

**Barry ISD
Resolution Agreement
OCR Docket #15-16-7298**

Barry ISD (the ISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint alleging violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Specifically, the complaint alleged that certain of the ISD's web pages are not accessible to individuals with disabilities including, but not limited to, those with vision and print impairments.

This Agreement has been entered into voluntarily and does not constitute an admission that the ISD violated Section 504 or Title II and their implementing regulations.

“Accessible,” as used in 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, with substantially equivalent ease of use. A person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology. Provided, however, that accessibility regulations do not require the ISD to take any action that it can demonstrate would result (1) in a fundamental alteration in the nature of a service, program, or activity; or (2) in undue financial and administrative burdens.

The ISD agrees to take the following actions:

1. By April 15, 2017, the ISD will draft and submit to OCR for review and approval a policy and/or procedures to ensure Web content provided through the ISD's website(s) is accessible to students, prospective students, employees, guests, and visitors with disabilities, particularly those with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access information (Web Accessibility Policy), except where doing so would impose an undue burden or result in a fundamental alteration in the nature of a service, program, or activity. The Web Accessibility Policy will, at minimum, accomplish the following:
 - a. identify and adopt the specific technical standard(s) the ISD will use to determine whether Web content is accessible (e.g., W3C's Web Content Accessibility Guidelines (WCAG), Web Accessibility Initiative - Accessible Rich Internet

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Applications Suite (WAI-ARIA), or other standard or combination of standards that will render online content accessible);¹

- b. designate at least one individual (Web Accessibility Coordinator) and provide that individual with sufficient resources and authority to coordinate and implement the Web Accessibility Policy, and all other commitments relating to accessibility within this Agreement;
- c. provide a procedure to ensure that Web content provided or developed by third parties for the ISD's use in providing its services, programs, or activities is accessible. This procedure should direct administrators and staff to ensure that any ISD acquisition or use of Web content provided or developed by third parties (e.g. vendors, video-sharing websites such as YouTube, other open sources) that the ISD chooses to make available on its website in providing its services, programs, or activities will provide equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology;
- d. bi-annual training for any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with Web content to students, employees, guests, and visitors with disabilities, including, but not limited to, training on the Web Accessibility Policy and their roles and responsibilities to ensure that web design, documents, and multimedia content are accessible. The training will be facilitated, in whole or in part, by an individual with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the ISD;
- e. an accessibility audit (Audit) to be completed at regular intervals under the direction of the Web Accessibility Coordinator, during which Web content provided by the ISD is measured against the technical standard(s) adopted in the Web Accessibility Policy. Accessibility problems identified through the Audit will be documented, evaluated, and, if necessary, remediated within a reasonable period of time; and
- f. inform students, prospective students, employees, guests, and visitors that they may report violations of the technical standard(s) used by the ISD, file a formal complaint through its Section 504 and Title II grievance procedure, and/or contact the Web Accessibility Coordinator with any accessibility concerns. The Web Accessibility Policy will include the name and/or title, office address and telephone number, and email address of the Web Accessibility Coordinator.

¹ The ISD agrees that, unless and until the federal regulations and the law relative to the applicable standards for web accessibility change, the ISD will follow the existing standards, identified in this Agreement, for web accessibility. The ISD will ensure that its online content is in compliance with and meets the standards articulated in the "Web Accessibility Policy." In the event that the standards or laws and regulations change, the ISD agrees that it will conform its policies and procedures and online content to satisfy the requirements pursuant to the regulations implementing Section 504 and Title II.

Reporting Requirement: By April 15, 2017, the ISD will provide for OCR's review and approval the Web Accessibility Policy drafted consistent with Item 1.

2. Within 60 calendar days of OCR's approval of the ISD's Web Accessibility Policy, the ISD will post the Web Accessibility Policy in a logical and readily identifiable location on its website and will provide notification to students, prospective students, employees, guests, and visitors. The notification will occur by written correspondence, email, and/or website notification and will further provide information on where the Web Accessibility Policy is located on the ISD's website and, alternatively, where individuals may request or obtain a copy of such document.

Reporting Requirement: Within 60 calendar days of OCR's approval of the ISD's Web Accessibility Policy, the ISD will provide documentation to OCR verifying its implementation of Item 2, including a copy of the notification(s) and the URL (web address[es]) for the location of its Web Accessibility Policy.

3. Within 180 calendar days of OCR's approval of the ISD's Web Accessibility Policy, the ISD will complete an initial Audit to examine whether Web content is currently accessible, as measured against the technical standard(s) adopted by the Web Accessibility Policy. The ISD will document the results of the Audit and develop a corrective action strategy, if necessary, based on the audit findings that includes relevant timeframes for completion.

Reporting Requirement: Within 180 calendar days of OCR's approval of the ISD's Web Accessibility Policy, the ISD will provide to OCR for review and approval a copy of its Audit report and corrective action strategy, including the timeline for implementation of the corrective action strategy, and the credentials of a third party web accessibility consultant or employee of the District with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the ISD that will be certifying (pursuant to Item 4 below) that the ISD's online content meets the technical requirements adopted in the Web Accessibility Policy.

4. Within 30 calendar days of OCR's approval of the corrective action strategy, including the timeline for implementation of the corrective action strategy and the credentials of the ISD's consultant or responsible employee described above, the ISD will begin implementation of the corrective action strategy to make its Web content accessible to individuals with disabilities, particularly students with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access the online content.

Reporting Requirements: Within 180 calendar days of OCR's approval of the corrective action strategy, the ISD will submit documentation to OCR confirming implementation of the corrective action strategy consistent with established timeframes, including certification to OCR that its Web content meets the technical requirements adopted in the Web Accessibility Policy. The ISD will also provide to OCR the bases for this certification including copies of any accessibility

evaluation or report, dates of correction actions, and copies of any reports from interim audits conducted pursuant to the Web Accessibility Policy.

5. Within 120 calendar days of OCR's approval of the ISD's Web Accessibility Policy, the ISD will develop and conduct training on how to ensure accessibility in web design and implementation. The training will be provided by qualified personnel, or through an online training program vetted by said qualified personnel, to all staff involved in web design and implementation, including but not limited to administrators, teachers, staff, and volunteers who develop content for online instruction and/or post material on ISD webpage(s)/portal(s). The training will include, at a minimum, training on the Web Accessibility Policy and the roles and responsibilities of ISD staff to ensure that web design, documents, course content, and multimedia videos or content are accessible.

Reporting Requirement: Within 60 calendar days of OCR's approval of the ISD's Web Accessibility Policy, the ISD will provide to OCR the name(s) and credentials of the individual(s) who conducted the training; a list of individuals, by name and title, who attended the training; and a copy of any training materials (e.g., pamphlets, presentation materials).

General Requirements

The ISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the ISD has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and Title II and its implementing regulation at 28 C.F.R. §§ 35.130 and 35.160, which were at issue in this complaint.

The ISD understands that, by signing this Agreement, it agrees to provide data and other information to OCR in a timely manner. Further, the ISD understands that during the monitoring of this Agreement OCR may visit the ISD, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the ISD has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and Title II and its implementing regulation at 28 C.F.R. §§ 35.130 and 35.160.

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

_____/s/_____
Superintendent or Designee

_____/01/10/2017_____
Date

Authorized by resolution of the Barry ISD Board of Education on this date.