

**Resolution Agreement**  
**Abby Kelley Foster Charter Public School**  
**Case Number 01-18-1024**

The Abby Kelley Foster Charter Public School (School) voluntarily enters into this Agreement to resolve the allegations in the above-referenced complaint. The School 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), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by the U.S. Department of Education, Office for Civil Rights (OCR).

Prior to the completion of OCR's investigation, the School agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). This resolution does not constitute an admission that the School is not in compliance with Section 504, Title II, and/or their implementing regulations. Accordingly, to resolve the issues of this investigation, the School agrees to take the actions set forth below.

Assurances of Nondiscrimination. The School hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the School'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) for web content, or other comparable standard, which are incorporated by reference.

Adherence to these accessible technology standards is one way to ensure compliance with the School'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 the School 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 the School's programs, services, and activities delivered online.

### **Remedies and Reporting**

1. Policies and Procedures Regarding Online Content and Functionality. By April 16, 2018, the School will develop a Web Accessibility Policy that will, at minimum, accomplish the following:

- a) Ensure that all online content and functionality, including those provided or developed by third parties, 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.
  - i) When fundamental alteration or undue burden defenses apply, the Web Accessibility Policy will require the School to provide equally effective alternative access and 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) Designate at least one individual (Web Accessibility Coordinator) and provide that individual with sufficient resources and authority to coordinate and implement the Web Accessibility Policy, and all other commitments relating to accessibility within this Agreement;
- c) Complete an accessibility audit (Audit) at regular intervals under the direction of the Web Accessibility Coordinator, during which information provided by the School through its online content is measured against the technical standard(s) 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; and
- d) Inform students, prospective students, parents/guardians, employees, and third parties that they may 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.

**Reporting:** By April 25, 2018, the School will provide for OCR's review and approval the Web Accessibility Policy.

- 2. Within thirty (30) calendar days of OCR's approval of the Web Accessibility Policy, the School will adopt and post the Web Accessibility Policy in a logical and readily identifiable location on its website and will provide notification to students, prospective students, parents/guardians, and 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 School's website and, alternatively, where individuals may request or obtain a copy of such document.

**Reporting:** Within thirty (30) days of receiving OCR's approval of the Web Accessibility Policy in Item 1, the School will submit to OCR evidence of the adoption and distribution of the Web Accessibility Policy, and a description of how it is being implemented.

3. **Proposed Corrective Action Plan.** By April 16, 2018 the School will develop a proposed Corrective Action Plan to address all inaccessible content and functionality. The proposed Corrective Action Plan will set out a detailed schedule for addressing problems, taking into account identified priorities, with all corrective actions to be completed within 180 days of the date OCR approves the Corrective Action Plan.

**Reporting:** By April 25, 2018, the School will submit to OCR for its review and approval a proposed Corrective Action Plan, including the timeline for implementation of the Corrective Action Plan and the credentials of a third party web accessibility consultant or employee of the School with sufficient knowledge, skill, and experience to understand and use the technical standard(s) adopted by the School that will be certifying (pursuant to Item 4 below) that the School's online content meets the technical requirements adopted in the Web Accessibility Policy.

4. Within 180 calendar days of OCR's approval of the Corrective Action Plan, including the timeline for implementation of the corrective action strategy and the credentials of the School's consultant or responsible employee described above, the School will implement the Corrective Action Plan to make its online content accessible to individuals with disabilities, particularly students with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access the online content.

**Reporting:** Within 180 calendar days of OCR's approval of the corrective action strategy, the School will submit documentation to OCR confirming implementation of the corrective action strategy consistent with established timeframes, including certification to OCR that its online content meets the technical requirements adopted in the Web Accessibility Policy. The School will also provide to OCR the bases for this certification including copies of any accessibility evaluation or report, dates of corrective actions, and copies of any reports from interim audits conducted pursuant to the Web Accessibility Policy.

5. **Notice.** By April 16, 2018, the School will develop a proposed Notice to persons with disabilities regarding how to request the webmaster or other appropriate person to provide access to (or notify the School regarding) online information or functionality that is currently inaccessible. 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. Within 15 days of receiving OCR's approval of the proposed Notice, the School will officially adopt and prominently post the approved Notice on its home page and throughout its website (including all subordinate pages and intranet sites).

**Reporting:** By April 25, 2018, the School will submit to OCR for review and approval the proposed Notice. Within 15 days of receiving OCR's approval of the School's proposed Notice, the School will provide documentation to OCR regarding the locations and content of its published Notice.

6. **Training.** Starting no later than 90 days from this date of this Agreement, and annually thereafter, the School 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.

**Reporting:** For each training session required by this Agreement, until such time as OCR closes the monitoring of this Agreement, the School 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.

The School understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the School understands that during the monitoring of this Agreement, if necessary, OCR may visit the School to interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

The School understands that OCR will not close the monitoring of the Agreement until such time that OCR determines the School 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.

The School 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 School 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 the School's representative below.

\_\_\_\_\_  
/s/  
Mr. Brian Haas  
Executive Director

\_\_\_\_\_  
2/22/2018  
Date