<p style="text-align:center">Resolution Agreement</p>

<p style="text-align:center">Broward County Library, Florida
OCR Docket No. 04-19-8902</p>

To resolve the above-referenced directed investigation brought under Title II of the Americans with Disabilities Act (Title II), the Office for Civil Rights (OCR) of the U.S. Department of Education and Broward County, through its Libraries Division (the Library) enter into the following Agreement. This Agreement is entered into voluntarily, and it does not constitute an admission of liability, non-compliance, or wrongdoing by the Library.

The Library will engage in the following activities to ensure its programs, services, and activities communicated or facilitated online are accessible to people with disabilities:

1. <u>Update Testing and Remediation Protocols</u>. OCR will conduct periodic testing for a period of one year from the date of this Agreement, during which OCR will assess the effectiveness of the Library's digital accessibility testing protocols and remediation steps by conducting its own testing on a representative sample of the Library's web pages, electronic documents, and videos, including those on vendor-hosted sites on which Library programs, services, and activities are conducted or communicated, using the Library's adopted accessibility standard as an appropriate measure of compliance. The Library will participate in all video conferences requested by OCR, and, when appropriate, request relevant vendors to participate in such conferences, so OCR can share concerns or violations regarding any remaining barriers that impede the ability of people with disabilities to have equal opportunities to enjoy the Library's underlying programs, services, and activities. These video conferences may also address any noted deficiencies regarding the Library's Notice. If, at the conclusion of OCR's final test, OCR finds no concerns with the Library's web pages, electronic documents, and videos, OCR will close its monitoring of this Agreement. Based on OCR's concerns or violations shared during the video conferences, the Library will:

   a. Make appropriate changes to its digital accessibility testing and remediation protocols, which should include, at a minimum, the steps set out in Appendix A, and may require its vendors to engage in appropriate barrier removal;

   b. Re-test or engage in additional remediation tailored to address OCR's concerns as appropriate; and

   c. Within thirty (30) days of the relevant video conference, notify OCR that the Library is ready for OCR to re-test the original pages, along with a list of any additional URLs that the Library believes are representative of barrier-free web pages, electronic documents, and videos, as appropriate, from which OCR may select for additional testing.

   This process shall continue until, in OCR's judgment, the Library's testing and remediation protocols result in equal opportunities for people with disabilities, as confirmed through OCR's testing. As noted above if, at the conclusion of OCR's final

test, OCR finds no concerns with the Library's web pages, electronic documents, and videos, OCR will close its monitoring of this Agreement.

2. <u>Develop a Plan to Maintain Accessible Features</u>. The Library will develop a Plan regarding how it intends to maintain the accessibility of the services, programs, and activities communicated or facilitated online, including updated testing and remediation protocols; revised procurement protocols and language; ongoing training for web developers, procurement officials, and content creators; designations of responsibility; and appropriate levels and sources of funding to support ongoing efforts

   a. <u>Reporting Provision</u>: Within one year of this Agreement, the Library will submit for OCR's review and approval its Plan to Maintain Accessible Features.

3. <u>Disclaimer</u>. Nothing in this Agreement should be construed to mean that any content and functionality – including lower-priority content and functionality – is not subject to the requirements of Title II.

4. <u>Technical Assistance</u>. OCR will provide technical assistance to the Library, to the extent practicable, during the Library's implementation of this Agreement. The Library's duty to comply with this Agreement is not altered by the availability of technical assistance.

By signing the Agreement, the Library agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. During the monitoring of the Agreement, if necessary, OCR may visit the Library, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Library has fulfilled the terms of the Agreement.

The Library understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the Library is in compliance with the terms of the Agreement and the statute and regulation at issue in the case.

The Library understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the Library notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective upon the signature of the representative for the Library, set out below.

/s/ Allison Grubbs	5/3/2023
Allison Grubbs Division Director Broward County Library	Date

Appendix A

For the purposes of this Agreement, testing must address these protocols and questions, which only represent a starting point, rather than a comprehensive set, for assessing digital technology to ensure access to people with disabilities. See OCR's video series for more information.

For web pages: Check the following across different browsers using different types of hardware (for documentation, please specify the browsers by version and different desktop/laptop configurations):

- Keyboard access: Can users access all functions and content, and complete all tasks, independently by using only the keyboard (<tab>, <enter>, <spacebar>, <esc>, and arrow keys)? Verify in particular:

    o There are no keyboard traps that would prevent a user from advancing through the entire page, such as an automatically-refreshing social media embedded feed *(tip: try to tab very, very slowly through any such feed to observe whether a user can close it, or move past it, at a reasonable point; if the feed keeps refreshing by automatically adding additional entries to be shown, it causes a trap for those who are unable to use quick keyboard strokes – or a mouse - to navigate);*

    o Expandable elements can not only be expanded, but can also be collapsed automatically or with a keyboard command, so they do not block other content.

- Logical reading order: Does keyboard navigation follow a logical, predictable order?

- Skip links: Can keyboard-only users bypass long navigation menus, embedded social media feeds, etc., without having to use excessive tabbing?

- Visual focus indicator: Can users visually track where they are located on the page while navigating with a keyboard?

- Alternative (Alt) text: Are all important images and graphics labelled with meaningful text, associated captions, or adjoining descriptions so, for example, people who are blind and use assistive technology will have access to the relevant information contained in the image or graphic? For linked images, does the alternative text tell users where the link will take them, rather than describe the image?

- Links: Are links well-named and unambiguous so users who are blind– without having to read nearby content – will understand the purpose and destination of each link? Common examples of ambiguous link names include "click here," "read more," "see all," "http://…"-type, or "event notice," and other ambiguous phrases.

- Color alone: Are there any instances where color alone distinguishes an object or state? If so, add another way to distinguish the object or state. For example, make sure color is not

the only way to distinguish link text from the surrounding paragraph text, and ensure color-coding is not the exclusive way used to convey important calendar dates (e.g., "no school" dates are marked in purple).

- Color contrast: Using an eyedropper tool or other manual method (automated testing is generally insufficient unless manually verified), is there at least a 4.5:1 contrast ratio for normal size text and a 3:1 contrast ratio for large scale text, comparing foreground and background colors of all text elements and text inside graphics? Text inside logos can be ignored for these purposes.

- Tables: Does the page avoid using layout tables? If data tables are present, are they necessary to convey information, or could a more accessible means of presentation be considered instead? If a data table is used, is it simple, so no cells span multiple columns or rows? Are column and row headers programmatically labelled?

- Buttons, form controls, and other operable elements: Are they labelled appropriately, both programmatically and visually? Do the visual labels continue to be properly associated with the elements when the screen is enlarged? If the elements have different states (such as form fields that are required for successful submission), are those conveyed by something other than color alone?

- Heading structure: Are headings programmatically labelled with a meaningful hierarchy, so people who are blind and using a screen reader can navigate a page according to its headings, listen to a list of headings, and skip to where they want to begin reading?

- Embedded videos and slide carousels: Where there are embedded videos or carousels, if they launch or rotate automatically, is that behavior necessary? If so, can a user pause or stop the video or carousel, and later replay the video or carousel, with keyboard commands? The ability to stop the video or carousel rotation can be important, not just while users are on the video or carousel, but while they are in other parts of the page.

- Magnification: Have you re-tested everything when content is magnified to the "point of reflow," or in "responsive mode," when the formatting changes to be more mobile-friendly (typically around 200% on standard laptop screens)? Are all contents and all functionality preserved and useful?

  o Paying particular attention to any "hamburger menus," or expandable menus, can they be opened, navigated (including any sub-level items), and closed automatically or easily with the keyboard?

  o Is logical reading order on the page preserved, without the need to scroll right to left? If vertical scrolling is required inside windows or objects, can it be done with the keyboard?

- o Do elements meant to be together (such as form labels and text entry boxes) stay together upon magnification?

For electronic documents: In addition to addressing the questions above, have you conducted an accessibility review of your documents using the software's accessibility checker (e.g., "Check Accessibility" feature in Microsoft Word, "Accessibility Check" feature in Adobe Acrobat Pro DC, etc.)?

For videos:

- Is captioning present or is a transcript available? Transcripts should only be used when the audio can be fully understood separately from viewing the video and does not reference video content.

- Does the captioning or transcript meaningfully convey the contents of the audio track (not just phonetically)?

- Does the captioning or transcript indicate the names or appropriate descriptions of the speakers, if more than one person is speaking?

- Does the captioning or transcript use capitalization and punctuation appropriately, if that is important to understanding the contents?

- Is important on-screen information also conveyed audibly, so people who are blind or have low vision have access to the contents?

For social media posts:

- If graphic images are used, are they accompanied by text that conveys the same information?

- If videos are used, are they accessible as described above?