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ADA Title II Digital Accessibility: What Local Governments Need to Know

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Introduction

Vision: Cultivating an environment where privacy and accessibility are not simply legal requirements, but ethical obligations that serve as catalyst for governing personal information, improving citizen engagement, and redefining digital trust in government.

- ▶ Previously served as ITD Title VI and ADA Coordinator
- ▶ Delegated as the State of Idaho Digital Accessibility Coordinator
- ▶ Bleeds blue for Bronco Nation 7 days a week, 24 hours a day

What's new in ADA Title II?

- ▶ DOJ updated regulations in April 2024 requiring websites and mobile apps meet specific technical standards, referred to as WCAG 2.1 Level AA.
- ▶ Clarity on how to meet existing obligations pertaining to digital accessibility

Who must comply & by when?

- ▶ Public entities: states, counties, cities, school districts, transit agencies, and special district governments.

This table shows how much time a state or local government has to comply with this rule.

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

After this time, state and local governments must continue to make sure their web content and mobile apps meet WCAG 2.1, Level AA.

Scope of Requirements

- ▶ Websites, online portals, mobile apps, multimedia, social media, and web content.
 - ▶ “Web content” is defined as the information and experiences available on the web, like text, images, sound, videos, and documents.
- ▶ Exceptions:
 - ▶ Archived content
 - ▶ Preexisting conventional electronic documents
 - ▶ Content posted by a third party where the third party IS NOT posting due to contractual, licensing, or other arrangements.
 - ▶ Individualized documents that are password protected

Archived Content

Your state or local government's web content that meets **all four** of the following points would **not** need to meet WCAG 2.1, Level AA:

- ▶ The content was created before the date your government must comply with this rule, or reproduces paper documents or the contents of other physical media (audiotapes, film negatives, and CD-ROMs for example) that were created before your government must comply with this rule, **AND**
- ▶ The content is kept only for reference, research, or recordkeeping, **AND**
- ▶ The content is kept in a special area for archived content, **AND**
- ▶ The content has not been changed since it was archived.

Preexisting Electronic Conventional Documents

Your state or local government's documents that meet **all three** of the following points do not need to meet WCAG 2.1, Level AA:

- ▶ The documents are word processing, presentation, PDF, or spreadsheet files; **AND**
- ▶ They were available on your state or local government's website or mobile app **before** the date your state or local government must comply with this rule; **AND**
- ▶ They are not currently being used to apply for, access, or participate in your state or local government's services, programs, or activities.

Content posted by a third party

1. Third-party content posted by the state or local government.

- ▶ **Example:** Many state or local governments post content on their websites that is developed by an outside technology company, like calendars, scheduling tools, maps, reservations systems, and payment systems.

This content would **not** fall under the exception because it is posted by the state or local government.

2. Content posted by a state or local government's contractor or vendor.

- ▶ **Example:** State or local governments may use a company to design, manage, or update its website.

The content the company posts for the government would **not** fall under the exception.

Remember....

These exceptions do not change requirements to provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from public services, programs, and activities.

Why it matters

Legal Importance

- Essential for minimizing risk.
- 40% increase in web accessibility lawsuits in 2023.

Community Engagement & Inclusion

- Allows everyone to participate in social and civic activities.
- 13.8% of Idaho residents live with a disability.

Driving Economic Value

- Demonstrates social responsibility.
- Workers with a disability are more likely to be self-employed than workers without a disability.

Getting Started

- ▶ Identity roles/responsibilities within your entity
- ▶ Staff training & policy development
- ▶ Inventory all digital assets
- ▶ Refresh understanding of the exceptions & determine what needs to comply with WCAG 2.1
- ▶ Prioritize and execute on content remediation that needs to occur first
- ▶ Identify any relevant contracts to evaluate changes that need to be made, bake accessibility into procurement & contract processes

Fixing issues & ongoing management

- ▶ Prioritize remediation of deficiencies that do not fall into the exception.
- ▶ Recurring staff training
- ▶ Regular accessibility audits: automated and manual testing, where feasible.
- ▶ Embed accessibility in workflows and hold vendors accountable.
- ▶ User feedback mechanisms

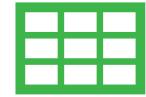
Accessible Content Best Practices



Word



PDF



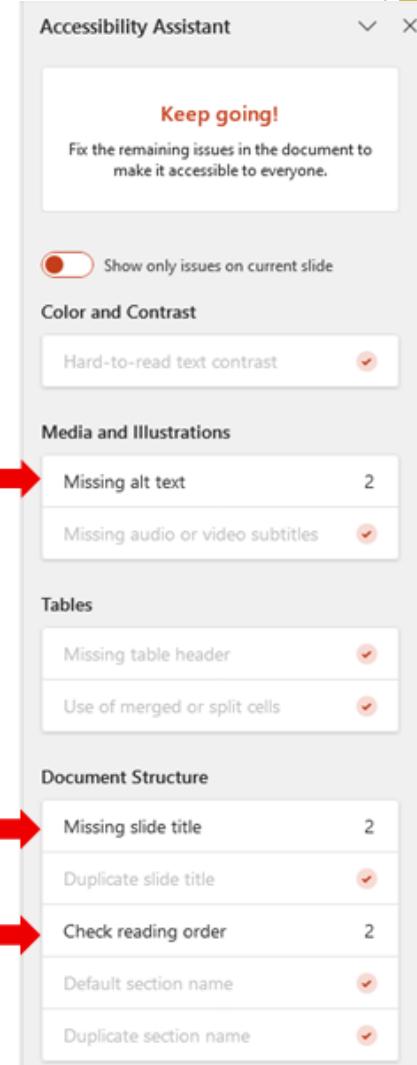
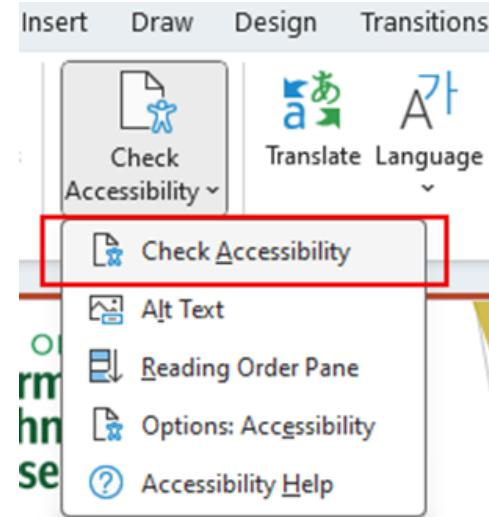
Excel



PowerPoint

Use the Accessibility Checker

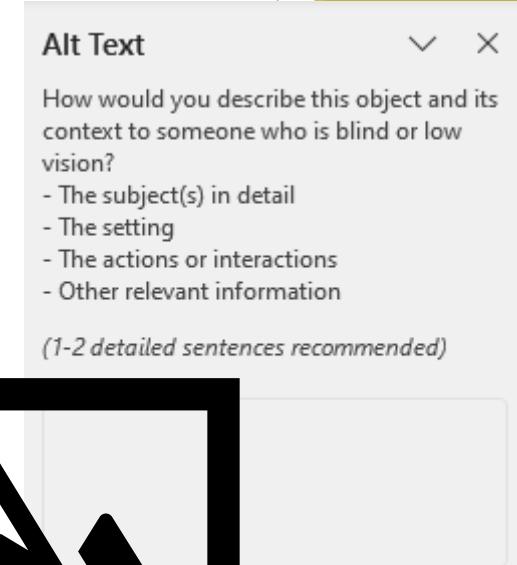
1. Go to “Review” -> “Check Accessibility”



2. “Accessibility Assistant” sidebar prompts any issues identified that need to be fixed

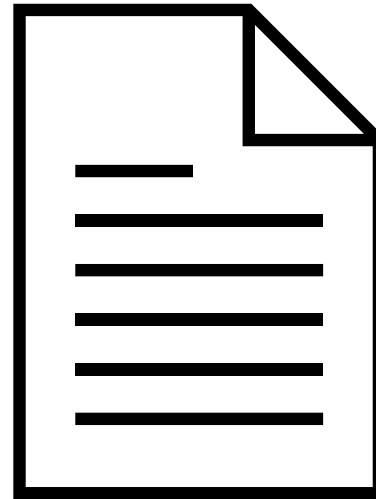
Add Alternative Text

- ▶ Add clear, descriptive text to all images, charts, tables, graphs, shapes, embedded objects.
- ▶ Describe the main object in the image, its action, any necessary context.
- ▶ Assistive technology will read “image” or “graphic” without alt text.
- ▶ Decorative images
 - ▶ Don’t communicate useful information
 - ▶ Placeholder elements like a border or a line to separate content
 - ▶ Mark image as decorative



Use Headings

- ▶ Headings should be used as an outline to help the reader find information easily.
- ▶ Use heading level style, not simply underlining or bolding.
- ▶ Heading structure is hierachal with no skipped levels
 - ▶ Example: (H1, H2, H3)
 - ▶ There should only be one Heading level 1.
- ▶ Content should read top to bottom



Tables/Graphs

- ▶ Avoid unless necessary
- ▶ No merged or split cells, blank cells, and nested tables
- ▶ Clear, descriptive alternative text describing the purpose of the table/graph
- ▶ Add data labels and a heading before the table/graph
- ▶ Identify the header row
- ▶ If a table or graph extends beyond 1 page, the header row must be duplicated on all pages.



Available Resources

- ▶ [Digital Accessibility Resources - Office of Information Technology Services](#)
- ▶ [Boise State accessibility resources and guides](#)
- ▶ [Web Content Accessibility Guidelines \(WGAC\) 2.1](#)
- ▶ [Federal Register :: Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities](#)
- ▶ [State and Local Governments: First Steps Toward Complying with the Americans with Disabilities Act Title II Web and Mobile Application Accessibility Rule | ADA.gov](#)
- ▶ [Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments | ADA.gov](#)
- ▶ [Accessibility of Web Content and Mobile Apps Provided by State and Local Government Entities: A Small Entity Compliance Guide | ADA.gov](#)

Questions?

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