



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 UNITED NATIONS PLAZA
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SAN FRANCISCO, CA 94102

REGION IX
CALIFORNIA

May 25, 2017

Pam Conklin
Interim Superintendent
Travis Unified School District
2751 De Ronde Dr.
Fairfield, California 94533

Re: OCR No. 09-17-1268
Travis Unified School District

Dear Superintendent Conklin:

This is to advise you of the resolution of the above-referenced complaint investigation of the Travis Unified School District (recipient) by the United States Department of Education (Department), Office for Civil Rights (OCR). The complaint, which was received on February 21, 2017, alleged that the recipient is discriminating, on the basis of disability, because its website is not accessible to persons with disabilities. These include but are not limited to:

- Homepage, www.travisusd.org
- Departments, <http://www.travisusd.org/domain/24>
- Special Education, <http://www.travisusd.org/domain/29>
- Military Families, <http://www.travisusd.org/Page/53>
- Parent Information, <http://www.travisusd.org/Page/1476>
- Eat Well Think Better, <http://www.travisusd.org/domain/26>
- Online Application for Free Meals, <http://www.travisusd.org/Page/2449>
- Breakfast and Lunch Menu, <http://www.travisusd.org/Page/1544>
- Parents Directory,
<http://www.travisusd.org/site/Default.aspx?PageType=1&SiteID=4&ChannelID=22&DirectoryType=6>
- Our School Partners, <http://choiceschools.com/our-school-partners>
- Staff Links, <http://www.travisusd.org/domain/1374>

OCR is responsible for enforcing section 504 of the Rehabilitation Act of 1973, as amended (Section 504), 29 United States Code (U.S.C.) § 794, *et seq.*, and its implementing regulations at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability in programs and activities of recipients of federal financial assistance. OCR also is responsible for enforcing title II of the Americans with Disabilities Act of 1990, as amended

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

(Title II), 42 U.S.C. § 12131, *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability in programs, services, and activities of public entities. As a recipient of federal financial assistance from the Department and as a public entity, the recipient is subject to OCR's jurisdiction under Section 504 and Title II.

This letter summarizes the applicable legal standards, the information gathered during the investigation, and how the investigation was resolved.

Legal Authority:

Section 504 and Title II prohibit people, on the basis of disability, from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by recipients of federal financial assistance or by public entities. 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130. People with disabilities must have equal access to recipients' 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. Both Section 504 and Title II prohibit affording individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that is unequal to the opportunity afforded others. 34 C.F.R. § 104.4(b)(1)(ii); 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. 34 C.F.R. § 104.4(b)(2); 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. 34 C.F.R. § 104.4(b)(1)(iv); 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 Section 504 and Title II.

Investigation To Date:

OCR has investigated this complaint by reviewing information provided by the Complainant and conducting a preliminary assessment of the accessibility of several pages from the District's website.

The complaint alleges that the District's website is not in compliance with Section 504 because it is inaccessible to individuals with vision disabilities, print disabilities, physical impairments, and hearing impairments. The Complainant used website accessibility checkers (PowerMapper and WAVE) and reported to OCR that the District's Homepage, Special Education, Staff Links, and other pages have accessibility issues for individuals with disabilities. She then provided OCR with a list of errors copied and pasted from the website accessibility checker that she used.

OCR conducted a preliminary examination of the above-listed pages identified by the Complainant and found possible compliance concerns as to whether the University's website is accessible to individuals with disabilities. For example, keyboard controls are not visually apparent, which could result in confusion for users with disabilities affecting fine motor control. Important images and links were missing text descriptions, called "alt tags," that describe the images to blind users who use special software. OCR noted that certain links contain no text, which can introduce confusion for keyboard and screen reader users because the function or purpose of the links will not be presented to the user. These barriers may deny persons with disabilities access to programs, services, and activities offered on the website impede the University's communications with persons with disabilities and, therefore, demonstrate possible deficiencies with compliance with Section 504 and Title II.

Before OCR conducted additional investigation of the recipient's website, the recipient expressed an interest in voluntarily resolving this case pursuant to Section 302 of OCR's *Case Processing Manual* and OCR determined entering into a voluntary resolution agreement is appropriate.

Resolution Agreement:

The recipient submitted a signed resolution agreement (Agreement) to OCR on May 23, 2017. When fully implemented, the Agreement will address the findings of noncompliance noted above as well as resolve issues of accessibility pertaining to the rest of the recipient's website. The recipient committed to take actions including:

- selecting an auditor who has the requisite knowledge and experience to identify barriers to access on the recipient's website and conducting a thorough audit of existing online content and functionality;
- making all new website content and functionality accessible to people with disabilities;
- developing a corrective action plan to prioritize the removal of online barriers over an 18-month period;
- posting a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible; and
- providing website accessibility training to all appropriate personnel.

OCR will monitor the recipient's implementation of the Agreement. When OCR concludes the recipient has fully and effectively implemented the terms and obligations of the Agreement and is in compliance with the statutes and regulations at issue in the case, OCR will terminate its monitoring and close the case. If the recipient fails to implement the Agreement, OCR may initiate administrative or judicial proceedings to enforce specific terms and obligations of the Agreement. Before initiating administrative (34 CFR §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give [the recipient] written notice of the alleged breach and sixty (60) calendar days to cure the breach.

This concludes OCR's investigation of the complaint. These findings 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 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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

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, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

Thank you for the assistance the District personnel extended to OCR in resolving this complaint. We look forward to receiving the District's first reports about its implementation of the Agreement by June 30, 2017. If you have any questions, please contact Barry Jointer at 415-486-5543 or Barry.Jointer@ed.gov.

Sincerely,

/s/

James Wood
Team Leader

Enclosure: Resolution Agreement