

Guiding State & Local Governments Through the 2024 DOJ Accessibility Regulations

Good afternoon, everybody. Welcome to the Allyant presentation outlining an overviewing the Department of Justice's newly finalized rulemaking for Title II entities for state municipal government. My name is Dan Sullivan. I'm the chief sales officer here at Allyant. And joining me this afternoon is Aaron page, who is our director of accessibility.

And we look forward to walking through some of the specifics in the guidelines relative to the DOJ rulemaking that was just released a few weeks ago and giving a little bit of context and a little bit of overview. As a means of getting started, AP, would you mind just taking a quick minute and introducing yourself. And I should say Aaron, we love to refer to Aaron Page here in our organization as AP for short. But Aaron Page is our director of accessibility. And AP, I'd love for you to take a quick second to introduce yourself.

Sure. Thanks, Dan. Hello, everybody. Thanks for joining us this afternoon/morning. As Dan said, my name is Aaron Page. I am our director of accessibility here at Allyant, so I help oversee our digital audit process.

I get the opportunity to do a lot more accessibility evangelism work, like joining Dan today on this webinar. I also coordinate our accessibility claims team, so our team of auditors who are trained to help clients in the event they are targeted by an accessibility related lawsuit or demand letter. I myself am blind. I was born with congenital glaucoma.

I lost my remaining functional vision more than 15 years ago now. I have been working in the digital accessibility space for the last 10 years, the last six of which have been at Allyant. So as somebody who is blind and uses screen reading software and assistive technologies on a daily basis, accessibility is really important to me, both professionally and personally. This new rule is a really exciting update in the area of accessibility, so I'm looking forward to talking with you all about it today.

Great. And Aaron, I think you and I have a lot of conversations. And we cover a lot of topics, and we really have good back and forth insofar as dialogue and conversation. And really, the approach that we want to take to this webinar is really make it conversational in tone. And really, our goal here is to provide a high-level overview of what this rulemaking is.

And if you work or if you function and operate within a Title II entity, a state, municipal government, what does this mean to you? What are the impacts? What are the timelines? And what's the best way to get on the road to figuring out the best way to meeting these requirements and understanding what they are? By way of just giving a high-level overview of who Allyant is and what it is that we do, we're an organization that helps municipal, state, federal government entities as well as lots and lots of companies in the commercial market in really addressing and dealing with the accessibility of their content that they deliver to either constituents or customers across the board and whether that's through just about any means in which an organization communicates or interacts with a customer or the public.

That could mean digital and web interfaces, mobile apps. It could mean PDF documents. It could mean printed materials and being able to convert those materials into things like Braille or reflowed large print. So Allyant really specializes across the board in helping organizations make certain that their communications are fit to be communicable with anyone that they interact with regardless of ability. So the roots of our company go back two-plus decades. We've got a series of individuals in our organization that have been doing this for a long time, helping government entities and dealing with their requirements around accessibility. And our whole concept and idea of this is this is what we do for a living. We get into the weeds, and we know this.

But we recognize and understand that a lot of organizations do not have that level of expertise. And the idea in the concept is that you can rely upon us to help you navigate through what may seem like an overwhelming and complex topic to make it organizable, simple to understand, and really begin to develop plans that you can deploy to start moving towards the conformance and the requirements. So at a really high level, that's what it's about. And as we get started at a high level, I think one of the most common mistakes that gets made when people dig into discussing and talking about this, particularly given the fact that we're going to start talking about the DOJ rulemaking relative to Title II entities, is that we almost forget that a lot of folks are new to this topic and that you're essentially being brought to this conversation as a result of the rulemaking.

And sometimes we lose context of the fact that there is a number of organizations-- accessibility is a very broad term. And I think sometimes we lose a little bit of context around the concept of accessibility, particularly when we're talking about accessibility from a digital perspective or within web interfaces or document interfaces. Interestingly enough, in July of 1990, which, we're going to be coming up in 2025, celebrating the 35-year anniversary of the Americans with Disabilities Act, I think a lot of us understand and recognize what the ADA means and what accessibility means in a lot of different places, particularly with physical access to buildings or to environments.

We recognize and understand and many of us take them for granted now that they've been out there and mandated by law for the best part of 33-plus years, things like curb cuts on sidewalks, or ramps and rails in

front of public buildings, or even something is simple and as basic as a lift in a public pool, which enables someone who may have a physical disability from being able to participate in that particular amenity. Or many of us have been to public beaches, where we've seen sand- or beach-based wheelchairs, which really enable those individuals with mobility impairments to participate in public access to beaches.

So I think, when it comes to accessibility, I think we get that. But when it comes to the concept of digital or web-based accessibility, I think that's where a lot of folks don't have the context. And Aaron, as you sort of referred to, you are an individual that's blind and really rely upon in the work that you do day to day and the way in which you live your life. Being able to have access to digital communications and information is really important to you. So when I say what is accessibility from that context through your personal experience, could you give a little bit of an overview and maybe give a little bit of a sense to the folks that are listening in on today's webinar what that means to you from your perspective?

Yeah, absolutely. Thanks, Dan. So to me, I would say accessibility, it means that persons of all abilities have equal access. They are able to just simply use it. I can go-- in the digital space, as an example, I as a screen reader user, I can just go to your website, and the website works.

I can navigate the site. I can access a product. I can add it to the cart and complete the checkout flow. It just works.

That is what accessibility, especially when we're talking in the digital space, means is that a user who relies on an assistive technology, whether that's a screen reader, a screen magnifier, text-to-speech tools, tools like Read&Write Gold that are for persons who might have cognitive disabilities and need special-- or other print disabilities. It just will work, and it will work with those assistive technologies.

I think Dan kind of mentioned this, that we have historically always thought about accessibility in terms of services and physical locations, those having alternative ways of being able to get into buildings for somebody who is in a wheelchair or ensuring that, for example, airlines can't deny travel services to somebody like me, who is blind. Those are examples of services and physical locations.

But now, with this new rule, we are talking about accessibility and digital environments. And just like somebody who is in a wheelchair going to a building, if that building is accessible, it has the accessible entryway. They can just get in. They don't have to ask for any assistance to get into the building. They can just get in.

And so if your digital environment is accessible, I, as a screen reader user, I can just get in. And I don't have to rely on an accommodation process. And this is something that, for us here in the US who have lived under the Americans with Disabilities Act, I think we always think about this. You're obligated to provide reasonable accommodations.

And the DOJ rule does not relieve you of that. If something is not accessible, you are still obligated to provide a reasonable accommodation. The trick, though, is that if you are relying on an accommodation, it's not accessible. If I can't just go to your site and visit it, I instead have to contact your customer care team to get their help in order to complete the purchase, your site's not accessible. You're instead relying on an accommodation process.

And so speaking as somebody with a disability who has-- throughout my entire life, I have had to, in various instances, rely on accommodation processes. Through college, I had to rely on an accommodation process all of the time. And I think if you ask most anybody who has a disability what it is like to go through an accommodation process, they will tell you it is unpleasant.

You don't want to do it because not only do you have to figure out who to communicate with-- at least at a college, you know who that is. But in a business, an e-commerce website, or your local water company, who's the disability coordinator who will provide you with those accommodations? How do you contact them?

Then you have to actually tell them what you need, explain why, argue with them, most likely, about it. And it's just a whole lot of work that ends up feeling very dehumanizing when you have to go through an accommodation process. And so first and foremost, I just underscore this notion that, if it's accessible, that means you don't have to rely on an accommodation process. It's just going to work.

So your PDF documents, you open it up, and it just works, Your websites, you open it up, and it just works. Your mobile apps, it just works with the screen readers built into the mobile devices. That is what accessibility truly means to me.

Excellent. And so the two points that I think that are probably worth expanding on that, Aaron, that legislation is sort of interesting. The Americans with Disabilities Act is very prescriptive, and a lot of it applies to physical access to public buildings and things of that nature. The interesting thing about legislation is-- when the ADA was signed into law, it was transformative. It was landmark legislation.

But in 1990, the internet and the way in which we gain access to information was very different than it is today. And if you read through the ADA, it makes no reference to an internet browser, or a screen reader, or things of that nature. And as we get into and talk about the DOJ ruling a little bit, I think what's interesting here is it's really bringing the context of the ADA into more of a modern focus based on the way in which we access and secure information, particularly in public settings. Any thoughts on that and your thought process?

No, I completely agree. It is fascinating to think that this law that was signed in 1990 and written in the mid to late '80s still kind of drives accessibility even in the digital spaces today. And the way that it's been up until

this rule has all been kind of through Title III, the places of public accommodation and various legal rulings and precedents around that. But now, now there's this amazing clarification that just simply says, if you're this Title II entity, here's the standard. And so it's really a great development for the Americans with Disabilities Act, provides a lot more clarification.

Yeah, and the other point that I wanted to drill down just a little bit on what you were discussing is, for some that maybe really hearing about digital, and web-based, and document-based accessibility for the first time, you made reference to things like assistive technology, and screen readers, or Braille readers. But I think just to break that down a little bit more granularly, and many of us may-- those of us that use visual interfaces to connect with web or mobile phone applications, we use a mouse pad or we use a mouse. And it's a highly visual experience, where it's largely, to this day, point and click or touch.

And when you make reference to screen readers, and I think a lot of us have some context around voice to text. And there are interfaces built within our mobile phone that will read out the text. But in essence, as I understand it, screen readers or Braille readers, refreshable Braille readers, essentially enable someone like you that does not have the capacity to take hold of a mouse and point or use a trackpad on a keyboard to navigate through using keyboard interfaces and get a read out of that technology.

And I think the-- give a little bit of context around when you had to start using assistive technology, and the process that you went through, and how you rely upon it because, as I understand it, AP, you can navigate through any website. It's very different than the way that I may, but you do it through keyboard commands and, really, leveraging a whole interface by using your keyboard as opposed to a visual interface. If you could just take 60 to 90 seconds and give a little bit of context to that to the layperson that maybe just learning about this type of technology for the first time.

Yeah, no, it's a great point, and it's something that I always like to bring up on trainings, especially when I'm talking about screen reading software. What a screen reader is, is that difference between text-to-speech and screen reading software. And as you pointed out, for somebody like you who can see, you're pointing. And you're clicking. And you're dragging. And you're doing all these visual operations. And text to speech assumes that you can do that. Text to speech is designed for persons with print disabilities other than blindness. And what it does is it allows them to read out text that is being displayed on the screen. But it assumes that you are interacting with the device as a sighted user would, that you can click on the text and highlight what it is that you want to read out and those different operations.

Screen reading software is different in that, yes, it reads out text that's on the screen. But screen reading software is designed for you to actually operate the device entirely using speech. So not just like reading out the text that's being displayed on one particular page, it actually allows you to open up the web browser, navigate to the page, navigate around the page.

That's what screen reading software does. So it's a very important distinction between text to speech that just kind of reads out text on a page. It's intended for print disabilities other than blindness. And it's still utilizes the mouse, and pointing, and clicking, and that type of thing versus a screen reader, where it's designed for you to actually operate the device using speech.

And for a typical screen reader user, especially if you're somebody like myself, who is essentially fully blind, you're not really going to utilize the mouse. You're going to do all of this using keyboard commands. Technically speaking, I could wave my mouse pointer around, and there's an option in the screener to have it read out what is underneath the mouse pointer. That is highly inefficient to actually use in any kind of real way.

And so a typical screen reader user, they are definitely on a PC or a laptop. They're going to be navigating around using a keyboard and keyboard shortcuts. And then on a mobile device, whereas you are just kind of pointing and touching on things as a sighted user, for screen reader user on mobile, it's much more gesture based, so left and right, up and down swipes, different swiping patterns, different gesture-based commands rather than just simply touching on things on the screen.

And I think this last point is really the crux of this conversation. And I think the crux of the issue and the topic of digital or document-based accessibility, which is it's one thing for you to have the assistive technology, and know how to use it, and rely on a screen reader on a day-to-day basis. But you're really dependent to travel on, essentially, a two-way street, where whatever it is that your screen reader is interfacing really needs to be constructed, developed, and designed, whether it's a document, a mobile app, or a website, to be compatible with that assistive technology.

And that's really where the context or the topic of digital or web-based accessibility comes into play. What's the experience like for you as someone who's dependent on assistive technology to navigate through? What's the experience like when you come on to a document, or a web page, or some interface that's not developed appropriately where your screen reader can interface the way that it should? What's that experience like for you?

It's painful. And the degree of pain that is induced can vary, obviously, depending on just how inaccessible something might happen to be. I've been using screen reading software for 15-plus years now. And I work in the space. I like to think I'm a pretty sophisticated screen reader user.

And oftentimes, I can find my ways to work around some accessibility issues and muddle my way through things. But a lot of users aren't going to be able to do that. And it can end up being an awful, awful lot more work.

For example, I'm going to be doing a presentation at a conference soon. I won't actually name the conference, but the conference invited me to speak about accessibility, which is fantastic. When I went to register for the conference, the form used to register actually was not accessible to my screen reader. And so I had to have Dan and his sales folks help me actually complete the registration form.

And so there are some situations when content might be so inaccessible, there is literally nothing that you can do other than say, I have to get help. And that's when you get back to what I mentioned before, essentially that accommodation process. Dan and his sales team had to accommodate my disability by filling out this form for me because I couldn't do it on my own. And that's an accommodation, and that's what you always want to avoid. If something's accessible, you don't need to rely on that.

I think that's perfect. And for those that may be tuning into our webinar that have been in the accessibility space for some time, this may seem really basic and foundational. But for a number of folks, and we certainly with this new DOJ ruling that there's a lot of people that are being introduced to this topic for the first time. So I always feel like it's important that we all are really starting with the same base level of knowledge and understanding when we dig into this topic because we're going to talk about the specifics of the DOJ ruling. But really understanding foundationally what accessibility is and what a municipal, or state government, or Title II entity's requirements are to make certain that its content really interacts with these assistive technologies in an appropriate way is the crux of the whole thing. And I didn't want to be lost on that. So let's dig in and talk about this DOJ ruling that rolled out a few weeks ago.

For those of you that have been in the accessibility space for a while, you may be aware that this is maybe one of the worst-kept secrets and the longest rumor that's been out in the marketplace for literally decades. I know that there was an original intent to roll this rulemaking out and to roll this guidance out all the way back in 2016. There was a comment period, and we felt very comfortable that it was going to happen.

And it didn't. And then here we are, nearly 10 years later, when this will finally go into effect for many Title II entities, that the DOJ did finally release this rulemaking. Aaron, I know that you participated in the comment period. You've been taking a look at this. I know you've been eagerly awaiting for these updates and the clarity for municipal and state governments, particularly Title II entities. But do you mind just giving a quick little overview of what it is and what it requires from that perspective at a high level?

Yeah, absolutely. And obviously, we'll dig more into some of these later on. But just to kick things off here-- oops, I'm sorry. My screen reader just bounce me down in my notes document. OK, so as you mentioned, this is adopting a rule. They originally tried to get this back in 2016, and it kind of languished.

They revitalized it. There was a comment period back in October. And it was very gray. I and other folks at Allyant, we had an opportunity to provide commentary to the DOJ on this rule and the related HHS rule that is coming out-- going to be coming out soon as well.

And so we were able to provide commentary on the notice of proposed rulemaking for it and kind of highlighted a few things that we felt could use some improvements, some suggestions there. And as much as I would love to say that they adopted each and every single suggestion or piece of advice that we provided, that didn't happen. Either way, though, it's a fantastic rule. Nothing is perfect, but it's a huge development in the accessibility space.

And so one of the really big things that this does or, really, the big thing that it does is it adopts a technical standard for web, and mobile, and electronic documents. And so as we kind of talked about when we talked about the ADA earlier, here's a law that was signed in 1990 and drafted in the mid to late '80s. It doesn't make references to internet, and screen readers, and PDF documents, and different things like that. And so largely, the standard that has been determined has come from court rulings and other kinds of avenues because it's not in the actual law.

And so here now you actually have a rule for Title II entities under the Americans with Disabilities act. And it applies a specific technical standard. So it's no longer like, what rule does the court that I'm going to be subject to? What standard do they want to apply? The technical standard is actually being defined.

And they actually provide timelines for compliance. And obviously, we'll talk more about those later on. So it's just an amazing amount of clarification there. As Dan said, it applies to all Title II entities, and we'll talk more about that in detail.

But that is also a really big thing. Not only does it say what the standard is, when you have to conform to the standard. It also says who the standard applies to. So again, just really amazing clarification.

It does outline several exceptions and almost exceptions to the exceptions. And so it's very clear about things like pre-existing documents, and third-party content, and other types of issues that I will say, as somebody who works in the accessibility space, these are questions, and issues, and concerns that come up in conversations with every single client.

What about the third-party content on our site? What about the documents that we have on our site? And the rule provides clarity on what the accessibility expectations are for those types of things when they're subject to the rule and when they are not. So fantastic.

It's a great point, Aaron. And I think, for context for the balance of this webinar, I think it's important to note that, really, our intent here is to give a high-level overview of, what is this? What does it mean? What are the timelines? What are the basic points of information I need to know?

We know that every Title II entity is going to want to dig in. They're going to want to understand the exceptions, how do the exceptions apply to them, how do they develop a plan. And I would say to anybody who's participating on today's webinar, we stand ready to jump on the phone with you and walk through it. We can get a lot more granular specifically around your organization and the best way to go about this. This is-- we're not going to get too, too deep in the weeds on a lot of the specifics because we know the specifics have different levels of application depending on the organization that you're with. But I will tell you, we've got a full team of individuals here that fully understand what the guidelines are and can work with you to develop plans, and how these specific exceptions may address the organization that you're leading, and how to put the best plan together.

So as we come out of this, think of this as the 101 level courseware. But we're ready, willing, and able to work with you on some of the deeper and more substantive aspects of this rulemaking to make certain that you're in position that your plan takes everything that you have an obligation to address into consideration and you're building that plan appropriately.

So with that, I think you made reference to it, Aaron, and I think it makes sense, which is, who does this apply to? So we talk about Title II entities. But this rulemaking, ultimately, let's break that down just a little bit so that folks have an understanding who this rulemaking really does apply to.

Yeah, absolutely. So one of the big things that I think is important to be aware of is very often in all of the articles and the talk about this new rule, very often you're seeing it referred to as state and local governments as essentially a shorthand for who does this apply to. And I think it's important to be a bit careful there because it's not just, I live in Montana, so the city of Missoula, where I live.

It's not just the city of Missoula or Missoula county, their government that is subject to this. This rule applies to all Title II entities. So it's not just, quote unquote, state and local governments. It's everything related to it, in and around it.

So not only is it the city of Missoula. But it's also the water company that the city of Missoula-- because the city owns the water company, so the website and the services that they do. It is the transportation district if you have any special purpose districts. It's the courts. It's the schools.

And so really, I think the big thing is, is if you're asking the question, am I subject to this rule? Or is x entity subject to this rule? The question is, do they fall under Title II?

And you can pull up more information specifically on what constitutes a Title II entity. The list is pretty comprehensive and pretty expansive, really, I would say. And so that's the question.

If you are a Title II entity, if the answer to that is, yes. This rule is going to be subject to you. Make sure I'm hitting all these bullet points here. It applies to third-party websites, apps, and services which are operated and maintained for use by a covered entity.

This is, I think, a particularly important point to make sure to underscore because third-party content appears, really, in two different ways throughout this, as you'll hear. And this is the first one. And in this, what the rule says is that, if a third-party service is being used to provide services by a Title II entity, then that third-party app or website, whatever it might happen to be, it is subject to this rule.

And so the example that they give is of a third-party parking meter app. So if a city signs on with a third-party outfit that provides a parking meter app, so any citizen can actually just install the app and pay for their parking from their phone-- we actually use something like this in Missoula, ironically enough. That third-party parking app, because it is being used by a Title II entity, in this example, the City of Missoula, to provide a service to the public, that third-party app is subject to this rule.

And so that is some amazing clarification around that particular issue of third party. And again, the big thing here about who does this apply to, if there's any question in your mind, like, does the rule apply to me? The question you need to answer is whether or not you're a Title II entity. If you are a Title II entity, then yes, it does.

Yeah, and I think just to extrapolate a little bit on the third-party components that you made, one of the things that we find in government entities quite a bit is that there are a lot of platform applications that get utilized, CMSs which is short for content management systems, where they provide you a platform. And you can build your website or your web application on that.

And oftentimes, many of those providers will provide a platform that may meet accessibility guidelines. But as I like to say, it's almost like being sold an accessible bucket. But then if you fill it with a whole bunch of inaccessible content, any of the underlying accessibility of the platform really is negated by the fact that the content that you put into it-- we've worked with a lot of government entities that have found themselves being confronted with a demand letter, or a lawsuit, or a constituent that is asserting that they have an inaccessible platform and/or an inaccessible website. And they come back to us, that entity, when we worked with them and said, well, I work with XYZ, and they gave me an assurance that the platform was accessible.

Yeah, that is the case. But at the end of the day, it's really the content that you deploy, and you leverage, and you put into it that those constituents interact with. So I think, in addition from a third-party perspective, it's not necessarily just websites or applications you use but when we talk about the services. So I just wanted to add a little bit more to that, but I think that that's really helpful, Aaron.

And I think as we go to the next aspect of it-- and this is one slide I'm going to completely turn it over to you-- is when we look at the DOJ rulemaking that's rolled out, what are the technical requirements? At a high level, if I'm a webmaster or if I'm someone who's responsible for constituent communications at a municipal government or a state entity, at a high level, what are the technical requirements that this DOJ rulemaking rolls out to Title II entities?

Yeah, absolutely. I'll provide a little commentary, too, on some of the feedback that Allyant provided in this particular slide as well. So the standard that has been set up in this rule, it applies to websites, mobile applications, and conventional electronic documents. And they even provide examples of what constitutes, quote unquote, conventional electronic documents. And they talk about things like word processing documents, PDF documents, presentations, and spreadsheets.

One of the things that we at Allyant provided comment on in this was what we felt was the limited definition of conventional electronic document. Let's say a Microsoft Project file or Visio flowchart, some other type of document like that, it might be argued that those aren't specifically being defined in this definition of a conventional electronic document. We felt that the definition was a little bit narrow, but this is ultimately what they went with. And it will encompass the vast majority of documents. But the technical standard essentially applies to your websites, web applications, and all of those information communication technologies that are being used by these Title II entities.

The standard that it applies to all of this is WCAG 2.1 level AA. So again, here's a little bit of commentary that we at Allyant provided to this rule when it was originally proposed is, if you are familiar with accessibility, you probably know that WCAG 2.1 is not the most recent version of WCAG, the Web Content Accessibility Guidelines, for those of you who aren't familiar with it. The current version, quote unquote, of WCAG, is actually version 2.2. It came out just at the end of last year, literally at about the same time the notice of proposed rulemaking for this came out.

And so one of the bits of commentary that we provided on the rule was the fact that the standard is static as defined in the rule. So as new versions of WCAG continue to roll out, new standards are put into place, this rule doesn't necessarily automatically update or track with them. There are examples of laws-- there's an example in California, where the law was written to essentially always reference the most current version of the Web Content Accessibility Guidelines. We recommended a similar approach be taken here.

That wasn't the case. So really, the way to think of it is, is as a floor, really. WCAG 2.1 level AA, for those of you who don't know, the Web Content Accessibility Guidelines is broken into three levels, Level a, double-a and triple-a. Double-a of the Web Content Accessibility Guidelines version 2.1 is the standard that's been defined as the floor.

So you can go above and beyond it if you want to. So say you want to conform to WCAG 2.2. You can choose to do that because WCAG 2.2 has everything that's in 2.1 plus more. So it exceeds those accessibility standards outlined in 2.1. So you are allowed to do that.

But you don't have to do that. You could choose to stick to 2.1. Or let's say for your PDF documents, you could choose to just stick to WCAG 2.1 as your standard, or you could choose to go above and beyond just WCAG 2.1 by also, say, doing PDF UA or well-tagged PDF, applying those standards to your documents as well. So it's up to you if you want to go above and beyond WCAG 2.1, but that's what the floor is going to be. And I will say, as somebody who's in the accessibility space, that is a little bit problematic. I think many folks in the accessibility space openly acknowledge that WCAG 2.1, especially in the mobile space, those current versions of WCAG are somewhat lacking and need more robustness and more specificity. And they are expected to continue to grow.

And so the fact that it will continuously statically refer to 2.1 is a bit of a bummer. But it doesn't stop you from going forward and actually adopting a greater standard there.

Yeah, and I think the mantra that we often refer to practitioners that are in the space of accessibility is progress over perfection. And is this guidance perfect? No. But is it progress and movement in the right direction? It absolutely is. 100%.

This is essentially going from a dirt road to a paved road. It may have a few bumps in it. And it may not be the most perfectly paved road, but it's significantly better than where we were before insofar as ensuring that everyone has equal access to information in the public sector. So I agree with you on that.

One thing I did want to note on this, Aaron, which I found to be of particular interest and I know that it was something that, when we were looking at the comment period, was something that was being noted is, is that Allyant does a lot of work-- and I know as someone who's been in the accessibility space for a while, you do a lot of work in both the private or commercial sector as well as the government sector.

And when I looked at the DOJ rule, there was a lot of emphasis and probably a lot more dialogue around PDFs and electronic documents than that level of emphasis that's generally placed on accessibility in the private sector. And I think it jumped out at me. But I think as someone who's participated in local municipal government since a relatively young age and interacted on a lot of municipal and state government websites

as well as federal websites, I think one of the really big differentiators that I've often seen is the reliance or the dependence on digital documents within public government interfaces is significantly higher than what we tend to see in the commercial space.

And I think that has a lot to do-- there's probably four or five themes that weave into that, and I'm not going to get into all of them. But one of the nice things about government is they were, really, one of the first sectors to really aggressively adopt and migrate to putting content and information online. We all understand and recognize that the government sector from a competitive perspective and the private sector from a pay and compensation perspective isn't always there.

And back in the day, well, websites and web content providers were hiring developers and coming up with really sophisticated and interesting interfaces. The government sector didn't have a stable of web developers. And often, the most effective and efficient way to get real-time content available to the public was to get it into a document format and get it posted into a web interface. And I think one of the things that I've definitely learned in my 10-plus years in the accessibility space is the reliance on documents and electronic documents in government is infinitely higher.

So one of the things I probably was most pleased about in this rulemaking process is that the Department of Justice and those who really put the rule together recognized and understood that this sector really relies on those documents disproportionately to the commercial sector. And I was somewhat surprised and, I guess, a little bit pleased to see that this wasn't all about the web interface particularly. But those documents are-- and think about it.

Municipal governments or city councils, they may communicate things about their budgets, minutes to meetings, agendas. Things of that nature are, more often than not, found in a digital document that they aren't a true developed web interface. So I think the focus on that is important. And it's probably a little bit disproportionate to what we see in the commercial space. Would you say that's a fair assessment, Aaron? I would. And just speaking as a user with a disability, I completely agree with this point. When you often go to governmental sites, the sites themselves are relatively simple and straightforward. The structure, and HTML, the layout, the content that's being displayed is pretty, pretty simple. And so from an accessibility standpoint, you don't usually run into a lot of problems actually getting around and using the site. But then, in order to proceed with some process, you have to download a document. And you'll download the document, and the document is completely unusable.

And I think this is an experience I, for one, have had a lot, both in the private and in the public space but definitely more so in the public space because, as you said, there's this greater reliance on electronic documents, Download the PDF of this form that you then need to mail in to so-and-so. And I can get to the PDF just fine.

But when I actually get the document, I can't read it. I can't fill it out with my screen reader. And I think that's an extremely common experience.

Excellent. Well, that's really helpful. And one of the things that I probably failed to mention at the beginning, and I'll say it now-- we're about halfway through, and I think if you do have specific questions to anything that's being raised here, by all means, go into the Q&A portion of the interface and type your questions in. Aaron and I will be happy to answer them at the end of the presentation.

And obviously, any of those that we can't get to at the end for time reasons, we'll be more than happy to follow up with you. But as we go through this and we start to lay out some of the specifics on there, if you do have questions, by all means, put them into the chat.

So the next point we would have, now that we've discussed the technical requirements, is the timelines. So we know that this announcement went out a couple of weeks ago. But when it comes to the timelines, what is the DOJ saying with that? So if I'm working at a municipal government, or a state government, or a Title II entity, like a library or a court system, when are the timelines that are going to apply to me? When do I have to be where I need to be?

You want me to take that, Dan? Sorry,

I do. Yeah, no.

OK.

I don't have a third co-host, so it's all you.

[LAUGHS]

All right, I got this. So timelines here, so the timelines for conformance to the new rule, they're based on the population size that the Title II entity serves. So if the population size that you serve is 50k or greater, then you have two years after the rule goes into effect to conform. So that means within two years from the date that the rule goes into effect, your websites, your mobile applications, your conventional electronic documents, all of those things, they have to meet the technical requirements that are outlined in this rule. So if the size that the entity serves is less than 50k, then they have three years after the rule goes into effect. So essentially, the smaller entities, the smaller municipalities, those types of things, they have a little bit more time to conform to the requirements of this rule. So the rule itself was entered into the Federal Register on April 24, and it's going to go into effect 60 days after that. So that would be June 23rd is when the rule is going to actually go into effect.

And so those timelines, two to three years, those are based on the date that the rule goes into effect. So what that means is that, if you're a Title II entity and you serve a population of 50,000 or more, then June 23, 2026 is your deadline. If you serve a population less than 50,000, you have three years. So you've got that one extra year of time on there. Your deadline for conformance to this new rule is going to be June 23, 2027. OK, no, I think that's helpful. And it's interesting because I think timelines like this oftentimes become a double-edged sword. I kind of equate this to the student that knows that they've got a big paper that they've got to deliver at the end of the semester. Some students say, I'm going to build a plan. I'm going to work on this incrementally over the period of the semester. And some students cram and pull a couple of all-nighters at the end of the semester.

And I think we've gotten a little bit of experience. We've gotten a little bit of a preview of the future, if you will, in that there are two states that have been fairly progressive in putting accessibility requirements for state or state and municipal government into effect and impact. A little more than I guess, six years ago now, the State of California passed AB434, which specifically applied to California state governments.

And certainly, one of the things that we learned with that-- and I think that there was a four- or five-year period to get into full conformance with that. We worked with a lot of California state entities in meeting the requirements of AB434. And in essence, those state agencies fell into two buckets.

There were those that were the students that decided they were going to plan out their semester and how they were going to work on their paper so that they get to where they needed to be and in a more stress free way and that there were some that waited until the very end to cram. Similarly, we've gone through a fairly similar experience in the State of Colorado, where Colorado implemented a new law, HB21-1110, which specifically deals with the accessibility of digital and document based components in the State of Colorado for state and municipal governments.

And that requirement, that guideline, that deadline goes into effect July 1 of this year, 2024. And we have a number of municipal and state entities that we've been working with for a couple of years that have been preparing and to get there. And we're also dealing with our fair share of those that are realizing that the deadline is now just a couple of months away, and they haven't done anything.

I don't think you can ever change the DNA of the student that likes to wait until the end and cram at the end versus those that are a little bit more prepared. But I would tell you, the stress level, and the preparation level, and the best process that we've seen to be prepared is leverage and utilize this runway.

The Department of Justice is giving you this so that you can build, develop, and implement a plan that's incremental over time so that, when you get to this deadline, that you've built that program over a period of

time. I would tell you-- and if you're on this webinar, you're most likely in that former group that likes to build the plan and get there. But there are a lot that aren't that will in June 1 of 2026 or June 1 of 2027 have been going through a massive scramble. But I will tell you, you put yourself in a much better position to really leverage and take advantage of the time that the DOJ is asking you to get there.

But human nature is what human nature is. So, Aaron, moving to our next slide, there are some exceptions that are written into the DOJ rule. And I think this is where we talked about it a little bit earlier. They get a little bit more granular. They get a little bit more specific.

It would be interesting to figure out, what those are specifically. So from that-- I don't want to get too granular on this. But could you give a high-level overview of some of the exceptions that exist in the rulemaking?

Yeah, absolutely. So there are five exceptions that are outlined in this proposed rule. And we'll talk through each one of these at a super high level. So the first one here is about archived web content. And so the rule, essentially, it is exempting archived web content. And the trick with this is that it very specifically has to be designated as archived web content.

It must live in an actual archive section of the website. It has to be designated as an archive. And it cannot have been updated or changed since the day the rule went into effect. And so even if you have it in an archive section of your site, if you update it, then even though it lives in an archive section, it no longer is eligible for the exception.

So the exception really is for your pre-existing web content and documents, those types of things that are not being updated or changed, that are not being used to apply for or participate in a service, and that live in a specific dedicated archive section of the website. Those are exempt.

So if you've got meeting minutes from each month city council meetings going back the last 10 years, you could put those into that archive section of your website. Those meeting minutes are not being updated or changed at this point. Then they would fall into this exception. So that is one.

The next one is around pre-existing electronic documents. And so here, what this is saying is that, if you have a document, it falls into that definition that they provide of a conventional electronic document. If that document is pre-existing, so it was already made and created before the rule-- and this is-- it's very similar to the archived web content thing. But this is just more generally about documents.

If it's a pre-existing document that was created before the rule goes into effect, it has not been updated or changed, and it's not used to apply for or participate in a service of a Title II entity, then it falls under the

exception. But again, if the document is updated or let's say it's like an application that you have to use to apply for something through a Title II entity, then that would not qualify for this exemption-- Because as I understand it, like maybe the budget document that you passed in 1990 that's available out there and hasn't changed substantively exists as a pre-existing electronic document. But maybe there's a sign-up form for your child's little league program that was created three years ago, but it's still used on a day-to-day basis. That has to be accessible. Is that a good way to explain it?

That's a great way of explaining it. You got it. Yep.

All right. Excellent.

Cool. All right. So the next one is content posted by an outside third party. So I mentioned before that third party comes up in two different ways here, and it's from two different angles. And it's important to understand the difference between the two. So for example, we mentioned earlier that if a Title II entity is using a third-party tool or platform, whatever it might be, to provide a service, like the parking meter service example we talked about earlier, that parking meter service would be subject to the standards outlined in the rule.

What this exception is talking about is content that is being created and posted by a third party. So let's say the city has an online platform where citizens can go and they can provide comments on city council meeting topics, things like that, or an online form where you can submit to those topics. The platform itself, that discussion board, has to be accessible because that is something that is being used by a Title II entity to provide a service.

However, the content that citizens post onto that platform does not have to be. It falls into this exception. So if a citizen goes and they post in your discussion board an unlabeled image-- they upload an image to it. It has no alternative text-- even though that's an accessibility issue, that is content that was created by an outside third party. It isn't subject to the rule.

So really, really important distinction there. Third-party content used to provide a service by a Title II entity, that is subject to the rule. Third-party content that is created by an outside entity and posted on a Title II entity's website, mobile app, whatever it might be, that is exempt. So interesting nuance there when it comes to third-party content that's important to understand.

Individualized password protected documents-- won't lie, this is the one that grinds my gears the most out of these, out of all of these. And so what this exception says is that, if a document is specific to one individual and access to that document is located behind a password, then that document does not have to be made

accessible or doesn't have to conform to the technical requirements of this rule is actually how should say that. And so the example that they give is of a water bill.

And since a water bill statement PDF is just being generated for one individual homeowner, it's only good for them. You can only access it by logging in to the water company's website. That falls into this exception. And as a blind homeowner who gets a water bill, I take exception to this exception.

But it is what it is. And so what is important to note here is that none of this alleviates you of your overall requirements under the ADA to not discriminate and to provide those reasonable accommodations. So even though for me, as a blind homeowner who gets a water bill, my water bill doesn't have to be made-- doesn't have to be accessible under this rule, I can still go to the water company and request that as an accommodation. And they still have to provide it to me.

So it's just you don't have to make those water bills accessible to everybody as a default. It just has to be done ad hoc essentially as that accommodation process. And as I mentioned earlier, speaking on behalf of persons with disabilities, I think most would agree we all hate using an accommodation process. So really unfortunate that individual password protected documents like this have this kind of overarching exception. Certainly the logic of it makes sense. But what it means is that users like me who fall into this will have to rely on that accommodation process for those individual documents.

We're going to celebrate the progress, and we're not going to get too myopically focused on the lack of perfection. So we're on the road, anyways.

Yeah, no. Everything is improvement, and nothing is perfect, especially when you're talking about laws and regulations. Show me one perfect law or regulation that's out there, and I'll eat a hat.

And then the last one here is about pre-existing social media posts. And this is pretty straightforward. It just means that the Title II entity's social media posts that they have created prior to the implementation date of the rule, those are-- you don't have to retroactively go back and make those accessible. And so your Facebook posts from last year, talking about weather events, you don't have to go and update those. Now, your social media posts moving forward after the implementation date of the rule, you do because that, even though you're using Facebook or WhatsApp, Instagram, whatever it might be, that's a third-party service you're using as a Title II entity to provide access to information. So therefore, all of that is subject to the rule. So this is just for your pre-existing social media content. So those are the exceptions that are outlined in here at a super high level.

All right. So let's-- so this is a lot. And one of the reasons why we didn't want to get too granular and get too down into the weeds is we know that this can be overwhelming. This can seem like an awful lot. Even at a high-level overview, there was a lot of information here.

So if I'm in charge of the digital content at a local municipality, or a court system, or a state government, or whatever it might be, probably the first question that someone would say is, where do I get started? Dan, you talk about these state entities out in California that did a good job of using the five-year period they had to get to where they needed to be or some of these municipalities or state governments in Colorado that did a good job getting themselves prepared.

So this seems overwhelming to me. This seems like an awful lot. Where do I get started? So the first thing that I would say is, listen, don't panic.

We've got some time. The Department of Justice was deliberate in making certain an understanding, particularly in Title II entities, the way in which fiscal year budgeting goes and the way the budget cycles work that you have to have some time to build this and to take advantage of the timeline to build a plan to get the funding and to start to do this. We get it.

So the first thing I would say is, don't panic. But also the other thing that I would say-- and honestly, the folks that I probably have to say this to are probably not on this webinar-- don't wait either. Don't say, I've got three years. I'll take this up in two years and six months and then just sprint to the end.

Accessibility is a journey. I often use-- I use the analogy all the time in one of our favorite movies in the world, Wizard of Oz. And Dorothy did not get from Munchkinland to Oz in one step. It was a journey, but she had to get on the yellow brick road. She had to start making progress to get to where she ultimately wanted to get. And it's really important that you do that. So, first thing that we would say to anybody is, first of all, understand as a Title II entity, which bucket do you fall into? Is the constituency that you serve greater than 50,000 or less than 50,000? Because the difference between two years and three years is one year, obviously. But that, obviously, builds out the way that your plan is. So we know for any state government, there isn't a state in the United States that's under 50,000, so that's just automatically by extension in the two year timeline. For a municipality, it's pretty easy to know if you've got 50,000 residents in your municipality or less or more. But then for others, it may be a little bit different.

If you're a multi-community school district, a regional school district, you have to go through the math of understanding, we've got seven communities in our regional school district. And when I add up the population of those seven communities, I am over 50,000, or I'm under 50,000. So the first thing you really need to do is to figure out which one of these timelines applies to my Title II entity.

The other thing that's really worthwhile is like, let's identify the documents. And let's, let's take an inventory of our digital environments and the documents that we have out there. Exactly how much are we talking about? How many third-party applications are we're using?

Let's just take an inventory and begin to understand How significant the workload will be. To any plan, it's really understanding that. And we can work with you. We've got tools and resources that we can work that will literally crawl through your website, and give you a complete and total report of every publicly accessible PDF document that exists within your site, and give you a full inventory as to where they stand relative to conformance.

Our digital team can go through your existing web infrastructure and give you an overview of where you stand and exactly how many environments and how long a project it's going to be. But take an inventory. Get an understanding. How significant are-- to what extent, what is it that we're working with?

I think the other thing that you're going to want to do is be able to identify services that are operated and maintained by a third party. You've got to start having conversations with those third parties. In all likelihood, that third party that you're relying on works with a lot of other Title II entities. So it's my expectation that the conversation that you'll be having with them may not be the first time that they're understanding this. But not only do you have to have a plan to get to where you need to be and the two- or three-year time frame but so does that third-party application that you're using. And the liability of conforming with this guidance is not on the third party. It's on you that deploys the third party. So it's important that they get to where they need to be.

And oh, by the way, if you need help in getting an assessment or an overview of the third party that you're using, where it stands relative to accessibility, and if you need someone to work with you to communicate to that third party because maybe they're not aware of this and they don't know that it's coming, our team is more than happy and willing to do this. We do this all of the time. We're certainly more than willing to assess that third-party application and have a conversation with them with you as a party to that to give them a little bit of knowledge as to where they're at.

And then the other thing I would say is just arrange for an audit. Let's get an assessment. We do this all the time. I would tell you that some of those freeware things that are out there that will give you a quick overview really won't be substantive enough to give you the true understanding of what's going to be out there.

But let's take an x-ray. Let's take a snapshot. Let's take a look at what you got for digital environments and where it stands. It's entirely possible that there's been some rigor put forth to putting things in an accessible format, and you're in decent shape. And there may be a few tweaks and a few things that you need to do.

You may also find out you may have inherited an environment or you may have an environment where there really hasn't been a lot of work or focus on accessibility in that interface. And you really got to get that started sooner rather than later. So as I say to everyone, don't panic. We're here to help.

But also the converse of that is, don't put this in the back of your mind and say, I get two and a half years to even start thinking about this, because we know the way that budgeting and all of those things work. And you're going to find yourself in a hole in a big scramble, really kind of cramming for the test at the end. So the last point I would just make here is let's talk about some of the things that, why Allyant? Why are we uniquely positioned to help you with this? Well, not only do we have a deep knowledge of Section 508 and the DOJ rule-- Aaron and his entire team, not only have they been keeping an eye on this, but we've been helping organizations deal with these requirements for years.

And obviously, with the new DOJ ruling, which is very similar to all of the issues related to section 508, we've been helping folks in the federal space. So we're in position to help you. We've got deep knowledge, and we can do that.

We've also got resources that really assess and enable public entities to understand exactly what they're dealing with, whether it's through audits, whether it's scans of websites, to understand where you are at. And then we're one of the really uniquely positioned as the only provider in the marketplace that actually has a suite of services that enable you to not only deal with your digital, and web-based, or mobile app interfaces but also a full suite of solutions to help you with your documents, whether that's software that which will enable you to create or fix existing PDF or office documents but also a services team, which, actually, we literally remediate thousands upon thousands of pages of PDF documents on a monthly basis.

And we can work with you to get an inventory of those documents, which are publicly facing, and begin to identify those higher-priority priority documents, and begin to get them remediated and get them accessible so that they are fully conforming with the guideline. And then thirdly, we also have-- and we haven't talked about this an awful lot. But there are other communications that are put into print format that are put out there, whether it's ballots, whether it's budgets, whether it's things of that nature.

And we also have a solution set where we actually help organizations convert those print documents into alternative formats, things like Braille or large text, large print, which enable you, as a government entity or a Title II entity, to be able to communicate printed communications and formats that are accessible for individuals with disabilities. So that's the high-level overview.

My hope is that everybody got the right context. We continue to say progress over perfection. Get on the yellow brick road. Get moving in the right direction. Don't wait.

So I know we've gone on a little bit here. We do have some questions in the Q&A. so Aaron, I'm going to read them off, and maybe you can give a little bit of a quick response to them.

Sure.

And if we don't get a chance to get to your questions because we are running a little bit late on time, we'll be more than happy to follow up with you on your question. So the first one we have here is, if we have an application form document on our site that was made three years ago, is it required to be accessible under the rule? Does this fall under the pre-existing document exemption?

So generally speaking, if that application is still being used, so if that is still the form that has to be filled out to apply or participate in a service, then it does not fall under that pre-existing document exception. So that really is the question is, is that the most current version of the form? Is that the one that is currently being used?

If yes, then no, it doesn't fall under the exemption. If it's, say, an old version of the form, there's a more recent updated version of it that is the one that is actually in active use, then this could be considered a pre-existing document that would fall under the exception. And it would probably be wise to move it to an archive version of the site if that's the case, if it truly is an out-of-date version.

OK. Next question we have, and I think this pertains to education, which, education has had applications of accessibility for a long period of time. But some education entities are probably coming into experience with this for the first time. The question is, what about course content in school? Does it have to be made accessible under this rule?

That's a really good question. And so the original-- this is the area where from kind of as I've seen it, the original notice of proposed rulemaking and the final rule that came out differ the most. And in the original proposed rule, there was quite a bit of information and text around course content. That was all largely stripped out of the final rule.

And the argument, as I understand it, that was made for why they did that was they didn't want this rule to end up creating more barriers to access for students. And that was what it was felt was the language that had originally been proposed in the rule would potentially create more barriers to access. So the question of specifically course content isn't really covered in the rule anymore.

However, what it does essentially clarify is, because a school is a Title II entity, the technologies that that Title II entity is using-- so your learning management system, your student information system, the content

management system you're using for your websites. All of those information communication technologies, those are subject to the rule.

So course content, specifically, the rule leaves that kind of as a status quo. But all of those other technologies surrounding it as a Title II entity, the rule makes it clear that those all have to be made accessible or really reinforces that point.

OK. And then last question we have here is, what is the difference between content posted by a third party, which is apparently not covered by this rule, and third-party apps or services which appear to be covered by this rule?

Yeah, this is a really important distinction and really tried to hammer this home throughout the presentation because, if a Title II entity is using a third-party app, or service, or platform, then that app, or service, or platform is required to meet the technical standard of this rule. But if content is being posted to that Title II entity's website or their discussion board, whatever it might be, if it's being created by a third party, then that falls under the exception. And it's not covered.

And so the easiest way to think about it is the two kind of examples we talked about throughout. The parking meter example, if the title if the City of Missoula is using a parking meter app, that is a third-party app or service being used by a Title II entity. That falls under the rule. It is not exempt.

However, if City of Missoula hosts a discussion board, where citizens can go and upload comments about local events and things like that, those comments that are being posted by individual citizens, those are what is the third-party content post-- third-party content posted by a third party that falls under the exemption. So really important distinction to be aware of between those two.

No, that's great. And I would say that one thing I can tell you, if Aaron and I are on a webinar, we're going to run out of time.

Yes.

But if anybody else has any additional questions, we will get to them. We don't necessarily have time to get to them all. But we will definitely respond to you and get back to you.

In addition to that, we've got an entire team of folks here that are ready to help you address, assess, and understand exactly where this new rulemaking applies to you and how to help build a plan. So as we said at the beginning, I'm Dan Sullivan. I'm the chief sales officer here at Allyant.

Aaron Page is our director of accessibility. And I would-- we both have teams behind us that will be able to work and help with you. We're also available, and we'll be happy to speak with you. For anyone that has any additional questions or if they want to dig into some of this in a little bit more detail and how Allyant can help them build and implement a plan that will get them to where they need to be, just send an email to sales@allyant.com. I would suggest that you reference this webinar.

And we'll definitely get on the phone with you, and we'll be able to walk you through where you're at. Aaron, I really appreciate your time. I look forward to doing a lot more of these with you.

Obviously, we know that HHS just released some rulemaking relative to folks in the health care space. This seems to be a topic. And I guess it's only taken 34 years for the ADA to come into full conformance with the way in which the world works today.

But we're here in position to help. And I really appreciate your willingness to jump on today and talk a little bit about the work that we've done on this and how we're positioned to help customers in the marketplace. It was my pleasure. Thank you, everybody, for joining us today.

Have a great day, everybody. Thank you so much for your time.

Thank you.