



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

February 19, 2016

Dr. René Gutiérrez, Superintendent  
Edinburg Consolidated Independent School District  
411 North 8<sup>th</sup> Avenue  
Edinburg, Texas 78541

RE: OCR Case No. 06151722  
Edinburg Consolidated Independent School District

Dear Dr. Gutiérrez:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office has resolved the above-referenced complaint filed against the Edinburg Consolidated Independent School District (District), Edinburg, Texas. The complaint, received on September 17, 2015, alleged that the District discriminates against individuals with disabilities because certain portions of the District's website (e.g., home, special education, and board pages) are inaccessible to individuals with visual and/or other impairments.

OCR is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints of disability discrimination filed against public entities. The District is a recipient of Federal financial assistance from the Department and a public entity. Thus, OCR has jurisdiction to resolve this complaint under Section 504 and Title II.

OCR opened for investigation the legal issue of whether the District discriminates against individuals with disabilities by maintaining a website that is inaccessible to individuals with visual or other impairments, in violation of Section 504 (34 C.F.R. § 104.4), and Title II (28 C.F.R. § 35.130, and 28 C.F.R. § 35.160). OCR received data from the District in response to its request for information regarding the issue. The District informed OCR that a "thorough review of all images [on its website] is currently being conducted, and any images not containing textual descriptions are being updated to provide one." The District also indicated that it created a report "to provide the exact location of all images within the website to aid in this process and to ensure thorough accuracy," and that a "thorough review of the ECISD website being conducted to

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

confirm that all documents are available in PDF, RTF, or docx formats” and that “closed captioning will be utilized on video content.”

During the course of OCR’s investigation, the District requested to voluntarily resolve the complaint. Section 302 of OCR’s Case Processing Manual provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the Resolution Agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. On February 18, 2016, the District submitted the enclosed Resolution Agreement (Agreement), which OCR has determined addresses the compliance concerns raised in this complaint and which, when fully implemented, will resolve this complaint. Specifically, the Agreement provides the creation of an accessibility policy with regard to the District’s website, the provision of training to pertinent staff and teachers, as well as an assessment of the District’s website’s accessibility and correction of all inaccessible portions of their site.

OCR will monitor the implementation of the Agreement until the District has fulfilled the terms of the Agreement and is in compliance with the statutes and regulations at issue in this complaint.

This concludes the investigation stage of the 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. The Complainant may 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.

We thank you for the cooperation extended to us during the course of this investigation. If you have any questions regarding this letter, you may contact Tom Stack, the assigned investigator at (214) 661-9650 (thomas.stack@ed.gov), or you may contact Timothy D. Caum, Supervisory Attorney/Team Leader, at (214) 661-9648 (timothy.caum@ed.gov).

Sincerely,

/s/

Taylor D. August  
Regional Director  
Office for Civil Rights  
Dallas Office

Enclosure: As stated

cc: XXXX