



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 22, 2018

The Honorable Jon Tester
United States Senate
Washington, DC 20510

Dear Senator Tester:

Thank you for your November 17, 2017, letter to Secretary of Education Betsy DeVos. As your letter pertains to investigations conducted by the Office for Civil Rights (OCR), the letter was referred to OCR, and I am pleased to respond. OCR appreciates and values your input on the effect of our enforcement activities in Montana.

As you know, OCR enforces two civil rights laws that prohibit disability discrimination. One of these laws is Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits disability discrimination by recipients of Federal financial assistance. OCR enforces Section 504 with respect to entities that receive Federal financial assistance from the Department. The other of these laws is Title II of the Americans with Disabilities Act (Title II), which prohibits disability discrimination by public entities—including public schools and public libraries—regardless of whether they receive Federal financial assistance. OCR shares Title II enforcement responsibilities in the education context with the Department of Justice. Section 504 and Title II require that recipients and covered entities provide access to their online content to individuals with disabilities in an equally effective and equally integrated manner as is provided to individuals without disabilities. This issue often arises in the case of accessibility for individuals who have print disabilities, and who rely on assistive technology to gain access to textual material.

OCR has received a significant number of complaints regarding the inaccessibility of certain websites in school districts and public libraries throughout the country, including in Montana. OCR appreciates that many schools are working with scarce resources to provide a high-quality education to all students.

We agree with you that technical assistance from OCR can greatly help educational institutions in providing appropriate access to online content to individuals with disabilities. On May 17, 2018, OCR announced the launch of a new technical assistance initiative to assist schools, districts, state educational agencies, libraries, colleges and universities—including those named in web accessibility complaints filed with OCR—in making their websites and online programs accessible. OCR has begun presenting a series of webinars to provide information technology professionals with vital information on website accessibility. The first of these webinars was presented on May 29, 2018. More information may be found at <https://www2.ed.gov/about/offices/list/ocr/iwcs.html>.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR's technical assistance will enable school districts and public libraries to comply with the law effectively, while still being conscious of cost concerns. Educational institutions and public libraries in your state may also contact OCR's regional office in Seattle, Washington—which covers Montana—for more information or for initial technical assistance regarding website accessibility. The Seattle office may be reached at:

Seattle Office, Office for Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174-1099
Telephone: 206-607-1600
FAX: 206-607-1601; TDD: 800-877-8339
OCR.Seattle@ed.gov

As to your broader statement that OCR ought to provide funding to rural school districts for compliance purposes, OCR lacks the authority to award Federal grant funds. We hope, however, that our offer of enhanced technical assistance to entities in Montana that are updating their websites will help minimize burdens to those entities, while providing necessary access to individuals with disabilities.

OCR looks forward to continuing to work with you and the school districts and public libraries of Montana in providing equal access to all students. If you have further questions or concerns, please contact Peter Oppenheim, Assistant Secretary for Legislation and Congressional Affairs, at (202) 401-0020.

Sincerely,



Kenneth L. Marcus