

Resolution Agreement
Georgia Department of Education
OCR Reference No. 04-16-1265

To resolve the above-referenced complaint brought under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, the Office for Civil Rights (OCR) of the U.S. Department of Education and the Georgia Department of Education (“State”) enter into the following agreement. This agreement supersedes the agreement the State entered into on July 20, 2017. This agreement was entered into voluntarily and does not constitute an admission of liability, non-compliance, or wrongdoing by the State.

1. Current Online Content and Functionality. By December 31, 2018, or sooner, if feasible, the State agrees that it will take all actions necessary to ensure that individuals with disabilities have an equal opportunity to participate in the State’s programs and activities that are offered through the State’s website or equally effective alternate access. To meet this commitment, the State will: develop a strategy for identifying inaccessible content and functionality for individuals with disabilities; develop a notice to persons with disabilities regarding how to request that the State provide access to online information or functionality; prominently post this notice on its home page and throughout its website; and develop a process to ensure that, upon request, inaccessible content and functionality will be made accessible¹ in an expedient manner.
2. New Online Content and Functionality. By July 15, 2018, or sooner, if feasible, the State will establish a plan to ensure that all new online content and functionality developed, procured, or used after the date of this agreement will be fully accessible to individuals with disabilities. The plan should include any staff training that may be necessary to ensure full implementation with the plan.
3. Undue Burden and Fundamental Alteration. This agreement does not require the State to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where the State can demonstrate that compliance would result in such an alteration or burden, the State will ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the State.
4. Technical Assistance. OCR will make itself available to provide technical assistance to the State during the State’s implementation of this agreement.

Reporting Requirement: By December 31, 2018, or sooner, if feasible, the State will submit a report to OCR demonstrating that it has fully satisfied the terms of this

¹ “Accessible,” for purposes of this agreement, means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, within the same timeframes, and with substantially equivalent ease of use. If content and functionality cannot reasonably be made accessible through the website, the State must provide equally effective alternate access in an expedient manner.

agreement. The report will describe benchmarks the State has reached and on-going efforts to maintain web accessibility and usability of the State's website.

The State 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 State understands that during the monitoring of this Agreement, if necessary, OCR may visit the State, interview staff, and request such additional reports or data, including simulated website accounts and passwords, as are necessary for OCR to determine whether the State 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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

This Agreement will become effective immediately upon the signature of the State's representative below.

Superintendent or Designee

Date

Printed Name and Title