

Public Body Procurement Workgroup

Final Draft Recommendations for HB 1355

Recommendation 1:

The Workgroup recommends that the General Assembly consider amending Chapter 35 of Title 2.2 to require compliance with Title II of the Americans with Disabilities Act (ADA), the Code of Federal Regulations and the Federal Rehabilitation Act as appropriate for all covered entities and that, after the federal deadline of April 2026 to comply with the federal standards, then the General Assembly should determine if additional requirements should be added to the Code.

Recommendation 2:

The Workgroup recommends that the General Assembly consider amending Chapter 35 of Title 2.2 to add public schools to the definition of covered entity.

Recommendation 3:

The Workgroup recommends that the General Assembly charge stakeholder agencies with providing guidance on how to prioritize systems and applications.

Recommendation 4:

The Workgroup recommends that the General Assembly consider amending Chapter 35 of Title 2.2 to expanding the reporting requirements by covered entities on non-accessible technology to include: (i) identifying non-accessible technology, and (ii) estimating the fiscal impact to bring such technology into compliance. Additionally, the General Assembly should consider requiring covered entities to report to their appropriate executive branch agency, such information on an annual basis to, and that agency report to the General Assembly, rather than to the Secretary of Administration. (like Local Public Schools to the Department of Education)

Recommendation 5:

The Workgroup recommends that the General Assembly consider amending Chapter 35 of Title 2.2 to require that covered entities publish in a clear, easily accessible, area on its website who should be contacted when an accessibility barrier is identified and that agencies are required to develop procedures to review the identified concern and respond to individual(s) submitting the concern.

Recommendation 6:

The Workgroup recommends that, when amending Chapter 35 of Title 2.2, the General Assembly not include grievance procedure language (like that found in lines 183-89 of the engrossed version of HB1355), because other applicable federal and state laws already provide procedures for remedies.

Recommendation 7:

The Workgroup recommends that, when amending Chapter 35 of Title 2.2, the General Assembly not include specific contractual penalty or consequence language (like that found in lines 133-41 of the

engrossed version of HB3155), because public bodies already have the authority to address noncompliance with law or with contract provisions.