## SDAO

# Is Your Website ADA Compliant?

(and tips for those pesky PDFs!)

With live demos and examples!



Mac Clemmens Streamline

#### What we'll cover



what is ADA Compliance?
ADA, Office of Civil Rights, and the DOJ

Why it matters

And how it affects members of your community

10 steps to get compliant

Tools to check your district & policies to protect you

What comes to mind when you hear the word "accessibility?"















### Why is accessibility important?

**Social responsibility:** providing accessible services for individuals with disabilities is the right thing to do!

- of the population has a physical or mental disability that may affect their ability to get the information they need from your site.
- Disabilities can be physical (vision, motor) or even cognitive.

**Good business:** Increases the ability for search engines to find / index your site.

Legality: it's not just for federal agencies!



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Legality: it's not just for federal agencies!



#### How does someone with a disability:

- 1. Read about an evacuation notice or service outage?
- 2. Report an issue with a playground?
- 3. Request a book rental?
- 4. Contact the district?

- 5. Check the tax rates?
- 6. See how to dispose of hazardous materials?
- 7. Read your most recent agenda?
- 8. Make a donation to your volunteer department?

# What does "accessible" mean?





The major categories of disability type, in relation to website accessibility, are:

- Visual: blindness, low vision, color-blindness
- Hearing: deafness and hard-of-hearing
- Motor: Inability to use mouse, limited fine motor control
- **Cognitive**: learning disabilities, distractibility, inability to remember or focus on large amounts of information

People with disabilities often rely on assistive technology (AT) - screen readers, braille readers, browser zoom, etc...

BAD	GOOD CONTRAST
BAD	BAD

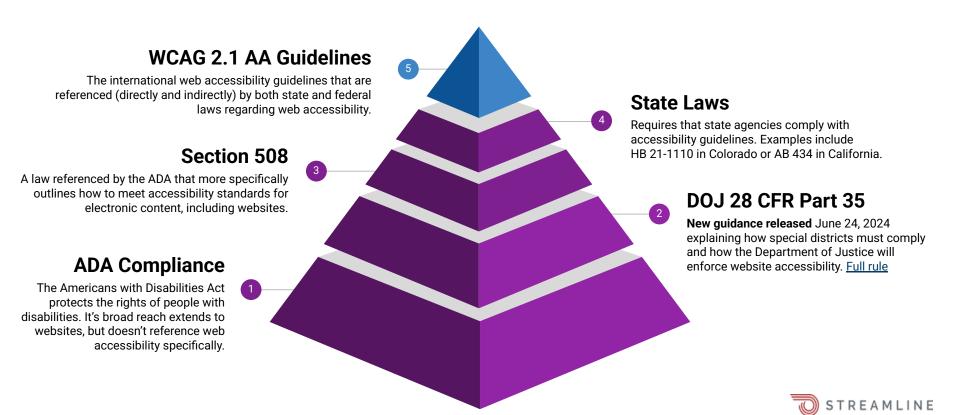
# What it's like to use a screen reader to surf the web...



# What becomes possible when technology *is* accessible...



#### Legal foundations for website accessibility





4,605 ADA website lawsuits in 2023

Average ADA Claim in 2019: \$4,000

Average ADA Claim in 2022: \$39,000

Percent of Districts Hit: 6% (2,403+)





Sources: <a href="https://www.wsj.com/articles/lawsuits-over-digital-accessibility-for-people-with-disabilities-are-rising-11626369056">https://ada.jmbm.com/ada-website-accessibility-lawsuits-wont-go-away-in-2020-part-1-how-we-got-here/</a>
<a href="https://info.usablenet.com/ada-website-compliance-lawsuit-tracker">https://info.usablenet.com/ada-website-compliance-lawsuit-tracker</a> (state and federal)

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What insurance will protect from ADA claims?

- A) EPLI (Employment Practices Liability)
- B) Cyber-insurance
- C) Statewide or other insurance pools
- D) None of the above



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Prowriters offers a plan for ADA coverage (\$300/mo). Neither plugins nor scanners offer liability protection.

### New trends with ADA actions

3,862 federal filings in 2023

### 90% of cases were filed by 10 firms

Plaintiff Name	Firm Name	Total Lawsuits	Percentage	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
Perla Mageno	Manning Law, APC	172	4.45%	1	0	12	27	22	22	14	20	14	11	20	9
Jose Casillas	Custodio & Dubey LLP	95	2.46%	1	0	0	0	17	0	1	54	21	0	0	1
Alejandro Espinoza	Mendez Law Offices, PLLC	87	2.25%	5	5	13	5	15	7	6	12	3	7	6	3
Jenny Hwang	Mars Khaimov Law, PLLC	83	2.15%	6	5	16	22	11	8	8	7	0	0	0	0
Victor Ariza	Roderick V. Hannah, Esq., P.A.	80	2.07%	3	8	13	7	6	4	4	4	8	5	11	7
Luis Licea	Pacific Trial Attorneys, APC	78	2.02%	2	0	11	6	7	11	9	9	2	4	10	7
Andrew Toro	Mars Khaimov Law, PLLC	75	1.94%	9	18	14	25	6	3	0	0	0	0	0	0
Luis Toro	Mars Khaimov Law, PLLC	70	1.81%	0	0	15	8	17	16	12	2	0	0	0	0
James Watson	J. Courtney Cunningham, PLLC	69	1.69%	7	7	6	14	6	3	4	7	2	5	0	8
Rusty Rendon	Pacific Trial Attorneys, APC	66	1.71%	4	0	5	8	12	10	3	10	4	5	2	3
Nelson Fernandez	Roderick V. Hannah, Esq., P.A.	63	1.63%	1	4	11	6	5	6	6	4	4	7	3	6

# 77% of cases in 2023 targeted entities with a revenue under \$23 million

Number	Platform Summary	Total Lawsuits	Percentage
1	Shopify	1378	35.68%
2	WordPress	700	18.13%
3	Salesforce Commerce Cloud	149	3.86%
4	Magento	146	3.78%
5	Squarespace	102	2.64%
6	BigCommerce	100	2.59%
7	Wix	59	1.53%
8	Other Custom Coded Websites	1228	31.38%
Total Laws	suits	3862	100%

Wordpress, Wix, and custom-coded websites comprised

**51%** of actions.

# 24.5% of Federal ADA actions were filed against websites with accessibility widgets

	Accessibility Widget  accessiBe	////	///
Number	Accessibility Widget	Total Lawsuits	Percentage
1	accessiBe	348	37.46%
2	UserWay	246	26.48%
3	AudioEye	72	7.75%
4	Accessibly	63	6.78%
5	EqualWeb	38	4.09%
6	UsableNet	20	2.15%
7	eSSENTIAL Accessibility	18	1.94%
8	CodeInspire	17	1.83%
9	Accessibility Enabler	15	1.61%
10	Level Access	15	1.61%
Total of top 10 v	vidgets	852	91.71%
Other widgets		77	8.29%
Total lawsuits	against websites with overlay widgets	929	100%

### History of ADA website actions

Miami resident Juan Carlos Gil, who is legally blind, has filed nearly 200 lawsuits in Florida and across the country accusing government agencies, restaurants and

stores of violating the ADA by not taking steps to ensure that documents on their websites can be accessed by anyone's personal computers.



#### REQUEST FOR ACCOMMODATION

Dear Maria Waldrop;

On 3/18/19 I went to your information site (the website <a href="www.itsmymaitland.org">www.itsmymaitland.org</a>) trying to learn about the governmental functioning of Maitland, Florida through the documents you provide within your site.

I am legally blind, so I depend on a screen reader to help me understand electronic documents. My screen reader would not work with your electronic documents. I was specifically interested in documents related to the budget of the City of Maitland, Florida (electronic documents) for 2018, 2017, 2016 and 2015 and all City Commission agendas and back up material for year 2018, 2017 and 2016. Would you please make these documents accessible in your site so that they will work with screen readers?

I have visited <a href="www.itsmymaitland.org">www.itsmymaitland.org</a> in the past and I continue to desire to visit <a href="www.itsmymaitland.org">www.itsmymaitland.org</a> in order to become an active participant in the Maitland, Florida governmental process and to become informed about the programs, services and activities offered by Maitland, Florida as related to my intended future visits to Maitland, Florida.

Your site has many other electronic documents other than the specific ones which I have asked for above. In addition to the specific documents listed here, can you also make the other electronic documents within your site accessible so that they will work with screen readers so I don't have to take the steps to ask for each document in a mail request?

I appreciate your reply as soon as possible.

Juan Carlos Gil

Fhank you.

We propose that the parties engage in negotiations on an expedited basis, with the goal of achieving an enforceable agreement providing for injunctive relief and reasonable attorney's fees and costs. We would be willing to pursue these negotiations either directly or with the assistance of a mutually acceptable mediator.

The remedial measures would include, at a minimum, the following:

- Designate one or more individuals to manage web accessibility testing, repairing, implementation, maintenance and reporting for a WCAG 2.0 compliant website within a reasonable time period;
- Create, adopt and maintain a web accessibility policy consistent with prevailing standards;
   Initiate a needs assessment and subsequent training for web and content development
- Initiate a needs assessment and subsequent training for web and content development personnel on WCAG 2.0 accessibility programming, functionality and design;

Contractually require that services procured and performed by third-party developers and

- other relevant service providers conform to prevailing WCAG 2.0 compliant accessibility standards and your web accessibility policy;

  Conduct independent third-party monthly automated and disabled end-user testing of
- website; and
  Implement other related policy, technology and programming, monitoring, and training
- Implement other related policy, technology and programming, monitoring, and traini measures as they are identified and needed.
- Pay compensation to our Client within 10 days in the amount of: \$6500.00

Whether the Claimant secures your Website's compliance through pre-suit resolution and remediation or protracted litigation rests solely within your discretion. To that end, in the unfortunate circumstance that your Company fails to respond to this demand within **thirty (30)** days after the date of this correspondence, then we reserve the right to seek judicial enforcement, without further notice.

This letter is a confidential settlement communication and cannot be used in any action before any court. The statements of either party in these settlement negotiations cannot be considered admissions nor are they binding upon parties if no settlement is reached.

An actual demand letter sent... (and paid!)



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#### **JUSTICE NEWS**

#### **Department of Justice**

Office of Public Affairs

FOR IMMEDIATE RELEASE

Friday, March 18, 2022

#### Justice Department Issues Web Accessibility Guidance Under the Americans with Disabilities Act

The Department of Justice published guidance today on web accessibility and the Americans with Disabilities Act (ADA). It explains how state and local governments (entities covered by ADA Title II) and businesses open to the public (entities covered by ADA Title III) can make sure their websites are accessible to people with disabilities in line with the ADA's requirements.

The guidance discusses a range of topics, including the importance of web accessibility, barriers that inaccessible websites create for some people with disabilities, when the ADA requires web content to be accessible, tips on making web content accessible and other information and resources. The guidance offers plain language and user-friendly explanations to ensure that it can be followed by people without a legal or technical background.

"We have heard the calls from the public on the need for more guidance on web accessibility, particularly as our economy

#### RELATED LINKS

,,,,,,,,,,,

Speeches and Press Releases

CONTACT

Videos

Photos

Blogs

**Podcasts** 



No need to fear!

Accessibility is achievable.

## 10 Steps to be Compliant

### ADA Checklist

For Oregon Special Districts



https://tinyurl.com/sdaoADA2025





#### Oregon 2025 Web Accessibility Checklist

Updated Nov 7, 2024.

Congratulations on your commitment to ensuring that your district's website is accessible to your entire community, including those with disabilities. This checklist will help you ensure ongoing compliance with WCAG 2.1 AA and DOJ 28 CFR Part 35.

#### If you haven't already

- ☐ Review the Small Entity Compliance Guide from ada.gov.
  ☐ Perform an initial scan to check for known issues using checkmydistrict.org or another tool
- Perform an initial scan to check for known issues using <u>checkmydistrict.org</u> or another tool
- ☐ Have your website provider's contact information to report any issues

#### One-time actions

- Designate an accessibility coordinator We have designated one staff member as the accessibility
  coordinator who will be the go-to contact for accessibility issues.
- Create and post an accessibility statement We have an accessibility statement that includes the level of
  accessibility as WCAG 2.1 AA. If we have components that are not yet compliant, we have added information
  about our remediation plan and timeline to get compliant. https://getstreamline.com/accessibility-statement
- Create a process for community concerns We have a process in place where a community member can submit a concern via form, phone number, and/or email address. Two different methods are required.
- 4. Enable closed captions on your videos Our videos all have closed captions, and we have a process for including closed captions in future videos. (YouTube includes this for free when enabled. <u>Learn how</u>. It is important that a human verifies the general accuracy of the captions.)

#### Ongoing actions - recommended once per month

- Scan your website pages each month We have scanned every page of our website, every page has a
  score and list of issues to remediate. Free tools include <a href="https://checkmydistrict.org">checkmydistrict.org</a>, Google Chrome Lighthouse
  (F12 will activate), and wave.webaim.org. Demand your web developer address any issues that arise.
- Check your attachments We have checked all of our attachments and written a disclaimer for any third-party attachments that we do not have the ability to remediate.
- Perform remediations We have taken action to fix issues detected by a scan or reported by our community.

#### Other actions to consider

- Third-party ADA audit larger districts should consider hiring an outside firm to conduct an audit. Manual
  testing by users with disabilities is the gold standard to ensure access.
- Indemnification Choosing a platform or insurance that indemnifies or insures you against the risk of fines

## One-time Actions

To get your district compliant

1

### Designate Accessibility Contact

- ✓ Select a person in your organization to handle these requests
- ✓ Usually the person who updates your website

2

## Approve a Website Accessibility Statement

√ Here's one to start:

getstreamline.com/accessibility-policy



## Create Accessibility Page

- ✓ A page listing your accessibility contact and your policy, and how to contact the district
- (We are removing the publication of the scans as a recommendation)

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С	5 getstreamline.com/accessibility-policy				0, ☆	<b>6 5</b>	١٤		
	f ¥ in		20	16) 900 - 6619 - Plane starting	as low as \$100 - Get	t a Guote To	day		
	₹ STREAMLINE			Features Resources	About Us	Contact U	D		
	Sample Website A	ccessibility P	olicy						
	Website Accessibility P	•			•		$\bigcap$		
	This accessibility policy was approved by the [Dis [District Name] is fully committed to providing aco of this commitment, [District Name] has a policy or (WCAG 2.1) and commercial screen reading soft- to understand and use the website to the same distribly timely manner if they arise.	essible facilities, elements, and che f providing an accessible website o vare. All features of the website are	annels of communication to all men ompatible with the Web Content A coded to allow individuals with vis	cessibility Guidelines ion and other impairmen	ı. ( ¯	<u>ک</u>			
	If you need any special assistance or accommode	you need any special assistance or accommodations, please contact our accessibility officer or call us at [District Phone Number].							
	Ongoing Compliance Inform	Compliance Information							
	Compliance Officer	nce Officer							
	[District Name] has designated [District Compliance Officer] as its compliance officer for website disability-related accommodations. The compliance officer in training in website accessibility and updates the site in accordance with those best practices. Contact our accessibility officer to report an issue.								
	Compliance Procedures and Repo			and to report an insect					
	In addition to annual testing with users with a wid- ongoing compliance and makes timely changes to available to the public.	range of disabilities and coding or					orts		
	<ul> <li>April 2023 Website Accessibility Compliance R</li> </ul>	April 2023 Website Accessibility Compliance Recort							
	<ul> <li>March 2023 Website Accessibility Compliance</li> </ul>								
	<ul> <li>February 2023 Website Accessibility Complian</li> </ul>	ebruary 2023 Website Accessibility Compliance Report							
	Linked Documents and Third Parties								
	Please note that this site may link out to third-part provided by third parties included in our agenda p member of the public with reading and accessing	ackets, for example. While we can content on our site.	not control the accessibility of control				arry		
	See an opportunity for us to improve? Please contact our accessibility officer or call us at [District Phone Number].								
	Report an Accessibility Issu	eport an Accessibility Issue  are committed to your ability to access all content. Per [District Name]'s internal processes, issues or requests for accommodation reported via the form below will be							
	We are committed to your ability to access all con responded to by the compliance officer or designs	via the form below	will be						
		First name*	Lest name*						
		Eral*	Phone number*						
		Page(s) where you experienced the acces	sibility issue"						
		Description of accessibility issue*							

## Create Process for Requests:

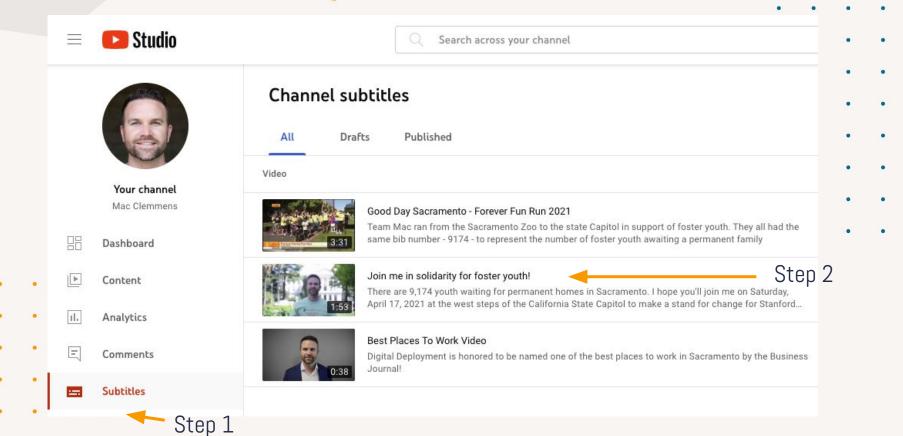
- ✓ Just like you do for public records requests
- ✓ Ensure timeline is included

## **Enable Closed Captions**

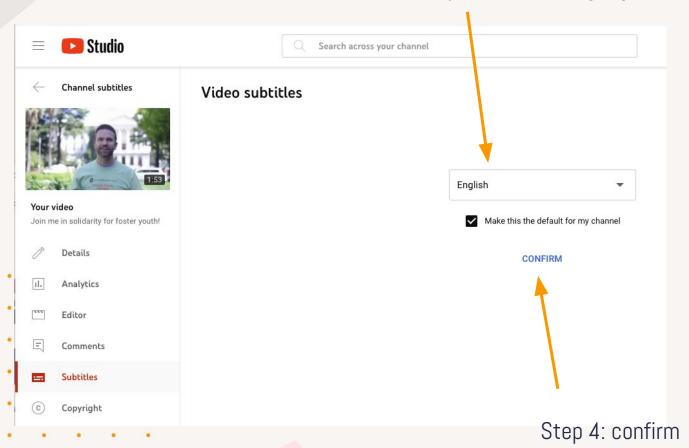
- ✓ If you have videos on your page, or you link to YouTube, make sure Closed Captioning is enabled
- ✓ If you are a larger district, consider hiring a closed captioning service
- ✓ If using Zoom, enable live captions



If you click this, do you see captions?



### Step 3: choose language



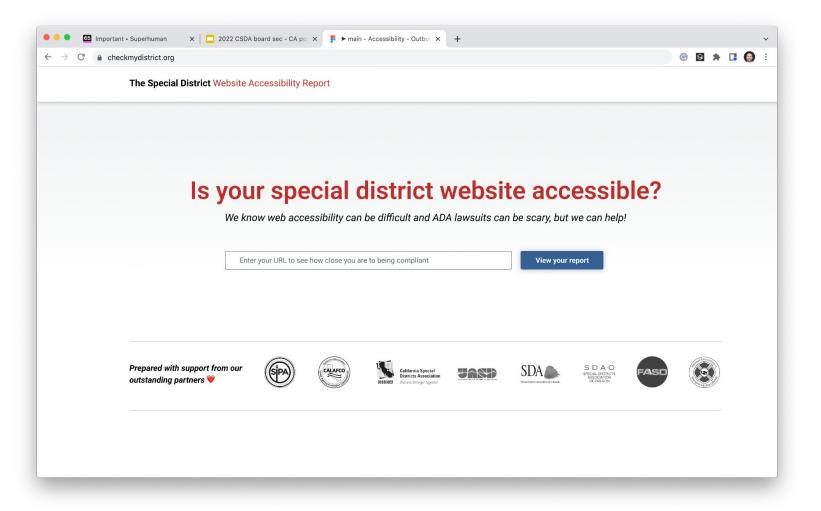
## Ongoing Actions

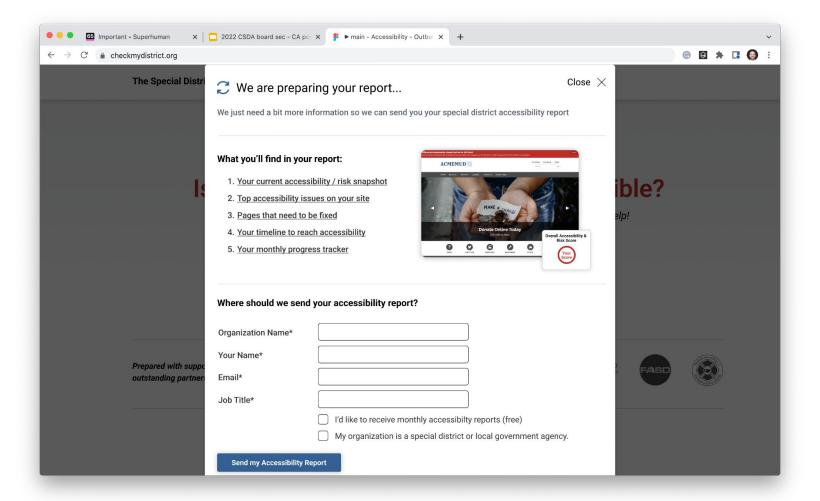
Recommended once per month

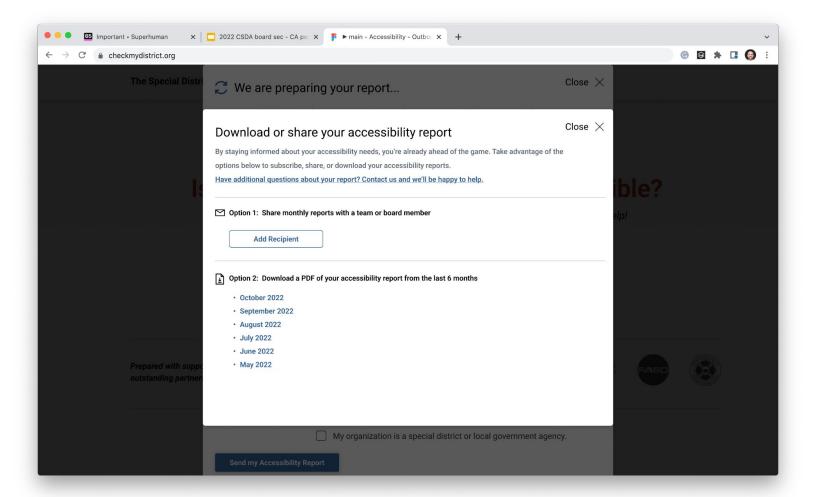
## Scan your website pages

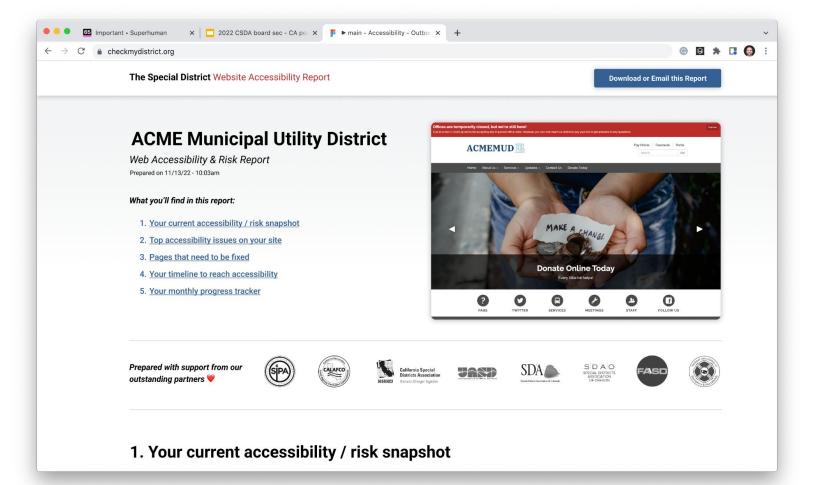
Not a replacement for a full human verification, but a good way to assess your district's general accessibility.

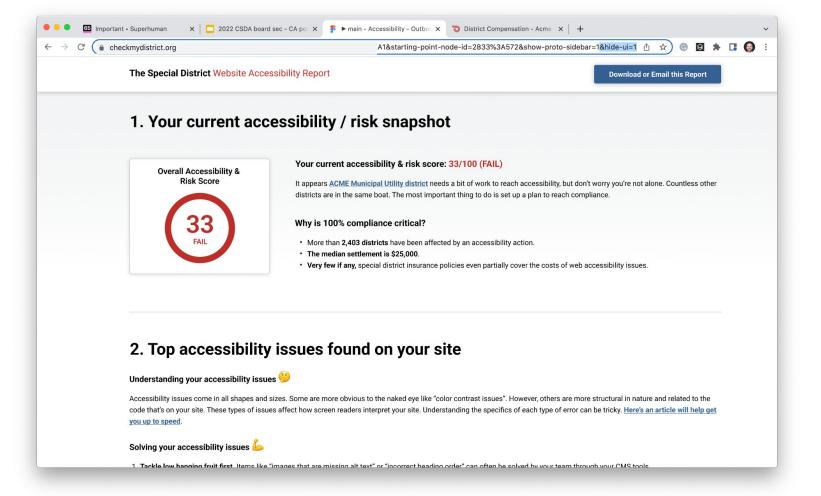
- . ✓. Free: Lighthouse (in-browser), WAVE,
  - CheckmyDistrict.org
  - · Commercial solutions

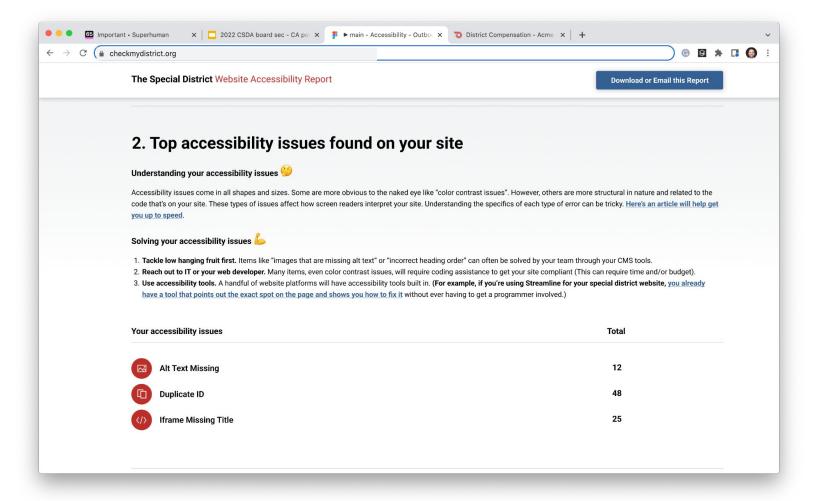


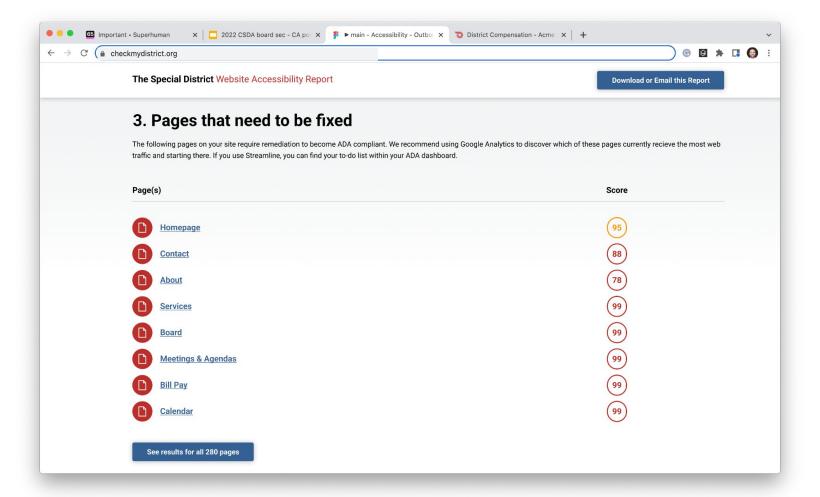


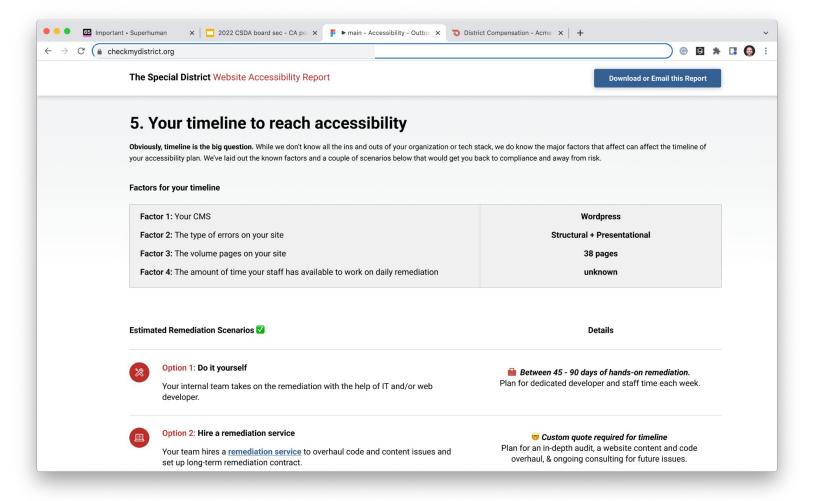


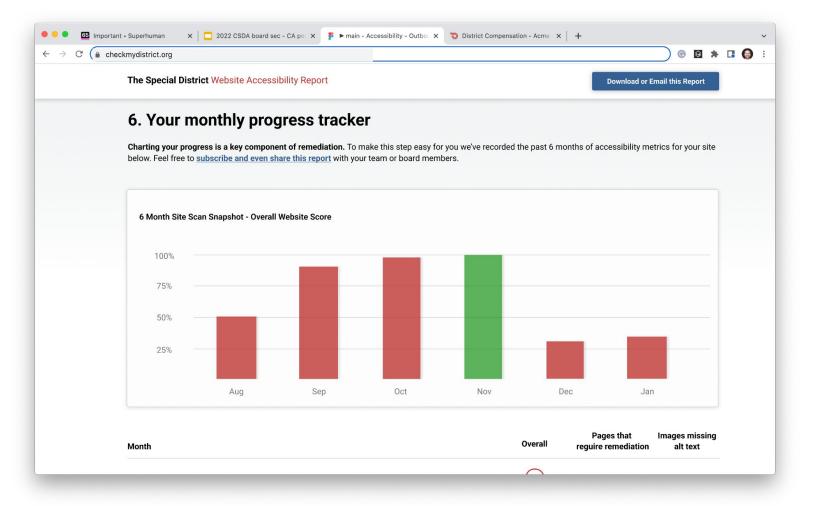










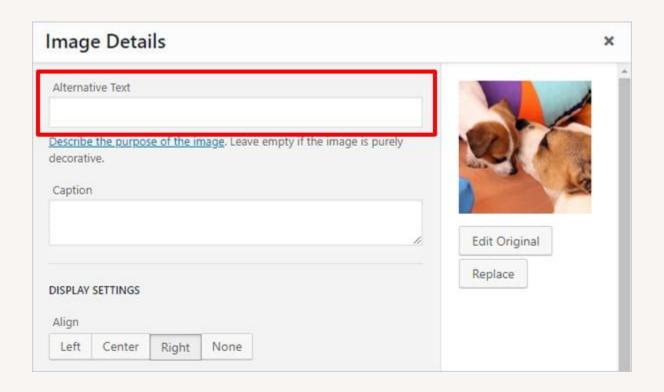


## Scan your website pages (cont.)

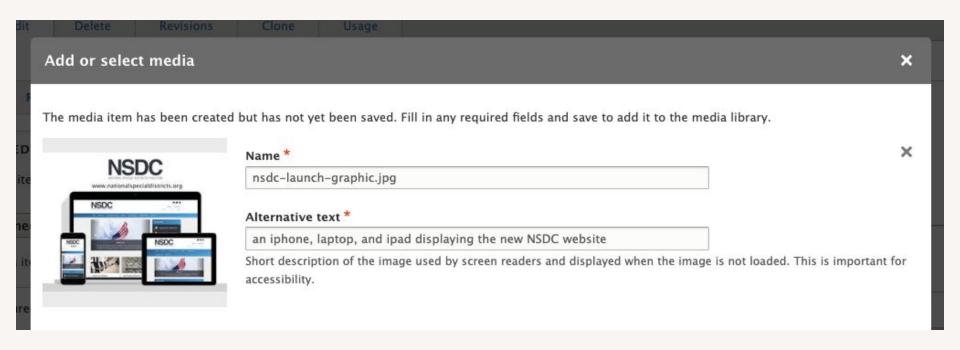
Two most common issues:

- ✓ Missing Alt Text
- · <- Color Contrast

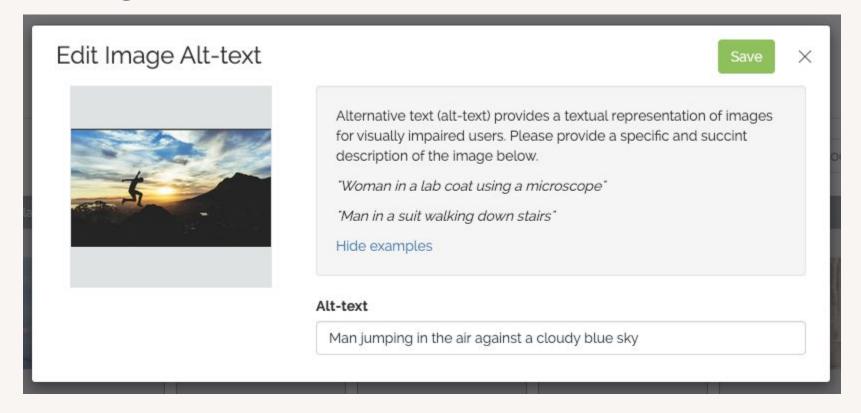
### Fixing Alt Text on Wordpress



### Fixing Alt Text on Drupal 9



### Fixing Alt Text on Streamline



### Images: flyers









Water conservation is the practice of using water efficiently to reduce unnecessary water usage. According to <a href="Fresh Water Water">Fresh Water Water</a>, water conservation is important because fresh clean water is a limited resource, as well as a costly one. As a homeowner, you're probably already well aware of the financial costs of inefficient water use. Conservation of this natural resource is critical for the environment — and our wallets.

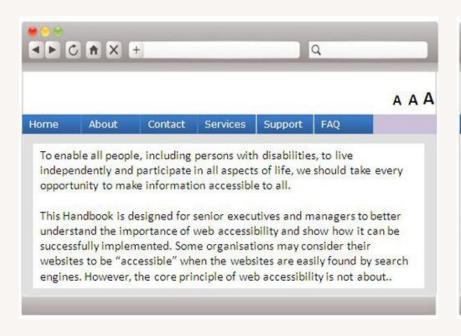
America's population <u>has doubled</u> over the last half century, and our demand for water has tripled. Water conservation is more important than ever, and the world is looking for tips on saving water. The great news is that with just a few simple changes, you can reduce your water footprint. And Constellation is here to help!

### How to save water: 10 tips for saving water around the home

The majority of household water use comes from toilets, washing machines, showers, baths, faucets and leaks, but what you can do to save water is fairly simple. These 10

### Color contrast

## Our favorite tool: WebAlM color contrast checker





pass fail

## Scan your website pages (cont.)

- ✓ Having a process to check your website on a monthly basis can protect you
- √ Keep copies of the results
- ✓ Some districts even post their results



#### Website Accessibility Compliance Report

Download

99%

Reporting Period: September 2023

#### Compliance Snapshot

#### Overall website score: 99%

At the time of this report, 99% of the pages on this website meet accessibility requirements

#### Number of pages scanned: 63

This website currently has 63 pages that are accessible to the public. All of these pages were scanned and evaluated in preparation of this report.

#### Pages in the process of remediation: ${\bf 3}$

This website currently has 3 pages that require remediation to meet full compliance.

View list of pages that require remediation

#### Focus areas for remediation

We have identified these issues on some pages for remediation, and we will provide an update and improvement in our next monthly report.

View list of focus areas for remediation

#### Accountability Snapshot

Website Accessibility Officer

Telephone: (800) 222-7777

### Check attachments

- ✓ PAC 2024 (free)
- ✓ CommonLook PDF Validator (free)
- ✓ Adobe Acrobat Pro

### Check attachments

- ✓ Develop a process for non-compliant documents
  - Option 1: remove all documents and repost when remediated (No longer the way!)
  - Option 2: add statement of remediation on pages with known issues or on accessibility page
- √ Tip: prioritize most popular content first

#### Other Resources for DIY Remediation

- The Accessibility Guy: This is a great YouTube channel with a focus on not only how to remediate your documents, but also create accessible documents going forward. He has two videos going into detail on creating accessible agendas that utilize Streamline to verify!
- <u>DOJ's Small Entity Implementation Guide</u>: This gives detailed legal requirements for local governments on how to comply with the ADA online. (Such as the definition of <u>archived content</u>.)



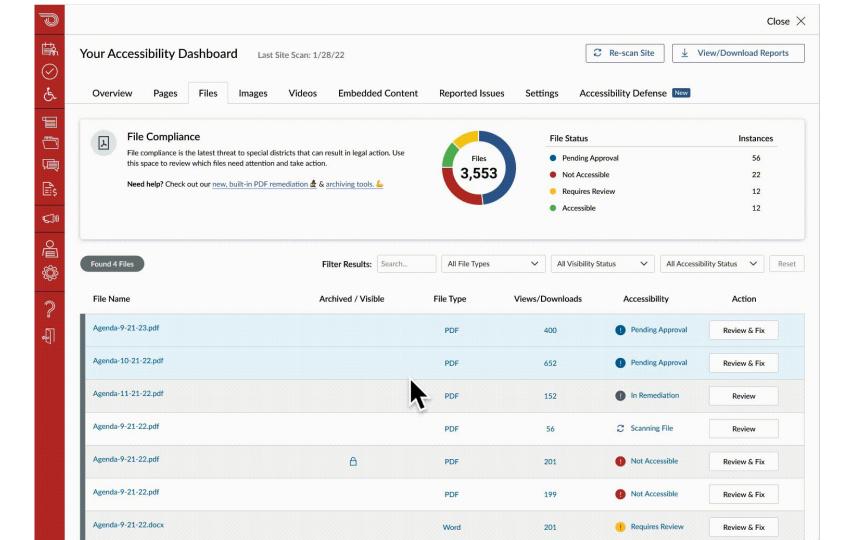
Part 1: Make a simple agenda fully compliant

Part 2: <u>Make a more complex</u> document fully compliant



### Pressed for time? Consider a service

- ✓ CommonLook (\$7/page)
- ✓ Don't boil the ocean, make a plan and work your way through your documents
- ✓ May not be possible to fix all documents, so label and archive ones that are infrequently accessed



### Perform Remediations

- ✓ Insist your vendors do the web remediations
  - contact us for language if you get pushback
  - Add to all RFP language to comply with WCAG 2.1 AA standards (<u>vendor letter</u> <u>template</u>)
- .√. Establish a process

### Perform Remediations

- ✓ Keep an eye out for nonstandard content
- ✓ if you're embedding a map, adding an infographic, linking to a third-party site, etc. try to provide the content in an accessible format, or at least describe the content so people will know what they are missing and how to contact you for more information.

## Third-Party ADA Audit

- ✓ If larger district, consider 3rd party test
- ✓ Use software that is audited, ask for copy of last report or VPAT
- Especially if manual testing was performed, you can include in your plan

## Consider Platform/Insurance

- ✓ Ask what assurances/indemnification your platform provides
- ✓ Evaluate insurance options, if needed
  - o e.g. Prowriters, AAATraq
  - Most standard insurance won't cover (e.g. EPLI, Statewide pools, Cyber)
  - Streamline has added coverage for districts

### Things to watch for in the future

- 1. Technologies: How will new technologies make remediation and accessibility easier?
- 2. **Liability**: Who will be responsible for liability—the website vendors or the districts?
- 3. **Transparency**: Will districts stop communicating online out of fear?

(answer: No! We must keep telling our story!)



## Contact us!

We're here to help!

Mac Clemmens mac@getstreamline.com

SDAO

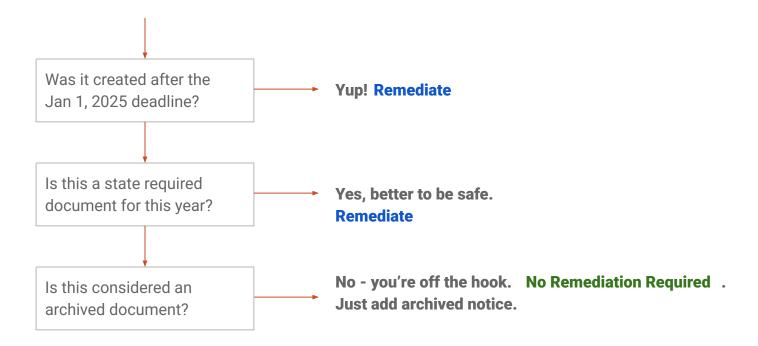
SPECIAL DISTRICTS
ASSOCIATION OF OREGON



Jennifer Quisenberry <a href="mailto:jquisenberry@sdao.com">jquisenberry@sdao.com</a>

## Appendix

#### To remediate or not to remediate a PDF?





### What is archived content?

- The content was created before the date your government must comply with this rule, or reproduces paper documents or the contents of other physical media (audiotapes, film negatives, and CD-ROMs for example) that were created before your government must comply with this rule, AND
- 2. The content is **kept only for reference, research, or recordkeeping**, AND
- 3. The content is **kept in a special area** for archived content, AND
- 4. The content **has not been changed** since it was archived.

Archived Content as Defined by DOJ



### **Prioritizing Document Remediation**

Start by making your most important and frequently accessed documents accessible. Here's a suggested order:

- **1. Upcoming Meeting Agendas:** Ensure community members can participate fully in district decision-making.
- **2. Most Recent Meeting Minutes:** Provide a record of district actions that everyone can understand.
- **3. Financial Documents (Budgets, Audits):** Transparency in finances is key to public trust.
- **4. Public Notices and Announcements:** Reach the widest possible audience with important information.
- **5. Frequently Requested Forms:** Make it easy for everyone to interact with your district.



### **Remediation Options**

#### Do It Yourself (DIY)

Tools like CommonLook PDF or Adobe Acrobat empower you to remediate documents in-house.

#### Automated Remediation

Our platform offers a convenient built-in tool to send PDFs for remediation at a flat rate per page.



### **DIY: Manually Remediating PDFs**

### Remediating PDFs: Adobe Acrobat vs. CommonLook PDF

 While Adobe Acrobat has some accessibility features, it does not test your document against the full suit of WCAG requirements.

View Full Comparison »

	CHECKPOINT	1	CommonLook PDF	
	Displays tags and physical representation of PDF	Yes	Yes	
	Displays physical view for reference	Yes	Yes	
	Split text runs	Yes	Yes	
	Physical view and Tags tree display together	Yes	Yes	
	Physical view and Tags tree selection synchronized	Use "Show tag from Selection"	Yes	
	Display only untagged Elements in a separate view	No	Yes	
General	Multiple selection modes (Exact, Text Only, Images Only, Tags Only, etc.)	No	Yes	
	Selection reordering (Logical/Physical)	No	Yes	
	Level up tags	No	Yes	
	Level up children of tags	No	Yes	
	Change tag order up/down	No	Yes	
	Unlimited Undo/Redo for all operations	No	Yes	
	Automatically calculate bounding boxes for Figures, Formulas and Tables	No	Yes	
	Support for Named Destinations	Yes	Yes	



#### **Common PDF Remediation Tasks**

#### Making PDFs accessible typically involves these key steps:

- **1. Tagging**: Adding tags to define the structure of the document (headings, paragraphs, lists, tables) so assistive technology can interpret it.
- **2. Reading Order**: Ensuring the content flows in a logical order for screen readers.
- **3. Alternative Text for Images**: Providing text descriptions of images so people who cannot see them understand their content.
- **4. Hyperlinks**: Making sure links have descriptive text (not just "click here").
- **5. Tables**: Adding proper table headers and data structure.
- **6. Forms**: Ensuring forms are interactive and usable with assistive technology.
- **7. Color Contrast**: Checking that text and background colors have sufficient contrast for people with low vision.

