

Breaking Down the New ADA Title II Web Rules & Exceptions

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ADA compliance, web accessibility, Title II, Title III, digital divide, WCAG 2.1, government entities, business compliance, deadlines, enforcement, third-party content, social media, assistive technologies, non-compliance penalties, digital inclusion.

SPEAKERS

Monica Pitts, Stacy Brockmeier

M Monica Pitts 00:07
You know, with April deadlines, I mean, I feel like as businesses, we have enough deadlines in April, and as like US citizens, with all the tax deadlines, it really makes me wonder why they chose April as a deadline for all of these websites to have to be updated. Let's

S Stacy Brockmeier 00:27
just make first quarter a slightly more stressful. Everyone just loves, you know, post holiday like stressor, like another post holiday project,

M Monica Pitts 00:43
like we didn't have enough things to chew on in the new year now we would like to make our websites ADA compliant. Well, my friends,

S Stacy Brockmeier 00:51
let's get started now.

M Monica Pitts 00:53
Yeah, oh my gosh, yes. Okay, so if you take nothing else away from this conversation, please get started now. Please get started now, because it's not a small task, right? It's, it's, for some people, it's actually going to be pretty easy, and for others, it's going to be an undertaking.

Quite frankly, it'll be just like redesigning your website, maybe even more intense than redesigning your website, because you'll have to evaluate all parts of it to make sure that they're accessible. So, yeah,

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Stacy Brockmeier 01:21

yeah. So Monica, what exactly is ADA title to web accessibility, and why does it exist?

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Monica Pitts 01:28

So there's ADA title two, and that specifically applies to state and local governments. Title Three, that applies to businesses, and it requires both businesses and the government to make services, programs and activities, accessible to individuals with disabilities. So as I said in the intro in 1996 the Department of Justice specifically included the internet as a service. And right now they made these new rules because state and local governments are increasingly delivering their services through websites and mobile apps. And when these digital platforms aren't accessible, they create significant barriers for people with disabilities. And so they really feel like with increasing online services from requesting mail in ballots to accessing tax information like it's creating a digital divide that can exclude people with disabilities from doing anything like civic participation to like actually fulfilling their own responsibilities as citizens. And so the new title to web accessibility requirements are actually providing clear standards for governments to follow so that way people with disabilities can have equal access to public services and programs. And I feel like these standards, believe it or not, they create a lot of clarity for governments and for businesses, and I hope that in the long run, they'll have more digital inclusion for all citizens. Like I actually read the website like a lot and lots of pages of the website, and I understood the words in it. What

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Stacy Brockmeier 03:00

say you actually understood and enjoyed it? No, I

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Monica Pitts 03:04

was like, Stacy, look at this. This is Gracie.

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Stacy Brockmeier 03:09

Okay, so you said ADA title two is for governments, and ADA Title Three is for businesses. So what does that mean? Like, can you clarify that? And what does it mean when it comes to web accessibility. So

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Monica Pitts 03:22

title two applies to state and local governments and their departments or their agencies, and

then Title Three applies to businesses open to the public, so places of public accommodation. So for example, a chamber of commerce or a CVB would comply most of the times under Title Three because they are privately funded, so they're public accommodations, they wouldn't be title two and title three entities, they don't have a fixed compliance deadline right now. They are expected to comply continuously under all the existing ADA obligations. They just don't have a deadline for web compliance, even though they are expected to comply. Does that make sense?

S Stacy Brockmeier 04:04

Well? And I think that the other thing to note is like there are businesses on the coast that are getting sued for this, and so regardless if there's a deadline, there is an expectation to comply, and there are people who are holding them responsible,

M Monica Pitts 04:22

yes, and we will get into, hopefully later, how the the expectations will be enforced.

S Stacy Brockmeier 04:32

Yeah. So when do the requirements go into effect, and why are there different deadlines for different people or different agencies.

M Monica Pitts 04:43

So if you are an agency that serves a population of 50,000 or more persons, then your deadline is April, 24 2026 so that's what so let's say that you're an agency that works for a local government and you work for a state. Government, then your state government is going to be bigger, bigger than 50,000 people. And so your date would be April 24 2026 and then if your population is from zero to 440, 9999 persons, then you don't have to comply until April 26 2027 so yay. There you go. And then special district governments also have an extended deadline till April 26 2027 and I think that the different deadlines are likely to acknowledge the varying resources and capabilities of different sized governments. I mean, it's like a super small town. They're just trying to keep their like head above water. You know, they're they're just trying to get everything done. And if you have a bigger government, then you you might even have a web department that could actually facilitate these things much more efficiently.

S Stacy Brockmeier 05:51

Yeah, so today, I was talking to an organization that they actually serve seven counties, and while they're relatively rural counties, I think they will be required to comply by April of 2026 because they serve multiple counties with multiple towns in them, which would put them over that like 50,000 mark. Yes. So Monica, talk to me about what's kind of move into who has to

comply so which types of organizations, and I actually have some, like, specific questions about, maybe some different examples, who's, who's required to comply with this, with the accessibility deadlines.

M Monica Pitts 06:35

This is where I got a little into the weeds and maybe got a little excited about it. So when, when they say government, it's not just government that the government actually provides a lot of services to us as citizens that maybe we don't think directly about. So our school district sites, our individual school websites, like public schools, K through 12 districts, the library websites, obviously city, state county sites, fire and police department sites, state universities, colleges and community colleges, public hospitals and health clinics, especially if they're government funded or part of state universities, they will probably be part of this as well courts and judicial systems, emergency services, Parks and Rec public transit, museums and other like publicly funded bodies, even third party contractors that provide digital services to government entities, they will have to comply. And government operated tourism sites, state or county fairs like there's a lot more than I thought would be on this list. I thought, Oh, well, Stacey and I are going to have to go. We're going to have to going to have to find the communities that we build websites for. We're going to have to talk to them. And then I was like, oh my goodness, no, we're going to have to talk to a lot of people we do work for, because they fall under these categories

S Stacy Brockmeier 07:55

well. And so we have a client. And Monica, I know you and I spoke off of this podcast a little bit about them last week. They provide the suicide prevention hotline for a pretty large population, and I think they would be in this first round of compliance, right?

M Monica Pitts 08:21

Yes, if they have digital resources that they're offering on their website that is paid for, or they're a representative or a part of the government, then they would have to comply.

S Stacy Brockmeier 08:33

Yeah, so they have the government contract for the 988, so I do think they would comply, or have to comply. And then the other one that I was thinking about that maybe is a little bit of a gray area, is I was talking today to a community action agency. So they provide a public service. They are federally funded, but they're not necessarily a municipality or owned by the city or the state, but they do provide, you know, housing assistance and energy assistance and training and all kinds of things to lower income people. Where would they fit in? I think

M Monica Pitts 09:17

it would depend on how they're providing those services, if it's a digital service. So if they're applying for funding online, say, I think that could put them into the category of needed to

applying for funding online, say, I think that could put them into the category of needed to comply because of the funding from the state. And then, you know, they are serving a municipality of people, and then they have a digital service, and so that would make them need to comply. And then also the contracts, because the government can put in any contract and say that you need to comply. And so if it's in your contract, then you need to comply. You could be a paver, and you could be paving straight. Rates for the Department of Transportation. And if in your contract it says that your website has to be ADA compliant, then it has to be ADA compliant, even though, technically you would not be providing a digital service and you would be underneath Title Three. If your contract says you have to do it, then you would need to do it. Okay.

S Stacy Brockmeier 10:17

So if you're a contractor working for a state or local government you just mentioned, like a paving contractor working for the Department of Transportation or municipality. They do or they don't have to comply. They are in the contract situation. They

M Monica Pitts 10:36

don't have to comply unless they're providing digital services, websites or web applications on behalf of the state or or a contractor of the state that is, yeah, cool.

S Stacy Brockmeier 10:49

Well, that clarifies a little bit, I feel like, for a lot of our clients, yeah. Okay, so we've talked about contractors, like paving contractors. We've talked a little bit about nonprofits that receive government funding. Anything else you want to share on those two topics?

M Monica Pitts 11:11

I don't think so. I think we've covered it. A lot of nonprofits actually are going to fall underneath Title Three ADA requirements, even if you receive grants from the government, if you're not providing a public digital service, then no but if you're contracted to operate a government program to provide a public service, then you would be required underneath title two, Right? Okay,

S Stacy Brockmeier 11:38

what about like state universities or colleges,

M Monica Pitts 11:42

they are required to comply. And if they serve a population of 50,000 or more, then they have to comply by April 24 2026 and then the smaller institutions have until 2027

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Stacy Brockmeier 11:57

I would think, I mean, I guess understanding that is really interesting, because while they're, you know, like a smaller college, their student body may not make up 50,000 but the population that they're serving would probably be over 50,000 almost every time, because they're, you know, serving a state. Or does

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Monica Pitts 12:20

that make sense? Yeah. The way I was thinking about it was, if it were Missouri State, or, you know, the University of Missouri, and, like, if you have the name Missouri in your university's name, I think you're going to have to comply by 2026 Yeah. But if you're, like, it makes me wonder, like, State Fair, community college, they're your community college, but it's a state like they are calling themselves a state school, right? But maybe Lynn tech,

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Stacy Brockmeier 12:50

well, there's, but there's state tech now, oh, there's

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Monica Pitts 12:53

state tech. See all these things, so I don't know, but central Methodist might not be. They might not have to comply, and they could be a private university too. So if they're privately held, then they would probably fall underneath Title Three. But yeah, I mean, as I'm giving you this advice, make sure that you check like, right? I wish that there was a hotline through this, really, I'm sorry.

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Stacy Brockmeier 13:20

Can we get a three digit number to call and check if our website needs to be compliant? Pretty please. Yeah,

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Monica Pitts 13:25

how about we just text it? It'll be great. Didn't you run it with a bot?

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Stacy Brockmeier 13:31

Okay, so let's talk a little bit about our expectations. So what are the first steps that someone needs to take, and like an organization needs to take if they have found out that they need to apply, not to apply, if they need to comply, comply.

M**Monica Pitts 13:48**

So I feel like first and foremost, you have to understand your deadline, because I think that would make a difference of the urgency of your situation. And then you would need to learn about the requirements of the rule. And, man, that's a doozy. I got to tell you. There are so many pieces of information in there. And unlike, I can't believe I'm even going to say this, unlike the ADA website, the definitions of how to make an ADA compliant website based on WCAG. 2.1 is not necessarily written in English, like it is written in English, but it's like, it reminds me of reading tax laws. It's not super straightforward. I've read it so many times, and I've had to, like, literally make a sandcastle out of the information, making spreadsheets and so many notes and writing blog posts about it and making presentations. So that way I really understood it, because it isn't like it doesn't really read like an easy thing to read. So, but you will have to understand the rules requirements. So that way you can identify the web content and and the mobile. Apps that aren't complying right now. And then you'll want to understand the rules exceptions, because there are exceptions. I am so glad that they outline these exceptions, because I have been terrified of some of these really big sites with all kinds of assets in them, and how are we going to retroactively make them all Ada, compliant, like every piece of it, right? Wow, that seems like a lot. And so once you understand the exceptions and you can decide what needs to comply, and then, you know, prioritize the content that you need to fix first, and then also review your vendor contracts and capabilities to make sure that, like, either you can handle it yourself, or that the people that you've hired can handle it for you. And then moving forward, you'll want to create policies to move forward, I would say, especially at first, you're going to need some review checkpoints and some training, because even as you keep moving forward, let's say, say you have a vendor that comes in and does all this stuff for you, well, then you might be making updates yourself. Well, if those updates aren't ADA compliant, then your website then just becomes partially compliant. It's not fully compliant anymore. And so I feel like there should be a checks and balances system, especially at first or with anybody new working on the site, so that way they can learn the rules and then follow them, because there's just a lot of little nuances. And you'll want to make sure that after you do all this hard work, you know that you keep it all in order well.

S**Stacy Brockmeier 16:35**

And you may want to pay for a review by another, by a third party every year. You know whether that's your web developer or a software that you purchase. So that way, you know if you're actually compliant, especially if you are required to under these new regulations. So um, you mentioned retroactively making websites comply. So talk to me a little bit about archived content. So what is the distinction between content that needs to comply and content that is exempt under the exception you were talking about?

M**Monica Pitts 17:10**

So there's four criteria that has to be met for an exemption. The content has to be created before the client compliance date or sorry, I'm reading it right now as I'm saying it out loud. So the content has to be created before the compliance date, or it reproduces physical media from before the compliance date. So let's just it's it's old, it's old, and it didn't have to be compliant when it was made. And then the content would only be kept for reference, research or record keeping, so it's not actively used right now. It's not something that somebody is going to go out

and touch over and over again right now, and it would be in an archived area. So think past events right your past events section, and then it has not been then changed since it was archived. So let's say that you have a non ADA compliant PDF that is a meeting minutes from a board meeting on your website, if it is in the archived section because it was from a past event, and it's not ADA compliant, and it's just for record keeping, and it hasn't been changed since you archived it. It's good, and it can stay exactly the way it is, and it is, and it can stay over there.

S Stacy Brockmeier 18:26

Okay. What about you kind of mentioned past events? What about if you wanted to go back to a past event and add a gallery that would be considered changing it, right? And that would need to be ADA compliant? Yes,

M Monica Pitts 18:40

it would. So I would be careful of that. And usually though, I mean, if you think about it, your past event that you would be adding a gallery to would probably be something that was relatively recent, so that right, that new post probably should have been ADA compliant. Now if, for example, you have a PDF of a map for a park, like, say, you have trails, and it's a downloadable trail map, then that PDF would need to probably be made ADA compliant, because it it's used all the time, right? You might even have a QR code on one of your signs at the park, and so that would need to comply. Even if you put it in the archives, it would still need to comply, because it's an active living resource that people look at all the time for current information. So I do think you'll have to look at the way that people use the information to to depend on whether you can get away with not updating it. Yeah. So

S Stacy Brockmeier 19:39

you mentioned PDFs. Are there any other things? So that moves us kind of into exception two. So we talked about exception one. Now this is exception two. Are there other things that we need to worry about with documents that were created before the compliance date?

M Monica Pitts 19:58

So. So if it is a word processing document, a presentation, a PDF or a spreadsheet file that were available on the website or app before the compliance date, it can be left alone. But if either one of those conditions are missing, then you can't leave it alone, so it has to be compliant moving forward. So you have to make sure that word processing, presentations, spreadsheet, files, all that stuff, has to be ADA compliant moving forward, if you're going to link to it from your website, okay.

S Stacy Brockmeier 20:39

What about third party content, is there an exception to that? Sounds like there's some limitations for user

IMITATIONS FOR SURE.

M Monica Pitts 20:49

So if, if the third party content is posted by the government, it has to comply. So like, if it's posted on behalf of your organization by a vendor that you've hired, then it also has to comply. Like, you can't just be like, Oh, well, this web design company did it, and so it does, like it, like it's not my problem. Nope, that's actually not it. It's still your problem. But if it is like a member of the public who's posting stuff, maybe in a forum, then they could give you a Get Out of Jail Free card on that one, and it might, you know, it doesn't, probably need to comply, because that type of stuff is exempt, because you can't control what the public is putting on there, like, say it was a review, right? And they use non ADA compliant color in their review? I don't know, but there's things you can put around that too, like you can make it so the reviews only show up in a certain color, so they always have the right contrast, or that the text is big enough, you know, the links are underlined, all that kind of stuff. And then, you know, it would be compliant no matter what. The only thing you get in trouble with is if they post a video and it doesn't have closed captioning or something like that, then that wouldn't work. So then just don't allow them to post videos. Yeah, I think about my way around this before.

S Stacy Brockmeier 22:08

Well, I also think like if a member of the public is made a social media graphic and posted it, not necessarily to the person, to the entity's website, but posted on social media like those are not things you can control. So even though it might be a graphic for a public event that's hosted by the city, I know we have like, meet the machines in our little town, and lots of people create graphics and share it, because it's a big to do for the kids, and you just can't control that, so I don't think that is really falls inside of this, because it's a member of the public that's not paid by you posting information about an event that you're hosting. Yes, I I am interested, though, because, for example, in our school district, the students create all these graphics, and the graphics are distributed to the parents through an app, right? And none of those graphics are in any way ADA compliant, like, at all. They make me completely nuts. I'm like, What are you doing? Like, I can't even hardly read this. Like, well, this would not apply, but I was so we went to an awards assembly today, and we got a printout of all the awards. Well, the fonts aren't easy to read, and you can like, the colors are barely legible on the background. And I just looked at my husband, and I was like, this is not ADA compliant. And if they were to post it on their website, they would have only a partially compliant website, because they posted this PDF up there. Like, let's get together. People give me some legible fonts, but but they do not appreciate it when I point these things out to them. Apparently they don't like it when I do that. That's funny. Okay, so talk to me about password protected documents. So this is another exception. Tell me a little bit about

M Monica Pitts 24:00

it. Okay, so the exception for password protected individual documents applies when three conditions are met. One is that the documents are word processing, PDF presentation or spreadsheet files. Okay, they documents need to be about a specific person, property or account, and they have to be password protected or secured. Okay, so

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Stacy Brockmeier 24:26

does that mean, like, a bill, like an invoice? Is that kind of what we're talking about, because that's a specific person or an account?

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Monica Pitts 24:34

Yes. Okay, cool, that's what I'm talking about. So, like, if, if you log into a website and there's a bill there that's just for you. Stacy, then that would be something that could be exempt. Okay? Why it would have to be exempt? I don't know. Because it's a bill, and how hard is it to make that? PDF, Ada, right? I mean, come on, people. But anyway, so then, now on the flip side, let's say that there's an announcement. And this is where I was just thinking with the schools, right? So the school, yes, it is. I log into the app and I look at it, right? But that same announcement was made to all of the parents who have kids that go to the school, okay, that does not pass like, like, there's not an exception that does not meet this, this, even though I logged in and it's in my own login area that announcement should always be ADA compliant, even when using a third party app. Yeah, okay, I'm gonna have to have a talk with the school district. I'm over here just laughing.

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Stacy Brockmeier 25:34

You're not just like quietly, accidentally slipped this podcast into their inbox. Okay,

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Monica Pitts 25:41

I just want to let you know you don't have very long and all the stuff that needs to be compliant coming

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Stacy Brockmeier 25:47

down the pipe, yeah. Okay, so then you're, you're the third thing you said is that it does have to be password protected,

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Monica Pitts 25:54

right? Yes, yeah, okay, it has to be password protected. Okay,

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Stacy Brockmeier 25:59

all right. So what about social media? I kind of hinted at social media a minute ago. How does that work? In practice?

M Monica Pitts 26:08

I was actually really surprised that they even included social media in this at all, because I thought websites right. But it turns out that they are including this under the rules. And fortunately, social media posts made before the compliance date do not need to meet standards, so you don't have to go back and fix everything. Wouldn't that be horrible? Yeah, and they decided that they weren't going to enforce that because they thought it would be potentially impossible and of limited utility. That's their words exactly, potentially impossible and limited utility, which I agree with

S Stacy Brockmeier 26:46

inaccurate. Yeah,

M Monica Pitts 26:48

so new posts after the compliance date would need to comply, and I am interested. I don't know the answer to this, but under ADA rules, like under the WCAG 2.1 standards, you're not supposed to have words in an image that aren't attached to an alt tag that has all of the words in the image, like you just need to type the words into the website, not make them into a picture, basically, because screen readers can't read images. That's what alt tags are all about. So I mean, think about the number of social media graphics that are just riddled with picture riddled with words, right? Like so many words, and even our social media manager will make pictures with words on them, and I'm like, if they if it is not ADA compliant, I am not passing it to go up like for me, I'm like, Well, I can't put an alt tag on it because it's a social graphic, but at the very least it has to meet contrast and font standards for ADA compliance, or I don't feel like it should go out on social for us. So I was like, it kind of makes us, like a bunch of jerks, talk about compliancy, but don't actually But yeah, so I am really interested, if anybody knows what the rule is going to be on pictures with images that you can't put all tags on. I would like to know for social media, because seems like pictures

S Stacy Brockmeier 28:05

with text that you can't put all texts on. Pictures with text, yes, yeah, yeah, okay, alright, any other exceptions that we need to know about at this moment?

M Monica Pitts 28:17

No, do we ever really excited about these exceptions?

S Stacy Brockmeier 28:19

Yeah, these exceptions definitely make it a lot easier to retroactively, like, get things together, because I can't imagine, just like you said, we've had social media for how many years, a lot of years, you know, so going back would be just miserable, especially all that time where we

posted a lot, a lot, a lot, like multiple times a day.

M Monica Pitts 28:44

Would care, like, they right? Yeah, they're not using that stuff. It's okay. So let's

S Stacy Brockmeier 28:49

move to kind of another section in talking through this responsibility and liability. So I mentioned earlier that there is some like, legal ramifications for some businesses that we're seeing some of that in our industry. So tell me about who bears the ultimate responsibility for the compliance. Is it the government entity, or is it the contractor they hire? Tell me more it

M Monica Pitts 29:19

is that so they're putting the responsibility on the state and local governments. That's who it is. It's kind of like your taxes, you can't say, I don't know. I didn't know. Well, it's not an excuse, like it's then called tax fraud, right? Like it's not an excuse. You have to do it, and they've specifically said that you cannot contract away your responsibilities. It's something you have to do, so the government entities or the individual businesses like under Title Three, are responsible. It's not the person that does it, not the individual person, not even your employee. Their your employee isn't going to get fined if they're in charge of your website. Yeah, the business would get fined or the you. You know, the government entity.

S Stacy Brockmeier 30:02

So what if a web design company builds a non compliant website for a government entity? Or, if we're looking at Title Three, a business like who, whose responsibility does that fall under? Is it the web design company, or is it the entity?

M Monica Pitts 30:19

So any government fines or lawsuits would be directed at the entity, so at the government or at the businesses website, the person that paid for the website is the one that would the government would go after, not the web company. Now, the web company's liability is determined by the contract between the parties, not the ADA, okay, so it's your contract together, and the entity, like the business or the government agency, could have contractual remedies against the vendor, like they can make them make revisions to the site. They could, you know, I don't know. They could take them to court if they wanted to, but the ADA is not going to go after the web developer. They're going after the the

S Stacy Brockmeier 31:07

government, owner the business, yeah, the owner of the website. Okay, so how should

organizations address their accessibility requirements in those contracts with vendors,

M Monica Pitts 31:22

I would include specific accessibility requirements, like say that it needs to be WCAG, 2.1 AA compliant, because that's what it has to be. And you could actually talk to them, you know, to prove it to you. Like, give me the report. Tell me what programs that you use to do this, add warranties and indemnification clauses, like we have them anyway in our contract, just because we feel like it's good business. Include monitoring and enforcement provisions. So as things move forward, if it's really, if you really do think you're going to be a target, then you just have to keep monitoring it, right? You can't just it's not a one and done thing. So it may be that you have to have an audit on your website, however often, to make sure that it's okay, and then specify remedies if the site isn't as compliant or isn't compliant as claimed, right? So what happens if it's not compliant? And then consider terms for fixes, damages or contract termination. So all those types of things would be in your contract with your web vendor well and vet them, make sure that they're like, good. I could just do like, like anybody else call their references, right?

S Stacy Brockmeier 32:37

Well, and I think too, just allocating some funding each year to making sure that you can do those accessibility scans again, because, like you said, if you add an image that doesn't have an alt tag, well now your website's only partially compliant. So just making sure that within your contractual agreement, that you have funding allocated to make sure that this is something that you still comply with, yeah, yeah,

M Monica Pitts 33:03

for ongoing training or reports or whatever it is.

S Stacy Brockmeier 33:08

So what happens if somebody chooses not to comply?

M Monica Pitts 33:13

Okay? So federal fines, whoop, whoop. Alright, so the first time, apparently that they're going to find you, it could be up to \$75,000 and then if they find you again, it it'd be \$150,000 um, you can be sued. So the Department of Justice can sue you, or there could be private lawsuits with damages. Um, there can be corrective mandates, you know, and so that like that just means you're going to have to redesign your website or hire an expert or adopt monitoring to make sure it doesn't you could lose your federal funding. Yeah, you could lose your grants.

S Stacy Brockmeier 33:53

Stacy Brockmeier 33:15

That's terrifying for some of these, like nonprofit agencies that do so much for our communities.

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Monica Pitts 33:59

It is terrifying. It is, I mean, but, but it's so important. Isn't just for people with disabilities, it's for everyone. It just, it's good web design. It's smart web design. It's not it's not punitive. It's actually awesome. And the fact that you can just do this, like build websites with zero training and absolutely no knowledge about what you're supposed to be doing, is kind of scary, right? Yeah, it really is. And, and so if everybody followed these rules, it would really be better, like, the internet would be a better place, yeah, yeah. And so also, if you choose not to comply, this kind of just, like, piggybacks on what I just said. Like, think about your reputation, right? Like you just, you don't care if people can use your website or not. And I know that it seems like, oh my gosh, well, we're just talking about a small population with disabilities. But it's not just the popular like everybody as. Is like a moment where they're trying to use a website and it just doesn't work the way you think it would. And a lot of the time it's because it's not following the right rules, right? And that's not just people who can't see. That's everyone like, Oh, I think everyone want people to feel like that, anyone

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Stacy Brockmeier 35:16

from color blindness to a physical disability that can't use a mouse to full blindness to, I mean, there's just so many things that can make people have a hard time using a website. And so it's not just a little like, we're not talking about like seven people here. We're talking about hundreds of 1000s of people. So, so how, how will they know if they're compliant or not?

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Monica Pitts 35:47

That is a wonderful question, so I actually, I had to look at this up. Like, I was very interested in this. I did a lot of reading on it. So to answer that question, I'm going to go back to how they handle physical ADA compliance, like, let's say, you know, you have to have an elevator, you have to have a wheelchair ramp. So physical ADA compliance for businesses is primarily complaint driven, so there's no routine government inspection process for the ADA accessibility. It's, it's like the government, not the government, the well, the government entity or the business is just expected to comply, like it's your responsibility to do it right. So usually the process starts with public complaints and lawsuits, not through government inspections. So businesses and the agencies are expected to self assess and then address the accessibility issues. But enforcement only occurs after someone reports a problem or files a legal claim, and the ADA does not plan to introduce any new or specialized enforcement mechanisms for the web accessibility rules under Title two, it's going to rely on the existing enforcement framework managed by the US Department of Justice. So self governing, public complaints, Department of Justice, audits, boom, that's what it is. So don't make people mad. Be nice to people,

S

Stacy Brockmeier 37:18

or they don't come back at your website.

M Monica Pitts 37:20

Yeah, karma. Karma is real. So Real.

S Stacy Brockmeier 37:24

Okay, so let's get into the specifics. A little bit feels like, man, we've talked a little bit about specifics, but man, it feels like you can get into the weeds with everything. So what standards of the W, G, W, C, A, G, 2.1 must websites meet to be compliant. So I know there's different levels, so that we've got single a, double A and triple A. And I think correct me if I'm wrong, but double A is the one that we're going for, right? So kind of that middle of the road, yeah, compliance, okay, yeah.

M Monica Pitts 38:04

So double A is the compliance standard that's set forth. And, man, there are so many pieces of it, but I want to talk about it at like, a super big picture level, so you can get an idea of some of these things. So I think of compliance in two groups. There's the black and white group, and then there's the gray area. Okay? So the black and white white group is like, you got it or you don't. It's like check boxes, right? And then there's the gray area, and that's where you know you have to discern whether or not you make it or not. And I read an article recently in a newsletter that I got from multi dots.com so they gave me a really good framework of how they think about it, and I'm going to share their framework with you with my black and white and gray standards. So black and white compliance, their framework would describe it as perceivable. So number one is perceivable. Number two is operable. So perceivable means that people with disabilities should be able to perceive content in more than one way. So this would be alt text for images, captions for videos and transcripts for audio, a strong contrast between your text and your background text that can be resized, so all of those different things, okay, and there are things that like, literally browser add ons that you can put in Chrome that will test for every single one of these things. Well, it doesn't test for captions on videos, but you can see if they're there or not, right? So these are all black and white things. So the second one, and I think this is one of the things that gets a little lost if you're building a website on your own, or if you're not as educated as operable so users should be able to interact with your site in multiple ways, like, for example, full keyboard navigation, no need to use a mouse. Actually, this is one mouse like. It's one of my favorite things to test

S Stacy Brockmeier 39:52

well, and it really is because so I had a personal contact who really only had a. Control of their, like, two fingers on their one hand, so they really only had control of their pointer finger and their middle finger on one hand, and there was no using a mouse. And so being able to, like, navigate with your arrows or tabs, like, crucial for people like that, and it's just so important. I don't think people think about those who don't have the physical capability of using a mouse very often, and it's so important, it's actually

M**Monica Pitts 40:27**

really thankful that I learned how. Okay, so anybody who's filled out a form knows what it's like to, you know, tab through fields, right? So much faster than using your mouse all the time. But as I was really learning about this in the beginning and understanding what it was, I practiced going on websites and going through them without using my mouse. And then now, when I get into a broken website, I that is my default. I'm like, Oh, well, I'm going to try to go through it with my arrow keys or space bar with my tabs, and now I can work some broken websites that don't work with my mouse. So I'm glad that I got to learn that. So yeah, full keyboard navigation. No. Need to use a mouse. Your buttons and links have to be easy to identify. So if it looks like a link, it needs to be a link, and if it's a link, it needs to look like a link. I mean, it's not that hard, right? But people, it's not.

S**Stacy Brockmeier 41:26**

But there was a website I was on today that had board meeting minutes on it, and even if it said like, it was like, had the date and it said no meeting, it was still formatted like a button, just like the one with the PDF above it, you know, because I didn't have a meeting that time, but there was still, it still looks like a button, like I can't click on it. It's like, oh, it literally doesn't have a

M**Monica Pitts 41:50**

link, you know. So, yeah, I will be the girl that clicks on this stuff that isn't actually a link. It's great. And then no flashing content that can cause seizures. That kind of stuff is really rude, and there's a lot more things underneath the operable as well. But those are those three simple examples that you know. So the black and white compliance items are that it has to be perceivable or operable. These are check boxes, yes or no. Does it do it right? And then there's this gray area of compliance. It needs to be understandable. It needs to be robust. Okay, so understandable. This is where I feel like, whenever I do site reviews, and we do them for free all the time, people will be like, well, review my site. And I'm like, you did. I don't even know where to start with this thing. Like, it doesn't even make sense. Like, what is on this page? Like, I can't even tell what you do. Okay, that's not understandable, right? But to them somehow it was, I don't know how they got there, but somehow it was understandable, right? So, but little things like clear instructions for filling out forms, consistent menus and navigation that don't move all over the place and change on every page that you're they're on simple, readable language thing, words that make sense, maybe just don't put all the words in all caps. That would be great and then robust, right? So your site should work well with assistive technologies such as screen readers, screen magnifiers and Voice Input Tools. So I put these in the gray compliance area, because understandable that is. It's harder to tell right? Because you built it, it was inside your own head. Is it really understandable? I don't know, because you can have some really creative navigational designs, but it like some of them are understandable and others aren't, and some of your text makes sense and some of it doesn't, yeah, even the layout of your page right? And then also, how do you know if a screen reader can use it, I don't know. So it's a gray area, and it's something that you but it's still part of compliance. Okay? So we have a post, which is my ADA Crash Course post, and you can read through all the different things there. I

go into even more details about what it is to be compliant. But then also in the show notes, we're going to have a link to the WCAG 2.1 AA, everything's and you can go through it and read the legalese that is this Guide try to interpret it for yourself.

S Stacy Brockmeier 44:21

So we talked about how different people have deadlines of April 26 and April 27 So when should they like? What's their timeline? What should it look like?

M Monica Pitts 44:34

Oh, man, you need to start yesterday. I if you have a huge site. Seriously, it, I feel like in the next month, the next few weeks, after listening to this podcast or finding out about this deadline, you need to have a meeting, you need to like, follow those action steps, prioritize your high traffic and essential services. It's for some people. It will be easier to rebuild their websites than it will be to retrofit what they have. So you're going to have to find somebody who can do it. You're going to have to plan it out. You're going to have to get on their calendar, and then you're going to go through the whole build process. Mm, hmm. And for some websites like, I mean, our turnaround is, you know, three months. But then there's other websites that are huge, and it could take you six months to get that stuff sorted, right? So you'll have to have testing. Oh gosh, start all the time. Now, start now. Why we're reading about this now. Don't

S Stacy Brockmeier 45:34

expect that if you decide that this is important to you in March of 2026, that your web developer is going to have time to get it done between then and April 24

M Monica Pitts 45:45

2026 like, because if you needed your taxes done, you know, on the due date, April, what is it this year? It was, what the 15th? Yeah, if you went to your accountant on the 14th, you know, they can't get it done, right? I mean, your web developer is not any different. Luckily, if you haven't picked somebody off that's going to report you and try to get you sued, then you could be okay. Maybe I'm not going to tell you to do it, but, yeah, remember how they're enforcing the rules? Friend, it's

S Stacy Brockmeier 46:16

never know how you're going to tick somebody off tomorrow. On accident, I Yeah. Okay, so we have their timeframe talk to me about just resources that they can use to understand the requirements. So you mentioned that there is going to be a link in our show notes to the WCAG 2.1 What else do we have? I would go to [ada.gov](https://www.w3.org/2021/03/ada.gov)

M Monica Pitts 46:42

M MONICA PITTS 40:42

and go to their resources section. They have a lot of different posts. We'll we can link to them in the show notes as well. They they're easy to read. They're easy to understand. I can't believe I'm saying that. Thank you so much, Ada. It's like you followed your own rules, my friends, I am so proud of you. Yeah? Like, yeah, so go over there and read it. Ada.gov, resources, yeah,

S Stacy Brockmeier 47:12

Cool. All right, did we cover it all? Do we have more? What do you think? Did we get there? Okay, I don't know. I feel like we could talk for days and,

M Monica Pitts 47:25

yeah, like a follow up episode with more about, like, what, what has to be, what do you have to look at? Like, what are the individual components? Because I think that's, that's where it gets tricky. Yeah,

S Stacy Brockmeier 47:36

absolutely. So, I mean, what are the like? What misconceptions Have you encountered so far about the new rules? Well,

M Monica Pitts 47:49

I've actually spoken to quite a few organizations in my town that have just called me. I'm not their web developer, but they just called me because they know me and they know I do this. And they're like, oh my gosh, Monica, this person says, I have to do this, right? And they're like, well, it's going to cost me X number of dollars. And I'm like, actually, that, you know? So this company is telling them they can do it for them. It's going to cost them X number of dollars. And they think, Oh, that's too expensive. And I'm here to tell you that if they're not charging you, like, more than 1000s of dollars, it's not expensive. I don't even know if they're doing their job, quite frankly, unless your website has very

S Stacy Brockmeier 48:24

little remediation, \$300

M Monica Pitts 48:26

yeah, they're like, oh, yeah, it's like, \$300 I'm like, Yeah, well, that's cheap. I mean, like, that's not bad. So I think, I don't think it's inexpensive if you're working with somebody who knows what they're doing, which is why I feel like you may be better off just rebuilding your site and trying to fix what you've got, because that's a lot of work. Also the scope of requirements, they don't understand, they don't understand what it is and and they think a plugin is just going to

fix it, like, I buy this plugin, and then it's going to work, and it's like, yeah, I mean, that plugin is going to fix like, two things, and it may give you a guideline to move forward as you're putting content in your site, but it's it's not going to fix it like you can't keep doing things the way that you're doing it, the way that you're doing it, is not ADA compliant. Just because you have a plugin doesn't make the way that you're doing it ADA compliant. It's still not compliant. It is what it is, and then they think it's a one time thing, you know, and we talked about that multiple times. And then they also, you know, they don't necessarily understand that they're responsible. And it's not a punitive thing, man, it's like a human thing, like, you need to be kind to your neighbor, like, include everybody. It's not like about, I don't like the scare tactics that people are using to try to convince people to buy their ADA products, like right or their service. I'm like, That's crap. Like, that's not it. You should want to do it because it's the right thing, right? The right thing?

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Stacy Brockmeier 49:54

Yeah, absolutely the right thing. I just feel so strongly that anyone should be able to use. Is your website. If only everyone felt that way. I suppose

M

Monica Pitts 50:07

it's like bringing treats to school, and I'm like, Well, I can make them gluten free and I can make them dairy free, but then there's always some kid that can't have one thing. And I'm like, do I have to have two treats that I bring for the class party? Like everybody should get a treat. And anyway, yeah,

S

Stacy Brockmeier 50:24

it's hard. It's so hard. So what, I think, what in the in wrapping this up? What advice would you give an organization who is just beginning their accessibility journey? Maybe this is the first time they've heard about it, or maybe they just know it needs to be done, but they don't really know a lot about it. Tell us what you would tell them.

M

Monica Pitts 50:46

I would say to ground yourself in the why, like, why are we doing this? Right? And I know I've touched on this many, many times throughout this podcast, but it makes your website easier for everyone to use, and it's respectful and it's not punitive. It's something that everyone should have been doing all along. They just didn't. And so just like do your audit, understand where you fall short, and learn how to fix it, but really ground yourself in that. Why? Quite frankly, if you have a non ADA compliant website. There's probably a lot of people who are frustrated with the way that it works. I know there's a lot of city websites that I've used that stink, they're horrible, and I hate using them. And I'm a citizen of this town, and I hate the website, right? Not the town I live in right now, but, but you know what I'm saying, and you don't want people feeling that. You want them to be proud that they live here. You want them to engage in the services that you offer. You want them to be part of your community, and when you're not, when you don't have a good resource for them to do that through you're

you're alienating them, regardless of whether it's ADA compliant or not. So you're doing you're doing yourself a favor. You're doing them a favor. Just remind yourself why you're doing it. It might be painful, but remember the why.

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Stacy Brockmeier 52:05

So my last question is, how, how is this going to evolve or expand in the future?

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Monica Pitts 52:13

That is a great question. Okay, so we know that WCAG has evolved to 2.1 right? And it was at 1.0 so it, it keeps evolving, because as the services and languages of like, as browsers evolve, all this stuff evolves, right? And so the the compliance, is going to evolve too. So I think it's going to be a moving target. And that's okay, because that makes sense. And I do feel like in the future, there could be a possible expansion to title three entities with firm deadlines. And I really wonder if there could be like a digital accessibility, like enforcement, like a way for the public to submit a form telling people that this website isn't quite right, and it could be like an audited AI for all of your site that could report back to the agency. I mean, this could be a great way for the government to make \$75,000 a pop, my friend, and all they have to do is buy a software that does ADA audits. I am sorry the business owner in me, it just came out there for a second. And I mean, if you look outside of the US, the EU, it by June 2025, the EU has a deadline for E commerce websites, online banking and finance platforms, streaming and entertainment platforms, travel and transportation booking websites and ebook platforms, all of them have to be WCAG, 2.1 double A compliant by June 2025, all the they're not government entities. So that

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Stacy Brockmeier 53:55

means the layout is going to change on all my streaming and all my book Yeah, websites, isn't it? You know,

M

Monica Pitts 54:02

mine that on some of

S

Stacy Brockmeier 54:04

terrible sometimes, yes, can we sort this please? Somehow, I don't know, no.

M

Monica Pitts 54:10

How do I find all the titles that are like? I don't know. The Sort and Filter features on my ebook apps are not very good.

S

Stacy Brockmeier 54:18

They're not great. Not great at all. Great. So it's not great,

M

Monica Pitts 54:21

yep, so that's where I think it's going on the

S

Stacy Brockmeier 54:25

future. Oh, man, seems like a heavy topic, a lot of stuff.

M

Monica Pitts 54:29

Yeah okay, friends, well, I will wrap us up here, because I know Stacy's not used to all the weird banter at the end of the interview. Thank you so much Stacy for asking me all these fun questions. You know how I like to geek out about this kind of stuff. And if you enjoyed this episode, or you learned a thing or two, please subscribe, so that way you won't miss our next episode of marketing with purpose. In our last episode, we actually talked about battling. Bots, because there's been a huge rise in bot traffic. Bots have officially taken over the 51% of the traffic on the internet right now is bots. So humans are now an internet minority. And if you want to know how to protect your website and make sure that your Google Analytics actually makes sense and keep it running quickly and not get hacked. Hey, go over to our last episode, because that's what we just talked about. Okay, friends, so that is all we have for you today. Please subscribe, and thank you so much for listening. If you have questions, let me know. And until next time, go forth and market with purpose.