

## Resolution Agreement

Idaho Educational Services for Deaf & Blind  
OCR Reference No. 10164039

To resolve the above-referenced complaint brought under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, the Office for Civil Rights (OCR) of the U.S. Department of Education and the Idaho Educational Services for the Deaf & Blind (IESDB) enter into the following agreement. This agreement supersedes the agreement IESDB entered into on January 11, 2017. This agreement was entered into voluntarily and does not constitute an admission of liability, non-compliance, or wrongdoing by IESDB.

1. Current Online Content and Functionality. By January 11, 2019, IESDB agrees that it will take all actions necessary to ensure that individuals with disabilities have an equal opportunity to participate in IESDB's programs and activities offered through IESDB's website or equally effective alternate access. To meet this commitment, IESDB will: develop a strategy for identifying inaccessible content and functionality for individuals with disabilities; develop a notice to persons with disabilities regarding how to request that IESDB provide access to online information or functionality; prominently post this notice on its home page and throughout its website; and develop a process to ensure that, upon request, inaccessible content and functionality will be made accessible<sup>1</sup> in an expedient manner.
2. New Online Content and Functionality. By October 31, 2018, IESDB will establish a plan to ensure that all new online content and functionality developed, procured, or used after the date of this agreement will be fully accessible to individuals with disabilities. The plan should include any staff training that may be necessary to ensure full implementation with the plan.
3. Undue Burden and Fundamental Alteration. This agreement does not require IESDB to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where IESDB can demonstrate compliance would result in such an alteration or burden, IESDB will ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by IESDB.
4. Technical Assistance. OCR will make itself available to provide technical assistance to IESDB during IESDB's implementation of this agreement.
5. Reporting Provision. By January 11, 2019, IESDB will submit a report to OCR demonstrating that it has fully satisfied the terms of this agreement. The report will

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<sup>1</sup> "Accessible," for purposes of this agreement, means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, within the same timeframes, and with substantially equivalent ease of use.

describe benchmarks IESDB has reached and on-going efforts to maintain web accessibility and usability of IESDB's website.

IESDB understands that by signing the agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirement of this agreement. Further, IESDB understands that during OCR's monitoring of this agreement, if necessary, OCR may visit IESDB, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether IESDB has fulfilled the terms of this agreement. Upon IESDB's satisfaction of the commitments made under this agreement, OCR will close the case.

IESDB 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 the agreement, OCR will give IESDB written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This agreement will become effective immediately upon the signature of IESDB's representative below.

/s/

May 8, 2018

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Mr. Brian Darcy  
Administrator  
Idaho Educational Services for the Deaf & Blind

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Date