



A Government Leader's Guide to Meeting Website Accessibility and Compliance Requirements

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Introduction

The accessibility of your digital content has tangible implications for residents with disabilities. Ensuring your government website is accessible to all residents needs to be a top priority, no matter the size of your community. Whether you are approaching a website redesign, are about to launch a brand new website, or are simply ensuring your current website is as effective as possible, it's time to familiarize yourself with the history of the Americans with Disabilities Act (ADA), the latest requirements impacting digital communications, and the resources available to your administration to ensure compliance.



Background

The Americans with Disabilities Act (ADA) and Section 508

The Americans with Disabilities Act and the Rehabilitation Act of 1973 generally require that state, local, and federal governments provide qualified individuals with disabilities equal access to their programs, services, and activities unless doing so would fundamentally alter the nature of their programs, services, or activities, or would impose an undue burden. This means that governments are required, and expected, to ensure all their digital content is accessible by people with visual, auditory, and other physical limitations and disabilities.

The Architectural and Transportation Barriers Compliance Board (the U.S. Access Board, or USAB) first published Section 508 standards in the Federal Register in 2000.

These standards apply to electronic and information technology developed, procured, maintained, or used by federal agencies. They contain technical criteria and performance-based requirements that focus on the functional capabilities of covered products. It is important to note that Section 508 standards apply to web page content and posted content such as PDF documents and audio and video content. Such requirements ensure that all web content, regardless of the medium, is accessible to all residents.

1973

The Rehabilitation Act of 1973 — the nation's first federal disability rights law — is passed.

1998

Congress amends the Rehabilitation Act to include Section 508, which requires federal agencies to make their online offerings accessible to people with disabilities.

2000

Section 508 standards is published.

2017

USAB issues the final rule for technology standards and guidelines.

2015

USAB releases the proposed rule for technology standards and guidelines.

2006

USAB formed the Telecommunications and Electronic and Information Technology Advisory Committee (TEITAC) to review accessibility standards.

2018

USAB issues a correction to the final rule to include requirements for TTY compatibility.

2024

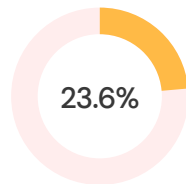
The Department of Justice issues a final rule updating regulations for Title II of the ADA to ensure people with disabilities have equal access to online services.



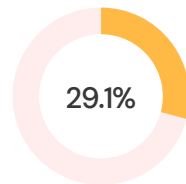
Accommodating Assistive Technology

Your government website should be designed to accommodate the use of assistive technology. According to the Centers for Disease Control and Prevention, more than 70 million adults in the U.S. reported having a disability in 2022. Many individuals with disabilities use assistive technology to help them use computers and access digital content. Typical forms of assistive technology include screen readers, optical character recognition (OCR) software systems, magnification software, and voice recognition tools.

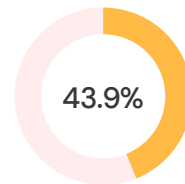
More than one in four U.S. adults have a disability, including:



of people 18 - 44



of people 45 - 64



of people 65+

Non-Complaint Design Can Form a Barrier to Content

Websites must be optimized to work in conjunction with assistive technology. Poorly designed websites can create barriers for individuals with a disability. In addition, government leaders must understand that a website serves as the gateway to a community.

Understand that accessibility prudence:

- ✓ Increases site traffic
- ✓ Improves search engine optimization (SEO)
- ✓ Is a legal imperative

What You Need to Know About the Latest 508 Compliance Requirements

In 2018, updates to Section 508 of the Rehabilitation Act went into effect, impacting the design and management of many federal and local government websites. These updates acknowledge constant tech evolution across platforms and replace product-specific language with functional-based requirements. They also connect the ADA's Section 508 with WCAG, creating a single, internet-wide accessibility standard.

The Access Board has also revised and updated its standards for electronic and information technology developed, procured, maintained, or used by federal agencies covered by Section 508 of the Rehabilitation Act of 1973.

The revisions and updates are intended to ensure that information and communication technology covered by the respective statutes are accessible to and usable by individuals with disabilities.

Significant Changes to Section 508

The 2017 changes to Section 508 include:

- A restructuring of the section provisions by functionality instead of product type due to the increasingly multi-functional capabilities of information and communication technology (ICT)
- Incorporating the Web Content Accessibility Guidelines (WCAG) 2.0 by reference and applying Level A and Level AA success criteria and conformance requirements to websites, as well as to non-web electronic documents and software
- Specifying the types of non-public facing electronic content that must comply; requiring that operating systems provide certain accessibility features
- Clarifying that software and operating systems must interoperate with assistive technology (such as screen magnification software and refreshable braille displays)

- Addressing access for people with cognitive, language, and learning disabilities
- Harmonizing the requirements with international standards

The correction in 2018 corrected two typos and the accidental deletion of long-standing requirements for teletypewriter compatibility and functionality.

Section 508 also references WCAG 2.0, which included three levels of success criteria:

- ✓ Level A (minimum) – Basic web accessibility
- ✓ Level AA (mid-range) – Most common barriers for disabled users
- ✓ Level AAA (highest) – Highest level of web accessibility

WCAG. Former Recommendations, Now Requirements

The final rule incorporates many voluntary consensus standards, including WCAG 2.0, issued by the World Wide Web Consortium's (W3C) Web Accessibility Initiative.

However, to account for advancements in technology, these guidelines have been updated twice since then, and currently, agencies should aim to meet WCAG 2.1 Level AA. Still, WCAG 2.2, which was released in 2023, is considered the best practice for web accessibility. WCAG 2.2 includes new success criteria that support people who have a variety of disabilities.

While Section 508 only requires federal agencies to meet the standards set by WCAG 2.0, and the ADA's standard is WCAG 2.1, Level AA, compliance with WCAG 2.2 is recommended.



The nine criteria for success under WCAG 2.2 are:

WCAG 2.4.11

Focus Not Obscured (Minimum)
(Level AA)

WCAG 2.4.12

Focus Not Obscured (Enhanced)
(Level AAA)

WCAG 2.4.13

Focus Appearance
(Level AAA)

WCAG 2.5.7

Dragging Movements
(Level AA)

WCAG 2.5.8

Target Size (Minimum)
(Level AA)

WCAG 3.2.6

Consistent Help
(Level A)

WCAG 3.3.7

Redundant Entry
(Level A)

WCAG 3.3.8

Accessible Authentication
(Minimum) (Level AA)

WCAG 3.3.9

Accessible Authentication
(Enhanced) (Level AAA)

Understanding the Historical Differences between WCAG and Section 508

It's important to understand that Section 508 and WCAG previously represented separate guidelines. WCAG represented a higher, more explicit level of accessibility than Section 508 — and has been updated since Section 508 was last amended. While there was some overlap in the recommended criteria outlined by both, they offered separate recommendations and requirements.

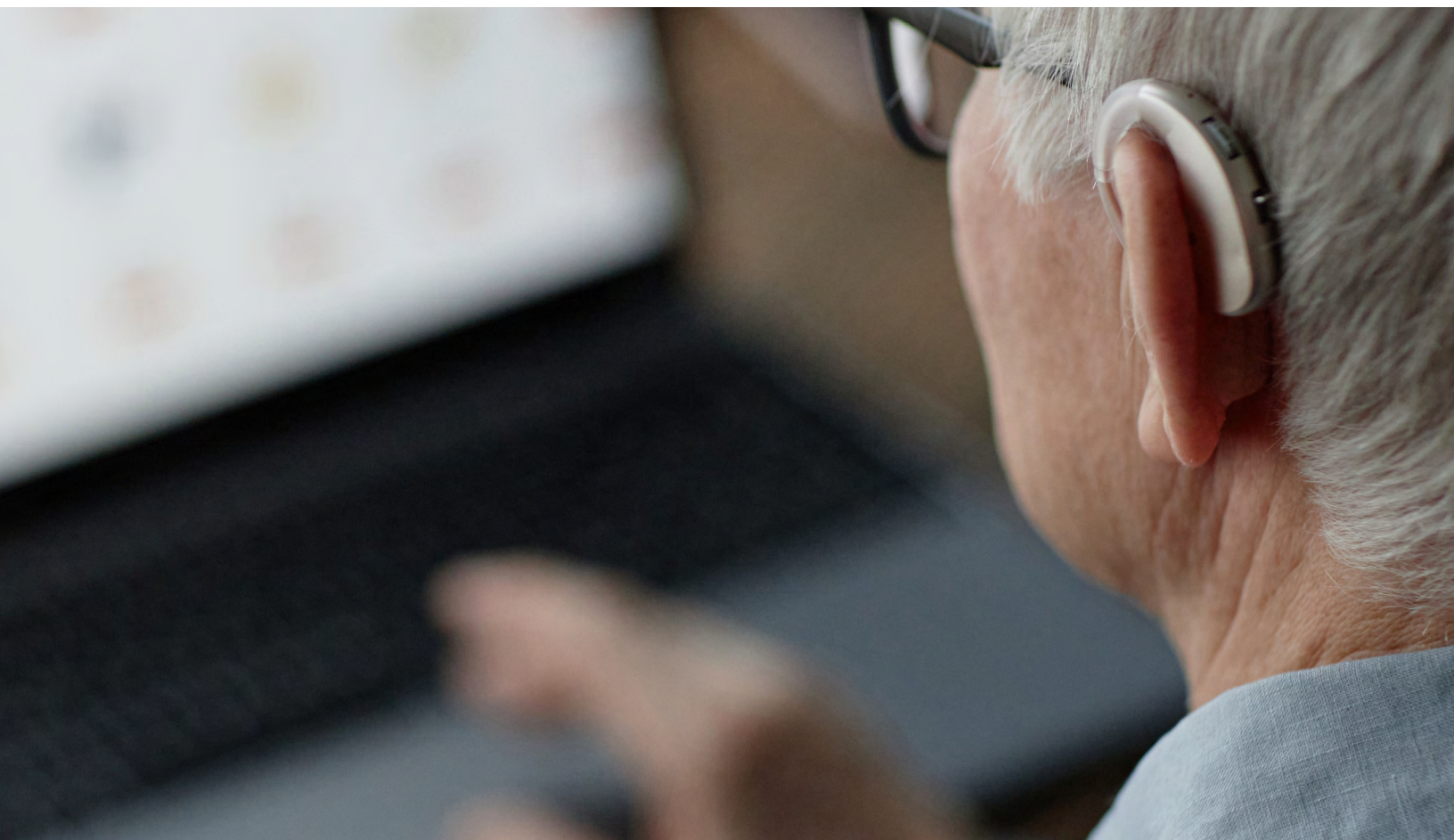
More specifically, of the 38 WCAG 2.0 A and AA success criteria:

22

were phrased differently
but equivalent to the
current Section 508 criteria

16

were not included or
equivalent to Section
508 standards



Content-Type Requirements

Like the original 508 standards, the latest updates apply to a federal agency's full range of public-facing content, including websites, documents, media, blog posts, and social media content.

Non-Public-Facing Content

The rule also specifies that the following types of non-public-facing content must comply with the latest requirements:



Emergency notifications



Notices of benefits



Formal acknowledgments or receipts



Educational or training materials



Initial or final decisions adjudicating administrative claims or proceedings



Program eligibility



Questionnaires or surveys



Web-based intranets



Internal or external program or policy announcements



Employment opportunities or personnel action



Templates or forms



Tips for Compliance

While compliance requirements are highly detailed when it comes to meeting Level A and Level AA standards, what follows are a few basic steps you and your website content managers should consider baseline compliance practices.

Headings and Titles

- Ensure all content has relevant headers
- Title all pages so that they relate to the page's content
- Use resident-centric language rather than internal terminology

Text and Fonts

Color alone can't be used to differentiate information. Instead, use the following:

- Bold and italic text
- Bulleted lists
- Featured areas or modules in your content management system (CMS)
- A high-contrast color scheme
- Short text paragraphs

Tables

- Because tables are for data and not page layouts, be sure to populate tables with a column header and cell information

Visuals

- Always include alternate (alt) text
- Pay attention to the descriptive details, such as the non-image visual
- All visuals need alt text, not just photos, so include alt text with icons, buttons, banners, logos, and sketches
- Any visual element that conveys a message should have alt text

Color

- Use contrasting colors to differentiate text from the background for colorblind users

Navigation

- Websites should be navigable by both keyboard and keyboard equivalents
- Keep all information in a consistent location
- Understand that if a user cannot find it, they'll assume it doesn't exist
- Consistency helps users find information faster
- Screen readers move from top to bottom



Penalties for Non-Compliance

The consequences of digital ADA non-compliance can be costly. Entities may be fined up to \$75,000 for an initial ADA violation and \$150,000 for subsequent ones. While some city and county governments have moved quickly to enhance their digital offerings to meet WCAG guidelines, others have not. For public institutions that exist to serve residents equally, the lack of accommodations in the digital sphere has been met with understandable resident resistance and growing legal actions.

An Increase in ADA Compliance Lawsuits

Lawsuits associated with digital ADA compliance are on the rise across the country as serial plaintiffs browse the Internet, seeking violations in a variety of public and private sector industries.

Recently, agencies have become easy targets for those searching for violations and seeking injunctive relief and even monetary damages. For example, over the years, a legally blind Miami resident filed nearly 200 lawsuits in Florida and across the country on the basis that government agencies and private sector entities are in violation of the ADA by not taking steps to ensure that documents on their websites are accessible. There were several settlements, including with Martin County, Florida, for \$16,000 and with St. Lucie County for \$10,500. The Palm Beach County clerk and comptroller's office also settled a lawsuit with the same plaintiff for \$9,500 over its website, and without admitting wrongdoing, Orange County, Florida agreed to pay \$19,000 to cover the plaintiff's legal fees and damages.

The Benefits of Automated Accessibility

Government websites typically include hundreds of pages of content. They are updated frequently with news, information, videos, and photos, often by a team of staff members in different departments with various levels of technical training. WCAG 2.0 — the bare minimum under Section 508 — includes over 60 pieces of A and AA criteria that require ongoing compliance. How long would you anticipate it will take your agency to verify the 60 criteria for each page of your current website? In addition, every time a staff member in a department adds, edits, or deletes a page, you will need to recheck them all. To ensure continual ADA compliance as your website evolves, how much of your time will you need to dedicate to hypervigilant digital content accessibility review and optimization?

If you worry that manual maintenance is impossible, you are correct. Instead of investing in hours of training, dedicating staff resources to continual monitoring, and risking non-compliance, government website administrators should take the path of least resistance and implement an automated solution.

Accessibility cannot be achieved with a one-time fix. Websites are dynamic and continually changing. Building a successful and sustainable accessibility strategy requires a multi-faceted approach that begins with automated and manual testing, end-user feedback, fixing issues of accessibility, and validating remediation efforts through continuous maintenance and monitoring. To maintain conformance with ADA-related requirements, a website must be consistently monitored to ensure that content creators and website editors are taking accessibility best practices into consideration when deploying and publishing new content.

Maintaining conformance requires mature processes that demand the involvement of both subject matter and technical experts.

While all website content creators must understand the fundamentals of accessibility and the laws regarding ADA-related compliance, governments should alleviate the burden of manual code-checking and remediation and leverage available technology to speed the process of achieving and maintaining the necessary level of compliance.

Communities that have invested in automated accessibility remediation software benefit from greater compliance, mitigated risks of penalties and fines, and improved resident end-user satisfaction and engagement.



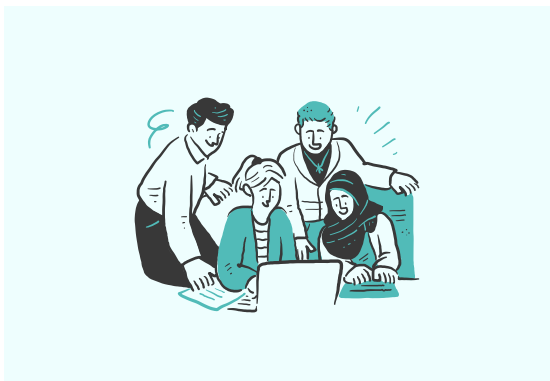
Ongoing Compliance

Ensure your government puts forth its best effort to comply with the latest Section 508 and ADA requirements on an ongoing basis, designate an internal resource for digital compliance management, and follow these best practices:



Build

Build an initial website with the help of a professional with expertise in government website design and proven experience designing from WCAG 2.2.



Train

Ensure everyone on your team responsible for updating your website has been trained on the latest requirements and how to use your CMS's tools and features to meet accessibility standards. Your website design provider should assist with initial and ongoing training.



Ask your CMS Provider About the Frequency of its Codebase Updates

Your CMS should evolve for ongoing compliance; ask any CMS provider you may work with how frequently it updates its codebase; if the answer is “not at all” or “not frequently,” seek out an alternate provider that will help you remain compliant.



About CivicPlus®

Thousands of high-performing civic leaders rely on CivicPlus® as their trusted partner for Impact-Led Government. With CivicPlus, leaders can finally overcome the perpetual tradeoff between the demand for better services and the realities of operational resources, leveraging the unique Civic Impact Platform to deliver both unmatched end-to-end automated efficiency and truly unified, delightful residence experiences.

Backed by over 25 years of experience and leveraging the insights of more than 900 team members, our solutions are chosen by over 10,000 organizations and are used daily by over 340 million people in the U.S. and Canada. For more information, please visit civicplus.com.