



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

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

REGION IV
ALABAMA
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VIA U.S. REGULAR MAIL & ELECTRONIC MAIL

October 13, 2017

Mr. Shane Barnett
Superintendent
Cullman County School District
PO Box 1590
Cullman, AL 35055

Re: OCR No. 04-17-1225

Dear Mr. Barnett:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its case resolution process of the above-referenced complaint filed on January 17, 2017 against the Cullman County School District (District), alleging disability discrimination. Specifically, the Complainant alleged that the District's website is not accessible to students and adults with disabilities including, but not limited to, visual impairments.

OCR investigated this complaint under 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 and activities of recipients of federal financial assistance. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990, as amended (Title II), 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 in programs, services, and activities of public entities. As a recipient of federal financial assistance from the Department and as a public entity, the District is subject to Section 504 and Title II implementing regulations. Accordingly, OCR has jurisdiction over this complaint. Additional information about the laws OCR enforces is available on our website at www.ed.gov/ocr.

Based on the complaint allegations, OCR initiated an investigation of the following legal 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(a), and the regulation implementing Title II, at 28 C.F.R. § 35.130.

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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 Standards

The regulation implementing Section 504 at 34 C.F.R. § 104.4(a), provides that no qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance. The regulation implementing Section 504 at 34 C.F.R. § 104.4(b) as well as Title II at 28 C.F.R. § 35.130 prohibit recipients from affording individuals with disabilities an opportunity to participate in or benefit from aids, benefits and services that are unequal to the opportunity afforded others. Further, Title II at 28 C.F.R. § 35.160(a)(1) also requires public entities to take steps to ensure that communications with individuals with disabilities are as effective as communications with others, subject to the fundamental alteration and undue burden defenses.

Summary of Investigation to Date:

OCR examined the pages on the District's website identified by the Complainant to determine whether they are accessible to persons with disabilities, also including:

- Anti-bullying - [http:// www.ccboe.org/home/anti-bullying](http://www.ccboe.org/home/anti-bullying)
- Board Members - <http://www.ccboe.org/board-members>
- Central Office Staff - <http://www.ccboe.org/central-office-staff>

OCR evaluated the above-listed pages as well as other pages on the District's website 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.

Prior to the conclusion of OCR's investigation of the District's websites, the District expressed an interest in voluntarily resolving this complaint. 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 the attached resolution agreement (Agreement) to OCR on October 13, 2017. When fully implemented, the Agreement will address the barriers noted above as well as resolve issues of accessibility pertaining to the rest of the District's websites including individual websites operated by District schools. The District committed to take the following actions:

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- Select an auditor who has the requisite knowledge and experience to identify barriers to access on the District's website, including any individual School websites, and conduct a thorough audit of existing online content and functionality;
- Ensure all new website content and functionality is accessible to people with disabilities;
- Develop a corrective action plan to prioritize the removal of online barriers over an 18-month period;
- Post a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible; and
- Provide website accessibility training to all appropriate personnel.

The provisions of the Agreement are aligned with the complaint allegations and the information obtained during the investigation thus far and are consistent with applicable regulations. OCR will monitor the implementation of the Agreement until OCR has determined the District has fulfilled the terms of this Agreement and is in compliance with the regulations at issue in this case.

This concludes OCR's investigation of this complaint and 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. A complainant may have a right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

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, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

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Thank you for your assistance in resolving this complaint which OCR is closing as of the date of this letter. If you have any questions regarding this matter, please contact Zandra Hall at (404) 974-9290.

Sincerely,

Ebony Calloway-Spencer, Esq.
Compliance Team Leader

Enclosure