



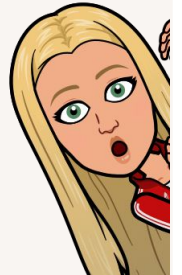
NSDC

NATIONAL SPECIAL DISTRICTS COALITION

Website Accessibility & ADA Compliance



Mac Clemmens
Streamline



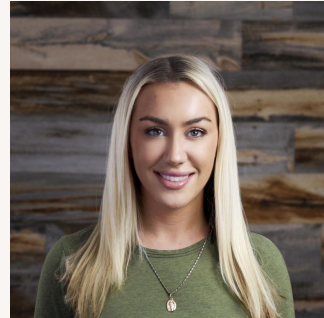
Maria Lara
Streamline

Why we're passionate



MAC CLEMMENS

- Entrepreneur with passion for communication and technology for special districts
- Winner, Access Award, Disability Rights California




MARIA LARA

- Local government and online communications advocate
- Experience coaching over 700 special districts and their service providers on their accessibility practices

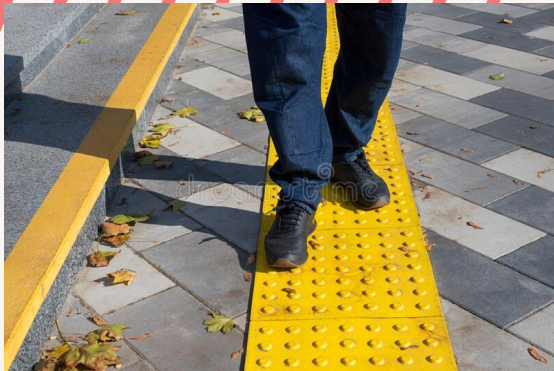
What we'll cover



- 01** What is web accessibility?
And how it affects members of your community
- 02** Why districts should care
It's the law, it's everywhere, and it's the right thing to do
- 03** How to get compliant
Tools to check your district & policies to protect you
- 04** Other tips and tricks
Resources, whitepapers, checklists, and free tools!



What comes to
mind when you
hear the word
“accessibility?”



How does someone with a disability:

1. Find your district's phone number?
2. Read your most recent agenda?
3. Make a donation to your volunteer department?

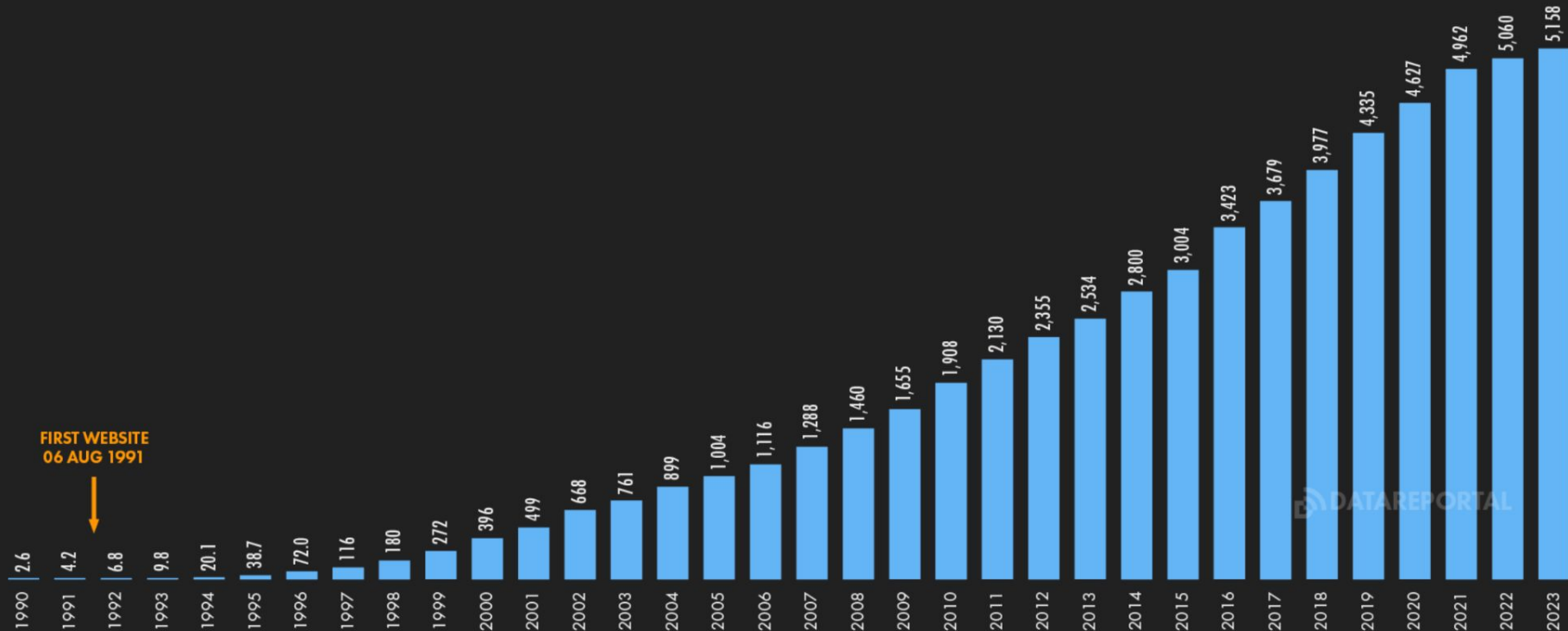


INTERNET USERS: TIMELINE

NUMBER OF INTERNET USERS BY YEAR (IN MILLIONS)



GLOBAL OVERVIEW



FIRST WEBSITE
06 AUG 1991

DATA REPORTAL



Pop quiz!

Why is accessibility important?

Social responsibility: including 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!



What does
"accessible"
mean?



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

BAD

BAD

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



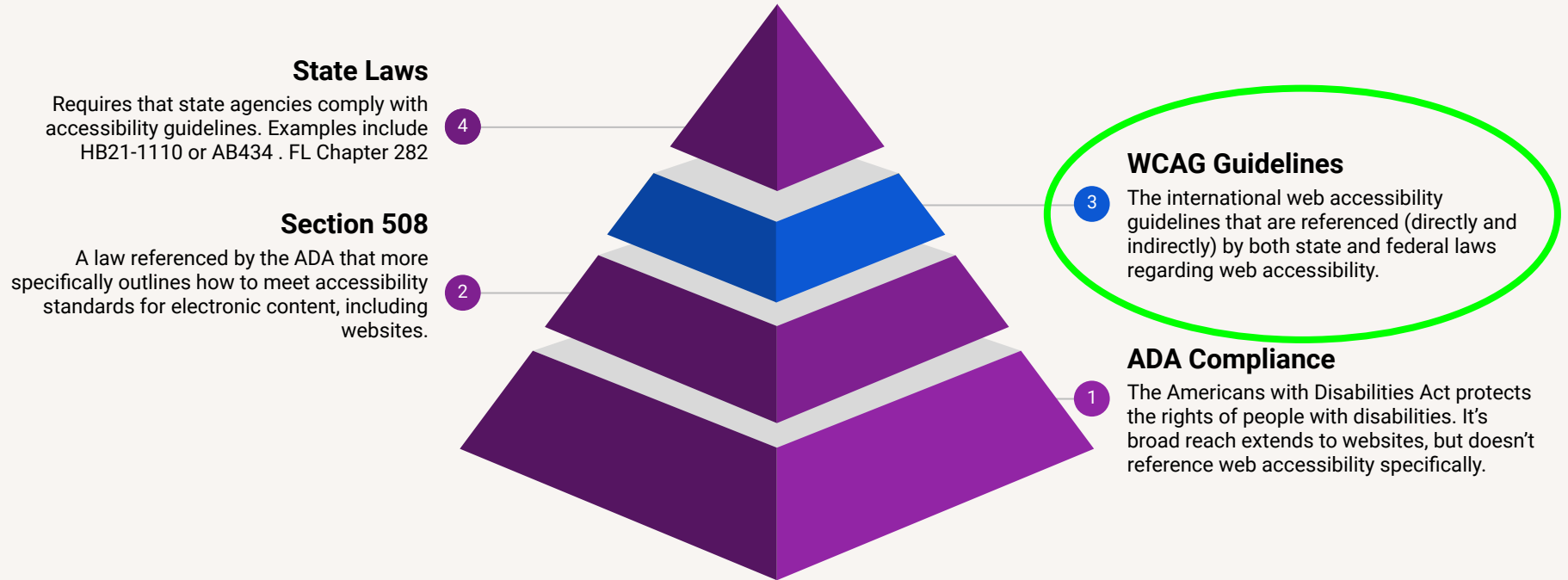
Why should you
care?





1. It's legally required

Legal foundations for website accessibility



Website accessibility lawsuits

Claims Rose ? in 2021

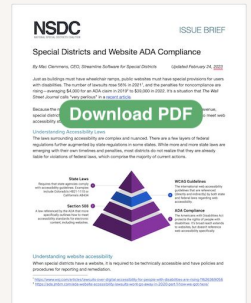
Average ADA Claim in 2019: ?

Average ADA Claim in 2022: ?

Percent of Districts Hit: ?



Sources: <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/>



Website accessibility lawsuits

Claims Rose 56% in 2021

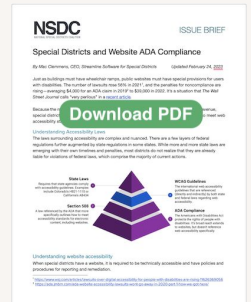
Average ADA Claim in 2019: \$4,000

Average ADA Claim in 2022: \$39,000

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



Sources: <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/>



Website accessibility lawsuits



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

Website accessibility lawsuits



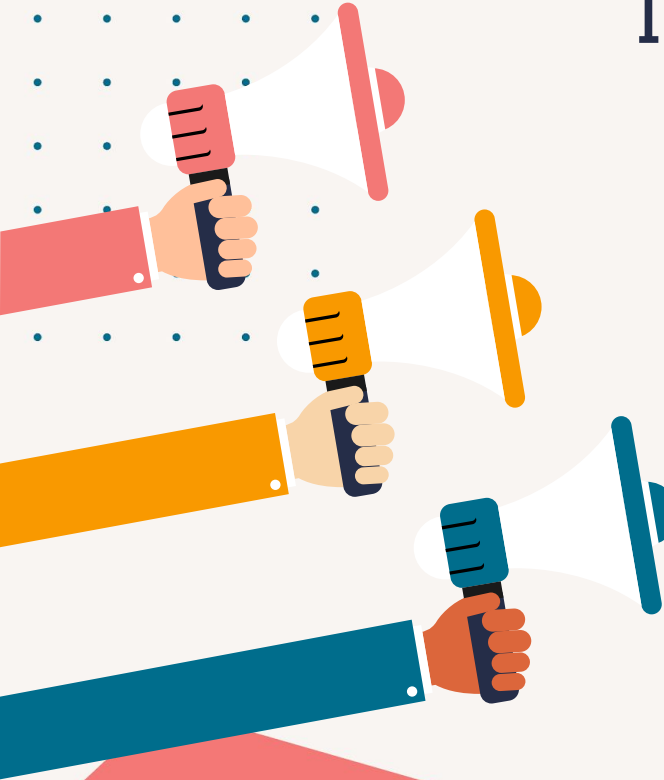
What insurance will protect from ADA claims?

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

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

The Florida Story

- 2015: Websites required for all special districts, with a multitude of posting requirements
- 2016: attorneys started suing districts en masse for having inaccessible websites



Example lawsuits

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 www.itsmymaitland.org) 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 www.itsmymaitland.org in the past and I continue to desire to visit www.itsmymaitland.org 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.

Thank you,

X

Juan Carlos Gil

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 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 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.



2. It's happening everywhere



Accessibility

The Greatest



SEPTEMBER 29, 2022

DUCKWORTH, SARBANES INTRODUCE BICAMERAL LEGISLATION TO HELP MAKE WEBSITES AND SOFTWARE APPLICATIONS ACCESSIBLE FOR AMERICANS WITH DISABILITIES

[WASHINGTON, DC] – U.S. Senator Tammy Duckworth (D-IL) and U.S. Representative John Sarbanes (D-MD-03) introduced legislation to help break down the significant barriers that Americans with disabilities continue to face when accessing website and software applications, which all Americans rely on for employment, commerce, education, public services and all other aspects of society. The *Websites and Software*



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](#)

[Videos](#)

[Photos](#)

[Blogs](#)

[Podcasts](#)



3. (and most importantly)
It's the right thing to do



Examples for special districts

1. Read about an evacuation notice or service outage
2. Report an outage or leak
3. Request a permit
4. Contact the district
5. Check the tax rates
6. See how to dispose of hazardous materials
7. Know if fireworks are allowed





What to do about it

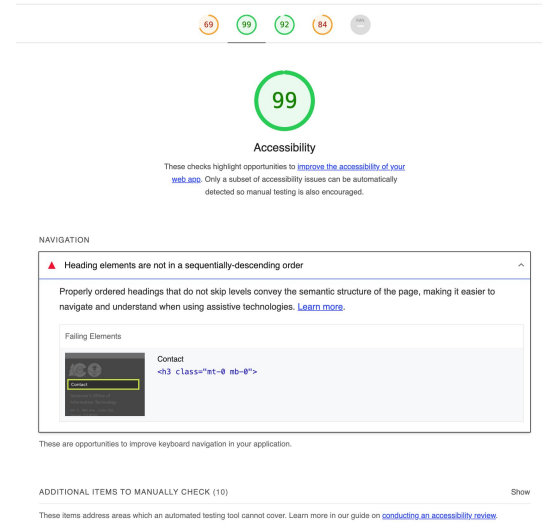
4 Steps to become ADA Compliant Online

1. Assess your website **content**
2. Assess your website **software**
3. Choose a remediation plan
4. Develop ADA policy & ongoing plan

4 Steps to become ADA Compliant Online

1. Assess your website content

- **If DIY**, scan every page of your website & check PDFs (Lighthouse, Adobe Acrobat)
- **If hiring someone**, release RFP & pay for full scan
- **Or, use CheckMyDistrict.org** to scan your entire website today



The screenshot displays a website accessibility audit interface. At the top, a progress bar shows scores for various categories: 69, 99, 92, 84, and a minus sign. Below this, a large green circle contains the number '99', with the word 'Accessibility' underneath. A note states: 'These checks highlight opportunities to improve the accessibility of your web app. Only a subset of accessibility issues can be automatically detected so manual testing is also encouraged.'

The 'NAVIGATION' section is expanded, showing a warning: 'Heading elements are not in a sequentially-descending order'. The description reads: 'Properly ordered headings that do not skip levels convey the semantic structure of the page, making it easier to navigate and understand when using assistive technologies. [Learn more.](#)'

Under 'Failing Elements', there is a small thumbnail of a 'Contact' page and a code snippet: `<h3 class="nt-0 nb-0">`. Below this, a note says: 'These are opportunities to improve keyboard navigation in your application.'

At the bottom, it says 'ADDITIONAL ITEMS TO MANUALLY CHECK (10)' and 'Show'. A final note at the very bottom states: 'These items address areas which an automated testing tool cannot cover. Learn more in our guide on [conducting an accessibility review.](#)'

Other considerations

- 3rd party content (maps, embedded elements, attachments)
- External links
- Plugins
- Videos (closed-captioning)
- PDFs (beware of scanned pages!)

4 Steps to become ADA Compliant Online

2. Assess your website **software**

- **If you use open-source (Wordpress, Drupal, other)**, it depends on your web developer
- **If you use an online platform (Wix, Weebly, Squarespace)**, it depends on theme or template selected; has some tools & resources
- **If you use government-specific software (Granicus, CivicPlus, Streamline)**, ADA compliance guarantees vary, may offer refunds to full indemnification for legal action

Tip:

If you aren't sure, use
[Builtwith.com](https://www.builtwith.com) or [CheckMyDistrict.org](https://www.checkmydistrict.org)



What about plugins?



PROS

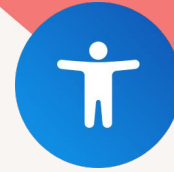
- Add-on for most online platforms
- Checks website pages automatically
- Can cover up many issues

CONS

- Paid (\$500-\$3,000/yr)
- May limit # of pages or not include PDFs or 3rd party content
- Might not actually fix the problem...



What about plugins?



PROS

- Add-on for most online platforms
- Checks website pages automatically
- Can cover up many



CONS

500-\$3,000/yr)
limit # of pages or not include
for 3rd party content
not actually fix the
n...

4 Steps to become ADA Compliant Online

3. Choose a remediation plan

- **Fix it yourself:** educate your website manager on WCAG, use Adobe for pdf, activate closed captions on videos, etc.
- **Press on your vendor:** submit a support ticket, check your contract
- **Hire 3rd party:** submit rfp & be prepared to pay \$
 - Assessments vary depending on amount of content & staff (~\$1,000s- \$10,000s)
 - PDF rates ~ \$7/page

4 Steps to become ADA Compliant Online

4. Develop ADA policy & ongoing plan

- **If DIY**, use templates from NSDC & have board approval
- **If you want to hire someone**, hire an ADA attorney
- **If you want to hire 3rd party**, use a compliance-as-a-service company (policy & claims management)

getstreamline.com/accessibility-policy

What an ADA policy should include

1. ADA statement to be posted on your website
2. Regular scanning interval (and, if results should be posted online)
3. Accessibility officer
4. Reporting form & contact information for ADA issues
5. Response & remediation timelines
6. Provisions for 3rd party and external content



Accessibility Policy

Garberville Sanitary District is committed to ensuring that this website is accessible to people with disabilities. We strive to ensure all the pages on our website meet W3C WAI's [Web Content Accessibility Guidelines](#) 2.1, Level AA conformance, however, if you have any problems accessing content on our site please use the form below to report any issues, or call us at (707) 923-9566.

We will do our best to address any issues as quickly as possible.

Report an issue with our site:

Your name (required)

Email address (required)

Example of a scanning report

Acme Municipal Utility District *Reporting Period: April 2022*

Sample Website Accessibility Compliance Report

Compliance Snapshot:

Overall Website Score: 85

At the time of this report, 100% of the pages on our website meet accessibility requirements

Number of pages scanned: 56

The website currently has 56 pages that are visible to the public. All of these pages were scanned and evaluated in preparation of this report.

Pages in the process of remediation: 8

The website currently has 8 pages that require remediation to meet full compliance.

Focus Areas for Remediation

The accessibility issues that we have identified and require remediate are listed below. We will provide an update and improvement in our next monthly report.

- Heading order (5)
- Alt tags missing (14)
- Duplicate ID (1)
- Missing title for iframe (3)

Accessibility Progress Snapshot:

Number of pages remediated this month: 5

This month we have been active in our remediation efforts, fixing 5 pages on the website.

Number of images remediated this month: 2

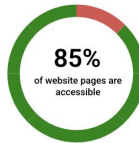
This month we have been active in our remediation efforts, fixing 2 images that were missing alt tags on the website.

Accountability Snapshot:

District Compliance Officer: Chris Ryan

Telephone: (888) 555-1234

Online: compliance@acmemud.org



- Overall score
- What was scanned
- Pages that will be remediated
- Timeline for remediation
- Link to policy
- Contact person

For your next board meeting, ask:

1. Who handles our district's website?
2. Do they know about ADA compliance?
3. What is our process for making the website compliant?

CheckMyDistrict.org

- Full website scan
- Automatic ongoing monthly scans

Subscribe monthly for:

- ADA sample policies, educational decks, free tools, resources
- 3rd party & PDF scanning release date & early access

Why it has historically been so expensive for districts

\$300/mo scanning tools

\$7/page PDF remediation

\$300/hr legal review + policy

\$1,000-\$25,000 remediation

10-40 hours
manage RFP

OR

20+ hours DIY

\$200-\$300/mo insurance

\$0 - CheckMyDistrict.org

Download this slide deck, checklist, and sample policies

[getstreamline.com/orada](https://www.getstreamline.com/orada)

NSDC
NATIONAL SPECIAL DISTRICTS ASSOCIATION

ISSUE BRIEF

Special Districts and Website ADA Compliance

By Mac Clements, CEO, Streamline Software for Special Districts | Updated February 24, 2022

Just as buildings must have wheelchair ramps, public websites must have special provisions for users with disabilities. The number of lawsuits rose 56% in 2021, and the penalties for noncompliance are rising—averaging \$4,000 for an ADA claim in 2019* to \$39,000 in 2022. It's a situation that The West Street Journal calls "very painful" in a recent article.

Decide the right special district approach to meet website accessibility.

Download PDF

Understanding Accessibility Laws
The laws surrounding accessibility are complex and nuanced. There are a few layers of federal regulations further augmented by state regulations in some states. While more and more state laws are emerging with their own timelines and penalties, most districts do not realize that they are already liable for violations of federal laws, which comprise the majority of current actions.

State Laws
Requires that state agencies comply with accessibility guidelines. Enforces website accessibility under Title II of California AB424.

Section 508
A law referenced in the ADA that more specifically outlines how to meet accessibility requests for electronic content, including websites.

WCAG Guidelines
The international web accessibility guidelines that all interested parties and industry to both web and non-web are required to follow.

ADA Compliance
The Americans with Disabilities Act covers the rights of people with disabilities, but doesn't reference web accessibility specifically.

Understanding website accessibility
When special districts have a website, it is required to be technically accessible and have policies and procedures for reporting and remediation.

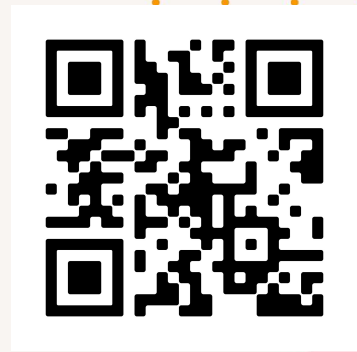
*https://www.consumerwatchdog.com/news/ada-compliance-for-people-with-disabilities-are-rising-79230302056
*https://www.palmbeachpost.com/news/ada-compliance-website-issues-are-rising-2022-02-23/article.html

STREAMLINE Website Accessibility Checklist www.getstreamline.com/accessibility

Technology	Available Resources	
Scan your website pages	<input type="checkbox"/> We have scanned every page of our website, every page has a score and list of issues needed to remediate.	Checkmydistrict.org (free) Google Chrome Lighthouse (free) a11ychecker.com (free)
Check attachments	<input type="checkbox"/> 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.	Adobe Acrobat Pro (paid) CommonLook (paid)
Provide monthly reports	<input type="checkbox"/> We have a system in place for monthly, full-site scanning, and a process for posting our monthly accessibility reports on our website.	Checkmydistrict.org (free) Level Access (paid)
Create accessibility page	<input type="checkbox"/> We have created a dedicated accessibility website page to house all accessibility-related content.	https://www.getstreamline.com/accessibility-policy
Update closed captions	<input type="checkbox"/> Our videos all have closed captions, and we have a process for including closed captions in future videos.	YouTube (free) Otter.ai (paid)

Operations	Available Resources	
Designate an accessibility officer	<input type="checkbox"/> We have designated one staff member to be the accessibility officer who will be the go-to contact for accessibility issues.	
Create a process for requests	<input type="checkbox"/> We have published an online form for constituents to report accessibility issues or make accessibility requests, including a policy for standard response times.	getstreamline.com/accessibility-policy
Perform remediations	<input type="checkbox"/> We have assessed the errors identified on every page and made the necessary remediations to reach 100, starting with the homepage.	Checkmydistrict.org (free) Getstreamline.com (paid)
Approve an accessibility policy	<input type="checkbox"/> Our board has approved an accessibility policy that includes the level of accessibility you are adhering to, and information for submitting requests	getstreamline.com/accessibility-policy
Third-party ADA audit	<input type="checkbox"/> A third party has conducted an audit of our entire website. <i>(If you are a large district with lots of pages, we recommend paying a third party for an audit to make sure nothing gets missed.)</i>	Level Access (paid) Marriondo (paid) UserWay (paid) GetStreamline.com (included)

Updated 2023 for latest recommendations to comply with the Americans with Disabilities Act (ADA) / WCAG 2.1 AA / Section 508 / HB 21-110 (CO) / AB 434 (CA)





Thank you!



Contact us!

We're here to help!



Mac Clemmens
mac@getstreamline.com

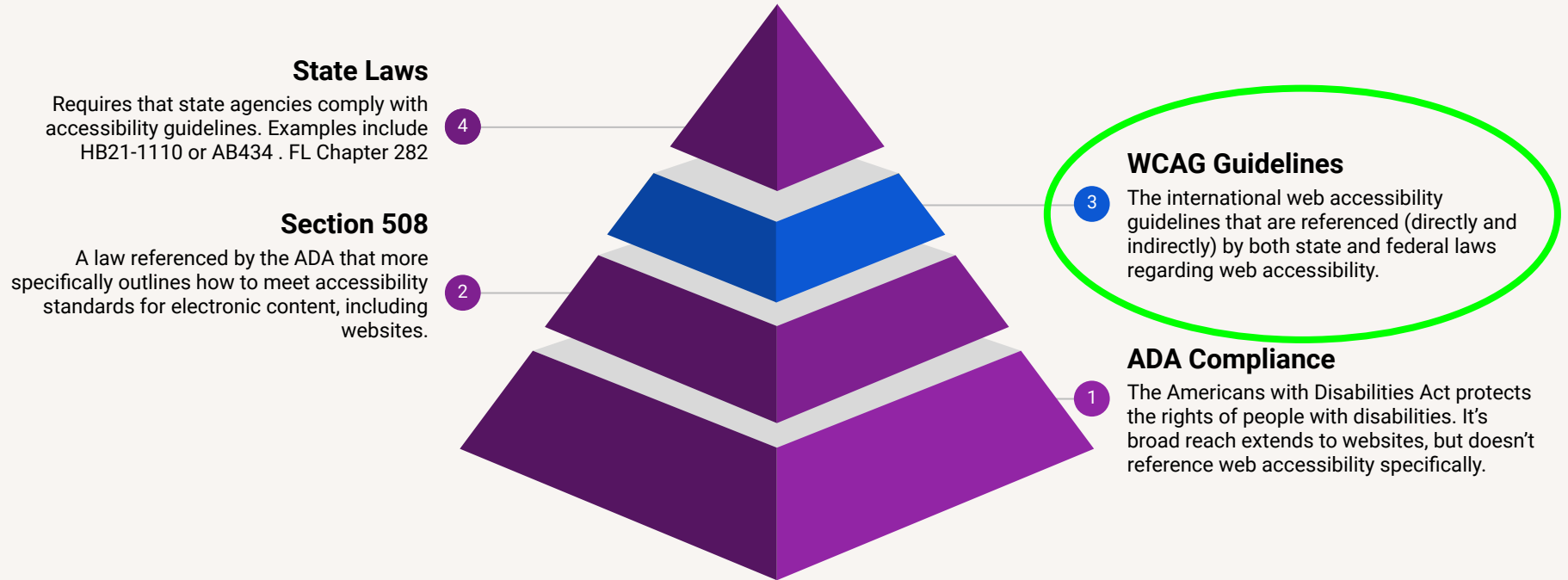


Maria Lara
maria@getstreamline.com



Bonus Content: WCAG Guidelines

Legal foundations for website accessibility



WCAG 2.1 A

→ WCAG 2.1 AA

WCAG 2.1 AAA

WCAG 2.1 AA: Perceivable



Guideline 1.1, Text Alternatives: Provide text alternatives for any non-text content


Guideline 1.2, Time-based Media: Provide alternatives for time-based media

Guideline 1.3, Adaptable: Create content that can be presented in different ways (for example simpler layout) without losing information or structure

Guideline 1.4, Distinguishable: Make it easier for users to see and hear content including separating foreground from background

Guideline 1.1, Text Alternatives: Provide text alternatives for any non-text content

Edit Image Alt-text

Save ×

Alternative text (alt-text) provides a textual representation of images for visually impaired users. Please provide a specific and succinct description of the image below.

"Woman in a lab coat using a microscope"

"Man in a suit walking down stairs"

[Hide examples](#)

Alt-text

Guideline 1.2, Time-based Media: Provide alternatives for time-based media



Guideline 1.3, Adaptable: Create content that can be presented in different ways (for example simpler layout) without losing information or structure

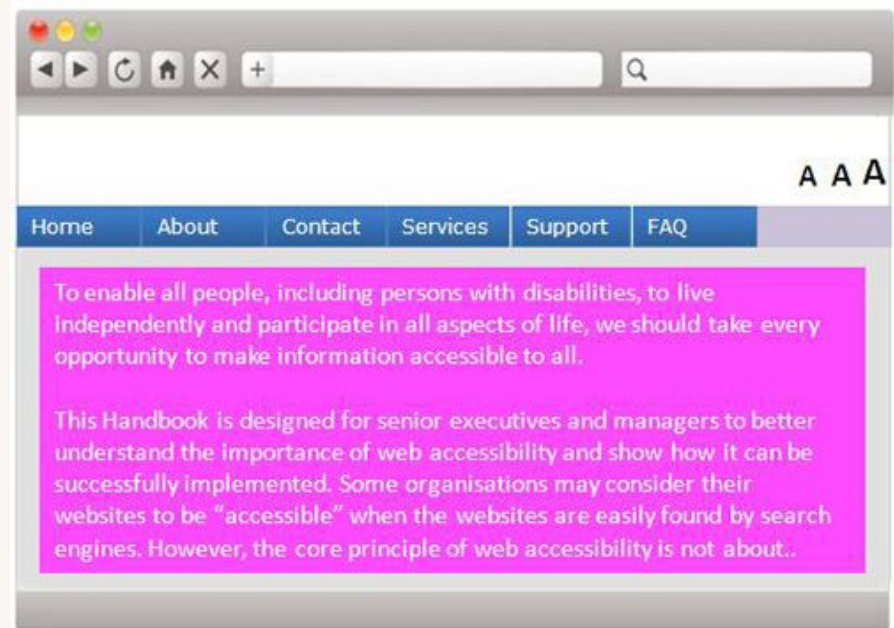
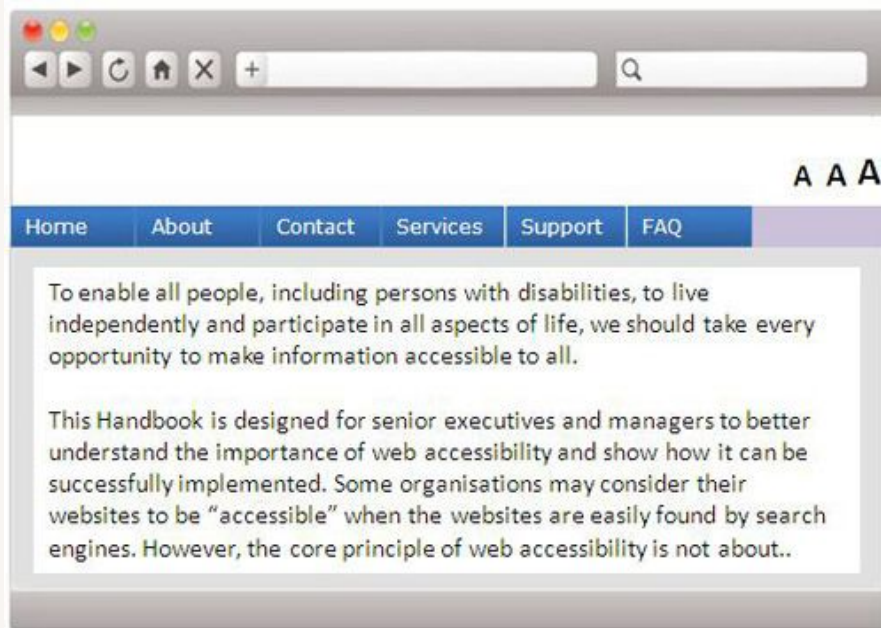
At Acme Municipal Utility District we are dedicated to helping our community conserve water. Here are the statistics for 2019, and how they compare to usage in 2018:

Type of usage	2019	2018	Difference
Household water	10,000 CF	14,150 CF	↓ 4,150 CF
Irrigation usage	45,000 CF	48,000 CF	↓ 3,000 CF
Commercial usage	36,000 CF	32,500 CF	↑ 3,500 CF
Household water usage	10,000 CF	14,150 CF	↓ 4,150 CF
Irrigation usage	45,000 CF	48,000 CF	↓ 3,000 CF
Commercial usage	36,000 CF	32,500 CF	↑ 3,500 CF

The image shows a table with a context menu open over the header row. The menu options are: Turn Column Headers Off, Add Column Before, Add Column After, Move Column Right, and Delete Column. The table data is as follows:

Type of usage	2019	2018	Difference
Household water	10,000 CF	14,150 CF	↓ 4,150 CF
Irrigation usage	45,000 CF	48,000 CF	↓ 3,000 CF
Commercial usage	36,000 CF	32,500 CF	↑ 3,500 CF
Household water usage	10,000 CF	14,150 CF	↓ 4,150 CF
Irrigation usage	45,000 CF	48,000 CF	↓ 3,000 CF
Commercial usage	36,000 CF	32,500 CF	↑ 3,500 CF

Guideline 1.4, Distinguishable: Make it easier for users to see and hear content including separating foreground from background



Guideline 2.3, Seizures and Physical Reactions: Do not design content in a way that is known to cause seizures or physical reactions



WCAG 2.1 AA: Understandable



Guideline 3.1, Readable: Make text content readable and understandable

Guideline 3.2, Predictable: Make Web pages appear and operate in predictable ways

Guideline 3.3, Input Assistance: Help users avoid and correct mistakes

Guideline 3.1, Readable: Make text content readable and understandable

“A more understandable alternative is provided for content that is more advanced than can be reasonably read by a person with roughly **9 years of primary education.**”

WCAG 2.1 AA: Robust

Guideline 4.1, Compatible: Maximize compatibility with current and future user agents, including assistive technologies



Why it is so expensive for districts

\$300/mo scanning tools

\$7/page PDF remediation

\$300/hr legal review + policy

\$1,000-\$25,000 remediation

10-40 hours
manage RFP

OR

20+ hours DIY

\$200-\$300/mo insurance

\$0 - CheckMyDistrict.org

COMPARISON OF COST AND TIME

Manual

1. ADA assessment \$ & time
2. ADA remediation of website
3. ADA remediation of pdf
4. Updating software
5. Hiring consultants

Streamline

1. CMD
2. Streamline

