

RESOLUTION AGREEMENT

Killeen Independent School District
OCR Docket Number: 06-16-1006

The Killeen Independent School District (KISD or District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the KISD commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, as well as Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, with regard to the above-referenced complaint. By entering into this Agreement, the District makes no admission of any violations of Section 504 or Title II.

Benchmarks for Measuring Accessibility: For the purposes of this Agreement, the accessibility of online content and functionality will be measured, initially, according to the following accessible technology standards, as applicable, which are incorporated by reference:

- 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;
- W3C's Authoring Tool Accessibility Guidelines (ATAG) 2.0 for software used to create web content;
- W3C's User Agent Accessibility Guidelines (UAAG) 1.0 for web browsers, media players, and assistive technologies;
- W3C's Guidance on Applying WCAG 2.0 to Non-Web Information and Communications Technologies (WCAG2ICT) for non-web software and content;
- W3C's MathML 3.0 specification for digital mathematical and scientific notation; and
- The DAISY Consortium's Digital Accessible Information System (DAISY) Standard or the International Digital Publishing Forum's (IDPF) EPUB 3 specification for digital publications and documents.

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; and 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.

The KISD assures OCR that it will implement the action items listed below:

Action Item #1: Proposed Plan Regarding New Web Content and Functionality

1. By **September 1, 2016**, the District will submit to OCR for its review and approval a full set of proposed policies and procedures to ensure that all new, newly-added, or modified online content and functionality will be accessible to people with disabilities. This provision applies with equal strength to the District's online content and functionality developed by, maintained by, or offered through a third party vendor or by using open sources. Within 30 days of receiving OCR's comments on the full set of proposed policies and procedures, the District will meaningfully incorporate OCR's comments, officially adopt, and fully implement the amended policies and procedures.

Reporting Requirement: Within 45 days of receiving OCR's comments on the full set of proposed policies and procedures, the District will submit to OCR the specific wording of the amended policies and procedures, evidence of their adoption, and a description of how they are being fully implemented.

Action Item #2: Audit of Existing Content and Functionality

2. By **October 1, 2016**, the District will 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 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.

Reporting Requirement: By **November 1, 2016**, the District will submit to OCR documentation of the steps taken during the Audit and a detailed accounting of the results of the Audit.

Action Item #3: Proposed Corrective Action Plan

3. By **November 1, 2016**, 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 approves 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. Within 30 days of receiving OCR's comments on the proposed Corrective Action Plan, the State will meaningfully incorporate OCR's comments, officially adopt, and fully implement the Corrective Action Plan.

Reporting Requirement: Within 45 days of receiving OCR’s comments on the proposed Corrective Action Plan, the District will submit to OCR documentation that the proposed Corrective Action Plan has been amended, as needed, to address OCR’s comments, and is being implemented according to the approved schedule. Reports will be due every six months thereafter until the Corrective Action Plan has been completed.

The reports shall include a certification that the corrective actions taken during the relevant reporting period resulted in accessibility of online content and functionality. The certification may be obtained from a third party web accessibility consultant or an employee of the District with sufficient knowledge, skill, and experience to understand and employ the Benchmarks for Measuring Accessibility set out above. The District will provide OCR the documentation supporting the bases for this certification. The District will also provide OCR information (i.e., web page usernames, passwords, etc.) so that OCR may independently conduct tests to confirm accessibility.

Action Item #4: Notice

4. Within 30 days of the date of this Agreement, the District will submit to OCR a proposed Notice to persons with disabilities regarding how to request the webmaster or other appropriate person to provide access to 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 more formal grievances under Section 504 and Title II. Within 10 days of receiving OCR’s comments on the proposed Notice, the State will meaningfully address OCR’s comments, officially adopt, and prominently post the approved Notice on its home page and throughout its website (including all subordinate pages and intranet sites).

Reporting Requirement: Within 15 days of receiving OCR’s approval on the State’s proposed Notice, the State will provide documentation to OCR regarding the locations and content of its published Notice.

Action Item #5: Training

5. By **June 30, 2016** (spring 2016) and by **December 16, 2016** (fall 2016), 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: Within 15 days of each training session required by 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.

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. Part 104 and Title II at 28 C.F.R. Part 35. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this agreement, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has complied with the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.21, and Title II, at 28 C.F.R. §§ 35.130, 35.149, and 35.160. 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.

Signed:

KISD Superintendent

Date