

The Americans with Disabilities Act: A New Perspective in The Digital Age

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The Americans with Disabilities Act (ADA) has been a cornerstone of civil rights legislation since it became law in 1990, ensuring equal opportunities for individuals with disabilities and prohibiting discrimination.¹ The ADA ensures that all aspects of public life are accessible, including jobs, schools, transportation, and other places that are open to the public. At the time of its enactment, the internet was not such a significant part of our lives. However, its core principles of accessibility and inclusion are more relevant than ever in today's digital world.

In the evolving digital space, understanding the requirements of the ADA is fundamental to ensure everyone can access it. Title III of the ADA requires public accommodations to remove barriers where it is easy to do so without much difficulty or expense.² Additionally, businesses must take the necessary steps to communicate effectively with customers with vision, hearing, and speech difficulties.³ As such, they must make reasonable modifications to their usual way of doing business when serving people with disabilities. As we navigate the digital age, the ADA translates to digital accommodations.

Digital accessibility refers to the inclusive practice of removing barriers that prevent interaction with, or access to websites, digital tools, and technologies, by people with disabilities.⁴ Many of us are familiar with common accessibility features in physical spaces such as a public restroom that can accommodate people who use wheelchairs, braille signage for those with visual impairments, and designated parking spaces for individuals with mobility challenges. In the digital context, this translates to designing websites, social media, apps, and other digital platforms that are accessible to all.⁵

Many individuals living with disabilities use assistive technologies in their daily lives, but these only work if websites design content to be accessible. The WC3 Web Accessibility Initiative (WAI) has developed **Web Content Accessibility Guidelines (WCAG)**.⁶ These international standards identify four accessibility principles.

1. **Perceivable information and user interface:** Text alternatives convey the same purpose of an image or function to provide an equivalent user experience for those with disabilities. These can be presented in a variety of ways, such as a read-aloud feature for those who cannot see the screen, enlarged to custom text sizes, and alternatives to CAPTCHA.
2. **Operable user interface and navigation:** People can use interactive elements of the website, no matter the means in which they are interacting with it. This means that

¹ Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (1990).

² *Id.* at § 12183 (a)(2).

³ *Id.* at § 12182 (b)(1)(B).

⁴ *Digital Accessibility*, GEORGETOWN LAW, <https://www.law.georgetown.edu/your-life-career/campus-services/information-systems-technology/digital-accessibility/> (last visited Nov. 9, 2023).

⁵ *See Introduction to Accessibility*, W3C WEB ACCESSIBILITY INITIATIVE (WAI), <https://www.w3.org/WAI/fundamentals/accessibility-intro/> (last visited Nov. 10, 2023).

⁶ *Accessibility Principles*, W3C WEB ACCESSIBILITY INITIATIVE (WAI), <https://www.w3.org/WAI/fundamentals/accessibility-principles/> (last visited Nov. 10, 2023).

functionality is available from a keyboard, users have enough time to read and use the context, the content does not cause physical reactions, and users can easily navigate the content.

3. **Understandable information and user interface:** The text should be readable and understandable with website features that operate in predictable ways. Users are also assisted to avoid and correct mistakes, which helps people who do not see or hear the content or may not recognize implicit relationships, sequences, and other cues.
4. **Robust content and reliable interpretation:** The content is compatible with different browsers, assistive technologies, and other user agents. This requirement allows assistive technologies to reliably operate.

The convergence of technology and the ADA epitomizes the ongoing evolution of inclusivity in a digital era. As we navigate this new landscape, it is important to realize that the principles of the ADA extend beyond physical spaces. Although the law was developed during a pre-internet era, the ADA's core values extend into the digital age, underscoring the crucial need for accessible technology. Embracing digital accommodations is not just legal compliance; it is a commitment to building a digital world where everyone is welcome, irrespective of their abilities.