



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 21, 2018

Ref: 06-18-4017

Sean Farrell, Director  
Library of Hattiesburg Patel and Forrest County  
329 Hardy Street  
Hattiesburg, MS 39401

Via first class mail and email ([sean@hpfc.lib.ms.us](mailto:sean@hpfc.lib.ms.us))

Dear Director Farrell:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Library of Hattiesburg Patel and Forrest County (HPFC Library) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on December 19, 2017, alleging discrimination on the basis of disability. Specifically, the complaint alleged that certain of the HPFC Library's web pages are not accessible to students and adults with disabilities, including but not limited to vision impairments. These include, but are not limited to:

- a. Homepage, at <http://www.hpfc.lib.ms.us/client/default2e>;
- b. Universal Class page, at <https://hpfc.universalclass.com/barcode-login.htm?enter+code&loginspecial>;
- c. Axis 360 page, at <http://hatt.axis360.baker-taylor.com/>;
- d. Inter-Library Loan page, at <https://seanf59.wufoo.com/forms/interlibrary-loan-request-form/>;
- e. Calendar page, at <http://www.eventkeeper.com/mars/xpages/H/HPFC/ekp.cfm?curorg=HPFC&CFID=128223885&CFTOKEN=ae04d7f671123571-8FD53229-D4AE-528A-53503723C82CEE55&jsessionid=8430ba5f86c0281936a856523e483ca6c613>;
- f. Find In My Library page, at [http://hatt.ent.sirsi.net/client/default2e/search/detailnonmodal/ent:\\$002f\\$002fSD\\_ILS\\$002f0\\$002fSD\\_ILS:229947/one?qu+ISBN%3D%229781501139154%22](http://hatt.ent.sirsi.net/client/default2e/search/detailnonmodal/ent:$002f$002fSD_ILS$002f0$002fSD_ILS:229947/one?qu+ISBN%3D%229781501139154%22); and
- g. Advanced Search page, at <http://hatt.ent.sirsi.net/client/default2e/search/advanced>.

OCR is responsible for 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 public entity, the HPFC Library is subject to Title II. Accordingly, OCR has jurisdiction to investigate this complaint.

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

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

Whether the HPFC Library discriminates against individuals with disabilities on a systemic basis because its web pages are not accessible to individuals with disabilities including, but not limited to, vision impairments.

Legal Authority:

Title II prohibits people, on the basis of disability, from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by public entities. 28 C.F.R. § 35.130. People with disabilities must have equal access to public entities' 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. Title II prohibits affording individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that is unequal to the opportunity afforded others. 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. 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. 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 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 pages from the HPFC Library's website.

The complaint alleges that the HPFC Library's website is not in compliance with Title II because it is inaccessible to individuals with vision disabilities. The Complainant used website accessibility checkers (PowerMapper and WAVE) and reported to OCR that the HPFC Library's Homepage, Universal Class page, Axis 360 page, Inter-Library Loan page, Calendar page, Find In My Library page, and Advanced Search page have accessibility issues for individuals with disabilities. XXXX then provided OCR with a list of errors copied and pasted from the website accessibility checker that XXXX used.

OCR conducted a preliminary examination of the web pages identified by the Complainant and found possible compliance deficiencies as to whether the HPFC Library's website is accessible to individuals with disabilities. For example, OCR identified instances on the website wherein form labels were missing, skip navigation was not provided, non-trivial graphics were missing alternative text, links were not meaningfully labelled or titled, keyboard controls did not access all content and functionality, keyboard controls were not visually apparent, and there was poor visual contrast at the time of OCR's review.

Prior to the completion of OCR's investigation, the HPFC Library asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). On February 21, 2018, the HPFC Library 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 HPFC Library 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 HPFC Library'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 HPFC Library has fulfilled the terms of the Agreement and is in compliance with Title II with regard to the issues raised.

If the HPFC Library 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 HPFC Library 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 HPFC Library'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 HPFC Library 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 HPFC Library's first monitoring report by **May 31, 2018**. For questions about implementation of the Agreement, please contact Michael J. Pillera, Civil Rights Attorney at 214-661-9614 or by email at [Michael.Pillera@ed.gov](mailto:Michael.Pillera@ed.gov). For questions about this letter, you may contact Michael J. Pillera or Paul Coxe, Supervisory Attorney/Team Leader, at (214) 661-9608 or [Paul.Coxe@ed.gov](mailto:Paul.Coxe@ed.gov).

Sincerely,

Paul Edward Coxe  
Team Leader/Supervisory Attorney  
Office for Civil Rights  
Region VI, Dallas Office

Enclosure