



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

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May 15, 2017

Mr. Brett Strassburg
Executive Director
Woodbury Leadership Academy
600 Weir Drive
Woodbury, MN 55125

Re: OCR Docket # 05-17-1078
Woodfield Leadership Academy

Dear Mr. Strassburg:

This is to advise you of the resolution of the above-referenced complaint investigation of the Woodbury Leadership Academy (Academy) by the United States Department of Education (Department) Office for Civil Rights (OCR). The complaint, which was received on November 28, 2016, alleged that the Academy is discriminating on the basis of disability. Specifically, the Complainant alleged that certain of the Academy's web pages are not accessible to individuals with vision and print disabilities and fine motor difficulties. The webpages identified as inaccessible include the Academy's:

- Homepage
- Why Choose Woodbury Leadership Academy page;
- General Information for Families page;
- Enroll On-line page;
- Calendar page, and;
- Breakfast and Lunch page.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department and a public entity, the Academy is subject to Section 504 and their implementing regulations.

This letter summarizes the applicable legal standards, the information gathered during the investigation, and how the investigation was resolved.

Legal Authority

Section 504 provides that no qualified persons with disabilities shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by recipients of federal financial assistance or by public entities.¹ Persons with disabilities must have equal access to the programs, services, or activities unless doing so would fundamentally alter the nature of the programs, services, or activities, or would impose an undue burden. Under Section 504, individuals with disabilities must be afforded an opportunity that is equal to the opportunity afforded others to participate in or benefit from aids, benefits, and services² and must be provided with aids, benefits, or services that provide an equal opportunity as others to achieve the same result or the same level of achievement.³ 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.⁴ 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.

Recipients and public entities must ensure equal access to the educational benefits and opportunities afforded by technology and equal treatment in the use of the technology for all individuals with disabilities who access their programs or activities, including members of the public.

Investigation to Date

During the course of the investigation, OCR examined a number of the Academy’s webpages to determine whether they are accessible to persons with disabilities, including the Academy’s Homepage; Why Choose Woodbury Leadership Academy page; General Information for Families page; Enroll On-line page; Calendar page, and; Breakfast and Lunch page.

OCR conducted a preliminary evaluation of the above-listed pages and determined that parts of the website used color combinations that made text difficult or impossible for people with low vision to see; some forms were not labeled; and some graphics had no associated text to convey important information to those who are blind who use screen readers. These barriers may deny persons with disabilities access to programs, services and activities offered on the website and impede the Academy’s communications with persons with disabilities.

¹ 34 C.F.R. § 104.4

² 34 C.F.R. § 104.4(b)(1)(ii)

³ 34 C.F.R. § 104.4(b)(2)

⁴ 34 C.F.R. § 104.4(b)(1)(iv)

Prior to the conclusion of OCR's investigation, the Academy expressed an interest in voluntarily resolving this complaint. In order to conclude OCR's investigation of this complaint, OCR would have had to conduct interviews, review documents, and examine a broader range of pages on the Academy's website. Moreover, in light of the Academy's willingness to address its website comprehensively without further investigation and given that the Academy contracted with a vendor to redesign its website, OCR determined entering into a voluntary resolution agreement is appropriate.

Resolution Agreement:

The Academy submitted a signed resolution agreement (Agreement) to OCR on May 15, 2017. When fully implemented, the Agreement will address the accessibility issues noted above in addition to resolving issues of accessibility pertaining to the rest of the Academy's website, including;

- Conducting a thorough assessment of existing online content and functionality to identify any on-line content that is inaccessible, address it and ensuring the personnel conducting assessment will have knowledge in website accessibility;
- Making all new website content and functionality accessible to people with disabilities;
- Developing a corrective action plan to prioritize the removal of online barriers; and
- Providing website accessibility training to all appropriate personnel.

OCR will monitor the Academy's implementation of the Agreement. When OCR concludes the Academy has fully implemented the terms 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 Academy 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 Academy 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 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 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 Academy may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under

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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.

Thank you for the assistance the Academy extended to OCR in resolving this complaint. If you have any questions, please contact Miguel Figueras, at (312) 730-1578 or by email at miguel.figueras@ed.gov.

Sincerely,

Ann Cook-Graver
Supervisory Attorney

Enclosure

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