

Resolution Agreement
Burlington-Edison School District No. 100
OCR Docket No. 10-19-5911

To resolve the above-referenced directed investigation 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 Burlington-Edison School District No. 100 (“Recipient”) enter into the following agreement. This agreement supersedes any prior agreement between OCR and Recipient addressing website accessibility. The parties to this agreement acknowledge that it is entered into voluntarily, and that it does not constitute an admission of liability, non-compliance, or wrongdoing by Recipient.

1. Online Content and Functionality. Recipient agrees that it will, in a reasonably timely manner, and in no case longer than 12 months, develop and take substantial steps in the implementation of a strategy to ensure that individuals with disabilities have an equal opportunity to participate in Recipient's programs and activities offered through Recipient's website by making the online content and functionality accessible,¹ or, if necessary, providing equally effective alternate access. To meet this commitment, Recipient will develop a strategy for identifying and addressing inaccessible content and functionality for individuals with disabilities. The Recipient's strategy will designate the standard that Recipient will use to determine the accessibility of online content and functionality (e.g., WCAG 2.0 level AA or a similar standard).

This strategy will address both existing content and functionality up to the effective date of this agreement, and new or updated online content or functionality that is published, developed, procured, or used after the effective date of this agreement. The strategy may include setting priorities for addressing online content and functionality by, for instance, placing a high priority on first making accessible: (1) site navigation and templates; (2) key information concerning matters such as registration, student records, school calendars, after school programs, codes of conduct, special education, transportation, grievance procedures related to discrimination allegations; (3) the most frequently visited pages on Recipient's website that Recipient identifies; (4) portions of the website that are of high importance to students, employees, or applicants with disabilities; and (5) content and functionality about which Recipient has received complaints, or which has been flagged for accessibility problems by individual users.

Nothing in this provision should be construed to mean that any content and functionality is not subject to the requirements of Section 504 and/or Title II.

2. Accessible Alert Process. Recipient agrees that it will, in a reasonably timely manner, and in no case longer than 1 month, implement and maintain an accessible process for users to alert Recipient to pages that have accessibility problems.
3. Undue Burden and Fundamental Alteration. This agreement does not require Recipient to take any action that it demonstrates in writing, in OCR's reasonable determination, would result in a fundamental

¹ "Accessible" refers to information or technology that, at a minimum, affords a person with a disability the opportunity to acquire the same information, engage in the same interactions, and enjoy the same programs and activities as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use.

alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

4. Technical Assistance. Upon request, OCR will provide technical assistance to Recipient, to the extent practicable, during Recipient's implementation of this agreement. Recipient's duty to comply with this agreement is not altered by the availability of technical assistance.

5. Reporting Provision. By 3/31/2020, Recipient will submit a report to OCR demonstrating that it has fully satisfied the terms of this agreement. The report will discuss the strategy developed, benchmarks that Recipient has used to measure progress in making its online content and functionality accessible, ongoing efforts to ensure the accessibility and usability of Recipient's online content and functionality, and the accessible process for users to alert Recipient to accessibility problems.

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

Recipient 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 Recipient written notice of the alleged breach, and sixty (60) calendar days to cure the alleged breach.

This agreement will become effective upon the signatures of the representative for the Recipient, set out below.

Date: 8/19/19

_____/s/_____
Representative for Recipient
Name: