural and Transportation Barriers Compliance Board under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended can be found at <http://www.access-board.gov/sec508/guide/index.htm>.

(b) Attain (<http://www.attaininc.org>) and the Governor's Planning Council for People with Disabilities (<http://www.in.gov/gpcpd>) are available to assist governmental units in the procurement of information technology products and services that are compliant with these standards.

(c) Indiana Institute on Disability and Community (www.iidc.indiana.edu) is available to assist governmental units in procurement of information technology products and services that are compliant with these standards. *(State Information Technology Oversight Commission; 28 IAC 1-4-1)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 6, 2005 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the State Information Technology Oversight Commission will hold a public hearing on a proposed new rule concerning the requirements for accessibility for the disabled in technology procurements and operations of state and local government entities. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N551 and Legislative Services Agency, One North Capitol, Suite 325,

Indianapolis, Indiana and are open for public inspection.

Michael Landwer
Chairman
State Information Technology Oversight Commission