



ADA Accessibility Overview

NORTH
Dakota
Be Legendary.

Information Technology

ADA Digital Accessibility

Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination on the basis of disability.

- Title II: State and Local Government Activities
 - Rule: 89 FR 31320, published April 24, 2024
 - Mandates that state and local governments ensure their websites and mobile applications are accessible to individuals with disabilities.
 - Technical standard: WCAG 2.1 Level AA (2018)
 - Updated Technical standard: WCAG 2.2 Level AA (2022)

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Compliance deadlines (by population size)

- More than 50,000: April 24, 2026
- 50,000 or less: April 26, 2027
- Special District Governments: April 26, 2027

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Services needed for Title II Web Accessibility Compliance

- Audit: a formal, manual evaluation where tools and/or technical experts find accessibility issues
- Remediation: a manual process where a technical expert fixes issues
- Training: team members / employees learn how to make accessible web content

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Department of Justice (DOJ) Private Enforcement Actions

- DOJ typically enforces ADA through lawsuits, which typically are resolved through settlement agreements
- DOJ actively enforced website accessibility through settlement agreements between 2010 and 2016; new settlements extending this application began in 2021/2022
- Settlements establish best practices for meeting ADA compliance; these settlements are the most detailed federal guidance to meet compliance expectations

ADA Digital Accessibility

Digital Content Impacted

- Website platforms, including content and functionality
 - Keyboard operability
 - Descriptive and programmatic labels
 - Sufficient color contrast
 - Closed captions on videos
 - Accessible online forms
 - Dynamic compatibilities, such as orientation, reflow (zoom), and text spacing

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Digital Content Impacted

- Mobile and business applications
 - Includes third-party integrations, portals, dashboards, and other services
- Call centers and communication services
 - Touch-tone and voice operated routing services
- Documents and records
 - .PDF forms and documents
 - Use of understandable language

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Common Remediation Needs

- Missing or insufficient alternative text (alt text)
- Missing form field labels
- Missing name, role, states, or values from interactive components
- Missing or broken navigation links
- Inability to navigate by keyboard
- Missing page languages
- Missing closed captions from videos
- Missing or insufficient page titles

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Requirements to Support Compliance

- Automated Testing
 - DOJ has required automated website accessibility testing to be integrated as a routine part of content development and assessment
- Consultation and evaluation
 - Independent consultant who is knowledgeable on digital accessibility and web standards; evaluation includes technical audits and user testing
- Training
 - Website accessibility training for all persons who design, develop, maintain, manage, or have responsibility for digital assets

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Requirements to Support Compliance (continued)

- Recordkeeping and Reporting
 - DOJ has required organizations to track, record, and report back on actions taken, as well as the results of the efforts

Interim Funding Request

- **Siteimprove Contract**

- \$500,000 – January 1st, 2026 – December 31st, 2027

<u>Modules</u>	<u>Quantity</u>	<u>Limit</u>
Crawl	50,000.00	Stored Pages
Accessibility	1.00	Check Results
Prepublish	1.00	Each
Quality Assurance	1.00	Check Results
SEO Audit	1.00	Check Results
Policy	1.00	Check Results
PDF-check of documents	100,000.00	Checked PDFs
Traffic Analytics	1.00	Each
AI Remediate	10.00	Yearly Suggestions

- **Estimated Future Contract**

- **Approximate enterprise license rate ~\$750,000 / year**

Interim Funding Request

- **Sample Vendor Pool quote (onshore pricing)**
 - 1,000 pages
 - Est cost: \$85,000 - \$94,000
 - Est duration: 9 weeks
 - 5,000 pages
 - Est cost: \$275,000 - \$300,000
 - Est duration: 11 weeks
 - 10,000 pages
 - Est cost: \$504,000 - \$555,000
 - Est duration: 19 weeks

Interim Funding Request

- **NDIT Application Developers**
 - 359 applications identified in current inventory
 - May not be all-inclusive
 - Actual remediation work unknown; minimum 10 hours per application for auditing + initial remediation
 - \$700,000 estimated cost for initial planning and remediation efforts

Interim Funding Request

▪ Siteimprove (Year 1)	\$200,000
▪ Siteimprove (Year 2)	\$300,000
▪ 3 rd Party Remediation Efforts	\$300,000
▪ State Developed Applications	<u>\$700,000</u>
▪ Total Appropriation Request	<u>\$1,500,000</u>