
2023 LEGISLATIVE PRIORITIES FROM THE BLIND OF VIRGINIA

Priority 1: Modernize government procurement of accessible technology.

Action: Co-Sponsor HB2207 (Del. Kathy Tran).

Issue: Technology and its impact on our lives has changed dramatically over the past 25 years. In response, Virginia and Federal laws have been updated to reflect expectations that people with disabilities will be able to participate in community life. However, Virginia law requiring accessibility to be a factor in technology acquisition has not been modernized.

One important example of this issue is that Virginia school districts are not consistently using technology that is accessible for students with disabilities. While there is a robust market for education technology, accessibility for students with disabilities is not a factor in the product selection process by Virginia schools. This has led to the Federal Department of Education's Office for Civil Rights (OCR) signing resolution agreements with 17 Commonwealth entities involved in educating Virginians with disabilities due to inaccessible technology since 2016. *See* Joint Commission on Technology and Science [2022 HB 1246 Accessible Digital Tools and Education Study](#). Without providing accessible technology at the front end, schools end up spending more to have educators create one-off solutions so that students with disabilities can learn alongside their peers. Moreover, while Virginia colleges and other Virginia Commonwealth entities are explicitly required to consider accessibility in their procurement process under the Virginia Information Technology Accessibility Act (ITAA), that law is woefully outdated given that it has not been substantively amended since its passage in 1999. This has led to many Virginia governmental entities' websites, apps, and other information and communication technology being inaccessible. This results in, for example, difficulties in voting, obtaining information about current health and weather crises, and even finding someone in the government to address accessibility problems.

Solution: HB2207 modernizes the ITAA in a number of ways to provide Virginia governmental entities the guidance they need to ensure compliance with other Federal and Virginia laws that require accessible technology. These other laws include Section 504 of Federal Rehabilitation Act, the Virginia and Americans with Disabilities Acts, and, with respect to local schools, the Individuals with Disabilities Education Act. However, the ITAA has not kept up with current law or market realities that have changed significantly since 1999. For example, it currently only applies to those who are blind or low vision, not all persons with disabilities, despite the fact that procurement for accessibility is not legally limited or practically constrained to those who are blind. In addition, it does not cover K-12, even though 14 of the 17 OCR resolutions since 2016 have involved Virginia public school systems and technology has permeated the student experience since 1999. Moreover, it does not make it clear that the usage of the exception in the ITAA to procure accessible technology does not necessarily ensure compliance with other Federal and Virginia legal requirements. HB2207 seeks to address these shortcomings, as well as modernize the outdated technological language found in the current version of the ITAA.

Priority 2: Enable blind Virginians to become employed and live independently.

Action: Support the Governor's budget proposal for the Department for the Blind and Vision Impaired (DBVI).

Issue: DBVI provides vocational rehabilitation (VR) training, leading to employment of Virginians who are blind, deaf/blind, and vision impaired. DBVI does not have sufficient dedicated funding for the state's share of Federal-matching VR services. Without additional funding, DBVI anticipates a wait list for VR services for 40 adults and students in the next 12 months.

Solution: The Governor's budget request includes \$642,000 for such services. This funding would help ensure the availability of sufficient funds needed to serve blind Virginians who require VR services because it would reduce the waiting list and assure a source of matching funds for the federal VR grant, ultimately saving the state money. These additional funds would help to enable blind adults and students to find employment, establish careers and become taxpayers.

ABOUT THE NATIONAL FEDERATION OF THE BLIND

The National Federation of the Blind is America's largest and most active organization of blind people. With tens of thousands of members nationwide, we are not an "agency" claiming to speak for the blind; we are blind people speaking for ourselves. In Virginia, we are organized into 13 local chapters throughout the Commonwealth, and into various special interest divisions.