STATE/LOCAL GOVERNMENT COMPLIANCE WITH WEB CONTENT ACCESSIBILITY GUIDELINES (WCAG):

Health Departments Working Through Compliance Challenges

WEBINAR OBJECTIVES

Today you will:

- Learn the elements and requirements of the federal rule on web accessibility
- Learn the public policy underpinning the rule
- Learn how two state health departments are approaching their compliance obligations to apply lessons learned to your work

Non-discrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, 28 C.F.R. §§ 35.200-.205 (2025)

LEGAL TECHNICAL ASSISTANCE

- ✓ Legal Research
- ✓ Policy Development, Implementation, Defense
- ✓ Publications
- ✓ Trainings
- ✗ Direct Representation
- ✗ Lobby

LAND ACKNOWLEDGMENT

Photo taken at Owamni Restaurant - Minneapolis, MN

EQUALITY:
Everyone gets the same – regardless if it's needed or right for them.

EQUITY:
Everyone gets what they need – understanding the barriers, circumstances, and conditions.

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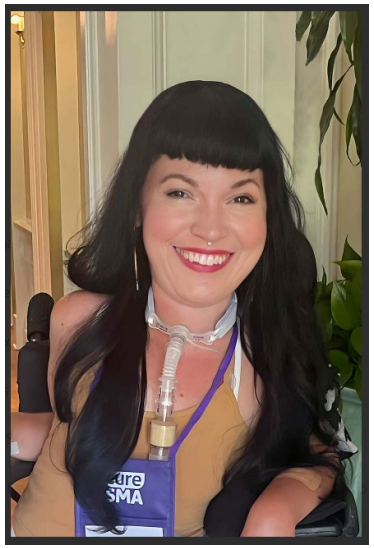
SPEAKERS

Chris Alibrandi O'Connor
Senior Staff Attorney
Public Health Law Center

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law



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OREGON
HEALTH
AUTHORITY

Digital Accessibility and WGAG

Christine Getman

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Equity and Inclusion Division

What is Digital Accessibility?

Working Definition:

Digital accessibility is an approach to technology and content design that involves thinking specifically about the experiences and needs of people with disabilities. By designing for these needs, and by following the guidance and leadership of people with disabilities, we arrive at technology that works better for everyone.

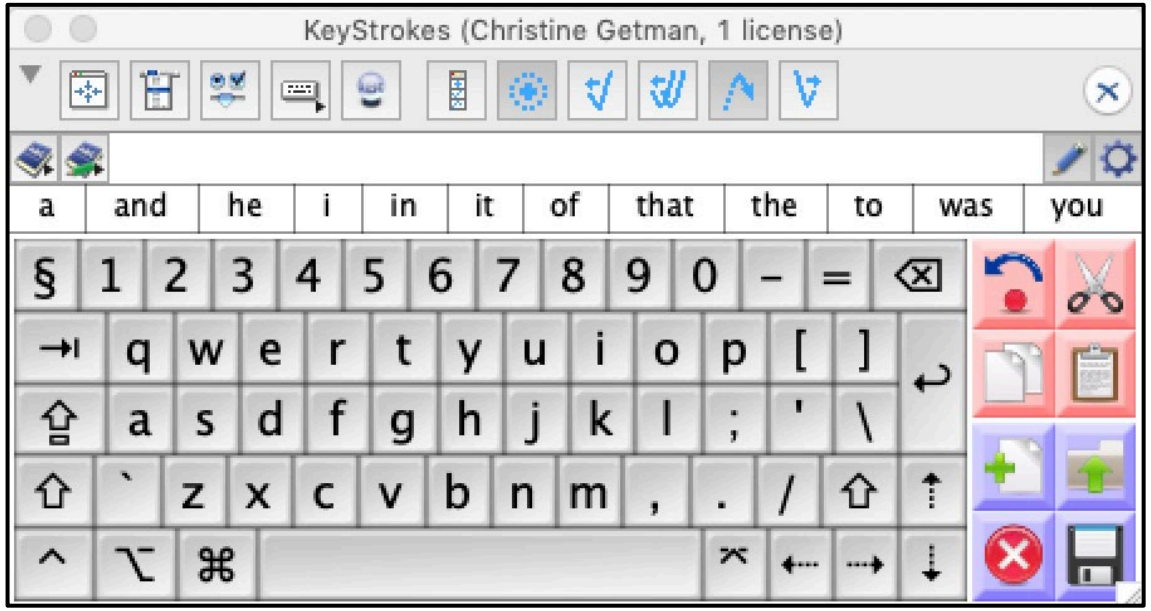
Who needs accessible content?

- Blind and deafblind people
- People with low vision
- People with color-blindness
- People who have motor disabilities
- People with cognitive or learning disabilities
- Deaf and hard-of-hearing people
- Speakers of English as a Second or Additional Language
- People with Temporary and Situational Disabilities

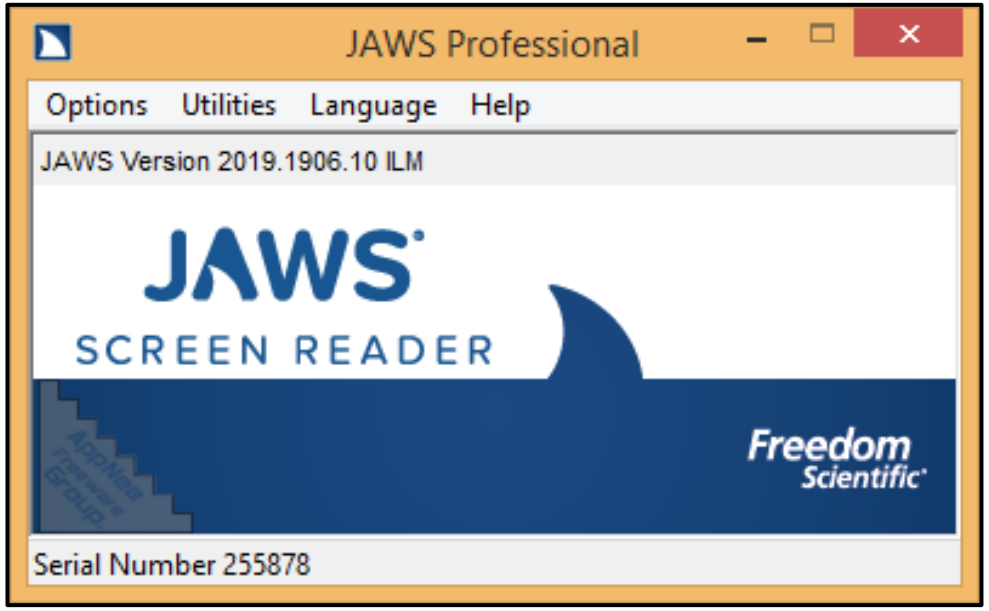
Common forms of Assistive Technology (AT) used to access digital content

- Screen readers (JAWS, NVDA, VoiceOver, TalkBack, Narrator)
- Text-to-speech software (Read Aloud, Speachify)
- Speech-to-text software (Dragon Naturally Speaking)
- Magnification Software (ZoomText)
- Customizable color palettes
- Keyboard Access
- Switch Devices
- Onscreen keyboards

Assistive Tech in our Work



- On-screen keyboard
- Auto-Click (Hover, Dwell, etc.)



- JAWS (Job Access With Speech)
- Screen reader provides speech and Braille output

Assistive Technology Demonstration

Reflection Questions

- Who benefits from digital accessibility?
- Who can uphold digital accessibility?

All of us!

The Web Content Accessibility Guidelines (WCAG)

- WCAG: often pronounced “Wi-cag”
- Developed by the World Wide Web Consortium (or w3c)
- Provides technology-neutral accessibility standards for digital content
- Many countries around the world now reference WCAG as a technical standard for digital accessibility
- OHA and ODHS policies are aligned with the most recent Recommended version, WCAG 2.2 (Levels A and AA).

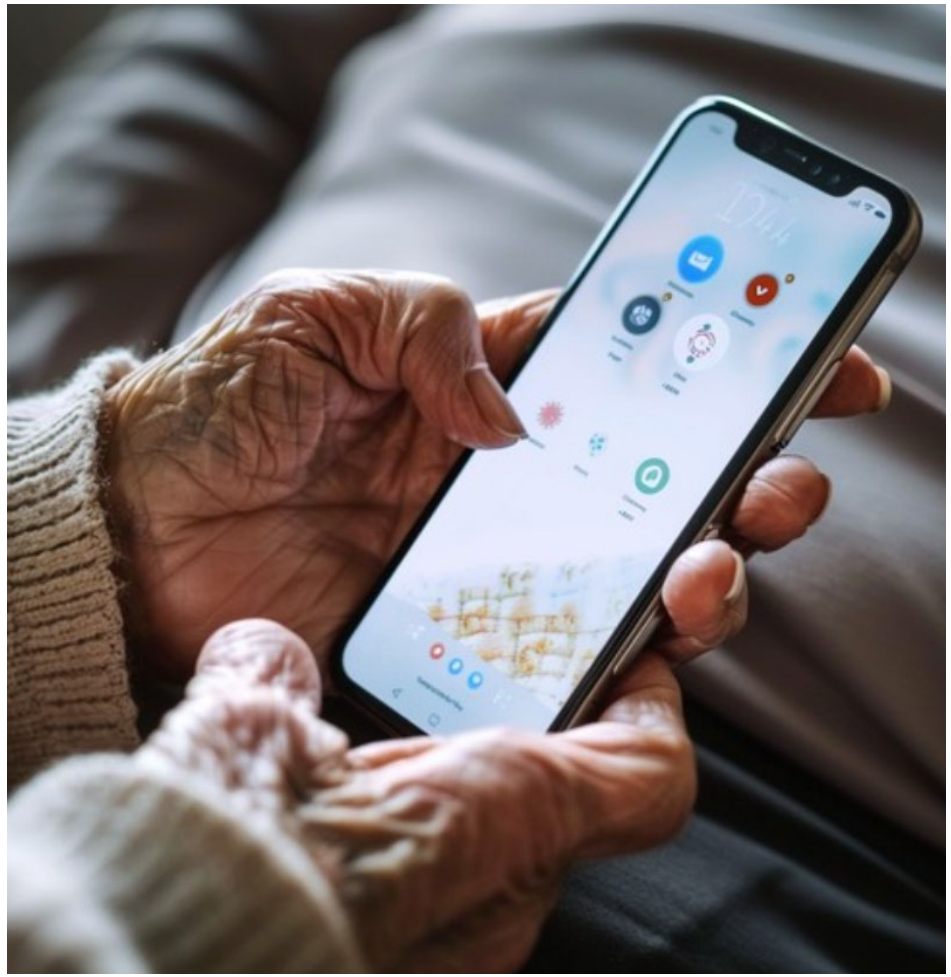
Accessible Web Content Timeline

- The Americans with Disabilities Act (ADA) has implicitly required accessible web content since 1996, when the Department of Justice clarified that websites constitute "public accommodations" under Title III.
- WCAG 1.0 was published in 1999
- Section 508, which covers federal web content, was aligned with WCAG 2.0 (Levels A and AA) in 2017.
- Explicit federal regulations mandating specific technical standards for state and local governments were published in April 2024
- The DOJ and HHS rules are aligned with WCAG 2.1 (Levels A and AA).

Impactful Changes in WCAG 2.2 - buttons

SC 2.5.8 Target Size (Minimum):

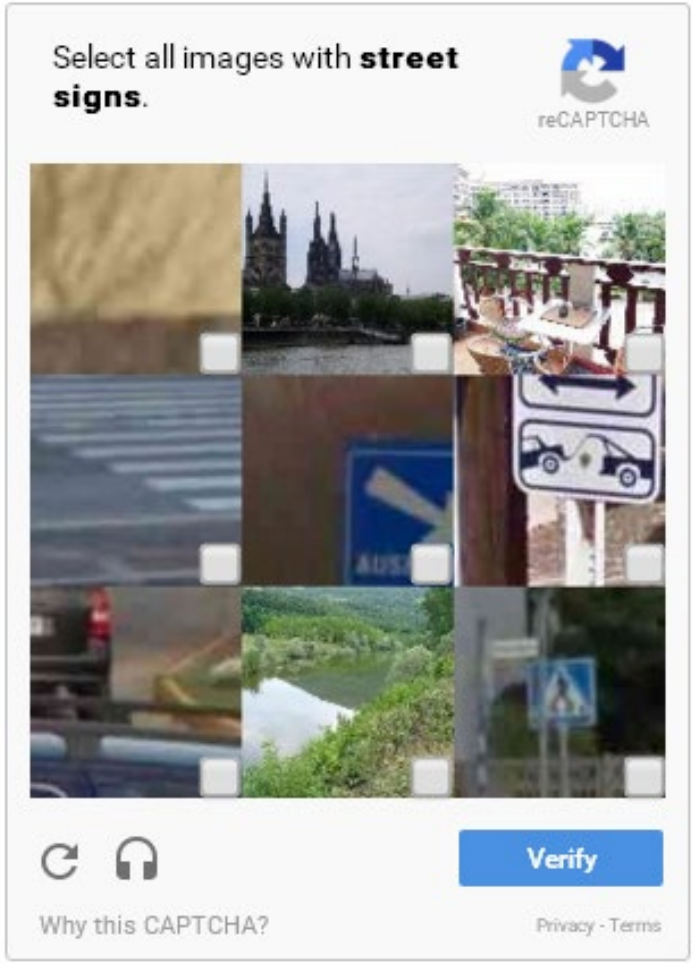
- Make controls easier to activate
- Ensure targets meet a minimum size (24 by 24 CSS pixels) or have sufficient spacing around them.



Impactful Changes in WCAG 2.2 - logins

SC 3.3.8 Accessible Authentication (Minimum):

- Make logins possible with less mental effort.
  - The WebAim 2024 Screen Reader survey listed inaccessible CAPTCHAs as the #1 “problematic item” for screen readers users



AN EXPLANATION OF THE RULE'S LEGAL REQUIREMENTS

Chris Alibrandi O'Connor
Senior Staff Attorney

THE LAW:
THE HOW, WHY, & WHEN

Authorized under Title II of the Americans with Disabilities Act

Technical standard adopted in the rule: Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA

- Intended to expand access to digital content by reducing barriers and promoting more inclusive design
- It present success criteria and conformance requirements

Deadlines for compliance:

- April 24, 2027 for public entities serving populations ≥ 50,000
- April 24, 2028 for public entities serving populations < 50,000

THE LAW:
THE WHAT

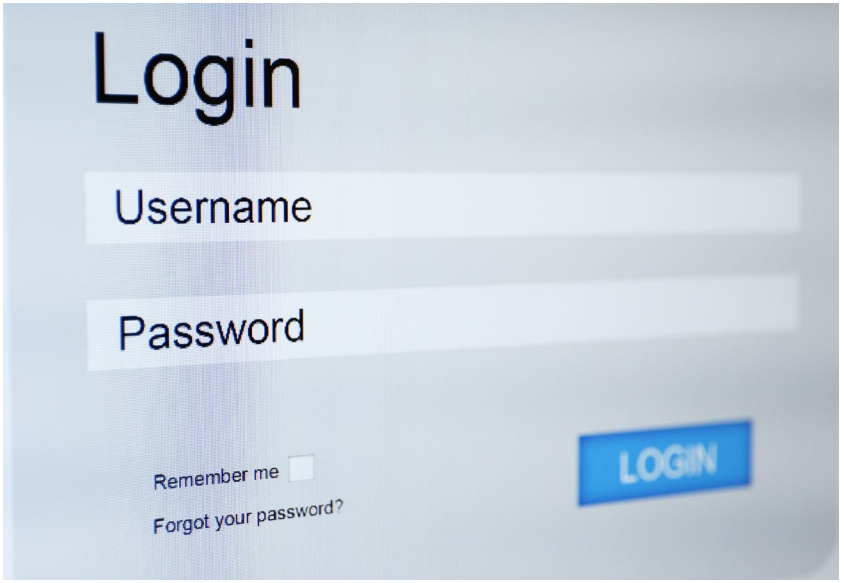
Four foundational principles of web accessibility:

- Perceivable,
- Operable
- Understandable
- Robust

Accessibility needs to address wide range of disabilities: visual, auditory, physical, speech, cognitive, language, learning, and neurological

THE LAW:
CATEGORICAL EXCEPTIONS TO THE RULE

- Archived web content
- preexisting conventional *
- electronic documents
- “individualized, password-protected or otherwise secured conventional electronic documents”
- content posted by a third party
- preexisting social media posts



28 C.F.R. § 35.201 (2025)

THE LAW:
CONFORMING ALTERNATIVE VERSION

"A public entity may use *conforming alternate versions* of web content… only where it is not possible to make web content directly accessible due to technical or legal limitations"

28 C.F.R. 35.202 (2025)

THE LAW:
LIMITED COMPLIANCE EXCEPTION

Compliance is not required if to do so would result in a fundamental alteration of a program or undue financial and administrative burden.

- compliance is required to the extent that it does not result in a fundamental alteration or undue financial and administrative burdens
- burden of proof on public entity; a writing memorializing the reasons of the head of the public entity for reaching that conclusion is required

28 C.F.R. § 35.204 (2025).

THE LAW:
DOCUMENTATION REQUIREMENTS

Documentation is required in two cases:

- If asserting that compliance will result in a fundamental alteration of a program or undue financial/administrative burden
- If an entity makes a claim that it has conformed to WCAG 2.1

THE LAW:
GOOD FAITH EFFORT IS NOT A DEFENSE TO NON-COMPLIANCE

"[I]t would 'undermine the benefits of adopting a technical standard'".

To the extent that demonstrating a good faith effort may mitigate non-compliance enforcement, positive actions that evidence a commitment to compliance could include

- an ongoing compliance program
- records of accessibility training for staff
- incident response plan for handling accessibility complaints
- beta testing with users with disabilities

Bringing Digital Accessibility Into Public Health

Adam McBride-Smith (he/him)

Digital Accessibility Strategist and Program Manager

Oregon Health Authority

Equity and Inclusion Division

OREGON HEALTH AUTHORITY

Create an accessibility program – just add water!

Take stock of your resources

- SME Support
- Governance
- Policy and Implementation
- Testing and Remediation Tools
- Resources

Do you have SME support?

If not, can you hire a Subject Matter Expert (or Experts) in Digital Accessibility?

Yes (then look for these qualifications):

- Certification:
  - IAAP certification (CPACC, ADS, WAS, CPWA)
  - Trusted Tester Certification
  - JAWS Certification
- Work Experience
  - Web testing (What tools/methodology?)
  - VPATs / ACRs
  - Document remediation (Acrobat Pro, CommonLook PDF/Office, PAC Checker, ABBYY FineReader, InDesign)
- Lived Experience
  - Native user of assistive technology?

No (then train up existing staff):

- DEQUE University – can lead to IAAP Certification
- Trusted Tester Certification Courses (offered by USDHS)
- JAWS Certification (Freedom Scientific)
- Pluralsight courses on digital accessibility
- Chad Chelius LinkedIn courses on document and PDF remediation

Governance, governance, governance

Guiding Questions:

- Do you have a digital accessibility policy?
- How do you plan to review vendor-provided content for accessibility?
- How do you plan to deal with PDFs?
- Do you have leadership buy-in?
- Do you have budget for hiring, training, testing and remediation tools?
- Are there citywide/statewide efforts underway that you can join/support?
- Have you looked to other states/agencies to learn about their approach? (Massachusetts, Maryland, Texas, Minnesota, Virginia, Colorado, Oregon Health Authority)

OHA and ODHS policies Digital Accessibility

- Content Creation and Sharing (ODHSOHA 010-029)
- Hardware, Software and Systems (ODHSOHA 010-030)
  - Developed by Digital Accessibility Policy Workgroup over 2 years
  - Workgroup participants from OHA and ODHS, as well as representatives from DAS, Oregon Broadband, Oregon Commission for the Blind, etc.

Scope

At OHA, we finalized our agency policy for digital accessibility in 2024. Our Digital Accessibility Policy Implementation Project has 3 main workstreams:

Web Accessibility

- ✓ Testing Queue
- ✓ Guidance (Video Series)
- ❑ Training for Developers - in progress

Accessible Procurement

- ✓ New Contract Language Written & Playbook Created
- ❑ Contract Language Added to Templates
- ✓ Accessible Procurement Evaluation Rubric
- ❑ Creating Accessible IT Procurement Tracker
- ❑ Training for Contract Admins

Document Accessibility

- ✓ Updated Templates
- ✓ Guidance (Quick Guides)
- ✓ Remediation Queue
- ✓ Training for Document Authors
- ✓ Cross-Division Coordination
- ✓ Remediation Software Availability

Other resources

- Do you have existing training/guidance? Does it need to be updated?
- Can staff access important tools for testing and remediation?
  - JAWS/NVDA
  - Multiple browsers (Chrome, Firefox, Edge)
  - Acrobat Pro
    - Remediation tools on next slide

- Visit the OHA Digital Accessibility website for guidance: https://www.oregon.gov/oha/Digital-Accessibility/Pages/index.aspx
- Reach out to the Digital Accessibility Team with any questions:

  oha.digital-accessibility@oha.oregon.gov

Remediation Tools Available

- **PAC Checker** by axes4

  A free tool that checks PDFs for WCAG and PDF/UA accessibility and produces accessibility reports

- **CommonLook** by Allyant

  A plug-in (also available as a streamlined online web tool) that assists in remediating PDFs for accessibility

- **Color Contrast Analyser** by TPGi

  A free tool that checks color contrast ratios using an eyedropper on your computer screen

  - **WebAIM has a color contrast checker** that is great for use on web pages

- **ABBYY FineReader**

  An OCR (optical character recognition) software that allows for the conversion of images of text documents and tables into editable, machine-readable text

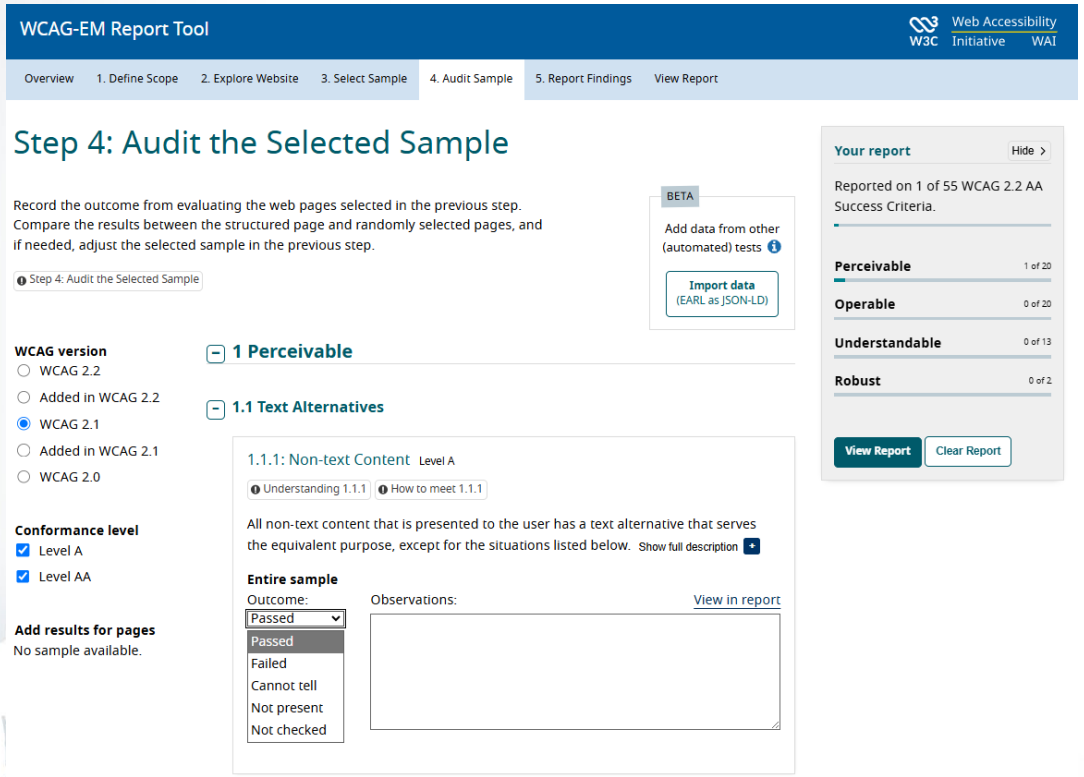
Thank you!

Dashboard Accessibility: Documentation

Richard Raines, Research Analyst
Alaska Health Analytics and Vital Records
Public Health Law Center Webinar (2026-09-15)

ACCESSIBILITY CONFORMANCE REPORTS (ACR)

WCAG-Eval Methodology Report Tool



Voluntary Product Accessibility Template

[Company] Accessibility Conformance Report

WCAG Edition

(Based on VPAT® Version 2.5Rev)

Name of Product/Version:

Report Date:

Product Description:

Contact Information:

Notes:

Evaluation Methods Used:

Applicable Standards/Guidelines

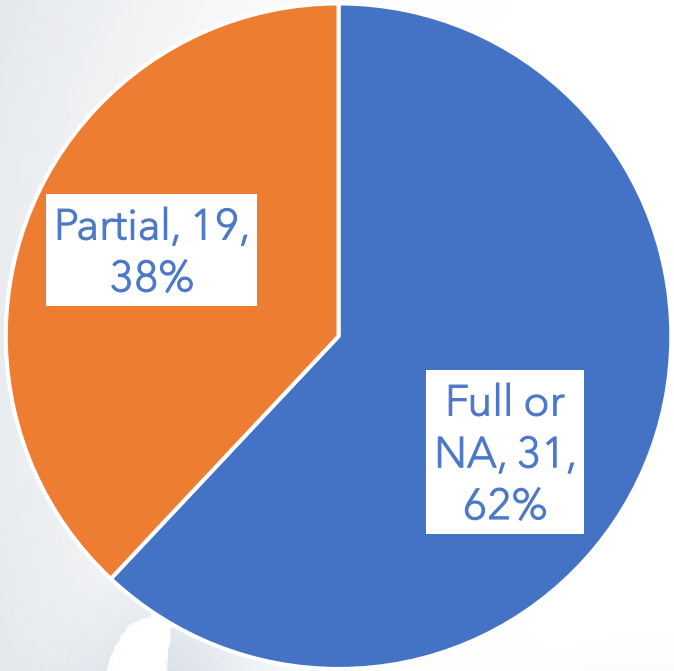
Table 1: Success Criteria, Level A

Notes:

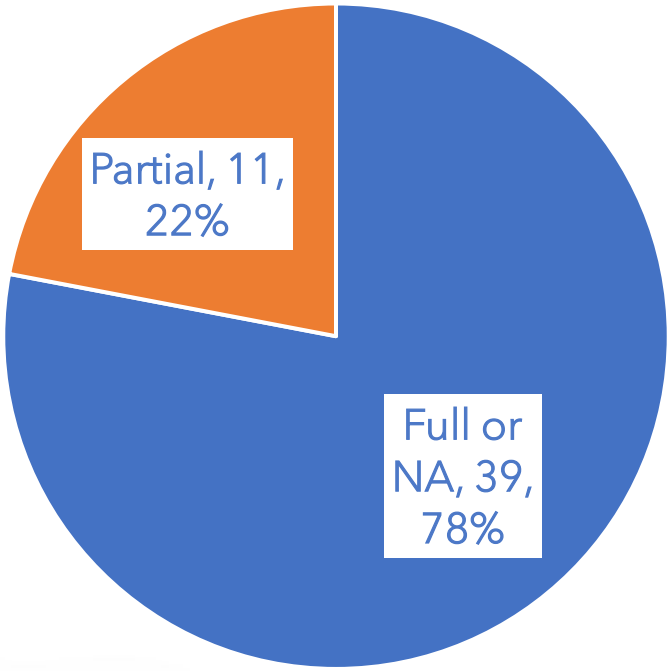
Criteria	Conformance Level	Remarks and Explanations
1.1.1 Non-text Content (Level A)		
1.2.1 Audio-only and Video-only (Prerecorded) (Level A)		
1.2.2 Captions (Prerecorded) (Level A)		
1.2.3 Audio Description or Media Alternative (Prerecorded) (Level A)		
1.3.1 Info and Relationships (Level A)		
1.3.2 Meaningful Sequence (Level A)		
1.3.3 Sensory Characteristics (Level A)		

VENDOR COMPLETED ACRS

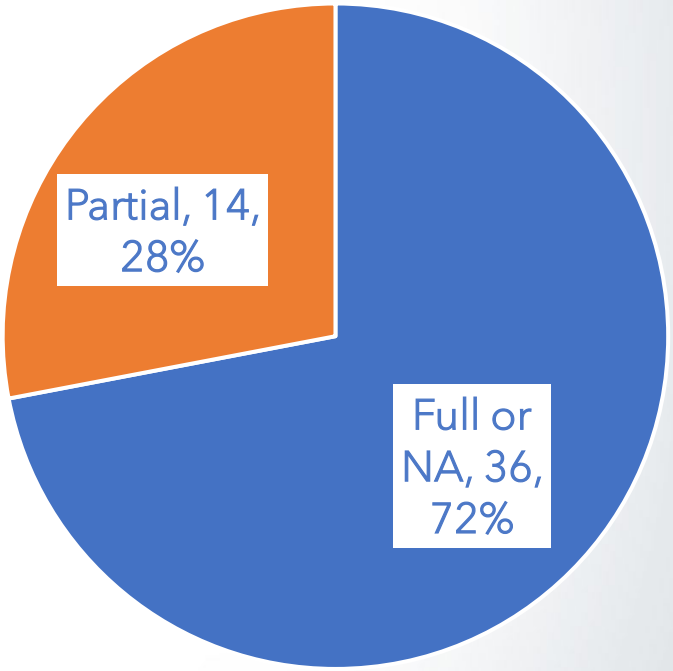
Tableau - AA Criteria Support



Power BI - AA Criteria Support

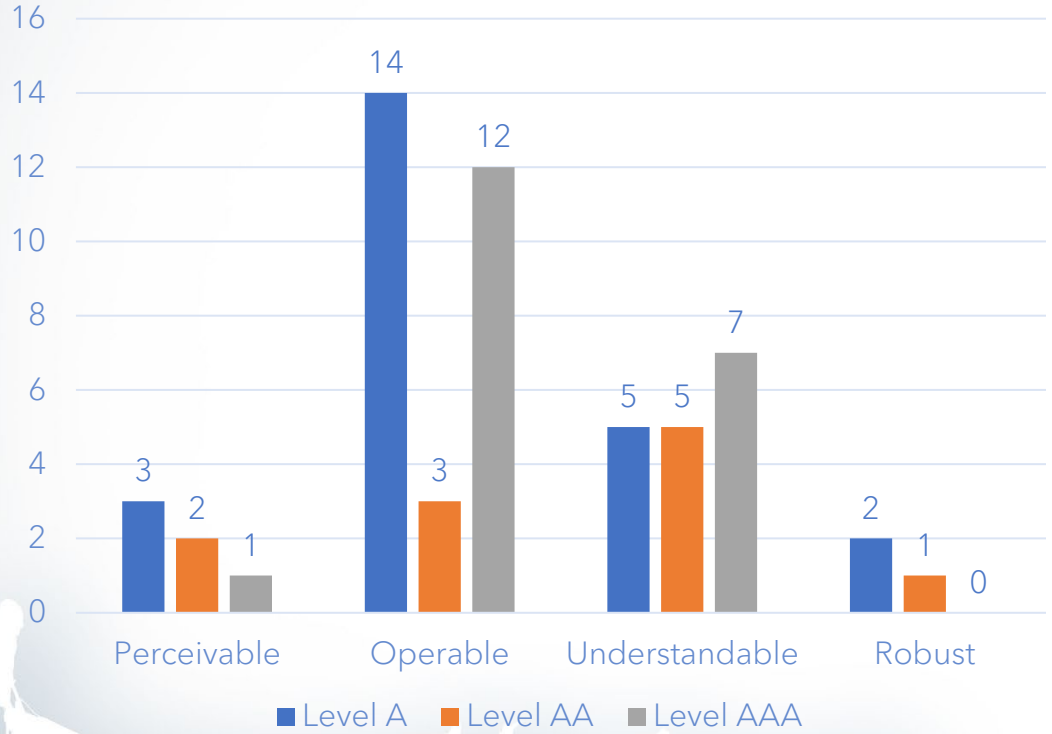


ArcGIS - AA Criteria Support



TEXT ALTERNATIVES & CONFORMING ALTERNATE VERSIONS

Data Visualization



Data Set/Table

Principal	Level A	Level AA	Level AAA
Perceivable	3	2	1
Operable	14	3	12
Understandable	5	5	7
Robust	2	1	0

ALASKA ACR DOCUMENTATION TOOL

Accessibility Conformance Report Documentation Tool

	Web Content Accessibility Guidelines										
Number	Principal	Principal Description	Guideline	Guideline Description	Criteria	Criteria Description	Level	v2.0	v2.1	v2.2	WCAG Version History
1.1.01	Perceivable	Information and components must be perceivable to all users.	Text Alternatives	Provide text alternatives for any non-text content so that it can be changed into	Non-text Content	All non-text content that is presented to the user has a text alternative that serves the equivalent purpose, except for the situations listed below. **Controls, Input** If non-text content is a control or accepts user input, then it has a	A	X	X	X	

Microsoft Excel Worksheet

	Developer Checklists	Vendor Completed Reports		DOH Completed Reports	
Number	General Check List (DOH/OHA)	Tableau Dashboard ACR	Tableau Dashboard ACR Remarks	Reviewer 1 ACR	Reviewer 1 Remarks
1.1.01	- Each visualization has a descriptive title and caption. - A data table is available in the dashboard or as a downloadable file. - Data table communicates the	Supports	All appropriate (as defined by WCAG) non-text content presented to the user has a text alternative that	Supports	Sufficient techniques G95, G196, and G92 were applied to provide short and long text alts. in

ALASKA CAV DOCUMENTATION TOOL

Conforming Alternative Version Documentation Tool

About Conforming Alternate Versions

The Alaska Department of Health is required to make web content directly accessible by default. Under the ADA Title II Final Rule (codified at 28 CFR § 35.202), the use of a "conforming alternate version" is strictly limited. The Department of Justice (DOJ) specifies that a conforming alternate version is an acceptable only as "last resort" and requires specific conditions to be met. The DOJ has explicitly stated that agencies should avoid a "separate but equal" approach.

A conforming alternate version must meet rigorous standards:

- ☑ Full Conformance: The alternate version itself must fully meet WCAG 2.1 Level AA (no exceptions)
- ☑ Equivalent Information & Functionality: It must provide the exact same information and functionality as the original version. No features or data can be omitted
- ☑ Timeliness: It must be as up-to-date as the non-conforming content
- ☑ Discoverability: Users must be able to find the alternate version easily.

Conforming alternate versions cannot be used for other reasons such as:

- ✗ Aesthetics: Preferring the look of an inaccessible solution or product over an accessible one
- ✗ Convenience: Using it as a shortcut because the original site is too difficult or expensive to remediate
- ✗ Preference: Choosing to use inaccessible features or techniques when accessible options are available
- ✗ Lack of Training: Covering for a lack of staff knowledge on how to code accessibly or create accessible content

Conforming Alternative Version Documentation Tool

Justification for Using a CAV

Technical Limitation: The current software/platform does not support required accessibility features (e.g., specific ARIA attributes or semantic tagging).	☐
Functional Complexity: The core experience is inherently visual/sensory and cannot be replicated within the original file format while meeting WCAG 2.1 AA.	☐
Legal/Contractual Constraint: The content is a third-party product or licensed material that the agency is legally prohibited from modifying.	☐
Other (please specify):	

Detailed Explanation

Detailed Explanation (include technical documentation such as VPAT or legal requirement that makes the CAV necessary as well as outlining alternatives that were were explored before requesting the CAV):

CHALLENGES

- Application of criteria to interactive dashboard content
- Subjectivity and conflicting subject matter expert determinations
- Training gaps between dashboard and accessibility experts
- Competing scientific, accessibility, and graphic design requirements

TAKEAWAYS

Standards

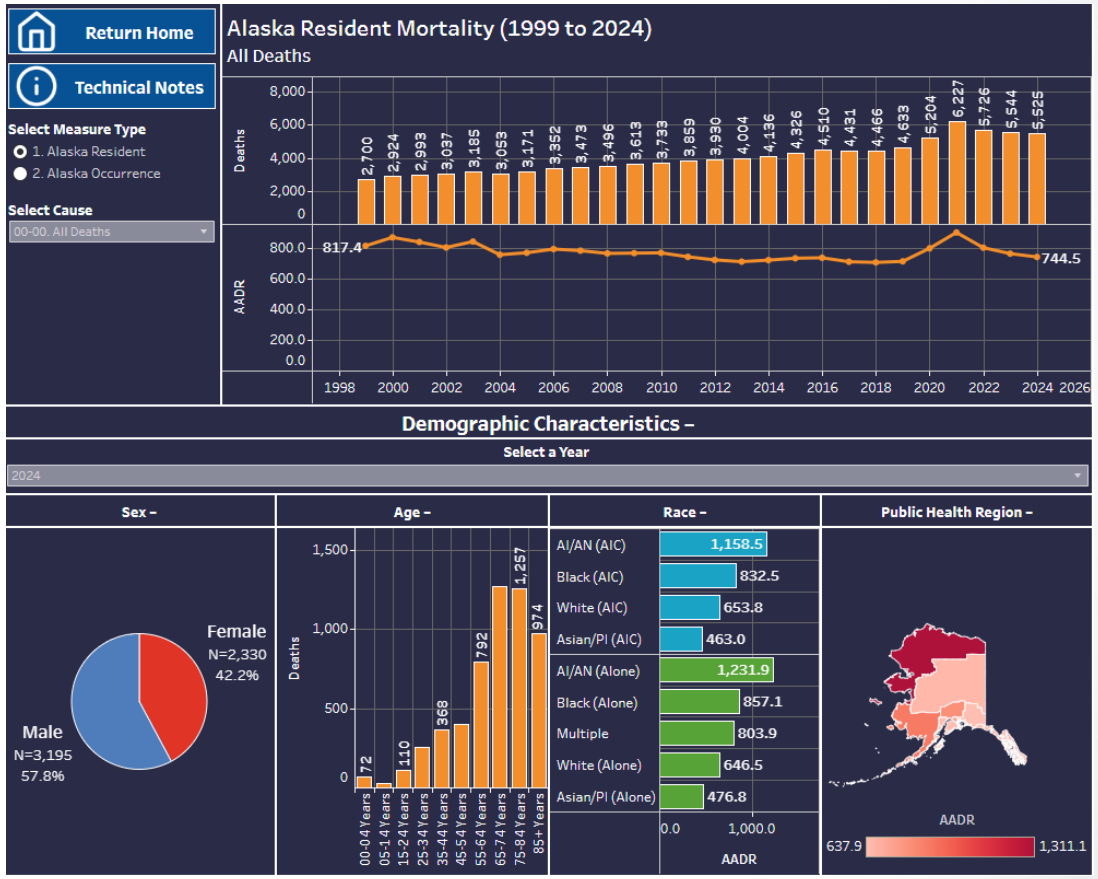
WCAG v2.1, AA Level criteria are the accessibility standard for state government agencies

Documentation

Accessibility determinations are documented on an Accessibility Conformance Report

Conformance

Conforming Alternate Versions can be used to achieve WCAG conformance (with conditions)



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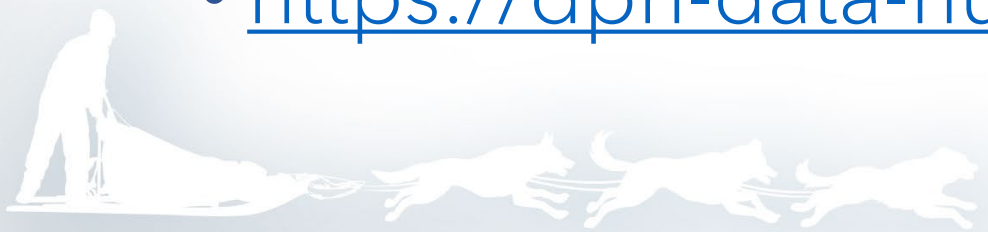
  - www.vitalrecords.alaska.gov
- DPH Data Dashboard Hub
  - https://dph-data-hub-alaska-dhss.hub.arcgis.com



QUESTION & ANSWER PERIOD

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