



UPDATE

April 2017

School Leaders Risk Management Association

Sample Checklist Inside



...With Liberty and Online Access for All Is Your School District's Electronic Technology Compliant?

When Congress acted in 1973 to prohibit discrimination on the basis of disability in public schools, it could not have imagined the ubiquitous role that the Internet and information technology now play. School districts rely on websites, Internet-based applications or “apps,” computers, tablets, smartphones and other technologies (collectively “Electronic Information and Technology” or “EIT”) to communicate with stakeholders, deliver instruction, evaluate progress, and store student records. However, as school districts implement new and exciting EIT, they must also ensure that EIT is accessible to persons with disabilities.

In recent years, EIT accessibility has become a priority for the U.S. Department of Justice (“DOJ”), the U.S. Department of Education Office for Civil Rights (“OCR”), and private citizens who file complaints against school districts. The DOJ endeavored to create regulations addressing website accessibility under Title II of the Americans with Disabilities Act, only to go back to the

drawing board in 2016 to get input from stakeholders. The OCR has purportedly launched as many as 700 recent complaint investigations into website accessibility across the country.¹ Private advocates are often the driving force behind the OCR complaints. One Michigan-based advocate has filed approximately 400 complaints with the OCR on behalf of those with vision and hearing disabilities against educational entities nationwide.² In 2015, the Seattle Public School District entered into a consent

1 “Website Accessibility: A New Area of Enforcement for OCR,” School Planning & Management, January 2017, available at <https://webspm.com/articles/2017/01/01/website-accessibility.aspx>.

2 “Michigan Woman Fights for Accessible Websites in U.S. School Districts,” Detroit Free Press, July 4, 2017, available at <http://www.freep.com/story/news/education/2016/07/04/michigan-woman-fights-accessible-websites-us-school-districts/86526716/>.

Checklist Excerpt

Electronic Information Technology Accessibility Self-Audit Checklist and Best Practices for School Districts

III. Website accessibility spot check

Note: The questions that follow seek to provide a high-level starting point for assessing the accessibility of a district's website. They are in no sense a comprehensive website accessibility audit, and the answer could be "yes" to all of the questions and there could still be accessibility barriers. However, especially if the answer is "no" to some or all of the questions, it may indicate that the district is behind the curve and should take appropriate follow-up action. A good first step will often be to engage a professional to conduct a thorough EIT accessibility audit.

The top of each webpage with navigation links has a "skip navigation" link (which allows screen reader users to bypass navigation links and go straight to the webpage's content)? Yes No

All district webpages contain frames with titles that facilitate frame identification and navigation? Yes No

All links on all district webpages have functional text descriptions that can be read by a screen reader (as opposed to just a graphic or generic phrase such as "click here")? Yes No

All images and other non-text elements (for example, image of text, graphic, audio clip, or other element) on all district webpages have a text equivalent (for example, via "alt" or "longdesc" text)? Yes No

Do the district's webpages offer for all audio files synchronized captions/transcripts? Yes No

Do the district's webpages offer for all video files synchronized captions/transcripts for audio information? Yes No

Do the district's webpages offer for all video files synchronized audio descriptions of visual information? Yes No

**This is a portion of the Electronic Information Technology Accessibility
Self-Audit Checklist and Best Practices for School Districts**

Download the complete checklist at SLRMA.org

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decree in a lawsuit filed by a blind parent and the National Federation for the Blind that required various remedial actions, including significant website enhancements, hiring an accessibility coordinator, and auditing for compliance, as well as other requirements. In addition to attorneys' fees and compensatory damages, the school district estimated the remediation price tag from \$600,000 to over \$800,000.³ These sobering statistics demonstrate that the risk of non-compliance is real and costly.

To address this growing compliance challenge, SLRMA presents a brand new tool for members: the Electronic and Information Technology Accessibility Self-Audit Checklist and Best Practices. This comprehensive checklist provides

³ "Blind Parent Wins Battle for Access to Online Seattle School Resources," Seattle Times, September 23, 2015, available at <http://www.seattletimes.com/seattle-news/education/blind-parent-wins-battle-to-get-access-to-online-school-resources/>.

Recent Dispatches in the Newsroom



NEW Federal Case

December 2016

Brinsdon v. McAllen Independent School District

In late 2016, the Federal 5th Circuit Court of Appeals ruled on a matter in which a Texas high school student took issue with an assignment in her Spanish class. Read the Court's findings in this unusual case that gathered national media attention prior to suit being filed.

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practical guidance on how to approach accessibility issues and bring school districts' EIT up to current standards.

Where should school districts begin in order to meet their legal obligations? At a minimum, school districts should adopt a district-wide, dynamic commitment to EIT accessibility and appoint leaders responsible for making that commitment a reality. In addition, school districts need to promulgate and implement specific policies and procedures that require school districts' EIT to satisfy an objective accessibility standard – for example, the Web Content Accessibility Guidelines (“WCAG”) 2.0 Level A or AA. School districts should be aware that WCAG standards will evolve over time, so accessibility is not a “once and done” proposition and must be revisited regularly. A good place to start implementation may be school districts' public-facing websites. School districts that are behind the curve on accessibility can seek to implement accessibility standards for websites and other EIT for newly added and modified content. School districts can then work backwards to address legacy content, starting with the most frequently used and/or visited webpages and EIT resources.

Like technology, the laws and standards on accessibility are constantly evolving. We at SLRMA encourage our members to keep up to date on applicable federal, state, and local developments for changes regarding EIT accessibility.

Top 4 Downloads

- 1) Rights of Transgender Students - Hogan Lovells Memo
- 2) Questions and Answers on Title IX and Sexual Violence - U.S. Department of Education Guidance
- 3) Department of Education Guidance on use of online educational services - Hogan Lovells Memo
- 4) Vergara v. California - Case Summary

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Washington Post - March 6, 2017

Supreme Court's Decision to Pass on Transgender Bathroom Case Leaves Schools, Parents without Answers

For months, students, parents and school officials awaited a ruling from the Supreme Court on the case of Gavin Grimm, a transgender teenager from Virginia fighting for the right to use the boys' bathroom at his high school. But the high court decided to remand the case to the U.S. Court of Appeals for the Fourth Circuit, leaving those grappling with this emotionally-charged issue without the answers they had sought.

SLRMA Members

Download two invaluable resources for understanding the rights of transgender/gender non-conforming students:

Best Practices and Policies for Serving Transgender and Gender Non-conforming Students - Extracurricular Activities

Transgender and Gender Non-conforming Student Self-Audit Checklist and Best Practices

Log onto slrma.org for more information.