

Testimony before the Assembly Education Committee
Bill A4856
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Thank you Chairwoman Lampitt and members of the committee for the opportunity to comment on A4856, which is designed to address the accessibility of school websites. I speak today on behalf of individuals with disabilities and am appreciative that the Committee included their voices in this conversation.

Disability Rights NJ is the federally funded, designated protection and advocacy system for people with disabilities in the State of New Jersey. Under our federal enabling statutes, we provide legal representation, advocacy, education and training, and information and referral to people with disabilities, their families, and the professionals who serve them. In addition, Disability Rights NJ hosts the Richard West Assistive Technology Advocacy Center (ATAC) which is the federally funded Assistive Technology Act Project in New Jersey. ATAC assists individuals in overcoming barriers in the system and making assistive technology more accessible to individuals with disabilities throughout the state. Through its funding, ATAC sponsors an assistive technology loan program, an assistive technology recycling program, and provides trainings on assistive technology for individuals throughout New Jersey. Due to our expertise on assistive technology, Disability Rights NJ has expertise about the need for website accessibility for individuals with disabilities and strongly supports A4856.

Advocating and advancing the human, civil and legal rights of persons with disabilities

Federal law under § 508 of the Rehabilitation Act requires that websites be accessible to individuals with disabilities. Unfortunately, many websites and internet programs do not meet this requirement. With the shift that has happened in education due to COVID-19, schools are infusing even more technology into the curriculum. We have seen learners struggle with this shift due to a lack of accessibility in these digital learning materials. In order to compliment the virtual learning, schools are utilizing more web-based materials, which may lack the accessibility features necessary to ensure that every student can learn. In addition, schools are employing more recorded learning modules, whether created by teachers or readily available on the internet. These video learning supports do not always have captions or transcripts to ensure accessibility.

Disability Rights NJ comes here today to speak in support of the bill and its efforts to ensure that educational websites and services are accessible to students with disabilities. This bill aims to require school districts to show how any website or web service, as defined by the bill, is available and accessible for students with disabilities. This bill helps expand the accessibility requirements of Section 508 of the Rehabilitation Act to any public K-12 education program or school in the state. Further, Disability Rights NJ believes this bill will provide more state level accountability to ensure that school district websites meet the federal requirements for website accessibility.

Although Disability Rights NJ supports this bill overall, we have some concerns regarding specific language in the bill. The bill as written requires certification every two years; however, we feel that with the ever-changing nature of digital materials and delivery systems, recertification should happen every year. In addition, we believe that the language in the bill needs clarification to explain whether these requirements apply to all websites or only to

websites that have undergone revisions. We believe this should apply to all websites since school district websites are already required to comply with Section 508. If it only applies to school district websites that have undergone revisions, the language will need to clearly define what a “significant improvement” to a website or web service is to have clarity on when the certification process is needed. The language of the bill as written creates an ambiguity that will need to be resolved to ensure that students with disabilities continue to have access to all educational programs and offerings.

The bill applies to “Internet website or web service” digital learning materials. All web-based curriculum materials, open educational resources and educational services delivered electronically via the Internet must be accessible to students of all abilities. In addition to meeting all the requirements of Section 508 and the Web Content Accessibility Guidelines, all materials, resources and services should adhere to the Quality Indicators for the Provision of Accessible Educational Materials and Technologies, developed by the National Center on Accessible Educational Materials.¹ However, the bill, as proposed, does not indicate how school districts will ensure compliance with all the Internet websites and web services utilized in their

¹ Quality Indicators for the Provision of Accessible Educational Materials and Technologies:

- [Quality Indicator 1](#): A coordinated system for provision of accessible materials and technologies
- [Quality Indicator 2](#): Acquisition and provision in a timely manner
- [Quality Indicator 3](#): Written guidelines
- [Quality Indicator 4](#): Comprehensive learning opportunities and technical assistance
- [Quality Indicator 5](#): A systematic data collection process
- [Quality Indicator 6](#): Use of data to guide changes
- [Quality Indicator 7](#): Allocation of resources

student's learning opportunities, and how the Department of Education will enforce this provision.

Finally, Disability Rights NJ has a question regarding implementation timing, specifically, once the commissioner of education establishes the procedure for certification, what will be the timeframe for school districts to comply and apply for it? This bill does not outline any provisions for when websites and web services must meet accessibility standards and when school districts, charter schools or renaissance schools must seek the initial certification. Without a specific timeframe for implementation, Disability Rights NJ fears that school districts will delay seeking certification.

Once again, thank you Chairwoman Lampitt and members of the committee for the opportunity to comment on A4856. We thank you for your work to ensure educational accessibility for all learners and we offer our services for collaboration to meet this important goal. We will gladly answer any questions that you may have.