

Understanding DOJ's New Rule on Digital Accessibility

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Purpose of the ADA: Civil Rights

The ADA is a civil rights law that:

- Prohibits discrimination
- Ensures equal access to goods and services
- Promotes access in areas of public life



The Five Titles of the ADA

Title I: Employment

Title II: State and Local Government (Public Entities)

- **Public schools/universities, state and local courts, public libraries, public transit agencies, public hospitals and clinics**

Title III: Public Accommodations (Businesses and Non-Profits)

Title IV: Telecommunications

Title V: Miscellaneous

Digital Spaces and the ADA

1990 - ADA enacted

1993 - World Wide Web launched into public domain

DOJ's position: State/local government websites are covered by Title II

[2003 Technical Assistance Guide](#): Website Accessibility Guide for Title II entities

[2010 ANPRM](#): “There is no doubt that the websites of state and local government entities are covered by Title II of the ADA.”

[2024 New Rule on the Accessibility of Web Content and Mobile Apps](#)

DOJ's New Rule at a Glance

- Establishes a consistent accessibility standard
- Applies to web content and mobile applications
 - Payment portals
 - Agency websites (court websites, school websites, library website)
 - Transit apps
 - Reservation or scheduling tools
- Uses the internationally recognized [WCAG 2.1 Level AA standard](#)

Exceptions to the Ruling

1. Archived web content
2. Preexisting conventional electronic documents
3. Content posted by a third party that does not have a contract, license, or other arrangement with the public entity
4. Individualized documents that are password protected
5. Preexisting social media posts

Remember: Effective communication and reasonable modifications still apply

Who must comply?

State and Local Governments (Title II Entities):

- Public Transit Agencies
- City Governments
- County Governments
- Public Schools
- Public Libraries
- Contractors that provide public services on behalf of the state/local government

Compliance Timelines

Population-based compliance dates:

- Total population **equal to or greater than 50,000 April 26, 2027**
- Total population **less than 50,000 April 26, 2028**

Don't wait until the deadline to start!

Access in the Digital Age

We are increasingly reliant on online spaces for information!

- Complete transactions, pay bills, create accounts
- Participate in public and civic life
- Request services and accommodations
- Important information about services and programs

Digital access has become integral part of services, programs, and activities

Thank you!

- For questions about how the ADA applies to digital accessibility and compliance, please contact: Kaitlin Spidell, nwadactr@uw.edu
- Questions about the ADA? Contact your regional ADA Center!
 - Phone: 1-800-949-4232

DIGITAL ACCESSIBILITY

Overlays fail the communities they serve

Oregon ADA Celebration

2026

Presented by



With you today

The team for this part of the session.



Julian De Los Prados

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Entities of all sizes are under pressure



Tight budgets

Rarely any dedicated accessibility funding.



Thin staffing

Often no in-house accessibility expertise.



A real deadline

Compliance lands in April 2027 and 2028.



Marissa Hirt

Digital Marketing and Accessibility Specialist

Tests with assistive technology

ON ACCESSIBILITY OVERLAYS

What an overlay misses in everyday use.



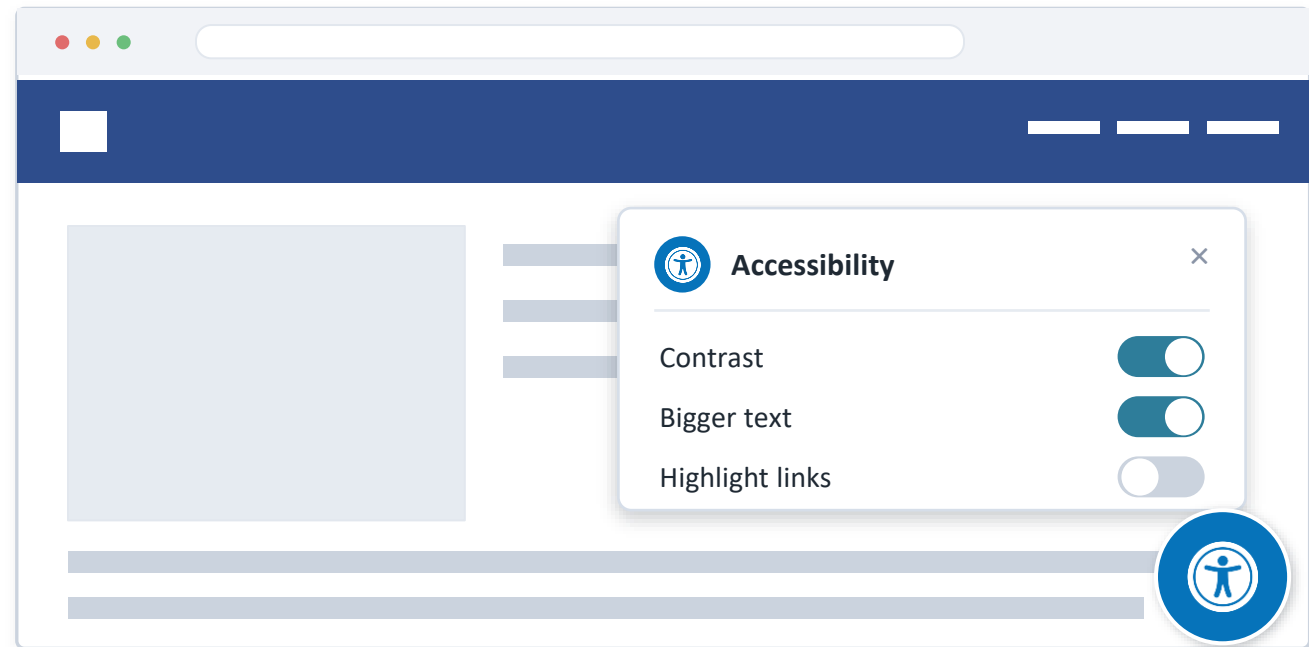
What an overlay actually is

A widget that loads on top of your page.

WHAT IT DOES HELP

Some users can resize text, boost contrast, or add spacing.

A preference menu — not a fix to the page.



Overlays can make access worse

The bigger risk isn't missing barriers — it's adding new ones.



They fight real assistive tech

The overlay's own code can clash with the screen reader someone already uses.



They can trap keyboard users

Injected menus and focus jumps can strand someone mid-page.



The widget gets in the way

The floating button can cover content or intercept commands.

A scan is a first pass, not the finish line

Automation catches real problems — just not most of them.

It reliably tests about 16 of 50 WCAG 2.1 AA success criteria — roughly 30%.

What a scan reliably catches

- ✓ Missing alt attributes
- ✓ Low color contrast
- ✓ Missing form labels
- ✓ Missing page language

What still needs a person

- 👤 Whether alt text is meaningful
- 👤 Whether the reading order makes sense
- 👤 Whether every control works by keyboard
- 👤 Whether errors and labels are clear

Sources: W3C · Deque · WebAIM

When “compliant” is just a claim

\$1M

FTC penalty

accessiBe

accessWidget overlay

Complaint · Jan 2025

Final order · Apr 2025

What the FTC found



The compliance claims didn't hold up

The FTC called them “false, misleading, or unsubstantiated.”



It failed on the basics

Navigation menus, form fields, and image descriptions.



It disguised paid reviews

Paid endorsements were presented as independent opinions.

What the DOJ rule signals



The bar is WCAG 2.1 Level AA

The site's own content must meet the standard, not a script layered on top of it.



There is no overlay safe harbor

The rule never says installing a widget counts as conformance.



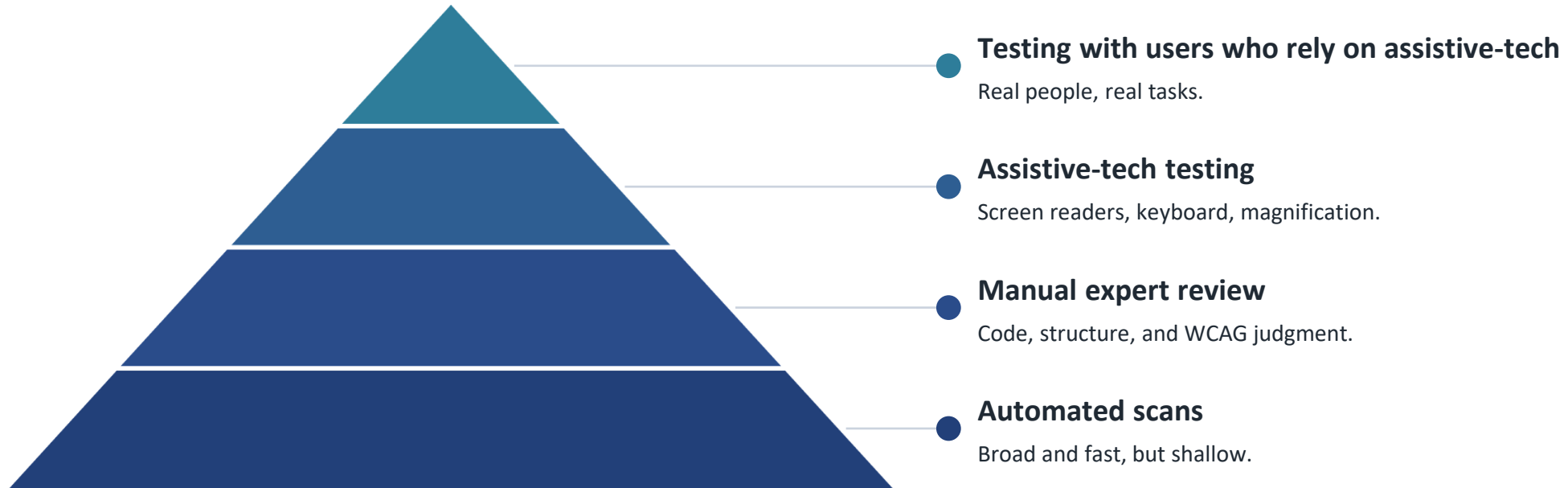
Real access is the test

Even a conforming site still owes effective communication and reasonable modifications.

U.S. Department of Justice, ADA Title II web rule (2024) · [ada.gov](https://www.ada.gov)

How accessibility actually gets tested

Each layer catches what the one below it can't.



What sustainable accessibility takes



Ongoing manual review

Checking the work on a schedule, not a one-time scan.



Assistive-tech testing

Screen readers and keyboards, the way people navigate.



A responsive grievance process

Report a barrier and reach a human who resolves it.



People with disabilities involved

Throughout building and evaluating, not just at the end.

Where to start

1

Try one core task with a screen reader and keyboard

Pick your most-used service and use a keyboard to navigate instead of your mouse.

2

Fix the basics on your top pages first

Form labels, alt text, real headings, and keyboard access.

3

Give people a real way to report a barrier

A monitored contact that reaches a human who follows up.

4

Don't rely on widgets and addons alone

Keep the preferences if users like them; remediate the source.

Thank you!

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