

## DOJ's Final Rule On Website And Digital Accessibility Takes Effect

Although enforcement will not begin until 2026 at the earliest, state and local governments, including public schools, community colleges, and public universities, should ensure that their digital presence complies with the new regulations

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On June 24, 2024, the United States Department of Justice's ("DOJ") final rule concerning digital accessibility took effect. The rule implements Title II of the American with Disabilities Act ("ADA") and requires web and mobile application content to be accessible to people with disabilities.

### **Why is This Important?**

Many state and local governments provide their services through websites and mobile applications, and if they are not accessible to people with disabilities, they can prevent people from participating in civic events, campus activities, and more. For example, individuals with blindness use screen readers to navigate the web, and if a website does not include text to describe certain images (*i.e.*, alt text), these individuals are unable to "read" those portions of a webpage. There has been significant litigation over inaccessible websites, so it is critical that websites and mobile applications are ADA accessible.

### **Who Must Comply?**

Title II of the ADA applies to all state and local governments, which includes, but is not limited to, state and local government offices, police departments, and courts; public schools, community colleges, and universities; public hospitals and healthcare clinics; and public parks and libraries.

### **When Must Public Entities Comply?**

Compliance deadlines range from April 24, 2026, to April 26, 2027, and generally depend on the size of the state or local government. The [DOJ's Fact Sheet](#) includes the following chart:

<b>State and local government size</b>	<b>Compliance date</b>
0 to 49,999 persons	April 26, 2027
Special district governments	April 26, 2027
50,000 or more persons	April 24, 2026

## **What are the Technical Requirements?**

Public entities must make sure that their web content and mobile apps meet at least Web Content Accessibility Guidelines (“WCAG”), Version 2.1, Level AA standards, although a higher standard, such as WCAG, Version 2.2, may also be used. These technical requirements apply to web and application content created by private businesses that are used by the public entity through contractual licensing or other arrangements. Information on the WCAG standards can be found on the [World Wide Web Consortium’s website](#).

## **Exceptions**

The regulations identify five categories of digital content that do not need to meet WCAG 2.1, Level AA:

1. Archived web content
2. Preexisting conventional electronic documents
3. Content posted by a third party
4. Individualized documents that are password-protected
5. Preexisting social media posts

Although certain content may qualify under one of the five exceptions, public entities are still required to engage in effective communication with individuals with disabilities and provide reasonable accommodations. For example, if an individual with blindness requests that alt text be added to a preexisting social media post, providing that accommodation may be required as long as it is not unduly burdensome.

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If you have any questions concerning the DOJ’s final rule on digital accessibility, please feel free to contact [DanaLynn T. Colao](#) and [Vincent C. Cirilli](#) of Saiber LLC’s Higher Education practice.