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POLICY TRANSMITTAL NO. 11-28	DATE: AUGUST 30, 2011
ADMINISTRATIVE SERVICES	DEPARTMENT OF HUMAN SERVICES OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OKDHS:2-40, Table of Contents; and 2-40-70 through 2-40-74.

EXPLANATION: OKDHS:2-40-70 through OKDHS:2-40-74 are created to address compliance by the Oklahoma Department of Human Services (OKDHS) with Information Technology (IT) Accessibility Standards. The standards apply to all IT procured, developed, substantially modified or enhanced after the Oklahoma Information Technology Accessibility Standards September 1, 2005 effective date.

Original signed on 8-29-11

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Paula Hearn, Chief Administrative Officer  
Administrative Services

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Sandra Harrison, Coordinator  
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WF # 11-P (NAP)

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## **INSTRUCTIONS FOR FILING MANUAL MATERIAL**

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

### **REMOVE**

OKDHS:2-40, Table of Contents

OKDHS:2-40-70

OKDHS:2-40-71

OKDHS:2-40-72

OKDHS:2-40-73

OKDHS:2-40-74

### **INSERT**

OKDHS:2-40, Table of Contents, 1 page only, revised 9-1-11

OKDHS:2-40-70, pages 1-4, issued 9-1-11

OKDHS:2-40-71, pages 1-4, issued 9-1-11

OKDHS:2-40-72, 1 page only, issued 9-1-11

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OKDHS:2-40-74, 1 page only, issued 9-1-11

**OKDHS SUBCHAPTER 40. EXECUTIVE****PART 2. AUDIT OVERSIGHT**

## Section

- OKDHS:2-40-21. The Audit Oversight Committee  
OKDHS:2-40-22. Division responsibilities  
OKDHS:2-40-23. Audit Oversight Committee responsibilities

**PART 3. GRANT MANAGEMENT PLAN**

- OKDHS:2-40-30. Purpose and scope of grants  
OKDHS:2-40-31. Scope **[REVOKED]**  
OKDHS:2-40-32. Approval of grants  
OKDHS:2-40-33. Proposal cycle **[REVOKED]**  
OKDHS:2-40-34. Management reviews/approvals **[REVOKED]**  
OKDHS:2-40-35. Grant management responsibilities **[REVOKED]**  
OKDHS:2-40-36. Marketing **[REVOKED]**

**PART 5. GOVERNANCE**

- OKDHS:2-40-50. Information Technology Portfolio Management Governance Board  
OKDHS:2-40-51. Web Governance Board

**PART 7. INFORMATION TECHNOLOGY**

- OKDHS:2-40-70. Purpose, scope, and definitions of electronic and information technology (IT) accessibility  
OKDHS:2-40-71. Information technology acquisitions  
OKDHS:2-40-72. Developed and deployed information technology  
OKDHS:2-40-73. Electronic documents  
OKDHS:2-40-74. Complaint handling and technical assistance



**OKDHS:2-40-70. Purpose, scope, and definitions of electronic and information technology (IT) accessibility**

Issued 9-1-11

**(a) Purpose.** Part 7 of Subchapter 40 addresses Oklahoma Department of Human Services (OKDHS) compliance with Section 34.28 through 34.30 of Title 62 of the Oklahoma Statutes and Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 requiring electronic and IT accessibility and related IT accessibility standards. OKDHS ensures:

(1) compliance with the provisions of the Oklahoma Information Technology Accessibility (OITA) standards; and

(2) comparable access to and use of IT by individuals with disabilities as those without disabilities when procuring, developing, maintaining, using IT, or when administering contracts or grants including the procurement, development, upgrade, or replacement of IT.

**(b) Scope.**

(1) This section applies to all IT procured, developed, substantially modified or enhanced after the OITA standards September 1, 2005 effective date.

(2) OKDHS accessibility subject matter experts designated by the OKDHS Chief Information Officer (CIO) are responsible for assessing and validating the accessibility compliance of web applications, content, documents, and IT procurement.

(3) Compliance standards have been developed for specific technologies, including:

(A) software applications and operating systems;

(B) web-based information or applications;

(C) telecommunication products;

(D) video and multimedia products;

(E) desktop and portable computers; and

(F) information, documentation, and support.

(c) **Definitions.** The following words and terms when used in this Subchapter shall have the following meaning unless the context clearly indicates otherwise:

(1) "**Accessibility**" means IT allowing employees, program participants, and the general public with disabilities access to and use of information and data comparable to the access and use by individuals without disabilities in compliance with OITA standards.

(2) "**Accessibility assessment**" means the process by which a product is reviewed for compliance with OITA standards prior to procurement, usage, or deployment.

(3) "**Accessibility assessor**" means the IT subject matter expert designated by the CIO responsible for conducting an accessibility assessment.

(4) "**Accessibility compliance representative**" means an individual or individuals designated by the OKDHS Director per Oklahoma Administrative Code (OAC) 260:15-1-5 et. seq.

(5) "**Accessibility validator**" means the IT subject matter expert designated by the CIO responsible for conducting the validation process.

(6) "**Assistive technology device**" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified or customized, used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(7) "**Commercially available off-the-shelf (COTS)**" means a non-developmental item (NDI) of supply that is both commercial and sold in substantial quantities in the commercial marketplace, and may be procured or utilized under government contract in the same precise form as available to the general public. COTS:

(A) include information technology related items such as computer software, hardware systems, or free software with commercial support;

(B) procurements are alternatives to in-house developments or one-off government-funded developments; and

C) typically require configuration tailored for specific uses.

(8) "**Conditional approval**" means signed authorization allowing OKDHS to deploy, publish, or use partially-accessible or non-accessible IT that OKDHS purchased, proposed to purchase, or developed with the understanding that the IT is accessible

by an agreed-upon date. Conditional approval is generally granted when non-accessibility is minimal or compliance is achievable at minimal cost and the need for deployment or use is greater than the consequence of the temporary noncompliance. Unless extended for good cause, use of IT halts upon failure to make accessible by agreed-upon-date.

(9) "**Configured**" means features and functionality are limited by parameters included in the product, but does not change the underlying code of the solution such as Microsoft Word.

(10) "**Customized**" means features and functionality of the product are enhanced with development by reworking the code such as KIDS.

(11) "**Equivalent facilitation**" means OKDHS may accept IT offered by vendors that use designs or technologies not meeting the applicable technical provisions, but providing substantially equivalent or greater access to and use of a product for individuals with disabilities.

(12) "**Exception**" means one of seven specific exceptions to OITA standards per OAC 580:16-7-56(c) and OKDHS:2-40-71(e)(1).

(13) "**Information technology (IT)**" means any electronic information equipment or interconnected system used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information including audio, graphic, and text.

(14) "**Oklahoma Information Technology Accessibility (OITA) standards**" means the accessibility standards required by Sections 34.28 through 34.30 of Title 62 of the Oklahoma Statutes and adopted by the Oklahoma Department of Central Services, per OAC 580:16, and the Oklahoma Office of State Finance, per OAC 260:15.

(15) "**Requesting individual**" means an individual within a division of OKDHS responsible for initiating IT requests or purchases. Any division may request and receive assistance in acquiring IT from CIO-designated subject matter experts.

(16) "**Self-contained product**" means IT that generally has imbedded software and is commonly designed so that a user could not 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 product types.

(17) "**Substantially modified or substantially enhanced**" means changes to an application or document that:

(A) significantly change the display of content or user features;

(B) bring about significant alteration in the structure or appearance of the application or document; or

(C) add new functionality or remove or change key functionality that may significantly impact a user experience to the point each item individually or collectively may constitute a substantial modification or substantial enhancement.

(18) "**Undue burden**" means significant difficulty or expense including, but not limited to, difficulty or expense associated with technical feasibility. [62 O.S. § 41.5t.1]

(19) "**Validation**" means review of the assessment findings and sample verification of compliance with OITA standards.

(20) "**Voluntary product accessibility template (VPAT)**" means a tool to assist in making preliminary assessments regarding the availability level of electronic and IT products and services with features supporting accessibility.

**OKDHS:2-40-71. Information technology acquisitions**

Issued 9-1-11

(a) **Scope.** The procedures in this Section apply to all information technology (IT) procurement including, but not limited to, those acquired by competitive bid, sole source, statewide contract, Western States Contracting Alliance (WSCA), General Services Administration (GSA), authority order, intergovernmental agreement, through a partner, or as free ware.

**(b) Procurement of IT products and services.**

(1) **Requirements.** When procuring a product, accessibility is considered among the general, technical, and functional requirements of the specifications.

(A) An initial voluntary product accessibility template (VPAT) or comparable document must be provided by the vendor addressing one of the six technical compliance standards for various types of technologies per OKDHS:2-40-70(b)(3). The Oklahoma Department of Central Services (DCS) VPAT ensures consistent and uniform responses from suppliers and includes three additional Oklahoma standards for web-based information or applications.

(B) Each division works with the designated Oklahoma Department of Human Services (OKDHS) accessibility assessor to conduct a thorough review of proposed acquisition.

(C) Form 23CO004E, Product OITA VPAT Evaluation, when needed for product evaluation, determines the degree of conformance to the accessibility standards. Relative accessibility weighting may be adjusted for due cause based on the specific procurement.

(2) **Commercially available off-the-shelf (COTS) procurements.** When OKDHS and the vendor enter into an agreement for any COTS product, it must be determined whether the product will be configured or customized.

(A) Configured. The assessment is based upon the VPAT or comparable documentation for the COTS product.

(B) Customized. The assessment is based upon the VPAT or comparable documentation for the COTS product and any existing custom code.

(3) **Maintenance agreements.** Maintenance agreements do not require a VPAT. If

OKDHS and the vendor enter into a maintenance agreement, an accessibility assessment and validation are completed at the time an upgrade is deployed.

(4) **Professional services.** Professional services do not require a VPAT. The contract monitor and the applicable OKDHS division are responsible for ensuring the vendor abides by OKDHS standards for the developed product and for obtaining an accessibility assessment and validation prior to deployment.

(5) **Previously approved products.** Previously approved products do not require a VPAT. A list of OKDHS approved IT products is maintained by OKDHS Data Services Division (DSD). Items on this list are previously approved as accessible or do not have an accessibility component. The requesting division must ensure the IT product has been approved prior to acquisition.

**(c) Responsibilities.**

(1) **Requesting individual.** The requesting individual may seek help from CIO-designated IT subject matter experts.

(A) In the procurement of new IT products and services, the requesting individual ensures:

(i) market research is conducted to identify if any suppliers or products are available to meet those requirements or when an exception applies;

(ii) non-availability, or exceptions are documented;

(iii) appropriate, completed VPAT is obtained from the vendor;

(iv) accessibility is included as a factor in the selection process;

(v) procurement requirements of this Section and Oklahoma Information Technology Accessibility (OITA) standards are followed; and

(vi) justification is provided when conditional approvals or exceptions are requested.

(B) In the procurement of existing IT products and services, including contract and license renewals and maintenance agreements, the requesting individual must ensure:

(i) the VPAT is maintained or updated as appropriate; and

(ii) an accessibility assessment is conducted when an upgrade occurs.

(2) **Accessibility assessor.** The accessibility assessor:

(A) provides an assessment of representations made by the requesting individual or division; and

(B) signs Form 05CO002E, IT Procurement Assessment, documenting the review and indicating the procurement is approved for processing or is denied, requiring Director approval.

(3) **Contracting officer.** Prior to procurement, the contracting officer:

(A) reviews requisition to verify the presence of all forms, VPATs, and approvals required by OKDHS, DCS, and the Oklahoma Office of State Finance (OSF);

(B) verifies the presence of language statutorily prescribed for all contracts including the vendor's representations of compliance with OITA standards; and

(C) asks the requesting individual for supplemental information required by OSF or DCS.

(4) **OKDHS Director.** The OKDHS Director:

(A) reviews requests for conditional approvals and exceptions; and

(B) approves or disapproves the request.

(5) **Data Services Division.** DSD sends a list of all conditional approvals granted by the OKDHS Director along with agreed-upon compliance dates to the Web Governance Board for publication on the Infonet.

(d) **Contract clause.** All IT solicitations and contracts must include the Oklahoma Information Technology Access Clause prescribed by DCS Central Purchasing Division per Section 85.7d of Title 74 of the Oklahoma Statutes and Oklahoma Administrative Code (OAC) 580:16-7-56. The Oklahoma Information Technology Access Clause is found in the accessibility section of the DCS Central Purchasing website.

(e) **Exceptions.**

(1) OAC 580:16-7-56(c) sets forth criteria that qualify as general exceptions to accessibility compliance requirements:

- (A) IT function, operation, or use by OKDHS involving intelligence or cryptologic activities related to public safety, command and control of law enforcement, equipment that is an integral part of a weapon or weapons system or systems critical to the direct fulfillment of public safety or intelligence missions. Such systems do not include a system used for routine administrative and business applications including payroll, finance, logistics, and personnel management applications.
- (B) IT acquired by a contractor or grantee incidental to a contract or grant provided the technology does not become state property upon completion of the contract.
- (C) IT located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment.
- (D) IT requiring a fundamental alteration in the nature of a product or its components.
- (E) Except as required to comply with these standards, OKDHS is not required to install specific accessibility-related software or attach an assistive technology device to IT products unless required by other applicable state or federal laws.
- (F) When OKDHS provides public access to information or data through IT, OKDHS is not required to:
- (i) make products owned by OKDHS available for access and use by individuals with disabilities at a location other than where the information technology is provided to the public; or
  - (ii) purchase products for access and use by individuals with disabilities at a location other than where the IT is provided to the public.
- (G) IT imposing an undue burden on the agency.
- (2) Purchasing exceptions are documented using DCS Form 055, Accessible Technology Procurement Checklist and Documentation. Documentation supporting exceptions is maintained in the OKDHS contract file.

**OKDHS:2-40-72. Developed and deployed information technology**

Issued 9-1-11

**(a) Purpose.** This section addresses the development and deployment of information technology (IT) by or for Oklahoma Department of Human Services (OKDHS) including, but not limited to, applications, web pages, websites, and web content that meet the Oklahoma Information Technology Accessibility (OITA) standards.

**(b) Assessment and validation.**

(1) IT must have an accessibility assessment completed and validated prior to publishing, deployment, or use.

(2) If the IT does not meet all the OITA standards, the individual requestor may request a conditional approval from the Web Governance Board. The IT must go through the entire accessibility assessment process before a conditional approval is requested.

**(c) Roles and responsibilities.**

(1) Requesting individual. The requesting individual ensures the accessibility assessment is completed prior to deployment, publishing, or use by selecting an accessibility assessor and accessibility validator from the list maintained by the OKDHS CIO. Accessibility assessors and validators must be selected from different divisions.

(2) Accessibility assessor. The accessibility assessor provides an assessment of representations made by the requesting individual or division.

(3) Accessibility validator. The accessibility validator reviews the assessment findings and conducts sample verification of compliance.

(4) Web Governance Board (WGB). The OKDHS WGB decides accessibility compliance disputes that arise between the requesting individual and accessibility assessors and validators prior to deployment, publishing, or use. The WGB is authorized to grant conditional approval to deploy developed IT. The WGB maintains an Infonet list of all conditional approvals with agreed-upon compliance dates granted by both the OKDHS Director and the WGB.

(5) Director. The OKDHS Director considers appeals of WGB decisions.



**OKDHS:2-40-73. Electronic documents**

Issued 9-1-11

(a) **Purpose.** When developing or creating electronic documents for internal and external use by Oklahoma Department of Human Services (OKDHS), each covered entity must comply with the applicable technical accessibility standards.

(1) When documents are created for OKDHS, document standards and best practices must be used, including:

(A) Appendix ST002E, OKDHS Document Standards;

(B) Best Practice for Making PowerPoint Accessible;

(C) Best Practice for Making Word Documents Accessible;

(D) Best Practice for Making Excel Documents Accessible;

(E) Best Practice for Remediating Portable Document Format (PDF) Documents;  
and

(F) Best Practice for Adding Metadata to Documents.

**(b) Roles and responsibilities.**

(1) **Document author.** OKDHS divisions create the final document and follow OKDHS standards and best practices. Each division:

(A) ensures metadata is added to the page properties;

(B) verifies the document is unsecured; and

(C) submits the document to their division content manager (DCM).

(2) **Division content manager.** The DCM validates documents from their authors prior to submission by:

(A) validating all OKDHS style and standards were followed;

(B) checking that all metadata has been filled out properly; and

(C) submitting the document to the specified remediator. The DCM may request the OKDHS Web Governance Board to grant conditional approval for placing a non-compliant document online.

(3) **Remediator.** The remediator is responsible for remediating a PDF as accessible and compliant for assistive technology by:

(A) ensuring the division DCM followed OKDHS style and standards for document creation;

(B) ensuring the PDF is accessible and compliant by manipulating and creating the tags to create a logical reading order using a remediation tool;

(C) performing the remediation tool, Adobe PDF and Section 508 accessibility checks, attaching the reports to email for submission to the accessibility validator; and

(D) submitting documents to the accessibility validator for posting.

(4) **Accessibility validator.** The accessibility validator is responsible for ensuring accessibility and compliance with OKDHS document standards and final remediation of documents placed online.

(5) **Web Governance Board (WGB).** The OKDHS WGB decides accessibility compliance disputes arising between the requesting individual and accessibility validator prior to publishing, deployment, or use.

(6) **Director.** The OKDHS Director considers appeals of WGB decisions.

**OKDHS:2-40-74. Complaint handling and technical assistance**

The accessibility compliance representative(s) per Oklahoma Administrative Code (OAC) 260:15-1-5:

(1) ensures all electronic and information technology produced, procured, or developed by Oklahoma Department of Human Service (OKDHS) is accessible to the disabled;

(2) receives, investigates and processes formal complaints alleging OKDHS failure to comply with electronic information technology accessibility laws, rules, and/or standards per OAC 260:15-1-8;

(3) assists complainants to ensure a complaint is clear and complies per OAC 260:15-1-5;

(4) thoroughly investigates, upon receipt of a formal complaint, other instances of similar accessibility issues in related systems within OKDHS;

(5) annually executes:

(A) the Annual Complaint Report per OAC 260:15-1-9; and

(B) a certified statement assuring compliance with state standards and submits it with the long-range plan prescribed by Office of State Finance (OSF) per Section 34.16 of Title 62 of the Oklahoma Statutes to the OSF Information Services Division;

(6) files and updates the name and contact information of the designated accessibility compliance representative(s) with OSF, Department of Central Services, and Oklahoma ABLE Tech, as necessary; and

(7) publishes the designated accessibility compliance representative name(s) and contact information on the OKDHS website.