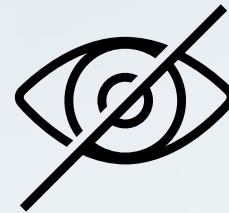


DOJ ADA Title II Rule: *Accessibility of Web Content & Mobile Apps* & HB2541: *Virginia's Information Technology Access Act*



Legal Impacts & Next Steps for Local Government

Title II ADA Rule on Accessibility of Web Content & Mobile Apps, April 24, 2024

What: Rule that sets **technical requirements** for state and local governments to follow to ensure their **websites and mobile apps** are **accessible to people with disabilities**.

When: **April 24, 2026**, for population 50k or more | **April 26, 2027**, for population less than 50k

Why: We provide many services, programs, and activities through websites and mobile apps. When these are not accessible, they can create barriers for people with disabilities.

WCAG

How: Using technical requirements called the [Web Content Accessibility Guidelines Version 2.1 Level AA¹](#) (or “WCAG 2.1 Level AA”).

- Use clear structure and **headings**.
- Text must have enough **contrast** with the background
- Avoid small text and fixed pixel sizes; allow **zooming** up to 200%.
- Ensure all menus, links, and buttons are reachable via the **Tab** key.
- Avoid color-only indicators:

A “Submit” button turns green when ready, but it also includes a **checkmark icon** and “Ready to Submit” text for users who can’t see color differences

Exceptions to Title II

1. Pre-existing archived web content
2. Pre-existing electronic documents
3. Content posted by an independent third party (the public)
4. Individualized documents that are password-protected
5. Pre-existing social media posts
6. If it would result in a fundamental alteration or undue burden

Conforming Alternatives

- May use a second version of the same web content that is accessible in very limited circumstances.
- Only when there is a technical or legal limitation that prevents them from being made accessible.

How ADA law works together

Section 508 sets the technology accessibility playbook (using WCAG).

Federal agencies and contractors

ADA Title II defines the legal obligation.

The 2024 DOJ rule codifies WCAG 2.1 AA as the national technical baseline.

HB 2541- “Virginia Information Technology Access Act”

Operationalizes compliance and expands the scope for Virginia.

HB2541 - Information Technology Access Act (Chief Patron: Delegate Tran)



Expands the existing IT Access Act: **Title 2.2 Chapter 35**

- Adds public school divisions to covered entity definition
- All information and communications technology
- Accessibility for all



Ties state law to federal laws for exemptions (ADA Title II & Sec. 508)

- Effective date matches ADA Title II final rule for websites and mobile applications (WCAG 2.1, Level AA)

April 24, 2026, for population 50k or more

April 26, 2027, for population less than 50k

HB2541- Information Technology Access Act

1. **Include contract clause for all renewal and new contracts** that requires vendors to certify any product procured is accessible or provide **Accessibility Conformance Report** with **Roadmap for compliance**.
2. **Report of any non-conforming ICT** (Information & Communications Technology) that is not exempted in federal regulations to the appropriate executive branch agency
 - Guidance on how to prioritize ICT by December 1, 2025.
3. Post name and contact information for a **designated Digital Accessibility Coordinator** to
 - Accept reports of inaccessible systems, develop and implements entity's digital accessibility policy which include the procedures for handling of non-compliance.

Legal, Financial and Reputational Risk

- **Civil or ADA liability** for inaccessible systems. Penalties can include:
 - Mandatory corrective actions and ongoing monitoring
 - Public reporting requirements
 - Reimbursement of plaintiffs' legal fees
 - Damages or compensation for harm caused by exclusion
- **Procurement risks if vendors don't comply.** If a vendor product is later found inaccessible:
 - The locality can be held responsible, not the vendor.
 - The system may need to be rebuilt or replaced at local cost.
 - The contract could be deemed non-compliant with procurement law or internal policy.

Recent Case Studies Illustrating the Risk (2025)

West Virginia University (WVU)

- WVU's digital course materials, videos, and online systems inaccessible to blind and deaf users.
- Suit seeks to require WVU to adopt policies & procedures to ensure accessibility and damages/attorney's fees.
- Key takeaway: Public institutions are liable even if third-party systems cause the inaccessibility.

Louisiana Website Accessibility Lawsuit moves forward even though Title II not yet in effect

- Filed under ADA Title II and Section 504, alleging that multiple state websites were inaccessible to screen readers.
- The lawsuit seeks both injunctive relief, attorney's fees, and costs for violations.
- Demonstrates that even state-level noncompliance can lead to costly litigation and negative public scrutiny.

1. Websites & Online Services

City websites designed with **screen reader compatibility** (proper HTML tags, alt text for images, ARIA labels).

Online forms (e.g., permit applications, public comment submissions) that can be navigated entirely by **keyboard** and which allow time limits to be turned off or adjusted.

Avoid scanned images (PDF) where possible or provide OCR

Contrast-compliant color schemes (e.g., dark text on light background) for readability by users with low vision.

Captions and transcripts for City Council meeting videos or public hearings.

Ensuring **third-party web apps** (e.g., bill payment portals) meet ADA/WCAG standards.

 *Example:*

If your city posts meeting agendas or PDFs, each document should be tagged properly so screen readers can interpret headings, lists, and tables.

2. Software & Internal Systems

These affect employees — particularly those with visual, hearing, cognitive, or mobility impairments.

Examples:

Software systems with keyboard shortcuts and screen magnification tools.

Payroll or HR systems that allow text resizing and are compatible with assistive technology like JAWS or NVDA.

Accessible dashboards that use icons, color + shape indicators (not just color alone) to communicate alerts.

Example:

An employee with a visual impairment can use the City's timekeeping system independently through assistive technology because it follows Section 508/WCAG standards.

3. Communications & Public Engagement

Accessibility includes **digital communications**, not just websites.

Examples:

Emails and newsletters that use structured text and alt text for all images.

Social media posts that include descriptive image text or captions.

Virtual meetings with **live captioning** (Teams, Zoom, or Webex) and **ASL interpreters** when requested.

Accessible kiosks or digital signage with voice output or tactile controls in public buildings.

Example:

Public information kiosks in libraries or community centers should include headphone jacks and text-to-speech options.

4. Procurement & Vendor Products

When purchasing or contracting technology, accessibility must be evaluated and documented.

Examples:

Requiring vendors to submit a vendor paid **Accessibility Conformance Report (ACR)** showing WCAG 2.1 AA compliance.

Ensuring third-party web apps (e.g., bill payment portals) meet ADA/WCAG standards.

Including accessibility testing in **acceptance criteria** before deployment.

Example:

When the City buys new financial or permitting software, the vendor must certify accessibility compliance and provide testing documentation.

5. Public-Facing Digital Tools

Accessibility directly impacts community engagement and trust.

Examples:

Online complaint or service request systems compatible with screen readers and voice navigation.

Interactive GIS maps (e.g., zoning maps) that have text-based search and accessible legends.

Mobile apps with adjustable font sizes, high contrast modes, and speech-to-text input.

Digital forms for utilities or recreation programs that can be completed using assistive technology.

Example:

Your city's "Report a Problem" app allows residents to dictate reports via voice and provides feedback in text and audio.

6. Physical-Digital Interfaces

These bridge the physical and digital environments.

Examples:

Accessible voting machines with audio instructions and tactile keypads.

Touchscreen kiosks with height-adjustable screens.

Transit apps that provide voice output for visually impaired users.

Wayfinding apps in public buildings that give spoken directions.



Example:

A touchscreen kiosk in the permit office includes a tactile button that triggers spoken guidance for visually impaired visitors.

Roadmap to Accessibility Compliance

- Inventory**



Know what technology you have before you can fix it.

- Assess**



Prioritize public-facing and high-risk systems first (further guidance coming Dec. 1).

- Remediate**



Work with IT and vendors to correct gaps.

- Train & Govern**



Accessibility must be part of every procurement and project.

- Monitor & Report**



Continuous improvement prevents regression and demonstrates compliance.

Action Plan for Virginia Local Governments

Phase 1 – Assessment (2025)

- Inventory all websites, apps, PDFs, forms, and vendor systems.
- Identify accessibility gaps using WCAG 2.1 AA audit.
- Establish a Digital Accessibility Coordinator role.
- Begin updating procurement templates to require ACRs and remediation plans.

Phase 2 – Policy & Procurement (2025)

- Draft and adopt a **Digital Accessibility Policy** covering internal ICT and public facing content.
- Create a standard ACR review process and maintain records.
- Add accessibility requirements to IT contracts and RFP boilerplates.

Action Plan for Virginia Local Governments cont.

Phase 3 – Implementation (2025–2026)

- Remediate high-risk systems and documents first (e.g., public forms, e-services).
- Establish staff training on accessible documents and content creation.
- Publish contact info for accessibility concerns and log complaints.
- Track progress toward WCAG 2.1 AA compliance by April 2026 or April 2027.

Phase 4 – Ongoing Compliance

- Annual self-audit or third-party audit.
- Maintain training and policy review cycle.

THANK YOU!

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Legal references: ADA.gov (2024 Title II Final Rule); LIS.Virginia.gov (HB 2541).

<https://www.ada.gov/resources/title-ii-primer/>

<https://www.ada.gov/resources/web-rule-first-steps/>

<https://www.ada.gov/resources/web-guidance/>

<https://www.ada.gov/resources/2024-03-08-web-rule/>

Practical Checklist: Online Electronic Documents

Use properly structured source documents

- Use heading styles (H1, H2, etc.), lists, tables, meaningful hyperlink text, alt text for images, proper reading order, etc.
- Then convert/export to PDF or other formats in a way that preserves structure and accessibility.

Ensure PDF accessibility

- Tagged PDF structure, reading order, alt text, document language metadata, accessible tables, form fields if present, etc.
- Avoid scanned images where possible; if using scanned content, provide OCR and correct reading order.

Practical Checklist: Online Electronic Documents cont.

Color, contrast, and text alternatives

- Ensure sufficient contrast between text and background.
- Provide text alternatives (alt text, captions, transcripts) for non-text content (images, charts, audio, video).
- Don't rely on color alone to convey meaning.

Navigation & usability

- Documents should support keyboard navigation (tab order, focusable elements) where applicable.
- Use clear structure (e.g. headings, bookmarks, table of contents) so that assistive technology users can navigate.