

SENATE BILL 1692

By Massey

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7, Part 2 and Title 49, Chapter 7, Part 20 relative to the establishment of minimum accessibility criteria for electronic instructional materials and related technology used by institutions of higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-7-2006(a)(1), is amended by adding the following language as a new subdivision (N):

(N) The institution only develops, procures, maintains, or uses electronic instructional materials and related information technology that are accessible to individuals with disabilities.

SECTION 2. Tennessee Code Annotated, Section 49-7-2003, is amended by adding the following language as new, appropriately designated subdivisions:

() “Electronic instructional material” means digital curricular content including course-assigned books, journals, articles, and web pages, used by students, faculty, or administrative personnel of an institution of higher education to facilitate the teaching and learning process;

() “Individuals with a disability” has the meaning given in section 3 of the Americans with Disabilities Act, compiled in 42 U.S.C. §§ 12101 — 12213;

() “Related information technology” means any electronic platform or delivery system used by students, faculty, or administrative personnel of an institution of higher education to access electronic instructional materials, including any hardware, firmware, software and applications required for the manipulation, annotation, and dissemination of such materials;

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 7, Part 2, is amended by adding the following as a new section:

Pursuant to the commission's authorization under § 49-7-2005, not later than twelve (12) months after the effective date of this bill, the commission shall convene an accessibility task force to develop the minimum criteria for accessibility to ensure conformity with § 49-7-2006(a)(1)(N). The accessibility task force shall:

(1) Include representatives from disability advocacy groups, including one (1) representative from an organization representing blind people and one (1) representative from organization representing people with learning disabilities;

(2) Include experts in the field of technology with specializations in accessibility;

(3) Seek input from the public and other stakeholders during the development of and before finalizing the criteria; and

(4) Submit the final minimum criteria to the commission within forty-eight (48) months after the effective date of this act.

SECTION 4. Not later than thirty-six (36) months after the effective date of this act, the postsecondary rules shall be amended to include: 1540-01-02 .26 minimum criteria for accessibility of electronic instructional materials and related information technologies.

SECTION 5. Nothing in this act is intended to replace or supersede any federal requirements applicable to electronic instructional materials or related information technologies used by institutions of higher education that provide equal or greater access for individuals with a disability.

SECTION 6. This act shall take effect July 1, 2014, the public welfare requiring it.