

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3094

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JANUARY 18, 2022

SUMMARY

Synopsis:	Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities.
Type of Impact:	Increase in local school district, charter school, and renaissance school expenditures. Potential State expenditure increase.
Agencies Affected:	Department of Education. Local school districts, charter schools, and renaissance schools.

Office of Legislative Services Estimate

Fiscal Impact	
Potential State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate

- 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 or any other applicable guidelines or requirements as may be designated or approved by the Department of Education (DOE).
- 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 or another standard approved by the DOE.
- Lastly, the bill may also result in marginal increased costs to the DOE, which is tasked with collecting statements of assurance from public schools attesting that a website or web service complies with the provisions of the bill.

BILL DESCRIPTION

This 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 WCAG 2.1 Level AA or the most up-to-date version of the guidelines if approved by the DOE, or any other applicable guidelines or requirements as may be designated or approved by the department.

Under the bill, the DOE would be required to obtain a statement of assurance from the school district, charter school, renaissance school, or the Marie H. Katzenbach School for the Deaf concerning the accessibility compliance status of the Internet website or web service.

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 submit a statement of assurance to the DOE. The bill also requires a public school to submit a statement of assurance attesting to the compliance of each Internet website or web service operated by the public school every two years following the effective date of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The 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 comply with the WCAG 2.1 Level AA standard or any other applicable guidelines or requirements that may be designated by the DOE under the bill. The OLS notes that provisions of the federal Americans with Disabilities Act, Section 504 of the federal Rehabilitation Act of 1973, and the State “Law Against Discrimination” have broadly been interpreted to require public school websites to be accessible to individuals with disabilities. This bill would require public schools to meet a specific standard. The number of public schools that do not already comply with the federal American Disabilities Act or the WCAG 2.1 Level AA web accessibility standard, or both, is unknown. While the full extent of compliance across the State is not known, the OLS notes that, according to the federal Department of Education – Office of Civil Rights (OCR) Recent Resolution Search database, some 18 school districts in the State since 2013 have entered resolution agreements to take certain actions to address determinations by the OCR that the districts’ websites (or certain pages of those websites) are not accessible to individuals with disabilities.

Available evidence suggests that the costs of making individual websites compliant with these standards are wide ranging, but the most conservative estimates typically start at a few thousand dollars.

The OLS notes that the DOE may incur additional costs 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 or a standard designated by the DOE.

Lastly, the bill may also result in marginal increased costs to the DOE, which is tasked with collecting statements of assurance from public schools.

Section: Education

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).