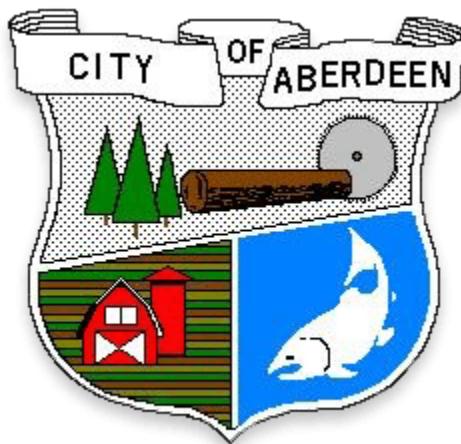


Public Right-of-Way

Americans with Disabilities Act (ADA)

Self-Evaluation and Transition Plan



Appendix E

Accessibility of Web Content and Mobile Apps Provided by State and Local Government Entities: A Small Entity Compliance Guide

Prepared by
Transportation Solutions, Inc





Guidance on Web Accessibility and the ADA

This guidance describes how state and local governments and businesses open to the public can make sure that their websites are accessible to people with disabilities as required by the Americans with Disabilities Act (ADA).

[+Learn more about businesses' and state and local governments' ADA responsibilities.](#)

Why Website Accessibility Matters

Inaccessible web content means that people with disabilities are denied equal access to information. An inaccessible website can exclude people just as much as steps at an entrance to a physical location. Ensuring web accessibility for people with disabilities is a priority for the Department of Justice. In recent years, a multitude of services have moved online and people rely on websites like never before for all aspects of daily living. For example, accessing voting information, finding up-to-date health and safety resources, and looking up mass transit schedules and fare information increasingly depend on having access to websites.

People with disabilities navigate the web in a variety of ways. People who are blind may use screen readers, which are devices that speak the text that appears on a screen. People who are deaf or hard of hearing may use captioning. And people whose disabilities affect their ability to grasp and use a mouse may use voice recognition software to control their computers and other devices with verbal commands.

The ways that websites are designed and set up can create unnecessary barriers that make it difficult or impossible for people with disabilities to use websites, just as physical barriers like steps can prevent some people with disabilities from entering a building. These barriers on the web keep people with disabilities from accessing information and programs that businesses and state and local governments make available to the public online. But these barriers can be prevented or removed so that websites are accessible to people with disabilities.



Examples of Website Accessibility Barriers

- **Poor color contrast.** People with limited vision or color blindness cannot read text if there is not enough contrast between the text and background (for example, light gray text on a light-colored background).
- **Use of color alone to give information.** People who are color-blind may not have access to information when that information is conveyed using only color cues because they cannot distinguish certain colors from others. Also, screen readers do not tell the user the color of text on a screen, so a person who is blind would not be able to know that color is meant to convey certain information (for example, using red text alone to show which fields are required on a form).
- **Lack of text alternatives (“alt text”) on images.** People who are blind will not be able to understand the content and purpose of images, such as pictures, illustrations, and charts, when no text alternative is provided. Text alternatives convey the purpose of an image, including pictures, illustrations, charts, etc.
- **No captions on videos.** People with hearing disabilities may not be able to understand information communicated in a video if the video does not have captions.
- **Inaccessible online forms.** People with disabilities may not be able to fill out, understand, and accurately submit forms without things like:
 - Labels that screen readers can convey to their users (such as text that reads “credit card number” where that number should be entered);
 - Clear instructions; and
 - Error indicators (such as alerts telling the user a form field is missing or incorrect).
- **Mouse-only navigation (lack of keyboard navigation).** People with disabilities who cannot use a mouse or trackpad will not be able to access web content if they cannot navigate a website using a keyboard.

When the ADA Requires Web Content to be Accessible

The Americans with Disabilities Act applies to state and local governments (Title II) and businesses that are open to the public (Title III).



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State and local governments (Title II)

Title II of the ADA prohibits discrimination against people with disabilities in all services, programs, and activities of state and local governments. State and local governments must take steps to ensure that their communications with people with disabilities are as effective as their communications with others. Many state and local government services, programs, and activities are now being offered on the web. These include, for example, things like:

- Applying for an absentee ballot;
- Paying tickets or fees;
- Filing a police report;
- Attending a virtual town meeting;
- Filing tax documents;
- Registering for school or school programs; and
- Applying for state benefits programs.

A website with inaccessible features can limit the ability of people with disabilities to access a public entity's programs, services and activities available through that website—for example, online registration for classes at a community college.

For these reasons, the Department has consistently taken the position that the ADA's requirements apply to all the services, programs, or activities of state and local governments, including those offered on the web.

Businesses that are open to the public (Title III)

Title III prohibits discrimination against people with disabilities by businesses open to the public (also referred to as "public accommodations" under the ADA). The ADA requires that businesses open to the public provide full and equal enjoyment of their goods, services, facilities, privileges, advantages, or accommodations to people with disabilities. Businesses open to the public must take steps to provide appropriate communication aids and services (often called "auxiliary aids and services") where necessary to make sure they effectively communicate with individuals with disabilities. For example, communication aids and services can include interpreters, notetakers, captions, or assistive listening devices. Examples of businesses open to the public:

- Retail stores and other sales or retail establishments;
- Banks;
- Hotels, inns, and motels;
- Hospitals and medical offices;
- Food and drink establishments; and
- Auditoriums, theaters, and sports arenas.



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A website with inaccessible features can limit the ability of people with disabilities to access a public accommodation's goods, services, and privileges available through that website—for example, a veterans' service organization event registration form.

For these reasons, the Department has consistently taken the position that the ADA's requirements apply to all the goods, services, privileges, or activities offered by public accommodations, including those offered on the web.

How to Make Web Content Accessible to People with Disabilities

Businesses and state and local governments have flexibility in how they comply with the ADA's general requirements of nondiscrimination and effective communication. But they must comply with the ADA's requirements.

The Department of Justice does not have a regulation setting out detailed standards, but the Department's longstanding interpretation of the general nondiscrimination and effective communication provisions applies to web accessibility.¹

Businesses and state and local governments can currently choose how they will ensure that the programs, services, and goods they provide online are accessible to people with disabilities.

Existing technical standards provide helpful guidance concerning how to ensure accessibility of website features. These include the [Web Content Accessibility Guidelines \(WCAG\)](#) and the [Section 508 Standards](#), which the federal government uses for its own websites. [Check out the resources section for more references.](#)

Even though businesses and state and local governments have flexibility in how they comply with the ADA's general requirements of nondiscrimination and effective communication, they still must ensure that the programs, services, and goods that they provide to the public—including those provided online—are accessible to people with disabilities.

¹ See 42 U.S.C. §§ 12132, 12182(a); 28 C.F.R. §§ 35.130, 35.160(a), 36.201, 36.303(c).



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Businesses and state and local governments should consider a variety of website features when ensuring that their websites are accessible. The [resources section](#) has links to organizations that explain how to make websites accessible. Examples of what businesses should do to make websites accessible include (but are not limited to) the following practices:

- **Color contrast in text.** Sufficient color contrast between the text and the background allows people with limited vision or color blindness to read text that uses color.
- **Text cues when using color in text.** When using text color to provide information (such as red text to indicate required form fields), including text cues is important for people who cannot perceive the color. For example, include the word "required" in addition to red text for required form fields.
- **Text alternatives ("alt text") in images.** Text alternatives convey the purpose of an image, including pictures, illustrations, charts, etc. Text alternatives are used by people who do not see the image, such as people who are blind and use screen readers to hear the alt text read out loud. To be useful, the text should be short and descriptive.
- **Video captions.** Videos can be made accessible by including synchronized captions that are accurate and identify any speakers in the video.
- **Online forms.** Labels, keyboard access, and clear instructions are important for forms to be accessible. Labels allow people who are blind and using screen readers to understand what to do with each form field, such as by explaining what information goes in each box of a job application form. It is also important to make sure that people who are using screen readers are automatically informed when they enter a form field incorrectly. This includes clearly identifying what the error is and how to resolve it (such as an automatic alert telling the user that a date was entered in the wrong format).
- **Text size and zoom capability.** People with vision disabilities may need to be able to use a browser's zoom capabilities to increase the size of the font so they can see things more clearly.
- **Headings.** When sections of a website are separated by visual headings, building those headings into the website's layout when designing the page allows people who are blind to use them to navigate and understand the layout of the page.
- **Keyboard and mouse navigation.** Keyboard access means users with disabilities can navigate web content using keystrokes, rather than a mouse.
- **Reporting accessibility issues.** Websites that provide a way for the public to report accessibility problems allow website owners to fix accessibility issues.



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This is not a complete list of things to consider. There are many existing resources to help businesses and state and local governments with making websites accessible to people with disabilities, [some of which are included at the end of this document](#).

Web Accessibility for People with Disabilities is a Priority for the Department of Justice

When Congress enacted the ADA in 1990, it intended for the ADA to keep pace with the rapidly changing technology of our times. Since 1996, the Department of Justice has consistently taken the position that the ADA applies to web content. As the sample cases below show, the Department is committed to using its enforcement authority to ensure website accessibility for people with disabilities and to ensure that the goods, services, programs, and activities that businesses and state and local governments make available to the public are accessible.

Title II Sample Cases

- **Project Civic Access**: As part of the Department's Project Civic Access enforcement work, the Department has reached numerous agreements with cities and counties across the country that include web accessibility requirements. For example, [City and County of Denver, Colorado](#), [City of Jacksonville, Florida](#), and [City of Durham, North Carolina](#).
- **Miami University in Ohio**: The Department reached an agreement with Miami University in Ohio to resolve the United States' lawsuit alleging that the university discriminated against students with disabilities by providing inaccessible web content and learning management systems.
- **Nueces County, Texas**: The Department reached an agreement with Nueces County, Texas, to address claims that the County used an online conference registration form that was not accessible to people with disabilities who use software that reads text out loud.
- **Louisiana Tech**: The Department reached an agreement with Louisiana Tech University to address claims that the university violated the ADA by using an online learning product that was inaccessible to a blind student.



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Title III Sample Cases

- [**Rite Aid Corporation**](#): The Department reached an agreement with Rite Aid Corporation to address accessibility barriers in Rite Aid's COVID-19 Vaccine Registration Portal.
- [**Teachers Test Prep, Inc.**](#): The Department reached an agreement with Teachers Test Prep, Inc., regarding complaints that the test prep company's online video courses did not provide captions and were inaccessible to people who are deaf.
- [**HRB Digital and HRB Tax Group \(H&R Block\)**](#): The Department reached an agreement with H&R Block to address claims that the company failed to code its website so that individuals with disabilities could use assistive technology such as screen reader software, refreshable Braille displays, keyboard navigation, and captioning.
- [**Peapod**](#): The Department reached an agreement with Peapod to address claims that its online grocery delivery services were not accessible to some individuals with disabilities.

Resources

- [**18F Accessibility Guide**](#): a comprehensive accessibility guide with resources published by 18F, a digital services agency under the General Services Administration (GSA).
- [**Digital.gov**](#): this site, which is part of the Technology Transformation Services at the GSA, has resources on design of products, devices, services, or environments for people with disabilities.
- [**Section 508 Information and Communication Technology Accessibility Standards**](#): standards published by the U.S. Access Board addressing access to information and communication technology under Section 508 of the Rehabilitation Act of 1973.
- [**Section508.gov**](#): a website published by the GSA with tools and training on implementing website accessibility requirements under Section 508.
- [**Web Content Accessibility Guidelines \(WCAG\)**](#): guidelines published by the Web Accessibility Initiative of the World Wide Web Consortium.

Accessibility of Web Content and Mobile Apps Provided by State and Local Government Entities: A Small Entity Compliance Guide

Guidance & Resources

Read this to get specific guidance about this topic.

For a beginner-level introduction to a topic, view [Topics](#)

For information about the legal requirements, visit [Law, Regulations & Standards](#)

On April 24, 2024, the Federal Register¹ published the Department of Justice's (Department) final rule updating its regulations for Title II of the Americans with Disabilities Act (ADA). The final rule has specific requirements about how to make sure that web content and mobile applications (apps) are accessible to people with disabilities.

Purpose of this guide: This Small Entity Compliance Guide² (“guide”) is meant for people who work for or with small state and local governments. The guide will help you understand the rule’s requirements for making sure your government’s web content and mobile apps are accessible.



About this guide

meant to help clarify specific details about the requirements. But they do not include all the facts that might be relevant in a real-world scenario in determining how to comply with the web content and mobile app accessibility requirements. So these examples are not meant to be a determination that your state or local government is or is not complying with Title II. Instead, they are intended to be a helpful illustration of how parts of the requirements might work in some situations.



What is Title II of the Americans with Disabilities Act (ADA)?

Title II of the ADA requires state and local governments to make sure that their services, programs, and activities are accessible to people with disabilities. Title II applies to all services, programs, or activities of state and local governments. This includes the services, programs, and activities that state and local governments offer online and through mobile apps.

The Reasons the Department Set Specific Requirements for Web Content and Mobile App Accessibility

State and local governments provide many of their services, programs, and activities through websites and mobile apps. When these websites and mobile apps are not accessible, they can create barriers for people with disabilities.

- For example, individuals who are blind may use a screen reader to deliver visual information on a website or mobile app as speech. A state or local government might post an image on its website that provides information to the public. If the website does not include text describing the image (sometimes called “alternative text” or “alt text”), individuals who are blind and who use screen readers may have no way of knowing what is in the image because a screen reader cannot “read” an image.

Accessibility requirements for web and mobile apps will help make sure people with disabilities have access to state and local governments' services, programs, and activities. The requirements will also provide state and local governments with more clarity about what they have to do to comply with the ADA.

State and Local Governments Must Follow the Requirements for Web Content and Mobile App Accessibility

Like the rest of Title II, the web content and mobile app accessibility requirements apply to all state and local governments. State and local governments include any agencies or departments of the governments. Title II and the web content and mobile app accessibility requirements also apply to special purpose districts, Amtrak, and other commuter authorities.

Examples of state and local governments include:

- State and local government offices that provide benefits and/or social services, like food assistance, health insurance, or employment services
- Public schools, community colleges, and public universities
- State and local police departments
- State and local courts
- State and local elections offices
- Public hospitals and public healthcare clinics
- Public parks and recreation programs
- Public libraries
- Public transit agencies

For more information about the responsibilities of state and local governments under Title II, [visit our State and Local Governments page](#).

If you have a contract, license, or other arrangement with another entity to provide public services for your government, you still need to make sure that those services comply with Title II. This includes making sure that any web content or mobile apps the other entity provides or posts for your government meet the accessibility requirements in Title II. This might mean working with vendors to help ensure they understand these requirements or seeking out vendors with such knowledge. For example, if a town hires an outside web developer to design and build the town's website, the town needs to make sure that the web developer's design complies with the web content and mobile app accessibility requirements under the ADA.

When the Rule's Requirements for Web Content and Mobile App Accessibility Start

Starting on April 26, 2027, small state and local governments have to make sure that their web content and mobile apps meet the requirements in the rule. After this time, you must continue to make sure your state or local government's web content and mobile apps meet the accessibility requirements.

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



What are special district governments?

A special district government is a public entity—other than a county, municipality, township, or independent school district—allowed by state law to provide one function or a limited number of designated functions with enough independence to be a separate government.



What is the compliance date for school districts?

A school district is not a special district government. If it is a city school district, it would use the population of the city to know when to comply. If it is a county school district, it would use the population of the county. If it is an independent school district, it would use the population estimate in the most recent [Small Area Income and Poverty Estimates](#).



How do you know the compliance date for other parts of government, like a city, state, or town police department or library?

To figure out the date, you have to know the population of your state or local government. For most governments, this is a number you can find in the [2020 data from the U.S. Census Bureau](#). For smaller parts of a larger government that do not have a population listed there, like a city police department or a city library, you can look at the population of the larger government they are part of, like the city that runs the police department and library in this example.

Web Content and Mobile App Accessibility Requirements Before the Rule's Start Dates

The ADA has always required state and local governments to provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from government services, programs, and activities. These requirements still apply to your state or local government's services, programs, and activities offered online and through mobile apps before the rule's start dates. After the rule's start dates, you need to make sure your government's web content and mobile app meet these requirements as well as the specific requirements for web content and mobile app accessibility.

requirements are explained in full detail in the [final rule](#).

The Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA is the technical standard for state and local governments' web content and mobile apps.

- There is a specific technical standard that your state or local government must follow to meet your obligations under Title II of the ADA for web and mobile app accessibility. That technical standard is WCAG 2.1, Level AA.
- WCAG, [the Web Content Accessibility Guidelines](#), is a set of guidelines that say what is needed for web accessibility, such as requirements for captions for videos. WCAG is developed by the [World Wide Web Consortium \(W3C\)](#).



What is a technical standard?

A technical standard says specifically what is needed for something to be accessible. For example, the existing [ADA Standards for Accessible Design](#) are technical standards that say what is needed for a building to be physically accessible under the ADA, such as how wide a door must be or how steep a ramp can be. This guide is about the technical standard that applies to web content and mobile apps.

State and local governments' web content usually needs to meet WCAG 2.1, Level AA.

- The requirements apply to web content that your state or local government provides or makes available. This includes when you have an arrangement with someone else who provides or makes available web content for your government.
 - **Example:** If a county web page lists the addresses and hours of operation for all county parks, that web page must meet WCAG 2.1, Level AA even if a local web design company made the web page and updates it for the county, or if the county uses a template that was created by a private company.

State and local governments' mobile apps usually need to meet WCAG 2.1, Level AA.

- The requirements apply to mobile apps that your state or local government provides or makes available. This includes when you have an arrangement with someone else who provides or makes available a mobile app for your government.
 - **Example:** If a city lets people pay for public parking using a mobile app, that mobile app must meet WCAG 2.1, Level AA even if the app is run by a private company.



What is a mobile app?

Mobile apps are software applications that are downloaded and designed to run on mobile devices like smartphones and tablets.



Can state and local governments provide web content or mobile apps that follow a higher standard than WCAG 2.1, Level AA?

Yes, these requirements do not stop your state or local government from using designs, methods, or techniques as alternatives to WCAG 2.1, Level AA if you can prove the alternatives provide the same or more accessibility and usability. This is called “equivalent facilitation.” Equivalent facilitation is allowed so that you can have some flexibility, while also making sure that people with disabilities still have equal access to your government’s web content and mobile apps.

- **Example:** There may be new web accessibility standards that are developed in the future, such as WCAG Version 3.0. Under the requirements of this rule, a state parks department would be allowed to create a new mobile app for campground reservations that meets a future standard if the standard provides the same or more accessibility and usability than WCAG 2.1, Level AA.

In limited situations described below, some kinds of web content and content in mobile apps do not have to meet WCAG 2.1, Level AA.

- like current or commonly used information—accessible to people with disabilities quickly.
- If an exception applies to certain content, it means that content would not have to meet WCAG 2.1, Level AA.
- In the next section, we describe the exceptions and provide examples of how they might apply. We also give examples of when the exceptions would not apply.



What the exceptions described below do not change

The ADA requires that your state or local government must provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from your state or local government's services, programs, and activities. So even when web content or content in mobile apps does not have to meet WCAG 2.1, Level AA, you would likely still need to provide the content to a person with a disability who needs it in a format that is accessible to them.

- Learn more about your existing ADA obligations to ensure effective communication.
- Learn more about your existing ADA obligations to make reasonable modifications.

Summary of the Exceptions

1. Archived web content

State and local governments' websites often include a lot of content that is not currently used. This information may be outdated, not needed, or repeated somewhere else. Sometimes, this information is archived on the website.

- 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:
 1. 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,

- **Example:** A water quality report from 1998 that a state has stored only for research purposes in an “archive” section of its website and has not updated would fall under the exception. The exception would also apply to handwritten research notes or photos that go with the 1998 water quality report that the state scans and posts to its website in the archive section.



The exception does not apply unless all four points are present. If any point is missing, the exception does not apply.

- **Example:** City council meeting minutes created after the date the city must comply with this rule would **not** fall under the exception, even if they are posted in the “archive” section of the city’s website, because this content was created after the time the city had to comply with this rule.
- **Example:** A spreadsheet of 2021 COVID-19 statistics posted in the “archive” section of a county health department’s website would **not** fall under the exception if the spreadsheet is later edited and reposted in the archive because the content was changed after it was first posted in the archive.
- **Example:** A PDF document that includes up-to-date instructions for scheduling an event in a county park would not fall under the exception, even if the document is posted in the “archive” section of the county’s website. The PDF provides current information about using the park. The exception would **not** apply because the content is **not** kept only for reference, research, or recordkeeping.
- **Reminder:** If an exception does not apply to specific web content, that web content needs to meet WCAG 2.1, Level AA, apart from the very limited situations discussed later in this guide.



What the exception does not change

The ADA requires that your state or local government must provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from your state or local government’s services, programs, and activities.

2. Preexisting conventional electronic documents

Some state and local governments have a lot of old documents, like PDFs, on their website. It can sometimes be hard to make these documents meet WCAG 2.1, Level AA.

- 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:
 1. The documents are word processing, presentation, PDF, or spreadsheet files; **AND**
 2. 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**
 3. They are not currently being used to apply for, access, or participate in your state or local government's services, programs, or activities.
- **Example:** This exception would apply to a PDF flyer for a Thanksgiving Day parade posted on a town's website in 2018, or a Microsoft Word version of a sample ballot for a school board election posted on a school district's website in 2014.



The exception does not apply unless all three points are present. Where any point is missing, the exception does not apply.

- **Example:** After the date a town has to comply with the rule, it posts a PowerPoint presentation that will be used in an upcoming town council meeting. The presentation would **not** fall under the exception because it was posted after the rule's compliance date.
- **Example:** After the date a city has to comply with the rule, it updates a Microsoft Word document that was first posted on its website in 2020 to include the city's new contact information. The updated document would **not** qualify for the exception anymore.
- **Example:** A state posted a PDF version of a business license application on its website in 2020. Members of the public still use that PDF to apply for a business license after the date the state has to comply with the rule. The exception would **not** apply to the application.
- **Reminder:** If an exception does not apply to specific web content or content in mobile apps, that content needs to meet WCAG 2.1, Level AA, apart from the very limited situations discussed later in this guide.

Third parties are members of the public or others who are not controlled by or acting for state or local governments. Your state or local government may not be able to change the content third parties post.

- Content that is posted by third parties on your state or local government's website or mobile app would not need to meet WCAG 2.1, Level AA.
 - **Example:** A message that a member of the public posts on a town's online message board would fall under the exception.

 **This exception only applies to content posted by a third party. Content that is not posted by a third party, including the following, is not covered by the exception.**

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:** If a state or local government uses a company to design, manage, or update its website, the content the company posts for the government would **not** fall under the exception.

3. Tools and platforms that allow third parties to post content.

- **Example:** If the state or local government has a message board platform on its website, that platform would **not** fall under the exception because the message board was added to the website by the state or local government. However, the exception would apply to posts on that platform made by third parties who are not controlled by or acting for the government.

Reminder: If an exception does not apply to specific web content or content in mobile apps, that content needs to meet WCAG 2.1, Level AA, apart from the very limited situations discussed later in this guide.

- **Example:** If a person with a disability is a party to a state court case, and a third-party private law firm in the case submits documents to the state court's website, the court could provide effective communication to the person with a disability by quickly providing the documents to the person in a format that is accessible to them upon request.

4. Individualized documents that are password-protected

State and local governments sometimes use password-protected websites to share documents that are for specific individuals, like a water or tax bill. It might be hard to make all of these documents accessible right away for everyone, and there might not be a person with a disability who needs access to these 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:
 1. The documents are word processing, presentation, PDF, or spreadsheet files, **AND**
 2. The documents are about a specific person, property, or account, **AND**
 3. The documents are password-protected or otherwise secured.
- **Example:** A PDF version of a water bill for a person's home that is available in that person's secure account on a city's website would fall under the exception. However, the exception does not apply to the city's website itself.



The exception does not apply unless all three points are present. If any point is missing, the exception does not apply. Here are some examples related to a town water bill:

- **Example:** If a person's water bill is made available for them to view on a password-protected website as HTML content, the exception would **not** apply because the content is not in one of the listed document formats.
- **Example:** If the water company posts a PDF document on a password-protected website about an upcoming rate increase for all customers, the exception would **not** apply



What the exception does not change

The ADA requires that your state or local government must provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from your state or local government's services, programs, and activities.

- **Example:** If a person with vision loss asks to access their personal and password-protected PDF town water bill, the town might provide effective communication to the person by giving them a large print version of the water bill, or a version of the water bill that meets some WCAG criteria, even though the PDF document would meet the exception.

5. Preexisting social media posts

For many state and local governments, making all of their past social media posts accessible may be impossible. There also may be very little value to making these old posts accessible because they were usually intended to provide updates about things happening at the time they were posted in the past.

For these reasons, your state or local government's social media posts made before the date your government must comply with this rule do not need to meet WCAG 2.1, Level AA.

- **Example:** This exception would apply to a 2017 social media post by a city's sanitation department announcing that trash collection would be delayed due to a snowstorm.



What the exception does not change

The ADA requires that your state or local government must provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from your state or local government's services, programs, and activities.

Usually, yes. But there are some situations where meeting WCAG 2.1, Level AA is not required:

- Under the ADA rules, your state or local government does not need to take actions that would result in a fundamental alteration or an undue burden. This is also true when applying the requirements of the rule. Determining what a fundamental alteration or undue burden is differs from entity to entity and sometimes from one year to the next.
 - For more information about fundamental alteration and undue burden, see [the Department's State and Local Governments page](#).
- You are also allowed to use designs, methods, or techniques as alternatives to WCAG 2.1, Level AA if you can prove the alternatives provide the same or more accessibility and usability.
- In very limited circumstances, there may be technical or legal limitations that prevent you from making your web content or content in mobile apps directly accessible. In those rare situations, which are discussed more below, your state or local government could provide a separate accessible version of the content that complies with WCAG 2.1, Level AA.

Other Information About Complying with Requirements for Web and Mobile App Accessibility

Use of Conforming Alternate Versions

- Sometimes a state or local government tries to have two versions of the same web content or content in a mobile app: one version that is not accessible and another version that is accessible and provides all the same information and features. The second version is called a “conforming alternate version.”

this only when there is a technical or legal limitation that prevents inaccessible web content or mobile apps from being made accessible.



What if an individual with a disability still cannot access web content and mobile apps that meet WCAG 2.1, Level AA?

Sometimes a person with a disability may not be able to access your web content or mobile apps even if they meet WCAG 2.1, Level AA. If this happens, you are not required to make more changes to your state or local government's web content or mobile apps that meet the technical requirement. However, your state or local government must still satisfy its other obligations under the ADA to provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from your government's services, programs, and activities. You must figure out on a case-by-case basis how best to meet the needs of the individual with a disability.

- **Example:** If a person's disability stops them from accessing a county's mobile app that meets WCAG 2.1, Level AA to buy tickets to the county's annual fair, the county needs to provide an alternative way for the person to purchase tickets.

Failing to Meet WCAG 2.1, Level AA in a Minor Way that Does Not Impact Access

In some limited situations, state and local governments may be able to show that their web content or mobile apps do not meet WCAG Version 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 mobile app. If the state or local government can show that, then they are not violating the rule.

You cannot use this part of the rule to avoid trying to meet WCAG 2.1, Level AA.

If your web content fails to meet WCAG 2.1, Level AA, you would have to prove two things:

1. You would have to prove that the failure to meet WCAG 2.1, Level AA does not change what people with disabilities can use your web content or mobile apps to do. You must show that despite the failure, people with disabilities can access the same information, engage in the same interactions, conduct the same

more frustrating for someone with a disability to use your web content or mobile apps, and that they do not lose any privacy or independence because of the failure.

- **Example that violates the rule:** A state's online renewal form does not meet WCAG 2.1 Level AA. Because of that, a person with a manual dexterity disability may need to spend a lot more time to renew their professional license online than someone without a disability. This person might also need to get help from someone who does not have a disability, give personal information to someone else, or go through a much harder and more frustrating process than someone without a disability. Even if this person with a disability could ultimately renew their license online, the state would violate the rule.
- **Example that meets the rule:** A state's web page with information about a park has 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. It can be hard for some people with vision disabilities to see text on a web page if there is not enough contrast between the color of the text and the background color. But that 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 about the park. If the state can prove the difference in color contrast is so small that it would not make it harder for people with disabilities to access the information about the park, the state would not violate the rule.

Planning for Success

Creating and maintaining accessible web content and mobile apps takes planning. Below are some practices that state and local governments can use to help plan for success. Starting these practices well before the date that you have to start complying with the requirements of the rule can help ensure the process goes as smoothly as possible.

Creating policies on how you will make sure that your web content and mobile apps are accessible

your needs are. For example, your government's policies might:

- Explain what your government's staff should do to make sure that the content they are posting is accessible.
- Identify a staff member to coordinate your government's efforts to comply with this rule and answer questions from other staff members about how to make content accessible.
- Describe how staff will regularly test your government's web content and mobile apps to make sure they are accessible. This may include working with people with disabilities to test the content.
- Explain the steps staff will take if a person with a disability asks them to make accessible content that falls under an exception to the rule.
 - For example, a policy might say that if a person who is deaf asks for a captioned version of a video that falls within the archived web content exception, the government will send the person a captioned video.
 - The policy might also discuss how your government will make sure that it responds quickly enough if the request for accessibility is urgent.

Creating processes for people to make accessibility requests and report accessibility issues

Sometimes, members of the public might need to get in touch with your government about accessibility issues. Your government can set up processes to make this easy for people to do. Some examples of processes include:

- Letting members of the public know, in prominent places on your website, how they can ask your government to make content accessible when the content falls within an exception to this rule.
- Providing an email address, accessible link, accessible web page, or other accessible way for people to let your government know if there are any accessibility issues with its web content or mobile apps.

Training your staff

Training may look different depending on the specific duties and responsibilities assigned to staff members. Some of examples of trainings might include:

- A training for a web developer that focuses on coding web pages that meet the requirements of WCAG 2.1, Level AA.
- A training for a public university professor that focuses on making sure that course materials meet the requirements of WCAG 2.1, Level AA.
- A training for a procurement staff member about how a local government plans to make sure it buys web content and mobile apps that meet the requirements of WCAG 2.1, Level AA.

W3C's website contains additional information about planning and managing accessibility for web content and mobile apps that you may find helpful when thinking about how to comply with this rule: <https://www.w3.org/WAI/planning-and-managing/>

ADA Information Resources

If you have questions about this rule or the ADA, you can call the [ADA Information Line](#).

You can also contact the [ADA National Network](#). The National Network includes ten regional centers that provide ADA technical assistance. One toll-free number connects you to the center in your region: 800-949-4232 (Voice and TTY).

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or the Department's policies.

1. The official version of the rule is published in the Federal Register at 89 FR 31320 (April 24, 2024). [Back to text](#)
2. This guide was prepared as a “small entity compliance guide” under Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. The guide is not a substitute for the rule. Only the rule itself provides complete and definitive information about its requirements. For all the details about the rule, please read the full [final rule](#). [Back to text](#)