

November 2025 State Authorization Updates & Information

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November 20, 2025 by erika.swain@cu.edu [2]

Higher education has talked about accessibility for years, but in 2025 it moves firmly into the category of “required.” As Phil Hill noted in his recent On EdTech analysis, “The Other Regulatory Time Bomb” [3] is already reshaping institutional risk as campuses grapple with the implications of the new ADA Title II rule. With WCAG 2.1 Level AA [4] now the federal standard—and states layering on their own digital-accessibility requirements—accessibility is no longer optional, and it’s certainly not separate from online education. It’s part of how we ensure courses work for all students. Even if accessibility isn’t your day-to-day specialty, it’s now one of the shared responsibilities that comes with offering online education across state lines. Understanding these requirements helps us stay compliant and deliver a better experience for everyone.

WCAG 2.1: The Updated Accessibility Expectations for Online Education

In 2024, the U.S. Department of Justice finalized updates to the Title II ADA regulations, making WCAG 2.1 Level AA the required accessibility standard for web content and mobile applications at public colleges and universities, including:

- Online courses and LMS content
- Videos, audio, and embedded media
- Program information on institutional websites
- Enrollment forms, disclosures, advising materials
- Student services delivered online

Under the new rule, inaccessible digital content is now treated as a civil rights barrier, not just a usability issue. DOJ explicitly links WCAG 2.1 to ensuring equal access and avoiding disability-based discrimination. The Department of Education’s Office for Civil Rights (OCR) has also emphasized—through guidance and numerous resolution agreements—that it will prioritize cases involving online environments where students have no other way to access the material. [5]

And for online education, that’s the point: when the course lives entirely online, there is no alternative access.

State-Level Regulation: The Colorado Example

Federal requirements are only one part of the landscape. A growing number of states are establishing their own digital-accessibility mandates for public agencies, including public colleges and universities. In Colorado, [House Bill 21-1110](#) ^[6] and its implementing rules (administered by the Colorado Office of Information Technology) require public entities to:

- Publish a Technology Accessibility Statement
- Provide WCAG-aligned accessible digital content or
- Provide an accessible alternate version or
- Publish and maintain a progress plan toward accessibility
- Offer clear contact information for reporting accessibility barriers

Colorado also treats inaccessible digital services as a civil rights issue. Under [C.R.S. § 24-34-802](#) ^[7], individuals with disabilities may bring civil actions against public entities when digital inaccessibility constitutes disability-based discrimination.

For institutions offering online education—including to students located outside Colorado—this reinforces an important point: state authorization, consumer protection, and digital accessibility are increasingly intertwined. State-specific accessibility expectations now sit alongside SARA participation and out-of-state learning placements in the broader compliance ecosystem.

What if your institution is outside Colorado but serves a student located in Colorado?

Colorado's Digital Accessibility Law doesn't directly bind out-of-state institutions because it applies to Colorado public entities. However:

- Colorado can still pursue action through consumer-protection channels if Colorado students encounter accessibility barriers.
- Accessibility may become a SARA-related concern, since SARA requires compliance with federal law.
- OCR can investigate regardless of where a student is located, because OCR jurisdiction follows institution type—not geography.

Accessibility issues in online education can therefore trigger multiple oversight pathways, even across state lines.

Where Accessibility and Online Education Intersect. . .

Accessibility is not an “add-on” to online learning—it is central to whether students can participate at all. Online programs carry heightened scrutiny because:

- **Students rely entirely on digital materials.** If videos, assessments, readings, or navigation are inaccessible, access to the course is fundamentally restricted.
- **Regular and Substantive Interaction (RSI) depends on accessible communication.** Instructor-initiated announcements, feedback, or activities that are unreadable or uncaptioned fail to meet the spirit of federal RSI expectations.
- **Third-party tools and platforms count.** Institutions are responsible for accessibility even when the content lives with a vendor. “Our vendor didn't tell us” is not a defense.

... and Then Collides with State Authorization

State authorization has always been about protecting students and the public by ensuring institutions are legitimate, transparent, and compliant. Accessibility is now part of that conversation:

- **Accessibility is a consumer-protection issue.** If a student in another state cannot fully access their program, that state's regulators will likely care.
- **SARA requires compliance with federal law, including digital accessibility.** WCAG 2.1 is now the federal standard for public institutions, increasing the likelihood that accessibility gaps trigger SARA questions or complaints.
- **Several states incorporate accessibility expectations into authorization or public-agency rules.** In addition to Colorado, states such as Illinois, Maryland, and Texas reference WCAG or similar standards. California and New York have used civil-rights and consumer-protection statutes in accessibility enforcement involving colleges. [8]
- **Complaints travel across state lines.** A student can file complaints with their state regulator, OCR, or the institution's accreditor. For online programs, a local issue can quickly become a multi-jurisdictional one.

What Institutions Need to Do Now

Like I've said before, accessibility is embedded in the same regulatory ecosystem as online education, state authorization, and consumer protection. Here are realistic steps those of us working in the state authorization side of the institution can assist with to help our institutions demonstrate and document processes and clear responsibilities.

- **Audit online course environments for WCAG 2.1 alignment.** Review actual content—not just LMS shells.
- **Confirm accessibility with third-party vendors.** Evaluate and identify high-risk tools and create interim mitigation strategies.
- **Update online education and state authorization governance.** Policies and workflows must explicitly reference accessibility expectations.
- **Train faculty and instructional designers regularly.** Accessibility is an ongoing instructional practice.
- **Review and strengthen complaint-tracking processes.** Accessibility issues often surface first as informal student frustration.

For institutions offering online education, accessibility is both a compliance obligation and a core component of quality education. Our students can only be successful if they can meaningfully access the digital environment we ask them to learn in.

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