



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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October 21, 2014

Camille Casteel, Superintendent
Chandler Unified School District
1525 West Frye Road
Chandler, AZ 85224

Re: Chandler Unified School District
Case Number: 08-14-1182

Dear Superintendent:

We have resolved this complaint through a voluntary resolution agreement with Chandler Unified School District (District), as described in more detail below.

On May 15, 2014, we received a complaint alleging Chandler Unified School District (District) discriminated on the basis of disability. Specifically, the Complainant alleged the District discriminates against a class of persons who have disabilities and who have attempted to utilize the District's website, especially those who have vision disabilities and use screen readers. The Complainant alleged some people with disabilities who have attempted to access the District's website do not have an equal opportunity as others to enjoy District programs, services, and activities, because the website contains barriers to access for people with disabilities.

On June 11, 2014, we initiated the investigation under the authority of Section 504 of the Rehabilitation Act and its implementing regulation at 34 Code of Federal Regulations Part 104, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. pt. 35. Section 504 prohibits discrimination on the basis of disability by entities that receive Federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination on the basis of disability by public entities. The District receives Federal financial assistance from the Department and is a public entity, so it is subject to the requirements of Section 504 and Title II.

In investigating the allegations, we requested information from the District and carefully reviewed its response. We also conducted our own assessment of the accessibility of the District's website.

As a result of our investigation, we have identified compliance concerns. Specifically, we confirmed there were barriers to access for persons with disabilities with respect to various aspects of the District's website. The signed agreement is designed to remedy those concerns.

Discussion

Our agency's Office of the Chief Information Officer conducted an independent assessment of the District's website. This review revealed the following patterns of barriers. Please note that this list is non-exhaustive:

- Many images were not accompanied by meaningful text;
- In many cases, documents were provided only in Adobe portable document format (pdf), without any care having been taken to make sure the pdf document was created in a way that would be useable for people who use screen readers;
- Although the District’s website contains videos and those were routinely captioned, the captions appear to have been automatically generated and lacking any kind of quality control oversight. As a result, some videos had nonsensical captioning of the audio track, such as “The CTA program oceans from the champ” [instead of “The CTA program which stands for the Chandler...”] or “tutoring to character programs to athletics to trauma” [instead of “...athletics to drama,”];
- Data tables did not have proper markup in HTML, so users of screen readers would not be able to know what column or row they were accessing;
- Although the website uses frames, sometimes extensively, the HTML language is not properly coded, so screen readers would not be able to access large blocks of data, such as school newsletters;
- The Main Navigation menu, which appears on every page, is not accessible to a wide variety of Assistive Technology users including, but not limited to, screen reader users, keyboard only users and speech recognition users;
- The District’s main page has a scrolling set of announcements that cannot be accessed by people with disabilities who use screen readers and other types of assistive technology. While nondisabled users can stop or pause the scroll, people who are unable to use their mouse due to a disability cannot do so. Additionally, the links embedded in this scroll cannot be accessed by assistive technology users;
- Some of the virtual buttons on the video player that appears throughout the website are not labeled except visually, and so are not accessible to people who use assistive technology such as screen readers; and
- Online forms provided throughout the site were inaccessible to people who use assistive technology, such as screen readers.

In its response to our data request, District representatives informed us that it was unaware of any barriers to access for people with disabilities on its website. The District further informed us that it had, in fact, “subscribed to Schoolwires as a CMS (content management system) to host our websites since 2009, selecting Schoolwires over competing products for its many features which include automatic enforcing of ADA-compliance in the area of ALT tag requirements for images.” The District believed that by choosing Schoolwires as its vendor, it would be assured of a barrier-free website. The District also cited its ongoing training initiatives through Schoolwires as a way of showing its responsiveness, apparently believing those training sessions provided sufficient ongoing assurances of accessibility.

Even if the District were claiming that Schoolwires was responsible for the content and administration of its website, which it did not appear to be arguing, we would find a compliance concern by the District. Both the Section 504 and the Title II regulations prohibit discrimination on the basis of disability when

done through third parties with whom covered entities, such as the District, have contracted. See 34 C.F.R. §104.4(b)(4)(i) (“A recipient may not, directly or through contractual arrangements, utilize criteria or methods of administration [t]hat have the effect of subjecting qualified persons with disabilities to discrimination on the basis of disability.”) and 28 C.F.R. § 35.130(b)(3)(i), using virtually identical language.

Whatever the cause, the District did not dispute the existence of the barriers to access we identified on the District’s website. It remains the case that the District’s website, as it exists on the date this letter was issued, contains numerous barriers to access for persons with disabilities. These barriers would interfere with the ability of many people with disabilities, including those with visual impairments who use screen readers, to access important information that is readily available to others. To the extent that the barriers contained throughout the District’s website result in lesser access to District programs, services, and activities for people with disabilities than is provided to others, they give rise to our concern that the District is discriminating on the basis of disability in violation of Section 504 and Title II. Specifically, we determined the identified barriers meant that qualified people with disabilities were provided with an aid, benefit, or service that was not as effective as that provided to others, in violation of 34 C.F.R. § 104.4(b)(1)(iii), and that they were provided an opportunity to participate in or benefit from the District’s aids, benefits, and services, that was not as effective in affording equal opportunity to gain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others, in violation of 28 C.F.R. § 35.130(b)(1)(iii).

On October 21, 2014, the District signed the Resolution Agreement to address our compliance concerns. Under the Agreement, the District will:

- Submit a proposed plan for ensuring that all newly-added or updated web content and functionality is accessible to persons with disabilities.
- Conduct an audit of its existing website to identify existing barriers to access for persons with disabilities, including an audit of all content and functionality.
- Propose a corrective action plan to address all inaccessible content and functionality identified during the District’s audit.
- Engage in ongoing training to all appropriate personnel, including, but not limited to: content developers such as teachers, staff, volunteers, PTA members, etc.; webmasters; procurement officials; and all others responsible for developing, loading, maintaining, or auditing web content and functionality.

Conclusion

When the Agreement is fully implemented, the allegation and compliance concerns will be resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will provide written notice of any deficiencies regarding the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

Our findings in this letter are fact-specific to the individual case. Those findings are not formal statements of OCR policy and they 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 District 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. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR. Additionally, the Complainant 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. In the event that OCR receives such a request, we 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.

This concludes OCR's investigative phase of this complaint effective the date of this letter. This letter addresses only the issues above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504, Title II, and their implementing regulations in any other respect.

If you have any questions, please do not hesitate to contact me at (303) 844-4480 or by email to Mary.Lou.Mobley@ed.gov.

Sincerely,

//s//

Mary Lou Mobley
National Disability Expert

cc: Kimberly R. Davis, Esq.
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