



Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities Issued April 24, 2024
Effective June 24, 2024¹
Summary of Key Provisions

On April 24, 2024, the Department of Justice’s (Department) published its much-anticipated final rule on website content and mobile applications (apps) accessibility for state and local governments. The Department first announced its intention to regulate in the area of website and app accessibility in 2010, and has published guidance materials at various points, but always stopped short of a regulation.

The final rule implements Title II of the Americans with Disabilities Act (Title II), which prohibits state and local governments entities, including school districts, from discriminating on the basis of disability. It includes specific requirements that these entities must follow to ensure website content and apps are accessible to people with disabilities.

The final rule sets a specific technical standard that state and local governments must follow to meet their existing obligations under Title II of the ADA for web and mobile app accessibility. The Department adopted the Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA as the technical standard for compliance. Schools will need to ensure that websites, mobile apps, and digital textbooks, for example, contain accessible text, images, videos, etc. for people with disabilities. The rule explains that conformance to WCAG 2.1 Level AA is not required to the extent that such conformance would result in a fundamental alteration in the nature of a service, program, or activity of the public entity or in undue financial and administrative burdens. This language reflects the language in the statute.

The Department lists limited exceptions from compliance with the technical standard for some kinds of content that are not as frequently used or that may be particularly hard for schools to address right away.

- I. *Archived web content.* This exception is intended to capture outdated or superfluous content that need not be made accessible. Archived web content is defined as web content that (1) was created or reproduces paper documents created before the date the public entity is required to comply with the rule; (2) is retained exclusively for reference, research, or recordkeeping; (3) is not altered or updated after the date of archiving; and (4) is organized and stored in a dedicated area clearly identified as being archived.

- II. *Preexisting conventional electronic documents.* Certain documents, such as existing PDFs, that were provided or made available before the entity is required to comply with the rule do not have to meet the WCAG 2.1, Level AA standard. Unless currently used to apply for, gain access to, or participate in the school’s services, programs, or activities, these documents do not fall under the new requirements.

¹ *Compliance dates:* A public entity, other than a special district government, with a total population of 50,000 or more shall begin complying with this rule April 24, 2026. A public entity with a total population of less than 50,000 or any public entity that is a special district government shall begin complying with this rule April 26, 2027.



- III. *Content posted by a third party where the third party is not posting due to contractual, licensing, or other arrangements with a public entity.* Third parties are members of the public not controlled by or acting for state or local governments. The school may not be able to change the content third parties post. For example, a message that a member of the public posts on a school’s online message board would probably fall under the exception.
- IV. *Individualized documents that are password-protected.* Schools sometimes use password-protected websites to share documents that are for a specific individual or student. For example, a PDF version of a student’s test grade that is available in that student’s secure account on a school’s website or app would probably fall under the exception. However, the exception does not apply to the school’s website itself.
- V. *Preexisting social media posts.* For many schools, making all their past social media posts accessible may be impossible. There also may be very little use to making these old posts accessible because they were usually intended to provide updates about things happening at the time they were posted. The Department explains, “public entities’ limited resources are better spent ensuring that current web content and content in mobile apps are accessible, rather than reviewing all preexisting social media posts for compliance or possibly deleting public entities’ previous posts if remediation is impossible.”

State and local governments must make sure that their web content and mobile apps meet WCAG 2.1, Level AA within two or three years of when the rule was published on April 24, 2024, depending on their population. The Department specifically notes that “a school district is not a special district government. If it is a city school district, it would use the population of the city to know when to comply. If it is a county school district, it would use the population of the county. If it is an independent school district, it would use the population estimate in the most recent [Small Area Income and Poverty Estimates](#).”

If a state and local government is in a county or city with a population of 50,000 or more, it must comply by April 24, 2026. However, a state and local government in the same state located in a county or city with 49,999 or fewer residents would have a later compliance deadline of April 26, 2027.

U.S. Department of Justice, Civil Rights Division
28 C.F.R. PART 35—Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities (released April 24, 2024, effective June 24, 2024)

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