

RESOLUTION AGREEMENT

Edinburg Consolidated Independent School District OCR Case Number: 06151722

Edinburg Consolidated Independent School District (the District), Edinburg, Texas, voluntarily submits this Resolution Agreement (Agreement), as set forth below, to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the District commits to the following Action Items, consistent with its obligation to comply with the requirements 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35. By entering into this Agreement, the District makes no admission of violations of Section 504 or Title II.

Under this voluntary agreement, the District assures OCR that it will implement the actions below.

Action Item #1

- 1.1 By **May 2, 2016**, the District will develop an accessibility policy (Accessibility Policy) that will be posted prominently on its website and informs students, employees, parents, 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 concerning the District's educational programs) that if they have difficulty accessing information on the website, they should contact the District's designee (along with contact information) and that the designee will make appropriate accommodations to ensure prompt access to any website content.

Reporting Requirements

- 1.2 By **May 6, 2016**, the District will provide OCR with a draft of the District's Accessibility Policy for OCR's review and approval. The District will also provide OCR with the name and contact information (office phone number and office e-mail address) for the District staff member designated to arrange accommodations for any individual who uses assistive technology and has difficulty accessing information on the District's website.
- 1.3 **Within thirty (30) calendar days** of the date OCR notifies the District that the Accessibility Policy has been approved, the District will post the Accessibility Policy on its website, post the Accessibility Policy in the District's main administration building and provide OCR with a copy of the final version of the Accessibility Policy.

Action Item #2

- 2.1 Within **sixty (60)** calendar days of the date OCR notifies the District that the Accessibility Policy has been approved, the District will develop training material for all staff involved in web design and implementation, including teachers who develop content for online instruction, on how to ensure accessibility in web design and implementation. The training will cover, at a minimum, the Accessibility Policy and the roles and responsibilities of the District staff to ensure that web design, documents, lessons and multimedia videos or content are accessible. The District will submit its training materials to OCR for its review and approval;
- 2.2 Within **sixty (60)** calendar days of the date OCR notifies the District that its training material has been approved, the District will use the material to train all staff involved in web design and implementation, including teachers who develop content for online instruction, on how to ensure accessibility in web design and implementation.

Reporting Requirements

- 2.3 Within **sixty (60)** calendar days of the date OCR notifies the District that the Accessibility Policy has been approved, the District will provide for OCR's review and approval a copy of the training material developed by the District under paragraph 2.1 above for all staff involved in web design and implementation, including teachers who develop content for online instruction, on how to ensure accessibility in web design and implementation.
- 2.4 Within **thirty (30)** calendar days of the date the District provides the training described under paragraph 2.2 above, the District will provide OCR with documentation of the training provided pursuant to this Agreement, including the name(s) and credentials of the individual(s) who provided the training, a list of the individuals (name and job title) who attended the training, and a summary of the topics covered in the training.

Action Item #3

- 3.1 By **May 2, 2016**, the District will conduct an assessment of its website to determine the specific portions of its website that are not accessible. For the purpose of this Agreement, the accessibility of online content and functionality will be measured according to the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standards, available at <http://www.w3.org/TR/WCAG20>. Adherence to the WCAG 2.0 Level AA standards is one way to ensure compliance with the District's obligation to make sure individuals who use assistive technology have the same access to the District's website as their nondisabled peers.¹

¹ Possible websites to assist the District in conducting its website accessibility analysis include: <http://wave.webaim.org/> and <http://achecker.ca/checker/index.php>. Other useful and informative websites are: <http://www.w3.org/> which discusses the Web Content Accessibility Guidelines (WCAG) and <http://www.section508.gov/> which provides information on Section 508 of the Rehabilitation Act of 1973.

3.2 By **June 3, 2016**, the District will correct all portions of its website that the District, through its assessment, determines are not accessible to individuals who use assistive technology.

Reporting Requirements

3.3 Within **thirty (30)** calendar days of the date the District finishes addressing all issues identified in its assessment of the accessibility of the District's website, the District will provide OCR with documentation regarding:

- a. The assessment conducted by the District of whether its website is accessible to and usable by individuals with disabilities;
- b. All portions of the District's website that the District determined were not accessible;
- c. The steps taken by the District to correct each of the problems identified by the District's assessment above; and
- d. Any documents verifying the accessibility problems identified by the District have been resolved.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the recipient understands that, during the monitoring of the Agreement, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

The recipient understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

The recipient understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Dr. René Gutierrez, Superintendent
Edinburg Consolidated Independent School District

Date