



LEGAL RISK AND READINESS

for Website Accessibility

Under Section 504 and ADA Title II

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01

WHAT CHANGED.

WHAT'S NOW ENFORCEABLE.

Section 504 | ADA Title II | WCAG 2.1 AA

Two Major Federal Rules, Back to Back

ADA TITLE II

April 2024 — DOJ Final Rule

State & local government entities, including public colleges & universities

WCAG 2.1 Level AA

Deadline: April 24, 2026

(Pop. 50,000+. Smaller entities: April 2027)

SECTION 504

May 2024 — HHS Final Rule

Any entity receiving federal financial assistance: hospitals, clinics, health systems, colleges & universities

WCAG 2.1 Level AA

Deadline: May 11, 2026

(15+ employees. Smaller orgs: May 2027)

Both rules point to the same technical standard: WCAG 2.1 Level AA

Don't Wait for a Rollback

DOJ announced in October 2025 it may reconsider “whether some provisions could be made less costly.” No timeline has been set.

Revoking a final rule requires a full rulemaking process

Drafting, public notice, comment period, new final rule. That takes years.

Both rules are currently in effect and enforceable

The May 2026 and April 2026 deadlines have not been postponed.

Private litigation is the primary enforcement channel

Individuals bring claims directly—no federal complaint required. This pipeline grows regardless of administration.

Federal Web Accessibility Lawsuits

~800

in 2017



2,500+

by 2020

During the first Trump administration, federal web accessibility lawsuits nearly tripled.

There is no reason to think that trend reverses.

Defined standard + defined deadline =

ENFORCEABLE

This is a governance and risk issue,
not a design trend.

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HOW WEBSITE ACCESSIBILITY RISK ACTUALLY SHOWS UP

OCR Investigations | Private Enforcement | Pattern Recognition

Risk Enters Quietly

1**User complaint**

An email about an inaccessible form, routed to a general inbox

2**Advocacy inquiry**

A letter asking questions that feel informal—at first

3**OCR investigation**

What steps have you taken? Who is responsible? Show us your records.

4**Corrective action**

Formal remediation plans, reporting timelines, monitoring obligations

Accessibility becomes an executive issue whether anyone planned it that way or not.

ADA Title III Filings in 2024

~8,800

federal complaints filed

+7% over prior year

California led with 3,200+ filings

Healthcare and education are among the most heavily targeted sectors

A single broken page is a bug.

The same barriers persisting over months is a narrative.

“We were planning to fix that” — From a legal perspective, “later” often looks like a decision not to prioritize.

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**CASE EXAMPLES:
HOW ORGANIZATIONS
GET INTO HOT WATER**

Real Patterns | Real Consequences

Two Common Patterns

The Slow Burn

Complaints arrive sporadically. Different departments respond differently. No centralized tracking.

When regulators ask “What did you do when this was first raised?” there’s no clean answer.

The absence of a process becomes the problem.

The One-Time Audit

An audit was commissioned two or three years ago. A report sits in a folder.

Without documented remediation and reassessment, it becomes evidence of knowledge without follow-through.

That’s harder to defend than never having audited at all.

Healthcare: Where the Stakes Are Highest

Tenet Healthcare

Class action on behalf of all Americans with visual impairments. Hospital websites incompatible with screen readers.

HCA Holdings

100+ hospitals. Images without alt text, forms not keyboard-navigable. Core patient interactions affected.

CAC Florida Medical Centers

Senior-focused provider. Legally blind plaintiff could not access website with a screen reader.

In every case, the barriers were in patient-facing essentials: scheduling, intake, portal access, provider directories.

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**HIGHER EDUCATION:
WHERE THE EXPOSURE IS
BROADER THAN YOU THINK**

Multiple Legal Regimes | Decentralized Risk | Enforcement Track Record

One University, Multiple Sources of Liability

ADA Title II

Public institutions (government entities)

April 24, 2026

Section 504

Any institution accepting federal student aid

May 11, 2026

ADA Title III

Private colleges — no safe harbor, no grace period

NOW

State Laws

CO: \$3,500/violation | CA: \$4,000/violation | NY: no cap

Varies

A single institution can be subject to all four—simultaneously, all pointing to the same website.

The Enforcement Track Record Is Real

Harvard & MIT — Lawsuits over inaccessible online course content

UC Berkeley — Removed 20,000+ hours of content rather than remediate

Youngstown State — OCR resolution agreement (Section 504 + Title II)

Michigan Alliance — 2,400+ complaints, 1,000+ resolution agreements

65% of EDUCAUSE survey respondents have faced legal threats or actual lawsuits related to technology accessibility

The Decentralized Web Ecosystem

You're not managing one website. You're managing an ecosystem.

Main university site

Departmental pages (dozens+)

Learning management system

Admissions portal

Financial aid system

Athletics site

Event ticketing

Alumni platforms

Third-party ed-tech tools

Fragmentation is the risk. Different teams, different sophistication levels, shared legal exposure.

The Overlooked Risk Surfaces

Course Content

Faculty upload syllabi, lecture slides, video recordings, and PDF readings—often without accessibility review.

Scanned PDFs without OCR, videos without captions, slides without heading structure.

A single university can have tens of thousands of digital documents in active use.

Third-Party Ed-Tech

Under Section 504 and Title II, the accessibility obligation extends to vendor-provided tools.

If your LMS or proctoring platform isn't accessible, that's the institution's problem—not the vendor's.

Procurement is now an accessibility issue. Vendor contracts need WCAG requirements.

A Direct Message to Web & Marketing Leaders

You control the most visible surfaces:

the homepage, the admissions funnel, campaign landing pages, event pages.

Those are exactly the surfaces a plaintiff's attorney
or an OCR investigator will look at first.

You may not own the LMS or the financial aid portal,
but the pages you own are the front door.

The front door needs to be accessible.

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WHAT WEBSITE LEADERS SHOULD DO THIS YEAR

Not Technical Fixes. Legal Defensibility and Governance.

Four Steps to Legal Defensibility

1

Assign Clear Ownership

A defined role with authority to coordinate across departments. When asked “Who is responsible?” — you need a clear answer.

2

Document Audits & Remediation

A living record—not a report from 2022. Automated tools catch only 25–30% of WCAG issues. Manual testing is essential.

3

Maintain an Accessibility Statement

Commitment, standard you’re working toward, clear path for reporting barriers. First thing OCR looks for.

4

Establish a Barrier-Reporting Process

When someone reports an issue, something needs to happen. Timely, documented responses build defensibility.

What to Avoid: Overlay Widgets

Companies like accessiBe and UserWay market one-line-of-code solutions that claim to make your site compliant.

They don't work.

~25% of ADA lawsuits in 2024 targeted sites already running overlay tools

The FTC has taken enforcement action against at least one overlay provider for deceptive practices

*If you're relying on an overlay, you are not protected.
You may actually be increasing your exposure.*

Good faith is provable. Neglect is obvious.

Organizations don't get penalized for trying and improving.

They get penalized for ignoring and deflecting.

The question is whether you can show you're making
a genuine, documented effort.

Q & A

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Submit your questions in the chat