

**CHAPTER 15. ACCESSIBILITY OF INFORMATION TECHNOLOGY**

**260:15-1-1. Purpose**

This chapter provides information and establishes procedures to assure state compliance regarding accessibility of information technology for individuals with disabilities based on the provisions of Title 62, Section 41.5t and Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998.

**260:15-1-2. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Accessibility" means compliance with nationally accepted accessibility and usability standards, such as those established in Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998;

"Accommodation" means changes in the way things are customarily done that enable individuals with disabilities to enjoy equal access and benefits. Most often in these standards the term refers to the provision of effective communication through delivery of auxiliary aids and services such as qualified interpreters, note takers, transcription or captioning, qualified readers, Braille, video description and assistive devices.

"Alternate formats" means formats usable by people with disabilities may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats.

"Alternate methods" means a different means of providing information, including product documentation, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

"Appointing authority" means the chief administrative officer of an agency. As the term is used in this chapter, the term includes employees of an agency to whom the Appointing Authority has lawfully delegated authority to act on his or her behalf.

"Assistive Technology Device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain or improve functional capabilities of individuals with disabilities.

"Captioning" means a written representation of audio or dialogue that accompanies video information. Captions are similar to subtitles but also convey non-dialogue auditory information that is important to the video, such as laughter.

"Director" means the Director of the Office of State Finance.

"Electronic content" means electronic information presented in an aural, visual, or textual manner, which is produced, manipulated, or provided by information technology, including, but not limited to formats such as word processor documents, spreadsheets, PDFs, images, slideshows/presentations, and markup languages.

"Individual with Disabilities" means any individual who is considered to have a disability or handicap for the purposes of any Federal or Oklahoma law.

"Information Technology" or "IT" means any electronic information equipment or interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including audio, graphic and text. [62 O.S., Section 41.5t.1]

"Oklahoma Information Technology Accessibility Standards" or "IT Accessibility Standards" or "Standards" means the accessibility standards adopted by the Office of State Finance together with the Department of Central Services, to address all technical standard categories of Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998 to be used by each state agency in the procurement of information technology, and in the development and implementation of custom-designed information technology systems, web sites, and other emerging information technology systems.

"Operable Controls" means a component of a product that requires physical contact for normal operation. Operable controls include, but are not limited to, mechanically operated controls, input and output trays, card slots, keyboards, or keypads.

"Section 508" means Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998.

"Self-Contained, Closed Products" means products that generally have embedded software and are commonly designed in such a fashion that a user couldn't easily attach or install assistive technology. These products include, but are not limited to, information kiosks and information transaction machines, copiers, printers, fax machines, voting machines and other similar types of products.

"State agency" means any office, officer, bureau, board, counsel, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed, excluding political subdivisions of the state. State agency shall include the Oklahoma State Regents for Higher Education, the institutions, centers, or other constituent agencies of The Oklahoma State System of Higher Education, the State Board of Career and Technology Education and Technology Center school districts. [62 O.S., Section 41.5t.1]

"Telecommunications" means 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.

"Television Broadcast" means any video production that was distributed via an FCC regulated television station, but does not include the same video production distributed or redistributed via the Internet or an internal Intranet.

"Teletypewriter" or "TTY" means machinery or equipment that employs interactive text-based communications through the transmission of coded signals across the telephone network. TTYs may include devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. TTYs are also called text telephones.

"Undue Burden" means significant difficulty or expense, including, but not limited to, difficulty or expense associated with technical feasibility. [62 O.S., Section 41.5t.1]

"Video Description" means the insertion of verbal descriptions about the setting and/or action in a video program when information about these visual elements is not contained in the audio portion of the program. These descriptions supplement the regular audio track of the program. Video descriptions are a way to let people who are blind or have low vision know what is happening on screen.

"Web pages" means electronic content connected to the World Wide Web or an intranet and available via a browser.

### **260:15-1-3. Information technology accessibility standards**

(a) The Office of State Finance shall prescribe Information Technology Accessibility Standards to address all technical standard categories of Section 508. Information technology products covered by these standards shall comply with all applicable provisions. When developing, procuring, maintaining or using information technology products (either directly or through administration of contracts or grants), each state agency, as defined in this Chapter, shall ensure that the products comply with these standards, unless an undue burden would be imposed on the agency or an exception pursuant to OAC 580:15-6-24 exists.

(b) These standards are effective September 1, 2005 and apply to all information technology procured, developed and/or substantially modified or substantially enhanced after the effective date of these standards, providing the procurement and/or development process was not initiated prior to the effective date.

(c) The Information Services Division shall maintain the IT Accessibility Standards.

(d) The Standards will be made available to the public at the principal office of the Office of State Finance and the Department of Central Services and shall be published on their respective websites.

(e) When compliance with these standards imposes an undue burden, agencies shall provide individuals with disabilities the information and data involved by an alternative means of access that allows the individual to use the information and data in accordance with other applicable State and Federal laws such as Title I and Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

#### **260:15-1-4. Evaluation of proposed custom-designed information technology systems**

(a) A state agency shall evaluate the accessibility of any proposed custom-designed information technology system prior to the expenditure of state funds in accordance with review procedures prescribed by the Director.

(b) The Appointing Authority of the agency shall certify the results of the review in writing on a form prescribed by the Director. If applicable, the form shall include a declaration that the agency has determined that an undue burden or exception exists.

#### **260:15-1-5. Accessibility compliance representative**

(a) The Appointing authority in each state agency shall designate an Accessibility Compliance Representative(s) to:

(1) Ensure all electronic and information technology produced, procured, or developed by the agency is accessible to the disabled;

(2) Receive, investigate and process formal complaints alleging the agency's failure to comply with electronic and information technology accessibility laws, rules and/or standards;

(3) Assist complainants to ensure a complaint is clear and complies with this Chapter;

(4) Upon receipt of a formal complaint, thoroughly investigate other instances of similar accessibility issues in related systems within the agency.

(5) Annually execute a certified statement assuring compliance with state Standards and submit to the Information Services Division with the long-range plan prescribed by the Office of State Finance in accordance with 62 O.S., Section 41.5e.

(b) The name and contact information of the designated Accessibility Compliance Representative shall be filed and updated, whenever necessary, with the Office of State Finance, Department of Central Services and Oklahoma ABLE Tech.

(c) The name and contact information of the Accessibility Compliance Representative shall be published on the agency website.

**260:15-1-6. Filing a formal complaint**

(a) Effective one year after the effective date of this Chapter, any individual may file a complaint alleging that a state agency or its authorized agent does not comply with electronic and information technology accessibility laws or the Information Technology Accessibility Standards.

(b) The written complaint shall be filed with the agency responsible for the information technology in question.

(c) The written complaint must:

(1) State the name, contact address and telephone number of the complainant;

(2) Identify the information technology in question; and,

(3) Describe the non-conformance with the IT Accessibility standards in sufficient detail as to allow a thorough investigation.

(d) The agency Accessibility Compliance Representative will review the complaint, and when necessary, work with the complainant to ensure the complaint is clear and is addressed by the IT Accessibility Standards.

**260:15-1-7. Processing a complaint**

(a) Upon receipt of a complaint, the agency Accessibility Compliance Representative will review the complaint to determine whether the technology listed in the complaint is subject to the IT accessibility standards.

(b) The Accessibility Compliance Representative will send a written notice to the complainant within ten (10) business days, excluding holidays, from the receipt of the written complaint, which will include:

(1) a statement indicating whether the technology in question is or is not subject to the IT Accessibility Standards;

(2) a statement that the agency will conduct a review to confirm whether the technology in question is non-compliant, if the technology in question has been determined to be subject to the IT Accessibility Standards; and

(3) a copy of these complaint procedures.

(c) The Accessibility Compliance Representative will conduct a review within thirty (30) days from the receipt of the written complaint to determine whether the technology in question is non-compliant. The Information Services Director, Office of State Finance and/or the Electronic and Information Technology Accessibility (EITA) Advisory Council may assist the review, if necessary.

(d) Upon completion of the review, the agency shall provide written notice of the results of the review to the complainant, the Office of State Finance and the EITA Advisory Council, which shall include one of the following:

(1) Documentation that the technology conforms to all applicable accessibility standards;

(2) A documented explanation that any non conformance with accessibility standards was exempted due to an exception or undue burden; or

(3) An agreement in part or in whole with the written complaint that includes a plan with reasonable timelines for conforming to applicable IT Accessibility Standards.

**260:15-1-8. Disagreement with final complaint response**

(a) If a complainant is not satisfied with the final complaint response issued by an agency, a complaint may be refiled with the agency or with the Information Services Director of the Office of State Finance (OSF) and the EITA Advisory Council, c/o: Oklahoma ABLE Tech.

(b) Whenever a complaint is filed with OSF and the EITA Advisory Council pursuant to this section, a review team will convene to review the complaint and the agency response. Members of this team shall include a representative of the IT Services Division of OSF, a representative of the EITA Advisory Council and may include additional members with technical expertise needed to determine conformance with the accessibility standards.

(c) Written notice of receipt of a complaint pursuant to this section shall be sent to the complainant, within ten (10) business days, excluding holidays, from the date the complaint is filed with either entity.

(d) The review team shall evaluate the complaint and the agency response and may gather additional information as necessary to render an independent decision.

(1) If the review team determines the technology does not comply with IT Accessibility Standards, the team shall send written notice to the agency of such findings and request a plan of resolution including timelines.

(2) The team shall also send written notice of their findings to the complainant and the agency indicating an agreement or disagreement with the agency's initial complaint response. If the technology in question is out of compliance, the written notice shall also include a copy of the agency's plan for resolution.

(e) The review team must conclude this review and send the final written notice to the complainant and the agency no later than sixty (60) calendar days from the receipt of the written complaint with the Office of State Finance or EITA Advisory Council.

**260:15-1-9. Annual complaint report**

The appointing authority shall maintain summary and statistical information about the number, nature and outcome of all formal complaints filed. A complaint report containing such information shall be provided to the Office of State Finance on October 1 each year.