

# Digital Accessibility Regulations & Standards

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November 15, 2024

# ADA Title II Regulation

Digital Accessibility for State & Local Governments

# Disclaimer

Content in this presentation is for informational purposes only and should not be considered legal advice.

# Americans with Disabilities Act (ADA)

- July 26, 1990: Pres. George Bush signed as law
  - Prohibits discrimination against people with disabilities
- 1996: Clarified ADA includes digital resources
- April 2024: Title II applies to state/local governments
  - Regardless of whether they receive Federal financial assistance
- Extends Section 504 of the Rehabilitation Act of 1973
  - Prohibition of discrimination established (originally federally-funded programs)

# Title II of ADA Regulation/Rule

- Requires state and local governments to provide equal access to their programs, services, and activities for people with disabilities
  - [Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities](#)
- Applies to all web content and mobile applications (“apps”)
- Establishes specific requirements
- Includes a technical standard (WCAG 2.1 AA)
- Provides clarity about ADA compliance

# Web Content Definition

*“The information and sensory experience communicated to the user by means of a user agent (e.g., a web browser), including code or markup that defines the content’s structure, presentation, and interactions.”*

Examples: text, images, sounds, videos, controls, animations, and conventional electronic documents.

# Requirement: Technical Standard

- Adopts internationally-recognized [Web Content Accessibility Guidelines \(WCAG\) 2.1 Level AA](#) as a minimum
- Applies to all web content and mobile apps
- Includes when a state or local govt. has an arrangement with a third party who provides or makes available web content for them

# Compliance Dates

Public Entity Size	Compliance Date
Less than 50K persons	April 26, 2027
Special district governments	April 26, 2027
<b>50K or more persons</b>	<b>April 24, 2026</b>



# Limited Exceptions

1. Archived web content
2. Pre-existing conventional electronic documents
3. Some third-party content
4. Individualized documents that are password-protected
5. Pre-existing social media posts

# Exception: Archived Web Content

- Web content that meets **all four** of the following does not need to meet WCAG 2.1 AA compliance:
  1. Created before compliance date, **and**
  2. Retained exclusively for reference, research, or recordkeeping, **and**
  3. Kept in a specially-marked area for archived content, **and**
  4. Not altered or updated after the date of archiving.

# Exception: Pre-existing Conventional Electronic Documents

- Documents that meet **both** of the following do not need to meet WCAG 2.1 AA compliance:
  1. Documents are word processing, presentation, PDF, or spreadsheet files, **and**
  2. Available on the state or local government's website or app before the compliance date.
- **Exception does *not* apply when:**
  - Documents are currently used to apply for, access, or participate in a state or local government's services, programs, or activities.

# Exception: Content Posted by Third Party

- Content posted by a third party where the third party is **not** posting due to contractual, licensing, or other arrangements with a public entity.
- **Exception does *not* apply when:**
  - Third-party content posted by the state or local government.
  - Content posted by a state or local govt.'s contractor or vendor.
  - Tools and platforms that allow third parties to post content.

# Exception: Individualized Documents that are Password-Protected

- Documents that meet **all three** of the following points do not need to meet WCAG 2.1, Level AA:
  1. The documents are word processing, presentation, PDF, or spreadsheet files, **and**
  2. The documents are about a specific person, property, or account, **and**
  3. The documents are password-protected or otherwise secured.

## **Exception: Pre-existing Social Media Posts**

- Social media posts made by a state or local government **before** the compliance date do not need to meet WCAG 2.1, Level AA.

# Exceptions Do Not Change

- Must provide individuals with disabilities with
  - Effective communication
  - Reasonable modifications
  - An equal opportunity to participate/benefit
- Providing accessible formats to a user who requests them

# State of North Carolina

Digital Accessibility and Usability Standard





# State Standard: Digital-First Public Experiences

- Published April 2024
  - [State of North Carolina Digital Accessibility and Usability Standard](#)
- Applies to all NC state agencies' websites & digital services that are:
  - Maintained by an agency directly or by a contractor or other entity on behalf of an agency; and
  - Intended for use by the public
- Agencies encourage to also apply to internal-facing websites

# Standards Include

1. Accessibility Standards
2. Consistent Design & Brand Identity
3. Easy to Understand Authoritative Content
4. Discoverable and Optimized for Search
5. Security by Design & Default
6. User-Centered Design
7. Mobile-First, Responsive Design
8. Privacy
9. Digitization of Forms & Services

# Accessibility Standards

- Includes a technical standard (WCAG 2.1 AA)
- Testing for accessibility (automated and manual)
- Promote accessibility and welcome feedback

# Consistent Design & Brand Identity

- Official state website identifier (An official website of the State of North Carolina)
- Use of state government subdomain (*sitename.nc.gov*)
- Simplify user experience – minimizing interruptions such as pop-ups, modals, overlays, etc.
- Craft clear and friendly messages to build trust and ensure users feel comfortable using their website or service.

# Easy to Understand Authoritative Content

- One Answer
  - Remove outdated content
  - Retire duplicate websites and digital services
  - Avoid micro sites for marketing, advertising, and awareness campaigns
  - Get user feedback on content
- Plain Language
  - Write content in plain language for your intended audience
  - Use conversational tone
  - Avoid unnecessary “legalese”

# Discoverable and Optimized for Search

- Use on-site search functionality
- Well-structured for effective crawling and indexing
- Include descriptive metadata and machine-readable content
- Promote the “right” content – align with target audience
- Avoid jargon and unnecessary information

# Security by Design & Default

- Integrate application security in every phase
- Encrypt in transit: HTTPS (both internal and public-facing traffic)
- Support secure multi-factor authentication (MFA) for public-facing systems that require login
- Conduct security assessments and testing
- Allow users to report security issues

# User-Center Design

- Start with users' wants and needs
- Engage users throughout design and development
- Test with intended audience
- Make data-driven decisions
- Ensure language accessibility



# Mobile-First, Responsive Design

- Design mobile-friendly and device-agnostic
- Prioritize mobile-first experiences
- Test on mobile and tablet devices
- Optimize for performance

# Privacy

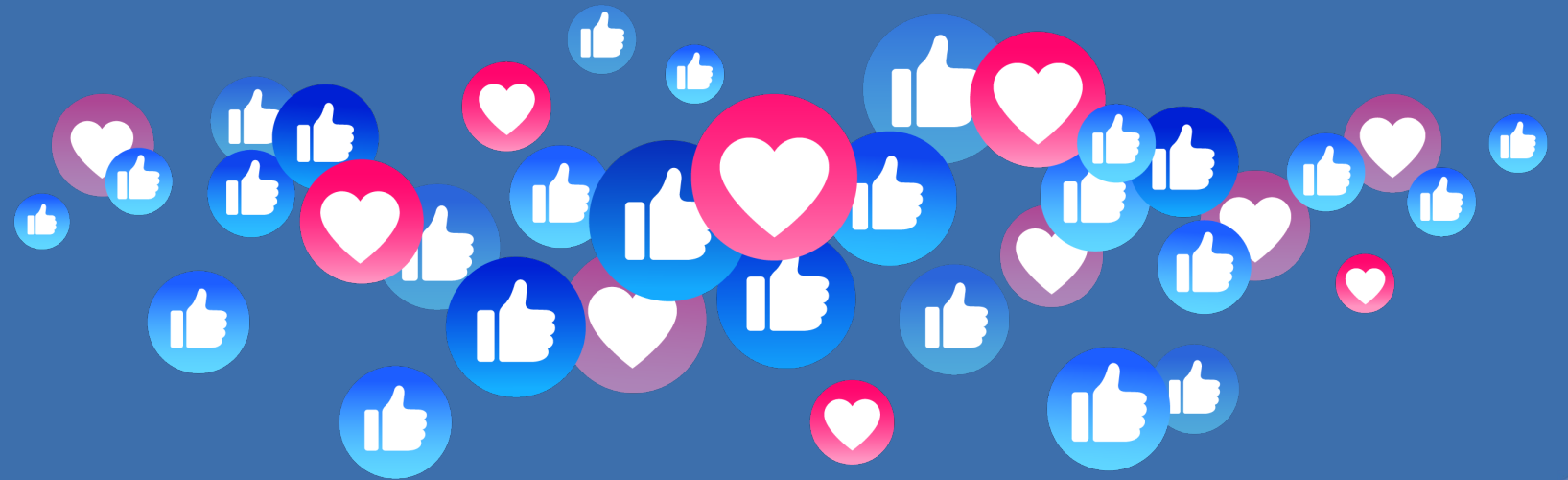
- Incorporate from the beginning and throughout the data and website lifecycle
- Post clearly visible privacy policy
- Clear communication about the collection, use, maintenance, and dissemination, of PII in accordance with state and federal laws and state policy

# Digitization of Forms & Services

- Provide a digital option for forms
- Design digital forms first as baseline for paper
- Keep digital end-to-end

# Accessible Social

Creating Accessible Social Media Content



# Add Alternative Text (alt text) for Images

- Alt text allows people to visualize images when they can't see
- Assistive devices read alt text
- Describe image in its context
- Skip writing “image of” or “photo of”
- Transcribe text if image contains copy
- Be concise

# Add Video Captions

- Captions are crucial for users with hearing challenges
- Some platforms will automatically generate
  - Auto-generated captions should be edited for errors and punctuation as well as speaker and important sound identification

# Write Accessible Text

- Write in plain language
- Use abbreviations carefully
- nO aLtErNaTiNg cApS or ALL CAPS
- Don't replace letters with asterisks
- Write hashtags in Pascal Case
- Don't insert hashtags inline
- Put blocks of hashtags in separate comment
- Use inclusive language (gender neutral)

# Create Accessible Visuals

- Check your color contrast
- Don't depend on color to convey meaning
- Avoid animated images with flashing or excessive movement
- Don't add excessive text to images



# Emojis

- Use sparingly (< 3)
- Don't use as replacements for words
- Place at end of sentences
- Don't use as bullet points
- Use emojis, not emoticons
- Memes may be hard to describe the punchline through text alone.

# Stay Up-to-Date on Platform Accessibility Features

- It's important to be familiar with each platform's accessibility features and resources.
  - [Facebook Accessibility](#)
  - [Instagram Accessibility](#)
  - [LinkedIn Accessibility](#)
  - [TikTok Accessibility](#)
  - [Twitter Accessibility](#)
  - [YouTube Accessibility](#)

# N.C. Digital Accessibility Community of Practice

- Insights, expertise, and best practices
- Monthly cadence of presentations and online discussions
- Promotes culture of a11y and contributes to collective advancement at state level



Join the A11y CoP: [it.nc.gov/a11y-cop](https://it.nc.gov/a11y-cop)

# 10 Best Practices for Creating Accessible Content

[nc.gov/digital-accessibility](https://nc.gov/digital-accessibility)



**Questions?**



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