



VHEAP 2023 LEGISLATIVE PRIORITY

HB 2207: Information Technology Access Act

GOAL: Improving access to information and communications technology (ICT) for Virginians with disabilities

ACTION: Chief Patron [HB2207](#) (Del. Kathy Tran).

HB 2207 proposes to update the Code of Virginia's [Information Technology Access Act \(ITAA\)](#), which has not been updated since 1999. This will significantly improve access to ICT resources for Virginian's with disabilities seeking education and/or employment within the Commonwealth.

ISSUE:

Since 2016, the U.S. Department of Education's Office for Civil Rights (OCR) has [signed resolution agreements](#) with 14 public school systems, 3 colleges/universities, and 1 public library in the Commonwealth of Virginia for failing to conform to the standards and guidelines outlined in [Section 508 of the Rehabilitation Act of 1973](#) and the [Web Content Accessibility Guidelines 2.0 Level A and AA \(WCAG\)](#). All of these agreements highlight issues impacting equivalent access to ICT by students, staff, faculty, and visitors with disabilities (e.g., images without alternative text descriptions, applications that cannot be accessed using a keyboard, websites that do not support assistive technologies, videos without captions or transcripts, etc.) in the Commonwealth of Virginia.

As documented in the *Joint Commission on Technology and Science's* [2022 HB 1246 Accessible Digital Tools and Education Study](#), a large majority of the school divisions, higher education institutions, and state agencies throughout the Commonwealth struggle to ensure equivalent access to their ICT resources. This impacts not only those students enrolled in Virginia school divisions, colleges, and universities, but also those Virginians with disabilities who are seeking employment. Addressing these challenges has been a part of the mission of both the previous administration (i.e., Gov. Northam's [Executive Order 47](#)) and the current administration (Gov. Youngkin's [Alternative Hiring Process for People with Disabilities](#)). The Commonwealth's ongoing commitments to supporting individuals with disabilities is also documented in Code of Virginia [§2.2-203.2:3](#) and [§2.2-1213](#).

PROPOSED SOLUTION:

[HB2207](#) seeks to build upon that commitment, laying the groundwork for the ITAA to act as the foundational law from which all ICT accessibility-related polices and directives in the Commonwealth of Virginia are built upon. The bill introduces a number of changes which improve the ability of covered entities to ensure equivalent access to their ICT resources. This includes:

- **Updating Definitions:**
 - Broadening ITAA’s scope to cover all persons with disabilities, not just those with visual impairments.
 - Broadening the definition of covered entities to include public institutions of higher education, school divisions, and political subdivisions of the Commonwealth.
 - Defining “information and communications technology, or ICT”.
- **Updating procurement requirements:**
 - Shifting the responsibility to the vendor to provide accessibility conformance reports (i.e., VPAT) indicating levels of conformance with Section 508 and WCAG.
 - Ensuring vendors provide product enhancement roadmaps for areas of nonconformance.
 - Ensuring institutions choosing to use ICT that does not meet conformance implement equally effective alternative access plans.
- **Support-related updates:**
 - Ensuring each covered entity designate a digital accessibility coordinator.
 - Ensuring each covered entity’s digital accessibility coordinator develop and implement digital accessibility-related policies.

The proposed changes offer a common-sense approach toward improving access to ICT resources across the Commonwealth. This not only benefits those working in the accessibility arena, but more importantly provides a welcoming and accessible environment for Virginians of all abilities to seek employment, participate in education, and engage with the broader community.

ABOUT VHEAP

The Virginia Higher Education Accessibility Partners group (VHEAP) is comprised of professionals within the disability and accessibility fields representing K-12 schools, post-secondary schools and institutions, and state agencies. Focusing primarily on higher education, the organization also includes participation from all areas within the Commonwealth working to advance accessibility at all levels of education and various state advocacy agencies. This group works to promote information and communications technology (ICT) accessibility through events and collaborative partnerships (e.g., cooperative purchasing agreements) with colleagues across the Commonwealth of Virginia.