



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

May 12, 2016

Ref: 06161211

XXXXXX

Gateway College Preparatory School
3360 Westinghouse Road
Georgetown, TX 78626

Via first class mail and email (XXXXXXXX)

Dear XXXXX:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was received on January 21, 2016 and filed against the Gateway College Preparatory School (GCPS), in Georgetown, Texas. The complainant alleged that the GCPS website does not comply with ADA accessibility requirements.

OCR is responsible for determining whether 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 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §12132, and its implementing regulation at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities.

The GCPS is a recipient of federal financial assistance from the Department and is a public entity. Therefore, OCR had jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

OCR investigated the following issue:

Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the GCPS because the GCPS website is inaccessible, in violation of Section 504 and Title II, at 34 C.F.R. §§ 104.21-104.23, and 28 C.F.R. §§ 35.149-35.151, respectively.

The complainant alleged concerns related to the GCPS's website and ADA accessibility compliance and provided website links to reports for various GCPS webpages that the

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

complainant alleged were inaccessible. The School reported taking some corrective action, but believes there may be remaining compliance concerns regarding website accessibility. OCR reviewed the GCPS homepage utilizing the WAVE web accessibility evaluation tool, which revealed numerous areas of concern pertaining to accessibility.

Prior to OCR making an investigative determination, the GCPS requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement). Under OCR's procedures, a complaint may be resolved at any time when, prior to the conclusion of the investigation, a recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to do so.

On May 10, 2016, the GCPSⁱ voluntarily entered into the enclosed Agreement, which, when fully implemented, resolves the complaint. The Agreement is aligned with the complaint allegation or the information obtained during the investigation, and is consistent with applicable law and regulations. Specifically, the Agreement requires the School to develop a plan regarding new web content and functionality; conduct an audit of existing content and functionality; develop a corrective action plan to address all inaccessible content and functionality; provide notice to persons with disabilities regarding inaccessible content; and provide website accessibility training to all appropriate personnel. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the GCPS's implementation of the Agreement to ensure compliance with Section 504/Title II with regard to the issue investigated.

This concludes OCR's investigation of the complaint and should not be interpreted to address the recipient'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. Please also note that 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 a recipient 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, it 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.

If you have any questions, you may contact the attorney investigator assigned to this case, Natasha Gonzalez Rojas, at (214) 661-9680 or natasha.rojas@ed.gov, or me at (214) 661-9678 or adriane.martin@ed.gov.

Sincerely,

Adriane P. Martin
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure

cc: XXXXXX (via email XXXXX)

ⁱ The GCPS is a public charter school operated by Orenda Education. The Chief Operating Officer for Orenda Education signed the Agreement on behalf of the GCPS.