

Web Accessibility And The Law

**Kris Rivenburgh,
Chief Accessibility & Legal Officer**

essentialaccessibility.com



**ESSENTIAL
ACCESSIBILITY.**

Housekeeping

- **This webinar will be recorded and will be shared out with registrants afterwards**
- **Real-time captioning will be provided**
- **All participants will be muted upon entry, but will be given permission to unmute themselves during Q&A**
- **Utilize the Chat to communicate any technical issues**



Kris Rivenburgh

- **ADA Book**
- **WCAG Guides**
- **Attorney**
- **Chief Accessibility & Legal Officer at eSSENTIAL Accessibility**



WCAG

- **Web Content Accessibility Guidelines**
- **Technical standards put out to make web more uniformly accessible**
- **Helpful guidelines**

WCAG ≠ Law

- **WCAG may be incorporated into some laws but it is not the law**
- **ADA compliance (mandatory)**
- **WCAG conformance (voluntary)**
 - U.S. legal landscape

WCAG is Critical

- **WCAG cited to almost invariably in web accessibility lawsuits**
- **Scans base their rules on WCAG success criteria**

WCAG

- **Web Content Accessibility Guidelines**
- **W3C → WAI**
- **2.0, 2.1, 2.2**
- **A, AA, AAA**

WCAG 2.X AA

- **2.0 AA = 38 success criteria**
 - **2.1 AA = 50 success criteria**
 - **2.2 AA = 58 success criteria***
-
- **$38 + 12 + 8 = 58$**

Online A11y Act

- **Excellent preview**
- **Websites + mobile apps**
- **2.0 AA “substantial compliance”**
- **Access Board provides details**

Online A11y Act

- **2 years + time for bill to pass**
- **Flexibility for small businesses**
- **Bureaucratic complaint process**
- **Lawsuits + Accessibility go down**

COVID-19 Oral Fluid Test Kit

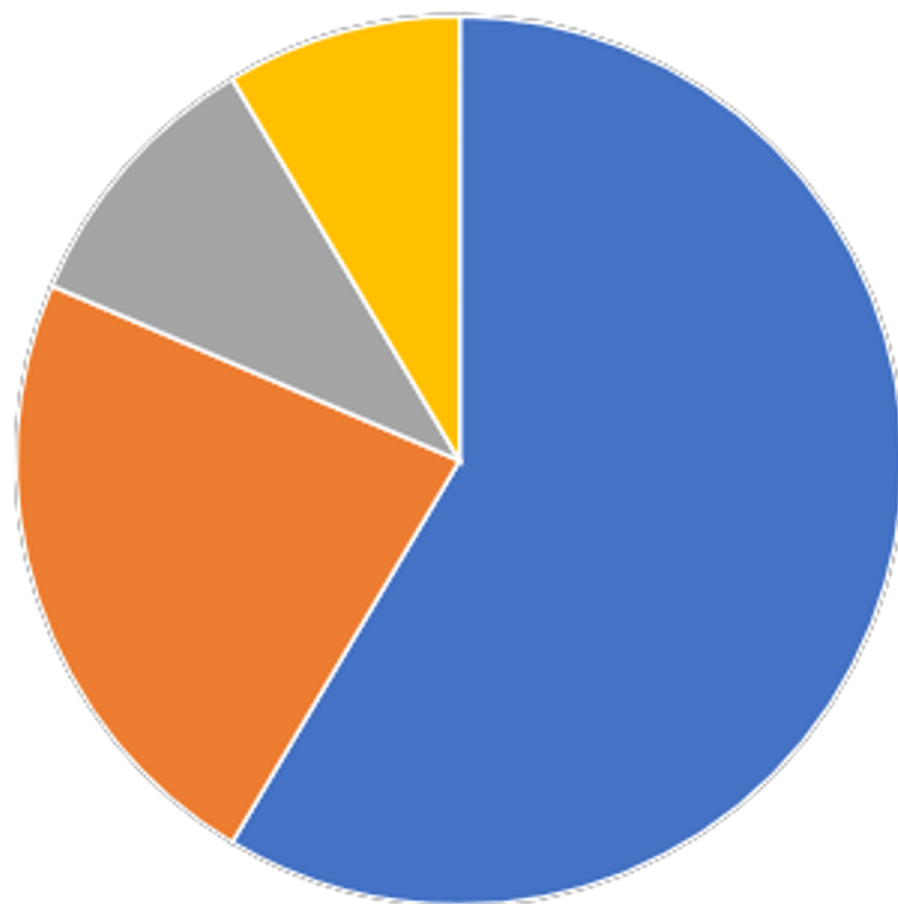
here's how to collect a good sample for
your covert 19 oral fluid test

Here's how to collect a good sample for your
COVID-19 oral fluid test kit.



0:05 / 1:38





- 1st Qtr
- 2nd Qtr
- 3rd Qtr
- 4th Qtr

Originals in iCloud.

Upload to My Photo Stream

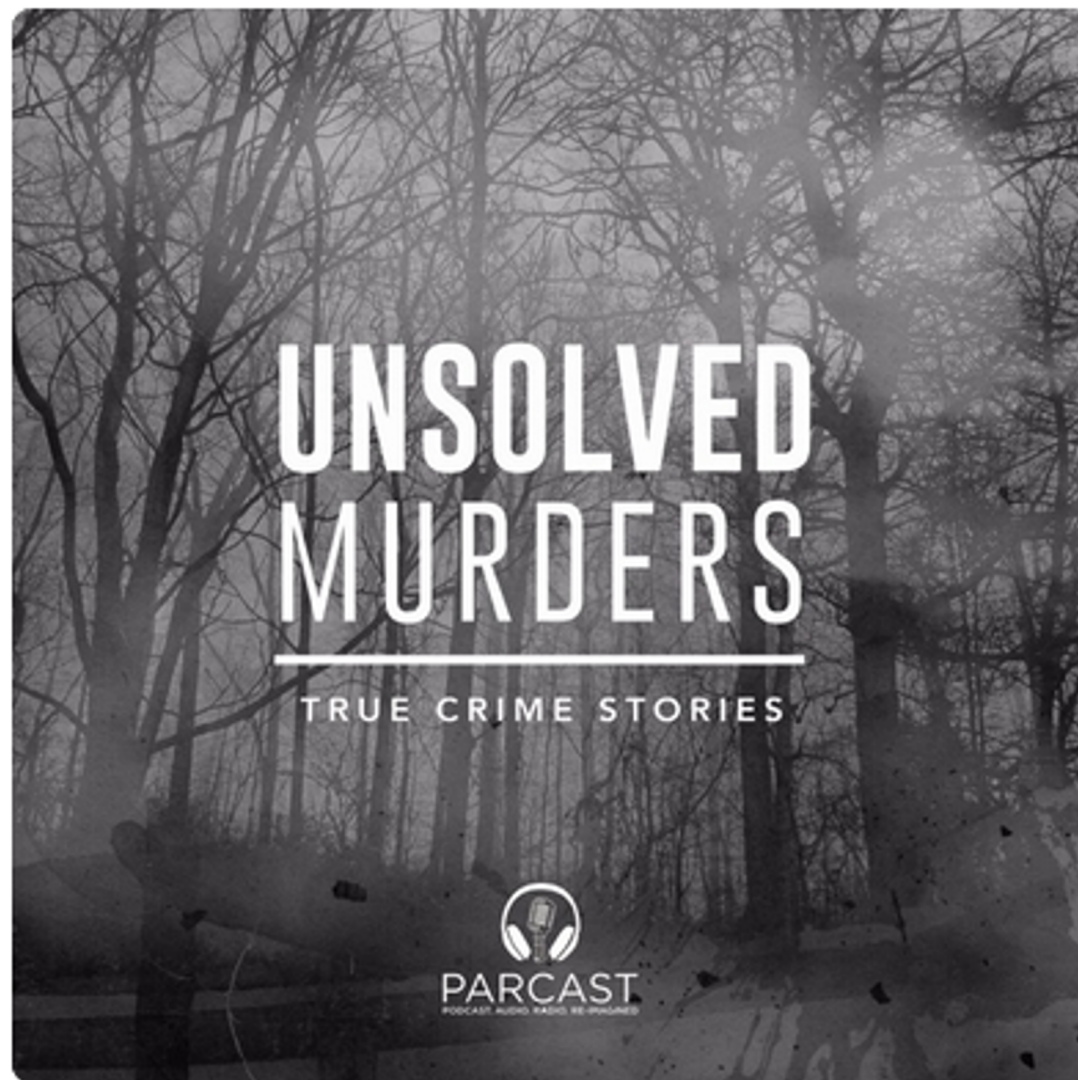


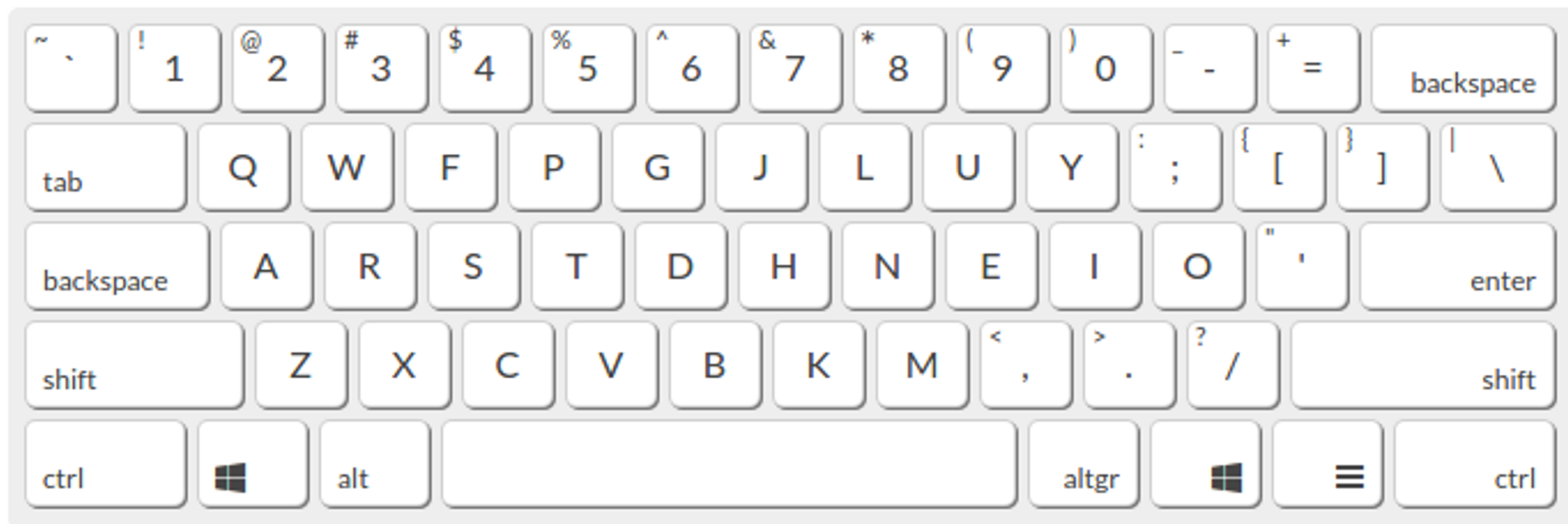
Upload your last 30 days of new photos and view them on your other devices using My Photo Stream. Photos from other devices can be viewed in the My Photo Stream album, but are not automatically saved to your library.

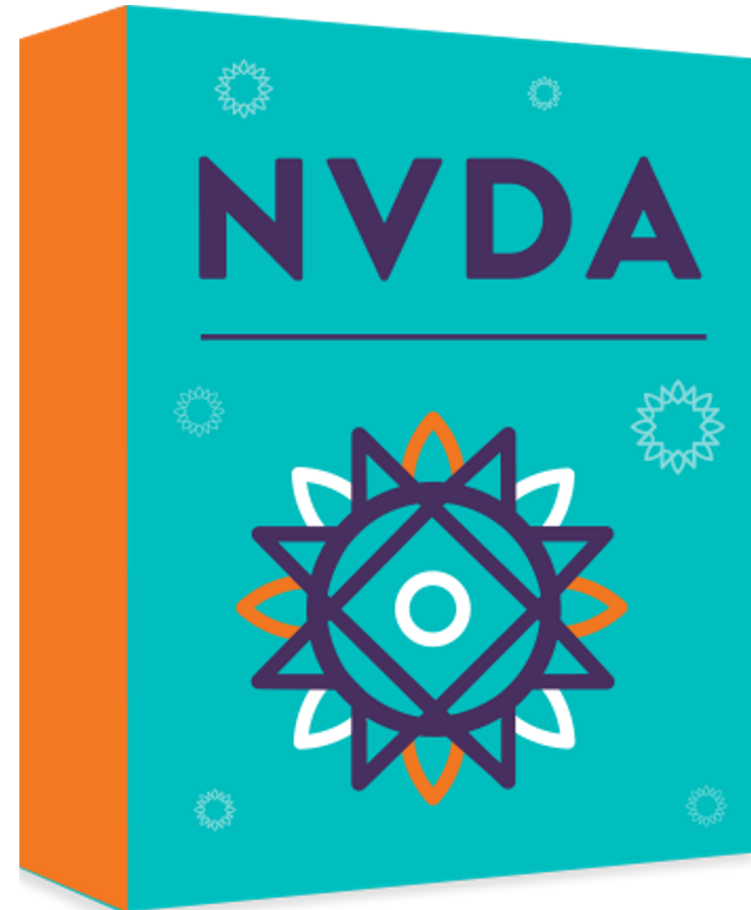
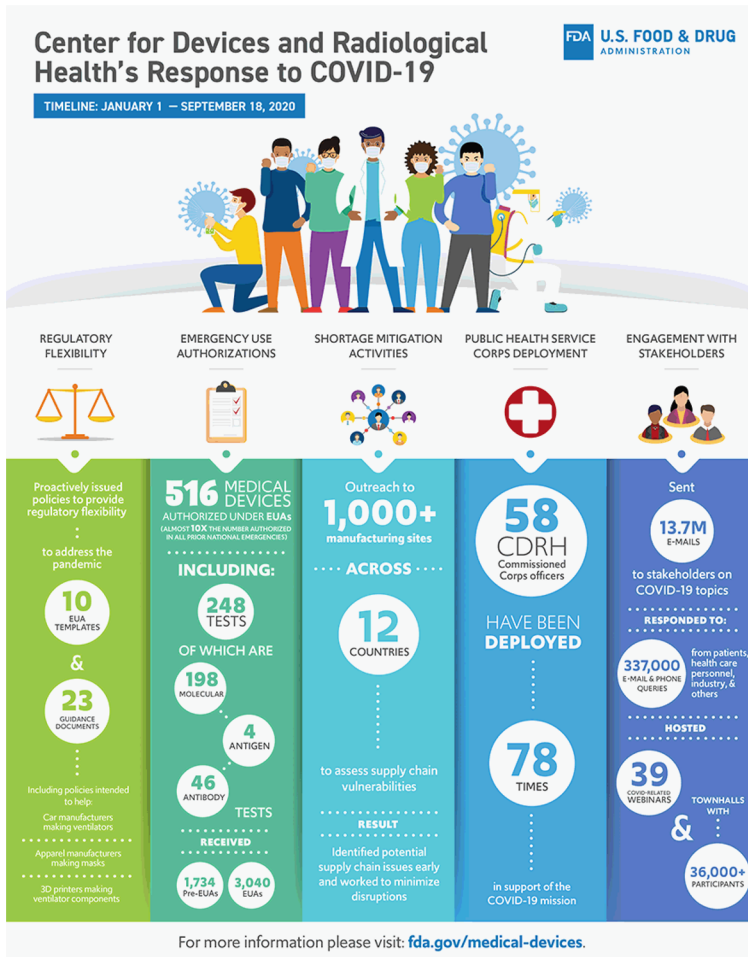
Shared Albums



Create albums to share with other people, and subscribe to other people's shared albums.







12:26

www.ada.gov

Skip navigation

United States Department of Justice
Civil Rights Division

Information and Technical Assistance
on the Americans with Disabilities Act

[Law / Regulations](#)
[Design Standards](#)
[Technical Assistance Materials](#)
[Enforcement](#)

New on ADA.gov

LaFrance Hospitality, Corp.
Settlement Agreement (posted 10/2/20)

Gates Chili Central School District
Settlement Agreement (posted 8/20/20)

Massachusetts General Hospital
Settlement Agreement (posted 8/7/20)

Board of Education of the Toledo City School District
Settlement Agreement (posted 7/31/20)

DOJ to Resume the Issuance of Right-to-Sue Notices for Title VII, ADA, and GINA Referrals in August 2020
Statement by Assistant Attorney General Eric S. Dreiband (posted 8/3/20)

Spencer East Brookfield Regional School District
Complaint | Settlement Agreement (posted 7/30/20)

Ridgewood Preparatory School, Incorporated
Settlement Agreement (posted 7/30/20)

DOJ Warns of Inaccurate Information re Face Masks and the ADA
Press Release (6/30/20)

Read More

CELEBRATING THE 30TH ANNIVERSARY

EMERGENCY PREPAREDNESS & RESPONSE

COVID-19 Alert
Fraudulent Flyers Regarding Face Masks

Have you faced barriers in voting, including registering to vote, casting a ballot, or accessing a polling place, because of your disability?

FILE AN ADA COMPLAINT

ADA INFORMATION LINE

The U.S. Department of Justice provides information about the Americans with Disabilities Act (ADA) through a toll-free ADA Information Line.
800-514-0301 (voice)
800-514-0383 (TTY)

Featured Topic: Service Animals

Service Animals FAQs

Find Information on ADA.gov

Topics of Interest on ADA.gov -- a list links that lead directly to frequently sought after ADA.gov information

ADA.gov Updates

Sign Up for Email Updates from ADA.gov

Selected Topics

- Olmstead
- HIV and AIDS
- Employment
- Accessible Technology
- Barrier-Free Healthcare Initiative
- Criminal Justice
- Regulatory Development
- Project Civic Access
- ADA Business Connection

Resources

- Federal ADA & Section 504 Resources
- Reports & Updates
- Section 508
- ADA.gov Archive

Titles of the ADA

- Employment (title I)
- State & Local Government (title II)
- Public Accommodations and Commercial Facilities (title III)

Department of Justice ADA Responsibilities

- Technical Assistance
- Enforcement
- Mediation
- Regulations
- Certification of State and Local Building Codes

Site Map

Contact Us

Department of Justice Links

- Department of Justice Home Page
- Civil Rights Division Home Page
- Disability Rights Section Home Page
- Freedom of Information Act
- En Español
- Privacy Policy
- Legal Policies and Disclaimers

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Apettizers

Nacho Fajita
(Beef or Chicken) \$6.50
Nachos (Beef or Chicken) \$5.50
(Served with lettuce, tomato, avocado & sour cream)
Nacho Bean & Cheese \$4.50
(Served with lettuce, tomato & sour cream)
Chalupa (Beef or Chicken) \$5.50
(3 chalupas with beans, cheese, lettuce, tomato & sour cream)
Taco Salad \$5.50
(Served with lettuce, tomato, sour cream, avocado & any meat)
Guacamole Salad \$2.99
(Served with lettuce, tomato & avocado)



MINI TACOS

4 x \$5.99



With Charro beans
on the side, grilled
onions & chile
toreado.

HAMBURGERS



- Bacon Cheeseburger \$2.99
- Bacon Burger \$2.75
- Cheeseburger \$2.75
- Hamburger \$2.50
- French Fries \$1.50

TACOS

\$1.85 each

Guisada
Pork Leg
Chicken Fried Steak
Chicharron
Marinated Pork
Barbeque
Beef (Picadillo)
Pollo (Regular)
Avocado

\$2.49 each
Machacado

TORTAS \$4.25

(French bread sandwiches all served with
lettuce, tomato, avocado & sour cream)

- Asada
- Chicken
- BBQ
- Pierna
- Avocado
- Guisada
- Pastor
- Picadillo
- Milanesa
- Al Pastor
- Ham

Extra Cheese 50¢ • Extra Beans 50¢

BURRITOS

Large flour tortilla - Any meat

Regular Burrito \$4.99
(With beans, lettuce & tomato)

Jalisco Burrito
\$5.99
(With gravy, cheese, beans, lettuce & tomato)

SOUPS *Everyday*

Chief Legal Officer and Chief Accessibility Officer of [Essential Accessibility](#).

Founder of [Accessible.org](#), attorney, author of [The ADA Book](#).

The ADA Book details how to strategically lower your risk of receiving an ADA website compliance demand letter (the information applies to FHA as well).

I also created plain English guides for WCAG 2.0 AA and the updates found in WCAG 2.1 AA.

Additionally, I host the Accessible.org Podcast which covers accessibility and the law and best practices concerning accessibility.

New to website compliance? Read [my website accessibility article on Medium](#).

Looking for a website audit or [web accessibility consultant](#)? You may reach me by contacting Essential Accessibility.

To see more of my skills and updated professional status, go to my [LinkedIn page](#).

Contact information

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Clear form

Manage addresses...

about new products

Last name

rivenburgh

Company (optional)

Address

po box 791691

Apartment, suite, etc. (optional)

City

san antonio

Country/Region

United States

State

Texas

ZIP code

78279

Really Intriguing Headline

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Mildly Interesting Subtopic

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Really Intriguing Headline

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Mildly Interesting Subtopic

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.

Multiple Ways (2.4.5)

There are multiple ways to locate pages/info (search bar, nav menus, sitemap, breadcrumbs, helpful links).

 Search by Topic

Reflow (1.4.10)

Ensure someone can zoom in on your website without requiring scrolling or without causing poor experience.

Color Contrast (1.4.3)

There must be a color contrast ratio of at least 4.5:1 between all text and background.

Foreground Color

#FF6600



Lightness



Background Color

#FFFFFF



Lightness



Contrast Ratio

2.93:1

[permalink](#)

Orientation (1.3.4)

Style your website so that it does not lock on or require a single display mode.



Scans / Checkers

- **Automated tools that scan your website or webpage for a11y issues**
- **Free to run on individual URLs (mostly)**
- **Do not pay for scan reports**

Scans Pros

- **Plaintiffs use them**
- **Catch handful of critical issues**
- **Point you in the right direction**
- **Reduce human error**

Scans Cons

- **WAVE by WebAim, etc.**
- **Not all the same**
- **Flag ~25% of a11y issues**
- **Extremely limited**
- **False negatives**

Overlays

- **Toolbars, Widgets, Plugins, etc.**
- **Various options**
- **Claim instant accessibility**
- **Copy and paste JavaScript code**
- **Free or paid**

Overlays

- **Users need to activate them first**
- **Redundant with screen readers**
- **Do not address code remediation**
- **Separate experience**

Manual Audit

- **Expert reconciles site with WCAG 2.X AA, provides issues in report**
- **Code is examined**
- **Manual testing is performed with keyboard, screen readers**

User Testing

- **Users with disabilities (typically blind or visually impaired) test site for practical barriers / encumbrances**
- **Great 2-tier net approach**

Legal Landscape

- **Asymmetry exists**
- **ADA and state parallel laws**
- **10 law firms fueling litigation**
- **California and New York**
- **No industry is safe**

Demands + Suits

- **Many lawsuits are templates**
- **There is strategy in how to respond / if you should respond**
- **Settlement amounts vary based on law and firm**

Best Practices

- **WAVE errors down to 0**
- **Accessible Website**
- **Accessibility Policy (+ Statement)**
- **Internal Coordinator / Committee**
- **Independent Agency / Consultant**

Best Practices II

- **A11y Logo / Symbol**
- **Accessibility Training**
- **Accessibility Plan, Interval Audits, Testing**
- **Documentation**

\$\$\$ → A11y

Let's keep plaintiffs' lawyers out of the equation and put money towards accessibility.

Recommendation

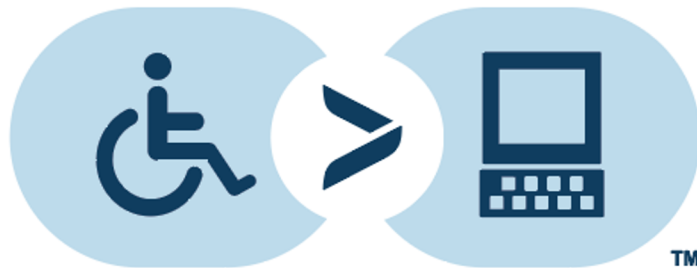
You will have to address this at some point. You cannot avoid accessibility so you may as well be aggressive now.

Accessibility is a win-win-win.

Q & A

Kris

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**esSENTIAL
ACCESSIBILITY®**

Thank you very much

#WebSeries

#1000

#eSSENTIAL #Kris