ADA Title II

What the ADA requires of state and local governments, from program access to the 2027 web and mobile dates

Who this is for: Administrators and ADA coordinators at cities, counties, towns, villages, school districts, public colleges, special districts and state agencies, and the contractors that deliver programs and digital services for them.

Not covered here: Public transit operations, which follow the Transportation Department's ADA rules; employment, which follows ADA Title I; and the separate duties that come with federal money under Section 504, covered in its own guide.

Current as of November 17, 2026. Federal law. Each section ends with the sources it rests on.

In this guide

- In brief
- What the law says
- Who is covered
- The general rules
- The administrative requirements
- Program access in existing facilities
- New construction and alterations
- Effective communication
- Websites and mobile apps
- Medical diagnostic equipment
- How it's enforced
- What changed in 2026
- The record to keep ready
- Common questions
- Primary sources

In brief

- Title II covers every state and local government, and every department, agency, special purpose district and instrumentality of one, whatever its size and whether or not it takes federal money.
- The core duty is program access: each service, program or activity, viewed in its entirety, must be readily accessible, including what a contractor delivers on the government's behalf.
- Some paperwork applies to everyone (a notice of rights, a self-evaluation) and some starts at fifty employees (a named coordinator, a published grievance procedure, a transition plan when buildings must change).
- Communication with people with disabilities must be as effective as with others, and the government must give primary consideration to the aid the person asks for.
- Web content and mobile apps must meet WCAG 2.1 Level AA beginning April 26, 2027 for governments serving a population of 50,000 or more, and April 26, 2028 for smaller ones and special district governments. The duty to make online services accessible already exists under the general rules.

- A 2024 rule on medical diagnostic equipment reaches public hospitals and clinics, and its first deadline has passed.

What the law says

Title II's central sentence is short: "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." It took effect eighteen months after the ADA was signed on July 26, 1990.

Source: 42 U.S.C. 12132; effective date note to 42 U.S.C. 12131

The Justice Department's regulation at 28 CFR Part 35 carries the working rules. It applies to all services, programs and activities "provided or made available" by public entities. Public transportation covered by Title II's transit subtitle follows the Transportation Department's rules instead.

Source: 28 CFR 35.102

Who is covered

A public entity is any state or local government; any department, agency, special purpose district or other instrumentality of a state or local government; and Amtrak and commuter authorities. There's no size threshold for coverage. Size matters only for a few administrative duties, and for the web rule's dates.

Source: 42 U.S.C. 12131(1); 28 CFR 35.104, "Public entity"

Contractors and partners

The prohibitions apply to what a public entity does "directly or through contractual, licensing, or other arrangements." A parks department that hires a vendor to run registration, a county that contracts out a 311 line, and a school district whose platform is hosted by a company all keep the duty. The web rule repeats the same words.

Source: 28 CFR 35.130(b)(1); 28 CFR 35.200(a)

There's one limit worth knowing. A public entity can't run a licensing or certification program in a discriminatory way, but the programs of the businesses it licenses aren't themselves covered by Title II. A restaurant with a city license answers to Title III, not Title II.

Source: 28 CFR 35.130(b)(6)

Employment

Employment by a public entity follows ADA Title I where the entity is covered by Title I, and the Section 504 employment standards where it isn't.

Source: 28 CFR 35.140

The general rules

These apply to every service, program and activity.

- **Equal opportunity.** No denial of participation, no unequal or less effective aid or service, and no separate or different service unless it's necessary to give a person something as effective as what others get. People with disabilities can't be kept off planning boards.

- **Reasonable modifications.** A public entity must modify policies, practices and procedures when necessary to avoid discrimination, unless it can show the change would fundamentally alter the program. It doesn't owe a modification to someone covered only under the "regarded as" part of the definition.
- **Eligibility criteria.** A criterion that screens out people with disabilities is allowed only if it's necessary to provide the service.
- **Integration.** Services must be administered in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- **No surcharges.** The cost of required measures, such as auxiliary aids or program access, can't be charged to the person with a disability.
- **Association.** No one can be denied a service because of the known disability of someone they're associated with.
- **Safety.** Safety requirements are allowed, but they must rest on actual risks, "not on mere speculation, stereotypes, or generalizations about individuals with disabilities."

Source: 28 CFR 35.130(b)(1)-(8), (d), (f)-(h)

Service animals and mobility devices

A service animal is a dog individually trained to do work or perform tasks for a person with a disability; emotional support and crime deterrence don't count. Staff may ask only two questions, whether the animal is required because of a disability and what work or task it's trained to perform, and only when that isn't obvious. They can't require documentation. An animal can be removed if it's out of control and the handler doesn't take effective action, or if it isn't housebroken.

Source: 28 CFR 35.104, "Service animal"; 28 CFR 35.136(b), (f)

Wheelchairs and manually powered aids such as walkers, crutches and canes must be permitted in any area open to pedestrian use, with no assessment. Other power-driven mobility devices must be allowed as a reasonable modification unless the entity can show the class of device can't be operated under legitimate safety requirements it has adopted. Whether a particular device can be used in a particular facility turns on listed factors, such as the device's size, weight and speed and the facility's pedestrian traffic. Staff can't ask about the nature or extent of a person's disability. They may ask for a credible assurance that the device is needed because of a disability, and they must accept a valid state disability parking placard or, in its place, a verbal representation not contradicted by observable fact.

Source: 28 CFR 35.137(a)-(c)

Direct threat, maintenance and retaliation

A person can be excluded as a direct threat to others' health or safety only after an individualized assessment based on current medical knowledge or the best available objective evidence. Accessible features must be kept in working order, with isolated or temporary interruptions for repairs allowed. Retaliation and coercion against anyone who exercises or supports these rights is prohibited.

Source: 28 CFR 35.139, 35.133, 35.134

The administrative requirements

Duty	Who must do it	Rule
Make information about Title II and how it applies available to applicants, participants, beneficiaries and other interested persons	Every public entity	35.106

Duty	Who must do it	Rule
Designate at least one employee to coordinate compliance, and make that person's name, office address and telephone number available to all interested individuals	50 or more employees	35.107(a)
Adopt and publish grievance procedures for prompt and equitable resolution of complaints	50 or more employees	35.107(b)
Evaluate current services, policies and practices, with opportunity for interested persons to comment	Every public entity	35.105(a)-(b)
Keep the self-evaluation record (who took part, areas examined, problems found, changes made) on file and available for review for three years	50 or more employees	35.105(c)
Develop a transition plan when structural changes are needed for program access	50 or more employees	35.150(d)
Provide information on accessible services and facilities, and signage at inaccessible entrances	Every public entity	35.163

Source: 28 CFR 35.105-35.107, 35.150(d), 35.163

> **The duty most often missed.** "Adopt and publish." A grievance procedure that exists only as an internal memo doesn't meet 35.107(b), and anyone can check whether it's published without asking the entity for anything.

The fifty-employee line counts employees. The web rule's dates turn on population. A small town government with forty employees and 60,000 residents has no coordinator duty under 35.107 but has the April 26, 2027 web date. Keep the two measures separate.

Source: 28 CFR 35.107; 28 CFR 35.104, "Total population"; 28 CFR 35.200(b)

Program access in existing facilities

A public entity must operate each service, program or activity so that, "when viewed in its entirety," it's readily accessible to and usable by people with disabilities. That doesn't mean every existing building must be accessible. It does mean the program has to be reachable: by moving it to an accessible building, assigning aides, delivering the service at an accessible site or at home, redesigning equipment, altering the facility, or any other method that works. Structural changes aren't required where another method is effective, and the entity must give priority to methods that offer the program in the most integrated setting appropriate.

Source: 28 CFR 35.150(a)-(b)(1)

The limits are narrow and carry a burden. An entity isn't required to take an action that would threaten the historic significance of a historic property, or one it can show would fundamentally alter the program or impose undue financial and administrative burdens. That decision must be made by the head of the entity or a designee, after considering all resources available for the program, with a written statement of the reasons, and the entity must still take any other action that would give people with disabilities the benefit of the program.

Source: 28 CFR 35.150(a)(2)-(3)

The transition plan

When structural changes are needed, an entity with fifty or more employees must have a transition plan that identifies the physical obstacles, describes the methods to remove them, sets the schedule (year by year if it runs longer than a year), and names the official responsible. Interested persons get the chance to comment, and the plan must be available for the public to review. An entity responsible for streets and walkways must include a schedule for curb ramps, giving priority to walkways serving government offices, transportation, public accommodations and employers.

Source: 28 CFR 35.150(d)

The rule's original dates for structural changes ran from January 26, 1992. If your plan dates from the 1990s, it may not describe the buildings, sidewalks and parks you run today, so update it before anyone asks to see it.

Source: 28 CFR 35.150(c)-(d)

Elements built to older standards

Elements that complied with the 1991 Standards or the Uniform Federal Accessibility Standards, and haven't been altered on or after March 15, 2012, don't have to be modified to meet the 2010 Standards. The safe harbor doesn't cover elements the 1991 Standards never addressed, such as play areas, swimming pools, exercise equipment and team seating.

Source: 28 CFR 35.150(b)(2)

New construction and alterations

Facilities built by, on behalf of, or for the use of a public entity must be readily accessible if construction began after January 26, 1992. Physical construction or alterations that begin on or after March 15, 2012 must meet the 2010 ADA Standards. Full compliance is excused only where it's structurally impracticable, which the rule limits to "rare circumstances" where unique terrain prevents accessibility features.

Source: 28 CFR 35.151(a), (c)(3)

When an alteration affects an area containing a primary function, the path of travel to it, along with the restrooms, telephones and drinking fountains serving it, must be made accessible unless the cost is disproportionate, which the rule sets at more than 20 percent of the cost of the alteration to the primary function area. New or altered streets and walkways must have curb ramps at intersections.

Source: 28 CFR 35.151(b)(4), (b)(4)(iii)(A), (i)

Effective communication

Communication with applicants, participants, members of the public and companions with disabilities must be as effective as communication with others. The entity provides appropriate auxiliary aids and services, such as qualified interpreters, real-time captioning, Braille, large print, accessible electronic formats or screen reader software, in accessible formats, on time, and in a way that protects the person's privacy and independence.

Source: 28 CFR 35.160(a)-(b); 28 CFR 35.104, "Auxiliary aids and services"

> **Primary consideration.** In choosing the aid, a public entity "shall give primary consideration to the requests of individuals with disabilities." This is one of the sharpest differences from Title III, where a business should talk with the person whenever possible but makes the final choice, as long as the result is effective.

Source: 28 CFR 35.160(b)(2); 28 CFR 36.303(c)(1)(ii)

A public entity can't require a person to bring their own interpreter. It can rely on an accompanying adult only in an emergency with no interpreter available, or when the person asks and the adult agrees and it's appropriate, and on a minor child only in an emergency. Video remote interpreting must meet quality requirements for video, audio and training.

Source: 28 CFR 35.160(c)-(d)

Phone systems count. Automated attendants and voicemail must work with TTYs and relay services, relay calls must be answered like any other call, and 911 must provide direct access for people who use TTYs. Where an action would cause a fundamental alteration or undue burdens, the same head-of-entity decision and written statement apply, and the entity must still ensure, to the maximum extent possible, that people with disabilities receive the benefits or services.

Source: 28 CFR 35.161, 35.162, 35.164

Websites and mobile apps

The 2024 web rule added Subpart H. A public entity must make the web content and mobile apps it provides or makes available, directly or through contractual, licensing or other arrangements, conform to WCAG 2.1 Level A and AA.

Source: 28 CFR 35.200(a)-(b); 89 FR 31320 (Apr. 24, 2024)

Public entity	WCAG 2.1 Level AA from
Total population of 50,000 or more (not a special district government)	April 26, 2027
Total population under 50,000, or any special district government	April 26, 2028

Source: 28 CFR 35.200(b)(1)-(2), as amended by 91 FR 20902 (Apr. 20, 2026)

Total population means the Census Bureau's most recent decennial count for the entity. An independent school district uses the Small Area Income and Poverty Estimates. An instrumentality without its own count uses the combined population of the governments it belongs to. A special district government is one, other than a county, municipality, township or independent school district, that provides one function or a limited number of functions with enough autonomy to be a separate government and has no Census count of its own.

Source: 28 CFR 35.104, "Total population," "Special district government"

What's excepted

- Archived web content: created before the compliance date, kept only for reference, research or recordkeeping, not altered since, and stored in an area clearly marked as archived.
- Conventional electronic documents (PDF, word processing, presentation and spreadsheet files) posted before the compliance date, unless they're currently used to apply for, gain access to or take part in a program.
- Content posted by a third party, unless the third party posts under a contractual, licensing or other arrangement with the entity.

- Individualized, password-protected or otherwise secured documents about a specific person, their property or their account.
- Social media posts made before the compliance date.

Source: 28 CFR 35.201; 28 CFR 35.104, "Archived web content," "Conventional electronic documents"

A conforming alternate version can be used only where it isn't possible to make the content directly accessible because of technical or legal limitations. Equivalent designs are allowed if they provide substantially equivalent or greater accessibility. The fundamental alteration and undue burden defense requires the head-of-entity decision and written statement. And an entity that isn't in full compliance is deemed to meet the rule only where it can show the gap has so minimal an impact that people with disabilities can still get the same information, interactions, transactions and participation with substantially equivalent timeliness, privacy, independence and ease of use.

Source: 28 CFR 35.202-35.205

> **The duty doesn't wait for the date.** When it extended the dates, the Justice Department wrote that "regardless of the compliance dates," public entities have an ongoing obligation to make the services, programs and activities they offer through web content and apps accessible under their existing Title II obligations. The dates set when WCAG 2.1 becomes the measured standard. The effective communication and program access duties already apply to an online service.

Source: 91 FR 20902 (Apr. 20, 2026), preamble

Medical diagnostic equipment

A 2024 rule added Subpart I for public entities that provide health care using medical diagnostic equipment, such as exam tables and chairs, weight scales, mammography and x-ray equipment. Equipment bought, leased or otherwise acquired after October 8, 2024 must meet the Access Board's standards until the entity has at least 10 percent of each type of equipment in accessible form (20 percent in settings that specialize in conditions affecting mobility). Within two years after August 9, 2024, each entity that uses exam tables or weight scales had to have at least one accessible exam table and one accessible scale. Staff must be able to operate the equipment and assist with transfers and positioning.

Source: 28 CFR 35.104, "Medical diagnostic equipment"; 28 CFR 35.210-35.213

How it's enforced

A person can file a complaint within 180 days of the alleged discrimination with the federal agency designated for the function involved, with any federal agency that funds the entity, or with the Justice Department for referral. The designated agencies are assigned by function:

Function	Designated agency
Elementary, secondary and higher education (other than health-related schools), libraries	Education Department
Health care and social services, including preschool and day care programs	HHS
Public housing and housing assistance	HUD
Parks, recreation, natural resources, historic and cultural preservation, museums	Interior Department
Law enforcement, courts, corrections, economic development, planning and functions not assigned elsewhere	Justice Department

Function	Designated agency
Labor and the workforce	Labor Department
Transportation, highways, licensing of drivers	Transportation Department
Farming and livestock, including extension services	Agriculture Department

Source: 28 CFR 35.170, 35.190(b)

The designated agency investigates, can conduct compliance reviews, and, where informal resolution fails and it finds a violation, issues a letter of findings. A complainant can file a private suit at any time, whether or not the agency finds a violation. A court or agency may award the prevailing party, other than the United States, a reasonable attorney's fee.

Source: 28 CFR 35.172, 35.175; 42 U.S.C. 12133

What changed in 2026

- **The web dates moved a year.** An interim final rule published and effective April 20, 2026 set the dates now in 35.200. The comment period closed June 22, 2026.
- **A challenge is pending.** National Federation of the Blind v. Department of Justice, No. 1:26-cv-02007 (D. Md.), filed May 21, 2026, challenges the extension and its HHS counterpart under the Administrative Procedure Act. If the court were to set the extension aside, the earlier dates could return.
- **A Justice Department opinion on integration.** On June 18, 2026, the department's Office of Legal Counsel concluded that neither Title II nor Section 504 imposes an integration mandate on states in their treatment of people with mental disabilities. The opinion also reads the Supreme Court's 1999 decision in Olmstead v. L.C., 527 U.S. 581, as not holding that the statutes require treatment in the most integrated setting. It states the department's legal position and doesn't amend any regulation: the integration provision at 28 CFR 35.130(d) still appears in the eCFR, and individuals can still bring their own Title II suits.

Source: 91 FR 20902 (Apr. 20, 2026); NFB v. DOJ, No. 1:26-cv-02007 (D. Md.); 50 Op. O.L.C. (June 18, 2026); 28 CFR 35.130(d)

The record to keep ready

When a complaint, an agency letter or a lawyer's demand arrives, these are the documents you'll want ready. We produce and maintain each of them as part of the ADA function we perform.

1. The coordinator designation, with the name, office address and telephone number published.
2. The published grievance procedure, with timelines and an appeal.
3. The public notice of rights under Title II.
4. A current self-evaluation, with the record of who took part.
5. The transition plan, if structural changes are needed, with its schedule and the official responsible.
6. An inventory of web content and apps, including those vendors run, with test results against WCAG 2.1 AA and a dated plan.
7. The procedure for auxiliary aids and services, including how interpreters and captioning are arranged.

Common questions

We have fewer than fifty employees. What applies?

Everything except the coordinator, the published grievance procedure, the transition plan and the duty to keep the self-evaluation record. You still owe the notice, program access, effective communication and, by your population's date, the web rule. The self-evaluation duty applies to you too, though the rule set its deadline at one year after the part's 1992 effective date, so a current one is worth producing anyway.

Source: 28 CFR 35.105-35.107, 35.150(d), 35.200(b)

Our population is over 50,000 but we have thirty employees. Which web date applies?

April 26, 2027. The web dates turn on total population, not headcount.

Source: 28 CFR 35.200(b)(1); 28 CFR 35.104, "Total population"

Does the rule cover a vendor's platform we use?

Yes, when you provide or make it available through a contract, license or other arrangement. Put WCAG 2.1 Level AA in the contract and ask for a conformance report.

Source: 28 CFR 35.200(a)

Are the PDFs on our site covered?

PDFs, word processing, presentation and spreadsheet files posted before your compliance date are excepted unless they're currently used to apply for, access or take part in a program. Everything posted after the date is covered.

Source: 28 CFR 35.201(b)

Do we have to post an accessibility statement?

Subpart H doesn't require one. Title II does require the notice under 35.106, and an entity with fifty or more employees must make its coordinator's contact information available and publish its grievance procedure. A web page is a natural place for all three.

Source: 28 CFR 35.106, 35.107, 35.200-35.205

Does the Justice Department enforce Title II alone?

No. Eight designated agencies handle complaints by function, funding agencies can take complaints, and individuals can sue.

Source: 28 CFR 35.170, 35.172(d), 35.190(b)

Primary sources

- 42 U.S.C. 12131-12134, ADA Title II (U.S. Code, govinfo)
- 28 CFR Part 35, the Title II regulation
- 28 CFR Part 35, Subpart H, web content and mobile apps
- DOJ interim final rule extending the web dates, 91 FR 20902
- DOJ 2024 web and mobile final rule, 89 FR 31320
- ADA.gov fact sheet on the web and mobile rule

- Office of Legal Counsel opinion, June 18, 2026
- W3C, Web Content Accessibility Guidelines 2.1

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