



# School Board Briefing/Proposed Action Report

**Informational** (no action required by Board)     **Action Report** (Board will be required to take action)

**DATE:** October 18, 2016  
**FROM:** Dr. Larry Nyland, Superintendent  
**LEAD STAFF:** Michael Miller, Accessibility Coordinator, 206-252-0174; Kelli Schmidt, Civil Rights Compliance Officer, 206-252-0306; John Krull, Chief Information Officer, 206-252-0321

## I. TITLE

Approval of Contract to AudioEye, Inc. for Web and Technology Accessibility

**For Introduction:** December 07, 2016  
**For Action:** January 04, 2017

## II. WHY BOARD ACTION IS NECESSARY

Per Board Policy 6220, Procurement, Board approval is being requested because the total value of the contract under discussion, AudioEye Web and Technology Accessibility, exceeds \$250,000.

## III. FISCAL IMPACT/REVENUE SOURCE

Proposed value of the Web and Technology Accessibility, 3-year contract is \$287,298.00. This is a new contract for a 2-year initial term at \$222,273.00 with the option of a third year at \$65,025.00.

The revenue source for this motion is currently budgeted for in the annual Office of Student Civil Rights, which is part of the General Fund.

Expenditure:  One-time     Annual     Other Source

## IV. POLICY IMPLICATION

This motion supports implementation of Board Policy No. 4205, Accessing Communication Auxiliary Aids and Services for District-Sponsored Programs, Events and Activities, and other policies and procedures implementing the following state and federal laws: RCW 28A.642 Discrimination prohibition; RCW 49.60 Discrimination Human Rights Commission; RCW 49.60.030 Freedom from Discrimination Declaration of Civil Rights; RCW 49.60.400 Discrimination, preferential treatment prohibited; WAC 392-190 Equal Education Opportunity; Unlawful Discrimination Prohibited; 42 U.S.C. §§12101-12213 Americans with Disabilities Act; 28 U.S.C. § 35 title II of the Americans with Disabilities Act; 29 USC § 794 Section 504 of the Rehabilitation act of 1973; and 34 CFR § 104 Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance. It ensures the Districts compliance with the U.S. District Court Consent Decree entered into in Case No. 214-CV-1286-RAJ2015.

The proposed contract allows the District to wisely manage Seattle Public Schools resources and ensure compliance with the policy, laws and decree noted.

Per Policy No. 6220, Procurement, a contract over \$250,000 must be brought before the Board for approval.

#### **V. RECOMMENDED MOTION**

I move that the School Board authorize the Superintendent to execute a contract with AudioEye, Inc. in the amount of \$287,298.00 for Web and Technology Accessibility in the form of the draft agreement dated October 25, 2016 and presented to the School Board, with any minor additions, deletions and modifications deemed necessary by the Superintendent, and to take any necessary actions to implement the contract.

#### **VI. BOARD COMMITTEE RECOMMENDATION**

This motion was discussed at the Operations Committee meeting on November 17, 2016. The Committee reviewed the motion and moved this item forward to the full Board with a recommendation for approval.

#### **VII. BACKGROUND INFORMATION**

Under Title II of the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act of 1974, and as a public agency receiving federal funds, Seattle Public Schools is required to comply with Title II, Section 504 and the Web Content Accessibility Guidelines 2.0 (WCAG).

In 2015, SPS entered into a consent decree with a parent of students in the District and the National Federation of the Blind, Inc.

This decree provides timetables, standards, and specific steps that SPS will follow to provide individuals with disabilities equal opportunity to participate in and benefit from SPS's services, programs, and activities, as SPS increasingly relies on web-based, digital, and emerging technologies.

One of the main components of the Decree requires that all District web pages comply with the WCAG 2.0 AA level of accessibility. The Decree covers the approximately 4000 web pages that are available to the public under the [www.seattleschools.org](http://www.seattleschools.org) domain.

Over the past 11 months, staff in the Office of Student Civil Rights (OSCR), Communications and DoTS have worked to bring the District's website into compliance. This has been a daunting task and one that is extremely arduous and time consuming with the present staffing levels.

## **VIII. STATEMENT OF ISSUE**

It was determined that, in order to bring the District into continuing compliance with the applicable laws, guidelines and the Decree, AudioEye would be engaged to assume the task of maintaining the website as required.

The AudioEye will assess site content, running in-depth analysis and maintaining site audits in relation to WCAG 2.0 AA standards. The information made available and tracked will be made available to SPS stakeholders in charge of maintaining and tracking the status of accessibility across the different SPS domains and infrastructure.

AudioEye engineers, subject matter experts and experienced Assistive Technology (AT) users will leverage the findings produced and maintained within the decree, will manually conduct AT usability tests, and, taking the findings of the automated and manual testing into mind, fully configure website fixes and improvements (“remediation”) that improve the level of compliance, usability, and accessibility of the SPS website.

AudioEye will reduce burden on SPS resources by identifying, tracking and fixing conformance issues conducted and managed by AudioEye. In the event that a compliance issue can only be fixed through the application of some change to the source code or in the event that changing outside of the source is deemed impractical, AudioEye will notify Client of these specific issues and will outline the various best practices and suggested through the combination of technology and service. AudioEye will ensure that, to the greatest extent possible, SPS adheres to the different standards outlined herein.

AudioEye will provide certification that the SPS websites meet all applicable regulations. If any work performed by and directly attributable to AudioEye makes the SPS web domain out of compliance with any federal, state or local law or regulation and that non-compliance results in monetary damages against SPS, the AudioEye will indemnify SPS for all monetary damages assessed by regulatory agencies or any court. This indemnification does not apply to SPS generated webpage content or to the content management system used by the District.

## **IX. ALTERNATIVES**

An alternative to contracting would be for the District to continue with the current staff configuration to maintain the accessibility of the District’s website. This alternative is not recommended due to the fact that it has not been possible to keep the current website in compliance at all times with the limited staff.

## **X. RESEARCH AND DATA SOURCES / BENCHMARKS**

Consent Decree

## **XI. TIMELINE FOR IMPLEMENTATION / COMMUNITY ENGAGEMENT**

Upon approval of this motion, a contract will be executed between SPS and AudioEye for Web Accessibility Maintenance of the seattleschools.org web domain. After an initial kick-off meeting, a schedule that ensures SPS's compliance with the Decree timelines will be developed.

## **XII. ATTACHMENTS**

- AudioEye Contract (for approval) (pages 32-33 replaced)
- Consent Decree