

## Resolution Agreement

Los Angeles Public Library  
OCR Reference No. 09-16-4032

The Office for Civil Rights (OCR) of the U.S. Department of Education initiated an investigation into an allegation that the Los Angeles Public Library (Library) violated Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and that statute’s implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”) and that statute’s implementing regulations at 28 C.F.R. Part 35. Specifically, the complainant alleges that the Library’s public website contains barriers to access for people with disabilities, thereby denying them an equal opportunity to participate in the Library’s programs, services, and activities, and denying them effective communication necessary for full participation in the Library’s programs, services, and activities.

This Agreement has been entered into voluntarily and does not constitute an admission that the Library violated Section 504 and Title II and those statutes’ implementing regulations.

Assurances of Nondiscrimination. The Library hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the Library’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 Library’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 Library programs, services, and activities delivered online, as required by Section 504 and Title II and those statutes’ implementing regulations; and that they receive effective communications with Library’s programs, services, and activities delivered online.

The Library voluntarily agrees to take the actions set forth below.

## Remedies and Reporting

1. Policies and Procedures for New Online Content and Functionality. By August 15, 2017, the Library will submit to OCR for its review and approval proposed 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, the Plan for New Content will require the Library to provide equally effective alternate access. The Plan for New Content will require the Library, 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, alternatives are not required to produce the identical result or level of achievement for persons with and without disabilities, but must afford persons with disabilities an 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 include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. This provision also applies to the Library’s online content and functionality developed by, maintained by, or offered through a third-party vendor or through the use of open sources.
  - c. Within 30 calendar days of receiving OCR’s approval of the Plan for New Content, the Library will officially adopt, and fully implement, the amended procedures.
  - d. Reporting: Within 45 calendar days of receiving OCR’s approval, the Library will submit to OCR the approved procedures, evidence of their adoption and distribution, and a description of how they are being implemented.
  - e. Undue Burden and Fundamental Alteration. For any technology-related requirement in this Agreement for which the Library asserts an undue burden or fundamental alteration defense, such assertion may only be made by the City Librarian or by an individual designated by the City Librarian 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 Library as their nondisabled peers.

2. Notice. By July 1, 2017, the Library will submit to OCR for review and approval a proposed Notice on its website to persons with disabilities regarding how to request the webmaster or other appropriate person to provide access to (or notify the Library 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 more formal grievances under Section 504 and Title II. Within 10 calendar days of receiving OCR's approval of the proposed Notice, the Library will officially adopt and publish the approved Notice by linking the approved Notice on its home page and throughout its website (including all subordinate pages and sites).
  - a. Reporting. Within 15 calendar days of receiving OCR's approval of the Library's proposed Notice, the Library will provide documentation to OCR regarding the locations and content of its published Notice.
3. Designation of auditor. By August 15, 2017, the Library will propose for OCR's Review and approval the identity and bona fides of an Auditor (corporation or individual) to audit all content and functionality on its website and to identify any online content or functionality that is inaccessible to persons with disabilities. The Auditor will have sufficient knowledge and experience in website accessibility to carry out all related tasks including development of a Proposed Corrective Action Plan. OCR will evaluate whether the proposed Auditor has the requisite experience and knowledge to carry out an appropriate Audit and to develop a proposed Corrective Action Plan.
  - a. Reporting: Within 7 calendar days of receiving OCR's approval of the proposed Auditor, the Library will submit to OCR documentation that it has assigned or retained the Auditor approved by OCR to conduct the Audit of existing content and functionality.
4. Audit of Existing Content and Functionality. The Auditor approved by OCR will audit all content and functionality on the Library's website, including but not limited to, the home page, all subordinate pages, and Library 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 Library receives prior permission from OCR to use a different standard as a benchmark. During the Audit, the Library will also seek input from members of the public with disabilities, including parents, students, employees, and others associated with the Library, and other persons knowledgeable about website accessibility, regarding the accessibility of its online content and functionality.

a. Reporting: Within 90 calendar days of receiving OCR's approval of the proposed Auditor, the Library will submit to OCR documentation of the steps taken by the Auditor 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.

5. Proposed Corrective Action Plan. Simultaneously with the submission of the Audit, the Library will submit to OCR for its review and approval a proposed Corrective Action Plan to address all in accessible content and functionality identified during the Library's Audit. The proposed Corrective Action Plan will set out a detailed schedule for 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.

a. Within 30 calendar days of receiving OCR's approval of the proposed Corrective Action Plan, the Library will officially adopt and implement the Corrective Action Plan.

b. Reporting: Within 45 calendar days of receiving OCR's approval of the proposed Corrective Action Plan, the Library will submit to OCR the approved Corrective Action Plan, and documentation establishing that the approved Corrective Action Plan is being implemented according to the approved schedule. Reports will be due every six months thereafter until the Corrective Action Plan has been completed.

6. Training. Starting no later than 60 calendar days from the date of this Agreement, and annually thereafter, the Library 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 its monitoring of this Agreement, the Library will submit to OCR documentation that the training has been

