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municipal websites

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 municipality. 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.
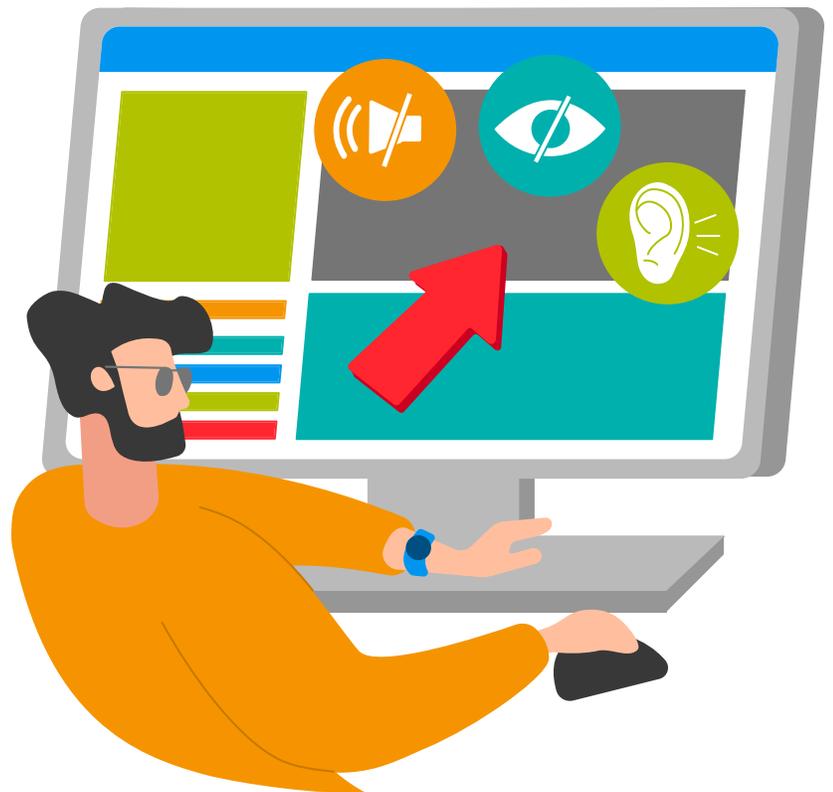
Background: The Americans with Disabilities Act (ADA) and Section 508

The Americans with Disabilities Act and the Rehabilitation Act of 1973 generally require that state and local governments provide qualified individuals with disabilities equal access to their programs, services, or 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.

Section 508 Standards were created by The Architectural and Transportation Barriers Compliance Board (Access Board) and first published in 2000 in the Federal Register. These Standards apply to electronic and information technology developed, procured, maintained, or used by federal agencies. They contain technical criteria specific to various technologies 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 by all residents.

1973
- Rehabilitation Act (ADA)
- The U.S. only

1998
- Section 508 amendment
- Specifies electronic and IT accessibility

2006
- USAB formed TEITAC to review

2015
- USAB releases proposed rule

Today
- Ongoing DOJ lawsuits pending

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Accommodating Assistive Technology

Your government website should be designed to accommodate the use of assistive technology. According to the National Institute of Health, nearly one in five Americans, almost 57 million people—has a disability of some kind. Many individuals with a disability use assistive technology to assist them in utilizing computers and accessing digital content. Typical forms of assistive technology include screen readers, optical character recognition (OCR) software systems, magnification software, and voice recognition tools.

56.7 million Americans (nearly one in five) have some type of disability that impairs their online access, including:

- 8% of children under 15
- 21% of people 15 and over
- 50% of adults aged 65 and over
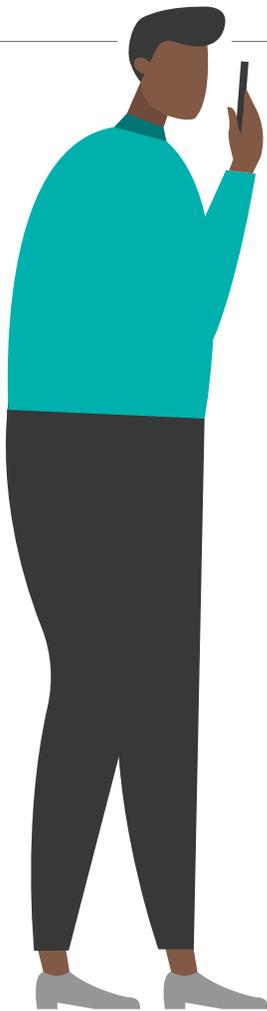
Non–Compliant Design Can Form a Barrier to Content

Websites must be optimized to work in conjunction with assistive technology. Poorly designed websites can create barriers for individuals with a disability, limiting or completely inhibiting their ability to obtain all available information from your website.

In addition, government leaders must understand that a website serves as the gateway to your community. Understand that accessibility prudence:

- Impacts 19% of your residents
- Increases site traffic
- Improves search engine optimization (SEO)
- Is a legal best practice

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What You Need to Know About the Latest 508 Compliance Requirements

Effective March 21, 2017, the latest 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. They replace product-specific language with functional-based requirements and connect the ADA's Section 508 with WCAG, creating a single, Internet-wide accessibility standard.

The Access Board has recently 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 the following:

- 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

WCAG 2.0 Success Criteria – Three Levels

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

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WCAG. Former Recommendations, Now Requirements

The final rule incorporates many voluntary consensus standards, including WCAG 2.0., which is issued by the World Wide Web Consortium's (W3C) Web Accessibility Initiative. Last updated in December 2008, WCAG 2.0 is a globally recognized, technology-neutral standard for web content. The final rule applies WCAG 2.0 not only to web-based content but to all electronic content. WCAG 2.0 addresses new technologies and promotes international harmonization as it is referenced by, or the basis for, standards issued by the European Commission, Canada, Australia, New Zealand, Japan, Germany, and France.

WCAG version 2.0 is a stable, referenceable technical standard for government website designers. WCAG 2.0 includes 12 guidelines organized under four principles: perceivable, operable, understandable, and robust. For each guideline, there are testable success criteria identified at three levels: A, AA, and 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. 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

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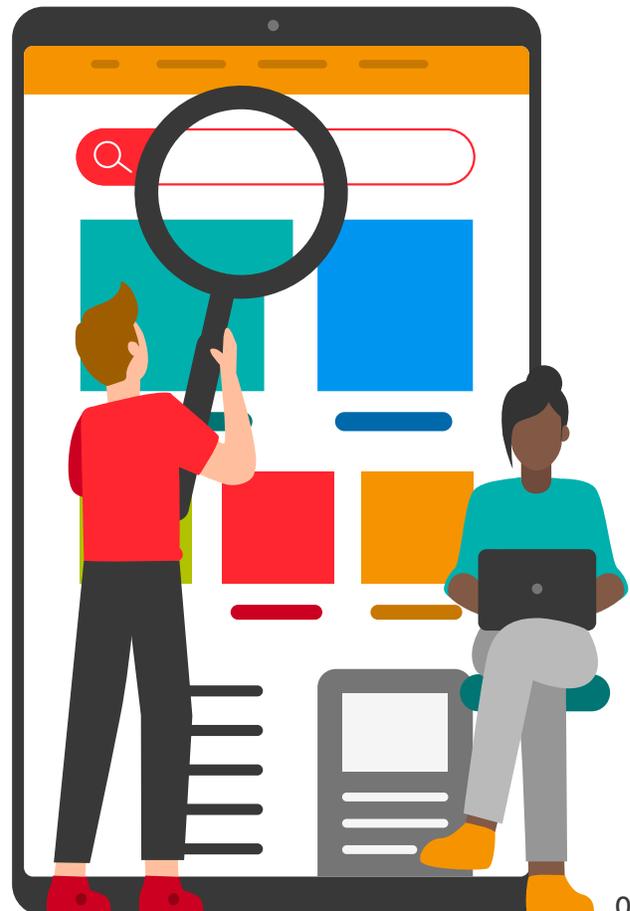
Content-Type Requirements

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

- Emergency notifications

- Initial or final decisions adjudicating administrative claims or proceedings

- Internal or external program or policy announcements

- Notices of benefits

- Program eligibility

- Employment opportunities or personnel action

- Formal acknowledgments or receipts

- Questionnaires or surveys

- Templates or forms

- Educational or training materials

- Web-based intranets

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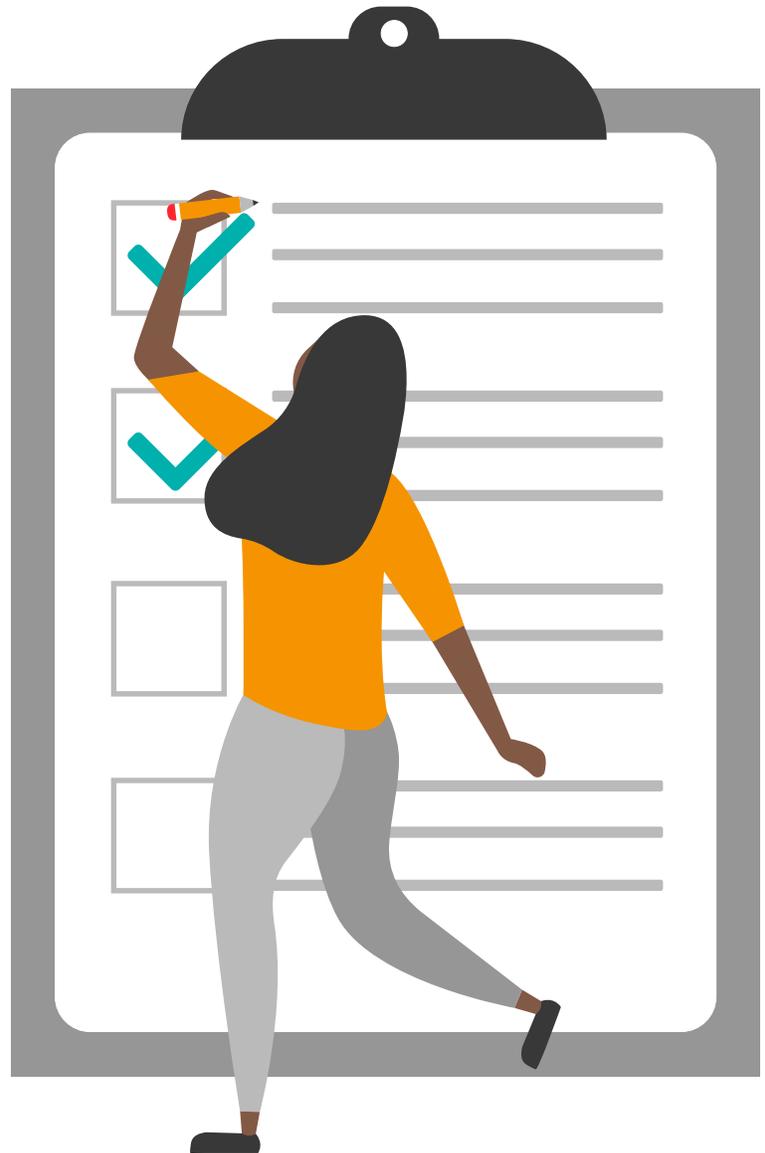
Tips for Compliance

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 your baseline compliance practices:

Headings and Titles

- Ensure all content uses relevant headers

- Title all pages so that they relate to the page's content

- Use resident-centric language rather than internal terminology

Text and Font

- 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

    - Avoid dense paragraphs of text

Tables

- Since 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, sketches, etc.

- 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, he'll assume it doesn't exist

- Consistency helps users find information faster

- Screen readers move from top to bottom

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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 violations. While some city and county governments have moved quickly to enhance their digital offerings to meet WCAG 2.0 A and AA guidelines, many 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 Municipal ADA Compliance Lawsuits

Any government leaders who believe non-compliance cannot put their administration at risk of financial penalties should know that lawsuits associated with digital ADA compliance are on the rise across the country. Municipalities are not only vulnerable to lawsuits from local residents who are seeking fair access. According to many reports, serial plaintiffs are browsing the Internet, seeking violations in a variety of public and private sector industries. Recently, municipalities have become easy targets for those searching for violations and seeking injunctive relief and even monetary damages. In 2019, a significant number of municipalities in Florida were under attack. For example, 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.

In October 2018, Orange County, Florida, settled a lawsuit filed by the resident, agreeing to make all its website content accessible to individuals with vision disabilities by 2022. Without admitting wrongdoing, the municipality also agreed to pay the plaintiff $19,000 to cover legal fees and damages. The Palm Beach County Clerk & Comptroller's office also settled a lawsuit with the same plaintiff for $9,500 over its County website. Martin County, Florida, reached a $16,000 settlement with the plaintiff in July, and St. Lucie County settled for $10,500. The list goes on.

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The Benefits of Automated Accessibility

Government websites typically include hundreds of pages of content. They are updated as frequently as daily 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 includes over 60 pieces of A and AA criteria that require ongoing compliance. How long would you anticipate it will take your municipality 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 that it is susceptible to error. 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, like the Internet itself, 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. In addition, achieving accessibility success.

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.

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Ongoing Compliance

Compliance is a continuum; however, it is essential to understand that websites constantly exist in a state of degrees of compliancy. Therefore, to 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 an expert with expertise in government website design and that has proven experience in designing from WCAG Levels A and AA

- **Train** – Ensure everyone on your team responsible for updating your website has been trained on the latest requirements and on how to use the tools and features of your CMS 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

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