ADA Website Content Accessibility Guidelines FAQ

No later than April 24, 2026, school districts and other local educational agencies serving a county or city with a population of 50,000 or more must have their websites and other public facing online tools updated to ensure compliance with the Americans with Disabilities Act (ADA).

Why do we have to update our website and public facing online tools?

In 2024, the U.S. Department of Justice (US DOJ) updated the ADA to establish Website Content Accessibility Guidelines (WCAG) 2.1, Level AA as the technical standard for making public entities' content of public-facing websites, mobile apps, and digital documents usable for people with visual, auditory, cognitive, and mobility disabilities. Examples of public-facing content for school districts and other local educational agencies include newsletters, student/parent portals, and governing board agendas.

Are there any public facing resources that are not required to be updated?

Yes, the following documents are not required to be updated to meet the WCAG 2.1, Level AA:

- **Archived content.** Content that is created before the compliance date, not updated, and maintained in the public entity's website that is designated as "archived" and kept for informational purposes only.
- **Pre-existing documents.** Content that is created before the compliance deadline but is maintained on the public entity's website, such as agendas and meeting minutes.
- **Third-party content.** Content posted by third parties that is not posted at the public entity's discretion, such as public comments and social media posts. (However, the public entity is responsible for content which is developed and/or posted by third parties acting on behalf of the public entity.)
- **Confidential documents.** Individualized, password-protected documents.
- **Social media content.** Social media posts created before the compliance date.

Do we have to make internal resources comply with WCAG 2.1., Level AA?

No, but an employee with a disability could request accommodation that could lead to modification of internal content to make it accessible to that individual.

Are there any compliance exceptions if our district does not have the resources or ability to meet these requirements?

A school district may demonstrate that full compliance would impose an undue financial or administrative burden, or fundamentally alter the nature of its services, and therefore it is unable to comply with the requirements of WCAG 2.1, Level AA. However, the US DOJ has cautioned this position should be used judiciously. Additionally, the US DOJ has advised that in some limited situations, local educational agencies may be able to show that their web content or mobile apps do not meet WCAG Version 2.1, Level AA in a way that is so minor that it would not change a person with a disability's access to the content or mobile app. The US DOJ has provided examples of permissible nonconformance to illustrate when slight deviations from the specified WCAG 2.1, Level AA requirements are unlikely to affect the ability of individuals with vision disabilities to access information that they would be able to access if the content fully conformed with WCAG 2.1, Level AA. (e.g., font size of 4.45:1 instead of 4.5:1). The US DOJ stressed that a local educational agency's ability to rely on this exception would be driven by the specific facts of the nonconformance at issue.

©2026 Fagen Friedman & Fulfrost LLP All rights reserved. No portion of this work may be copied, sold, or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, without the express prior written permission of F3. F3 hereby grants permission to any client/member of F3 to whom F3 provides a copy, to use such a copy intact and solely for the internal purposes of such client/member.

What could happen if my school district fails to meet the compliance deadline?

If a compliance complaint is filed with the U.S. Department of Justice and the complaint is accepted, the US DOJ generally investigate and focuses first on remediation and settlement with the district to encourage steps toward compliance. A lawsuit could occur if corrective action isn't taken or falls short. A private lawsuit could also be filed challenging compliance.

Is there a possibility the April 24, 2026, deadline could be extended?

Yes. The US DOJ has indicated it plans to issue an interim final rule that revisits parts of WCAG 2.1, Level AA. Specifically, it has indicated that it intends to reconsider whether certain provisions can be modified to reduce implementation costs. We are continuing to monitor for an issuance of the interim final rule as it could impact the April 24, 2026, deadline, but F3's recommendation is that each local educational agency continue towards compliance with their current deadline.

What if my school district is in an area with less than a population of 50,000?

For local educational agencies serving counties or cities with populations of less than 50,000, compliance is due by April 26, 2027. To the extent a local educational agency is an independent school district, WCAG 2.1, Level AA dictates using the population in the 2022 Small Area Income and Poverty Estimates (SAIPE).

What are next steps a school district should take toward compliance?

We recommend a school district's Communication Department work with the IT team and legal counsel to prioritize the following:

1. **Inventory content.** Take stock of all public-facing pages, images, videos, PDFs, and documents to understand scope and identify potential issues.
2. **Understand what digital accessibility pursuant to WCAG 2.1, Level AA means.** At a high level, it involves on-page content (text, headings, images, video, etc.), design choices (color contrast, button size, motion, etc.) and front-end code that ensures assistive technologies can interact with the public entity's site. The four core principles of WCAG 2.1, Level AA are (i) content must be presented in ways **perceivable** to users, (ii) content must be **operable** to users to navigate and interact, (iii) content and interfaces must be **understandable**, meaning clear and predictable and (iv) content must be **robust**, able to work with assistive technologies. (POUR).
3. **Assess current status.** This can be done through a free accessibility scanner, IT team evaluation, website developer and/or consultant.
4. **Vendor communication.** F3 has created an information flyer for vendors explaining the upcoming deadline and the need for them to be WCAG 2.1, Level AA compliant that we can provide to your district upon request. However, we also caution that the local educational agency is ultimately responsible for ensuring the third-party platforms it contracts with adhere to WCAG 2.1, Level AA. Vendor contracting and training will be the most useful tools in mitigating risk.
5. **Board Policy/Administrative Regulation/Use of Technology Policies/Agreements.** It has been our experience that current BP/ARs and use of technology policies/agreements for students and employees reference historical compliance requirements requiring, at a minimum, a revision to reference WCAG Version 2.1, Level AA.
6. **Staff Training.** Often the best way to mitigate risk is to train. In connection with WCAG Version 2.1, Level AA, this means providing, at a minimum, (i) annual policy and accessibility training for content creators, web editors, and staff, (ii) policy and accessibility training integrated into onboarding, and (iii) policy and accessibility training for teachers on creating accessible instructional materials.

F3 will continue to monitor this ongoing situation. If you would like assistance with or advice regarding specific situations, please reach out to legal counsel.

THIS IS A GUIDE IS A SUMMARY ONLY AND NOT LEGAL ADVICE. WE RECOMMEND THAT YOU CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW THIS MAY APPLY TO YOUR SPECIFIC FACTS AND CIRCUMSTANCES