



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV**

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

May 9, 2017

Dr. Shelly N. Mize
Superintendent
Tarrant City Schools
1318 Alabama Street
Tarrant, Alabama 35217

Re: OCR Complaint No. 04-17-1084

Dear Dr. Mize:

This letter is to inform you of the disposition of the above-referenced complaint filed against Tarrant City School District (District) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on November 7, 2016, alleging discrimination on the basis of disability. Specifically, the complaint alleged that the District's website is not accessible to students and adults with disabilities including, but not limited to, individuals with vision impairments. The website at issue is located at: www.tarrant.k12.al.us.

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.

OCR opened an investigation of the following issues:

1. 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, activities, aids, benefits, or services 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.

2. Whether the District failed to take appropriate steps to ensure that its communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communications with others, in violation of the regulation implementing Title II at 28 C.F.R. § 35.160(a).

Legal Authority:

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 and 28 C.F.R. § 35.130. People with disabilities must have equal access to recipients' programs, services, or activities unless doing so would fundamentally alter the nature of the programs, services, or activities, or would impose an undue burden. 28 C.F.R. § 35.164. Both 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)(1)(ii). 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). Title II also requires public entities to take steps to ensure that communications with people with disabilities are as effective as communications with others, subject to the fundamental alteration and undue burden defenses. 28 C.F.R. § 35.160(a)(1). 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.

Investigation To Date:

To date, OCR has investigated this complaint by reviewing information provided by the Complainant and examining the pages on the District's webpage identified by the Complainant to determine whether they are accessible to persons with disabilities. These webpages included:

- Homepage: <http://www.tarrant.k12.al.us/>
- Student Services: <http://www.tarrant.k12.al.us/?DivisionID=9157&ToggleSideNav=>
- Calendar: <http://www.tarrant.k12.al.us/?PN=Calendar&ShowNav=Yes&>
- Child Nutrition Program: <http://www.tarrant.k12.al.us/?DivisionID=9154&ToggleSideNav=>
- Technology: <http://www.tarrant.k12.al.us/?DivisionID=9153&ToggleSideNav=>
- Parent Info: <http://www.tarrant.k12.al.us/?PN=ParentInfo>
- Federal Programs: <http://www.tarrant.k12.al.us/?DivisionID=12555&ToggleSideNav=>

- School News:

[http://www.tarrant.k12.tx.us/?PN=News2&SubP=SNews&SubSubP=SchoolsNews&DisplayType=Selected&ShowNav=""&StoryGroup=Archived](http://www.tarrant.k12.tx.us/?PN=News2&SubP=SNews&SubSubP=SchoolsNews&DisplayType=Selected&ShowNav=)

OCR evaluated the above-listed pages and determined there are some technological barriers to access for people with disabilities. These barriers can impede persons with disabilities' access to the District's online programs, services, and activities and can interfere with the District's ability to communicate effectively with persons with disabilities.

Before OCR conducted additional investigation of the District's website, 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 is appropriate.

Resolution Agreement:

The District submitted a signed resolution agreement (Agreement) to OCR on April 27, 2017. When fully implemented, the Agreement will address the findings of noncompliance noted above as well as resolve issues of accessibility pertaining to the rest of the District's website. The District committed to take actions including:

- making all new website content and functionality accessible to people with disabilities;
- developing a corrective action plan to demonstrate that the District's new external website will be accessible to people with disabilities;
- posting a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible; and
- providing website accessibility training to all appropriate personnel.

OCR will monitor the recipient's implementation of the Agreement. When OCR concludes the recipient has fully and effectively implemented the terms and obligations of the Agreement and is in compliance with the statutes and regulations at issue in the case, OCR will terminate its monitoring and close the case. If the recipient fails to implement the Agreement, OCR may initiate administrative or judicial proceedings to enforce specific terms and obligations of the Agreement. Before initiating administrative (34 CFR §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the breach.

This concludes OCR's investigation of the complaint. These findings 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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

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

OCR looks forward to receiving the District's first monitoring report by **May 15, 2017**. For questions about implementation of the Agreement, please contact Kristen Williams, who will be monitoring the District's implementation, by e-mail at kristen.williams@ed.gov, or by telephone at (404) 974-9272. For questions about this letter, please contact me, at (404) 974-9356.

Sincerely,

Wendy Gatlin
Compliance Team Leader

Enclosure