

## RESOLUTION AGREEMENT

### Cheektowaga Central School District Case Number 02-18-1063

In order to resolve Case No. 02-18-1063, the Cheektowaga Central School District (District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

#### **Action Items:**

1. Current Online Content and Functionality. By September 30, 2019, or sooner, if feasible, the District agrees that it will take all actions necessary to ensure that individuals with disabilities have an equal opportunity to participate in the District's programs and activities that are offered through the District's website. To meet this commitment, the District will develop a strategy for identifying and making accessible any content and functionality that is currently inaccessible for individuals with disabilities; develop a notice to persons with disabilities regarding how to request that the District provide access to online content or functionality that is currently inaccessible; prominently post this notice on its home page and throughout its website; and, develop a process to ensure that, upon request, inaccessible content and functionality will be made accessible<sup>1</sup> in an expedient manner.
2. New Online Content and Functionality. By August 31, 2018, or sooner, if feasible, the District will establish a plan to ensure that all new online content and functionality developed, procured, or used after the date of this agreement will be fully accessible to individuals with disabilities. The plan should include any staff training that may be necessary to ensure full implementation with the plan.
3. Undue Burden and Fundamental Alteration. This agreement does not require the District to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where the District can demonstrate that compliance would result in such an alteration or burden, the District will take other action that would not result in such an alteration or burden, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the District.

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<sup>1</sup> "Accessible," for purposes of 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, within the same timeframes, and with substantially equivalent ease of use. If content and functionality cannot reasonably be made accessible through the website, the District must provide equally effective alternate access in an expedient manner.

4. Technical Assistance. OCR will make itself available to provide technical assistance to the District during the District’s implementation of this agreement.

**Reporting Requirement:** By December 31, 2019 or sooner, if feasible, the District will submit a report to OCR demonstrating that it has fully satisfied the terms of this agreement. The report will also describe on-going efforts to maintain accessibility of the content and functionality of the District’s website.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirement of this Agreement. Further, the District understands that during OCR’s monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close the case.

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 the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This agreement will become effective immediately upon the signature of the District’s representative below.

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/s/  
Mary A. Morris  
District Representative  
Cheektowaga Central School District

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4/9/2018  
Date