



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

RENAISSANCE TOWER  
DALLAS, TEXAS 75270

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

September 12, 2023

*By email only to: tmatthews@cmsd.k12.ms.us*

Dr. Toya Harrell-Matthews  
Superintendent  
Clarksdale Municipal School District  
526 South Choctaw Street  
Clarksdale, Mississippi 38614

Re: OCR Docket No. 06-23-3087  
Clarksdale Municipal School District, Mississippi

Dear Superintendent Harrell-Matthews:

This letter is to advise you of the resolution of the investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated in Clarksdale Municipal School District (District). OCR investigated whether the District's online programs, services, and activities exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. § 104.4 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. In addition, OCR investigated whether the District fails to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communication with others, in violation of 28 C.F.R. § 35.160(a).

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department.

During OCR's investigation, OCR assessed the District's online programs, services, and activities. OCR found that the District has adopted WCAG 2.0, level AA, as its accessibility standard and posted a fully-accessible notice on its site that contains contact information for how individuals who encounter barriers may contact the District to request access. OCR conducted an assessment of the District's online programs, services, and activities, and found through careful manual testing of 15 pages that most contained no barriers to access for people with disabilities. However, OCR noted a few possible compliance concerns including a page where the visual focus indicator was inconsistently apparent for keyboard users, posing a barrier for individuals

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who are unable to use a computer mouse; three portable document format (PDF) documents that lack sufficient structure to communicate content effectively to individuals who use assistive technology; one image lacked accessible alternative text; color contrast was insufficient on one page; and another page had an illogical reading order for keyboard users and some of its form fields lacked meaningful programmatic labels.

On September 8, 2023, the District signed the enclosed resolution agreement (Agreement) to voluntarily resolve the investigation pursuant to Section 302 of OCR's Case Processing Manual. Pursuant to the Agreement, within 30 days, the District will remediate the accessibility barriers identified by OCR and any barriers it identifies through its own testing. OCR will monitor the implementation of the Agreement until the District satisfies all of the terms of the Agreement.

This concludes OCR's investigation. This letter should not be interpreted to address the District'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 matter. 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. An individual may have the right to 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 document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact me at 202-987-1453 or [David.Kutch@ed.gov](mailto:David.Kutch@ed.gov).

Sincerely,



David Kutch  
Attorney

Enclosure