



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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April 7, 2020

*By email only to joeyk@whitefishlibrary.org*

Ms. Joey Kositzky  
Director  
Whitefish Community Library  
9 Spokane Avenue  
Whitefish, Montana 59937

Re: OCR Docket No. 10-19-8902  
Whitefish Community Library, Montana

Dear Director Kositzky:

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 Whitefish Community Library (Library). OCR investigated whether the Library'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 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 Library 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. Part 35.

OCR 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.

OCR conducted an assessment of the Library's online programs, services, and activities and noted possible compliance concerns including, but not limited to:

- Form fields were missing programmatic labels or titles, 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.*

- Important graphics, images, or links were missing meaningful alternative text, posing a barrier 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 April 1, 2020, the Library 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 Library'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 (206) 607-1632 or by email at [noel.nightingale@ed.gov](mailto:noel.nightingale@ed.gov).

Sincerely,

Noel Nightingale  
General Attorney (Civil Rights)

Enclosure

Courtesy copy by email only to:

Ms. Angela Jacobs  
City Attorney  
City of Whitefish  
[ajacobs@cityofwhitefish.org](mailto:ajacobs@cityofwhitefish.org)