



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

RENAISSANCE TOWER
DALLAS, TEXAS 75270

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

January 10, 2023

By email only to: bewert@lps.k12.co.us

Brian Ewert
Superintendent
5776 South Crocker Street
Littleton, CO 80120

Re: Littleton Public Schools
OCR Case Number 08-19-5901

Dear Superintendent Ewert:

This letter is to advise you of the resolution of the directed investigation that the U.S. Department of Education, Office for Civil Rights (OCR) initiated in Littleton Public Schools (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.

OCR conducted tests on January 25, April 28, May 12, May 26, June 15, October 31, and November 21, 2022, of the District's website and online programs and determined, as of the initial testing date, that there were some barriers to access for people with disabilities in online programs and activities on some pages, while other pages were barrier-free. The pages selected by OCR for testing included approximately 15 pages representative of the District's overall online programs and activities, focusing on pages of critical importance to students and members of the public. OCR reviewed the District's homepage; different templates; the most highly-trafficked pages; and other pages of importance, listed below. OCR does not review all of a covered entity's web pages because a website is not static and web pages are always changing.

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

www.ed.gov

Thus, it is most important for OCR to carefully test those pages that are of critical importance to the ability of students or members of the public to access the District's programs or activities.

Through its testing of representative pages and OCR's communications with the District, OCR determined as of November 21, 2022, that the District had remediated all identified barriers on the web pages listed below, if any, which had previously impeded the ability of people with disabilities to access the District's online programs and activities:

- The Homepage (<https://littletonpublicschools.net/>);
- The Littleton Academy page (<https://littletonpublicschools.net/schools/academy/>);
- The Heritage High School page (<https://littletonpublicschools.net/schools/heritage-high-school/>);
- The Enrollment page (<https://littletonpublicschools.net/how-enroll>);
- The 2022-2023 List Calendar PDF page ([https://littletonpublicschools.net/sites/default/files/LPS 2022-2023 School Year Calendar Revised June 2022 List Only.pdf](https://littletonpublicschools.net/sites/default/files/LPS%202022-2023%20School%20Year%20Calendar%20Revised%20June%202022%20List%20Only.pdf));
- The Nutrition page (<https://littletonpublicschools.net/nutrition>);
- The 2022-2023 Student Code of Conduct PDF page ([https://littletonpublicschools.net/sites/default/files/2223 Student Code of Conduct_English_access.pdf](https://littletonpublicschools.net/sites/default/files/2223%20Student%20Code%20of%20Conduct_English_access.pdf));
- The Nova Center page (<https://littletonpublicschools.net/district/nova-center>);
- The Delay/Closure Procedures page (<https://littletonpublicschools.net/delayclosure-procedures>);
- The Contact LPS Departments page (<https://littletonpublicschools.net/contact-lps-departments>);
- The Superintendent page (<https://littletonpublicschools.net/superintendent>);
- The Support and Services page (<https://littletonpublicschools.net/support-and-services>);
- The Special Education page (<https://littletonpublicschools.net/special-education>);
- The Parents' Rights and Procedural Safeguards PDF page (https://littletonpublicschools.net/sites/default/files/LS_ParentsRights_2011ProceduralSafeguards.pdf); and

- The Parents' Rights page (<https://littletonpublicschools.net/parents-rights>).

To memorialize its commitment to maintain the accessibility of its website and online programs, on December 20, 2022, the District signed the enclosed Agreement, voluntarily resolving the directed investigation pursuant to Section 302 of OCR's Case Processing Manual. When fully implemented, the Agreement will address the evidence obtained and all of the allegations investigated. OCR will monitor the implementation of the Agreement until the District is in compliance with the terms of the Agreement and the statutes and regulations at issue in the case.

This concludes OCR's directed 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 directed investigation. 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 (214) 661-9618 or David.Kutch@ed.gov.

Sincerely,



David Kutch
Attorney

Enclosure

Courtesy copy by email only to:

Jon Fero
Counsel
jfero@sempelaw.com