

RESOLUTION AGREEMENT
Virginia Beach City Public Schools
OCR Case No. 11-15-1344

Virginia Beach City Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-15-1344. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR.

Benchmarks for Measuring Accessibility. For the purposes of this Agreement, the accessibility of online content and functionality will be measured, initially, according to the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standards, currently available at <http://www.w3.org/TR/WCAG20/>, or the Section 508 Standards, 36 C.F.R. Part 1136, which are incorporated herein by reference¹. Adherence to either the WCAG 2.0 Level AA standards or the Section 508 Standards is one way to ensure compliance with the Division's underlying legal obligations to ensure students, parents, and members of the public are able to independently 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; and 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. The Division is not bound to meet all of the WCAG 2.0 Level AA provisions or the Section 508 Standards if it can demonstrate to OCR's satisfaction that it is meeting these underlying legal obligations through other means. In other words, adherence to either WCAG 2.0 Level AA or the Section 508 Standards is one way, but not the only way, for the Division to comply with this Agreement, Section 504, and Title II.

1. By May 2, 2016, the Division will develop and submit to OCR for its review and approval a web accessibility policy to ensure that all new, newly-added, or modified online content and functionality will be accessible to individuals with disabilities. This provision applies with equal strength to the Division's online content and functionality developed by, maintained by, or offered through a third party vendor or by using open sources. Within 30 days of receiving OCR's comments on the proposed policy, the Division will meaningfully incorporate OCR's comments, officially adopt, and fully implement the amended policy.

Reporting Requirement: Within 45 days of receiving OCR's comments on the proposed policy, the Division will submit to OCR the specific wording of the final policy, evidence of its adoption, and a description of how it is being fully implemented.

2. By June 30, 2016, the Division will conduct an assessment of its website, including but not limited to all school-specific websites, to determine the specific portions, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source on behalf of the Division, that are inaccessible to individuals with visual impairments including those who use assistive technology. The assessment will use

¹ It is understood that the Division must choose one design standard or the other for its website; it cannot choose to use WCAG 2.0 Level AA standards for some aspects of its website and the Section 508 Standards for others.

WCAG 2.0 Level AA or Section 508 Standards as its benchmark for accessibility, unless the Division receives prior permission from OCR to use a different standard as a benchmark.

Reporting Requirement: By July 15, 2016, the Division will submit to OCR documentation of the steps taken during the assessment and a detailed accounting of the results of the assessment.

3. By September 30, 2016, the Division will submit to OCR for its review and approval a proposed corrective action plan to address all content and functionality that the Division, through its assessment, determines are inaccessible to individuals with visual impairments, including those who use assistive technology. 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 24 months of the date OCR approved the corrective action plan; (2) setting up systems of accountability and verifying claims of accessibility by vendors or open sources; and (3) setting up a system of testing and accountability to maintain the accessibility of all online content and functionality on an ongoing basis.

Reporting Requirement: Within 45 days of receiving OCR's comments on the proposed corrective action plan, the Division will submit to OCR documentation that the proposed corrective action plan has been amended, as needed, to address OCR's comments, and is being implemented according to the approved schedule. Reports will be due every six months thereafter until the corrective action plan has been completed. Reports will include documentation verifying that the accessibility problems identified by the Division have been resolved.

4. Within 30 days of the date of this Agreement, the Division will submit to OCR a proposed notice to persons with disabilities regarding how to request access to (or notify the Division regarding) online information or functionality that is currently inaccessible. Within 10 days of receiving OCR's approval of the proposed notice, the Division will officially adopt and prominently post the approved notice on its home page and throughout its website (including all school-specific websites, subordinate pages, and intranet sites).

Reporting Requirement: Within 15 days of receiving OCR's approval of the Division's proposed notice, the Division will provide documentation to OCR regarding the locations and content of its published notice.

5. The Division will develop a system for documenting all complaints, whether verbal or in writing, concerning the accessibility of its website and the actions taken in response to those complaints.

Reporting Requirement: At six month intervals until the conclusion of OCR's monitoring of the Agreement, the Division will report to OCR the number and specific nature of complaints received regarding the accessibility of its website and the actions taken in response to those complaints.

6. By October 31, 2016, the Division will deliver website accessibility training to all appropriate personnel, including, but not limited to: content developers such as teachers, staff, volunteers, PTA members, etc.; webmasters; procurement officials; and all others responsible for developing, loading, maintaining, or auditing web content and functionality. The training shall be repeated at least annually to effectuate consistent accessibility of website content, as well as effectuate meaningfully the other the provisions of this Agreement and continue for a three-year period.

Reporting Requirement: For each training session required by this Agreement, the Division will submit to OCR documentation that it has been delivered. The documentation will include a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.

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, at 34 C.F.R. Part 104, and Title II, at 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, at 34 C.F.R. Part 104, and Title II, at 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 a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/S/_____ Date: _____
Dr. Aaron C. Spence
Superintendent or Designee