

Education Alert
April 2016

ENSURING THE ACCESSIBILITY OF SCHOOL DISTRICTS’ WEBSITES

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The United States Department of Education’s Office for Civil Rights (“OCR”) is receiving hundreds of complaints across the country about the accessibility of public schools’ websites for individuals with disabilities. It is, accordingly, investigating school districts’ compliance with applicable Federal laws as they relate to school websites and applicable policies. The Boston OCR office, which has jurisdiction over Massachusetts school districts, has previously investigated and found compliance concerns with the website of a Massachusetts school district. The Federal District Court in Massachusetts has refused to dismiss a complaint against Harvard University that it violated the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 by not having an accessible website.

The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 require school districts to provide qualified individuals with disabilities equal access to their programs, services, or activities, unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. To determine if a program, service, or activity delivered online or through a website provides equal access to individuals with disabilities, OCR considers such factors as whether individuals with disabilities have the same ease of use, completeness of information, functionality, and timeliness of response. OCR requires school districts to have an accessible website to meet this obligation, unless the same information and services on the website are available through another means, which is accessible 24 hours a day, 7 days a week, such as a 24-hour, 7 day-a-week staffed telephone line that can provide the same information as the website.

When examining the accessibility of school districts’ websites, OCR has looked at the following non-exhaustive list of criteria:

- A policy on website accessibility, including a policy and practice requiring third-party vendors or contractors to meet website accessibility standards;
- Identifying the primary language of the website;
- Providing synchronized closed captioning on all video content;
- Creating sufficient contrast between the text and the background to ensure readability for individuals with moderately low vision;
- Content and menus that are available to users of assistive technology, including screen readers;

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- All images and graphics having text that is complete and informative in describing the image or graphic; and
- Providing a way for individuals to request accessible information or services, such as through a telephone number or email address.

A more detailed guide of the elements necessary to make a website accessible to individuals with disabilities can be found in the Section 508 standards, available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards/guide-to-the-section-508-standards/web-based-intranet-and-internet-information-and-applications-1194-22> or the Web Content Accessibility 2.0 standards, available at: <https://www.w3.org/TR/WCAG20/>.

Murphy, Hesse, Toomey & Lehane recommends that given the complaints coming into OCR and current Federal litigation, all school districts should work with their technology offices to ensure that their websites are accessible to individuals with disabilities and to amend applicable policies accordingly.

If you have any questions about this issue, please contact Felicia Vasudevan or the attorney responsible for your account, or call (617) 479-5000.

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