

Title II of the ADA and County Compliance

New Jersey Association of Counties
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Disclaimer: This presentation is provided solely for informational purposes and does not constitute legal advice or opinion.

What do you think?

Candy County requires residents to use an online portal to apply for emergency housing assistance, transportation benefits and other programs. The portal includes:

- scanned PDFs that are **not screen-reader accessible**;
- forms that cannot be completed by keyboard;
- **unlabeled buttons** and fields; and
- video instructions **without captions, transcripts or audio descriptions**.

Jordan, who is blind and uses a screen reader, cannot complete an emergency-assistance application. Staff give him a number to call, but he encounters long hold times and cannot independently review or sign the required documents. **His application deadline passes, delaying urgently needed services.**

The portal may load—but can every county resident complete the task?

A resident is trying to:

- apply for benefits
- access election info.
- register for a county program
- read commissioner materials
- request public records
- receive an emergency alert

**Digital accessibility is
the delivery of a county
service.**

reach the page, but I still
complete the county
service.”

s to a webpage is not the
same as access to the program.

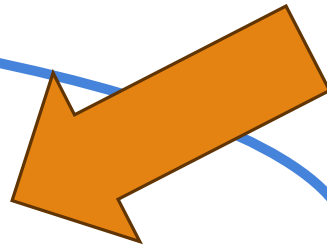
What are Basic Obligations Under Title II of the ADA?

Public entities must provide people with disabilities:

- **Equal Access and Opportunity** to engage in public entities' programs, services, and activities. 28 C.F.R. § 35.130(a), § 35.130(b)(1), and § 35.150(a).
- **Most Integrated Setting** in which to receive the same services made available to others unless a separate option is necessary and chosen. 28 C.F.R. § 35.130(d).
- **Reasonable Modifications** in policies, practices, or procedures when necessary to avoid discrimination, unless they would fundamentally alter the nature of the service, program, or activity. 28 C.F.R. § 35.130(b)(7)(i).
- **Effective Communication**, which must be as effective as with others and, in determining the type of aid/service, must give **primary consideration** to the individual's request. 28 C.F.R. § 35.160(a)(1) and § 35.160(b)(2).
- **Effective Auxiliary Aids and Services** must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability." 28 C.F.R. § 35.160(b)(2).

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The difference between Title II and “the other” ADA

Issue	Title I: Employment	Title II: Government Programs/Services
Who is protected?	Employees & job applicants	Members of the public accessing government services
Terminology	Reasonable accommodation	Reasonable modification + auxiliary aids
Interactive process required?	Explicitly required and central to compliance	No, but public entities must give individual’s request primary consideration when determining effective communication needs
Focus of accommodation	Enabling employee to perform essential job functions	Ensuring equal access to programs, services, or activities
Undue hardship/ fundamental alteration	Undue hardship	Undue financial/administrative burden or fundamental alteration
Regulating agency	EEOC (and Department of Justice)	Department of Justice

Title II applies to every county offering - not just websites

Who must comply: counties and their boards, departments, agencies, instrumentalities and contracted service arrangements.

What is covered: elections and records; sheriff, corrections and emergency management; health, aging and human services; transportation; parks and libraries; public meetings; facilities; employment; and digital services.

Why digital access matters: a digital barrier can deny access to the underlying county program.

Counties own access across the full resident journey: physical, programmatic and digital.

Title II: all county services, not just ramps and curb cuts

Civil Access	Safety & Justice	Health & Community	County Operations
• Commissioner meetings and hearings • Clerk, records and elections • Public information and notices	• Sheriff and corrections • Prosecutor-facing services • Emergency management, 911 and alerts	• Health, human services and aging • Transportation and paratransit • Parks, libraries and cultural programs	• Facilities and public works • Employment and training • Websites, documents, apps and vendors

The governing question is not “is the building accessible?” It's “can a resident participate in the county program?”

Source: 28 C.F.R. §§ 35.130, 35.150, 35.160; U.S. DOJ Title II Primer.

Title II of the ADA: Foundational Framework

- **What Title II Does:** Prohibits disability discrimination in state & local government services; enforced by the U.S. Department of Justice.
- **Who Is Protected:** A person with a disability as defined by law who is qualified and meets the same essential eligibility criteria as everyone else.
- **Who Must Comply:** All state & local governments, agencies, special purpose districts, school districts, municipal courts, public housing authorities, and transit systems.
- **ADA Coordinator, Notice & Grievance Procedure:** Entities with ≥ 50 employees must designate a Coordinator, publish contact info and responsibilities, and maintain a formal grievance procedure (28 C.F.R. §§ 35.106–107).
- **Self-Evaluation & Corrective Action:** Evaluate all services, policies, and practices; identify barriers and corrective actions; create a Transition Plan with timelines, personnel, and methods for structural changes (28 C.F.R. § 35.105).

Two Exceptions. One Burden of Proof.

Fundamental Alteration

- The requested action would fundamentally change the nature of the program, service, or activity.

Undue Administrative or Financial Burden

- The requested action would impose an undue burden after considering the public entity's overall resources.

The county bears the burden of proof. The head of the public entity or designee must consider all available resources, document the reasons in writing, and still provide access to the maximum extent possible.

Source: 28 C.F.R. §§ 35.150(a)(3), 35.164.



How to Implement the ADA's Requirements: An Example

A resident who is deaf tries to participate in a livestreamed county meeting . . .

1. Equal Access & Opportunity

- **Resident: "I'm deaf and I can't follow the meeting because the livestream doesn't have captions."**
- **Staff: "Thank you for letting us know. Let me see what we can do right now."**
(Staff checks whether live captioning can be activated or obtained. It cannot be arranged in time.)
- **Staff: "We can't get live captioning in place in time for today's meeting, but I don't want to stop there. Are you trying to follow the meeting, or is there an item you need to participate in or comment on today?"**
- **Resident: "I want to comment on one of the agenda items."**



How to Implement the ADA's Requirements: An Example

A resident who is deaf tries to participate in a livestreamed county meeting . . .

2. Effective Communication

- *Staff: “Okay. Then we need to look at an option that lets you participate before the Board finishes considering that item. Let me contact the ADA coordinator and meeting staff now to see what alternative we can put in place.”*

- Talk to the participant about what will work for that activity.
- Provide an effective alternative if one is reasonably available.
- Don't exclude the participant simply because the preferred accommodation is unavailable.
 - Arrange the needed auxiliary aid for future sessions.



How to Implement the ADA's Requirements: An Example

A resident who is blind tries to complete a county benefits recertification . . .

1. Equal Access & Opportunity

- **Resident:** (calls the County office) “My screen reader cannot identify the form fields or buttons.”
- **County Employee:** *“Thank you for telling us. You must be able to use this service as effectively as other residents, so we will provide access now and fix the barrier.”*

2. Effective Communication

- **County Employee:** *“We can provide an accessible version immediately or assist by another effective method while the portal is repaired.”*
- **Resident:** “I prefer an accessible online version I can complete independently.”
- **County Employee:** *“We will provide the accessible form, preserve your deadline, document the barrier and notify you when the repair is complete.”*

Title II Staff Quick Reference (4 Steps)

Step	What to do
1) Equal & Integrated	Acknowledge the digital barrier the moment it's reported; affirm the resident's right to apply online like everyone else, with no diminished service or in-person workaround.
2) Ask & Honor	Ask the resident's preferred access method (accessible online form, phone assistance, email). Honor it (especially when independence is at stake) or offer an effective alternative right away.
3) Modify If Needed	Adjust the process; i.e., provide an accessible version of the form, extend deadlines, accept submissions by alternate channel, unless doing so would fundamentally alter the program.
4) Close the Loop	Document the request and response; commit to fixing the underlying website; loop in the ADA Coordinator; share grievance info; log digital barriers for the transition plan.

Title II's digital-access duty predates the DOJ rule

- **Title II of the ADA has long required public entities to provide people with disabilities equal access to programs, services, and activities, including those delivered online.**
- What changed in 2024: DOJ adopted WCAG 2.1 Level AA as the specific, measurable standard for covered public-entity websites and mobile apps.
- What communications are covered? Any communications the public entities provide to individuals in person, on website, in print, recorded or other formats, which is used to access a service, program or activity.

When Does the DOJ's Digital Accessibility Rule Apply?

State and local government population size	Compliance date
50,000 or more persons	April 26, 2027
0 to 49,999 persons	April 26, 2028
Special District Governments	April 26, 2028

What does a noncompliant site look & sound like?

Inaccessible Home Page Before and After Demonstration

Improving a Web site using Web Content Accessibility Guidelines (WCAG) 2.0



<https://www.w3.org/WAI/demos/bad/before/home.html>

Overview Home News Tickets Survey Template

Inaccessible: Home Page Report Show Annotations
Accessible: Home Page Report

CITYLIGHTS *your access to the city*

Traffic: Construction work on Main Road Today: Tuesday 09 June 2026, Sunny, 23°C

HOME NEWS TICKETS SURVEY

Welcome to CityLights

Citylights is the new portal for visitors and residents. Find out what's on, book tickets, and get the latest news.

Heat wave linked to temperatures



After three years of effort city scientists now agree that the primary cause of the 2003 heatwave was hot air from our

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Man Gets Nine Months in Violin Case



Mayor: These kinds of crimes need more creative, effective punishments. For example, we could require compulsory

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Lack of brains hinders research



Brain donations: huge drop off in brain donations due to the great 'success' of 'Slow Traffic, Safe Streets' policy

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Free Penguins



"Free penguins" slogan at zoo benefit concert causes confusion among city rockers. Adjective or verb?

[Read More...](#)

More City Parks



Power Automate

Elsewhere on the Web

Digital accessibility is a shared responsibility

Executive Ownership	Compliance & Legal	System & Controls	Service Delivery
• Board of County Commissioners • County Executive / Administrator • Sets priority, authority and accountability	• ADA Coordinator, program lead • County Counsel • Risk management, insurance • Residents with disabilities, advisory group	• CFO / Treasurer / Budget • CIO / IT / information security • Purchasing / procurement • HR / training • Internal audit / performance	• Communications + content owners • Clerk / records / elections • Sheriff / corrections / prosecutor • Emergency management / public safety • Health / human services / seniors • Parks / libraries / transportation • Facilities / public works

Source: 28 C.F.R. §§ 35.130, 35.150, 35.160; U.S. DOJ Title II Primer.

Payan v. Los Angeles Community College District

11 F.4th 729 (9th Cir. 2021) • No. 24-1809 (9th Cir. 2026)

Three blind students at the Los Angeles Community College District encountered **course materials, websites and software that did not work with screen readers.**

They sued under Title II and Section 504, arguing that the District's inaccessible digital systems denied them meaningful access to its educational program.

A jury awarded **\$242,500** in damages. The trial court reduced the awards, but the Ninth Circuit later vacated that remittitur and returned the case for further proceedings.

**Inaccessible digital services can expose the public entity,
not just the vendor.**

Service Oklahoma

Source: U.S. DOJ, Service Oklahoma settlement, Jan. 22, 2024

Service Oklahoma is the state agency responsible for driver's licenses, state identification cards and related motor-vehicle services. In November 2023, the DOJ determined that the agency violated Title II because its mobile application was inaccessible to people with vision disabilities. The problem was not merely technical: an inaccessible app interfered with access to the government services delivered through it.

The DOJ settled with the agency in January 2024 for no monetary amount; however, Service Oklahoma agreed to: (1) ensure its mobile apps conform to WCAG 2.1 Level AA; (2) provide ways for the public to give accessibility feedback and request assistance; (3) retain an ADA coordinator; (4) train employees; and (5) report its compliance efforts to DOJ.

Inaccessible apps interfere with access to government services.

Best Practices to Ensure Title II Compliance

- **Maintain an ADA Compliance Plan:**
 - Develop, regularly review, and update a comprehensive ADA compliance plan, including required self-evaluations and transition plans.
- **Train Staff:**
 - Provide ongoing training for all employees on ADA requirements, effective communication, and the municipality's auxiliary aids and services.
- **Promote Available Services:**
 - Clearly publicize auxiliary aids and services on municipal websites, printed materials, forms, and public-facing communications.
- **Establish Clear Complaint Procedures:**
 - Implement and prominently post an ADA grievance process that is easy for the public to find and use.
- **Monitor Digital Accessibility:**
 - Ensure municipal websites and digital content comply with the DOJ's accessibility standards by the applicable deadline and maintain ongoing monitoring.
- **Engage with the Community:**
 - Invite public feedback on accessibility.
 - Consider creating a disability advisory committee to support continuous improvement.

DOJ Provides Helpful Examples for Public Entities

- Providing Reasonable Modifications:

<https://www.ada.gov/topics/title-ii>

- Engaging in Effective Communications:

<https://www.ada.gov/topics/title-ii>

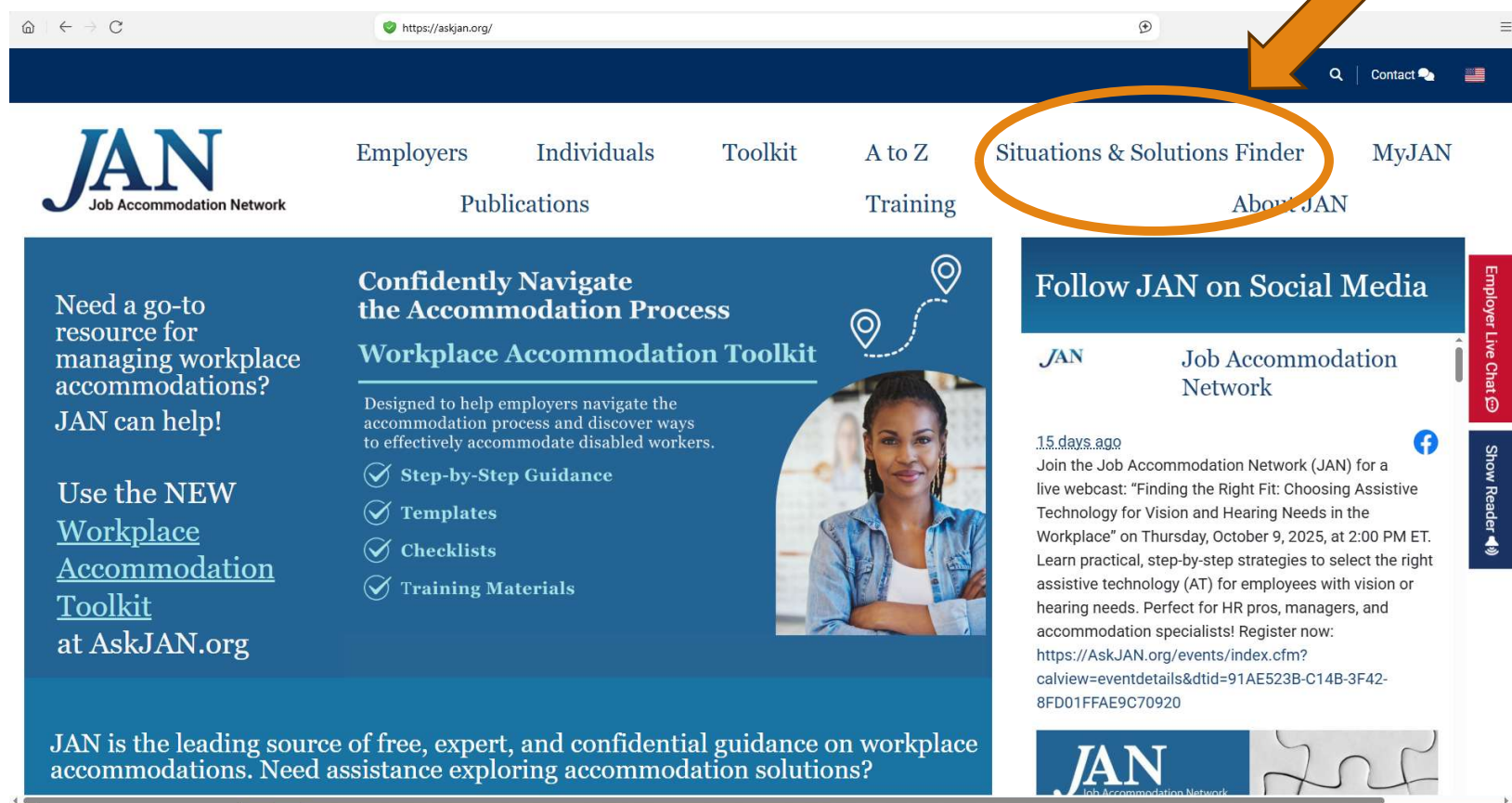
- Unequal Treatment:

<https://www.ada.gov/resources/title-ii-primer/>

- Reasonable Modifications:

<https://www.ada.gov/resources/title-ii-primer/>

AskJan's Situations & Solutions Finder



The screenshot shows the AskJan.org website. The top navigation bar is dark blue with white text. The 'Situations & Solutions Finder' link is circled in orange, and an orange arrow points to it from the top right. The main content area has a blue background with white text. On the left, there's a section titled 'Need a go-to resource for managing workplace accommodations? JAN can help!' with a link to 'Use the NEW Workplace Accommodation Toolkit at AskJAN.org'. In the center, there's a section titled 'Confidently Navigate the Accommodation Process Workplace Accommodation Toolkit' with a list of resources: Step-by-Step Guidance, Templates, Checklists, and Training Materials. On the right, there's a section titled 'Follow JAN on Social Media' with a Facebook link and a description of a live webcast. The bottom of the page has a dark blue footer with the JAN logo and the text 'JAN is the leading source of free, expert, and confidential guidance on workplace accommodations. Need assistance exploring accommodation solutions?'.

https://askjan.org/

JAN Job Accommodation Network

Employers Individuals Toolkit A to Z Situations & Solutions Finder MyJAN Publications Training About JAN

Need a go-to resource for managing workplace accommodations? JAN can help!

Use the NEW [Workplace Accommodation Toolkit](#) at AskJAN.org

Confidently Navigate the Accommodation Process

Workplace Accommodation Toolkit

Designed to help employers navigate the accommodation process and discover ways to effectively accommodate disabled workers.

- ✓ Step-by-Step Guidance
- ✓ Templates
- ✓ Checklists
- ✓ Training Materials

Follow JAN on Social Media

JAN Job Accommodation Network

15 days ago

Join the Job Accommodation Network (JAN) for a live webcast: "Finding the Right Fit: Choosing Assistive Technology for Vision and Hearing Needs in the Workplace" on Thursday, October 9, 2025, at 2:00 PM ET. Learn practical, step-by-step strategies to select the right assistive technology (AT) for employees with vision or hearing needs. Perfect for HR pros, managers, and accommodation specialists! Register now: <https://AskJAN.org/events/index.cfm?calview=eventdetails&dtid=91AE523B-C14B-3F42-8FD01FFAE9C70920>

JAN Job Accommodation Network

JAN is the leading source of free, expert, and confidential guidance on workplace accommodations. Need assistance exploring accommodation solutions?

Where can I find more? Ada.gov

 An official website of the United States government [Here's how you know](#) ▼



ADA.gov
U.S. Department of Justice
Civil Rights Division



[ADA Information Line](#)

Talk to us at 800-514-0301 | 1-833-610-1264 (TTY)
Monday-Friday

[Community Outreach Coordinator](#)
Disability.Outreach@usdoj.gov

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Filter the page content by organization type

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☐ Businesses

Category

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Guidance & Resource Materials

Information for people with disabilities, state and local governments, and businesses



The complete inventory of our ADA Resources is coming soon to this page. In the meantime, you can access them on our former [Technical Assistance Materials](#) page.

20 items found

State and local government x

[Give Us Feedback](#)