Resolution Agreement

Vallivue School District No. 139, Idaho
OCR Docket No. 10-19-5932

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, the Office for Civil Rights (OCR) of the U.S. Department of Education and the Vallivue School District No. 139 (District) enter into the following agreement. This agreement supersedes any prior agreement between OCR and the District 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 the District.

1. Online Content and Functionality. The District 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 the District's programs and activities offered through the District's website by making the online content and functionality accessible,[1] or, if necessary, providing equally effective alternate access. To meet this commitment, the District will develop a strategy for identifying and addressing inaccessible content and functionality for individuals with disabilities. The District's strategy will designate the standard that the District 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 the District's website that the District 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 the District 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 Title II.

[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.

2. Accessible Alert Process. The District 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 the District to pages that have accessibility problems.

3. Undue Burden and Fundamental Alteration. This agreement does not require the District to take any action that it demonstrates in writing, in OCR's reasonable determination, would result in a fundamental 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 the District, to the extent practicable, during the District's implementation of this agreement. The District's duty to comply with this agreement is not altered by the availability of technical assistance.

5. Reporting Provision. By April 30, 2021, the District 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 the District has used to measure progress in making its online content and functionality accessible, ongoing efforts to ensure the accessibility and usability of the District's online content and functionality, and the accessible process for users to alert the District to accessibility problems.

The District 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, the District understands that during OCR's monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement. Upon the District's satisfaction of the commitments made under this agreement, OCR will close the 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 the agreement, OCR will give the District written notice of the alleged breach, and sixty (60) calendar days to cure the alleged breach.

This agreement will become effective upon the signature of the representative for the District, set out below.

/s/ May 27, 2020

Dr. Pat Charlton
Superintendent
Vallivue School District

Date