

Dep't of Education Negotiates Groundbreaking Agreement to Resolve Website Accessibility Investigation at State University

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In March, we [reported](#) on a landmark consent decree that settled the first lawsuit filed by the U.S. Department of Justice alleging that a corporate website failed to meet standards for accessibility established by Title III the Americans with Disabilities Act (ADA). Now, the **U.S. Department of Education's Office of Civil Rights (OCR)** has announced [an agreement to resolve an exhaustive, 19-month investigation of website accessibility compliance in a public education setting](#) under Title II of the ADA and Section 504 of the federal Rehabilitation Act.

Title II of the ADA applies to state and local governments; the Rehabilitation Act covers recipients of federal financial assistance. The regulations implementing both prohibit covered entities from discriminating against qualified disabled persons, including students, employees and other members of the public, in providing any aid, benefit or service. Title II regulations also require a public entity to take appropriate steps to ensure that communications with disabled applicants, participants and members of the public are as effective as communications with others.

Under the resolution reached between OCR and Youngstown State University in Ohio, the university agreed to:

- prepare and publish on its web pages an appropriate notice of nondiscrimination;
- create policies to ensure the university's website, online learning and course management environments are accessible to actual and prospective students, employees, guests and visitors with disabilities;
- develop an implementation and remediation plan that includes regular audits, annual training, and procedures for ensuring accessibility of electronic and information technologies provided by third parties;
- provide expert certification that the university's electronic and information technologies meet the school's standards;
- ensure the accessibility of the university's computer labs; and

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- provide regular reports to OCR describing its efforts and progress.

Federal civil rights agencies continue to level their sights on website accessibility issues involving both private companies and public entities, even as specific standards have yet to be fully developed. As these recent settlements illustrate, responding to an investigation or lawsuit can be an intrusive and costly experience. These developments should alert not only educational institutions but also any business offering goods and services to the public that website accessibility is a focus of federal civil rights agencies, and that implementing appropriate audits and preventive steps now is an appropriate risk management strategy.

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