

ACADEMIC SENATE
of
THE CALIFORNIA STATE UNIVERSITY

AS-2614-03/Floor/Parsons/Pincu
May 8-9, 2003

Support of SB 302 (Kuehl): An act to amend Section 11135
of the Government Code: Relating to Discrimination

RESOLVED: That the Academic Senate of the California State University (CSU) support SB 302 which amends state code (Section 11135 of the Government Code) to include the California State University among state agencies that must implement provisions of the American with Disabilities Act and Section 508 of the Rehabilitation Act of 1973 in relation to the provision of accessible electronic and information technologies including web accessibility for all programs and services.

RATIONALE: As a state agency providing education to the citizens of the State of California, the CSU must come into compliance in the delivery of electronic and information technologies with the provisions of Section 508 of the Rehabilitation Act of 1973 and provisions of the American with Disabilities Act. These provisions mandate the accessibility of electronic and information technologies and for the provision of related services. In 1998, Congress amended the Rehabilitation Act to add Section 508 to require Federal (and federally funded) agencies to make their electronic and information technology accessible to people with disabilities. Inaccessible technology interferes with an individual's ability to obtain and use information quickly and easily. 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.

APPROVED UNANIMOUSLY – May 8-9, 2003

SENATE BILL No. 302

Introduced by Senator Kuehl

February 19, 2003

An act to amend Section 11135 of the Government Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

SB 302, as introduced, Kuehl. Discrimination: state programs and activities.

Existing law prohibits discrimination, as defined, against any person in any program or activity conducted, operated, or administered by the state or by any state agency, or that is funded directly by the state, or that receives any financial assistance from the state. Existing law also requires, with respect to disability, that these programs and activities meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations implementing the act or state law if the state protections and prohibitions are stronger.

This bill would apply these provisions to the California State University.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11135 of the Government Code is amended to read:

11135. (a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.

(c) (1) As used in this section, "disability" means any mental or physical disability as defined in Section 12926.

(2) *This section applies to the California State University.*

(d) (1) The Legislature finds and declares that the ability to utilize electronic or information technology is often an essential function for successful employment in the current work world.

(2) In order to improve accessibility of existing technology, and therefore increase the successful employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard-of-hearing persons, state governmental entities, in developing, procuring, maintaining, or using electronic or information technology, either indirectly or through the use of state funds by other entities, shall comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Federal Code of Regulations.

(3) Any entity that contracts with a state or local entity subject to this section for the provision of electronic or information technology or for the provision of related services shall agree to respond to, and resolve any complaint regarding accessibility of its products or services that is brought to the attention of the entity.

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