

On June 5, 2018, The World Wide Web Consortium (“W3C”) updated its Web Content Accessibility Guidelines (“WCAG 2.1”). The WCAG 2.1 does not replace the old guidelines but rather augments them. The W3C has added several significant changes to the guidelines including: 1) Ways to make content adaptable and distinguishable; 2) Providing users enough time to input data; 3) Providing content in a safe format; and 4) Implementing modalities to make it easier for users to interact with web content. Counties are well advised to audit their websites to ensure compliance with the WCAG 2.1.

I. Adaptable and Distinguishable Content

The new guidelines indicate that entities with online content should design their web content to make it accessible in multiple ways. Several ways to provide accessibility include: 1) Not having web content that only works in one orientation (landscape or Portrait); 2) making it easier for users to view and understand content including separating the background and foreground of web content with contrasting colors; and 3) providing enough space between word so that each word is easily distinguishable and uncluttered.

II. Providing Enough Time for Users to Input Data

Websites often have timers implemented into them that cause screens to reset or force users to logout if there is a period of inactivity. This is a problem for individuals with cognitive issues that have trouble utilizing keyboards in a timely fashion. A way for entities to counteract these issues is to provide users with a countdown clock that informs them of how much time they have remaining before they are logged out due to inactivity.

III. Providing Content in a Safe Format

Many websites have animated or interactive content. Certain types of interactive content can cause seizures or other physical reactions in individuals such as nausea or headaches. Counties that provide an option for users to turn off animation is a safe and effective way to combat any issues moving graphics of interactive content may cause.

IV. Implementing User Friendly Modalities

Oftentimes, individuals with disabilities struggle to use a keyboard or a mouse or both. Accordingly, it is wise for entities to include several different ways to interact with their online content. These include creating a way for users to zoom in and out of objects from either the mouse or the keyboard; allowing individuals to cancel an action, such as a secondary request (i.e., Are you sure you want to delete? Click

Yes or No); Provide the option to make buttons on the website larger or smaller, and ensure that all web content is compatible with voice recognition software.

It is important for County websites to be compatible with the latest assistive technology, including screen readers and type to text application. Additionally, websites are not the only issues entities will have to implement similar accessibility methods for any cell phone applications they create.

Although the U.S. Department of Justice has not adopted the WCAG 2.1 guidelines, the prevailing trend among federal government agencies and courts is that W3C guidelines are the standard for website accessibility. The new guidelines do not alter the legal analysis for whether a website qualifies for accessibility claims under the Americans with Disabilities Act, however, entities who wish to avoid future litigation would be wise to consider bringing their websites into compliance with the WCAG 2.1.