

RESOLUTION AGREEMENT

Higley Unified School District Case Number 08-14-1259

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation into allegations that the Higley Unified 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 the District's website contained barriers to people with disabilities, especially those with vision impairments who use assistive technology such as screen readers.

Prior to the completion of OCR's investigation, the District voluntarily agreed to resolve this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). This resolution has been entered into voluntarily and does not constitute a finding or admission that the District violated Section 504 and Title II and their implementing regulations.

Benchmarks for Measuring Accessibility. For the purposes of this Agreement, the accessibility of online content and functionality will be measured, initially, according to the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standards, currently available at <http://www.w3.org/TR/WCAG20/>, or the Section 508 Standards, 36 C.F.R. pt. 1136, which are incorporated herein by reference. Adherence to the WCAG 2.0 Level AA standards or the Section 508 Standards is one way to ensure compliance with the District's underlying legal obligations to ensure students, parents, and members of the public 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. The District is not bound to meet all of the WCAG 2.0 Level AA provisions or the Section 508 Standards if it can demonstrate to OCR's satisfaction that it is meeting these underlying legal obligations through other means. In other words, adherence to WCAG 2.0 Level AA or the Section 508 Standards is one way, but not the only way, for the District to comply with this Agreement, Section 504, and Title II. The District must choose one design standard or the other for its website; it cannot choose to use WCAG 2.0 Level AA standards for some aspects of its website and the Section 508 Standards for others.

To resolve the allegations that the District is not in compliance with Section 504 and Title II of the ADA with respect to the subject of this investigation, the District voluntarily agrees to take the actions set forth below.

Remedies and Reporting

- A. Proposed Plan Regarding New Web Content and Functionality. By January 15, 2015, 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: 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.

- B. Audit of Existing Content and Functionality. By February 15, 2015, the District will audit all content and functionality on its website, including, but not limited to, all school-specific websites, 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 on behalf of the District. The audit will use WCAG 2.0 Level AA or the Section 508 Standards as its benchmark for accessibility, unless the District receives prior permission from OCR to use a different standard as a benchmark. During the audit, the District will also specifically seek input from members of the public with 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.

Reporting: By March 1, 2015, the District will submit to OCR documentation of the steps taken 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.

- C. Proposed Corrective Action Plan. March 1, 2015, 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. Within 30 days of receiving OCR's comments on the proposed corrective action plan, the District will meaningfully incorporate OCR's comments, officially adopt, and fully implement the corrective action plan.

Reporting: 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.

- D. Training. On an ongoing basis, starting no later than 30 days from the date of this Agreement, and repeated annually for three (3) years to effectuate meaningfully the other the provisions of this Agreement, the District will deliver website accessibility training to all appropriate personnel, including, but not limited to: content developers such as teachers, staff, volunteers, PTA members, etc.; webmasters; procurement officials; and all others responsible for developing, loading, maintaining, or auditing web content and functionality. This provision requires the District to train all appropriate personnel at each of the key stages set forth in this Agreement, such as the adoption of the Plan Regarding New Web Content and Functionality, the Audit of Existing Content and Functionality, the Interim Plan, and the Corrective Action Plan. To

the extent these stages overlap each other in time, the training may be combined as appropriate.

Reporting: For 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. §§ 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.

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 students, 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.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
For Higley Unified School District

_____/1/9/2015_____
Date