



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

November 17, 2017

Mr. Patrick D. Jenkins, Superintendent  
St. Landry Parish School Board  
1013 E. Creswell Lane  
P.O. Box 310  
Opelousas, LA 70571-0310

Re: St. Landry Parish School Board  
OCR Number: 06-17-1815

Dear Mr. Jenkins:

This letter is to inform you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, against the St. Landry Parish School Board (SLPSB or District), Opelousas, Louisiana. The complaint alleged that the SLPSB discriminates against individuals with disabilities. More specifically, the complaint alleged that certain of the SLPSB's web pages are inaccessible to individuals with disabilities, including vision impairments. These inaccessible web pages include, but are not limited to, the following:

- a. The SLPSB's homepage;
- b. The SLPSB's "Opelousas Senior High School" page;
- c. The SLPSB's "Oncourse Lesson Plans" page;
- d. The SLPSB's "Alternative Programs" page;
- e. The SLPSB's "High Schools" page;
- f. The SLPSB's "Schools of Choice" page;
- g. The SLPSB's "District Departments" page;
- h. The SLPSB's "Individualized Instruction" page; and
- i. The SLPSB's "Parents and Students" page.

OCR enforces Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by public entities. The SLPSB is a recipient of Federal financial assistance from the Department and a public entity. Therefore, OCR has jurisdiction to process this complaint to resolution pursuant to Section 504 and Title II.

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

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

- whether the District, on the basis of disability, excluded qualified persons with disabilities from participation in, denied them the benefits of, or otherwise subjected them to discrimination in its programs and activities based on disability, in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.4 and the regulation implementing Title II at 28 C.F.R. § 35.130; and
- whether the District failed to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others, in violation of 28 C.F.R. § 35.160(a).

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 the SPLSB's website. The complaint alleges that the SPLSB'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 District's homepage, “Opelousas Senior High School” page; “Oncourse Lesson Plans” page; “Alternative Programs” page; “High Schools” page; “Schools of Choice” page; “District Departments” page; “Individualized Instruction” page; and “Parents and Students” page 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 that she used.

In its investigation of this complaint, OCR interviewed XX--- phrase redacted---XX, who informed OCR that XXXX is aware of poor visual contrast on the District's website, which the District is in the process of taking action to address. OCR also conducted a preliminary examination of the District's homepage and found possible compliance deficiencies as to whether the District's website is accessible to individuals with disabilities. Specifically, OCR's inspection confirmed poor visual contrast at the time of OCR's review.

Prior to the completion of OCR's investigation, the SLPSB expressed interest in resolving this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). On November 15, 2017, the SLPSB 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 SLPSB 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 SLPSB'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 SLPSB 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 SLPSB 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 SLPSB 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 SLPSB'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 University 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 SLPSB's first monitoring report by **February 28, 2018**. For questions about implementation of the Agreement, please contact Ms. Rachel Caum, Attorney, at (214) 661-9632, or at [rachel.caum@ed.gov](mailto:rachel.caum@ed.gov). For questions about this letter, you may contact Ms. Caum or me, at (214) 661-9638, or at [lori.bringas@ed.gov](mailto:lori.bringas@ed.gov).

Sincerely,

/s/

Lori Howard Bringas  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

Enclosure

cc: XXXX (*via email only*)