



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

February 26, 2018

Viktor Toth
Superintendent
Woodstock Public Schools
147a Rt-169
Woodstock, CT 06281
By email to: Tothv@woodstockschoools.net

Re: Case No. 01-16-1182
Woodstock Public Schools

Dear Superintendent Toth:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against the Woodstock Public Schools (the District) alleging disability discrimination. The complaint alleged that certain of the pages on the District's website are not accessible to persons with certain disabilities, including but not limited to vision impairments. These webpages include but are not limited to:

- Homepage
<http://woodstockschoools.net/>
- Assistive Technology page
<http://woodstockschoools.net/index.php/2013-08-16-14-53-14/assistive-technology-ppt.html>
- Contacts for Special Education page
<http://woodstockschoools.net/index.php/2013-08-16-14-53-14/contacts.html>

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs or activities receiving financial assistance from the U.S. Department of Education. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The District is a recipient of financial assistance from the U.S. Department of Education and is a public education system. Therefore, OCR had jurisdictional authority to investigate this complaint under Section 504 and Title II.

As explained further below, before OCR completed its investigation, the District expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement. The following is a discussion of the relevant legal standards and information

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obtained by OCR during the investigation that informed the development of the Resolution Agreement.

Legal Standards

Section 504 and Title II prohibit people, on the basis of disability, from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by recipients of federal financial assistance or by public entities. 34 C.F.R. § 104.4; 28 C.F.R. §35.130(a). Individuals with disabilities must have equal access to recipients' programs, services, and activities unless doing so would fundamentally alter the nature of the programs, services, or activities, or would impose an undue burden. Section 504 and Title II prohibit affording individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that is unequal to the opportunity afforded others. 34 C.F.R. § 104.4(b)(1)(ii); 28 C.F.R. §35.130(b)(2). Similarly, individuals with disabilities must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or the same level of achievement as others. 34 C.F.R. § 104.4(b)(2); 28 C.F.R. §35.130(b)(1)(iii). An individual with a disability, or a class of individuals with disabilities, may be provided with a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit, or service is as effective as that provided to others. 34 C.F.R. § 104.4(b)(1)(iv); 28 C.F.R. 35.130(b)(1)(iv). In sum, programs, services, and activities, whether in a "brick and mortar," on-line, or other "virtual" context must be operated in ways that comply with Section 504 and Title II.

Factual Background

To date, OCR has investigated this complaint by reviewing the information the Complainant provided and conducting a preliminary assessment of the accessibility of several pages from the District's website.

The complaint alleged that the District's website is not in compliance with Section 504 and Title II because it is inaccessible to individuals with vision disabilities, print disabilities, physical impairments, and hearing impairments. The Complainant used website accessibility checkers (PowerMapper and WAVE) and reported to OCR that the District's webpages listed above had accessibility issues for individuals with disabilities. The Complainant then provided OCR with a list of errors copied and pasted from the website accessibility checker that she used.

OCR conducted a preliminary examination of the District's websites referenced, and found possible compliance concerns as to whether the District's website is accessible to individuals with disabilities. A brief review of the District's website on February 26, 2018, indicated that the District's webpages described above continued to lack various features, such as skip navigation, broken skip links, and visible keyboard controls. In addition, keyboard controls (such as tabbing and arrows) did not access all content, and there was text with low contrast.

