



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

June 5, 2017

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

David Williams, Superintendent/CEO  
Village Tech Schools  
1010 East Parkerville Road  
Cedar Hill, TX 75104

Re: Village Tech Schools  
OCR Case Number: 06-16-1599

Dear Superintendent Williams:

This letter is to inform you of the disposition of the above-referenced complaint filed against Village Tech Schools (VTS) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on May 25, 2016, alleging discrimination on the basis of disability. Specifically, the complaint alleged that certain of the VTS's web pages are not accessible to students and adults with disabilities, including vision impairments. These include, but are not limited to:

- a) Home page  
<http://www.villagetechschoools.org>
- b) Resources  
<http://www.villagetechschoools.org/resources.html>
- c) VT Assigns Students Real World Projects  
<http://www.villagetechschoools.org/news---events.html>
- d) The VT Difference/About VT  
<http://www.villagetechschoools.org/school.html>
- e) Admissions  
<http://www.villagetechschoools.org/admissions.html>
- f) Students  
<http://www.villagetechschoools.org/students.html>
- g) About  
<http://www.villagetechschoools.org/about.html>
- h) Our People  
<http://www.villagetechschoools.org/our-people.html>
- i) Parents  
<http://www.villagetechschoools.org/parents.html>
- j) Our Story  
<http://www.villagetechschoools.org/our-story.html>

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance. OCR is also responsible for

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

enforcing Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance and as a public entity, the VTS is subject to these laws. Accordingly, OCR had jurisdiction to investigate this complaint.

Based on the complaint allegations, OCR opened an investigation of the following issues:

Whether the Village Tech Schools discriminates against individuals with disabilities on a systemic basis because certain of the recipient's web pages are not accessible to students and adults with disabilities including, but not limited to, vision impairments. These inaccessible web pages include:

- a) Home page
- b) Resources
- c) VT Assigns Students Real World Projects
- d) The VT Difference/About VT
- e) Admissions
- f) Students
- g) About
- h) Our People
- i) Parents
- j) Our Story

#### Legal Authority:

Section 504 and Title II prohibit people, on the basis of disability, from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by recipients of federal financial assistance or by public entities. 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130. People with disabilities must have equal access to recipients' programs, services, or activities unless doing so would fundamentally alter the nature of the programs, services, or activities, or would impose an undue burden. 28 C.F.R. § 35.164. Both Section 504 and Title II prohibit affording individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that is unequal to the opportunity afforded others. 34 C.F.R. § 104.4(b)(1)(ii); 28 C.F.R. § 35.130(b)(1)(ii). Similarly, individuals with disabilities must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or the same level of achievement as others. 34 C.F.R. § 104.4(b)(2); 28 C.F.R. § 35.130(b)(1)(iii). 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. 34 C.F.R. § 104.4(b)(1)(iv); 28 C.F.R. § 35.130(b)(1)(iv). Title II also requires public entities to take steps to ensure that communications with people with disabilities are as effective as communications with others, subject to the fundamental alteration and undue burden defenses. 28 C.F.R. § 35.160(a)(1). 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 and Title II.

Investigation To Date:

To date, OCR has investigated this complaint by reviewing information provided by the Complainant and conducting a preliminary assessment of the accessibility of several pages from the VTS's website.

The complaint alleges that the VTS's website is not in compliance with Section 504 and Title II because it is inaccessible to individuals with vision disabilities, print disabilities, physical impairments, and hearing impairments. The Complainant used website accessibility checkers (PowerMapper and WAVE) and reported to OCR that the VTS's home page, resources page, "VT Assigns Students Real World Project" page, "The VT Difference/About VT" page, admissions page, students page, about page, parents page, "Our People" page, and "Our Story" page have accessibility issues for individuals with disabilities. She then provided OCR with a list of errors copied and pasted from the website accessibility checker that she used.

OCR conducted a preliminary examination of the web pages identified by the Complainant and found a number of possible compliance concerns as to whether the VTS's website is accessible to individuals with disabilities. For example, at the time of OCR's review: on all the pages surveyed, some content and functionality could not be accessed when relying only on keyboard controls; on the "VT Difference/About VT" page, and on the "Our Story" page, some graphics or images did not have meaningful alternative text which would allow a blind or visually impaired person to have access to information presented through such images through the use of a screen reader; on the parents page a PDF document did not have selectable text, and thereby could not be read through a screen reader; and several pages also contained unlabeled links, missing or broken skip to content links, and color contrast concerns.

Prior to the completion of OCR's investigation, the VTS asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). On June 1, 2017 the VTS submitted the enclosed signed resolution agreement (the Agreement) to OCR. When fully implemented, the Agreement will resolve the allegations in the complaint.

In light of the commitments the VTS has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the VTS's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the VTS has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issues raised.

If the VTS fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the VTS written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This concludes OCR's investigation of the complaint and should not be interpreted to address the VTS'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 be advised that the VTS 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 harmed individual may file a complaint alleging such treatment.

The Complainant may 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 letter 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.

OCR looks forward to receiving the VTS's first monitoring report within 30 calendar days of the date of this letter. If you have any questions, please contact the attorney/investigator, Kulsoom Naqvi, by telephone at (214) 661-9640 or by e-mail at: [Naqvi.Kulsoom@ed.gov](mailto:Naqvi.Kulsoom@ed.gov). You may also contact me by telephone at (214) 661-9608 or by e-mail at: [Paul.Coxe@ed.gov](mailto:Paul.Coxe@ed.gov).

Sincerely,

Paul E. Coxe  
Team Leader/Supervisory Attorney  
Office for Civil Rights  
Dallas Office

Enclosure: Resolution Agreement