



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

September 19, 2019

By email only to rick.nielsen@nebo.edu

Mr. Rick Nielsen
Superintendent
350 S. Main St.
Spanish Fork, Utah 84660

Re: OCR Docket No. 08-19-5912
Nebo School District, Utah

Dear Superintendent Nielsen:

This letter is to advise you of the resolution of the directed investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated in Nebo School District (District). OCR investigated whether the District's website and online programs 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 an assessment of the District's online programs, services, and activities and noted possible compliance concerns including, but not limited to:

- Important graphics, images, or links were missing meaningful alternative text, posing a barrier to people with vision disabilities who use screen readers.

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

- Documents provided in portable document format (pdf) were inaccessible to people with vision disabilities who use screen readers.
- The foreground and background colors of important content lacked sufficient contrast, posing a barrier to people with low vision.

On August 2, 2019, the District signed the enclosed resolution agreement (Agreement) to voluntarily resolve the directed investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR will monitor the implementation of the Agreement

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, you may contact me at 303-844-4573 or by e-mail at Michael.Shay@ed.gov.

Sincerely,

/S/

Michael Shay
Equal Opportunity Specialist

Enclosure