

A decorative graphic on the left side of the slide. It features a central cluster of grey dots arranged in a circular, radiating pattern. Surrounding this central cluster are four stylized, rounded square icons in blue, green, orange, and red. The background is composed of large, overlapping geometric shapes in dark blue, orange, light grey, and olive green.

DIGITAL ACCESSIBILITY: IN LIGHT OF NEW FEDERAL REGULATIONS

Accessing Higher Ground, 2024

Judith Risch

Title IX & Equity Access Services Special Advisor

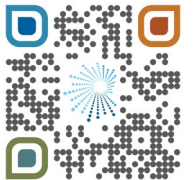
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MEET YOUR FACILITATOR



Judith Risch

Judy is one of the nation's foremost experts on digital accessibility and as a twenty-year veteran of the Office for Civil Rights (OCR), has extensive experience in all aspect of civil rights enforcement and compliance. At OCR's National Digital Accessibility Team, Judy oversaw a national team of attorneys and investigators spread across twelve regional offices that enforced digital accessibility policies and advised educational institutions on compliance with federal disability discrimination laws. Judy has advised senior leadership in state and local educational systems to ensure compliance and provide them with forward looking guidance. Additionally, Judy was involved with the new ADA Title II amendments that cover digital accessibility.





THIS IS NOT LEGAL
ADVICE

AGENDA

- | ADA/Section 504
- | Accessibility Standards
- | Whom the New Regulations Apply to and When
- | Scope of Coverage

- | How to Prepare
- | The Future
- | Resources
- | Conclusion

AMERICANS WITH DISABILITIES ACT AND SECTION 504

ADA

"...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (1990).

SECTION 504

"No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C." Code of Federal Regulations, title 28 (2002):516-544

ACCESSIBILITY STANDARDS

Web Content
Accessibility
Guidelines
(WCAG) Version
2.0/2.1/2.2 Levels A
and AA

Section 508

WCAG 3.0

WHOM THE NEW REGULATIONS APPLY TO AND WHEN



TITLE II

Size	Date
0 to 49,999 persons	April 26, 2027
Special district governments	April 26, 2027
50,000 or more persons	April 24, 2026

Applies to all Public Entities

To find size the [Census Bureau](#) or [World Population Review](#)

SECTION 504 HHS

Size	Date
Fewer than 15 employees	May 10, 2027
15 or more employees	May 11, 2026

Recipient means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

[USA Spending](#) to find out if you are a recipient and Medicare and Medicaid money will trigger too.

CIVIL RIGHTS RESTORATION ACT OF 1987 (102 STAT. 28)

Civil Rights Restoration Act of 1987 - Amends Title IX (Prohibition of Sex Discrimination) of the Education Amendments of 1972 to define the phrase "program or activity" and the term "program" to mean **all of the operations** of the following entities, any part of which is extended Federal financial assistance:... (3) a college, university, or other postsecondary institution, or public system of higher education; (4) a local educational agency, system of vocational education, or other school system; and (5) a corporation, partnership, or other private organization. States that such terms do not include any operation of an entity which is controlled by a religious organization.

Amends the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Civil Rights Act of 1964 to define the phrase "program or activity" to mean all of the activities of the aforementioned entities.

**SCOPE OF WHAT
DIGITAL IS
COVERED—
EVERYTHING**



REGULATORY LANGUAGE

- ...shall ensure that the web content and mobile apps that the public entity provides or makes available, directly or through contractual, licensing, or other arrangements, comply with Level A and Level AA success criteria and conformance requirements specified in WCAG 2.1, unless the public entity can demonstrate that compliance with this section would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

From both HHS Section 504 (45 CFR § 84.84) and Title II Regulations (28 CFR § 35.200)

EVERYTHING



Websites



Mobile applications

KIOSKS AND SECTION 504 HHS



EXEMPTIONS

Archived web content

Preexisting conventional electronic documents

Third party content posted by third party not posting due to contractual, licensing, or other arrangements with public entity

Password protected – individualized documents (such as bills)

Preexisting social media posts

REGULATORY LANGUAGE: SAFE HARBOR

35.205: 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:

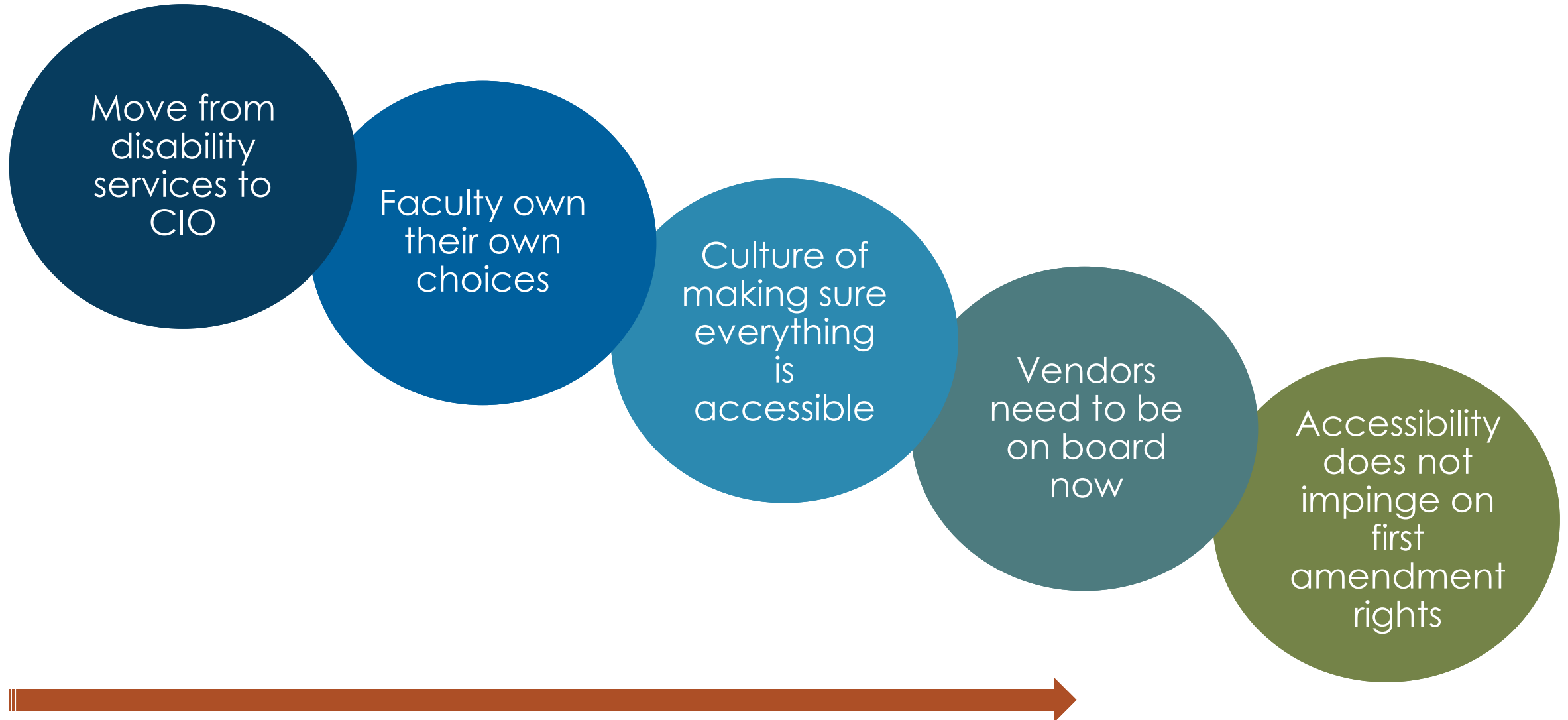
- (a) Access the same information as individuals without disabilities.
- (b) Engage in the same interactions as individuals without disabilities.
- (c) Conduct the same transactions as individuals without disabilities; and
- (d) Otherwise participate in or benefit from the same services, programs, and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

Title II Regulations (28 CFR § 35.205)

HOW TO PREPARE



PARADIGM SHIFT



THINGS TO THINK ABOUT

Figure out what you are using: Audit everything

Make a list of products

What is being used a lot?

Where are the non WCAG 2.1AA compliant products?

Are there places where there are a lot of problems?

How to stop problematic content?

What is required to be used and you cannot control it?

VENDORS/CONTRACTS

- When are they up for renewal?
- Which contracts won't be renewed or rebid before the effective date for the new requirements?
- What language is in your current contracts that addresses compliance with Federal law?
- How specific is the language in your contracts? Does it specifically call out WCAG 2.1, Level AA, or stronger?
- What happens if you notice a problem or have a concern? What specifics are written into your contracts to say how the vendor is expected to respond? Will you have to pay for it to be fixed?

THE FUTURE



WHAT IS ON THE HORIZON?

- Title III of the Americans with Disabilities Act
- [Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development \(HUD\)](#)
- [Section 504 of the Rehabilitation Act at Education](#)
- [California Bill AB-1757](#)
- [Federal Legislation – Duckworth, Sarbanes, and Sessions](#)

RESOURCES

Department of Health and Human Services -
Section 504 of the Rehabilitation Act :

- [Section 504 Press Release](#)
- [Section 504 Regulations](#)
- [Section 504 Fact Sheet](#)

Department of Justice – Americans with
Disabilities Act Title II:

- [Title II Regulations](#)
- [Title II Fact Sheet](#)
- [Title II Small Entities Compliance Guide](#)



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WE LOVE FEEDBACK
Your Opinion is Invaluable!

