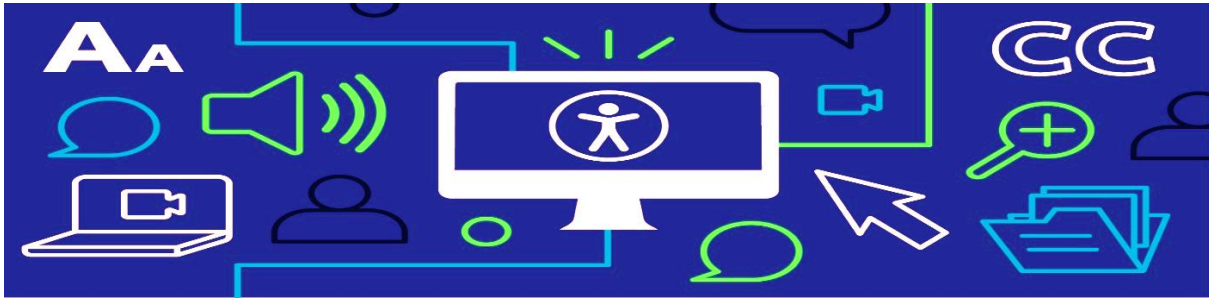


Department of Justice Final Rule Notice on Web Accessibility for State and Local Governments under Title II of the ADA



On April 24, 2024, the Federal Register published the [Department of Justice's \(DOJ\) Final Rule on Digital Accessibility](#), which updates its regulations for Title II of the Americans with Disabilities Act (ADA).

These new updates will have an impact on how we share digital information and require all state and local government entities to meet the [Web Content Accessibility Guidelines \(WCAG\) 2.1 Level AA](#).

State and Local Governments

State and local governments are required to achieve compliance with WCAG 2.1 – Level AA within a timeframe ranging from two to three years, depending on their population size. Since the Los Angeles Unified School District (the District) serves more than 50,000 people, the District will be required to comply with the final rule within two years from the effective date, or by April 24, 2026.

Digital Accessibility includes websites and mobile applications (apps) and requires these electronic formats to meet the WCAG 2.1 – Level AA technical standards for state and local governments. A *technical standard* says specifically what is needed for something to be accessible. For example, the existing [ADA Standards for Accessible Design](#) are technical standards that

say what is needed for a building to be physically accessible under the ADA, such as how many accessible parking spots are required in a parking lot or how steep a ramp can be.

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. When web content or content in mobile apps does not meet WCAG 2.1 – Level AA, a state or local government would likely still need to provide the content to a person with a disability who needs it in alternate formats.

There are limited exceptions for certain web content such as, archived web content, preexisting conventional documents, content posted by a third party, individualized, password-protected conventional documents, and preexisting social media posts. A website with inaccessible features can limit the ability of people with disabilities to access District programs, services and activities available through that website – for example, a parent trying to access their child’s grades online or read a flyer regarding an upcoming school event.

District’s Commitment to ADA Compliance

The District is committed to ensuring that the content on its website and web pages are readily accessible. The District’s website is designed to ensure that people with disabilities can effectively access, understand, navigate, and interact. This means many of the District’s web pages are compliant with Section 508 of the Rehabilitation Act of 1973. However, the website contains links to school sites, departmental, agency and third-party websites and features that may not be Section 508 compliant. Some existing content may meet only the minimum required compliance standards. The District will be resolving this by encouraging schools and departments to update their existing websites and continuing efforts to monitor and maintain acceptable

compliance levels. This may not include third-party websites since the District does not maintain or control these sites.

Achieving ADA Title II Compliance is not a one-time effort. To maintain compliance over time, the District is required to follow the WCAG 2.1 Level AA standard when making their Information and Communication Technology accessible to people with disabilities. This would include websites, online learning platforms, educational software, digital documents (like PDFs), and any other electronic resources. Using the recommended Content Management System (CMS), [Edlio](#), to create digital content will support the District's efforts to meet digital accessibility.

The District has legal obligations and is dedicated to creating a more inclusive digital environment for all individuals.

Procurement Accessibility

When procuring technology, it will be important to identify changes to contract language for procurement items such as educational software that we provide through the Unified Digital Instructional Procurement Plan (UDIPP). In some cases, contracts may be approved for longer periods than the two years that the District must comply with WCAG 2.1 Level AA, and vendors will need to be aware that this requirement will also extend to their services as well.

Contact the Procurement Services Division if you have questions about the process for purchasing technology or submit the [Technology Review Request Form](#). This form is used for requesting goods and services when there is a technology component known as "Information Communication Technology" (e.g., website and mobile apps, telecommunication, software, multimedia, printers, etc.). Submit a completed form to ITS at ITS-ReviewRequests@lausd.net.

ADA Training & Awareness

Completing the Annual ADA Title II Compliance Training and conducting regular web accessibility audits will reinforce the District's policies and procedures to ensure ADA awareness and compliance. Additionally, instructors and other web content creators should be knowledgeable on best practices for creating an accessible learning environment.

For further inquiries or specific guidance regarding the District's compliance, please contact the Office of ADA Compliance at ADA-info@lausd.net or call (213)241-4530. Please direct inquiries to the [Information Technology Services Web Team](#) for technical questions or access to the Edlio CMS.

FAQ: ADA Title II Compliance Final Rule

What is Title II of the Americans with Disabilities Act (ADA)?

[Title II of the ADA](#) requires state and local governments to make sure that their services, programs, and activities are accessible to people with disabilities. Title II applies to all services, programs, or activities of state and local governments, from adoption services to zoning regulations. This includes the services, programs, and activities that state and local governments offer online and through mobile apps.

Why did the Department of Justice (DOJ) set specific requirements for Web and Mobile App Accessibility?

State and local governments provide many of their services, programs, and activities through websites and mobile apps. When these websites and mobile apps are not accessible, they can create barriers for people with disabilities. This rule will help make sure people with *disabilities* have access to state and local governments' services, programs, and activities available on websites and mobile apps. This rule will also provide state and local governments with more clarity about what they have to do to comply with the ADA.

How does the ADA Amendment Act (2008) define "disability?"

The ADAAA and the final regulations define a disability using a three-pronged approach:

- a physical or mental impairment that substantially limits one or more major life activities (sometimes referred to in the regulations as an "actual disability"), or
- a record of a physical or mental impairment that substantially limited a major life activity ("record of"), or

- when a covered entity takes an action prohibited by the ADA because of an actual or perceived impairment that is not both transitory and minor ("regarded as"). [Section 1630.2(g)].

What are "major life activities?"

The final regulations state that major life activities include the operation of *major bodily functions* which can include seeing, hearing, eating sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, communicating, interacting with others, caring for oneself, performing manual tasks, and working.

Does an individual have to establish coverage under a particular definition of disability to be eligible for reasonable accommodation?

Yes. Individuals must meet either the "actual" or "record of" definitions of disability to be eligible for reasonable accommodation. Individuals who *only* meet the "regarded as" definition are not entitled to receive reasonable accommodation. Of course, coverage under the "actual" or "record of" definitions does not, alone, entitle a person to reasonable accommodation. An individual must be able to show that the disability, or past disability, requires reasonable accommodation. [Sections 1630.2(k)(3), 1630.2(o)(4), 1630.9(e)]

What is the compliance date for school districts?

Since LAUSD serves more than 50,000 people, the District will be required to comply with the final rule within two years from the effective date, or by April 24, 2026.

A school district is not a special district government. If it is a city school district, it would use the population of the city to know when to comply. If it is a county school district, it would use the population of the county. If it is an independent school district, it would use the population estimate in the most recent [Small Area Income and Poverty Estimates](#).

Table 1: This table shows how much time a state or local government has to comply with this rule.

State and local government size	Compliance date
0 to 49,999 persons	April 26, 2027
Special district governments	April 26, 2027
50,000 or more persons	April 24, 2026

Who has to follow the web and mobile app accessibility requirements in the rule?

As an LAUSD employee, *you* are required to create accessible web content to ensure effective communication and inclusion for individuals who are disabled. Documents or mass communication are widely distributed to LAUSD families and communities through electronic communication. Creating accessible content will not only reduce barriers and provide access for people with disabilities, but it will benefit everyone!

What Happens If a State or Local Government Has Failed to Meet WCAG 2.1, Level AA in a Minor Way?

In some limited situations, state and local governments may be able to show that their web content or mobile apps do not meet WCAG Version 2.1, Level AA in a way that is so minor that it would not change a person with a disability's access to the content or mobile app. If the state or local government can show that, then they are not violating the rule.

State and local governments cannot use this part of the rule to avoid trying to meet WCAG 2.1, Level AA. If a state or local government's web content does not fully meet WCAG 2.1, Level AA, there are many things the government would have to prove to show that they did not violate the rule.

What is “program accessibility?”

There are a number of federal and state ADA laws and regulations which require accessibility to the services, programs and activities provided by the District. This is referred to as ***Program Accessibility***, and the District’s goals for ADA compliance are outlined in the [Self-Evaluation and Transition Plan](#).

Program accessibility means all programs are readily accessible to students and others with disabilities so that they have equal access and an equal opportunity to engage in educational activities and events, just like other students and parents, etc.