



Learning about Revised Final Rule Title II Accessibility Standards

Mary Rice, PhD

maryrice@unm.edu

Associate Professor of Literacy

University of New Mexico

What is the premise of U.S. federal accessibility guidance?

Qualified persons should not be denied the benefits of services programs, or activities from public entities or be subjected to discrimination due to disability.

- Americans with Disabilities Act, 42 U.S.C. 12101 et seq. (1990).
- Section 504 of the Rehabilitation Act of 1973
(29 U.S.C. “Code of Federal Regulations, Title 28, (2002): 516-544.

What are the key changes in the ADA Title II revisions?

1. All web materials and **mobile apps** available through public entities—including public educational institutions—must meet the technical standard (**WCAG 2.1 AA**).
2. This requirement cannot be waived merely for the fact of being purchased or provided by a third party.
3. A ‘program or activity’ includes educational institutions, such as a college, university, or postsecondary institution, and LEA or vocational school, partnership, or private organization. (ADA, 1991, Civil Rights Restoration Act, 1987)

Why should UNM FacSen care about the Title II Final Rule?

- **New avenue for legal remedy** when students fail courses, must re-take courses, or fail to finish degrees.
- Historically, students had to move through ARC to show documentation and receive accommodations, but **now accessible digital materials are an entitled for all** (of course, there are still some services not related to accessible web and program applications that will require ARC).
- **Faculty are also entitled to accessible digital materials** to participate in services and programs from UNM such as rank and tenure advancement (e.g., rpt upload, employment portals)

How soon do these changes go into effect?

Title II ADA

- 0-49,999* persons April 26, 2027
- Special district governments April 26, 2027
- 50,000 or more persons* **April 26, 2026**

Section 504 HHS

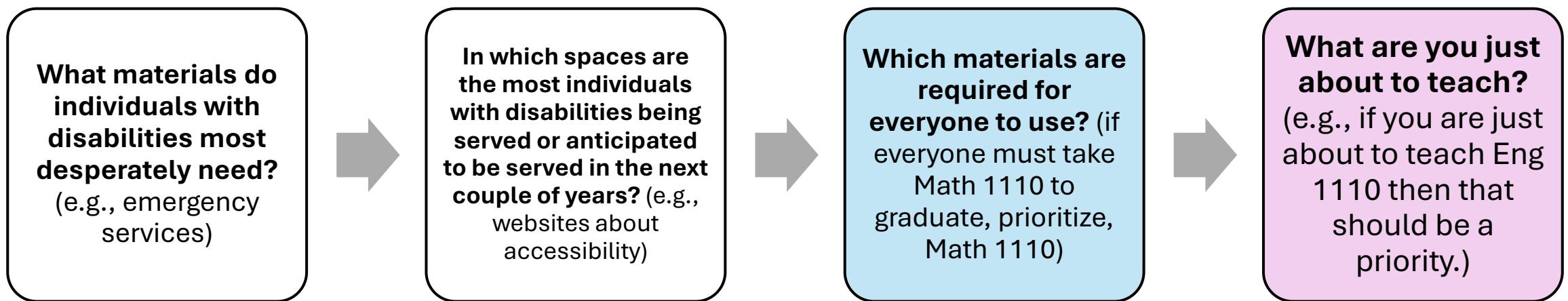
- 15 or fewer employees May 10, 2027
- 15 or more employees May 10, 2026

*These are census numbers and not enrollment figures

What are some important features for students and instructors to know?

- **Group One (Descriptions for Comprehension)**
 - **Captions for videos:** Kaltura will do this; YouTube will do this
 - **Descriptions (audio, links for videos):** information about the video
 - **ALT Text:** embedded file that describes an image
- **Group Two (Organization for Navigation)**
 - **Tables:** does it need to be a table? Set up the headings.
 - **Headings:** documents need headings
 - **Course Organization:** minimally by course dates/topics
- **PDFs:** Does it need to be a PDF? If so, it should be as accessible as possible.
- **Accessibility Checkers:** Canvas, Microsoft, Google, etc. have checkers

How Should We Prioritize Remediation?



What is forthcoming from UNM?

- **Policy** adopting Title II standards with a commitment to digital accessibility
- **Five things to Know** about Digital Accessibility Video available through Center for Teaching and Learning
- **Specific professional learning course** for instructors, staff, and students about making web applications and mobile applications for instructional purposes first, and eventually other purposes accessible
- **Changes to foundational and golden paw reviews** to account for digital accessibility
- **Digital accessibility specialist** search is underway

Will all this go away in the current national political administration?

- Enforcement might look different. OCR might do monitoring for specific complaints. The DoJ has signaled for “private enforcement.”
- Reporting and testing might look different.
- Funding flow seems like it will look different.
- Schools need to decide how to ensure that all students have access to digital instructional content.
- Universities need internal processes, policies, and procedures where people resolve problems — grievance processes, coordinators, and committees.

Resource: Exact Language of the Revision

“Web content and mobile apps that the public entity provide or makes available directly or through contractual licensing, or other arrangements, comply with Level A and Level AA success criteria and conformance requirements specified in WCAG 2.1 unless the public entity can demonstrate that compliance with this section would result in a fundamental alteration in the nature of the service, program, or activity, or in undue financial or administrative burdens.”

-HHS Section 504 (45 CFR 84.84)

-ADA Title II Regulations (28 CFR 35.200)

Other Resources

- **How-to Videos from the Office of Civil Rights**
 - adata.org/ocr-videos
- **UNM CTL Website**
 - <https://ctl.unm.edu/accessibility/index.html>
- Rose, R. & Rice, M. (2025, July 30). *Don't panic. Engage! Meeting New Title II requirements for accessibility of digital instructional materials.* United States Digital Learning Association blog. <https://usdla.org/blog/accessibility-requirements/>