

113TH CONGRESS
2D SESSION

S. 2060

To direct the Architectural and Transportation Barriers Compliance Board to develop accessibility guidelines for electronic instructional materials and related information technologies in institutions of higher education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2014

Ms. WARREN (for herself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To direct the Architectural and Transportation Barriers Compliance Board to develop accessibility guidelines for electronic instructional materials and related information technologies in institutions of higher education, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Technology, Equality
5 and Accessibility in College and Higher Education Act”
6 or the “TEACH Act”.

1 **SEC. 2. GUIDELINES FOR ACCESSIBLE ELECTRONIC IN-**
2 **STRUCTIONAL MATERIALS AND RELATED IN-**
3 **FORMATION TECHNOLOGIES IN INSTITU-**
4 **TIONS OF HIGHER EDUCATION.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of enactment of this Act, the Architectural and
7 Transportation Barriers Compliance Board established
8 pursuant to section 502 of the Rehabilitation Act of 1973
9 (29 U.S.C. 792) (in this Act referred to as the “Access
10 Board”) shall develop guidelines for the accessibility of
11 electronic instructional materials and related information
12 technologies in institutions of higher education. Such
13 guidelines shall—

14 (1) include performance criteria to ensure that
15 such materials and technologies are accessible to
16 covered blind individuals and covered individuals
17 with a disability; and

18 (2) be consistent with the standards for tech-
19 nical and functional performance criteria issued pur-
20 suant to section 508(a)(2)(A)(ii) of the Rehabilita-
21 tion Act of 1973 (29 U.S.C. 794d(a)(2)(A)(ii)).

22 (b) HARMONIZATION WITH NATIONAL AND INTER-
23 NATIONAL STANDARDS.—The Access Board shall, to the
24 extent practicable, ensure that the guidelines issued under
25 subsection (a) are consistent with national and inter-

1 national accessibility standards for electronic instructional
2 materials and related information technologies.

3 (c) REVIEW AND AMENDMENT.—Not later than 3
4 years after the effective date of the guidelines described
5 in subsection (a), and every 3 years thereafter, the Access
6 Board shall review and, as appropriate, amend such guide-
7 lines to reflect technological advances or changes in elec-
8 tronic instructional materials and related information
9 technologies.

10 **SEC. 3. SAFE HARBOR PROTECTIONS.**

11 Institutions of higher education that use electronic
12 instructional materials and related information tech-
13 nologies that comply with the accessibility guidelines de-
14 scribed in section 2 shall be deemed to be in compliance
15 with the non-discrimination provisions in section 504 of
16 the Rehabilitation Act of 1973 (29 U.S.C. 794) and titles
17 II and III of the Americans with Disabilities Act of 1990
18 (42 U.S.C. 12131 et seq., 42 U.S.C. 12181 et seq.) with
19 respect to the use of such materials or technologies.

20 **SEC. 4. NONCOMPLIANT ELECTRONIC INSTRUCTIONAL MA-**
21 **TERIALS AND RELATED INFORMATION TECH-**
22 **NOLOGIES.**

23 Nothing in this Act shall be construed to require an
24 institution of higher education to use electronic instruc-
25 tional materials or related information technologies that

1 conform to the accessibility guidelines described in section
 2 2 if the institution of higher education provides such mate-
 3 rials or technologies, or an accommodation or modifica-
 4 tion, that would allow covered blind individuals and cov-
 5 ered individuals with a disability to receive the educational
 6 benefits of such materials or technologies—

7 (1) in an equally effective and equally inte-
 8 grated manner as non-disabled or non-blind stu-
 9 dents; and

10 (2) with substantially equivalent ease of use of
 11 such materials or technologies.

12 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated such sums as
 14 may be necessary to carry out section 2 of this Act.

15 **SEC. 6. DEFINITIONS.**

16 In this Act:

17 (1) **BLIND INDIVIDUAL.**—The term “blind indi-
 18 vidual” means an individual whose central visual
 19 acuity does not exceed 20/200 in the better eye with
 20 correcting lenses or whose visual acuity, if better
 21 than 20/200, is accompanied by a limit to the field
 22 of vision in the better eye to such a degree that its
 23 widest diameter subtends an angle of no greater
 24 than 20 degrees.

1 (2) COVERED BLIND INDIVIDUAL AND COVERED
2 INDIVIDUAL WITH A DISABILITY.—The terms “cov-
3 ered blind individual” and “covered individual with
4 a disability” mean a blind individual or an individual
5 with a disability whose blindness or disability limits
6 the ability of such individual to access electronic in-
7 structional materials and related information tech-
8 nologies.

9 (3) DISABILITY.—The term “disability” has the
10 meaning given such term in section 3 of the Ameri-
11 cans with Disabilities Act of 1990 (42 U.S.C.
12 12102).

13 (4) ELECTRONIC INSTRUCTIONAL MATERIAL.—
14 The term “electronic instructional material” means
15 digital curricular content including course-assigned
16 books, journals, articles, and web pages, used by stu-
17 dents, faculty, or administrative personnel of an in-
18 stitution of higher education to facilitate the teach-
19 ing and learning process, including technologies used
20 in distance education as defined in section 103 of
21 the Higher Education Act of 1965 (20 U.S.C.
22 1003).

23 (5) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning given such term in section 101 of the High-
2 er Education Act of 1965 (20 U.S.C. 1001).

3 (6) RELATED INFORMATION TECHNOLOGY.—

4 The term “related information technology”—

5 (A) means any electronic platform or deliv-
6 ery system used by students, faculty, or admin-
7 istrative personnel of an institution of higher
8 education to access electronic instructional ma-
9 terials; and

10 (B) includes any hardware, firmware, soft-
11 ware, and applications required for the manipu-
12 lation, annotation, and dissemination of such
13 electronic instructional materials.

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