

**Resolution Agreement**  
**Richfield Public Schools,**  
**Independent School District #280**  
**Case Number 05-17-1092**

The Richfield Public Schools, Independent School District #280 ("District") submits the following resolution agreement ("Agreement") to the U.S. Department of Education, Office for Civil Rights ("OCR") in resolution of OCR complaint #05-17-1092. The District submits this Agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12132, 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 World Wide Web Consortium's (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 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) Policies and Procedures Regarding New Online Content and Functionality. By July 1, 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.

- a) When fundamental alteration or undue burden defenses apply as outlined in Item 2, 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 do the following:
  - i) Identify and adopt the specific technical standard the District will use to determine whether online content is accessible (e.g., World Wide Web Consortium's (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);
  - ii) Designate at least one individual 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;
  - iii) Provide a procedure to ensure that online content and information obtained through online content provided or developed by third parties is accessible. This procedure should direct administrators and staff to ensure that any District acquisition or use of online content provided or developed by third parties (e.g. vendors, video-sharing websites such as YouTube, other open sources) that the District chooses to make available on its website will provide equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.
- c) Within thirty (30) days of the District submitting the proposed policies and procedures, OCR will review and provide the District notice of its acceptance or denial of the policies and procedures.
- d) 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.
- e) Reporting: Within 90 calendar 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.

- f) Within 90 days of the District submitting to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented, OCR will determine whether the District is in compliance with this requirement.
- 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 Superintendent or by an individual designated by the 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.
- a) Reporting: During the monitoring of this Agreement, within 30 calendar days of making the determination, the District will submit the written statement and appropriate supporting documentation to OCR for review and approval.
- 3) New Website. The District has opted to replace its current website rather than proceed with an audit. This will encompass the home page, all subordinate pages, and sites to ensure all online content and functionality is accessible to persons with disabilities. The District has received assurances the website will comply with the Benchmarks for Measuring Accessibility set out above. This action will address any current accessibility issues.
- a) Reporting. By June 1, 2017, the District will provide OCR the following documentation:
- i) The credentials of the new website vendor;
  - ii) The documentation of the contract; and
  - iii) The documented assurances of being in compliance with the Benchmarks for Measuring Accessibility.
- b) The District will notify OCR in the event that the final installation of the new online programs, services, and activities will occur after July 31, 2017.
- c) Within 30 days of the District submitting to OCR the documentation of the website vendor, the contract, and the assurances, OCR will determine whether the documentation is approved and that the District is in compliance with this requirement.
- 4) By August 31, 2017, the District will make its online content accessible to individuals with disabilities, measured against the technical standard(s) adopted by (or proposed by, if not yet approved by OCR) its Web Accessibility Policy.
- a) Reporting. By September 31, 2017, the District will submit, for OCR's review and approval, certification that the District's online content meets the technical

requirements adopted (or proposed) in the Web Accessibility Policy. The District will also provide to OCR the basis for this certification including copies of any accessibility evaluation or report conducted on a random sampling of the District's website pages, copies of any reports from interim audits conducted on a random sampling of pages pursuant to the Web Accessibility Policy, and if applicable, records related to undue burden or fundamental alteration.

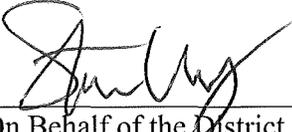
- b) Within 90 days of the District submitting to OCR certification that the District's online content meets the technical requirements adopted (or proposed) in the Web Accessibility Policy, OCR will determine whether the District is in compliance with this requirement.
- 5) Training. Within 60 calendar days of OCR's approval of the District's Web Accessibility Policy, 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.
- a) Reporting: 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. 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.
  - b) Within 90 days of the District submitting to OCR documentation on that each training session required by this Agreement has been delivered, OCR will determine whether the District is in compliance with this requirement.
- 6) If the District submitted the certification in Item 4 above pursuant to a Web Accessibility policy that had not been approved by OCR, then within 60 calendar days of OCR's approval of the Web Accessibility Policy, the District will submit another certification as required by Item 4 according to the approved Policy.
- a) Reporting: Within 60 calendar days of OCR's approval of the Web Accessibility Policy, the District will submit certification to OCR that its online content meets the technical requirements of the approved Web Accessibility Policy. The District will also provide to OCR the bases for this certification including copies of any accessibility evaluation or report conducted on a random sampling of the District's website pages, copies of any reports from interim audits conducted on a random sampling of pages pursuant to the Web Accessibility Policy, and if applicable, records related to undue burden or fundamental alteration described above.
  - b) Within 90 days of the District submitting to OCR certification that its online content meets the technical requirements of the approved Web Accessibility Policy, OCR will determine whether the District is in compliance with this requirement.

- 7) Notice. Within 30 calendar 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 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 and the Section 504 and Title II coordinator(s). Upon receiving OCR's approval of the proposed notice, the District will officially adopt and prominently post the approved notice on its newly created home page and throughout its website (including all subordinate pages and intranet sites) scheduled to be online by July 1, 2017. If OCR provides approval after the newly created website is online, the District will officially adopt and prominently post the approved notice on the website within 10 calendar days from the date of OCR's notification.
  - a) Reporting. Within 15 calendar days of either the newly created website going online or receiving OCR's approval of the District's proposed notice, whichever is the later, the District will provide documentation to OCR regarding the locations and content of its published notice.
  - b) Within 90 days of the District submitting to OCR documentation regarding the locations and content of its published notice, OCR will determine whether the District is in compliance with this requirement.

Within 90 days of OCR's determination that the District has fulfilled the terms of this Agreement in its entirety, and OCR's determination that the District is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4, 104.8, and Title II, at 28 C.F.R. §§ 35.130, and 35.160(a), which were at issue in this case, OCR will close the monitoring of this Agreement.

The District 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, 104.8, and Title II, at 28 C.F.R. §§ 35.130, and 35.160(a), which were at issue in this case.

The District also 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.

  
On Behalf of the District

5-24-17  
Date