

Summary of the Americans with Disability Act (ADA)

How it applies to your website.

On July 26, 1990, George W. Bush signed into law The Americans with Disabilities Act (ADA). The law is far-reaching and prohibits those with disabilities to be discriminated against. The Act is divided into four main sections, called Titles. Each Title addresses specific instances of how the law applies.

Title I: Employment - includes employers with 15 or more employees for federal, state, and local government and also applies to employment agencies and labor organizations.

Title II: State & Local Governments, Transportation and Public Services prevents government and other public agencies from denying service to people with disabilities. This includes all public entities such as state and local government and any of its departments, agencies and other instrumentalities. It includes those receiving funding of \$2500 or more from state and local governments, most schools, colleges, and universities. Unlike Section 504 of the Rehabilitation Act of 1973, which only covers programs receiving federal financial assistance, Title II extends to all the activities of state and local governments whether or not they receive federal funds.

Title III: Public Accommodations for places such as restaurants, hotels, doctor offices, grocery stores, schools, retail stores – any place that the public goes, may not discriminate on the basis of disability and must be made accessible. Accommodations must be made to remove any barriers if possible.

Title IV: Telecommunications must provide systems for those who are deaf such as TDD or similar devices with no additional charges being applied. Organizations must provide alternative methods of providing information that is easily usable and accessible to employees and consumers who are disabled.

How does the ADA pertain to your website?

With consumers now utilizing the Internet for everything from shopping, preparing their taxes, taking classes online, to doing their banking, Title III of the ADA has expanded from brick and mortar establishments to those who have a business on the Internet.

For those who use assistive devices, such as screen readers, Braille output devices, or interactive voiceover software and find the website is not accessible using their device, this may cause the user to leave the website, lodge a complaint or initiate litigation.

WCAG provides [short videos](https://www.w3.org/WAI/perspective-videos) explaining how many of these technologies work.

WCAG's video, "[Web Accessibility Perspectives](https://www.youtube.com/watch?v=3f31oufqFSM)" provides basic insight on Perspectives.

What parts of my website must be accessible?

Any text content, images, buttons, links, items for sale, documents, forms and any other types of content you offer must be made available to people who have disabilities.

W3C Web Accessibility Initiative published international guidelines on December 11, 2008, called Web Content Accessibility Guidelines (WCAG 2.0). On June 5, 2018, WCAG 2.1 which provides 17 additional success criteria to address mobile accessibility, people with low vision and people with cognitive and learning disabilities.

The guides are divided into four principles addressing specific areas of accessibility - P.O.U.R

- Perceivable
- Operable
- Understandable
- Robust

How people with disabilities utilize a website?

If you wear glasses or contacts, you are using assistive technology to be able to see properly. For those with visual impairments which require more than glasses, such as color blind, low vision and blind use special alternative views or may also use a screen reader.

For website users who are hearing impaired, closed captioning allows them the use of video and a downloadable transcription of audio can be provided.

People with a physical handicap which makes it impossible to use a keyboard use special equipment, such as head pointers, eye movement devices, text to speech can be used as well. People with blindness, dyslexia and other learning disabilities also use text to speech.

This is a very brief list of assistive technologies. Because of the needed behaviors of a website to work properly with assistive technologies, a website should follow the WCAG guidelines.

Who is enforcing the ADA?

Enforcement of the ADA is under the Department of Justice (DOJ). There is an increase in review of websites for non-accessibility to determine if the website is meeting accessibility requirements. Also, an increase in plaintiffs filing lawsuits which allege many businesses' websites are inaccessible.

What's the cost not having an accessible website?

Besides lost revenue from leaving out one out of every five potential consumer, users or prospects who could be purchasing your services if they had the capacity, there are also fines, lawsuit settlements, and attorney's fees for those who do not make their websites accessible.

The maximum penalty of the first violation that the DOJ imposes is \$75,000. For subsequent violations, it's \$150,000.

In 2017 alone, at least 814 federal lawsuits, including class actions were filed against companies who allegedly had inaccessible websites. Businesses such as Target, Winn Dixie, Home Depot all have been a Defendant in litigation. Target stores set a precedent in 2008 when it agreed to settle a \$6 million lawsuit alleging that its website was not accessible to the blind. In Florida, Winn Dixie was sued by Juan Gil, who is blind. The two-day bench trial found that the store was in violation of the ADA, ordered to update their website to be accessible and awarded reasonable attorney's fees. These 2 examples of a short list of businesses, cities, universities, schools and other organizations who have been a party to a lawsuit.

Why have an accessible website?

Besides being a law, giving equal access to everyone is a socially responsible thing to do. Providing those with disabilities a method of using the assistive devices for their particular disability gives them independence to perform everyday tasks.

The Internet is such a large part of everyday living and has made so many tasks quick and easy, such as online banking and shopping for just about anything, paying a utility bill on your city's website, viewing the hours you are open, ordering a pizza, enjoying a conversation on a social network to filling out a job application. The list is now endless. It's just the right thing to do.

How can you make your website accessible?

An understanding of the requirements set out by WCAG and how to implement them is the first step. You can view the WCAG 2.0 requirements in their "[How to Meet WCAG 2 \(Quick Reference\)](#)"

For those who are not up for the steep learning curve of what and how to implement the WCAG requirements, hiring an accessibility professional is the best choice. Get ADA works with businesses, schools and web agencies who have clients with accessibility needs.

- The process begins with an accessibility audit of your existing website to determine what errors are present.
- With an Accessibility Report in hand, your team or ours can then made the needed changes shown on the Accessibility Report. Post change, we again audit the areas initially found to have issues to confirm the needed changes are complete.

- Documents and PDFs must also be accessible. They are reviewed for their accessibility level. Remediation of the documents is performed.

Accessibility is a perpetual task.

If your website is active with new content, training for those who will be updating the website is required. Get ADA Accessible also offers Accessibility Assurance Program wherein we can take care of updating your website and scanning the website on a designated schedule.

Where to start.

It's most cost effective to incorporate accessible from the very beginning of a web project when the design, page content, documents and forms are being determined.

Many agencies have turned to Get ADA Accessible for auditing of their design prior to the coding being done. For those who do not have an accessibility designer or accessibility developer, Get ADA Accessible has a full team of designers, developers and auditors who are ready to help you on the road to making the Internet accessible to all their visitors with an accessible website.



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