

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4856

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4856 (1R), with committee amendments.

As amended, this bill establishes accessibility standards for the Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf (“public school”).

Specifically, the bill requires that no public school will make available to the enrolled students of the district or school or to the public an Internet website or web service unless the website or web service complies with the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA or the most up-to-date version of the guidelines if approved by the Commissioner of Education, or any other applicable guidelines or requirements as may be designated or approved by the commissioner. The WCAG guidelines provide standards through which digital content may be accessible for persons with disabilities. In June 2018, the WCAG 2.1 guidelines were issued to improve accessibility guidance for three major groups: users with cognitive or learning disabilities, users with low vision, and users with disabilities on mobile devices.

Under the bill, the Commissioner of Education would be required to establish a procedure for determining whether an Internet website or web service complies with the WCAG guidelines. The Department of Education would be responsible for issuing certifications of compliance to attest that an Internet website or web service complies with these requirements.

The bill provides that when a public school establishes an Internet website or web service after the effective date of this bill, the school would be required to receive a certification of compliance. Under the bill, an Internet website or web service established by a public school after the effective date of the bill would be permitted to operate while pending certification. The bill also requires a public school to certify or recertify the compliance of each Internet website or web service operated by the public school every two years following the effective date of the bill.

The bill provides that nothing in the bill would be construed to bar, exclude, or otherwise affect any right or action that exists under the State “Law Against Discrimination.”

As defined in this bill, the term “Internet website or web service” includes any webpage, website, web service online curriculum, or online third party or open educational resource product that is made available to enrolled students or the public by a public school through the Internet.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- provide that no school district, charter school, renaissance school, or the Marie H. Katzenbach School for the Deaf would make available to enrolled students or to the public an Internet website or web service unless the website or web service complies with the guidelines specified in the bill;
- provide that the Commissioner of Education may designate or approve any other applicable web accessibility guidelines aside from the WCAG 2.1 Level AA or the most up-to-date version of those guidelines;
- remove the requirement that the Office of Information Technology in the Department of Education specifically issue certifications of compliance under the bill;
- remove the requirement for a public school to receive a certification of compliance for an Internet website or web service that is significantly improved;
- permit an Internet website or web service established after the effective date of the bill to be operational while it is pending certification;
- require a public school to certify or recertify the compliance of each Internet website or web service every two years following the effective date of the bill. The bill as introduced required recertification every two years following initial certification;
- provide that nothing in the bill would be construed to bar, exclude, or otherwise affect any right or action that exists under the “Law Against Discrimination”; and
- provide that the Commissioner of Education may take any anticipatory administrative action necessary for the implementation of the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill would result in increased local costs to school districts, charter schools, and renaissance schools to the extent that the Internet websites or web services of individual districts and schools do not meet the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standard.

The bill may also result in slightly increased expenditures to the State to provide funds to modify the Internet website or web service of the Marie H. Katzenbach School for the Deaf, to the extent that the Internet website or web service of that school would need to be improved to comply with the WCAG 2.1 Level AA standard.

Lastly, the OLS finds that the bill would also likely result in increased costs to the Department of Education (DOE), which is tasked with issuing certificates of compliance and recertification to public schools attesting to the schools' adherence to the WCAG 2.1 Level AA standard.