

Resolution Agreement

Northfield Community Schools

Case Number 02-17-1140

In order to resolve Case No. 02-17-1140, Northfield Community Schools (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of 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 (the ADA), and its implementing regulation at 28 C.F.R. Part 35.

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

Adherence to these accessible technology standards is one way to ensure compliance with the District's underlying legal obligations to ensure that 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 District programs, services, and activities delivered online, as required by Section 504 and the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered online.

Remedies and Reporting Requirements

- 1) Proposed Policies and Procedures Regarding New Online Content and Functionality. By September 30, 2017, the District 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 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. The Plan for New Content shall include procedures for setting up systems of accountability and verifying claims of accessibility by vendors or open sources.

- a) When fundamental alteration or undue burden defenses apply, the Plan for New Content will require the District to provide equally effective alternative access. The Plan for New Content will 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 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, to the extent approved and budgeted by the District's Board of Education, for full implementation. This provision also applies to the District's online content and functionality developed by, maintained by, or offered through a third-party vendor or by using open sources.
- c) Within sixty (60) days of receiving OCR's approval of the Plan for New Content, the District will officially adopt, and fully implement the amended policies and procedures.

Reporting Requirement: Within 60 days of receiving OCR's approval, the District will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented.

- 2) Undue Burden and Fundamental Alteration. For any technology-related requirement in this Agreement for which the District asserts an undue burden or fundamental alteration defense, such assertion may only be made by the District Board of Education, the Superintendent or by an individual designated by the Board or Superintendent, and 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 the District as their nondisabled peers.
- 3) New Website and Bi-Monthly Audits of Content and Functionality. The District affirms that in September 2016, prior to receiving any complaints regarding the accessibility of its website or notification from OCR of the above-referenced case, it had commenced a process to review the accessibility of its website. The District affirms that it received a redacted copy of the complaint in Case No. 02-17-1140, which reflects that the complainant did not attempt to resolve this complaint with the District. The District affirms

that on January 23, 2017, it approved a proposal submitted by “Blackboard” for the development and implementation for a new website, which has a “Gold Certification” by the National Federation of the Blind. The District affirms that the proposal contemplated full accessibility for people with disabilities, including those with visual and physical impairments, per Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standards; and that the new website became operational on or about June 1, 2017.

Commencing December 31, 2017, the District’s Information Technology (IT) Department will audit the content and functionality of its website, on a bi-monthly basis, 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 IT Department personnel conducting the audit will have sufficient knowledge and experience in website accessibility for people with disabilities to carry out all related tasks. The audits will use the Benchmarks for Measuring Accessibility set out above, unless the District receives prior permission from OCR to use a different standard as a benchmark.

Reporting Requirement:

- a) By September 15, 2017, the District will submit the *bona fides* of any IT Department personnel who will be conducting the bi-monthly audits to OCR for review and approval. OCR will evaluate whether the proposed personnel have the requisite experience and knowledge to carry out an appropriate audit and to address any inaccessible content and functionality identified.
 - b) By August 31, 2018, the District will submit to OCR for its review and approval documentation of the steps taken during the bi-monthly audits and a detailed accounting of the results of each monthly audit to date. The District will also submit to OCR for its review and approval how it addressed any inaccessible content and functionality identified during the monthly audits, including setting out a detailed schedule for addressing any problems not yet addressed.
- 4) Notice. Within 30 days of the date of this Agreement, the District will submit to OCR for review and approval a proposed Notice to persons with disabilities (Notice) regarding how to request the webmaster or other appropriate person to provide access to (or notify the District regarding) online information or functionality that is currently inaccessible. The Notice will be available through a link on the District’s home page and throughout its website (including all subordinate pages and intranet sites), and will allow users to provide feedback/concerns regarding accessibility by generating an email to the District’s IT Department. The proposed Notice will also include information or an accessible link to information instructing people how to file formal grievances under Section 504 and the ADA. Within 30 days of receiving OCR’s approval of the proposed Notice, the District will officially adopt and prominently post the approved Notice on all applicable web pages.

Reporting Requirement: Within 30 days of receiving OCR’s approval of the District’s proposed Notice, the District will provide documentation to OCR regarding the locations and content of its published Notice.

- 5) Training. Starting no later than 30 days from this date of this Agreement, and annually thereafter, the District 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 Requirement:

- (a) For each training session required by this Agreement, until such time as OCR closes the monitoring of this Agreement, the District will submit to OCR documentation that it has been delivered.
- (b) 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 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.4 (a) and (b), and the ADA, at 28 C.F.R. §§ 35.130 and 35.160, which were at issue in this case. The District also 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 request such additional reports or data, including simulated website accounts and passwords, as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 (a) and (b), and the ADA, at 28 C.F.R. §§ 35.130 and 35.160, 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 sixty (60) calendar days to cure the alleged breach.

/s/

8/28/2017

Pedro P. Bretones
Superintendent
Northfield Community Schools

Date