

**Voluntary Resolution Agreement  
Parkland School District  
Case Number 03171085**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation into allegations that the Parkland School District (District) violated Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. Specifically, the complainant alleged that certain pages of the District's website are not accessible to students and adults with disabilities including, but not limited to, those with vision impairments.

The District is committed to ensuring that its website is accessible to students and adults with disabilities and therefore intends to fully cooperate with OCR to cure any deficiencies that may be uncovered during the investigation in order to continue its commitment of providing an accessible website.

This resolution has been entered into voluntarily and does not constitute an admission that the District violated Section 504 and Title II and their implementing regulations.

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 enjoy 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 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 people with disabilities are able to independently 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 Title II and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered online.

The District voluntarily agrees to take the actions set forth below.

### **Remedies and Reporting**

- 1) Proposed Policies and Procedures Regarding New Online Content and Functionality. By May 30, 2017 the District will submit to OCR for its review and approval proposed policies ("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.

- 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 burden financially or administratively, 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 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 60 days of receiving OCR's approval of the Plan for New Content, the District will officially adopt, and follow the Plan for New Content for all new, newly-added, or modified online content and functionality. For any deficiencies with existing online content and functionality, the District will comply with the terms and timeline for the implementation of the Corrective Action Plan referenced in Paragraph 4 below.
  - d) Reporting: Within 60 days of receiving OCR's approval, the District will submit to OCR the approved Plan for New Content, evidence of its adoption and distribution, and a description of how the Plan for New Content is being implemented.
- 2) Undue Burden and Fundamental Alteration. For any requirements in this Agreement for which the District asserts an undue burden or fundamental alteration defense, such assertion may only be made by the Superintendent or by an individual designated by the Superintendent and who has budgetary or administrative authority. If the defense relates to an undue administrative burden, the Superintendent or designee must establish a significant difficulty after considering all resources available for use in the operation of the service, program, or activity. If the defense relates to an undue financial burden, the Superintendent or designee must establish a significant financial burden after considering all resources available for use in the funding of the service, program, or activity. Any defense of undue burden or fundamental alteration must be accompanied by a written statement of the reasons for reaching the conclusion that there is undue burden or fundamental alteration, 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) Audit of Existing Content and Functionality. By April 30, 2017, the District will propose for OCR's review and approval the identity and bona fides of an Auditor (one or more qualified persons employed by the District) to audit all content and functionality on its 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 the District receives prior permission from OCR to use a different standard as a benchmark. During the Audit, the District will also seek input from members of the public through the District's Community Advisory Council, from members of the public with known disabilities, including parents, students, employees, and others associated with the District, and other persons knowledgeable about website accessibility, regarding the accessibility of its online content and functionality.
  - a) Reporting: By April 30, 2017, the District 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 one hundred twenty (120) days of receiving OCR's approval of the proposed Auditor, the District 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.
- 4) Proposed Corrective Action Plan. Simultaneously with the submission of the Audit (or within one hundred twenty (120) days of receiving OCR's approval of the proposed Auditor), the District will submit to OCR for its review and approval a proposed Corrective Action Plan to address all inaccessible content and functionality identified during the District'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 setting up a system of testing and accountability to maintain the accessibility of all online content and functionality on an ongoing basis.
- 5) Within 30 days of receiving OCR's approval of the proposed Corrective Action Plan, the District will officially adopt and commence its implementation of the Corrective Action Plan.
  - a) Reporting: Within 45 days of receiving OCR's approval of the proposed Corrective Action Plan, the District 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 six (6) months thereafter until the Corrective Action Plan has been completed.
- 6) 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 regarding how to request the webmaster or other appropriate person to provide access to (or notify the District regarding)

online content or functionality that is thought to be inaccessible. The proposed notice will also include information or an accessible link to information instructing people how to file more formal grievances under Section 504 and Title II. Within 10 days of receiving OCR's approval of the proposed Notice, the District will officially adopt and prominently post the approved Notice on its home page and throughout its website (including all subordinate pages and intranet sites).

- a) Reporting. Within 15 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.
  
- 7) Training. Starting no later than 30 days from this date of this Agreement, and no less than 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.
  - a) Reporting: The District agrees to report annually to OCR information related to its website accessibility training given to all appropriate personnel and agrees to continue to report annually or if OCR notifies the District that it intends to close its monitoring of this Agreement prior to the due date for the next annual report, then the report shall be provided to OCR at such time as directed by OCR. In the District's report the District shall submit documentation to demonstrate that training 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.
  
- 8) 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), 104.8, and 104.21, and Title II, at 28 C.F.R. §§ 35.130, 35.149, and 35.160, which were at issue in this case.
  
- 9) 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), 104.8, and 104.21, and Title II, at 28 C.F.R. §§ 35.130, 35.149, and 35.160, which were at issue in this case.

- 10) 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.

Parkland School District

By: \_\_\_\_\_/s/\_\_\_\_\_  
Richard T. Sniscak, Superintendent of Schools

\_\_\_\_\_ 3-31-2017 \_\_\_\_\_  
Date