

ADA New Digital Accessibility Rule

Webinar Series:

Wisconsin ADA Coordinators Association

1. ADA New Digital Accessibility Rule

- Ruben Mota
- Marsha Schwanke

Presentation for Wisconsin ADA Coordinators – August 2024

2. Webinar Series:

Wisconsin ADA Coordinators Association

Disclaimer

This webinar hosted by the Wisconsin ADA Coordinators Association is not meant to be legal advice. Although we may refer to the Americans with Disabilities Act (ADA) or similar state and local laws, this presentation is provided as an educational resource. Our goal is to give public entities a framework for accessibility and providing accommodations or modifications. We encourage attendees to seek guidance about their obligations from their own legal counsel.

3. Presenters

- **Ruben Mota**
ADA Coordinator
UW–Madison
- **Marsha Schwanke**
Web specialist
Southeast ADA Center

4. Webinar goals

- Learn about the ADA digital accessibility requirements.
- Understand the meaning of digital accessibility.
- Review the compliance timeline for the rule.
- Know about the rule exceptions.

5. Why is there a new rule?

- Technology becoming more required to access State and local government services.
- Technology provides benefits that must also be available for people with disabilities:
 - Independence
 - Privacy
 - Ease of use and timely information
- Digital inaccessibility remains despite prior guidance (1996, 2003, and 2022).

6. What is the new rule?

Nondiscrimination on the Basis of Disability:
Accessibility of Web Information and
Services of State and Local Government Entities

- **April 24, 2024:**
Federal Register published the Department of Justice (DOJ) final rule updating its regulations for Title II of the ADA.
- **About This Rule:**
Specific requirements about how to make sure that web content and mobile applications (apps) are accessible to people with disabilities.
- **Learn More:**
[Fact Sheet: New Rule on Accessibility of Web Content and Mobile Apps](#)
Web: ada.gov

7. What is covered in the new rule?

All electronic resources and digital tools used in programs, services, and activities must be accessible including:

- Websites
- Software
- Apps
- Multimedia (videos, podcasts, audio-recordings)
- Conventional electronic documents (word processing, spreadsheet, PDF, and presentation files)
- Social media
- Course content
- Library and e-learning course content

8. When is compliance required?

Date depends on population size of public entity.

State and local government size and compliance date

- 50,000 or more persons
Compliance date: April 24, 2026
- 0 to 49,999 persons
Compliance date: April 26, 2027
- Special district governments
Compliance date: April 26, 2027

Note: A table with 2 columns and 4 rows shows the size of the state or local government and compliance date.

9. Access Check 1

A public library in a town of 4,231 people operates a website through which patrons can reserve books. When must the website comply with the digital access rule?

- A. January 1, 2025
- B. April 24, 2026
- C. April 24, 2027
- D. July 4, 2028

10. What does accessible mean – WCAG

- New rule technical standard
 - Web Content Accessibility Guidelines (WCAG)
 - Level 2.1 AA - [WCAG 2.1 AA \(w3.org\)](https://www.w3.org/WAI/WCAG21/AA)
 - Globally-accepted standards; since 1999
- Technology neutral; achievement oriented.
- Backwards conforming – 2.1 - 2.0 - 1.0
- Over 50 Success Criteria with three levels of conformance:
 - Level A – minimum
 - Level AA – satisfy Level A and provides more accessibility
 - Level AAA – meet Level AA and is most accessible

11. Can't I rely on reasonable accommodations?

- Conforming alternates only permitted when:
 - Technologically not possible to achieve WCAG 2.1 AA
 - Legal limitations prevent the digital tool or resource from complying
- Conforming alternate must:
 - Provide access to the same benefit and be kept as up-to-date
- Telephone/fax lines not permitted; do not provide equivalent:
 - Ease of use
 - Timeliness to information
 - Independence
 - Privacy

12. Are there any exceptions?

- Five narrow exceptions:
 1. archived web content;
 2. preexisting conventional electronic documents;
 3. preexisting social media;
 4. individualized, password protected or otherwise secured conventional documents; and,
 5. third-party posted content.
- All digital tools exempt under the new rule must still be made accessible upon request.

13. More information about exceptions

- Individualized, password protected or otherwise secured conventional documents:
 - Documents containing information about a single individual or their property and which requires a password or some other means to access
 - Examples: tax bill, water bill, or pay statement
- Third-party content:
 - Information developed or posted by private individuals not under contract or control by a public entity.
 - Examples: social media posts or video uploaded to public entity's video submission portal

14. Access Check 2

A municipality contracts with a private company to design and manage its website. The content the private company posts for the municipality is covered by the exception for third-party content.

- A. True
- B. False

15. Is there room for non-compliance?

- Only if the lack of accessibility is minimal and doesn't impact usability.
- Make good choices, follow a process; demonstrate good faith efforts.
- 100% compliance may not always be achievable in a constantly evolving digital ecosystem.
- Rule doesn't prevent innovation.

16. Does new rule permit not complying at all?

- Only if making an electronic resource or digital tool accessible results in:
 - Fundamental alteration in the nature of the program, service, or activity requiring the use of the digital tool.
 - Undue administrative burdens as determined by the head of the public entity or their designee.
- Decision requires individualized and evidence-based approach.
- Must make digital tool as accessible as possible.

17. Planning for Success: Technology Access

- Create policies on how you will make sure that your web content and mobile apps are accessible.
- Create processes for people to make accessibility requests and report accessibility issues.
- Train your staff.
- Ask questions, learn more and stay connected with news, events and resources.

18. Planning for Success: Content Access

Creating and maintaining accessible web content and mobile apps takes planning. Here are eight areas that state and local governments can use to help plan for success in content access. Including these practices well before the date that you have to start complying with the requirements of the rule can maximize access and help the process go as smoothly as possible.

The eight areas are displayed on yellow diamond-shaped signs with the name above an icon.

Top row (left to right)

1. **File ID.**

Icon: circled question mark.

2. **Writing.**

Icon: outline of sharpened pencil.

3. **Structure.**

Icon: four bulleted straight lines in a square.

4. **Color.**

Icon: rainbow with a cloud at each end.

Bottom (left to right)

5. **Images.**

Icon: outline of sun and mountains on top of two overlapping rectangles.

6. **Links.**

Icon: square with arrow pointing out from the center to the top right corner.

7. **Media.**

Icon: rectangular comment bubble with six straight lines.

8. **Navigate.**

Icon: four arrows pointing out to top, right, bottom, left.

19. Access Check 3

What should your organization do to maximize meeting the new digital accessibility rule?

- A. Develop policy
- B. Panic, ignore and delay
- C. Train staff
- D. Regularly test for digital accessibility barriers
- E. Make a plan to remediate

20. Resources (1 of 5)

- [**ADA.gov** - U.S. Department of Justice, Civil Rights Division](#)
 - [Fact Sheet: Accessibility of Web Content and Mobile Apps Provided by State and Local Governments](#)
 - [Small Entity Compliance Guide: New Rule](#)
 - [Guidance on Web Accessibility and the ADA](#)
- [**Full text of new rule** on FederalRegister.gov](#)
- [**Digital Asset Accessibility Under ADA Title II**](#)
 - [Video: DOJ Title II Rules for Digital Assets – Equal Access to Online Services](#)
 - [Accessibility in the News](#)
 - Web: microassist.com/titleii/

21. Resources (2 of 5)

- [**Archive Webinar:**](#)
[Beyond Section 508 Digital Accessibility Requirements: Overview of Web Accessibility Requirements from WCAG 2.1 and 2.2](#)
Series: Section 508 Webinars
Host: ADA National Network, U.S. Access Board
Web: accessibilityonline.org/cioc-508/archives/111123

22. Resources (3 of 5)

W3C Web Accessibility Initiative (WAI)

- [Video: Introduction to Web Accessibility and W3C Standards \[4:08 min., captioned\]](#)
- [Get Resources for Roles](#)
- [Accessibility Fundamentals – Introduction to Digital Accessibility](#)

Web: w3.org/WAI/

23. Resources (4 of 5)

Web Content Accessibility Guidelines (WCAG) and Checklists

- [WebAIM WCAG 2 Checklist](#)
Web: webaim.org/standards/wcag/checklist
- [Deque University Web Accessibility Checklist](#)
Web: dequeuniversity.com/checklists/web/
- [A11y Project WCAG Checklist](#)
Web: a11yproject.com/checklist/
- [Course: Web Content Accessibility Guidelines \(WCAG\)](#)
Web: rockymountainada.talentlms.com/

24. Resources (5 of 5)

[ADA National Network](#)

Phone: 1-800-949-4232

Web: adata.org

- [Great Lakes ADA Center](#)
Web: adagreatlakes.org
- [Digital Access Video Series from U.S. Department of Education Office of Civil Rights \(OCR\)](#)
Web: adata.org/ocr-videos
- [Digital Access Basics Resources: Check. Test. Eval.](#)
Web: adasoutheast.org
- [Course: Digital Accessibility](#)
Web: rockymountainada.talentlms.com

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