



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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January 3, 2023

*By email only to: jbranch@k12.wv.us*

Dr. Johnny Branch  
Superintendent  
Mingo County Schools  
110 Cinderella Road  
Williamson, WV 25661

Re: OCR Docket No. 03-19-5915  
Mingo County Schools, West Virginia

Dear Superintendent Branch:

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 Mingo County Schools (District). OCR investigated whether the District'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 District 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 February 11, 2022, March 7, 2022, May 5, 2022, May 26, 2022, and November 28, 2022, of the District'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 District's overall online programs and activities, focusing on pages of critical importance to students and members of the public. OCR reviewed the District's homepage; different templates; the most highly-

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trafficked pages; and other pages of importance, listed below. OCR does not review all of 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 District's programs or activities.

Through its testing of representative pages and OCR's communications with the District, OCR determined as of November 28, 2022, that the District 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 District's online programs and activities:

- The Homepage (<https://www.mingoschools.com/>);
- The High School page (<https://www.mingoschools.com/Domain/16>);
- The Board Policy page  
(<https://go.boarddocs.com/wv/mingo/Board.nsf/Public?open&id=policies>);
- The Calendar page (<https://www.mingoschools.com/Page/2#calendar1/20220911/month>);
- The Registration page (<https://www.mingoschools.com/domain/2069>);
- The Menu page  
(<https://www.mingoschools.com/site/default.aspx?PageType=14&DomainID=88&PageID=143&ModuleInstanceID=164&ViewID=e8fad79c-3a8f-4dc5-8835-598472042131&IsMoreExpandedView=True>);
- The Title IX Policy page  
([https://wv02215465.schoolwires.net/cms/lib/WV02215465/Centricity/Domain/4/TITLE IX - Overview.pdf](https://wv02215465.schoolwires.net/cms/lib/WV02215465/Centricity/Domain/4/TITLE%20IX%20-%20Overview.pdf));
- The Family Resources Video page  
(<https://www.mingoschools.com/site/default.aspx?PageType=3&ModuleInstanceID=3217&ViewID=94B66785-F3F0-41A8-8414-1E55691D3E9E&RenderLoc=0&FlexDataID=2649&PageID=2421>);
- The Virtual Learning page (<https://www.mingoschools.com/domain/246>);
- The Section 504 page (<https://www.mingoschools.com/site/default.aspx?PageID=142>);
- The Superintendent page (<https://www.mingoschools.com/domain/61>);
- The Student Handbook page  
(<https://www.mingoschools.com/site/default.aspx?PageID=496>);

- The School Board page (<https://www.mingoschools.com/domain/62>);
- The Our Schools page (<https://www.mingoschools.com/domain/240>); and
- The Contact Us page (<https://www.mingoschools.com/domain/83>).

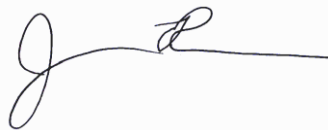
To memorialize its commitment to maintain the accessibility of its website and online programs, on January 3, 2023, the District signed the enclosed Agreement, voluntarily resolving the directed investigation pursuant to Section 302 of OCR's Case Processing Manual. When fully implemented, the Agreement will address the evidence obtained and all of the allegations investigated. OCR will monitor the implementation of the Agreement until the District 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 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 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 Cynthia Wesley at (202) 987-1424 or [cynthia.wesley@ed.gov](mailto:cynthia.wesley@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Judith Risch', with a long horizontal line extending to the right.

Judith Risch  
Co-Lead, National Digital Accessibility Team

Enclosure

*Courtesy copy by email only to:*