



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Angela Tekell
General Counsel
Belton Independent School District
P.O. BOX 269
Belton, Texas 76513

Via first class mail and e-mail (angela.tekell@bisd.net)

Re: OCR No. 06161720
Belton ISD

Dear Ms. Tekell:

This is to inform you of the disposition of the above-referenced complaint filed against the Belton Independent School District (BISD or Recipient) by the United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. The complaint, which was received on July 21, 2016, alleged that certain of the Recipient's web pages are not accessible to students and adults with disabilities, including vision impairments. These web pages include, but are not limited to:

1. BISD's Home page
<http://bisd.net/Domain/1>
2. BISD's Special Education page
<http://bisd.net/Domain/48>
3. BISD's Parent Resources page
<http://bisd.net/Page/151>
4. BISD's Section 504 page
<http://bisd.net/Page/6765>
5. BISD's Special Education – Instructional and Related Services page
<http://bisd.net/Page/150>

OCR is responsible for enforcing section 504 of the Rehabilitation Act of 1973, as amended (Section 504), 29 United States Code (U.S.C.) § 794, *et seq.*, and its implementing regulations at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability in programs and activities of recipients of Federal financial assistance. OCR also is

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

responsible for enforcing title II of the Americans with Disabilities Act of 1990, as amended (Title II), 42 U.S.C. § 12131, *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability in programs, services, and activities of public entities. As a recipient of Federal financial assistance from the Department and as a public entity, the Recipient is subject to OCR’s jurisdiction under Section 504 and Title II.

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

Whether the BISD 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, in violation of Section 504 and Title II and their implementing regulations at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130, respectively.

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 Recipient’s website.

The complaint alleges that the Recipient’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 Recipient’s Home, Special Education,

Parent Resources, Section 504, and Special Education –Instructional and Related Services pages have accessibility issues for individuals with disabilities. The Complainant then provided OCR with a list of errors copied and pasted from the website accessibility checker used.

OCR conducted a preliminary examination of the web pages identified by the Complainant and found possible compliance concerns as to whether the Recipient’s website is accessible to individuals with disabilities. For example, the Recipient’s Parent Resources, Special Education, and Special Education – Instructional and Related Services web pages had poor visual contrast at the time of OCR’s review. Further, on the Recipient’s Home and Section 504 web pages keyboard controls could not access all content and functions on those pages at the time of OCR’s review.

Prior to the completion of OCR’s investigation, the Recipient asked to resolve this complaint pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM). On April 25, 2017, the Recipient 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 Recipient 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 Recipient’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 Recipient has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issue raised.

If the Recipient 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 Recipient 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 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 be advised that the 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 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 Recipient's first monitoring report by August 1, 2017. For questions about implementation of the Agreement, please contact Najwa-Monique Sharpe, Lead Investigative Attorney, at 214-661-9642 or by e-mail at najwa-monique.sharpe@ed.gov. Ms. Sharpe will be monitoring the implementation of the Agreement. For questions about this letter, please contact Lori Bringas, Supervisory Attorney, at 214-661-9638 or by e-mail at lori.bringas@ed.gov.

Thank you for the assistance the BISD extended to OCR in resolving this complaint.

Sincerely,

Taylor D. August
Director
Office for Civil Rights
Dallas Office

Enclosure: Resolution Agreement