

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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May 11, 2020

By email only to bigtlib@itstriangle.com

Ms. Jacque Scott
Director
Carnegie Public Library
314 McLeod Street
P.O. Box 846
Big Timber, Montana 59011

Re: OCR Docket No. 10-19-8904
Carnegie Public Library, Montana

Dear Director Scott:

I hope this letter finds you well, and I would like to first and foremost inquire whether you need any assistance from the U.S. Department of Education (Department), or the Office for Civil Rights (OCR) specifically, with regard to the ongoing COVID-19 pandemic. OCR extends to you an invitation to access the Department's '*COVID-19 ("Coronavirus") Information and Resources*', available at <https://www.ed.gov/coronavirus>.

This letter is to advise you of the resolution of the directed investigation that OCR initiated in Carnegie Public 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.

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

OCR conducted an assessment of the Library'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 did not have access to all contents and functions.
- 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 May 8, 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.

Sincerely,

Noel Nightingale
General Attorney (Civil Rights)

Enclosure