



Officials say content may be removed from government websites to satisfy federal accessibility rule



Government agencies have upcoming deadlines to bring websites and mobile apps into compliance with new federal accessibility standards. (Photo by Michael Achterling/North Dakota Monitor)

BY: CEILIDH KERN
ND Monitor

Deadlines are nearing for North Dakota government agencies to bring their websites and mobile apps into compliance with new federal accessibility standards. But some officials say content may need to be removed rather than updated.

In April 2024, the U.S. Department of Justice announced a new rule requiring state and local governments' websites and apps to comply with accessibility standards under the Americans with Disabilities Act.

Updates could include making content compatible with a screen reader for people with a visual impairment or adding subtitles to videos for people who are hard of hearing.

Governments with a population over 50,000 face an April 24 deadline while smaller governments have until April 2027 to finish necessary updates. If governments don't meet these deadlines, they could be taken to court.

That could reduce transparency, according to Matt Gardner, the

executive director of the North Dakota League of Cities.

"To comply with a federal law, the best way to do it is probably to delete portions of your website and remove documents," Gardner said during a Jan. 21 legislative hearing.

"At a time when we want to be more transparent, I could see political subdivisions across the state being less transparent," he added.

The discussion came during a three-day special legislative session. Although the session focused on federal rural health dollars, one bill included a request for \$1.5 million from North Dakota Information Technology to help state agencies update their websites and apps.

The request included money for an "industry standard" tool for scanning websites for accessibility issues, according to Corey Mock, NDI's chief information officer.

During his testimony, Gardner asked lawmakers for \$500,000 for a cost-sharing program to help smaller governments buy into the state's contract for the tool.

Lawmakers approved the state agency's funding request and the

League of Cities' request to allow local governments to buy into the contract, but the bill didn't include money to help cities and counties cover the cost.

Gardner said in an interview after the special session that cities may have to look for free resources to comply with the federal requirement.

"When you think of a very small community, I mean, their entire property tax collection may be \$14,000. They have very limited resources to buy into a state contract," Gardner told the Monitor.

That could impact government transparency, particularly for complex, externally produced content, such as financial audit reports or engineering firms' project designs, which officials could opt to remove rather than update, Gardner said.

At the hearing, Sen. Brad Bekkedahl, a Republican from Williston and the chairman of the Joint Appropriations Committee, told Gardner that if cities are concerned about liability, he would encourage them to pull down content.

"If it's that big of a liability issue, that's what I'd recommend

my city to do," said Bekkedahl, who is also a Williston city commissioner. "Is it detrimental to citizens? Absolutely. But this is a federal mandate. We didn't bring this on ourselves."

Mock told the committee that for state agencies, online content is being triaged, with the most critical content — such as applications or information about services — being updated first. As the deadline approaches, less critical information could be temporarily removed and republished later.

According to the DOJ website, older content that was posted to a government's website or app before the compliance deadline is most likely exempt if it's in a "word processing, presentation, PDF or spreadsheet file" format.

Additionally, content stored in an explicitly labeled "archive" section of a website will be considered exempt if it was created before the compliance deadline and is kept only for reference or recordkeeping.

Asked whether content had been removed permanently from agencies' sites because it would have taken too many resources or too much time to update, Mock replied, "Not that anyone on our team is aware of."

Older content, meanwhile, will be archived on state agencies' websites, where it will still be accessible to the public.

In Fargo, nothing has been removed from the city's website because of accessibility compliance efforts, according to Ron Gronneberg, the city's chief information officer.

"There was a clause in (the rule) that grandfathered-in stuff, so I don't anticipate us removing anything that's old," he said. "I think we're in compliance on the old stuff."

But in Bismarck, the city's efforts to update its website have involved taking down outdated content, according to Kalen Ost, a communication strategist who has been involved with the city's digital accessibility efforts. He said it's also part of the city's normal site management.

If information on a page is outdated or conflicts with newer content, it may be deleted or combined with other pages, he said.

But the city retains files such as PDFs and Word documents offline, where they can be accessed through a records request, and meeting minutes and agendas are in another module and don't "ever really get messed with," he

said. While small towns don't have to worry about updating some of their older content, they may be hesitant to upload things to their websites in the future, according to Gardner.

"Websites will keep their base: hours of operation, 'here is where you can pay your water bill,' and some of those basics," he told the Monitor. "(That's) maybe what these websites turn into."

Media attorney Jack McDonald said the situation demonstrates the downside of governments pushing to publish public notices on their websites instead of in newspapers.

"The answer is always, 'Well, we can put it on our website. That's a lot cheaper and easier.' And the answer (to that) is, 'Yeah, but how long is that going to be on the website?'" McDonald said.

The website NDPublicNotices.com, run by the North Dakota Newspaper Association, provides a backstop thanks to its "huge repository" of public notices and meeting minutes from the past 15 years, said Executive Director Cecile Wehrman.

"Those minutes will not disappear from the public record," she said.

Dakota Attitude

Noel LeTexier
Interview: Jan. 30, 2018
County: Pembina
City: Backoo



The Peace and Serenity Is Indescribable

Born on Christmas Day in 1942, Noel LeTexier, oldest of 10 children, spent his first six years on a farm and then moved to Backoo. "Well, I was supposed to start school a year earlier than I did, but if I would have, I would have had nobody else in the class. So the folks decided, 'Well, we'll keep him, and next year he'll have two classmates.' Within three years, [those two] were both gone. So I was alone then for the rest of my eight years in the Backoo grade school." Noel graduated from Cavalier High School and the University of North Dakota with majors in history and political science.

"I really feel blessed to have grown up where I did, around the people that I did, the community we had. We all had value. I mean, we really did. Our teachers just made us feel like we were valuable. They were very compassionate. And our parents and the neighbors' parents, our buddies that we ran around with—you felt the love and the caring. We'd be over visiting with the Fink boys, and they'd say, 'Come on in and eat.' They didn't chase you out. Oh, yeah, it felt good, felt good."

Noel is now a Lutheran minister at Manvel after a successful career in advertising. "I left a very profitable job to do rural ministry." He explains, "There was a moment in my life that I was transformed. I would never be the same again. Never! The peace and serenity is indescribable. It was like I had never seen the sky so blue, and the grass and the leaves so green, and the air so clear. I still can't describe it. But I knew what I would do for the rest of my life. And that would be to spread the Good News of Jesus Christ and the transforming power that comes from giving your life to Jesus. And that's what I do. That's what I do, and I will do that until I die. Like I told the congregation Sunday in our annual meeting, I said, 'You know, as long as I have a sound mind... I mean, I don't want to leave until you carry me out in a box.'"

Wilmar & Mary Ann (Knudson) Schenfisch
Interview: Aug. 19, 2014
County: Ward
City: Makoti



My Parents Believed in Us

Wilmar Schenfisch was born in 1926 and grew up in rural Makoti. Mary Ann Knudson, who was born in 1934, grew up across the fence from the Schenfisch farm. She says, "We both went to the same country school, but he was through when I started."

"I didn't graduate from high school," Wilmar says. "I went a year and a half." Mary Ann teases, "They couldn't teach him anything, so he quit."

"No," Wilmar corrects her. "My dad died and my oldest brother went into the service and we had eight cows to milk, and my brother Clarence was left home and Orlan was five years old. So I went home and worked." Wilmar was drafted in 1950 and spent time in Korea.

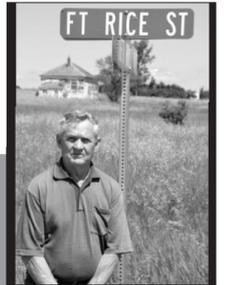
Mary Ann taught rural country school at Hiddenwood for one year. "I was going to live at the school, but I stuck it out for three nights, and I went down to my folks and drove their car to school, about eight miles. I had only six children, and they were all from one family. Then before the year was over another school in the district burned, so I had one kid come from that school, he was in the same grade as one of the other children. There were six grades."

Then the couple married. Wilmar and Mary Ann have five children; all but one live in North Dakota. A daughter, Patty Johnson, was present and adds, "[My parents] believed in us. Encouraged us. Had faith in us. If we didn't succeed the first time, they encouraged us to go on and try again. Let us think on our own. But they were there, if we fell."

When asked if there were advantages to raising children in Makoti, Mary Ann answers, "Absolutely." Wilmar adds, "For one thing, most of the time we thought we knew where they were."

Mary Ann says, "We have a good family. We have wonderful children that we love and are very good to us. Some great-grandkids now. And what more can you ask for? That's success—being happy where you are and with whom you are. And everyone's healthy."

Fred Usselman
Interview: July 7, 2011
County: Morton
City: Fort Rice



Dad Didn't Turn Anyone Away

Fred Usselman tells how his father, Pius, came to operate a store in Fort Rice. "He came from Odessa, Russia, in 1910, stayed with some relatives for a little while, then he helped in a grocery store in Solen just a short time, and I guess he got a little money, and that was when he bought the store over here."

"Actually, this was a pretty good-size town. Dad used to buy cream from the farmers, eggs, and all that stuff. I used to candle eggs for him. Help move some the cream cans around the farmers brought in. He would open early and get home late. It was seven days a week. Sunday afternoon he would open up, and if somebody wanted something he would go over and open the store for him. We used to go out and butcher our own hogs and cattle for the store."

"We had a tornado that came through in 1953 that torn the town up real bad. It blew the store away, too. It was rebuilt, not like it was though. He never quit. He kept doing things all the time. He retired in '78. He had the store from 1917 to 1978." Pius died in 1982. He was 93.

"I still have bills in the basement. People got stuff and never did pay him. If someone needed groceries but couldn't pay, Pius did not turn them away."

Fred, born in 1932, grew up in Fort Rice. He spent four years in the Navy. Fred married Myrtle (from near Myrtle Beach, South Carolina) and worked in the shipyards and later for Southern Bell Telephone. Fred has been retired since 1987 and comes back to Fort Rice from his home in South Carolina every summer between June and October. They live in the house where he grew up.

Do his South Carolina friends ask about North Dakota? "Bunch of times." What do you tell them? "Come see us. A lot of them come by. Some have been back more than once." Asked if Myrtle likes North Dakota, Fred says, "Yeah. Absolutely."

(Editor's Note: The following profiles of North Dakota residents were collected by author James Puppe between 2004-2018, covering 617 subjects and 113,000 miles. He has given permission for his book to be serialized in North Dakota Newspapers at no charge. To find out how you can read the entire collection of Dakota Attitude profiles go to dakotaattitude.com.)

Explore North Dakota's Past: Summer History Camp for grades 6-8



BISMARCK, N.D. — Get ready for an unforgettable journey through North Dakota's history! The State Historical Society of North Dakota is hosting an immersive camp June 15-19 for youth entering grades 6, 7, and 8.

This program is facilitated by history and education experts and meets at three locations in Bismarck. Learn about history in a hands-on environment and earn a leather keychain badge upon completion of the week's activities.

June 15-16, North Dakota Heritage Center & State Museum, Bismarck. Sort artifacts like an archaeologist and curate collections like a museum specialist. Along the way, learn about trades

used during the Lewis and Clark Expedition through hands-on activities and games.

June 17, Camp Hancock State Historic Site, Bismarck. Chart the changing environment at Camp Hancock, which was formerly a reporting station for the Signal Corps and later the U.S. Weather Bureau.

June 18, Former Governors' Mansion State Historic Site, Bismarck. Relive the excitement of early home life for the state's first families and learn how to investigate history by studying clues left behind by the families.

June 19, ND Heritage Center & State Museum. Put your new history skills to the test through interactive hands-on programs.

Daily sessions are from 8:30 a.m. to 4 p.m. Check-in begins at 8:15 a.m., and pickup ends at 4:15 p.m. Campers are required to bring their own lunch, snacks, and refillable water bottle.

The weeklong camp fee is \$75. Registration is required and closes Sunday, May 31. Reserve your child's spot and learn more about the session at SummerHistoryCamp.eventbrite.com. Space is limited.

For more information, contact Education Outreach Supervisor Madison Milbrath, shsprograms@nd.gov or 701.328.2794. Find upcoming State Historical Society of North Dakota events at history.nd.gov/events.