



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200; ROOM 1545
SAN FRANCISCO, CA 94102

February 25, 2020

By email only to: azamora@livingstonusd.org

Andres Zamora
Superintendent
Livingston Union Elementary School District
922 B Street
Livingston, California 95334-1198

Re: OCR Docket No. 09-19-5904
Livingston Union Elementary School District, California

Dear Superintendent Zamora:

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 Livingston Union Elementary 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:

- Users with disabilities who use computer keyboards for navigation due to a disability were unable to tell visually where they were on a page, as visual focus indicators were missing.
- Documents provided in portable document format (pdf) were inaccessible to people with vision disabilities who use screen readers.
- Videos did not have meaningful captions, posing a barrier to people who are deaf or hard of hearing.

On February 19, 2020, 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 (415) 486-5593 or by email at genevie.gallegos@ed.gov.

Sincerely,
/s/

Genevie Gallegos
Civil Rights Attorney

Enclosure

Courtesy copies by email only to:

Tiffany Pickle
Director of Instructional Technology
tpickle@livingstonusd.org