

**RESOLUTION AGREEMENT**  
**New York Institute of Technology**  
**Case Number 02-14-2421**

In order to resolve Case No. 02-14-2421, the New York Institute of Technology (NYIT) assures the U.S. Department of Education, New York 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.

**Action Item 1:**

By April 1, 2015, the NYIT will make a written offer to the complainant providing him with the opportunity to re-take the XXXXXXXXXXXX XXX XXXX and XXXXXXXXXXXXXXXX XXXXXXXX (the Exams), near his home in XXXXXXXXXXXX, with his approved testing modifications of XXXXXXXX XXXX XXX and a XXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXXX. The complainant must present acceptable photo identification verifying his identity upon re-taking the Exams. The Exams will be administered at a minimum of two-week intervals, with the first exam administered no sooner than May 1, 2015, and no later than June 1, 2015. The higher grade (between the original examination and the re-take) will be computed into the complainant's grades for the respective courses, and his grade point average (GPA). NYIT will provide the complainant with a minimum of 30 days to respond to this offer.

**Reporting Requirements:**

- a) By May 15, 2015, the NYIT will provide documentation to OCR demonstrating that it has offered the complainant an opportunity to retake the Exams, in accordance with Action Item 1; and will provide documentation of the complainant's response, if any.
- b) If applicable, by July 1, 2015, the NYIT will provide documentation to OCR demonstrating that it re-computed the complainant's grades for the respective courses, and his GPA, in accordance with Action Item 1.

**Action Item 2:**

By August 1, 2015, if the complainant accepts the NYIT's offer to re-take the Exams, pursuant to Action Item 1, and his performance on the Exams when computed into his GPA results in a GPA of 3.0 or above, the NYIT will send a written offer to the complainant to re-enroll in the XXXXXXXXXXXX XXXXXXXXXXXX program (the program), consistent with the Department of XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXX Student Handbook. The NYIT will allow the complainant at least 30 calendar days to respond to the offer. If the complainant requests reinstatement, the NYIT will process his request within 10 business days. If the complainant is reinstated into the program, for the remainder of the complainant's enrollment at the NYIT, the NYIT will ensure that the complainant receives approved academic adjustment(s) and/or auxiliary aid(s), including testing modification(s).

**Reporting Requirements:**

- a) If applicable, by September 15, 2015, the NYIT will provide to OCR a copy of its letter offering the complainant an opportunity to re-enroll in the program. The NYIT will also notify OCR of whether the complainant accepted the NYIT's offer to re-enroll in the program; and if so, provide documentation demonstrating that the complainant has been reinstated to the program.
- b) If applicable, by June 1, 2016, the NYIT will provide written documentation to OCR demonstrating that the complainant received approved academic adjustment(s) and/or auxiliary aid(s), including testing modification(s), for courses in which he was enrolled during the fall 2015 and spring 2016 semesters.

The NYIT understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. § 104.44, which was at issue in this case. The NYIT also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the NYIT understands that during the monitoring of this agreement, if necessary, OCR may visit the NYIT, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the NYIT has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. § 104.44, which was at issue in this case. The NYIT 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 proceeding to enforce this agreement, OCR shall give the NYIT written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

March 10, 2015

/s/

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[Authorized Official]  
New York Institute of Technology