

**Clay Avenue Community School**  
**Resolution Agreement**  
**OCR Docket #15-17-1353**

Clay Avenue Community School (“School”) 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.

“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.

Nothing in this Agreement requires the School to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity of the School or in undue financial and administrative burdens, as set forth in the regulation implementing Title II at 28 C.F.R. § 35.164. For any technology-related requirement in this Agreement for which the School asserts undue financial and administrative burdens or a fundamental alteration defense, the School has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the School Leader or his or her designee 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. If an action would result in such an alteration or such burdens, the School shall take any 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 and services provided by the School.

The School states that, following receipt of the above captioned complaint, the School conducted a Web Accessibility Audit consistent with the W3C Web Content Accessibility Guidelines (WCAG) standards adopted in connection with the Web Accessibility Policy referenced below.

NOW, THEREFORE, the School agrees to take the following actions by the dates listed:

1. By **September 30, 2017**, submit to OCR for review and approval a Web Accessibility Policy. The Web Accessibility Policy will, at minimum, accomplish the following:
  - a. identify and adopt the specific technical standard(s) the School will use to determine whether online content is accessible (e.g., W3C’s Web Content Accessibility

Guidelines (WCAG), or other standard or combination of standards that will render online content accessible);<sup>1</sup>

- 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 online content and information obtained through online content provided or developed by third parties is accessible. This procedure should direct administrators and staff to ensure that any School acquisition or use of online content provided or developed by third parties (e.g. vendors, video-sharing websites such as YouTube, other open sources) that the School chooses to make available on its website will provide equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology;
  - d. annual training for any staff (e.g. administrators, faculty, support staff, student employees) 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 School;
  - e. an accessibility audit (Audit) to be completed at regular intervals as prescribed in the Web Accessibility Policy and under the direction of the Web Accessibility Coordinator, during which information provided by the School 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
  - f. inform students, prospective students, employees, guests, and visitors that they may report violations of the technical standard(s) used by the School, 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.
2. Within 60 calendar days of OCR's approval of the School's Web Accessibility Policy, the School's Board of Directors will adopt the Web Accessibility Policy and the School will post the Web Accessibility Policy in a logical and readily identifiable location on its

---

<sup>1</sup> This Agreement does not imply that conformity with WCAG, WAI-ARIA and/or other electronic and information technology standard 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.

website and provide notification of the Web Accessibility Policy to students, prospective students, employees, guests, and visitors. The notification will occur by any of the following: written correspondence, email, and/or website notification and will further provide information on how individuals may request or obtain a copy of the Web Accessibility Policy.

**Reporting Requirement:** Within 60 calendar days of OCR’s approval of the School’s Web Accessibility Policy, the School will provide documentation to OCR verifying that the OCR-approved Web Accessibility Policy, developed pursuant to Item 1, has been adopted by the Board of Directors and documentation demonstrating its implementation of Item 2, including a copy of the notification(s).

3. **Within 180 calendar days of OCR’s approval of the School’s Web Accessibility Policy,** the School will provide to OCR for review and approval a copy of its Audit Report and corrective action strategy, including the timeframe for implementation of the corrective action strategy, and the credentials of its web accessibility consultant or School employee with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the School and that will be certifying that the School’s online content meets the technical requirements adopted in the Web Accessibility Policy.

**Reporting Requirements:** Within 180 days of OCR’s approval of the School’s Web Accessibility Policy, the School will provide OCR with information demonstrating its implementation of Item 3.

4. Within 60 calendar days of OCR’s approval of the corrective action strategy and the credentials of the School’s consultant or responsible employee described above, the School will complete implementation of the corrective action strategy to make its online content accessible consistent with the School’s Web Accessibility Policy.

**Reporting Requirement:** Within 60 calendar days of OCR’s approval of the corrective action strategy and the credentials of the School’s consultant or responsible employee described above, the School will submit documentation to OCR confirming implementation of Item 4 including certification to OCR that its online content meets the technical requirements adopted in the Web Accessibility Policy. The School will also provide to OCR the basis 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 School’s Web Accessibility Policy, the School will develop and conduct training on how to ensure accessibility in web design and implementation. The training will be provided by the Web Accessibility Coordinator to any 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 School webpage(s)/portal(s). The training will include, at a minimum, training on the Web Accessibility Policy and the roles and

responsibilities of School staff to ensure that web design, documents, course content, and multimedia videos or content are accessible.

**Reporting Requirement:** Within 30 calendar days of the training required in Item 5, the School 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 School understands that, by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the School understands that during the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the School 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. Upon completion of the obligations under this Agreement, OCR will close this case.

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

This Agreement will become effectively immediately upon the signature of the School's representative below.

/s/

09/15/2017

\_\_\_\_\_

\_\_\_\_\_

Principal or Designee

Date