RESOLUTION AGREEMENT
Williamsburg James City County Public Schools
OCR Case No. 11-16-1440 and 11-16-1407

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation into allegations that the Williamsburg James City County Public Schools (the Division) violated Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. Specifically, the complainant alleged that the Division's website contained barriers to access for people with disabilities, thereby denying them an equal opportunity to participate in the Division's programs, services, and activities and denying them effective communication necessary for full participation in the Division's programs, services, and activities.

To ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the Division voluntarily agrees to take the actions set forth below.

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

Assurances of Nondiscrimination. The Division hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the Division'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.

Adherence to these accessible technology standards, such as the W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, is one way to ensure compliance with the Division'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 Division programs, services, and activities delivered online, as required by Section 504 and Title II and their implementing regulations; and that they receive effective communication of the Division's programs, services, and activities delivered online.

Remedies and Reporting

1) Undue Burden and Fundamental Alteration. For any technology-related requirement in this Agreement for which the Division asserts an undue burden or fundamental alteration defense, such assertion may only be made by the Superintendent or by an individual designated by the Superintendent 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 Division as their nondisabled peers.

2) Proposed Corrective Action Plan. The Division will submit to OCR for its review and approval a proposed Corrective Action Plan to address all inaccessible content and functionality identified on the Division's YouTube page. The proposed Corrective Action Plan will set out a detailed schedule for: (1) 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. Within 30 days of receiving OCR's approval of the proposed Corrective Action Plan, the Division will officially adopt and implement the Corrective Action Plan.

   Reporting:

   a) Within 30 days of the date of this Agreement, the Division will submit the Proposed Corrective Action Plan to OCR for its review and approval.

   b) Within 45 days of receiving OCR's approval of the proposed Corrective Action Plan, the Division 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.

3) Notice. The Division will submit to OCR for review and approval a proposed notice to be placed in the description box for all videos on its website or YouTube page. This notice will communicate that the Division is in the process of updating videos where important information is conveyed audibly to include meaningful captions to ensure compliance with Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. The proposed notice will state that in the interim video captioning concerns may be brought to the attention of the Communications & Digital Design Specialist.

   Reporting:

   a) Within 15 days of the date of this Agreement, the Division will submit to OCR for review and approval the proposed notice outlined above.

   b) Within 30 days of receiving OCR's approval of the Division's proposed Notice, the Division will provide verification of the postings to OCR.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Division understands that during the monitoring of this Agreement, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

The Division 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 this Agreement, OCR shall give the Division written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____/s/_____ Date: _____7/10/2017_____
Name
Superintendent