

WCAG 2.0 AA Gains Prominence as Website Accessibility Standard

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The U.S. Architectural and Transportation Barriers Compliance Board (Access Board) finalized a regulation this week that will make the Web Content Accessibility Guidelines 2.0 (WCAG 2.0) Level AA the design standard when interpreting and implementing Section 508 of the Rehabilitation Act of 1973, which requires federal agencies and contractors to make their websites accessible to disabled individuals. Affected federal agencies and contractors will have one year from the publication of the final rule to comply with the revised 508 standards, which would place the compliance deadline sometime in early 2018.

The Access Board's adoption of WCAG 2.0 Level AA strongly suggests that the U.S. Department of Justice (DOJ) will likewise adopt that standard when it finally issues its regulations. The process to issue its final regulations is [not even projected to start until late 2018](#). As we have noted in the past, the DOJ and many courts have ruled that the Americans with Disabilities Act (ADA) requires accessibility for the websites of most private businesses even in the absence of DOJ regulations.

In the meantime, the DOJ and federal Department of Education's Office of Civil Rights have also continued to reach private settlements with various parties that likewise make WCAG 2.0 Level AA the applicable standard for ADA compliance. The takeaway for private sector businesses looking to bring their websites into ADA compliance is that WCAG 2.0 Level AA has now gained further prominence as the most likely standard that a court will look to in determining a website's compliance with the ADA.

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