

RESOLUTION AGREEMENT
Vermont Family Network
OCR Complaint No. 01-16-4019

The Vermont Family Network (VFN) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaint. VFN assures that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Prior to the completion of OCR's investigation, VFN agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, VFN agrees to take the following actions.

Assurances of Nondiscrimination. VFN hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in VFN's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration.

Benchmarks for Measuring Accessibility. For the purposes of this Agreement, the accessibility of online content and functionality will be measured according to the W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 for web content, which are incorporated by reference.

Adherence to these accessible technology standards is one way to ensure compliance with VFN's underlying legal obligations to ensure people with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as their nondisabled peers, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any of VFN's programs, services, and activities delivered online, as required by Section 504 and Title II and their implementing regulations; and that they receive effective communication of VFN's programs, services, and activities delivered online.

Remedies and Reporting

1. New Website. By February 28, 2018, VFN will confirm to OCR that it has contracted with Burlington Bytes to build a new website for VFN ("the New Website") and ensure that all online content and functionality on the New Website will be accessible to people with disabilities as measured by conformance to the Benchmarks for Measuring Accessibility set forth above, except where doing so would impose a fundamental alteration or undue burden.
 - a) Reporting: By February 28, 2018, VFN will submit the work order or other plan for the New Website ("the Work Order") to OCR. The Work Order will set out (1) a detailed

schedule for building the New Website, including content work, design/user testing work, and anticipated launch date; (2) the staff members at VFN and Burlington Bytes tasked with developing the New Website; and (3) the qualifications and/or training of such staff members to ensure that they have or will have sufficient knowledge and experience in website accessibility for people with disabilities to carry out all tasks related to the development of the New Website.

- b) Reporting: Quarterly (i.e., on March 31, June 30, September 30, and December 31) until the New Website officially launches, VFN will submit a status update to OCR that explains the current status of the New Website and any additional work that needs to be completed prior to the New Website launch.
2. Notice. VFN will submit to OCR for review and approval a proposed notice to persons with disabilities regarding how to request that the webmaster or other appropriate person provide access to (or notify VFN regarding) online information or functionality that is currently inaccessible (Notice). The proposed Notice will also include information or an accessible link to information instructing people how to file formal grievances under Section 504 and Title II.
 - a) Reporting: By February 28, 2018, VFN will submit the proposed Notice for its current website for OCR’s review and approval. Within fifteen (15) calendar days of receiving OCR’s approval, VFN will provide documentation to OCR regarding the locations and content of its Notice and will ensure that the Notice is linked from every page of VFN’s current website.
 - b) Reporting: Within thirty (30) calendar days prior to the launch of the New Website, VFN will submit the proposed Notice for its New Website for OCR’s review and approval. Within fifteen (15) calendar days of receiving OCR’s approval or within fifteen (15) calendar days prior to the launch of the New Website, whichever is later, VFN will provide documentation to OCR regarding the locations and content of its Notice and will ensure that the Notice is linked from every page of the New Website.
3. Proposed Policies and Procedures Regarding New Online Content and Functionality. Within fifteen (15) calendar days after the launch of the New Website, VFN will submit to OCR for its review and approval proposed policies and procedures (“the Plan for New Content”) to ensure that all new, newly-added, or modified online content and functionality on the New Website will be accessible to people with disabilities as measured by conformance to the Benchmarks for Measuring Accessibility set forth above, except where doing so would impose a fundamental alteration or undue burden.
 - a) When fundamental alteration or undue burden defenses apply, the Plan for New Content will require VFN to provide equally effective alternative access. The Plan for New Content will require VFN, 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 or services as their nondisabled

peers. To provide equally effective alternate access, alternates are not required to produce the identical result or level of achievement for persons with and without disabilities, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

- b) The Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. This provision also applies to VFN's online content and functionality developed by, maintained by, or offered through a third-party vendor or by using open sources.
 - c) Within thirty (30) calendar days of receiving OCR's approval of the Plan for New Content, VFN will officially adopt, and fully implement the amended policies and procedures.
 - d) Reporting: Within forty-five (45) calendar days of receiving OCR's approval, VFN will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented.
4. Undue Burden and Fundamental Alteration. For any technology-related requirement in this Agreement for which VFN asserts an undue burden or fundamental alteration defense, such assertion may only be made by the President of VFN or by an individual designated by the President who has budgetary authority 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, including the cost of meeting the requirement and the available funding and other resources. The written statement will be certified by the determining official. If such a determination is made, the certifying official will describe in the written statement how it will provide equally effective alternate access, *i.e.*, 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 same benefits or services provided by VFN as their nondisabled peers.
5. Audit of Existing Content and Functionality. Within thirty (30) calendar days prior to the launch of the New Website, VFN will propose for OCR's review and approval the identity and bona fides of an Auditor (corporation, individual, or VFN staff member) to audit all content and functionality on the New Website, including, but not limited to, the home page, all subordinate pages, and intranet pages and sites, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source. The Auditor will have sufficient knowledge and experience in website accessibility for people with disabilities to carry out all related tasks, including developing a Proposed Corrective Action Plan. The Audit will use the Benchmarks for Measuring Accessibility set out above, unless VFN receives prior permission from OCR to use a different standard as a benchmark. During the Audit, VFN will also seek input from members of the public with disabilities, including families, community members,

employees, and others associated with VFN, and other persons knowledgeable about website accessibility, regarding the accessibility of its online content and functionality.

- a) Reporting: Within thirty (30) calendar days prior to the launch of the New Website, VFN will submit the *bona fides* of its proposed Auditor to OCR for review and approval. OCR will evaluate whether the proposed Auditor has the requisite experience and knowledge to carry out an appropriate Audit and to develop a Proposed Corrective Action Plan. Within fifteen (15) calendar days after the launch of the New Website, VFN will submit to OCR documentation of the steps taken by the Auditor during the Audit, a description of the outreach it undertook and the input it received, and a detailed accounting of the results of the Audit.
6. Proposed Corrective Action Plan. Simultaneously with the submission of the Audit (i.e., within fifteen (15) calendar days after the launch of the New Website), VFN will submit to OCR for its review and approval a proposed Corrective Action Plan to address all inaccessible content and functionality identified during VFN's Audit. The proposed Corrective Action Plan will set out a detailed schedule for: (1) addressing problems, taking into account identified priorities, with all corrective actions to be completed within 18 months of the date OCR approved the Corrective Action Plan; (2) setting up systems of accountability and verifying claims of accessibility by vendors or open sources; and (3) setting up a system of testing and accountability to maintain the accessibility of all online content and functionality on an ongoing basis.
 - a) Within thirty (30) calendar days of receiving OCR's approval of the proposed Corrective Action Plan, VFN will officially adopt and implement the Corrective Action Plan.
 - b) Reporting: Within forty-five (45) calendar days of receiving OCR's approval of the proposed Corrective Action Plan, VFN will submit to OCR the approved Corrective Action Plan, and documentation establishing that the approved Corrective Action Plan is being implemented according to the approved schedule. Reports will be due every sixth months thereafter until the Corrective Action Plan has been completed.
7. Training. Within fifteen (15) calendar days after the launch of the New Website, and annually thereafter, VFN will deliver website accessibility training to all appropriate personnel, including, but not limited to: content developers, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
 - a) Reporting: Within thirty (30) calendar day of conducting each training session required by this Agreement, until such time as OCR closes the monitoring of this Agreement, VFN will submit to OCR documentation that it has been delivered. The documentation will include a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.

VFN understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, VFN understands that during the monitoring of this Agreement, if necessary, OCR may visit VFN to interview staff, families, and community members, and request such additional reports or data as are necessary for OCR to determine whether VFN has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case. VFN understands that OCR will not close the monitoring of the Agreement until such time that OCR determines VFN has fulfilled the terms of the Agreement and is in compliance with the statutes and regulations that were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close this case.

VFN 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 VFN written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of VFN's representative below.

By: /s/ _____ Date: 2/9/18 _____
CEO and President
Vermont Family Network