



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

RENAISSANCE TOWER  
DALLAS, TEXAS 75270

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

January 23, 2023

*By email only to: commissioner@fldoe.org*

Manny Diaz, Jr.  
Commissioner  
Florida Department of Education  
Office of the Commissioner  
Turlington Building, Suite 1514  
325 West Gaines Street  
Tallahassee, Florida 32399

Re: OCR Docket No. 04-19-5913  
Florida Department of Education

Dear Commissioner Diaz:

This letter is to advise you of the resolution of the directed investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated in Florida Department of Education (FDOE). OCR investigated whether FDOE'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 FDOE 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 an assessment of FDOE's online programs, services, and activities and noted possible compliance concerns including, but not limited to:

- Although there was an extensive navigation menu, no "skip navigation" or "skip to content" link was present, posing a barrier to those who use computer keyboards for navigation due to a disability.

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- Users with disabilities who use computer keyboards for navigation due to a disability did not have access to all contents and functions.
- The foreground and background colors of important content lacked sufficient contrast, posing a barrier to people with low vision.

On January 20, 2023, FDOE signed the enclosed resolution agreement (Agreement) to voluntarily resolve the directed investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR will monitor the implementation of the Agreement.

This concludes OCR's directed investigation. This letter should not be interpreted to address FDOE'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 (214) 661-9618 or David.Kutch@ed.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Kutch' with a stylized flourish at the end.

David Kutch  
Attorney

Enclosure

*Courtesy copy by email only to:*

Andrew King  
General Counsel  
Andrew.King@fldoe.org