

South Carolina Charter School District OCR Compliance Review No. 11-13-5001

The South Carolina Charter School District (District) agrees to fully implement this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Compliance Review No. 11-13-5001 regarding the accessibility of educational programs that are conducted over the internet. This Agreement does not constitute an admission of discrimination or other wrongdoing by the District or any virtual school operated in the District under Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, as amended by the Americans with Disabilities Amendments Act of 2008 (ADAAA). Implementation of the following commitments will resolve all issues in this compliance review.

Coverage of this Agreement

This Agreement applies to all virtual schools operated in the District during the 2013-2014 school year and any future District schools that will provide all or a portion of instruction via the internet. For the 2013-2014 school year, the virtual schools include: Palmetto State e-Cademy, Provost Academy South Carolina, South Carolina Virtual Charter School, South Carolina Calvert Academy, South Carolina Connections Academy, South Carolina Whitmore School, and Cyber Academy of South Carolina.

This Agreement applies to the District's schools that offer education via the internet. It does not cover the legal responsibilities of (nor has OCR made any determination regarding the compliance of) any other website operated by the District or any District school that does not provide instruction via the internet.

Definition of Accessible:

“Accessible” means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner with substantially equivalent ease of use. The person with a disability must be able to obtain the information as fully, equally and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology. Should the District choose to provide the information and services in some manner different form that used to provide information and services to others, the method chosen must permit students with disabilities to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner.

Actions by District

By February 15, 2014, the District will create a web accessibility committee. The committee will be made up of a multi-disciplinary representation from each of the District's schools that offers education via the internet. The purpose of the committee will be to serve as a collaborative

voice and to direct resources and technical assistance as schools work to ensure web-accessibility. By March 1, 2014, the District will provide OCR a list of the members of the committee and their credentials. From April 1, 2014, and quarterly through the end of monitoring of this agreement, the District will provide OCR a summary of the activity and actions taken by the committee.

By April 31, 2014, the District will develop a policy (Accessibility Policy) that requires all schools that provide instruction via the internet to meet defined and established standards for such instruction to be readily accessible and useable by students, prospective students, employees, guests, and visitors with disabilities, particularly those with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access information concerning the District's educational programs that are provided over the internet. This policy will, at a minimum, accomplish the following:

- a. identify and adopt one or more specific technical standard(s) it will use to determine whether electronic and information technologies are accessible (e.g., Section 508 of the Rehabilitation Act (Section 508), 29 U.S.C. § 7944, W3C's Web Content Accessibility Guidelines, or other standard or combination of standards);
- b. designate an individual (Accessibility Coordinator), with sufficient resources and authority, to coordinate and implement the Accessibility Policy, the implementation and remediation plans, and all other commitments relating to accessibility set forth in this agreement;
- c. inform students, prospective students, employees, guests and visitors that if they believe that legal requirements regarding accessibility or this Agreement have not been met, they may report violation of the technical standard(s) used by the District, file a complaint through its Section 504 and Title II grievance procedures, and/or contact the Accessibility Coordinator with any accessibility concerns. The Accessibility Policy will include the name and/or title, office address, telephone number and e-mail address of the Accessibility Coordinator. Every school sign-on page will provide the contact information for the Accessibility Coordinator.

The Accessibility Policy must be approved by OCR, which shall evaluate it based on whether it complies with this Agreement and satisfies applicable regulatory requirements. Within 15 days of receiving OCR approval of the District's Accessibility Policy, the District will post the Accessibility Policy on its website and provide notification of the Accessibility Policy, via e-mail or written correspondence or both, to administration, staff and parent/guardians of currently enrolled students.

Actions by Each School

By August 1, 2014, each school will develop a detailed accessibility plan ("Accessibility Plan") listing the steps to be taken to ensure that all programs and activities operated at the school satisfy one or more of the standards set forth in the Accessibility Policy adopted by the District. Each Accessibility Plan will include a timetable for its full implementation by August 1, 2015. Each Accessibility Plan will ensure that each school will be in compliance with the Accessibility Policy developed by the District with regard to all aspects of its programs including but not limited to: (1) recruiting materials and public websites; (2) direct instructional materials; (3) the

course management system used; (4) supplemental materials – including those provided by outside vendors; (5) on-line textbooks; (6) mobile applications; (7) testing; (8) resources for parents; and (9) audio and video recording recasts.

Each Accessibility Plan will provide that an accessibility audit be completed at regular intervals under the direction of the Accessibility Coordinator, during which information provided by the school through via internet will be measured against the technical standard(s) adopted in the Accessibility Policy. The accessibility audit shall require each school's staff to review web courses for accessibility, reporting mechanism to identify concerns and revisions, and a timeline by which necessary revisions must be completed.

Each school will be directed to submit its accessibility audit report to the District by August 15, 2014, and annually thereafter by the same date. Accessibility audit reports submitted in subsequent years will describe steps taken to maintain the website's accessibility, as well as steps taken to ensure that new programs and content are accessible in accordance with this agreement and the applicable regulatory requirements.

Reporting Requirements

By April 30, 2014, the District will provide OCR with a draft of the policy developed above for review and approval.

Within 15 days of OCR's approval of the policy (including any revisions required by OCR), the District will provide OCR a copy of the adopted policy and a written description of how the information regarding reporting of accessibility concerns was disseminated. The District will provide any information provided by parents about accessibility concerns and what was done to address those concerns by August 15, 2014, and by the same date in subsequent years for the life of this Agreement.

By July 15, 2015, the District will provide to OCR a copy of each school's Accessibility Plan to ensure all programs and activities are in compliance with the District's web accessibility policies.

By December 31, 2015, the District will provide to OCR written confirmation from each school indicating that it is in compliance with the District's Accessibility Policy. If any school is found to be out of compliance with the Accessibility Policy, the District will direct the school to take corrective measures; every sixty days thereafter, the District will test the noncompliant school until the school is compliant. The District will provide OCR with documentation of repairs addressing each concern until OCR determines each school is in compliance with the District's adopted policies, including the District-adopted accessibility standard.

Training

Within 60 calendar days of OCR's approval of the District's Accessibility Policy and the Accessibility Plans, the District will develop and conduct training on how to ensure accessibility in web design and implementation. The training will be provided to all staff involved in web design and implementation, including teachers who develop content for on-line instruction. The training will cover, at a minimum, the Accessibility Policy, Accessibility Plans, and the roles and

responsibilities of the District staff to ensure that web design, documents, lessons and multimedia videos or content are accessibility.

Reporting Requirement

Within 60 calendar days of OCR's approval of the Accessibility Policy and the Accessibility Plans, the District will provide to OCR documentation of the training provided pursuant to this Agreement, including the name(s) and credentials of the individual(s) who conducted the training and a list of individuals, by name and title, who attended the training.

District Monitoring

By December 31, 2015, the District shall certify to OCR that it meets all of the technical requirements of the Accessibility Policy. The certification may be obtained from a third-party web accessibility consultant or an employee of the District with sufficient knowledge, skill and experience to understand and employ the technical standards adopted by the District.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may 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 this Agreement and is in compliance with the regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Wayne Brazell
Superintendent,
South Carolina Public Charter School District

2/7/2014
Date

_____/s/_____
Don McLaurin
Board Chair,
South Carolina Public Charter School District

2/7/2014
Date