



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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September 25, 2023

*By email only to: [cjtiller@gbaps.org](mailto:cjtiller@gbaps.org)*

Dr. Claude Tiller, Jr.  
Superintendent  
Green Bay Area Schools  
Post Office Box 23387  
Green Bay, Wisconsin 54303

Re: OCR Docket No. 05-23-1631  
Green Bay Area Public School District, Wisconsin

Dear Superintendent Tiller:

This letter is to advise you of the resolution of the investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated in Green Bay Area Public School District (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 an assessment of the District's online programs, services, and activities and, while most pages tested by OCR contained no barriers to access for people with disabilities, OCR noted a few possible compliance concerns including, but not limited to:

- Two PDF documents lacked sufficient structure to communicate content effectively to individuals who use assistive technology; and

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

- Keyboard users could not access all features and functions of the Chatbot.

On September 22, 2023, the District signed the enclosed resolution agreement (Agreement) to voluntarily resolve the investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR will monitor the implementation of the Agreement.

During the course of negotiations, the District noted to OCR that the Complainant did not notify the District of the allegations prior to filing the complaint; there is no requirement that the Complainant so notify the District in advance of filing a complaint with OCR. The District asserted it has and will continue to make good faith efforts in ensuring its website is accessible under Title II and Section 504, and that it contracts with a third-party vendor that reviews the website daily for noncompliance. OCR thanks the District for its ongoing commitment to ensuring its online programs, services, and activities are accessible to people with disabilities. The District also noted, and OCR has verified, that the District has posted a web accessibility notice stating, "If you cannot fully access the information on any page of the site, please let us know the accessibility issue you are having by emailing [communications@gbaps.org](mailto:communications@gbaps.org). We will try to provide the information to you in an alternative format and/or make the necessary improvements to make the information accessible."

This concludes OCR's 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 matter. 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,

/s/

Judith Risch  
Co-Lead, National Digital Accessibility Team

Enclosure

*Courtesy copy by email only to:*

Lori Lubinsky  
Attorney  
[llubinsky@axley.com](mailto:llubinsky@axley.com)