What to do when you get a web accessibility complaint

Have you recently received a letter from the Office for Civil Rights (OCR) notifying you of an accessibility complaint related to your website? Before reading the OCR letter, were you unaware that your site had any accessibility barriers for people with disabilities? If you answered yes to either of these questions, this guide is for you.

From shock to cooperative problem solving

You may be in a state of shock. If so, take a moment to take a deep breath. We trust that your school/district cares about equal rights for people with disabilities. Now that you know there might be a problem, it is time to take action. Initial steps you can take are: promptly alert individuals who can help you, confirm the problem exists and respond to the OCR's request for information.

What should I do now?

We suggest that you take the following steps:

1. **Alert people who can help you:**

   - **Email your legal counsel**—Share the OCR complaint with your district legal counsel.
   - **Email Blackboard support**—Send an email to Blackboard support. Include a copy of the OCR complaint. Blackboard will get back to you within 5 business days or less with additional help and guidance.

2. **Confirm web accessibility problems exist**—Run a quick and simple automated accessibility test on the web pages listed in the OCR complaint. See our guide for <u>First Steps for Finding Obvious Accessibility Problems</u>.

3. **Respond to the OCR request by the date indicated**—The letter from OCR should have an expected response time (usually 15 calendar days) for your reply.

Keep in mind that your initial response is to provide all the data requested by the OCR. You are not being asked to resolve the complaint in 15 days. If the complaint is valid, the OCR can work with you to craft a reasonable plan of action for resolution.

Let's break down each one of these steps into actions you can complete.

Step 1: Alert people who can help you (estimated time to complete: 15 minutes)

Email your legal counsel

Go to your district website. Locate the contact information for staff in your district's legal services. Send an email to alert your district's legal counsel of the OCR complaint you have received. Include a copy of the OCR letter. Example:

> **Subject:** OCR Web Accessibility Complaint Against (Your district's name)
>
> Dear (name),
>
> The (your district's name) received a discrimination complaint notification letter from the U.S. Department of Education, Office for Civil Rights (OCR). The letter alleges that certain pages of our website are not accessible to students and adults with disabilities.
>
> The attached OCR letter includes a request for information that we must respond to by (insert the response date indicated in the letter). We are gathering this data and preparing our response.
>
> We appreciate your guidance and support,
>
> Sincerely,
>
> (Your name here)
>
> <attach copy of OCR Complaint Notification/Data Request Letter>

Email Blackboard support

Know that Blackboard is committed to accessibility and can help guide you as you work through this complaint. Send an email to let our Blackboard Support Team know you have received a formal complaint.

> **Subject:** OCR Web Accessibility Complaint Against (Your district's name)
>
> Dear Blackboard Support Team,
>
> The (your district's name) received a discrimination complaint notification letter from the U.S. Department of Education, Office for Civil Rights (OCR). The letter alleges that certain pages of our website are not accessible to students and adults with disabilities. We use Blackboard's (name of software you use) to run our website.
>
> The attached OCR letter includes a request for information that we must respond to by (insert the response date indicated in the letter). We are gathering this data and preparing our response.
>
> We need your help making sure our website templates and content are accessible. We are new to web accessibility.
>
> We appreciate your guidance and support,
>
> Sincerely,
>
> (Your name here)
>
> <attach copy of OCR Complaint Notification/Data Request Letter>

Step 2: Confirm web accessibility problems exist
(estimated time to complete: 10-15 minutes)

You may wonder why you needed to ask for help before confirming if web accessibility problems exist. The reason why is, even if there are no problems, you will still need to respond to the OCR's request for information. We also wanted to make sure your legal counsel was aware of the complaint as soon as possible.

Now, let's check if obvious accessibility barriers exist on the pages listed in the OCR letter.

1. **Test pages listed in complaint letter**—Test the specific pages listed in the OCR complaint letter. See First Steps to Finding Obvious Accessibility Problems.

2. **Identify additional pages (optional)**—See if accessibility problems are present on a representative sample of pages. Consider selecting 10-15 more pages to test. Select pages that represent the primary purpose and function of your site. For example, you might pick the ten most frequently visited pages based on analytics and then add five more pages that were not included in the complaint but are considered necessary. If you aren't sure what pages to pick, just pick a random sample.

3. **Test additional pages (optional)**—Test pages using the First Steps to Finding Obvious Accessibility Problems.

Step 3: Respond to the OCR by the date indicated
(estimated time to complete: 5-10 days)

Review the letter you received from the OCR. Find the date by which the OCR wants you to respond. Many times the expected response time is 15 calendar days. Make a note of your deadline.

Look for a section with a numbered list of information requested. This section often begins with: "1. Your response to the allegation." Read the information required by the OCR, so you know what you will need to gather. Notice the OCR prefers you respond via email with documents in electronic format.

Below is an example of a fictitious school district's response to a web accessibility complaint. **Please Note:** This is just an example. Blackboard advises you to work with your district's legal counsel to write accurate and thorough answers to the specific questions in your OCR complaint notification/information request letter.

Example

1. **Your response to the allegations:** Before this complaint, we were unaware of any accessibility issues on our website. We are now aware that accessibility problems exist on our website. We used the WAVE to identify obvious accessibility issues. We agree that web accessibility barriers exist on the following four pages:

   • Homepage
   • Student services
   • Parent resources
   • Technology resources

   We also tested 15 additional representative pages on our site and discovered that similar problems exist on those pages too.

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 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.** We do not currently have a policy or procedure related to the accessibility of our website for people with disabilities. Because of this complaint, we now understand that WCAG 2.0 AA is the standard recommended by the OCR for measuring web accessibility.

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 your underlying 508 and Title II legal obligations, please describe those assurances.**

   • **If you use SchoolWires/Web Community Manager:** Blackboard is the vendor that provides the Web Community Manager software that we used to design, develop and maintain the content and functionality of our website. The accessibility statement for Blackboard's Web Community Manager as well as links to the VPAT and a report on WCAG 2.0 compliance can be found on our <u>accessibility resource center.</u>

   • **If you use a Blackboard legacy product like Edline, SchoolWorld, SchoolCenter, or SchoolFusion.** Blackboard is the vendor that provides the legacy software (name of software you use here) that we used to design, develop and maintain the content and functionality of our website. While this legacy software has some accessibility features, we have decided to move to Blackboard's Web Community Manager because it is the most accessible website platform for K-12. The accessibility statement for Blackboard's Web Community Manager as well as links to the VPAT and a report on WCAG 2.0 compliance can be found on our <u>accessibility resource center</u>.

4. **The names, titles, and contact information of the person(s) most knowledgeable about the accessibility of your website's content and functionality.** Our district's webmaster is the most logical person to fill this role. We have not yet had a chance to provide our webmaster with web accessibility training.

   • Name: (first, last)
   • Title: District Webmaster
   • Contact Email: first.last@mydistrict.edu

5. **Any and all documents, including, but not limited to, e-mail, correspondence, memoranda, or notes, regarding efforts to make the website accessible to people with disabilities.** We contacted our legal services department and asked them to assist us in searching for all documents related to website accessibility. We did not discover any documents related to efforts to make our website accessible to people with disabilities. We did find out that we have a computer science teacher in Sparkyville HS that teaches web accessibility to his classes.

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.** Because we are so new to web accessibility, the only self-study report we have on web accessibility are the results from running the four pages indicated in the complaint plus 15 representative pages we identified. We ran each of these pages through the <u>WAVE tool</u>. (See attached screenshots of WAVE results).

7. **A copy of any complaints, grievances, or comments received within the last three years about 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.** We had a request from a parent who is blind who needed access to the school lunch menu. The parent asked if we could create a MS Word version of the menu for them that they could use. Every semester, our administrative assistant would type up the lunch menu for the semester and email it to the parent. (See attached PDF of the email request from the parent and the email response from our administrative assistant).

8. **Any other documentation or narrative explanation you would like OCR to consider in its investigation, including identification of relevant witnesses. For each person identified, please provide a name, title, current contact information, and relevance to our investigation.** We do not have any other documentation to include. We do want to indicate that we are sorry we had to learn of this problem through an OCR complaint. We want to work with the OCR to resolve this issue. We are just beginning to understand the situation and we appreciate any guidance you can provide.

District contact person for the resolution of this complaint

- Name:
- Address:
- Telephone number:
- Access to web-camera or other video-conferencing capability:

We recommend you have your legal counsel review and approve your response before sending it to the OCR. Submit your response to the OCR before the deadline indicated in your letter. Keep a copy of your response for your records.

Who can I turn to when I have questions?

The letter you received should include an email address and phone number for the OCR attorney assigned to this complaint. After you have approval from your legal counsel, we encourage you to ask questions directly to the OCR.