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| U.S. Department of Education Logo | UNITED STATES DEPARTMENT OF EDUCATION  OFFICE FOR CIVIL RIGHTS  THE WANAMAKER BUILDING, SUITE 513  100 PENN SQUARE EAST  PHILADELPHIA, PA 19107-3323 | **REGION** III DELAWARE KENTUCKY MARYLAND PENNSYLVANIA WEST VIRGINIA |

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| August 23, 2016  IN RESPONSE, PLEASE REFER TO: 03161301  Superintendent Terry Hayes McLean County Public Schools 283 Main Street  Calhoun, KY 42372  Dear Superintendent Hayes: | date recieved stamp - recieved 8/29/16 |

We received a complaint filed against the McLean County Public Schools (the District), alleging discrimination based on disability. Specifically, the complaint alleges that certain of the District's web pages are not accessible to students and adults with disabilities including, but not limited to, vision impairments. These include:

* The District's Homepage, http:// www.mclean.k12.ky.us/ 2/Home
* The District's Special Education webpage, http:/ / www.mclean.k12.ky.us/ administrativeDepartment.aspx?aid=15
* The District's Parent Resources webpage, http:/ / [www.mclean.k12.ky.us/Content2/](http://www.mclean.k12.ky.us/Content2/) 222
* The District's School Nutrition webpage, http:/ / [www. mclean.k12.ky](http://www.mclean.k12.ky). us/ administrativeDepartment. aspx?aid-17
* The District's Teacher Toolbox webpage, [http://w](http://w-ww.mclean.1)-ww.mclean.1([12.ky.us/Content2/370](http://12.ky.us/Content2/370)
* The District's Marie Gatton Phillips Elementary School webpage,

http:/ / [www.mclean.k12.ky.us/2/](http://www.mclean.k12.ky.us/2/) Home

* The District's McLean County High School webpage <http://www.mclean>..[k12.ky.us/1/Home](http://k12.ky.us/1/Home)

We enforce Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance. We also enforce Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a

public entity, the School is subject to Section 504, Title II and their implementing regulations.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening this allegation for investigation.

Specifically, we will investigate the following issues:

* Issue 1: whether your organization, on the basis of disability, excluded qualified persons with disabilities from participation in, denied them the benefits of, or otherwise subjected them to discrimination in its programs, activities, aids, benefits, or services in violation of the regulation implementing Section 504 at 34 C.F.R. • § 104.4 and the regulation implementing Title II at 28 C.F.R. § 35.130.
* Issue 2: whether your organization failed to take appropriate steps to ensure that its communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communications with others, in violation of the regulation implementing Title II at 28 C.F.R. § 35.160(a). •

Please note that investigating an allegation in no way implies that OCR has decided its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of the *Case Processing Manual (available at http.//*[*www2.ed.gov/about/offices/list/ocr/dacs/ocrcprn.pdf).*](http://www2.ed.gov/about/offices/list/ocr/dacs/ocrcprn.pdf).)

Please read the enclosed document entitled "OCR Complaint Processing Procedures," which includes information about: OCR's complaint evaluation and resolution procedures; regulatory prohibitions against retaliation, intimidation and harassment of persons who file complaints with OCR or participate in an OCR investigation; and application of the Freedom of Information Act and the Privacy Act to OCR investigations.

We intend to conduct a prompt investigation of this complaint. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of Federal financial assistance make available tp OCR information that may be pertinent to reach a compliance determination. This requirement is incorporated by reference in the Section 504 regulation at 34 C.F.R. § 104.61. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR is requesting that you forward the following information to us within fifteen (15) calendar days. Please note that in this request, the term "correspondence" includes, but is not limited to, e-mail, meeting notes, notes of telephone conversations, and all related memoranda. In each instance where a policy is requested but a written policy on the matter at issue does not exist, provide instead an explanation of the usual practice:

1. Your response to the allegation.
2. All policies and procedures relating to the creation, modification, and editing of your organization's website, especially as they relate to the accessibility of the website for people with disabilities. If your policies and procedures refer to any web accessibility standards such as the Section 508 Standards or the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG), or other standards, please identify those in your response.
3. Identify the vendors used to design, develop, and maintain the content and functionality of the website and, if they have provided you with a VPAT (voluntary product accessibility template) or other assurances that their services and products will help you meet your underlying Section 504 and Title II legal obligations, please describe those assurances.
4. The names, titles, and contact information of the person(s) most knowledgeable about the accessibility of your website's content and functionality.
5. Any and all documents, including, but not limited to, e-mails, correspondence, memoranda, or notes, regarding efforts to make the website accessible to individuals with disabilities.
6. A copy of all self-study and/or monitoring reports that you have used to evaluate or monitor the website's accessibility for individuals with disabilities.
7. A copy of any complaints, grievances, or comments received within the last three years pertaining to the accessibility of the website to people with disabilities (or a particular person with a disability), including a detailed description of how such matters were resolved.
8. Any other documentation or narrative explanation you would like OCR to consider in its investigation, including the identification of relevant witnesses. For each individual identified, please provide a name, title, current contact information, and relevance to our investigation.

In an effort to improve the convenience, accessibility and quality of our interactions   
with our customers, we request that you submit requested evidence and information by   
e-mail in an electronic format whenever it is convenient to do so. This may include

using e-mail to forward scanned or saved hard copy documents, PDFs, other e-mails, digital photographs, spreadsheets and databases. When data files are too large for email, a CD by regular mail would achieve a similar result. Similarly, if you have access to e-mail and can receive information from OCR in an electronic format, please provide us with your email address. To the extent that information we have requested (such as relevant policies or procedures) is available online, please provide the URL address(es) where the information is located. In addition, please advise us if you have ready access to a web camera or have other video-conferencing capability, in order for us to facilitate face-to-face communication. Use of these digital media can greatly enhance the quality, speed and efficiency of our case resolution activities. Because email is not reliably secure, please refrain from sending by email any documentation that includes personally identifiable information that is protected by law, unless it is password-protected, with the password sent in a separate message or communicated by telephone.

Please notify us of the name, address, and telephone number of the person who will serve as your organization's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this letter. In addition, we may need to request additional information and interview pertinent personnel. If an on-site visit is determined to be necessary, you will be contacted to schedule a mutually convenient time for the visit.

OCR is committed to prompt and effective service. If you have any questions, please contact me at (215) 656-8522, or by email at [vicki.piel@ed.gov](mailto:vicki.piel@ed.gov).

Sincerely,

Signature - Vicki Piel, Team Leader

Vicki Piel Team Leader

Enclosures