The Right to Information:
A Digital Accessibility Primer for State and Local Governments

Digital accessibility is now a requirement for ADA Title II compliance.

With the publication of a new rule under Title II of the Americans with Disabilities Act (ADA), organizations are legally obligated to prioritize digital accessibility. And compliance is crucial to serving all constituents.

In April of 2024, the U.S. Department of Justice (DOJ) published new rulemaking under Title II of the ADA, introducing specific, technical digital accessibility requirements for state and local governments. The rule applies to all web content, including mobile apps and third-party content, that are associated with state and local government programs and services.

This is hardly the first piece of digital accessibility legislation focused on government entities at the state and local level. Over the past decade, many individual states have enacted their own laws mandating accessibility for government organizations. For example, after July 2024, the use of inaccessible digital products by state and local governments in Colorado constitutes a civil rights violation. California passed legislation requiring that government organizations use accessible ICT as early as 2016 and mandates that state entities audit their digital assets for accessibility every two years.

For state and local governments, digital accessibility is more than a legal mandate.

Beyond compliance, agencies have an obligation to their constituents and employees to prioritize inclusion.

Up to 1 in 4 adults in the U.S. have some type of disability.

More than 60 million people in the U.S. live with disabilities. Governments are responsible for ensuring that all members of the communities they serve—and all members of their workforce—can easily access websites, information, and resources.

So what does it mean to make technology accessible, and how does this fit into agencies' broader commitments to equity and inclusion? We'll provide answers in this primer.

What is digital accessibility?

Digital accessibility refers to the practice of making digital products—including websites, apps, software platforms, and digital content—accessible to all people, regardless of whether they have a disability.

Many pieces of civil rights legislation, including Section 508 of the Rehabilitation Act of 1973, cite the Web Content Accessibility Guidelines (WCAG) as the globally accepted set of standards for assessing digital accessibility. In fact, WCAG is specifically referenced as the standard for compliance with the DOJ's new rule under ADA Title II.

WCAG provides dozens of individual success criteria for evaluating the accessibility of a digital experience. These are based on four overarching criteria: perceivable, operable, understandable, and robust. By this definition, an accessible digital product is one that all people can navigate, interpret, and derive meaningful value from.

Digital accessibility at the government level contributes to equity for all.

There's a reason that federal laws, and some state laws, mandate digital accessibility. Online inclusion is necessary for fairness and justice in today's digital world. Here are a few of the ways that digital accessibility contributes to a more equitable society.

Equal access to information

Government organizations are often the most reputable sources of information about issues that urgently affect the public, such as natural disasters and health crises. It's imperative that all people have access to this information for their safety. Additionally, government information regarding legal and political developments can shape how constituents vote, making digital accessibility critical to democracy.

Individuals' privacy and security

Many programs run by state and local governments, including public healthcare initiatives, process information that is intended to be confidential for individuals' privacy and safety. When the technology associated with these programs isn't accessible, people with certain disabilities may need to rely on another party for support—which entails disclosing sensitive information and may put their security at risk.

Fair employment

Most employers today, including government organizations, rely on a range of digital products for their day-to-day operations, as well as to hire new talent. When these products aren't accessible, people with disabilities face significant barriers to professional success—and by extension, to economic security.

Building a stronger community

Beyond enabling people with disabilities to hold government jobs, digital accessibility is necessary for people with disabilities to participate in a broad range of government activities. It ensures all individuals have a chance to contribute and give back to their communities. An accessible, inclusive society is resilient and adaptable to change.

> "Individuals with obstacles often need our County services the most. With new legislation and Health & Human Services (HHS) programs, diversity, equity, and inclusion have become top priorities for Mecklenburg County, and our accessibility program plays a big role in that."

J. Mike Taylor,
Web Services and Accessibility Manager,
Mecklenburg County

Follow through on your commitment to compliance and inclusion.

State and local governments exist to serve all their constituents, and inclusive technology is essential for meeting this responsibility. It's also a pillar of fair, non-discriminatory employment practices. Organizations that exclude individuals from public information and services—or create unjust barriers to professional opportunities—risk serious reputational consequences as well as legal consequences.

Addressing digital accessibility doesn't need to be overly time-consuming. As the leading digital accessibility solution provider, Level Access combines advanced software with training and expert managed services to help organizations quickly and cost-effectively create and maintain inclusive digital properties.

About Level Access

With over 25 years of experience, Level Access has empowered countless public-sector organizations, including many state and local governments, to meet their accessibility and compliance goals. Our solution equips teams with the technology, training, and expertise required to address accessibility in an efficient and streamlined manner, driving sustainable progress. Contact our team today to receive a free risk assessment for your organization.

Request a free risk assessment

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