



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
Southfield Public Schools
24661 Lahser Road
Southfield, Michigan 48033

Re: OCR Docket #15-16-1136

Dear xx xxxxxxxxxxxx xxxxxxxx:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Southfield Public School District (the District) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on January 11, 2016, alleging discrimination on the basis of disability. Specifically, the complaint alleged that the Section 504 information page and the Student Code of Conduct on the District's website are inaccessible to individuals with print and vision disabilities because text readers cannot access the print on these pages.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance and as a public entity, the District is subject to these laws. Accordingly, OCR had jurisdiction to investigate this complaint.

This letter summarizes the applicable legal standards, the information gathered during the investigation to date, and how the investigation was resolved.

Based on the complaint allegations, OCR opened an investigation of the following issues:

- Whether the District, on the basis of disability, excluded qualified persons with disabilities from participation in, denied them the benefits of, or otherwise subjected them to discrimination in its programs and activities based on disability, in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.4 and the regulation implementing Title II at 28 C.F.R. § 35.130.
- Whether the District failed to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others, in violation of 28 C.F.R. § 35.160(a).

Applicable Regulatory Standards

The regulation implementing Section 504, at 34 C.F.R. § 104.4(a), provides that no qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance. In this usage, “program or activity” encompasses a broad variety of operations associated with the receipt of Federal financial assistance from the Department, including all operations of a local education agency.

The regulation implementing Section 504, at 34 C.F.R. § 104.4(b), further prohibits discrimination on the basis of disability in the provision of any aid, benefit, or service, directly or through contractual, licensing, or other arrangements. A recipient may not deny a qualified person with a disability the opportunity to participate in or benefit from the aid, benefit, or service; afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others; provide a qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others; or otherwise limit a qualified person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

The regulation implementing Title II, at 28 C.F.R. § 35.130, has requirements similar to those in the regulation implementing Section 504. Additionally, the regulation implementing Title II has specific requirements for communication, which, in pertinent part, require that public entities take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others. 28 C.F.R. § 35.160(a)(1). Entities subject to Title II are required to provide equally effective communication, regardless of the medium chosen for their communication. Communication includes the transfer of information and encompasses information conveyed through computer-related applications and online environments.

OCR's Investigation to Date

During the course of the investigation OCR examined the District's Section 504 information page and Student Code of Conduct, available at <http://www.southfieldk12.org/departments/division-of-instruction/section-504/>, and http://www.southfieldk12.org/downloads/public_relations/code_of_conduct_2015_1_20150819_090402_1.pdf?&preview=1.

OCR evaluated the above-identified pages and determined that there were some concerns with the pages that may raise accessibility compliance issues for individuals with vision or print disabilities. For example, OCR identified concerns with keyboard controls that skip over content, move through the content in an illogical manner, and make navigating a page very difficult. Additionally, the keyboard controls are not visually apparent—the keyboard controls do not place boxes around text to indicate where on the page a user's tab bar rests. Additionally, icons associated with choosing a foreign language, searching, Facebook, and Twitter do not appear to be properly labeled or titled. OCR also notes that some of the documents linked to from the Section 504 information page contain charts and images that appear to present accessibility concerns for individuals with vision impairments. These barriers may deny persons with disabilities access to programs, services, and activities offered on the website and may impede the District's communications with persons with disabilities.

Prior to the conclusion of OCR's investigation, the District expressed an interest in voluntarily resolving this case. In light of the District's willingness to address its website comprehensively without further investigation, OCR determined entering into a voluntary resolution agreement would be appropriate.

Resolution and Conclusion

According to Section 302 of OCR's Case Processing Manual, a complaint may be resolved before the conclusion of an OCR investigation if a recipient asks to resolve the complaint and signs a resolution agreement that addresses the complaint allegations. Such a request does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District has violated any of the laws that OCR enforces. The provisions of the resolution agreement are to be aligned with the complaint allegations or the information obtained during the investigation and consistent with applicable regulations.

On July 16, 2016, the District submitted the enclosed signed resolution agreement (the Agreement) to OCR. The District committed to take actions such as:

- Developing a procedure to ensure information provided through the District's website(s) (online content) is accessible to students, prospective students, employees, guests, and visitors with disabilities.

- Implementing a corrective action strategy to make its online content accessible to individuals with disabilities, particularly students with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access the online content.
- Providing website accessibility training to all appropriate personnel.

In light of the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will, however, monitor the District's implementation of the Agreement. Should the District fail to fully implement the Agreement, OCR will reopen the complaint and take appropriate action to ensure the District's compliance with the Section 504 and Title II regulations.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the harmed individual may file a complaint alleging such treatment.

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

We look forward to receiving the District's first monitoring report by December 1, 2016. For questions about implementation of the Agreement, please contact xx xxxxxx xxxxxxxxxxx, who will be monitoring the District's implementation, by e-mail at xxxxx.xxxxxxxxxxxx@ed.gov or by telephone at xxx xxx xxxx. For questions about this letter, please contact xxxx x xxxxx, Supervisory Attorney/Team Leader, at Xxx xxx xxxx

Sincerely,

/s/

Meena Morey Chandra
Regional Director

Enclosure