



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

RENAISSANCE TOWER
DALLAS, TEXAS 75270

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

September 1, 2023

By email only to: natasha.milazzo@csdcomets.org

Natasha Milazzo
Superintendent
Crestwood School District
281 South Mountain Blvd.
Mountain Top, PA 18707

Re: OCR Docket No. 12-23-1001
Crestwood School District, Pennsylvania

Dear Superintendent Milazzo:

This letter is to advise you of the resolution of the investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated in Crestwood School District (District). OCR investigated whether the District's online programs, services, and activities 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.
- Documents provided in portable document format (pdf) were inaccessible 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.

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- The foreground and background colors of important content lacked sufficient contrast, posing a barrier to people with low vision.

On August 31, 2023, the District signed the enclosed resolution agreement (Agreement) to voluntarily resolve the investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR will monitor the implementation of the Agreement. OCR notes the following regarding the Agreement:

- Paragraph 4.a. discusses scenarios in which barrier removal could impose an undue burden or fundamental alteration under Section 504 or Title II. Per 34 C.F.R. 104.4(b)(2), OCR acknowledges that to provide equally effective access, alternates are not required to produce the identical result or level of achievement for persons without disabilities, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement in the most integrated setting appropriate to the persons' needs.
- The Agreement discusses OCR's right to visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. If OCR deems such a visit necessary during the pendency of its monitoring of the Agreement, OCR will provide reasonable notice thereof to the District.
- OCR recognizes that both parties reserve their respective remedies in the event of a breach of the Agreement by the other party.

This concludes OCR's 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 matter. 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, please contact me at 202-987-1453 or David.Kutch@ed.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Dean Kutch", with a stylized flourish at the end.

David Kutch
Attorney

Enclosure

Courtesy copy by email only to:

John Dean
Counsel
jgd@elliottgreenleaf.com