

**OAKLAND SCHOOLS
RESOLUTION AGREEMENT
OCR DOCKET #15-15-1358**

Oakland Schools (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.

Definitions

"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.

Action Items

1. Web Accessibility Policy

By August 30, 2016, the ISD will draft and submit to OCR for review and approval a policy to ensure online content provided by the ISD via websites located at <http://www.oakland.k12.mi.us/> and <http://ostconline.com/>, or any other site to which such online content is relocated during the pendency of OCR's monitoring of this agreement, (hereinafter together the "ISD online content") 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). The Web Accessibility Policy will:

- a. identify and adopt the specific technical standard(s) the ISD will use to determine whether online content is accessible (e.g., Section 508 of the Rehabilitation Act (Section 508), 29 U.S.C. §794d, W3C's Web Content Accessibility Guidelines (WCAG), or other standard or combination of standards that will render online content accessible);¹

¹ This Agreement does not imply that conformity with Section 508, WCAG, 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.

- b. designate at least one individual, to be identified as the 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; and
- c. 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.

REPORTING REQUIREMENT: By August 30, 2016, the ISD will provide for OCR's review and approval the Web Accessibility Policy drafted consistent with Item 1.

2. Web Accessibility Plan

By August 30, 2016, the ISD will submit to OCR for review and approval a plan (Web Accessibility Plan) to ensure adherence with its Web Accessibility Policy. The Web Accessibility Plan will lay out a procedure to ensure that all ISD online content, including content provided or developed for the ISD either internally or by third-party vendors to the ISD, is accessible and will, at minimum, provide for:

- a. a procedure to ensure that ISD online content developed either internally or by third parties to the ISD is accessible content prior to setting such content live on an ISD website. This procedure should direct administrators and staff to ensure that any the ISD online content provided or developed by third party vendors to the ISD will provide equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology;
- b. an accessibility audit to be completed at regular, defined intervals using industry standard web accessibility tools under the direction of the Web Accessibility Coordinator, during which information provided by the ISD through its electronic and information technologies 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 specified in the plan;
- c. initial and annual training for any staff or students responsible for creating or distributing ISD online content to students, employees, guests, and visitors with disabilities, including, but not limited to, training on the Web Accessibility Policy, the Plan, 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.

REPORTING REQUIREMENTS:

- By August 30, 2016, the ISD will submit to OCR for review and approval the Web Accessibility Plan consistent with Item 2.
- Within 60 calendar days of notification that OCR has approved the Plan, the ISD will provide documentation to OCR that it has provided the initial training as described above. Documentation shall include the name(s) and credentials of the person(s) conducting the training(s); a list of individuals, by name and title, who attended the training; and a copy of any training materials (e.g., pamphlets, presentation materials).

3. Publication of Policy and Plan

Within 30 calendar days of OCR's approval of the Web Accessibility Policy and Web Accessibility Plan, the ISD will post the Policy and Plan in a logical and readily identifiable location on its website(s).

REPORTING REQUIREMENTS: Within 30 calendar days of OCR's approval of the ISD's Web Accessibility Policy, the ISD will: (a) provide documentation to OCR verifying its implementation of Requirement #3, including providing the URL(s) for the Web Accessibility Policy and Web Accessibility Plan.

4. Web Accessibility Audit and Corrective Action Strategy

Within 120 calendar days of OCR's approval of the Web Accessibility Policy, the Web Accessibility Coordinator will complete an internal audit to determine whether ISD online content is currently accessible, measured against the technical standard(s) adopted by the Web Accessibility Policy. The ISD will document the results of the internal audit. If ISD online content is not accessible, the ISD will develop a corrective action strategy based on the audit findings that includes relevant timeframes for completion.

REPORTING REQUIREMENTS:

- Within 120 calendar days of OCR's approval of the Web Accessibility Policy, the ISD will provide to OCR a copy of its internal audit report and corrective action strategy, including the timeline for implementation of the corrective action strategy for OCR review and approval.
- Within 180 calendar days of notification that OCR has approved the strategy, the ISD will provide OCR with a report describing its efforts to date to implement its corrective action strategy and to comply with its Web Accessibility Policy and Web Accessibility Plan, including documentation of corrective action steps taken to date, information documenting any compliance issues discovered through the monitoring audits or complaints and the actions taken to correct those issues.

5. Verification of Website Accessibility

By June 15, 2018, the ISD will ensure that its website is accessible to individuals with disabilities, particularly individuals with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access the website.

REPORTING REQUIREMENTS:

- By June 15, 2018, the ISD 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 adopted in the Web Accessibility Policy. The certification may be obtained from an employee of the ISD with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the ISD or by a third-party web accessibility consultant. The ISD will also provide to OCR the bases for this certification, including copies of any accessibility evaluations or reports, dates of corrective actions, and copies of any reports from accessibility audits conducted pursuant to the Web Accessibility Plan.

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 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

3/28/16
Date