



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

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SAN FRANCISCO, CA 94102

September 20, 2022

By email only to: rbarnes@kipma.org

Rhonda “Nikki” Barnes
Executive Director
KIPP Massachusetts
90 High Rock Street
Lynn, MA 01902

Re: OCR Docket No. 01-19-5913
KIPP Academy – Boston, Massachusetts

Dear Executive Director Barnes:

This letter is to advise you of the resolution of the directed investigation that the U.S. Department of Education, Office for Civil Rights (OCR) initiated in KIPP Academy - Boston (Academy). OCR investigated whether the Academy’s online programs, services, and activities exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. § 104.4 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. In addition, OCR investigated whether the Academy fails to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communication with others, in violation of 28 C.F.R. § 35.160(a).

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department.

OCR conducted tests on March 8, 2022, April 20, 2022, June 22, 27, and 30, July 1, 6 and 11, 2022, and August 24, 2022, of the Academy’s website and online programs and determined, as of the initial testing date, that there were some barriers to access for people with disabilities in online programs and activities on some pages, while other pages were barrier-free. The pages selected by OCR for testing included approximately 15 pages representative of the Academy’s overall online programs and activities, focusing on pages of critical importance to students and members of the public. OCR reviewed the Academy’s homepage; different templates; the most highly-trafficked pages; and other pages of importance, listed below. OCR does not review all of

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a covered entity's web pages because a website is not static and web pages are always changing. Thus, it is most important for OCR to carefully test those pages that are of critical importance to the ability of students or members of the public to access the Academy's programs or activities. Through its testing of representative pages and OCR's communications with the Academy, OCR determined as of August 24, 2022, that the Academy had remediated all identified barriers on the web pages listed below, if any, which had previously impeded the ability of people with disabilities to access the Academy's online programs and activities:

- The Homepage (<https://kippma.org/>);
- The Job Posting for K-8th Lead Teacher – ESL page (<https://www.smartrecruiters.com/KIPP/743999826015716-k-8th-grade-lead-teacher-esl-2022-2023->);
- On the Enroll FAQs page (<https://kippma.org/enroll/enrollment-faqs/>);
- On the Enrollment Policy page (<https://drive.google.com/file/d/1nYfImLTnHRyi75S6l4ItDNG4iymiJOKw/view>);
- On the District Calendar PDF page (<https://kippma.org/wp-content/uploads/2022/07/KIPP-MA-Calendar-2022-2023.pdf>,;);
- On the Together for Equity and Justice page (<https://kippma.org/who-we-are/together-for-equity-and-justice/#tab1>);
- On the Public Information page (<https://kippma.org/public-information/>);
- On the Contact Us page (<https://kippma.org/contact-us/>);
- The Boston District page (<https://kippma.org/our-schools/boston-district/kipp-academy-boston-elementary/>);
- The Why KIPP MA? page (<https://kippma.org/join-our-team/why-kipp-ma/>);
- The KIPP MA 2021 Annual Report (YouTube) Video page (https://www.youtube.com/watch?v=qM_RWx2HXDs);
- The Meet Our Team page (<https://kippma.org/who-we-are/meet-our-team/>);
- The Results page (<https://kippma.org/who-we-are/results/>);
- The FAQs (<https://kippma.org/who-we-are/faqs/>); and
- The Persistence Pathways page (<https://kippma.org/kipp-forward/persistence-pathways/>).

To memorialize its commitment to maintain the accessibility of its website and online programs, on September 19, 2022, the Academy signed the enclosed Agreement, voluntarily resolving the directed investigation pursuant to Section 302 of OCR's Case Processing Manual. When fully implemented, the Agreement will address the evidence obtained and all of the allegations investigated. OCR will monitor the implementation of the Agreement until the Academy is in compliance with the terms of the Agreement and the statutes and regulations at issue in the case.

This concludes OCR's directed investigation. This letter should not be interpreted to address the Academy'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 directed investigation. 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. An individual may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact me at 415-486-5525 or at Jessica.Plitt@ed.gov.

Sincerely,



Jessica Plitt
Civil Rights Attorney

Enclosure

Courtesy copy by email only to:

Bettina Toner
Counsel
btoner@kb-law.com