

Overview of the New Rule on Accessibility of Web Content and Mobile Apps Provided by State and Local Governments

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Current Title II Web Content Accessibility Under the ADA

Accessibility requirements of the ADA apply to web content and mobile apps...but,

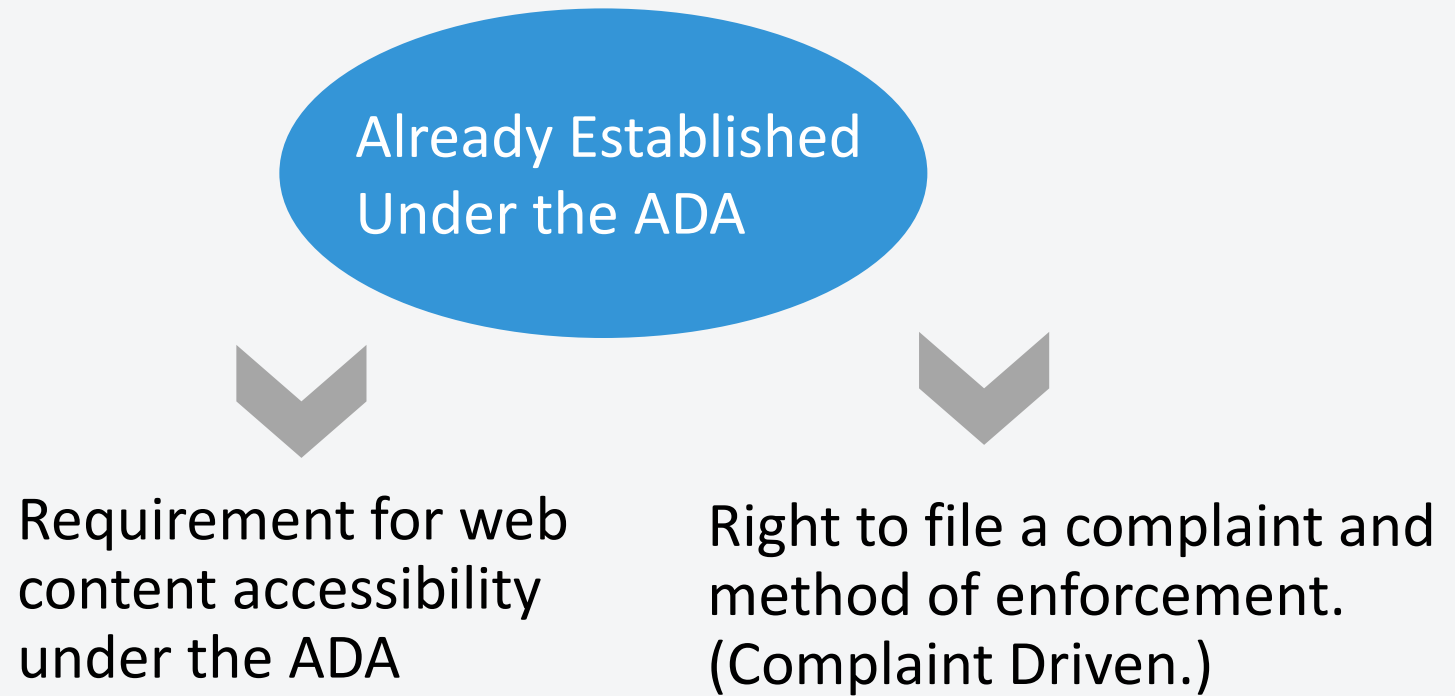
- No specific regulations for web access
- Court cases and settlement agreements generally use WCAG 2.0 Level AA when addressing website accessibility.
- Section 508 requirements mirror WCAG 2.0 Level AA
- Enforcement driven by complaints

New DOJ Rule on Accessibility of Web Content and Mobile Apps

Establishes a “specific technical standard that state and local governments must follow to meet their obligations for web and mobile app accessibility” under the ADA.

- This standard is the Web Content Accessibility Guidelines or WCAG Version 2.1 Level AA
- Establishes dates when compliance with the specific standards goes into effect.
- Establishes exceptions and what is considered nonexempt content.

The Impact?



The change is clarity and conformance in designing, programming, and evaluating accessible web content. Achieved through specified technical standards with clearly defined exceptions.

New Rule on Accessibility of Web Content and Mobile Apps

Technical Standards and Deadlines

Technical Standard: WCAG Version 2.1 Level AA

Web Content Accessibility
Guidelines (WCAG)
Version 2.1 Level AA

Developed by the World Wide
Web Consortium (W3C)

International community where
members, staff, and public work
together to develop web
standards.



<https://www.w3.org>

Web Content Accessibility Guidelines (WCAG)-Levels

Level A

Necessary for web access. Web pages or features that do not meet level A guidelines may be very difficult or impossible for people with disabilities to access.

Level AA

Makes web content and features easier for people with disabilities to access. Think moving from impossible to manageable for most users.

Level AAA

Provides an optimal web experience for a wide range of users.

When retrofitting a website, prioritize Level A guidelines first.

Standards are not Limits

Note: Technical standards set minimum requirements for accessibility.

Compliance with a technical standard doesn't mean perfect accessibility has been achieved.

Plenty of space for:

- Best practices

- New technologies

- New ideas

- Benefits of great design

Implementation Deadlines

State and local government size	Compliance date
0 to 49,999 persons	April 26, 2027
Special district governments	April 26, 2027
50,000 or more persons	*April 24, 2026

* That's 18 months from the date of this presentation!

What is Web Content?

The elements that make up a web page and a website.

text

images

sound

videos

forms

links

navigation menus

backgrounds (color)

chat features (plug-ins)



Elements Provided by Third-Parties



Elements or features provided by a third party that are housed or accessed on your website are considered web content and must meet WCAG 2.1 Level AA requirements.

- Scheduling
- Payments
- Buying Tickets
- Calendars

Documents are also considered web content.

Websites often house documents (PDFs, TXTs, Word) that can be accessed from a webpage by the user.

Note: This is different from a link to content on another website.

Document Formats



Content Exceptions

- Archived Web Content
- Preexisting Conventional Electronic Documents
- Individualized Documents that are Password-Protected.
- Preexisting Social Media Posts

Archived Web Content

Content must meet **all four** criteria points to be considered archived web content.

1. Created before the Title II compliance date.
2. Only kept for reference, research, or recordkeeping.
3. Kept in a special area for archived content.
4. Content has not changed since it was archived.

Archived Content No Longer Meets the Exception Criteria if:

- The content is updated
- The content is moved to a public-facing part of the website.

Preexisting Conventional Electronic Documents

Must meet **both** criteria requirements for compliance exemption.

1. The documents are word processing, presentation, PDF, or spreadsheet files
2. They were available on a website or mobile app before the compliance date.

Individualized documents that are password-protected. (Utility or tax bills)

Do **not** need to meet WCAG 2.1 Level AA if they meet **all three** criteria.

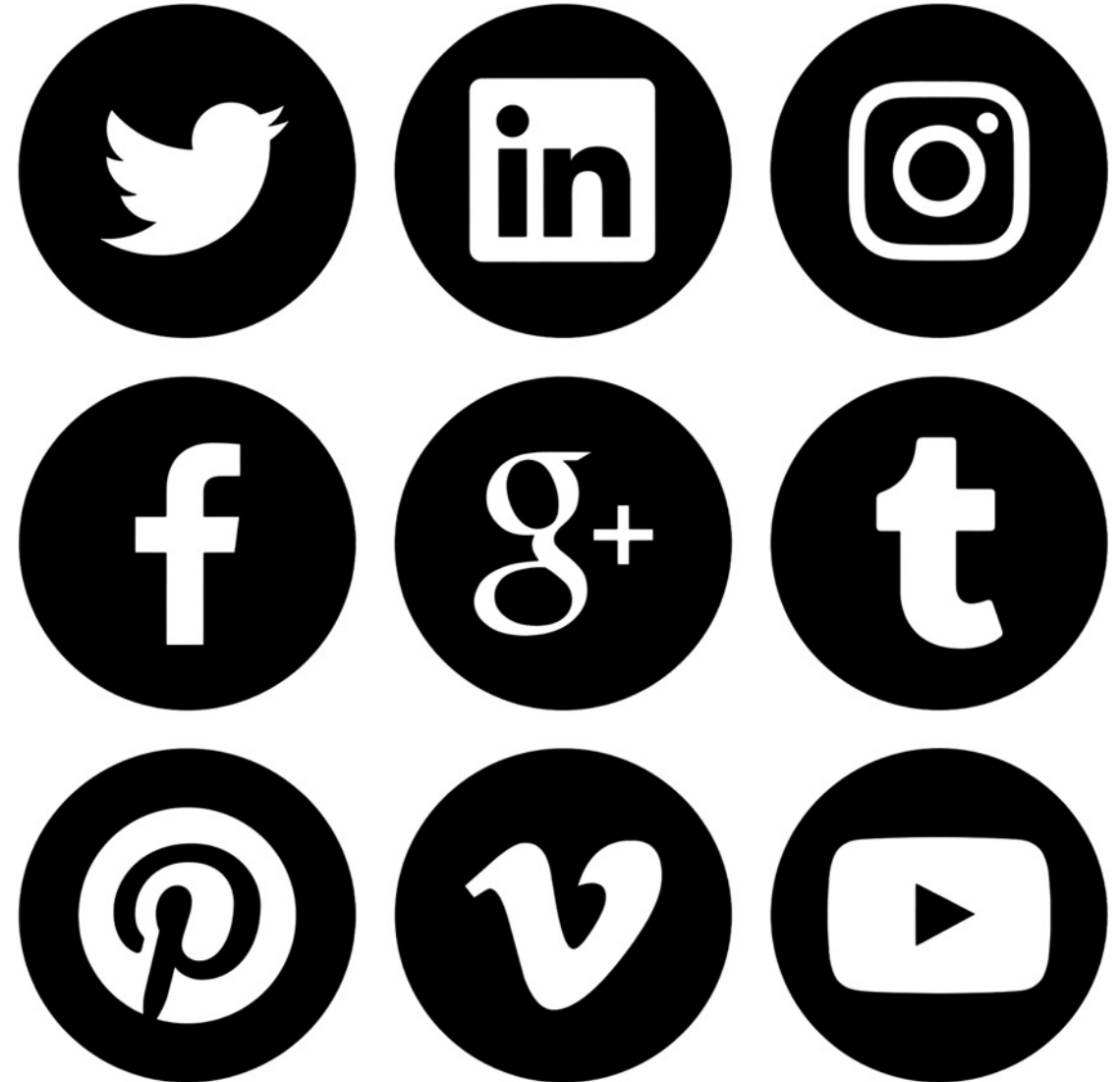
1. Word processing, presentation, PDF or spreadsheet files
2. Are about a specific person, property, or account.
3. Are password protected or otherwise secured.



Preexisting Social Media Posts

Social media posts made by state or local governments **before** the final rule compliance date are exempt from WCAG 2.1 Level AA

Note: This does not apply to comments or replies.



Exceptions from Web
and Mobile Content
Accessibility
Requirements Does
not Mean
the Entity has No Obligation
to Provide Equivalent
Information
or Services in Some
Other Way.



Beyond Exceptions

Minor Compliance Failures

When Users Cannot Access Content Despite Compliance with WCAG V2.1

Conforming Alternate Versions

Content Posted by Third Parties

Minor Compliance Failures

Sometimes—usually due to a technicality with coding—web content or mobile apps do not meet WCAG 2.1 Level AA “in a way that is so minor that it would not change a person with a disability’s access to the content or app.”

Must be able to show that a minor “failure” or difference in “compliance interpretation” does not affect access for users with disabilities.

Can not be used to circumvent compliance with WCAG 2.1 Level AA

Minor Compliance Failure- Example

“text with a color contrast ratio that is 4.45:1. WCAG 2.1, Level AA requires a color contrast ratio of 4.5:1 for this text.

....very small difference in color contrast ratio probably would not change whether most people with vision disabilities could read the text on the website and access the information”

-Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments

User with a Disability Can Not Access WCAG Compliant Content

Title II entity is **not** required to make more changes to web content or mobile app.

“Entity still must satisfy its obligation under the ADA to provide effective communication and reasonable modifications.”

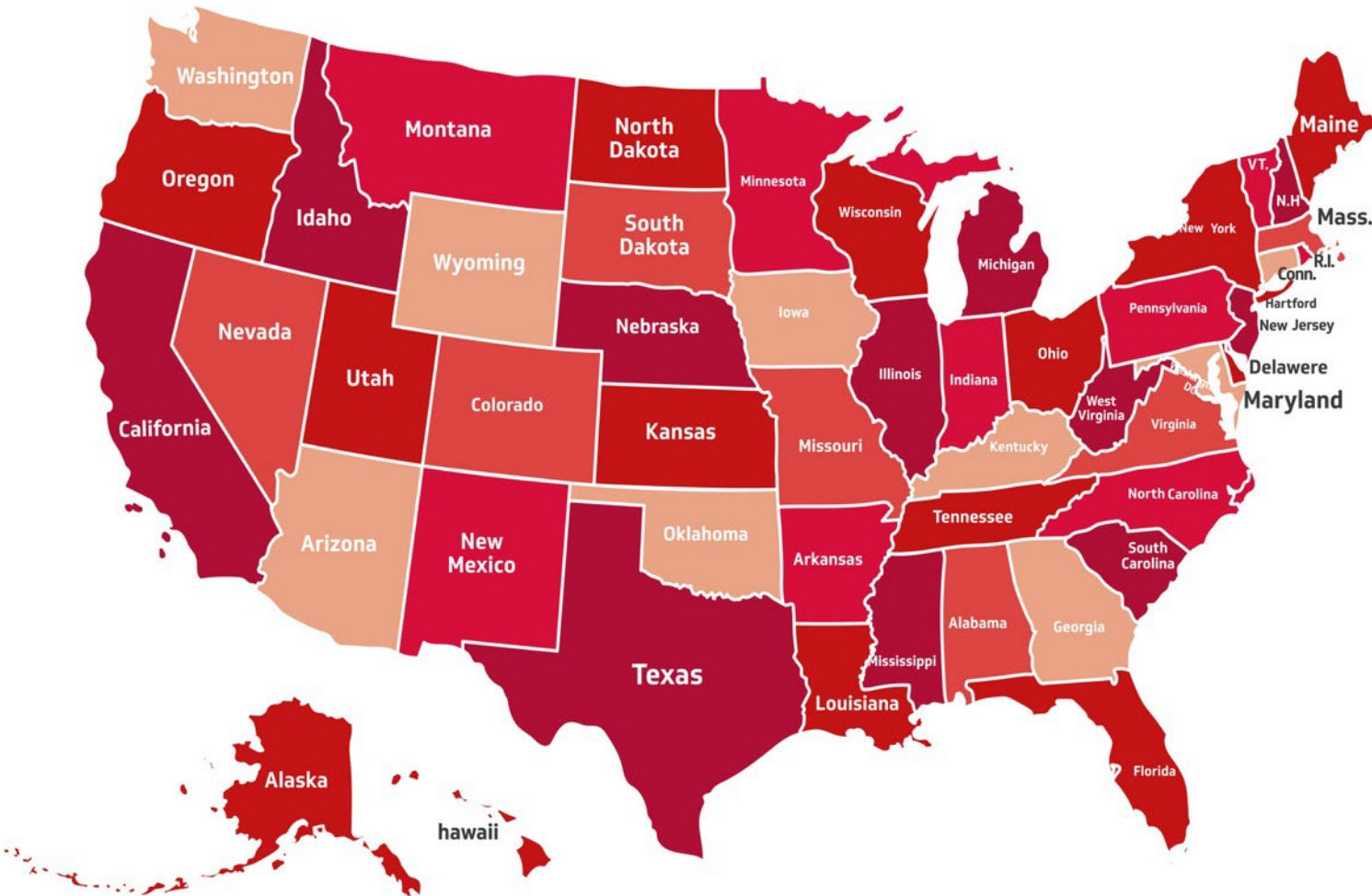
Conforming Alternate Versions

When content is difficult to make accessible, sometimes the content is provided in an alternate version that is accessible and also provides the same information and features. This is called a conforming alternate version.

Under the rule, conforming alternate versions may be used in **very limited** circumstances.

Should **not** be used on website main pages or pages where the information changes frequently.

Use of Conforming Alternate Versions--Example



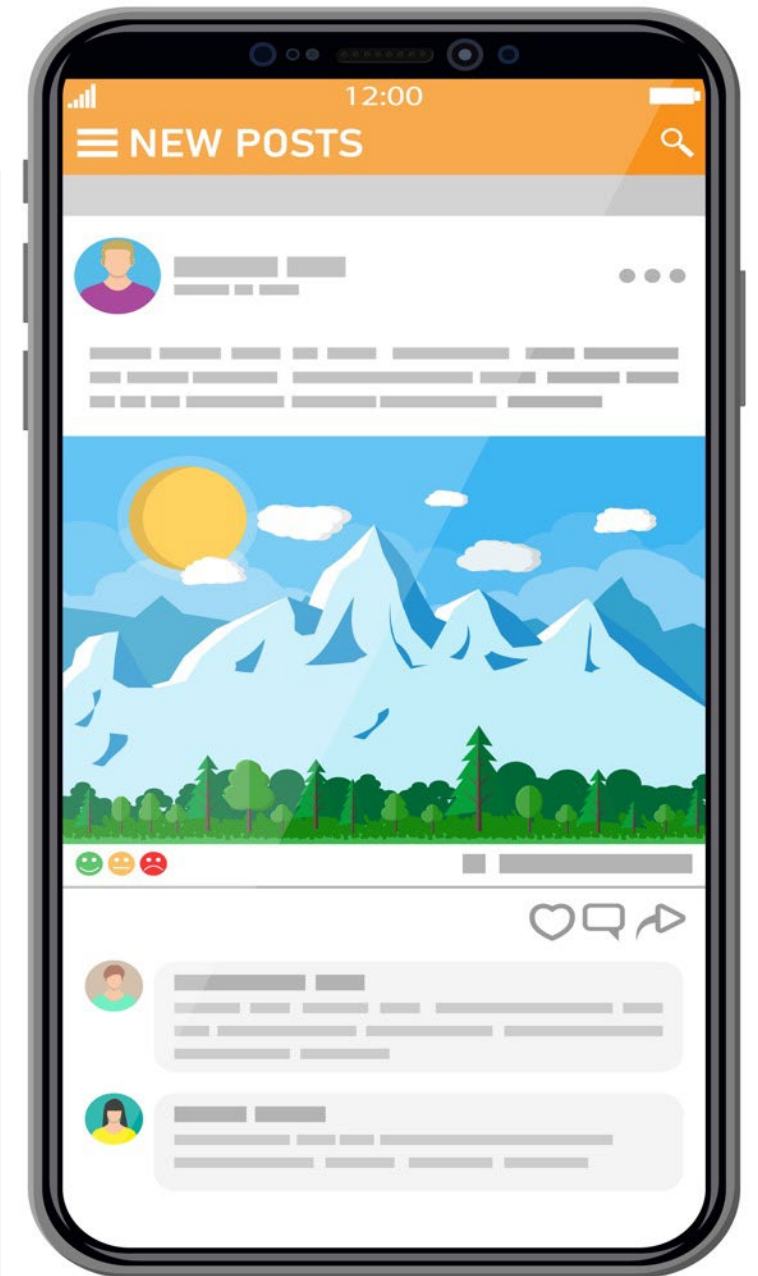
Alabama	Maryland
Alaska	Massachusetts
Arizona	Michigan
Arkansas	Minnesota
California	Mississippi
Colorado	Missouri
Connecticut	Montana
Delaware	Nebraska
Florida	Nevada
Georgia	New Hampshire
Hawaii	New Jersey
Idaho	New Mexico
Illinois	New York
Indiana	North Carolina
Iowa	North Dakota
Kansas	Ohio
Kentucky	Oklahoma
Louisiana	Oregon
Maine	Pennsylvania

Content Posted by a Third Parties

Generally, these third parties are web content consumers.

Example:

- Posting on a message board.
- Adding to a collection of testimonials.
- Uploading images to a gallery.



Strategies to Meet Compliance Goals

- Overall Assessment
- Policy & Designated Team
- Evaluation & Prioritization
- Needs Assessment and Implementation
- Maintain Accessible Content

Assessing Where You Are in the Compliance Process

- Accessibility policy
- Knowledge & training
- Majority of content meets WCAG V2.1 Level AA



- Accessibility policy needs to be updated/developed.
- Training is needed.
- Some content meets WCAG 2.0-needs to be updated to 2.1. Not all Level AA's are met.



- No accessibility policy or assessment.
- Do not have staff or system in place to produce accessible content.
- Have a lot of content and don't know where to start.



Develop or
Review
Accessibility
Policy

Make sure new content meets your new policy going forward.

Excellent resource:

Developing Organizational Policies on Web Accessibility from W3C

<https://www.w3.org/WAI/planning/org-policies/>

Comprehensive information including templates

Create Policies: Continued

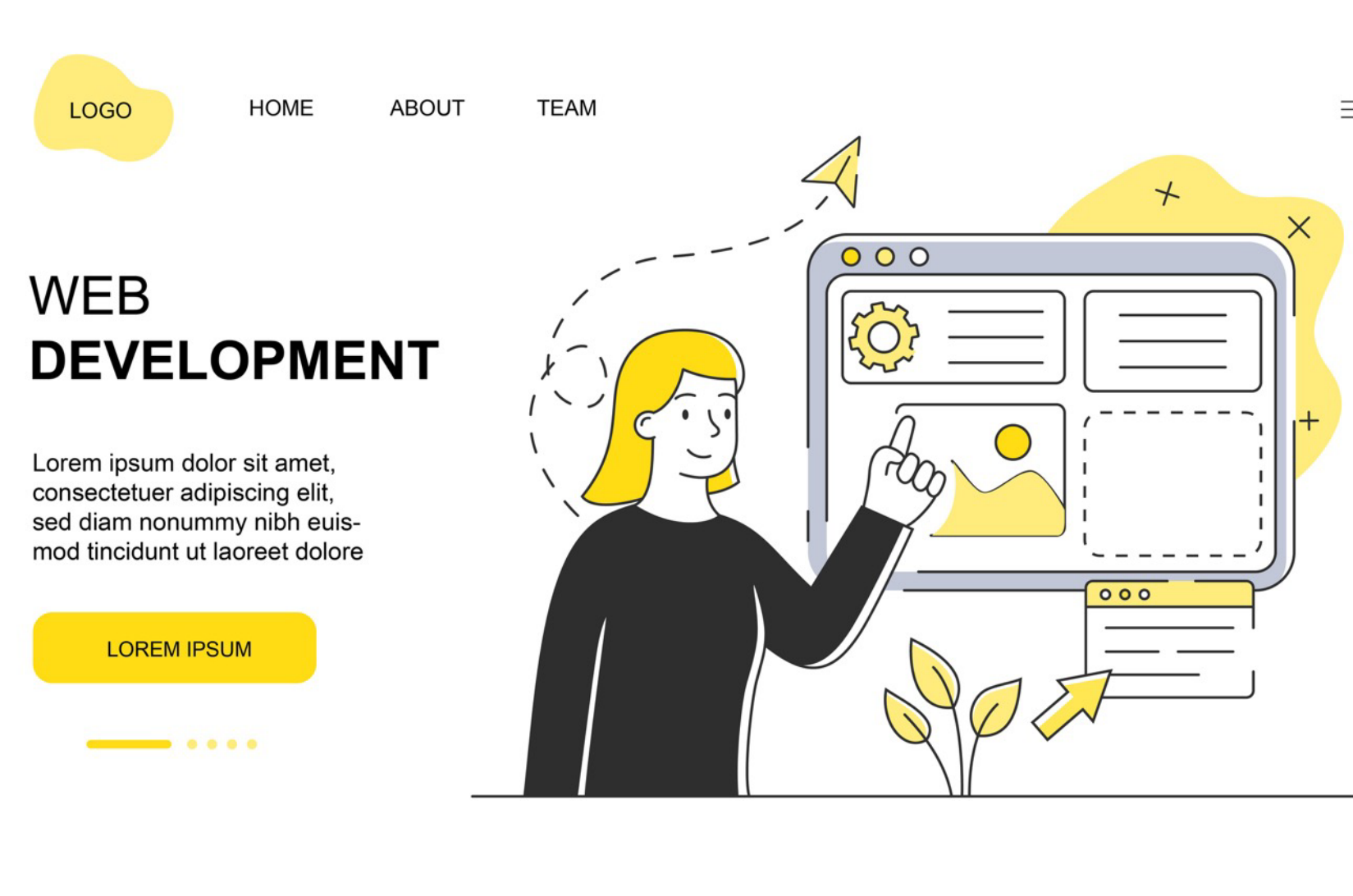
- Explain steps staff will take if a person with a disability asks for content that falls under the exceptions to the rule accessible.
- Be sure to include a method is in place for users to easily contact Title II entity and how services will be provided promptly.

Designate a Coordinator/Team

Oversee ongoing progress & deadlines.

Communicate with staff, administration, outside vendors, users, disability community.

Coordinate training & technical support.



How to Assess Your Website for Compliance

Website evaluation tools or validity checkers. WAVE is a tool provided by Web Aim.

Feedback from users with different disabilities that affect web access.

Evaluation from a web consultant or staff with strong foundation in web accessibility.

Note: Web based evaluation tools are helpful and may be a good place to start, but they cannot adequately assess WCAG adherence or overall accessibility.

Some web consultants or web consulting groups use all three methods to develop a report for the website.

Evaluation

Assess content for WCAG V2 Level AA Compliance using a variety of methods.

- Software compliance validation tools.
- Human compliance checks.
- Feedback from users with different types of disabilities.
- Assessment from designers who understand design accessibility.

A good place to start:

Evaluating Web Accessibility Overview

<https://www.w3.org/WAI/test-evaluate/>

Prioritization

Unrealistic to evaluate and repair/update all web content in a short period of time.

Prioritize content by:

- Main pages
- Importance of content to users
- Analytics-which pages get the most views
- Interactive content: forms, purchasing, scheduling, etc.
- Feedback from users/disability community

Assess Web Content Policies

- Explain what staff should do to ensure they are posting accessible content.
- Identify staff member(s) to coordinate compliance efforts and support staff regarding how to make content accessible.
- Describe regular compliance testing schedule. May include your work with consumers and staff with disabilities.

Web Accessibility Initiative (W3C) is a great resource.

<https://www.w3.org/WAI/planning-and-managing/plan/#create-accessibility-policy>

Assessing Your Web Content: Prioritize Your Content

Once evaluation is completed, **prioritize** pages and features to fix.

Don't start at compliance issue one and work methodically from that point.

Decide which pages and features are most important and make them accessible first.

Remember, fix the WCAG Level A issues first on a page or feature.

Fix problems pointed out to you by users, but don't use the "wait and fix" approach as a strategy to website accessibility compliance.

Prioritization-Continued

A good time to do some housecleaning.

- Identify content to archive.
- Identify content to remove.
- Set up separate archive files on your web host or Content Managed System



Assess Archival vs Current Content

- Assess content by user views. For example, if a video hasn't been accessed for 5 years consider archiving or deleting.
- Assess content by relevancy and accuracy of information.
- Is there archival content that should be removed?
- Is there public content that should be moved to an archival space?

Implementation: Needs Assessment

Assess organizational needs to bring web content into compliance.

- Staff?
- Training?
- Outside Consultant?
- Technical Support?

Implementation: Multi-task Approach

A coordinator or team will allow assessment and work on several areas at once.

Example: Videos that need to be captioned are identified and captioned while web pages are evaluated for compliance.

Implementation: Repeating Elements

Some Good News:

An error in a repeating element throughout a website, such as a navigation menu or header, will result in several compliance errors in a validation tool.

However, one fix in the element will also fix all of the errors associated with it!

Resources to Learn About WCAG V2 Level AA

WebAIM: WCAG 2.1 Checklist.

<https://webaim.org/standards/wcag/checklist>

W3C: Web Content Accessibility Guidelines (WCAG 2.1). <https://www.w3.org/TR/WCAG21/>

Great Lakes ADA Center Accessible Technology
Webinars: Archives

[What's New with WCAG 2.2](#)

[WCAG V2.1: Understanding the Basics](#)

New Rule for Accessibility of Web and Mobile Content for State and Local Governments

[Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments](#)

[Accessibility of Web Content and Mobile Apps Provided by State and Local Government Entities: A Small Entity Compliance Guide](#)

[Federal Register: Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities](#)

Resources for Coordinating & Implementing Accessible Web Content

[The WebAim Strategic Accessibility Framework](#)

[W3C: Planning and Policies Overview](#)

[Developing Organizational Policies on Web
Accessibility from W3C](#)

Questions

