

Dublin City Schools
302 Resolution Agreement
OCR Docket #15-17-1153

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation into allegations that Dublin City School District Board of Education (“District”) violated Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35. Specifically, the complainant alleged that certain of the District’s web pages are not accessible to individuals with vision and print disabilities, deaf and hard of hearing, and fine motor impairments.

To ensure compliance with Section 504 and Title II and their implementing regulations, and to resolve the issues of this investigation, the District voluntarily agrees to take the actions set forth below. This Agreement does not constitute an admission that the District violated Section 504 and Title II and those statutes’ implementing regulations.

Assurances of Nondiscrimination. The District hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of persons without disabilities to participate in the District’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.

Undue Burden and Fundamental Alteration. For any technology-related requirement in this Agreement for which the District 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 District as persons without disabilities.

Benchmarks for Measuring Accessibility. For the purposes of this Agreement, the accessibility of online content and functionality will be measured according to the W3C’s Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 for web content.¹

¹ This Agreement does not imply that conformity with WCAG and/or WAI-ARIA is either required or sufficient to comply with the requirements of either Section 504 or Title II. The technical standard(s) serve only as guidance with respect to whether the online content is accessible.

Adherence to these accessible technology standards is one way to ensure compliance with the District’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 persons without disabilities, 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 District 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 District’s programs, services, and activities delivered online.

Remedies and Reporting

1. **Proposed Web Accessibility Policy Regarding New Online Content and Functionality.**

By August 31, 2017, the District will submit to OCR for its review and approval a proposed policy and/or administrative guideline (“Web Accessibility Policy”) to ensure that all new, newly-added, or modified online content² and functionality will be accessible to people with disabilities as measured by conformance to the Benchmarks for Measuring Accessibility set forth above, except where doing so would impose a fundamental alteration or undue burden.

 - a. When fundamental alteration or undue burden defenses apply, the Web Accessibility Policy will require the District to provide equally effective alternative access. The Web Accessibility Policy will require the District, in providing equally effective alternate access, to take any actions that do not result in a fundamental alteration or undue financial and administrative burdens, but nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services as persons without disabilities. To provide equally effective alternate access, alternates are not required to produce the identical result or level of achievement for persons with and without disabilities, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person’s needs.
 - b. The Web Accessibility Policy must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. This provision also applies to the District’s online content and functionality developed by, maintained by, or offered through a third-party vendor or by using open sources.
 - c. The Web Accessibility Policy will, at minimum, address the following:

² For the purposes of this Agreement, “online content” encompasses all content and functionality provided through the District’s website(s), including content and functionality developed by, maintained by, or offered through a third-party vendor or by using open sources. When the District, on its website(s), provides links to external, non-District websites that are owned and controlled by outside entities, “online content” does not generally include non-District communication on the non-District websites; however, if the District makes any content or functionality on such non-District websites available on the District’s website(s) as part of its programs, benefits and services, such content or functionality must be accessible.

- i. identification and adoption of the specific technical standard(s) the District will use to determine whether online content is accessible as set forth above in the Benchmarks for Measuring Accessibility;
- ii. designation of at least one individual, who has been provided sufficient resources and authority, to coordinate and implement the Web Accessibility Policy, and all other commitments relating to accessibility within this Agreement;
- iii. a procedure to ensure that online content and functionality pertaining to District's programs, benefits and services are accessible;
- iv. periodic training for any personnel responsible for creating or distributing information with online 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 District;
- v. an accessibility audit (Audit) to be completed at regular intervals under the direction of the individual designated pursuant to Item 1(c)(ii) of this Agreement, during which information provided by the District through its online content is measured against the technical standard(s) adopted in the Web Accessibility Policy. All problems identified through the Audit will be documented, evaluated, and, if necessary, remediated within a reasonable period of time; and
- vi. notification to students, employees, guests, and visitors that they may report violations of the technical standard(s) used by the District, file a formal complaint through its Section 504 and Title II grievance procedure, and/or contact the individual designated pursuant to Item 1(c)(ii) of this Agreement 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 individual designated pursuant to Item 1(c)(ii) of this Agreement.

Reporting Requirement: By August 31, 2017, the District 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 District's Web Accessibility Policy, the District will post the Web Accessibility Policy in a logical and readily identifiable location on its website and will provide notification to 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

District'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 District's Web Accessibility Policy, the District 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 District's Web Accessibility Policy, the District will complete an initial Audit to examine whether information provided through online content is currently accessible, measured against the technical standard(s) identified in the Benchmarks for Measuring Accessibility set forth above, which are included in the Web Accessibility Policy. The District will document the results of the Audit and develop a corrective action strategy based on the audit findings that includes relevant timeframes for completion.

Reporting Requirement: Within 180 calendar days of OCR's approval of the District's Web Accessibility Policy, the District 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 District that will be certifying (pursuant to Item 4 below) that the District's online content meets the technical requirements identified in the Benchmark for Measuring Accessibility, which are included 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 District's consultant or responsible employee described above, the District will begin implementation of the corrective action strategy to make its online content accessible to individuals with disabilities, particularly students with visual, hearing, or manual impairments or who otherwise require, due to a disability, 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 District will submit documentation to OCR confirming implementation of the corrective action strategy consistent with established timeframes, including certification to OCR that its online content meets the technical requirements identified in the Benchmarks for Measuring Accessibility, which are included in the Web Accessibility Policy. The District 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 60 calendar days of OCR's approval of the District's Web Accessibility Policy, the District will develop and conduct website accessibility training. The training will be provided by qualified individuals, or through an online training program vetted by said

qualified individuals, to all appropriate personnel (including but not limited to administrators, teachers, staff, and/volunteers) who are involved in web design and implementation (i.e., in the development of content for and/or the posting of material on District webpage(s)/portal(s)), procurement of such content, or the auditing of web content and functionality. The training will include, at a minimum, training on the Web Accessibility Policy and the roles and responsibilities of District 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 District’s Web Accessibility Policy, the District 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 District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District 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 District also understands that by signing this Agreement it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the District 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 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 this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

6/22/2017

Superintendent or Designee

Date