

FAQ:

Nondiscrimination on the Basis of Disability

Accessibility of Web Information and Services of State and Local Government Entities



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1. What is the purpose of this new rule? [Top](#)

The rule establishes specific requirements, including technical standards, to make services, programs, and activities offered by state and local government entities through the web and mobile applications accessible to individuals with disabilities.

2. What are the compliance dates for the new requirements? [Top](#)

Entities with a population of 50,000 or more must comply by April 24, 2026.

Entities with a population of less than 50,000 and special district governments must comply by April 26, 2027.

3. Who can be contacted for further information about the rule? [Top](#)

Rebecca B. Bond, Chief of the Disability Rights Section, can be contacted at (202) 307-0663 for voice or TTY communications.

4. What does the rule specify about web and mobile app accessibility? [Top](#)

The rule mandates that all state and local government services available via web and mobile apps meet certain accessibility standards, detailed in the document, to ensure equal access for individuals with disabilities.

5. What standards are adopted for web content and mobile app accessibility? [Top](#)

The Web Content Accessibility Guidelines (WCAG) 2.1 Level AA are adopted as the standard for accessibility.

6. Are there any exceptions to the compliance requirements? [Top](#)

Yes, there are exceptions such as archived web content, third-party content not under contractual terms with public entities, and personal electronic documents secured by passwords.

7. What is the effective date of this rule? [Top](#)

The rule becomes effective on June 24, 2024.

8. What are the provisions for small public entities? [Top](#)

The rule provides staggered compliance dates and acknowledges the challenges small entities might face, offering additional time for these entities to comply.

Would you like to continue the summary for the rest of the document, or do you need specific information from a particular section?

9. How can alt text and headings improve website accessibility? [Top](#)

Alt text added to images and descriptive headings are simple measures that enhance navigation for those using screen readers, contributing significantly to web accessibility.

10. What has been the historical stance of the Department on web accessibility for public entities? [Top](#)

Since 1996, the Department has maintained that the ADA applies to state and local government websites, enforcing compliance through various initiatives like Project Civic Access.

11. Why is regulatory action deemed necessary despite the existence of voluntary compliance standards? [Top](#)

Despite voluntary standards, many organizations have reported inadequate accessibility levels. This has led to a demand for regulatory actions to enforce more consistent and comprehensive web and mobile app accessibility.

12. What legal precedents support the ADA's application to online content? [Top](#)

Several court decisions affirm that online services must be accessible under the ADA, such as Meyer v. Walthall and Price v. City of Ocala, ensuring effective access for individuals with disabilities.

13. How do accessibility improvements benefit the general public? [Top](#)

Features like captioning and sufficient color contrast not only assist individuals with disabilities but also enhance the user experience for everyone, exemplifying the universal benefits of accessibility measures.

14. What are the economic considerations associated with the new regulations? [Top](#)

The regulations involve costs for state and local entities to update their web content and apps to meet accessibility standards, but these are expected to be offset by significant societal benefits, including increased independence and privacy for individuals with disabilities.

15. What is equivalent facilitation? [Top](#)

Equivalent facilitation is a concept that allows for flexibility in how accessibility standards are met. A public entity can demonstrate that their method, although different from the specified standards, still provides substantially equivalent or greater access for individuals with disabilities.

16. What are the criteria for claiming undue burden for noncompliance? [Top](#)

A public entity can claim an undue burden if complying with the accessibility requirements would result in significant difficulty or expense. This decision must be made by the head of the public entity or their designee and must be accompanied by a written statement detailing the reasons for this conclusion.

17. How is archived web content treated under the rule? [Top](#)

Archived web content is defined as content that was created before the compliance dates, is retained solely for reference, research, or recordkeeping, and is not updated or altered after archiving. This content is exempt from the new accessibility standards.

18. What is the scope of the archived web content exception? [Top](#)

The exception for archived web content is designed to apply only to historical content that is no longer active but is kept for posterity. It does not apply to content that continues to serve a public function or is necessary for ongoing activities.

19. How does the rule affect public entities with limited administrative and fiscal resources? [Top](#)

The rule acknowledges the challenges faced by smaller public entities and offers them more time to comply. It also allows for claims of undue burden, where compliance costs would be prohibitive relative to the resources available.

Would you like to continue with more details from other sections, or is there something specific you'd like to focus on in the document?

20. What does Section 35.200 outline about the scope of web content and mobile apps accessibility? [Top](#)

Section 35.200(a) specifies that the accessibility requirements apply to all web content and mobile apps that a public entity provides or makes available, directly or through contractual, licensing, or other arrangements.

21. How does the rule address web content provided through third parties? [Top](#)

The rule clarifies that public entities are responsible for ensuring the accessibility of web content and mobile apps even when these are provided through third-party contracts or licensing agreements.

22. What is the significance of the "provides or makes available" phrase in the rule? [Top](#)

This phrase is intended to encompass situations where a public entity uses third-party platforms to deliver services, highlighting that the accessibility obligation extends beyond direct service provision.

23. What confusion did the NPRM address regarding third-party content? [Top](#)

The NPRM clarified that web content and mobile apps created by third parties for public entities must also be accessible, addressing concerns about potential exemptions for such content.

24. What background information is provided about the Web Content Accessibility Guidelines (WCAG)? [Top](#)

The document discusses the development of WCAG by the World Wide Web Consortium (W3C), noting its role as the primary international body for web standards. WCAG's guidelines aim to make web content accessible to people with disabilities.

25. What technical standards are required for public entities' web content and mobile apps? [Top](#)

Public entities must ensure their web content and mobile apps conform to WCAG 2.1 Level AA, except where compliance would result in undue financial and administrative burdens or a fundamental alteration of the service.

26. How does WCAG 2.1 Level AA address mobile and low vision accessibility? [Top](#)

WCAG 2.1 Level AA includes success criteria that improve accessibility for mobile device users and people with low vision, such as requirements for text reflow and orientation flexibility.

27. What alternatives were considered to WCAG 2.1 for technical standards? [Top](#)

The discussion covers the consideration of adopting WCAG 2.0 or the newly published WCAG 2.2 but ultimately supports maintaining WCAG 2.1 Level AA due to its familiarity and established use among web developers.

28. Why was WCAG 2.1 favored over newer versions like WCAG 2.2? [Top](#)

Despite the recent finalization of WCAG 2.2, which includes additional accessibility criteria, WCAG 2.1 was chosen due to its widespread recognition and the fact that public entities and developers are already familiar with its requirements.

Would you like more detailed information from other sections, or is there something specific you'd like to focus on in the document?

29. What are the considerations for small public entities regarding compliance? [Top](#)

The rule recognizes the challenges small public entities face, such as limited budgets and technical expertise. It allows these entities an additional year to comply with WCAG

2.1 Level AA standards and provides for reliance on specific exceptions to mitigate compliance burdens.

30. How does the rule address the potential cost impacts on small public entities?

[Top](#)

Many concerns were raised about the costs of achieving compliance for small entities. Some suggested more flexible standards or extended compliance timelines. However, the rule maintains uniform technical standards to ensure consistent accessibility but provides extended compliance timelines.

31. What is the role of third-party vendors in compliance? [Top](#)

The rule discusses that small public entities often rely on third-party vendors for web content accessibility. There's a recognition that these vendors are crucial for small entities to meet compliance standards effectively.

32. What are the implications of different compliance standards for small entities?

[Top](#)

The document outlines arguments against creating different standards for small entities, emphasizing the importance of uniform accessibility regardless of the entity size to prevent a fragmented accessibility landscape.

33. What specific provisions are made for rural or small jurisdictions? [Top](#)

The rule acknowledges that individuals in rural areas often depend heavily on accessible online services due to a lack of physical accessibility options and public transportation. Therefore, maintaining high accessibility standards is deemed crucial.

34. What changes were made regarding the treatment of preexisting electronic documents? [Top](#)

The rule states that public entities need to focus resources on developing new accessible electronic documents and remediating existing ones that are currently in use, rather than all preexisting documents. Only documents created before the compliance dates and not used for active service delivery need not conform to WCAG 2.1 Level AA standards.

35. What does "preexisting" mean in the context of electronic documents? [Top](#)

Preexisting documents are those provided or made available before the public entity's compliance date. This includes documents unchanged in new systems, even if their date stamps are updated during system migration.

36. How does the rule apply to outdated or archived documents? [Top](#)

The rule exempts outdated or archived electronic documents that do not serve a current public function from needing to comply with accessibility standards, assuming no changes are made to these documents post-compliance date.

37. What are the implications of modifying electronic documents post-compliance? [Top](#)

Any modification or update to a preexisting document after the compliance date means it no longer qualifies as preexisting under the rule and must meet accessibility standards.

38. How are public entities held accountable for links to third-party content? [Top](#)

Public entities are responsible for ensuring that any third-party content they link to, directly or through contractual or licensing arrangements, is accessible. This includes ensuring that the links themselves on the public entity's websites are accessible, although they are not responsible for the accessibility of unaffiliated third-party websites.

39. What is the approach to linked third-party content under Subpart H? [Top](#)

The Department has removed a proposed exception for third-party linked content to avoid confusion. Now, if a public entity provides or makes available third-party content, either directly or through arrangements, they must ensure it is accessible. However, content not provided or made available by a public entity directly or through arrangements remains outside the scope of responsibility for the public entity.

40. What are the considerations for external mobile apps used by public entities? [Top](#)

External mobile apps used by public entities to offer their services are subject to the same accessibility requirements as those developed in-house. Public entities must ensure these apps comply with accessibility standards unless subject to an outlined exception.

41. How does the new rule address password-protected educational content? [Top](#)

The Department has decided not to include exceptions for password-protected educational content in public educational institutions. This content must meet accessibility standards to ensure all students and parents with disabilities can access the necessary resources without delays.

42. How are students with disabilities affected by the timing of course content availability? [Top](#)

The timing of making course content accessible is crucial as delays can disadvantage students with disabilities, especially those enrolling late or participating in course

shopping during the start of terms. Prompt accessibility is needed to prevent them from falling behind in their courses.

43. What challenges are associated with the proposed course content exceptions for postsecondary education? [Top](#)

Commenters noted that the proposed exceptions for course content at postsecondary institutions might disproportionately impact students with disabilities, as these institutions often lack mechanisms to proactively identify and accommodate students with disabilities compared to K-12 settings.

44. What implications do digital and password-protected educational contents have under the new rule? [Top](#)

Digital educational materials, including password-protected content, must be accessible unless specific exemptions apply. This includes ensuring that content necessary for academic participation is accessible from the start of the term.

45. How does the rule treat archived educational content and digital textbooks? [Top](#)

Archived educational content and digital textbooks are required to be accessible if they are actively used in teaching and learning. The rule emphasizes the need for accessibility in all educational materials to prevent any potential educational inequities.

46. What exceptions are provided for individualized, password-protected documents? [Top](#)

The rule maintains an exception for individualized, password-protected documents, allowing entities to focus on making documents accessible on a case-by-case basis when an individual with a disability needs them. This approach aims to balance the need for accessibility with the practical considerations of managing numerous documents that may not all be used by individuals with disabilities.

47. How should public entities handle accessibility requests for individualized, password-protected documents? [Top](#)

Even when documents are covered by the exception, public entities must provide accessible versions when necessary to ensure effective communication. This must be done in a timely manner and in ways that protect the privacy and independence of the individual with a disability.

48. What measures should public entities take to ensure effective communication for password-protected documents? [Top](#)

Public entities are encouraged to provide clear instructions on how individuals can request accessible versions of individualized documents. Entities should also ensure that once a need for accessibility is established, future communications continue to be accessible without repeated requests from the individual.

49. Does the rule apply to public-facing web or mobile app-based systems used for accessibility requests? [Top](#)

Any public-facing web or mobile app-based systems used to provide or make available documents, or to handle accessibility requests, must be accessible according to Section 35.200, even if the documents themselves are covered by exceptions.

50. How are fundamental alteration and undue burdens limitations applied under the ADA for web accessibility? [Top](#)

The rule acknowledges that these are longstanding limitations under the ADA. The document notes the need for clearer guidance on when public entities can cite these limitations due to the lack of objective standards, which some commenters believe could lead to increased litigation costs or frivolous lawsuits.

51. What are the provisions for handling large documents and technical infeasibility under the undue burdens limitation? [Top](#)

Commenters suggested that making large documents (300 pages or more) accessible could be considered an undue burden. Others suggested that certain digital content cannot be made accessible, proposing that technical infeasibility should be considered an undue burden.

52. How does the Department plan to address the concerns regarding the clarity of fundamental alteration and undue burdens limitations? [Top](#)

The Department acknowledges these concerns and indicates a willingness to provide further guidance. It declines to establish specific examples in the regulation that would automatically qualify as a fundamental alteration or an undue burden.

53. What considerations are given to small towns with minimal budgets regarding web accessibility? [Top](#)

The rule illustrates a scenario involving a small town with a limited budget that might face undue burdens in making historical web content fully accessible in a short period. This scenario emphasizes the importance of considering the entity's financial capabilities when assessing undue burdens.

54. What about the accessibility of public art contests hosted on library websites? [Top](#)

It might be a fundamental alteration to require that each piece of artwork in a public library's art contest be modified to meet accessibility standards like color contrast requirements. However, the library must still take other actions to ensure maximum possible participation of individuals with disabilities.

55. What was the Department's stance on adopting a policy-based approach for compliance? [Top](#)

The Department considered but ultimately declined to adopt a policy-based compliance approach due to the diverse and often contradictory suggestions from commenters on what specific policies should be mandated.

56. Why was the organizational maturity approach not adopted? [Top](#)

The Department rejected the organizational maturity approach due to a lack of consensus on how it should be defined and assessed, and concerns that it would not necessarily lead to improved accessibility.

57. How did the Department respond to suggestions about other federal, international, and state approaches to compliance? [Top](#)

The Department reviewed various approaches but decided not to adopt them. Reasons include the logistical challenges of required reporting, the potential administrative burdens, and a desire for consistency with existing ADA frameworks.

58. What are some specific reasons the Department decided against more flexible, policy-based compliance measures? [Top](#)

The Department found that such measures would not provide sufficient predictability or certainty for public entities or individuals with disabilities. They could also potentially undermine the benefits of adopting clear technical standards.

59. What is the impact of this rule on state laws and other federal regulations? [Top](#)

This rule will preempt state laws only to the extent that they provide less protection than this federal standard. It does not invalidate or limit the remedies, rights, and procedures of any state laws that offer greater or equal protection for individuals with disabilities.