Information Technology Access Act

§ 2.2-3500. Findings; policy

A. The General Assembly finds that (i) the advent of the information age throughout the United States and around the world has resulted in lasting changes in information and communications technology; (ii) use of information and communications technology by state and state-assisted organizations has become a widespread means of access for employees and the public to obtain information available electronically, but access for persons with disabilities has often been overlooked when developing, designing, purchasing, and deploying the latest information and communications technology; (iii) when presentation of data through information and communications technology is not accessible by persons with disabilities, it prevents them from participating on equal terms in crucial areas of life, such as education and employment; (iv) accessible information and communications technology is often cheaper for the government in the long run because it does not require post-implementation adaptions and does not expose the government to liability under various state and federal laws that require access for persons with disabilities; and (v) the goals of the state in obtaining and deploying the most advanced forms of information and communications technology properly include universal access so that persons with disabilities will not continue to be left out of the latest and future technological innovations.

B. It is the policy of the Commonwealth that all covered entities shall conduct themselves in accordance with the following principles: (i) all persons with disabilities have the right to full participation in the life of the Commonwealth, including the use of information and communications technology that is provided by such covered entities for use by employees, program participants, students, and members of the general public, and (ii) technology purchased in whole or in part with funds provided by the Commonwealth, acquired, or developed in-house by a covered entity to be used for the creation, storage, retrieval, display, or dissemination of information and intended for use by employees, program participants, students, and members of the general public shall be accessible by all persons with disabilities.

1999, cc. 769, 773, § 2.1-807; 2001, c. 844;2025, c. 571.

§ 2.2-3501. Definitions

As used in this chapter, unless the context requires a different meaning:

"Accessibility" means alignment with federal § 508 standards and § 255 guidelines adopted pursuant to 29 U.S.C. § 794d and 47 U.S.C. § 255, and 28 C.F.R. § 35.200.

"Accessibility Conformance Report" means a completed Voluntary Product Accessibility Template (VPAT) or other document indicating the conformance of a product to accessibility standards such as federal § 508 Standards and § 255 Guidelines adopted pursuant to 29 U.S.C. § 794d and 47 U.S.C. § 255. The Accessibility Conformance Report shall be completed by a digital accessibility subject matter expert with significant experience with product evaluation or by a qualified neutral third party.

"Acquired" means obtained from a third party without the need to engage in the procurement process.

"Covered entity" means all state agencies, public school divisions, public institutions of higher education, and political subdivisions of the Commonwealth.

"Head of each covered entity" means the person responsible for making executive decisions on behalf of the covered entity.

"Information and communications technology" or "ICT" means any website, application, or other product or service primarily intended to fulfill or enable the function of information processing and communication by electronic means, including transmission and display via the Internet.

"Person with a disability" means the same as that term is defined in § 51.5-40.1.

"Procured" means a product or service obtained through a covered entity's procurement process.

"Vendor Accessibility Roadmap" means a document prepared and provided by the vendor highlighting the aspects and elements of the product that do not meet accessibility standards and includes the timelines for these aspects and elements to meet such accessibility standards.

1999, cc. 769, 773, § 2.1-808; 2001, c. 844;2012, cc. 803, 835;2016, c. 296;2025, c. 571.

§ 2.2-3502. Assurance of accessibility

In general, the head of each covered entity or his designee shall ensure that the accessibility of the ICT used by employees, program participants, students, or members of the general public who have a disability (i) is equivalent to that provided to individuals who do not have a disability; (ii) is designed to present information (including prompts used for interactive communications) in formats accessible or adaptable to both persons with and without disabilities; and (iii) conforms with the accessibility requirements as provided in 28 C.F.R. § 35.200, whether developed in-house by a covered entity or procured.

1999, cc. 769, 773, § 2.1-809; 2001, c. 844;2025, c. 571.

§ 2.2-3503. Procurement requirements

A. An information and communications technology access clause shall be developed by the Secretary of Administration and shall require that the vendor certify that any product procured by a covered entity conforms with accessibility. If the vendor cannot certify conformance of accessibility of the ICT product being procured, the covered entity may require such vendor to provide a current vendor-paid and completed Accessibility Conformance Report indicating the level of conformance with accessibility for the ICT being procured by the covered entity. Any areas of nonconformance shall be documented with a vendor-paid and completed Vendor Accessibility Roadmap highlighting areas requiring improved accessibility, including a timeline for each nonconforming area's completion. Consistent with 28 C.F.R. § 35.201 and 36 C.F.R. Part 1194, Appendix A, § E202, this clause should allow for the adoption of non-accessible ICT, provided that the use of such technology does not result in individuals with disabilities being denied the benefit of any program, service, or activity provided by the covered entity. The clause shall be included in all future contracts for the procurement of ICT by, or for the use of, entities covered by this chapter for which negotiation or renegotiation is begun on or after the effective date of this chapter.

B. Such procurement procedure adopted pursuant to this section shall not supersede or conflict with any vendor procedure or policy adopted by a public institution of higher education under the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et

seq.).

1999, cc. 769, 773, § 2.1-810; 2001, c. 844;2020, c. 738;2025, c. 571.

§ 2.2-3504. Exclusions to digital accessibility

The head of any covered entity or his designee shall report to the appropriate executive branch agency any ICT that does not conform with accessibility and is not included in the exceptions found in 28 C.F.R. § 35.201 or 36 C.F.R. Part 1194, Appendix A, § E202. Each executive branch agency shall report annually to the General Assembly on such ICT and provide an estimate on the fiscal impact involved in bringing such technology into compliance with federal and state laws and regulations.

1999, cc. 769, 773, § 2.1-811; 2001, c. 844;2020, c. 738;2025, c. 571.