

# Accessibility Overlays:

## What Government Agencies Need to Know

### What Are Accessibility Overlays?

Accessibility overlays are third-party tools that promise to make your website accessible with just a few lines of code. They typically add a widget or toolbar to your site that visitors can use to adjust things like text size, colors, or contrast.

**Here's how they work:** You add a snippet of JavaScript code to your website, which creates a widget (usually a button or toolbar) that appears on your site. Users can click it to modify how the page displays, and the overlay claims to "fix" accessibility issues automatically.

The key thing to understand is that overlays don't *actually change* your website's code. They just add a layer on top that tries to modify how things *appear* to users. Even when overlays make these changes, they're usually:

- Incomplete or incorrect
- Don't address the underlying structural problems
- Can conflict with existing screen reader settings
- Often create more confusion than help

We get why they seem appealing. The 2026 ADA deadline is approaching, and overlays sound like an easy fix. Vendors promise 'instant compliance for \$500/month' with 'no developer work needed' - an appealing prospect for agencies facing budget constraints and the approaching deadline.

### The Hard Truth: Overlays Don't Actually Work

While overlays can adjust some visual elements like text size or color contrast, they can't fix fundamental accessibility barriers like missing headings that help screen reader users navigate, images without text descriptions, forms that don't work with assistive technology, pages that can't be navigated with a keyboard. These are the issues that actually prevent people with disabilities from using your site, and overlays simply can't address them.

Many people with disabilities already have their devices configured exactly how they need them. Overlays can override their carefully customized settings, interfere with their assistive technology, force them to use unfamiliar tools, and create a separate, inferior experience.

**Overlays also don't provide legal protection.** Over 250 lawsuits were filed in 2020 against organizations using accessibility overlays. Courts have consistently ruled that overlays don't constitute compliance with the ADA.

## Recent Legal Developments

**accessiBe Lawsuit (2021-ongoing):** The National Federation of the Blind and other disability rights organizations sued accessiBe, one of the largest overlay companies, alleging:

- False advertising about their product's capabilities
- Misleading claims about ADA compliance
- Making websites less accessible for people with disabilities

The lawsuit specifically states:

*"accessiBe's overlay does not provide blind users with full and equal access to websites, and actually hinders access for the blind."*

### What This Means for Your Agency

Overlay companies facing lawsuits for false advertising doesn't change your agency's legal obligations. Your agency's legal responsibility for ADA compliance doesn't transfer to overlay vendors, even if they promised full compliance. If someone can't access your services because of accessibility barriers, your agency faces the legal consequences — not the overlay vendor.

## What Actually Works for ADA Compliance

Real accessibility compliance requires a comprehensive approach that addresses the root causes of accessibility barriers, not just surface-level fixes.

**Auditing** - Effective accessibility starts with proper auditing that combines automated scanning with manual testing by accessibility experts. This includes testing with actual assistive technology users to understand how real people with disabilities experience your site. Without this foundation, you're essentially guessing at what needs to be fixed.

**Remediation** – The core work involves fixing your website’s source code. This means adding proper headings and labels, ensuring keyboard navigation works throughout the site, writing meaningful alt text for images, and making forms truly accessible. These fixes address the fundamental barriers that prevent people with disabilities from accessing your services.

**Process Building** – Successful agencies also build accessibility into their ongoing processes. This includes training staff on accessibility requirements, building accessibility criteria into procurement decisions, and establishing regular testing and maintenance schedules. Without these processes, new accessibility barriers will appear as soon as you update content or add new features.

**Compliance Documentation** – Finally, compliance requires proper documentation and verification. You need clear audit trails showing your compliance efforts, independent verification that fixes actually work, and policies that ensure accessibility is maintained long-term.

There are no shortcuts to accessibility compliance. The work needs to be done properly, with real fixes to your actual website code.

## Moving Forward: Next Steps for Your Agency

If You’re Currently Using an Overlay:

- Don’t panic – but don’t rely on it for compliance
- Get an independent accessibility audit to understand your real compliance status
- Start planning for proper remediation of your actual website
- Document everything – keep records of what you’ve tried and why

If Vendors Are Pressuring You:

- Ask the tough questions listed later in this guide
- Request a VPAT (documentation showing how the site is meeting Title II)
- Get a second opinion from an independent accessibility expert
- Remember: If it sounds too good to be true, it probably is

For Long-Term Success:

- Invest in proper accessibility auditing and remediation
- Build accessibility into your processes from the start
- Train your team on accessibility basics
- Work with experts who understand government compliance requirements

## What to Do If Vendors Are Pushing Overlays

### Common Vendor Claims (And How to Respond)

"This overlay will make you 100% compliant"

**Response:** Ask for documentation proving this claim

**Reality:** No automated tool can achieve 100% compliance

"The DOJ approves of accessibility overlays"

**Response:** Ask for official DOJ documentation stating this

**Reality:** The DOJ has never endorsed overlay tools

"This is cheaper than fixing your actual website"

**Response:** Ask about long-term costs and legal liability

**Reality:** You'll still need to fix your site eventually, plus pay overlay fees

"Other government agencies use our overlay"

**Response:** Ask for case studies showing compliance verification

**Reality:** Usage doesn't equal compliance or legal protection

## More Questions to Ask Overlay Vendors

"Will you provide legal defense if we get sued while using your tool?"

"What specific WCAG 2.1 AA success criteria does your tool address?"

"Are you willing to provide a VPAT showing this tool meets requirements?"

## Resources and Support

Need help navigating accessibility compliance?

Common Threads provides independent accessibility auditing and compliance guidance specifically for state and local government agencies. We help you understand what really needs to be fixed and guide your team through the process.

Visit our site to book a free 30-minute consultation: [www.commonthreadsdigital.com](http://www.commonthreadsdigital.com)

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