




# Accessibility: New Rule

For Web Content and Mobile Apps

Technology Planning and Policy Council

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# The Context:



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There have been regulations from the Justice Department that require accessible content on websites and mobile applications (per the Americans with Disabilities Act) for many years. The Justice Department has just published (April 2024) specific rules for compliance with those regulations. This provides useful guidance, and it also sets in motion a 2-year timeline for compliance.

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Meeting these standards are a legal requirement, but they are also part and parcel of our district and college missions to promote equitable access, support, and success to our diverse students. Accessibility of our web content, both instructional and broadly informational, is foundational to our goals and our mission. To be equitably served by us, our students and community members must be able to access our content equitably.

# Requirement:

- **The Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA is the technical standard**
- [The Web Content Accessibility Guidelines](#)
- [Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps](#)



# Exceptions:

## 1. Archived web content

- Web content that meets **all four** of the following points would not need to meet WCAG 2.1, Level AA:
  - The content was created before the date the state or local government must comply with this rule, or reproduces paper documents or the contents of other physical media (audiotapes, film negatives, and CD-ROMs for example) that were created before the government must comply with this rule, **AND**
  - The content is kept only for reference, research, or recordkeeping, **AND**
  - The content is kept in a special area for archived content, **AND**
  - The content has not been changed since it was archived.

# Exceptions:

## 2. Preexisting conventional electronic documents

Documents that meet **both** of the following points usually do not need to meet WCAG 2.1, Level AA, except in some situations:

- The documents are word processing, presentation, PDF, or spreadsheet files; **AND**
- They were available on the state or local government's website or mobile app **before** the date the state or local government must comply with this rule.

HOWEVER:

- Documents that are currently being used to apply for, access, or participate in a state or local government's services, programs, or activities do not fall under the exception even if the documents were posted before the date the government has to comply with the rule.

# Exceptions:

## 3. Content posted by a third party where the third party is not posting due to contractual, licensing, or other arrangements with a public entity

- **Example:** A message that a member of the public posts on a town's online message board would probably fall under the exception

### NOT COVERED BY THIS EXCEPTION

- **Example:** Many state or local governments post content on their websites that is developed by an outside technology company, like calendars, scheduling tools, maps, reservations systems, and payment systems.
- **Example:** If a state or local government uses a company to design, manage, or update its website.
- **Example:** If the state or local government has a message board platform on its website, that platform would **not** fall under the exception.

# Exceptions:

## 4. 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:

- The documents are word processing, presentation, PDF, or spreadsheet files, **AND**
  - The documents are about a specific person, property, or account, **AND**
  - The documents are password-protected or otherwise secured.
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- **Example:** A PDF version of a water bill for a person's home that is available in that person's secure account on a city's website would probably fall under the exception. However, the exception does not apply to the city's website itself.

# Exceptions:

## 5. Preexisting social media posts

- social media posts made by a state or local government before the date the state or local government must comply with this rule do not need to meet WCAG 2.1, Level AA.

However:

The ADA requires that state and local governments must provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from their services, programs, and activities.

- **Example:** If an individual who is blind requests access to a picture a city posted on social media in 2023, the city could provide effective communication by providing an alternative text description of the image to the individual.

# A Note On Alternative Versions

- Sometimes a state or local government tries to have two versions of the same web content or content in a mobile app: one version that is not accessible and another version that is accessible and provides all the same information and features. The second version is called a “conforming alternate version.”
- Under the rule, state and local governments may use conforming alternate versions as an alternative to inaccessible content only in very limited circumstances. State and local governments are allowed to do this only when there is a technical or legal limitation that prevents inaccessible web content or mobile apps from being made accessible.