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August 14, 2017

Honorable Ricardo Lara  
Chair, Appropriations Committee  
California State Senate  
Capitol Building, Room 5050  
Sacramento, CA 95814

**RE: AB 434 (BAKER) (As proposed to be amended) – NEUTRAL**

Dear Senator Lara:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, no longer opposes AB 434 as proposed to be amended and now takes a neutral position. This bill is scheduled for hearing in the Senate Appropriations Committee on August 21, 2017.

The California State Auditor's Office evaluated the accessibility of online services offered by four state departments and found in a June 2015 audit report that, despite the growing use of government services online and the state's accessibility requirements, the Web sites were not accessible to people with disabilities. In some situations, the access problems are so significant people with disabilities cannot access online services. It is critical that California ensure state departments make their Web sites accessible so that persons with disabilities can access state services to the same extent as persons without disabilities.

As proposed to be amended, this bill would require, by July 1, 2018, the director of each state agency and entity to post on the front page of its Web site a certification that its Web site is in compliance with federal and state law requiring accessibility for persons with disabilities.

We applaud the intent and effort of the author to seek to improve the accessibility of state agency and entity Web sites to persons with disabilities so that they may be able to access state services and information to the same extent as persons without disabilities. We had previously submitted a letter of opposition unless amended to the Senate Governmental Organization Committee. With the most recent proposed amendments DRC is neutral on this bill.

AB 434 clearly designates the accessibility standard that state agencies and entities must meet to be in compliance with existing federal and state law. It also would require that a certification of compliance be posted on the front page of its Web site by the agency or entity director before July 1, 2018 that the agency or entity is in compliance with the accessibility standard. While this bill takes a step toward providing more information on state agencies' and entities' compliance it does not ensure compliance. For this reason DRC takes a neutral position on the bill.


Since January 2003, state law has required that state agencies and entities meet the requirements of Section 508 of the federal Rehabilitation Act of 1973, mandating that all state agency and entity Web sites meet the accessibility needs of persons with disabilities. However, there is no point of responsibility for ensuring state agency and entity compliance with state and federal law and therefore compliance has lagged.

In order to make the long-standing state and federal law promise of ensuring that persons with disabilities can access information and services in a manner equivalent to persons without disabilities there must be clear responsibility and a concerted effort ensure every state agency and Web site is accessible. To that end DRC would include in any legislation: 1) Require the California Department of Technology (CDT), in consultation with the Department of Rehabilitation, be established as the lead agency responsible for ensuring state agency and entity compliance with state and federal disability Web site accessibility mandates; 2) Require every state agency and entity to immediately comply with state and federal disability Web site accessibility mandates; 3) Require CDT to conduct a survey of all state agency's and entity's compliance with state and federal disability Web site accessibility mandates; 4) Require CDT to establish uniform testing standards for determining compliance with state and federal disability Web site accessibility mandates; 5) Require CDT to certify and report on every state agency and entity compliance with state and federal disability Web

site accessibility mandates; 6) Require every state agency and entity to establish and post a complaint procedure for reporting and timely resolving accessibility complaints and designate a staff person responsible for the complaint process; and 7) Require CDT, in consultation with the Department of Rehabilitation, to be the lead agency for providing training to state agencies and entities on Web site accessibility.

For these reasons, we no longer oppose this bill as it is proposed to be amended and take a neutral position. Please contact me if you have any questions about our position on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child  
Legislative Director  
Disability Rights California

cc: Honorable Catharine Baker, California State Assembly  
Paige Haskin, Legislative Director, Office of Assembly Member Baker  
Honorable Members, Senate Appropriations Committee  
Debra Cooper, Consultant, Senate Appropriations Committee  
Kevin Aslainian, CCWRO  
John Mann, Deputy Director of Legislation, California Department of Technology