Americans with Disabilities Act
Title II Web and Mobile Accessibility Information and Action Steps

On April 24, 2024, the Americans with Disabilities Act Title II Final Rule was published in the Federal registry. The Americans with Disabilities Act Title II update includes the following digital content types that would be obligated to meet the Web Content Accessibility Guidelines version 2.1 level A and level AA accessibility requirements:

1. All internally created web pages
2. All internally created documents in Word, PDF, PowerPoint and excel formats
3. All internally created mobile apps
4. All procured external web and mobile applications and documents
5. All external pages linked from internal pages that contain content related to the state and local entities

The Title II update stipulates that state organizations and larger municipalities with more than 50,000 residents have two (2) years (April 2026) to conform to and comply with this ruling on an ongoing basis. Small municipalities and government entities with a population less than 50,000 have three (3) years (April 2027) to conform to and comply with this ruling on an ongoing basis.

The following digital content types would qualify for an exception to the technical accessibility requirements:

1. Archived web content that has not undergone any updates or changes and is used for record keeping or research
2. Social media postings prior to the final rule published date of April 24, 2024
3. Existing documents created prior to the final rule published date of April 24, 2024
4. Password protected personal documents or documents containing personal identifiable information
5. Third-party voluntary content postings

If any of this content is updated or modified, the accessibility conformance and compliance requirements would apply with the exceptions of personal password protected documents and third-party voluntary content posts. If content that falls under the exception is consumed by an individual who requires an accommodation, an accessible alternative version of the content must be provided within reasonable time. Alternative forms of content are permitted under extenuating circumstances if there are no legal or technical limitations preventing equal access to the original digital content.

Prioritized action steps to take now

1. Identify outdated, unneeded, or trivial content and remove from Mass.gov or any other state websites
2. Create accessible internal pages using Mass.gov templates and provided instructions
3. Test all webpages, web applications, and mobile applications using automated tools and manual testing
4. Ensure that procurements are accessible using contract language and required testing
5. Create accessible documents and additional forms of communication such as email and press releases
6. Create accessible social media posts

General accessibility information and support resources

- Web accessibility perspectives: https://www.w3.org/WAI/perspective-videos/
- Commonwealth of MA enterprise IT accessibility policy: https://www.mass.gov/policy-advisory/enterprise-information-technology-accessibility-policy
- MOD's accessibility consulting: https://www.mass.gov/info-details/accessibility-consulting-for-commonwealth-agencies
- MOD's Digital Accessibility and ADA Compliance Training Recording: https://youtu.be/vQyZS2CZN4E?feature=shared
- Consult with the EOTSS central accessibility team: https://www.mass.gov/orgs/accessibility-center-for-consulting-education-and-support-services

Archived content

One of the major exceptions to the Final Rule applies to archived content. The Final Rule stipulates that archived content that is not being used and is designated as archived for research or record-keeping purposes does not need to be made accessible unless an individual with a disability requests an accommodation for this type of content in an alternative format.

What to do now: Identify all content that would be considered archivable and designate it as such either by indicating it as archive on a web page or creating a separate archive repository.

Helpful resources:

- Content inventory guidance: https://massgov.sharepoint.com/sites/TSS-MassGov-Knowledge-Base/SitePages/Taking-inventory-of-your-content.aspx
- Orphaned page and document reports: https://massgov.sharepoint.com/sites/TSS-MassGov-Knowledge-Base/SitePages/Orphaned-pages-%26-documents.aspx

Internal websites including mass.gov and agency specific pages

The Title II ruling requires that all web pages created internally (mass.gov and agency-specific pages) must be accessible with continuous testing and timely remediation for discovered defects.

What to do now:

- Follow the guidance in the procurement section for web pages and web sites provided by a vendor.
- Identify any individuals inside your organization that create content or develop web pages or websites and have them install an accessibility testing tool listed in the resources section to test, identify, and address accessibility defects for remediation.
- Perform some basic manual accessibility testing using keyboard, browser zoom and color contrast checker on web pages.
- Use the EditoriA11y content checker tool for Drupal for Mass.gov content authors and following these instructions on creating accessible and inclusive content on Mass.gov.

Helpful resources:

- WAVE extension: https://wave.webaim.org/extension/
  - WAVE Help: https://wave.webaim.org/help
  - Web Accessibility Evaluation Guide for WAVE: https://webaim.org/articles/evaluationguide/
- ANDI bookmarklet: https://www.ssa.gov/accessibility/andi/help/install.html
  - ANDI Guide (tutorial): https://www.ssa.gov/accessibility/andi/help/howtouse.html
- Color Contrast checker: https://webaim.org/resources/contrastchecker/
- Editoria11y content checker accessibility tool: https://www.drupal.org/project/editoria11y
- Keyboard testing and additional testing information: https://www.mass.gov/news/keyboard-accessibility-a-fundamental-component-of-digital-accessibility
- WebAIM page evaluation guide: https://webaim.org/articles/evaluationguide/
- Simple page tests: https://www.w3.org/WAI/test-evaluate/easy-checks/

Procurement accessibility

The Title II Final Rule includes accessibility obligations for vendors provided web and mobile applications and supplemental instructional or documentation materials. Vendors must comply with Web Content Accessibility Guidelines version 2.1 levels A and AA.

What to do now:

- Include the Commonwealth's Accessibility Contract Language for IT Solutions for new contracts and for contract renewals (this is mandatory)
- Identify all third-party provided applications for web and mobile and identify if they have undergone any accessibility testing
- Ensure that all applications that are launched new or continuously updated by the vendor are tested for accessibility and that all findings are remediated by the vendor

Helpful resources:

- Accessibility Contract Language for IT Solutions: https://www.mass.gov/info-details/accessibility-contract-language-for-it-solutions

- Commonwealth accessibility requirements for IT procurements and supplemental materials: https://www.mass.gov/guides/it-acquisition-access-compliance-program
- EOTSS Contract Management templates for RFQs and SOWs for IT services, Software and SaaS: https://massgov.sharepoint.com/sites/TSS-Contract-Mgmt/Templates/Forms/AllItems.aspx
- Accessibility vendor statewide contract ITS61: https://www.mass.gov/info-details/statewide-it-accessibility-services-contract-its61

Document and communications accessibility

Document types including Word, PDF, PowerPoint and Excel must be made accessible if created after April 24, 2024. Documents created prior to April 24, 2024, must be made accessible if they are currently being used and consumed by stakeholders as part of an activity, program or service.

What to do now:

- Identify internal and publicly available digital documents in Word, PDF, Excel and PowerPoint that are actively used and retroactively make these documents accessible.
- When creating new documents in Word, PDF, Excel and PowerPoint, test each file for accessibility and address any errors before finalizing.
- Make sure anyone who creates documents is trained in accessible document practices so that documents don't have to be remediated by someone else prior to publication online.
- Test accessibility and remediate errors for emails going forward.

Helpful resources:

- Microsoft Accessibility Checker (Word, Excel, PowerPoint, Outlook, OneNote): https://support.microsoft.com/en-us/office/improve-accessibility-with-the-accessibility-checker-a16f6de0-2f39-4a2b-8bd8-5ad801426c7f
- Guidance on Applying WCAG 2 to Non-Web Information and Communications Technologies (W3C): https://www.w3.org/TR/wcag2ict-22/
- Learn how to make and test accessible documents:
  - Foundational principles to help make electronic documents accessible: https://www.mass.gov/info-details/foundational-principles-to-help-make-electronic-documents-accessible
  - Accessible Electronic Documents: https://mn.gov/mnit/about-mnit/accessibility/electronic-documents/
  - Document accessibility training modules produced by State of Minnesota: https://mn.gov/mnit/about-mnit/accessibility/training/
  - Create accessible MS Word documents: https://support.microsoft.com/en-us/office/make-your-word-documents-accessible-to-people-with-disabilities-d9bf3683-87ac-47ea-b91a-78dcacb3c66d
  - How to create accessible PDF forms: https://www.csun.edu/universal-design-center/pdf-form-accessibility

- o Make documents accessible: https://massgov.sharepoint.com/sites/TSS-MassGov-Knowledge-Base/SitePages/Creating-accessible-content.aspx#make-documents-accessible
- Microsoft Outlook email accessibility: https://support.microsoft.com/en-us/office/make-your-outlook-email-accessible-to-people-with-disabilities-71ce71f4-7b15-4b7a-a2e3-cf91721bbacb
- Mailchimp email campaign accessibility: https://mailchimp.com/help/accessibility-in-email-marketing/
- Constant Contact email campaign accessibility: https://knowledgebase.constantcontact.com/email-digital-marketing/articles/KnowledgeBase/36885-Creating-accessible-emails?lang=en_US
- Make your SharePoint site accessible: https://support.microsoft.com/en-us/office/make-your-sharepoint-site-accessible-to-people-with-disabilities-53707eb5-b7b8-4ee0-ae82-9d4d916f7fe1

Social media posts

Any social media postings that were created prior to April 24, 2024, do not need to be retroactively made accessible. Social media postings on all platforms created after April 24, 2024, need to be made accessible.

What to do now:

- Identify all social media platforms your organization uses
- Begin producing accessible social media posts today

Helpful resources:

- Accessible Social Quick Guide: https://www.accessible-social.com/quick-guide
- Creating accessible social media posts: https://www.bemyeyes.com/blog/accessible-social-media-posts
- Facebook Accessibility: https://www.facebook.com/help/273947702950567/?helpref=hc_fnav
- Threads: add custom alt text on a photo or video: https://www.threads.net/@threads/post/Cvu0EM7LP0l?hl=en
- X/Twitter Accessibility: https://help.twitter.com/en/using-x/accessibility-features
- LinkedIn Accessibility
  - o Add alternative text to images: https://www.linkedin.com/help/linkedin/answer/a519856/adding-alternative-text-to-images-for-accessibility?lang=en
  - o Add closed captions to videos: https://www.linkedin.com/help/linkedin/answer/a552177/
- Instagram Accessibility: https://help.instagram.com/308605337351503
- Flickr: Adding Accessible Content to Images (Illinois State University): Adding Accessible Content to Flickr Images | Help - Illinois State
- TikTok Accessibility: https://www.tiktok.com/accessibility/

- YouTube Accessibility
  - Add video captions and subtitles: https://support.google.com/youtube/answer/2734796
  - Edit captions and subtitles: https://support.google.com/youtube/answer/2734705
  - Create a video transcript: https://support.google.com/youtube/answer/2734799
- Vimeo Accessibility: https://vimeo.com/blog/post/accessibility-updates-to-the-vimeo-player/
- Canva
  - Canva accessibility features: https://www.canva.com/help/canva-accessibility-features/
  - Create and edit alt text for your images and elements: https://www.canva.com/help/using-alt-text/
  - Accessibility at Canva: https://www.canva.com/accessibility/
- Hootsuite accessibility resources
  - Hootsuite accessibility: https://www.hootsuite.com/accessibility
  - Social Media Accessibility (Hootsuite Blog): https://blog.hootsuite.com/inclusive-design-social-media/
  - Hootsuite Academy course on Diversity Equity and Inclusion (DEI) on social media: https://education.hootsuite.com/courses/dei-on-social-media
- Slack Accessibility: https://slack.com/accessibility
- Microsoft Teams Accessibility: https://support.microsoft.com/en-us/office/accessibility-tools-for-microsoft-teams-2d4009e7-1300-4766-87e8-7a217496c3d5

EOTSS next steps

Planning efforts

EOTSS is currently undertaking the accessibility strategic planning efforts to close accessibility gaps in our processes to buy and build accessible digital content. Additional internal guidance will be forthcoming pertaining to accessible document creation and testing, creating accessible social media and additional communication formats as well as training, testing and procurement requirements. Collaboration with the mass.gov team to identify documents and pages that need to be made accessible or identify content to be removed is also in the works and will continue to occur on an ongoing basis. Guidance and instructions will be provided by the Mass.gov team as soon as they are produced and vetted for accessibility

Compliance and Governance

EOTSS will be checking for accessibility issues as part of the domain policy. Temporary exemptions will only be allowed for very limited circumstances. ongoing testing and monitoring of internally produced web pages, documents/other communication formats and third-party applications by EOTSS accessibility central team staff will be conducted and a findings report will be provided to executive departments for issue remediation.

Noncompliance

Noncompliance with the ADA federal ruling increases the likelihood of the Commonwealth being involved with litigation over inaccessibility of digital content. This may result in further monitoring by the Department of Justice and additional external agencies to ensure accountability and responsibility for accessibility deliverables and objectives related to digital content. Additional ramifications from noncompliance may include expedited compliance deadlines that differ from those stated in the Final Rule as well as ongoing public scrutiny and financial penalties imposed by legal entities and external agencies.

Any third-party application purchased or currently in use will need to comply with WCAG 2.1 standards. Any vendor that demonstrates lack of cooperation to make their applications accessible or refuses to incorporate accessibility into their products and services will be put on notice for lack of compliance with federal mandates. This will result in possible contract nonrenewal or contract nullification.

Internal testing for accessibility using the tools and resources provided must be performed on mass.gov and agency-specific internally created web pages, documents and additional communications. If EOTSS monitoring reports generate numerous accessibility findings, teams will be obligated to address findings immediately and place accessibility remediation as top priority.