

**Frankenmuth School District  
Resolution Agreement  
OCR Docket #15-16-1417**

Frankenmuth School District (the “District”) voluntarily submits this Resolution Agreement (this “Agreement”) to the U.S. Department of Education, Office for Civil Rights (“OCR”), for the purpose of resolving the above-referenced complaint alleging violation of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 794, 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. This Agreement is not, and should not be construed as, a finding or admission of any wrongdoing or violation by the District.

“Accessible,” as used in this Agreement, means that a person with a disability, including those with visual, hearing or manual impairments or who otherwise require the use of assistive technology to access information, is afforded the opportunity to acquire the same information, engage in the same interactions, and access the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. 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.

The District agrees to take the following actions:

1. By November 30, 2016, the District will draft and submit to OCR for review and approval a web accessibility policy (the “Web Accessibility Policy”) to ensure information provided through the District’s website (“Online Content”), is Accessible. The Web Accessibility Policy will, at minimum, accomplish the following:
  - a. identify and adopt the specific technical standards the District will use to determine whether the Online Content is Accessible (e.g., W3C’s Web Content Accessibility Guidelines (“WCAG”), Web Accessibility Initiative - Accessible Rich Internet Applications Suite (“WAI-ARIA”), or other standard or combination of standards that will render the Online Content Accessible);
  - b. designate at least one individual (the “Web Accessibility Coordinator”) and provide that individual with sufficient resources and authority to coordinate and implement the Web Accessibility Policy;
  - c. provide a procedure that directs administrators and staff to ensure that any District acquisition or use of online content provided or developed by third parties (e.g. vendors, video-sharing websites such as YouTube, other open sources) that the District chooses to make available on its website is Accessible;
  - d. annual training for any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with online content to students, employees, guests, and visitors with disabilities, including but not limited to training on the Web Accessibility Policy and their roles and responsibilities to ensure

that web design, documents, and multimedia content are accessible. The training will be facilitated, in whole or in part, by an individual with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the District. The Web Accessibility Policy will also provide that in the event a new person assumes responsibility for the role of Web Accessibility Coordinator, training shall be provided to the new Web Accessibility Coordinator within a reasonable period of time following that person’s assumption of such responsibility;

e. provide for an accessibility audit (“Audit”) to be completed annually (following approval of the Website Accessibility Policy by OCR) under the direction of the Web Accessibility Coordinator, during which the Online Content shall be measured against the technical standards adopted in the Web Accessibility Policy. All problems identified through the Audit will be documented, evaluated, and, if necessary, remediated within a reasonable period of time;

f. inform students, prospective students, parents and/or legal guardians, visitors, guests, and the District’s employees, that they may report violations of the technical standards adopted in the Web Accessibility Policy, file a formal complaint through its Section 504 and Title II grievance procedure, and/or contact the Web Accessibility Coordinator with any accessibility concerns. The Web Accessibility Policy will include the name and/or title, office address and telephone number, and email address of the Web Accessibility Coordinator; and

g. require the District, in providing equally effective alternate access, to take any actions that do not result in a fundamental alteration or undue financial and administrative burdens, but nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits and services as their nondisabled peers. In those circumstances where the District’s Web Accessibility Coordinator believes that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, the District has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Superintendent or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the District shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits and services.

**Reporting Requirement:** By November 30, 2016, the District will provide for OCR’s review and approval the Web Accessibility Policy drafted consistent with Item 1.

2. Within 90 calendar days of OCR’s approval of the Web Accessibility Policy, the District will post the Web Accessibility Policy in a logical and readily identifiable location on its website and will provide notification to students, prospective students, parents and/or legal guardians, visitors, guests, and the District’s employees. The notification will occur by

written correspondence, email, and/or website notification and will further provide information on where the Web Accessibility Policy is located on the District’s website and, alternatively, where individuals may request or obtain a copy of such document.

**Reporting Requirement:** Within 90 calendar days of OCR’s approval of the Web Accessibility Policy, the District will provide documentation to OCR verifying its implementation of Item 2, including a copy of the notification and the URL (web address) for the location of the Web Accessibility Policy.

3. Within 180 calendar days of OCR’s approval of the Web Accessibility Policy, the District will complete an initial Audit to examine whether the Online Content is currently Accessible, measured against the technical standards adopted in the Web Accessibility Policy. The District will document the results of the Audit and develop a corrective action strategy based on the Audit findings that includes relevant timeframes for completion.

**Reporting Requirement:** Within 180 calendar days of OCR’s approval of the Web Accessibility Policy, the District will provide to OCR for review and approval a copy of its initial Audit report and corrective action strategy, including the timeline for implementation of the corrective action strategy, and the credentials of a third party web accessibility consultant or employee of the District with sufficient knowledge, skill, and experience to understand and employ the technical standards adopted in the Web Accessibility Policy that will be certifying (pursuant to Item 4 below) that the Online Content meets the technical standards adopted in the Web Accessibility Policy.

4. Within 60 calendar days of OCR’s approval of the corrective action strategy and the credentials of the District’s consultant or responsible employee described in Item 3 above, the District will begin implementation of the corrective action strategy to make the Online Content Accessible.

**Reporting Requirements:** Within 180 calendar days of OCR’s approval of the corrective action strategy in Item 3 above and the credentials of the District’s consultant or responsible employee, the District will submit documentation to OCR confirming implementation of the corrective action strategy consistent with established timeframes, including certification to OCR that the Online Content meets the technical requirements adopted in the Web Accessibility Policy. The District will also provide to OCR the basis for this certification, including copies of any accessibility evaluation or report, dates of correction actions, and copies of any reports from interim audits conducted pursuant to the Web Accessibility Policy.

5. Within 90 calendar days of OCR’s approval of the Web Accessibility Policy, the District will provide training on how to ensure compliance with the Web Accessibility Policy. The training will be facilitated, in whole or in part, by an individual with sufficient knowledge, skill and experience to understand and employ the technical standards adopted in the Web Accessibility Policy. The training will be provided to all staff involved in web design and implementation, including, but not limited to, administrators, teachers, staff, and volunteers who develop content for online instruction and/or post Online Content. The training will include, at a minimum, training on the Web Accessibility Policy and the roles and

responsibilities of District staff to ensure that the Online Content complies with the technical standards of the Web Accessibility Policy.

**Reporting Requirement:** Within 90 calendar days of OCR’s approval of the Web Accessibility Policy, the District will provide to OCR the name(s) and credentials of the individual(s) who conducted the training; a list of individuals, by name and title, who attended the training; and a copy of any training materials (e.g., pamphlets, presentation materials).

### General Requirements

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 Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and Title II and its implementing regulation at 28 C.F.R. §§ 35.130 and 35.160, which were at issue in this complaint.

The District understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement OCR may visit the District, interview staff, 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and Title II and its implementing regulation at 28 C.F.R. §§ 35.130 and 35.160.

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 sixty (60) calendar days to cure the alleged breach.

/s/

10/6/2016

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Superintendent or Designee

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Date