

# **New ADA Title II Rule**

# Introduction



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# Agenda

- New ADA Title II Rule
- Exceptions
- Conforming Alternate Version
- Compliance
- Be Ready by the Deadline

# Key Points of the New ADA Title II Rule

- Published on April 24, 2024,
  - In the Federal Register by the U.S. Department of Justice
- Requires all state and local governments, and their 3rd-party vendors, to comply with **WCAG 2.1 A/AA** standards
- Compliance deadline:
  - Ranges from 2-3 years
  - Depends on constituent population size of that state/local government

Compliance Deadline	US State/Local Gov Constituent Pop Size
April 24, 2026 (2 years after rule was published)	50,000 or more people
April 26, 2027 (3 years after rule was published)	0– 49,999 people
April 26, 2027 (3 years after rule was published)	Special district governments

# Scope of ADA Title II

- **Who:** US State and Local Government and their suppliers
  - All US States
  - Washington DC
  - All US Territories
- **What:** Web and mobile apps
  - Even if provided by 3<sup>rd</sup>-party supplier
- **How:** Must meet **WCAG 2.1 A/AA**



# Who Must Comply

- All US state and local government entities
- 3rd-party contractors and software vendors

Some examples of entities:

- **US state and local gov**
  - Municipal offices
  - State agencies
  - Public schools
  - Libraries
  - Museums
  - And more...
- **3<sup>rd</sup>-party Vendors providing digital (software and/or contract work)**

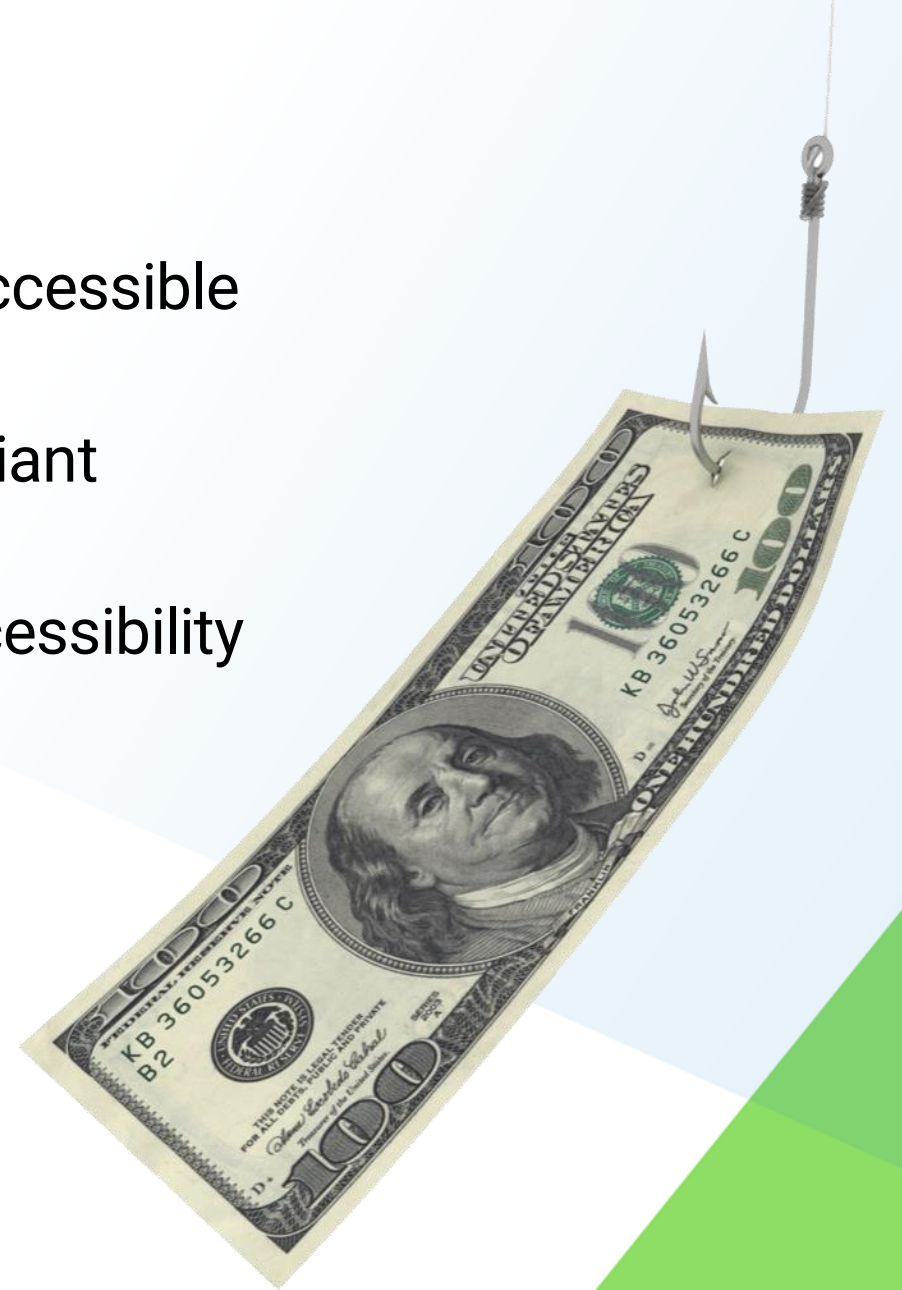


# Examples of Required Accessible Services

- **Online Payments:** Taxes, utilities, fines, permits, parking...
- **Ticket Purchases:** Sporting events, cultural events, public transportation...
- **Public Records Access:** Document requests, meeting agendas...
- **Educational Services:** School portal, Online learning platform, library, museum...
- **Public Health and Safety:** Emergency alerts, health services...
- **Community Engagement:** Surveys, volunteer opportunities...
- **Employment Services:** Job applications, training programs available to the public...
- **Recreational Services:** Facility reservations, program registration...
- **Legal and Judicial Services:** Court records, paying fees, scheduling, legal aid services...
- And more...

# Implications for 3rd-Party Vendors

- Vendors must ensure their digital solutions are accessible
- Risk losing state/local gov business if non-compliant
- Face legal risks if contract(s) required WCAG/accessibility





# What about exceptions?

## Limited Exception 1: Archived Web Content

Archived web content - 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 the state or local 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 the government must comply with this rule, **AND**
2. The content is kept only for reference, research, or recordkeeping, **AND**
3. The content is kept in a special area for archived content, **AND**
4. The content has not been changed since it was archived.

## Limited Exception 2: Preexisting Conventional Electronic Documents

Documents that meet **both** of the following points usually do not need to meet WCAG 2.1, Level AA, except in some situations:

1. The documents are word processing, presentation, PDF, or spreadsheet files;  
**AND**
2. They were available on the state or local government's website or mobile app **before** the date the state or local government must comply with this rule.

**When the exception does not apply:** Documents that are currently being used to apply for, access, or participate in a state or local government's services, programs, or activities do not fall under the exception even if the documents were posted before the date the government has to comply with the rule.

## Limited Exception 3: Content posted by a third party where the third party is not posting due to contractual, licensing, or other arrangements with a public entity

Third parties sometimes post content on state and local governments' websites or mobile apps. Third parties are members of the public or others who are not controlled by or acting for state or local governments. The state or local government may not be able to change the content third party's post.

## Limited Exception 4: Password-Protected Individualized Documents

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.

## Limited Exception 5: Preexisting Social Media Posts

Social media posts made by a state or local government before the date the state or local government must comply with this rule do not need to meet WCAG 2.1, Level AA.

*Why? For many state and local governments, making all of their past social media posts accessible may be quite time consuming. There also may be very little use 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.*

# Is an alternate version okay?

Conforming Alternate Version

# Strict Rules on Conforming Alternate Versions

- State and local governments may **only** use conforming alternate versions as an alternative to inaccessible content in **very limited circumstances**:
  - **Only** when there is a technical or legal limitation that prevents inaccessible web content or mobile apps from being made accessible





**Are there any shortcuts?**

# Buyer Beware



6/24/2024:

[Overlay Company Sued for Breach of Contract, Breach of Covenant of Good Faith and Fair Dealing](#)

Source: [iflegal.com/2024/07/accessibe-class-action](https://iflegal.com/2024/07/accessibe-class-action)

**What if I just have a minor  
accessibility issue?**

## Minor Accessibility Issues

A public entity that is not in full compliance with the requirements of [§ 35.200\(b\)](#) will be deemed to have met the requirements of [§ 35.200](#) in the limited circumstance in which the public entity can demonstrate that the noncompliance has such a minimal impact on access that it would not affect the ability of individuals with disabilities to use the public entity's web content or mobile app to do any of the following in a manner that provides substantially equivalent timeliness, privacy, independence, and ease of use:

- a) Access the same information as individuals without disabilities;
- b) Engage in the same interactions as individuals without disabilities;
- c) Conduct the same transactions as individuals without disabilities; and
- d) Otherwise participate in or benefit from the same services, programs, and activities as individuals without disabilities.



**Are you ready for the  
ADA Title II deadline?**

## Get Started NOW!

**April 24, 2026** is only 20 months away!

1. Conduct comprehensive accessibility audits
2. Train all relevant teams
3. Embed accessibility in design and development
4. Partner with Deque accessibility experts
5. Monitor and maintain accessibility





# Helpful Resources

## Blog Posts

- April 16, 2024: [What the US DoJ adopting WCAG 2.1 A/AA in ADA Title II for Web and Mobile Apps means for you](#)
- July 1, 2024: [ADA Title II: Urgent digital accessibility requirements for US state and local governments and their third-party vendors](#)

## Infographic

- [ADA Title II Infographic](#)

## Compliance Guide from the DoJ

- <https://www.ada.gov/resources/small-entity-compliance-guide/>

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



# Deque Software and Services That Fit YOU!



# Time to Rock Your ADA Title II

## ADA Title II:

Urgent digital accessibility requirements for US state and local governments and their third-party vendors

