

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3094

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 2021

The Senate Education Committee favorably reports Senate Bill No. 3094 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 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.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 4856(2R), which was reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) 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;

(2) 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;

(3) provide that the Department of Education, rather than the Office of Information Technology in the department, issue certifications of compliance under the bill;

(4) remove the requirement that a public school that significantly improves an Internet website or web service after the effective date of the bill must receive a certification of compliance from the department;

(5) permit an Internet website or web service established by a public school after the effective date of the bill to be operational while pending receipt of a certification of compliance from the department;

(6) 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;

(7) provide that nothing in the bill would be construed to bar, exclude, or otherwise affect any right of action that exists under the “Law Against Discrimination”; and

(8) change the effective date of the bill to the first day of the sixth month following the date of enactment and to provide that the Commissioner of Education may take any anticipatory administrative action as necessary for the implementation of the bill.