

Resolution Agreement

Intermountain Education Service District
OCR Reference No. 10171070

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 Intermountain Education Service District (IMESD) enter into the following agreement. This agreement supersedes the agreement IMESD entered into on April 28, 2017. This agreement was entered into voluntarily and does not constitute an admission of liability, non-compliance, or wrongdoing by IMESD.

1. Current Online Content and Functionality. By [two years from date of signing the original agreement or alternate reasonable date] IMESD agrees that it will take all actions necessary to ensure that individuals with disabilities have an equal opportunity to participate in IMESD's programs and activities offered through IMESD's website or equally effective alternate access. To meet this commitment, IMESD 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 IMESD 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 accessible¹ in an expedient manner.
2. New Online Content and Functionality. By [6 months from date of signing the original agreement or alternative reasonable date], IMESD 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 IMESD 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 IMESD can demonstrate compliance would result in such an alteration or burden, IMESD will ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by IMESD.
4. Technical Assistance. OCR will make itself available to provide technical assistance to IMESD during IMESD's implementation of this agreement.

¹ "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.

5. Reporting Provision. By [two years from the date the original agreement was signed or alternate reasonable date], IMESD will submit a report to OCR demonstrating that it has fully satisfied the terms of this agreement. The report will describe benchmarks IMESD has reached and on-going efforts to maintain web accessibility and usability of IMESD's website.

IMESD 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, IMESD understands that during OCR's monitoring of this agreement, if necessary, OCR may visit IMESD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether IMESD has fulfilled the terms of this agreement. Upon IMESD's satisfaction of the commitments made under this agreement, OCR will close the case.

IMESD 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 IMESD 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 IMESD's representative below.

_____/s/_____
Dr. Mark Mulvihill
Superintendent
Intermountain Education Service District

March 27, 2018
Date