Everything Businesses Need to Know About the

Americans with Disabilities Act

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Contents

Everything Businesses Need to Know About Digital Accessibility and ADA Compliance

Is your business ready to meet the demands of the Americans with Disabilities Act (ADA)? If your organization operates in the U.S. or provides products and services to American customers, digital accessibility compliance isn't optional—it's essential. With legal actions and consumer expectations on the rise, the time to act is now.

The ADA sets the standard for ensuring that individuals with disabilities have equal access to goods, services, and digital platforms. This landmark legislation applies to websites, mobile apps, e-commerce, and other digital properties, making accessibility not just a legal requirement but also a critical component of inclusivity.
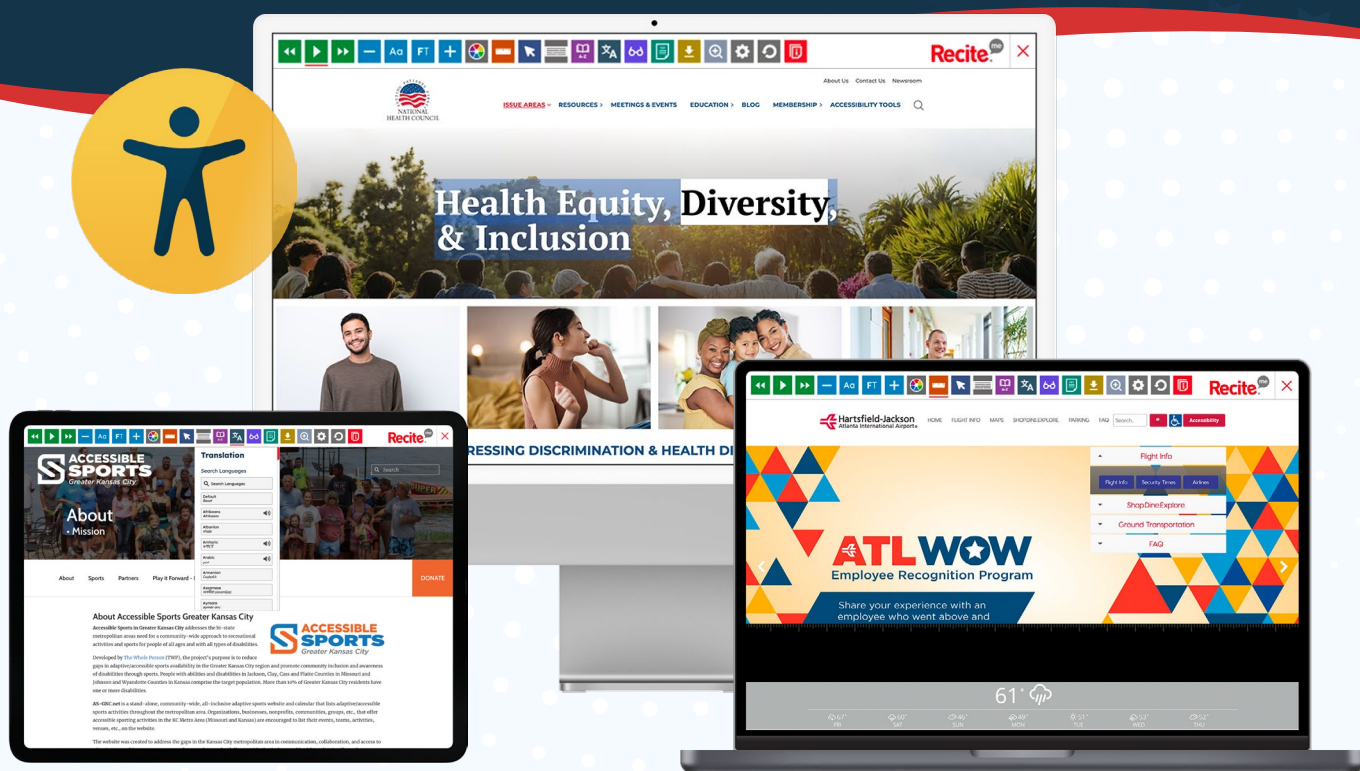
Compliance isn't just about avoiding lawsuits. It's about creating inclusive experiences, expanding your reach to millions of potential customers with disabilities, and positioning your brand as a leader in accessibility and innovation.

Don't wait until it's too late. Ensure your business is prepared to comply, grow, and succeed in the ever-evolving digital landscape. In this guide, we'll walk you through everything you need to know about ADA digital accessibility, from understanding key requirements and technical standards to implementing best practices for long-term compliance and inclusivity.

Believing in Accessibility for All

Understanding Web Accessibility Laws and the ADA in the Government Sector

Federal law prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications, and access to state and local government programs and services.

This includes barriers that prevent interaction with, or access to websites, digital tools, and technologies. Thus, organizations have a legal duty to ensure their websites and mobile apps meet minimum accessibility requirements. The goal of accessibility legislation is to ensure online services are accessible to all users, but what are the rules, and which pieces of legislation do you need to follow?

Here's everything you need to know…

The Department of Justice has prioritized web accessibility in recent years because, in our modern-day society, we rely on the internet more than ever before in many aspects of daily life. There are a few critical pieces of website accessibility legislation to be aware of:

• The Americans with Disabilities Act (ADA)
• Section 508 Amendment to the Rehabilitation Act of 1973
• The Department of Justice's (DOJ) recent ruling on standards for state and local government agencies
• State Specific Legislation

Each piece of legislation makes it illegal to discriminate against disabled people online. Let's look into each in more detail.

The Americans with Disabilities Act (ADA)

The ADA prohibits discrimination based on disability. Various sections of the ADA apply to specific businesses and business types:

ADA Title I

Title I of the ADA prohibits employment discrimination, requiring employers to make reasonable accommodations for qualified candidates and employees with disabilities. That means having an accessible website and providing an inclusive candidate journey. Any business with at least 15 full-time employees operating for 20 or more weeks every year is governed by ADA Title I.

ADA Title II

Title II applies to state and local governments and prohibits discrimination against people with disabilities in all services, programs, and activities. Authorities are required to take steps to ensure communication is equally effective for disabled citizens as for non-disabled residents, including the ability to:

- File tax documents
- Apply for an absentee ballot
- Pay government fees and tickets
- File a police report
- Apply for state benefits
- Enrol in school programs

ADA Title III

Title III stipulates that all public-facing businesses make reasonable adjustments to provide full and equal enjoyment of their goods, services, facilities, privileges, advantages, or accommodations to people with disabilities. Examples of businesses that fall under Title III include:

- Banks
- Retail stores
- Restaurants and bars
- Sports arenas
- Hotels, inns, and motels
- Hospitals and medical offices
- Auditoriums and theaters

Section 508 Amendment to the Rehabilitation Act

Section 508 relates specifically to electronic information and communication technology at the Federal level. It states that regardless of the type of medium of the technology:

Members of the public seeking information or services from a Federal department or agency must have comparable access to, and use of, information and data as non-disabled citizens Federal employees with disabilities must have equal access to, and use of, information and data as their non-disabled counterparts.

The Department of Justice (DOJ) Recent Ruling on Digital Accessibility

The Department of Justice (DOJ) has made a significant update to the Americans with Disabilities Act (ADA), mandating that all state and local government digital content be fully accessible. This ruling is not just a guideline, it's a legal requirement with serious consequences for non-compliance.

Why Digital Accessibility Matters More Than Ever

The DOJ's recent ruling has set a new standard for digital accessibility. It's no longer just advisable for government agencies and educational institutions to make their digital services accessible; it's now mandatory. The updated rule specifies that all web content and mobile apps provided by state and local governments must comply with the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA.

Understanding and adhering to WCAG 2.1 Level AA is critical. These guidelines ensure that your digital content is accessible to all users, including those with disabilities. With the increasing reliance on digital services, particularly in the public sector, ensuring accessibility is not just about compliance—it's about inclusivity and providing equal access to all constituents.

What the New Rule Means for You

Under the new DOJ rule, compliance is required within specific, strict timeframes:

- Agencies serving populations of 50,000 or more must meet these standards within two years from the rule's publication date of April 24, 2024. Enforcement begins on April 24, 2026.
- Agencies serving smaller populations have three years to comply. Enforcement begins on April 26, 2027.

These deadlines are non-negotiable. Failure to meet them could lead to significant legal and financial repercussions, including fines and disciplinary actions.

State-Specific Legislation that May Supercede ADA Requirements

Federal and government agencies are typically subject to more stringent web accessibility requirements. However, several states have enacted stand-alone web accessibility legislation that also applies to private-sector organizations such as:

Alabama

Arizona

California

Connecticut

Florida

Illinois

Indiana

Kansas

Louisiana

Massachusetts

Michigan

Minnesota

Missouri

New York

Oklahoma

Texas

Virginia
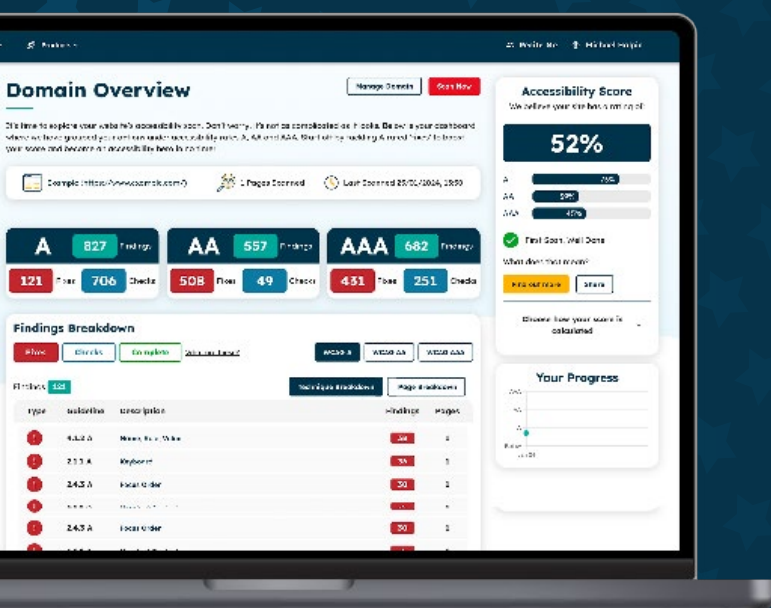
Free WCAG Compliance Check of your Website

Detecting WCAG and ADA Compliance issues for government websites has never been easier than it is now. At Recite Me, we offer a free automated scan of your website homepage. This will identify and highlight any non-compliance on your website, followed by recommendations on how to implement the necessary changes to improve your website's accessibility scoring and standing.

Run Free WCAG Compliance Check

How to Determine if the ADA Applies to Your Organization

To ensure compliance, it's essential to evaluate your organization's structure, services, and digital assets against ADA requirements. Here's a checklist to help identify your obligations:

1. Type of Organization

Government Entities:

If you're a federal agency, you already adhere to Section 508. State and local governments are expected to meet WCAG standards by 2026–2027.

Example: A state's DMV website must ensure its forms, scheduling systems, and instructional videos are accessible.

Nonprofits:

Your obligations depend on whether you receive federal funding and/or interact with the public.

Example: A nonprofit offering job training through a website must ensure all videos, application portals, and documents are accessible, especially if federally funded.

Private Businesses (Title III):

Any business that serves the public must provide accessible services through physical and digital means.

Example: A retail chain with an online store must ensure its e-commerce platform is screen reader-friendly, with accessible navigation and checkout processes.

2. Key Services and Digital Assets

Evaluate whether your organization relies on the following to interact with customers, clients, or the public:

- Websites offering information, booking services, or purchases.
- Mobile Applications that deliver goods, services, or content.
- E-Learning Platforms for training, certifications, or education.
- Multimedia Content such as videos, PDFs, and e-books used to share information.
- Self-Service Kiosks like ATMs, ticketing machines, or check-in stations.

If your business uses any of these, digital accessibility is crucial to ensure compliance.

3. Who Is Your Audience?

The ADA applies broadly to any organization that provides goods or services to the public, regardless of industry. Consider the following:

- Are your customers or beneficiaries members of the public, including individuals with disabilities?
- Do your digital platforms (e.g., websites and apps) act as gateways for customer engagement or transactions?
- Are you a federal contractor or recipient of federal grants?

Examples

- A healthcare provider offering online appointment scheduling must ensure the interface is operable by keyboard and compatible with assistive technologies.
- A restaurant chain providing online menus must ensure they're accessible to users with vision impairments.

4. Geographic and Legal Presence

Although ADA is a U.S.-specific law, the growing trend of cross-border services means companies with digital platforms accessible in the U.S. must consider ADA compliance. This is especially true for e-commerce and software-as-a-service (SaaS) providers.

Example: An international retailer whose website serves U.S. customers may still be subject to ADA compliance due to the broad reach of Title III litigation.

5. Industry-Specific Considerations

Certain industries face heightened expectations due to their critical public-facing nature:

Healthcare
Patient portals, telehealth platforms, and online forms must be accessible.

Finance
Banking websites and apps must support accessible authentication, transactions, and statements.

Retail and Hospitality
Booking platforms, product listings, and customer service interfaces must cater to assistive technologies.

The Risk of an Inaccessible Website

Making your website accessible is the right thing to do. From both a legal perspective, in terms of meeting specific US accessibility laws, and from a moral perspective.

But it's also the cost-effective thing to do from sales, customer satisfaction, and legal perspectives. If a huge section of the population can't access your website, it's going to hurt your bottom line.

Legal Risk

Despite legislative efforts to provide online equity, many websites still fail to meet minimum accessibility standards. As a result, web accessibility lawsuits are becoming increasingly common in the United States. A record number of 2,387 website accessibility lawsuits were filed in 2022. The most common businesses targeted were:

Consumer Goods, Services & Retail	Apparel, Durables & Beauty	Food, Beverage & Tobacco	Health & Medical	Tech, Software & Internet Services
1,378 lawsuits	**247 lawsuits**	**234 lawsuits**	**147 lawsuits**	**112 lawsuits**

(Source: Bureau of Internet Accessibility)

Revenue

If your website isn't accessible, your organization misses out on 25% of the potential market share. The total disposable income for U.S. adults with disabilities is about $490 billion, and there's no shortage of statistics that prove that investing resources in web accessibility upgrades is a wise move:

71%	**82%**	**82%**
of users leave a site that they find hard to use.	of users say ease of use is more important than price.	of consumers with accessibility issues said they would spend more if there were fewer barriers.

(Source: ClickAway Pound)

Customer Satisfaction

Most organizations know attracting and retaining new customers costs much more than keeping existing ones. Yet, studies reveal that many disabled customers are dissatisfied with their local government and private employers' current levels of accessibility:

73% of disabled customers experience barriers on more than one in four websites they visit.

75% of disabled people and their families have walked away from a business because of poor accessibility or customer service.

83% of people with access needs limit their shopping to sites that they know are accessible.

(Source: **PurplePound**)

The Ultimate ADA Compliance Checklist

Don't put your business at the risk of an ADA Compliance lawsuit. Help provide the accessibility and inclusion that your web visitors need.

Our Ultimate ADA Compliance Checklist provides actionable steps to address any ADA-compliance issues on your website. Ensuring you mitigate against the risks of lawsuits and provide a better user experience for your disabled users.

Download a Free ADA Compliance Checklist
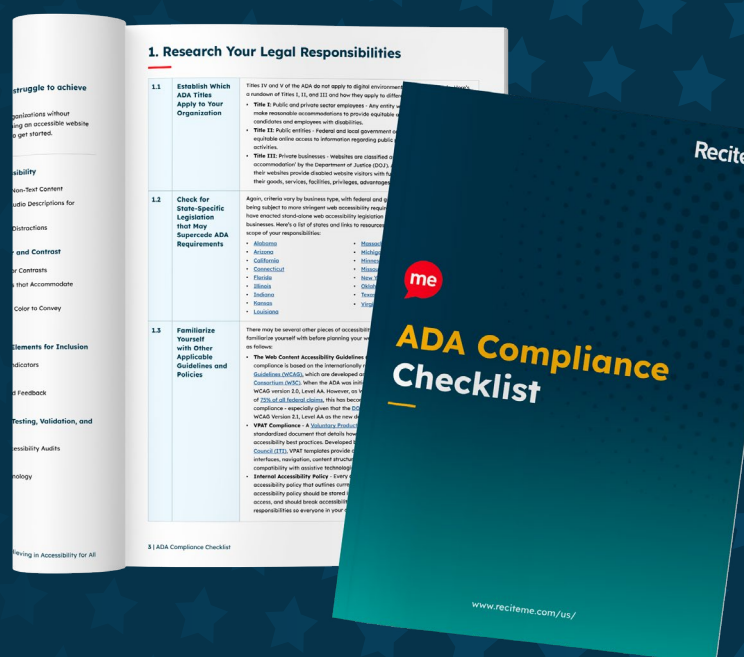
Website Build Tips for an Accessible Government Website

Follow these 7 steps to make your website easier for everyone to read, focus on, and understand:

1 Choose a CMS that supports accessibility

Use a content management system (CMS) that supports all users and simultaneously creates processes for website development and maintenance that are effective and easy to manage. Ensure that page layouts, themes, widgets, plugins, and other aspects are compatible with web accessibility standards.

2 Color contrasts

When color pairings have insufficient contrast, text can be difficult or impossible for many users to read. According to the W3C, the ideal contrast ratio between text and background should be at least 4.5:1. Helpful tools such as WebAIM's Contrast Checker allow you to enter hex codes to determine whether the color combination passes.

Incorrect Examples

Example 2

Example 1

Example 3

Correct Examples
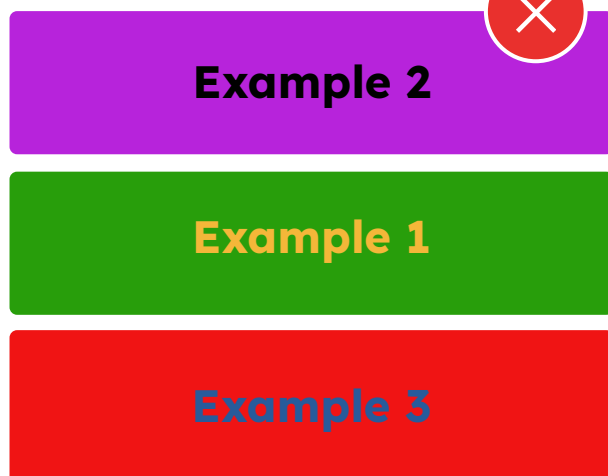
Example 1

Example 2

Example 3
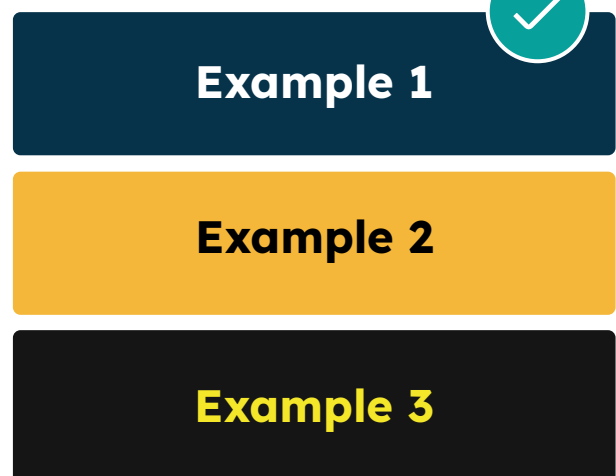
3 Use headings to structure content

Those who use screen readers often scan a webpage using headers to hear an overview of the key information. If a webpage doesn't use headers, this method of skimming is almost impossible. You should only use one H1 per page, usually for the page title. This can be followed by H2 tags for subheadings, which can be nested further with H3 and H4 tags. H tags should always be used in order, so avoid using an H4 directly after an H2, etc.

H1

Body

H2

Create Inclusive Experiences Online
With Accessibility Software.

From creating WCAG compliant websites to providing customised user experiences, Recite Me is here to support you to be more inclusive online through a range of accessibility solutions.

Book a Demo

Make Your Website Inclusive

Accessibility Softw Demand

Over 1 billion people worldwide enc read and understand content online disabilities, learning difficulties, vis speak English as a second language

Recite Me offers a range of on-deman support you in conforming to WCAG s website is user-friendly for individuals

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Find Out More

Click Here

Buttons that have nondescriptive link text

Book a Ticket

View Product

Button text that indicates where the link goes or what the link does

4 Use descriptive links

Screen reader users often utilize keyboard shortcuts to list all the links on a page so they can navigate more efficiently. Nondescriptive hyperlink text like 'click here' and 'read more' can be confusing when a screen reader reads them out of context. A descriptive link should make sense when read out alone and should clearly indicate where the link goes or what will happen when it is clicked.

5 Design inclusive forms

Online forms represent some of the most complicated interactions a user can have with a website. So, designing accessible forms can significantly improve user experience. Some key points to remember include:

- Provide a clear relationship between labels and their corresponding fields.
- Avoid using placeholders as labels because they are hidden from screen readers.
- Provide alternatives to inaccessible content such as date pickers, and provide a text field where the date can be entered manually.
- Provide options to extend time limits for form completion.

6 Support keyboard navigation

For people with motor disabilities and vision impairments, keyboard navigation is essential. The main goal of keyboard navigation is to give users the ability to select every interactive element

7 ALT text

ALT text is the short written description that accompanies each image. If no ALT text is provided, a screen reader would only be able to say "image" or perhaps read the file name. Good ALT text should be specific and convey the content and purpose of each image.

Poor Example
Alt: <**Inclusive Image**>

Good Example
Alt: <**The United States Capitol building on a sunny day**>

Dive deeper into practical strategies to help drive inclusive online experiences for users around the world by downloading your free Accessibility and Inclusive Toolkit.

This comprehensive toolkit encompasses best practices in accessible design, guides on creating WCAG-compliant websites, tips on inclusive communication, and so much more!

Download the Online Accessibility and Inclusion Toolkit

Let's make your website accessible and compliant

Recite Me's accessibility platform is designed to ensure compliance with accessibility regulations and enhance user experiences. Kick-start your accessibility journey today with a free accessibility consultation.
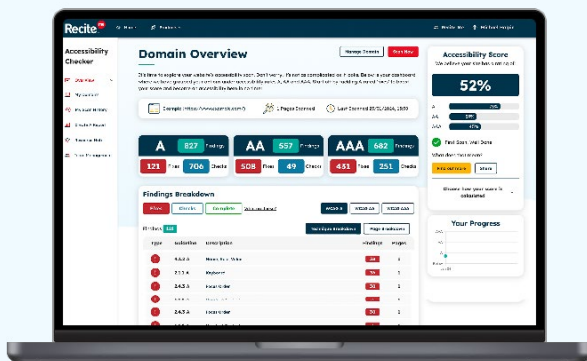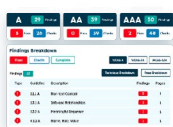
Book a Demo

Website Accessibility Checker

Website accessibility and compliance made simple. The Recite Me Accessibility Checker identifies accessibility code issues and shows you exactly how to fix them through the power of AI.

Book a Checker demo

Plan
Identify the scope of your digital landscape to determine which pages and documents need testing for compliance.

Scan
Conduct a comprehensive scan of your website against WCAG 2.2 success criteria to pinpoint accessibility issues.

Fix
Utilize AI-powered insights to prioritize and guide you on fixing issues for the most significant improvements in accessibility.

Maintain
Implement programmatic scanning to ensure ongoing compliance and that new content remains accessible to all users.

Recite Me Assistive Toolbar

Digital barriers stand in the way of visitors reading and understanding your online content. Create an inclusive experience online by providing assistive technology and language options to enable everyone to customize your website in ways that work for them.

Book a Toolbar Demo

Believing in Accessibility for All

Actionable Steps to Become ADA Compliant

Achieving ADA compliance is not just about meeting legal obligations—it's about fostering inclusivity and creating a better user experience for everyone. Follow these actionable steps to ensure your digital platforms meet accessibility standards while prioritizing usability.

1 Conduct a Comprehensive Accessibility Audit

Start by evaluating your website or digital platform to identify barriers that prevent users with disabilities from accessing your content or services.

How to Audit:

- Use tools like the Recite Me Website Accessibility Checker for an overview of your site's compliance.
- Perform manual testing for keyboard navigation, screen reader functionality, and other usability elements.
- Engage users with disabilities to gain valuable insights into real-world challenges.

> **Outcome**: A clear report detailing WCAG 2.1 AA compliance gaps and areas for improvement.

2 Deploy the Recite Me Assistive Toolbar

The Recite Me Assistive Toolbar is an essential tool for instantly enhancing user experience and usability, working alongside your accessibility compliance efforts.

How It Helps:

- Offers features like text resizing, color contrast adjustments, screen reading, and translation tools to empower users with disabilities.
- Provides immediate value for users, ensuring they can interact with your website while you address long-term accessibility fixes.
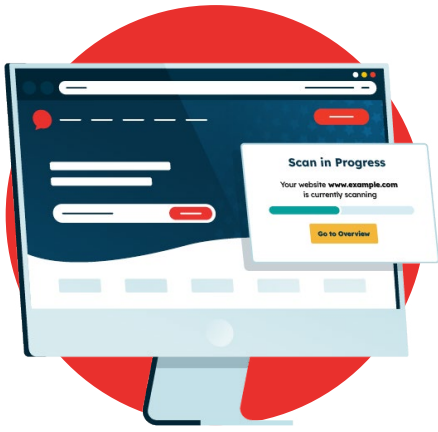
3 Perform Automated Scanning and Benchmarking

Conduct an automated scan of your site to benchmark its compliance with WCAG 2.1 AA standards.

How to Audit:

- Use accessibility checkers to identify missing alt text, improper heading structures, and non-compliant color contrast.
- Regularly scan your site to track progress and address new issues as they arise.

> **Tip**: Combine automated scans with manual testing for the most accurate results.

4 Create an Accessibility Statement and Policy

Show your commitment to accessibility by publishing a clear statement and policy on your website.

What to Include:

- A pledge to make your digital platforms accessible for all.
- Information about assistive features, such as the Recite Me Toolbar, available on your site.
- Contact information for users to report accessibility challenges.

5 Assess and Prioritize Accessibility Issues

Not all issues have the same impact on user experience. Prioritize critical barriers that significantly affect usability.

High-Priority Areas:

- Non-keyboard-accessible navigation.
- Missing alternative text for images.
- Videos without captions or audio descriptions.
- Poor color contrast for text and backgrounds.

> **Action Plan**: Categorize issues by urgency (high, medium, low) and tackle high-impact barriers first.

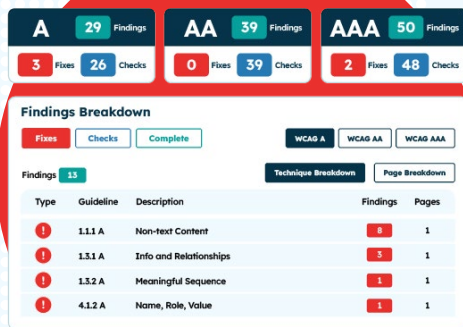### 6 Assign Clear Responsibilities

Accessibility compliance is a team effort. Assign specific roles to team members for addressing accessibility issues.

Who to Involve:

- **Developers:** Fixing code-level barriers.
- **Content Teams:** Ensuring future content meets accessibility standards.
- **Compliance Officers:** Overseeing the overall accessibility strategy.

> **Best Practice:** Provide training on accessibility best practices to empower your team to create inclusive content and solutions.

Type	Guideline	Description	Findings	Pages
!	1.1.1 A	Non-text Content	8	1
!	1.3.1 A	Info and Relationships	3	1
!	1.3.2 A	Meaningful Sequence	1	1
!	4.1.2 A	Name, Role, Value	1	1

⑦ Implement Fixes and Track Progress

Develop a phased plan to remediate issues and monitor improvements.

- **Phase 1:** Resolve the most critical barriers identified during your audit.
- **Phase 2:** Address medium- and low-priority issues to improve the overall user experience.
- **Tracking:** Use analytics and regular accessibility audits to measure the impact of your efforts.

⑧ Build a Sustainable Accessibility Program

Accessibility is not a one-time project—it's an ongoing commitment to inclusivity.

Who to Involve:

- **Developers:** Fixing code-level barriers.
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- **Compliance Officers:** Overseeing the overall accessibility strategy.

> **Best Practice:** Provide training on accessibility best practices to empower your team to create inclusive content and solutions.

Why Act Now?

Accessibility isn't just about avoiding legal risks, it's about making your digital platforms usable for everyone. By following these actionable steps, you'll ensure your website is inclusive, user-friendly, and ADA-compliant.

Take the first step today with a Recite Me and begin creating a more inclusive online experience!