

**Ferndale Public Schools
Resolution Agreement
OCR Docket #15-16-1139**

Ferndale Public Schools (the District) 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. This Agreement is not, and should not be construed as, a finding or admission of any wrongdoing or violation by the District.

For the purposes of this Agreement, the accessibility of online content and functionality will be measured according to the World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Application Suite (WAI-ARIA) 1.0 for web content, or other standard or combination of standards that will render the online content accessible.

Adherence to these accessibility technology standards is one way to ensure compliance with the District's underlying Section 504 and Title II legal obligations to ensure people with disabilities are able to acquire the same information, engage in the same interactions and enjoy the same benefits and services within the timeframe as their nondisabled peers with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online, as required by Section 504 and Title II and those statutes' implementing regulations; and that they receive effective communications of the District's programs, services, and activities delivered online.

The District agrees to take the following actions:

1. By February 28, 2017, the District will draft and submit to OCR for review and approval a policy and/or procedures to ensure information provided through the District's website(s) ("Online Content") is accessible to students, prospective students, employees, and the District's guests, with disabilities, particularly those with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access information (the "Web Accessibility Policy" or "Policy"). The Web Accessibility Policy will, at minimum, accomplish the following:
 - a. identify and adopt the specific technical standard(s) the District will use to determine whether Online Content is accessible (e.g., W3C's WCAG, WAI-ARIA, or other standard or combination of standards that will render online content accessible);¹

¹ 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.

- b. designate at least one individual (the “Web Accessibility Coordinator”) and provide that individual with sufficient resources and authority to coordinate and implement the Web Accessibility Policy, and all other requirements relating to accessibility referenced in this Agreement;
- c. provide a procedure to ensure that all Online Content and functionality developed by, maintained by, or offered through a third-party vendor or by using open sources, relating to the District’s Section 504 and Title II legal obligations, is accessible;
- d. provide for annual training of the Web Accessibility Coordinator and any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with Online Content to students, employees, and the District’s guests, 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 District. With regard to staff who have already been fully trained at least once on the Web Accessibility Policy, the annual-training requirement can be satisfied by disseminating notice that includes the Web Accessibility Policy (e.g., via email with a link to the Policy), highlights any Policy updates, and provides the name and contact information of the Web Accessibility Coordinator to serve as a resource for staff with questions about the accessibility of Online Content;
- e. provide for an accessibility audit (Audit) to be completed initially and thereafter annually under the direction of the Web Accessibility Coordinator, during which information provided by the District 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;
- f. inform students, prospective students, employees and the District’s guests, that they may report violations of the technical standard(s) used by the District, 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; and
- g. The Policy will require the District, in providing equally effective alternate access, to take any actions that do not result in a fundamental alteration or undue financial and administrative burdens, but nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits and services as their nondisabled peers. In those circumstances where the District’s Web Accessibility Coordinator believes that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, the District 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

Superintendent 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 District 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 benefits and services provided by the District.

Reporting Requirement: By February 28, 2017, the District will provide for OCR’s review and approval the Web Accessibility Policy drafted consistent with Item 1.

2. Within 90 calendar days of OCR’s approval of the District’s Web Accessibility Policy, the District will post the Web Accessibility Policy in a readily identifiable location on its website and will provide notification to students, prospective students, employees and the District’s guests. The notification will occur by written correspondence, email, and/or website notification and will further provide information on where the Web Accessibility Policy is located on the District’s website and, alternatively, where individuals may request or obtain a copy of such document.

Reporting Requirement: Within 90 calendar days of OCR’s approval of the District’s Web Accessibility Policy, the District will provide documentation to OCR verifying its implementation of Item 2, including a copy of the notification(s) and the URL (web address[es]) for the location of its Web Accessibility Policy.

3. Within 180 calendar days of OCR’s approval of the District’s Web Accessibility Policy, the District will complete an initial Audit to examine whether information provided through Online Content is currently accessible, measured against the technical standard(s) adopted by the Web Accessibility Policy. The District will document the results of the Audit and develop a corrective action strategy based on the audit findings that includes relevant timeframes for completion.

Reporting Requirement: Within 180 calendar days of OCR’s approval of the District’s Web Accessibility Policy, the District will provide to OCR for review and approval a copy of its Audit report and corrective action strategy, including the timeline for implementation of the corrective action strategy, and the credentials of a third-party web accessibility consultant or employee of the District with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the District that will be certifying (pursuant to Item 4 below) that the District’s Online Content meets the technical requirements adopted in the Web Accessibility Policy.

4. Within 60 calendar days of OCR’s approval of the corrective action strategy, including the timeline for implementation of the corrective action strategy and the credentials of the District’s consultant or responsible employee described above, the District will begin implementation of the corrective action strategy to make its online content accessible to individuals with disabilities, particularly students with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access the online content.

Reporting Requirement: Within 180 calendar days of OCR’s approval of the corrective action strategy, the District 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 District will also provide to OCR the bases 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 90 calendar days of OCR’s approval of the District’s Web Accessibility Policy, the District will provide training on how to ensure compliance with the Policy. 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 District in its Policy. The training will be initially provided to all 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 displayed on District webpage(s)/ District portal(s). The training will include, at a minimum, training on the Web Accessibility Policy and the roles and responsibilities of District staff to ensure that web design, documents, course content, and multimedia videos or content comply with the Policy requirements.

Reporting Requirement: Within 90 calendar days of OCR’s approval of the District’s Web Accessibility Policy, the District 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 District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District 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 District understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement OCR may visit the District, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the District 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 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 this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

Superintendent or Designee

10/6/16
Date