

**Ingham Intermediate School District
Resolution Agreement
OCR Docket #15-16-1373**

Ingham Intermediate School District (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. This Agreement is voluntarily submitted by the ISD and does not constitute an admission that the ISD violated Section 504 and Title II and those statutes' implementing regulations.

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 Applications Suite (WAI-ARIA) 1.0 techniques 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 ISD'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 same 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 of the ISD's programs, services and activities delivered online, as required by Section 504 and Title II and those statutes' implementing regulations; and that they receive effective communication related to the ISD's programs, services and activities delivered online.

The ISD agrees to take the following actions:

1. By April 28, 2017, the ISD will draft and submit to OCR for review and approval a policy and/or procedures to ensure information provided through the ISD's website(s) ("Online Content") is accessible to students, prospective students, employees, and members of the public 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 ISD will use to determine whether Online Content is accessible (e.g., W3C's Web Content Accessibility Guidelines (WCAG), Web Accessibility Initiative - Accessible Rich Internet Applications Suite (WAI-ARIA), or other standard or combination of standards that will render online content accessible);¹

¹ By entering into this Agreement, the ISD agrees that, unless and until the federal regulations and the law relative to the applicable standards for web accessibility change, the ISD will follow the existing standards, identified above,

- 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 within this Agreement;
- c. provide a procedure to ensure that all Online Content and information obtained through online content provided or developed by third parties is accessible, except where doing so would impose a fundamental alteration or undue financial and administrative burden. This procedure should direct administrators and staff to ensure that any ISD acquisition or use of Online Content provided or developed by third parties (e.g. vendors, video-sharing websites such as YouTube, other open sources) that the ISD chooses to make available on its website maintains accessibility of the Online Content, except where doing so would impose a fundamental alteration or undue financial and administrative burden;
- d. provide for annual training of the Web Accessibility Coordinator and any staff (e.g. administrators, teachers, support staff, student employees, and volunteers) responsible for creating or distributing information with Online Content to students, employees, and members of the public 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 ISD. 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 Web Accessibility Coordinator’s name, phone number, and email address, with a notation that this person serves 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 quarterly under the direction of the Web Accessibility Coordinator, during which information provided by the ISD 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. The ISD makes no assurances to any content or open source software that is posted, hosted or offered on the ISD’s website by an individual or entity outside of the control of the ISD. The ISD will take all steps reasonably calculated to prevent an individual or entity outside of the control of the ISD from posting on the ISD’s website, and agrees to promptly remove any inaccessible content once the ISD becomes aware of such content;

for web accessibility. The ISD will ensure that its Online Content is in compliance with and meets the standards articulated in the “Web Accessibility Policy”. In the event that the standards or laws and regulations change, the ISD agrees that it will conform its policies and procedures and Online Content to meet the change in the standards or laws and/or regulations.

- f. inform students, prospective students, employees, and members of the public 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; and
- g. 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 burden. When fundamental alteration or undue burden defenses apply, the ISD will provide equally effective alternative access. In providing equally effective alternative access, the ISD will take any actions that do not result in a fundamental alteration or undue financial and administrative burden, but nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services as their nondisabled peers. To provide equally effective alternative access, alternatives are not required to produce the identical result, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

For any technology-related requirement in this Agreement for which the ISD asserts an undue financial and administrative burden or fundamental alteration defense, such assertion will be made by the Superintendent, or by an individual designated by the Superintendent who has budgetary authority, after considering all resources available for use in the funding and operation of the service, program, or activity, and will be accompanied by a written statement of the reasons for reaching that conclusion, including the cost of meeting the requirement and the available funding and other resources. The written statement will be certified by the Superintendent or designee. If such a determination is made, the certifying official will describe in the written statement how the ISD will provide equally effective alternate access, i.e., other action that would not result in such a fundamental alteration or undue financial and administrative burden, but would ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services provided by the ISD as their nondisabled peers.

Reporting Requirement: By April 28, 2017, the ISD 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 ISD's Web Accessibility Policy, the ISD will post the Web Accessibility Policy in a logical and readily identifiable location on its website and will provide notification to students, prospective students, employees, and members of the public. 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 ISD'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 ISD's Web Accessibility Policy, the ISD 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 ISD's Web Accessibility Policy, the ISD 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 ISD will document the results of the Audit. If the ISD's audit reveals that Online Content on the ISD's website is not accessible, as measured against the technical standards identified in the Web Accessibility Policy, the ISD will develop a corrective action strategy based on the audit findings that includes relevant timeframes for completion of the corrective action strategy.

Reporting Requirement: Within 180 calendar days of OCR's approval of the ISD's Web Accessibility Policy, the ISD will provide to OCR for review and approval a copy of its Audit report and corrective action strategy, if necessary, including the timeline for implementation of the corrective action strategy. The ISD will also submit to OCR the credentials of a third-party web accessibility consultant or employee of the ISD with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the ISD that will be certifying (pursuant to Item 4 below) that the ISD'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 ISD's consultant or responsible employee described above, the ISD will begin implementation of the corrective action strategy to make its Online Content accessible to individuals with disabilities.

Reporting Requirements: Within 180 calendar days of OCR's approval of the corrective action strategy, 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 ISD 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 ISD's Web Accessibility Policy, the ISD 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 ISD in its Policy. The training will be provided to all staff involved in web design and implementation, including but not limited to administrators, teachers, support staff, student employees, and volunteers who develop or distribute Online Content. The training will include, at a minimum, training on the Web Accessibility Policy and the roles and responsibilities of ISD

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 ISD’s Web Accessibility Policy, the ISD 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 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/

12/05/2016

Superintendent or Designee

Date