

PUTTING THE PIECES TOGETHER:

WEBSITE ACCESSIBILITY & THE AMERICANS WITH DISABILITIES ACT

PRESENTED BY:

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Overview

- ADA
- Title II and Title III
- ADA Website
Accessibility
Litigation
- Settlement Agreements
- Apps
- WCAG Guidelines



Americans with Disabilities Act of 1990

- Signed into law on July 26, 1990.
- One of the most comprehensive pieces of civil rights legislation.
- Prohibits discrimination.
- Guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life.



Equal Access



- **State and Local governments must provide individuals with disabilities equal access to:**
 - Programs
 - Services
 - Activities
- **Unless doing so would fundamentally alter the nature of the programs, services, or activities, or would impose an undue burden.**
- **Modifying a website does not impose an undue burden.**

- In 2013, based on questions to assess five disability types (i.e., vision, cognition, mobility, self-care, and independent living), 1 in 5 U.S. adults reported a disability.
- In 2018, 1 in 4 U.S. adults – 61 million Americans – have a disability that impacts major life activities.

Prevalence of Disabilities

How Many People Use the Internet in the U.S.?

- In 2018, the United States had close to 275 million internet users. This figure is projected to grow to 310.1 million internet users in 2022.
- The United States are one of the biggest online markets worldwide.

ADA Title II Regulations

- Prohibits discrimination on the basis of disability by public entities.
- Requires public entities to reasonably modify its policies, practices, or procedures to avoid discrimination.
- Mandates effective communications with individuals with disabilities.



Auxiliary Aids and Services

Common Aids and Services Offered:

- Large print materials
- Assistive listening devices
- Sign language interpreters

Where Do Public Entities Fall Short?

- Electronic and information technology
 - Applying for permits
 - Paying bills
 - Renewing licenses
 - Viewing public documents



ADA and the Digital World

- To what extent do ADA protections extend to the digital world?
 - The ADA is intended to “...keep pace with the rapidly changing technology of the times.”
 - DOJ has consistently maintained that the ADA applies to websites.
 - Common Issues:
 - Websites and applications not compatible with screen readers
 - Lack of refreshable braille displays
 - Lack of alternative text for images, graphics and links
 - Lack of closed captioning for video content

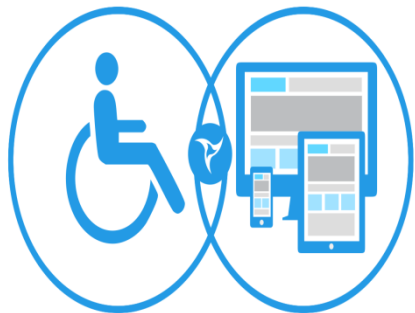
- In the last couple of years, thousands of lawsuits have been filed in state and federal court.

4,249 – California

- Injunctive relief.
- Order directing entity to bring website into full compliance.
- Attorney's fees and costs.

ADA Website Accessibility Litigation

WCAG Guidelines



Web Content Accessibility Guidelines

- Developed through the W3C process in cooperation with individuals and organizations around the world, with a goal of providing a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally.
- Web “content” generally refers to the information in a web page or web application, including:
 - natural information such as text, images, and sounds
 - code or markup that defines structure, presentation, etc.

Web Accessibility Standards

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- Potential alternative to WCAG 2.0 or 2.1
- Incorporates fundamental principles of WCAG but much easier to understand
- Go here: accessible.org/was/
 - Website presentation
 - Website appearance
 - Content alternatives
 - User control
 - Website usability



Settlement Agreements

- Numerous public agencies across the nation have entered into settlement agreements due to alleged violations of the ADA.

Flager County, Florida	UC Berkeley	Miami University
March, 2019	August, 2016	December, 2016
Vision	Hearing, Visual, Manual	Vision
PDF files of agendas and budgets	YouTube, iTunes U platform, Massive Open Online Courses	Use of technology in programs, services, activities
7,500 documents reformatted and republished	Compensatory damages	\$25,000

SAME RULES APPLY

- *Robles v. Domino's Pizza, LLC*
 - ADA mandates places of accommodations provide auxiliary aids and services.
 - Court held ADA applies to website and app equally.
 - “They are two of the primary (and heavily advertised) means of ordering Domino’s products to be picked up or delivered from Domino’s restaurants.”



Assembly Bill 434

State Web Accessibility: Standard and Reports

- Bureau of State Audits (BSA)
 - 2014 report found that the state websites they reviewed were “not fully accessible.”
 - 47% of Californians report using the internet to access government services.
 - BSA found violations of applicable accessibility standards on each of the department’s website.
- AB 434 requires the Director and Chief Information Officer of each state agency or entity to post a signed certification on the front page of the state agency’s site in compliance with WCAG 2.0 Accessibility standards before July 1, 2019.

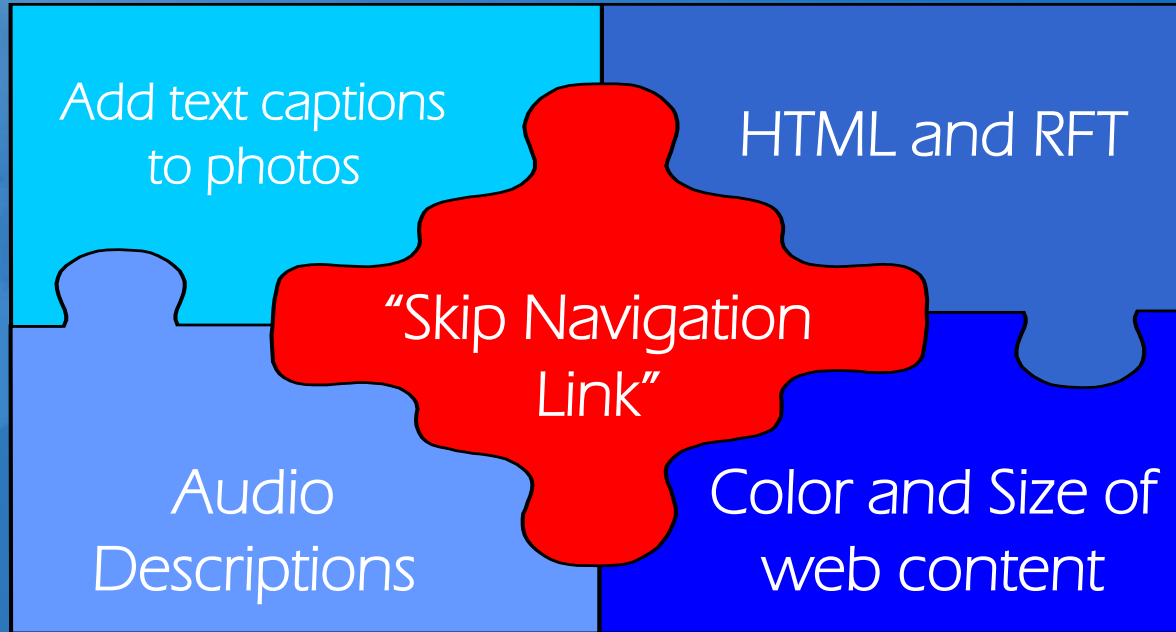
The background is a solid blue color with a faint, repeating pattern of interlocking puzzle pieces. The puzzle pieces are a slightly lighter shade of blue, creating a subtle texture.

What Do Public Entities Need to Do to Become Compliant?

Lack of Regulatory Guidance

- 2010
 - DOJ began to draft formal regulations for websites to meet ADA goals
- 2017
 - DOJ announced that it was withdrawing its rulemaking process in alignment with the Trump administration's rollback of federal regulations.

Solutions to ADA Website Accessibility



Remediate Your Website



- Some companies provide compliance “scans” or “audits” but don’t actually fix anything.
- Retain accessibility expert to manually review each page.
- Work with your web developer to implement the changes, ASAP!

Additional Resources



- **ADA Best Practices Tool Kit for State and Local Governments**
<https://www.ada.gov/pcatoolkit/chap5toolkit.htm>
- **Accessibility of State and Local Government Websites to People with Disabilities**
<https://www.ada.gov/websites2.htm>
- **Web Content Accessibility Guidelines**
<https://www.w3.org/WAI/standards-guidelines/wcag/>

What About Policy?



- You should have one!
- A public accessibility statement should be included on your website:
 - “The City is committed to ensuring that its website is accessible to people with disabilities. All the pages on our website comply with Web Content Accessibility Guidelines 2.1. Please report any issues to _____. ”

Questions?



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