

**Resolution Agreement
Luzerne County Community College
OCR Complaint #03142246**

To resolve the allegations in the above-referenced complaint, filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35, Luzerne County Community College (the College) voluntarily enters into this Resolution Agreement (Agreement). This Agreement does not constitute an admission of liability on the part of the College, nor does it constitute a determination by OCR that the College violated any of the regulations enforced by OCR.

The College voluntarily makes the following commitments to OCR:

Commitments:

1. The College recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.44(a) to provide modifications to its academic requirements, as are necessary, to qualified students with disabilities to ensure that they are not denied the benefits of, or excluded from participation in, the College's educational programs, benefits, or services. The College also recognizes its obligation under the Title II regulation at 28 C.F.R. § 35.130(b)(7) to make reasonable modifications when necessary to avoid discrimination on the basis of disability, unless it can demonstrate that making the modifications would fundamentally alter the program.
2. By August 26, 2014, the College will offer the Complainant's XXXXXX (the Student), in writing via certified mail, the option of retaking the XXXXXX course (the Course) with approved academic adjustments. The offer will include the following information: the next available dates that the Course will be offered at the College; any paperwork that the College deems necessary for the purpose of registering for the Course; the applicable deadlines associated with registering for the Course; that retaking the course will be at no cost to the Student; and a date by which the Student must notify the College of her decision to accept its offer to retake the Course. In addition, the Student's grade in the previous XXXXXX course will be removed from her transcript and will be replaced with the grade that she earns if she retakes the Course. In the event the Student does not avail herself of the opportunity to retake XXXXXX, the remaining terms of this agreement shall stand as will the Student's prior grade from the course.
3. By September 3, 2014, the College will disseminate a memorandum to all administrators, faculty, and staff at the College reminding them of their obligations under Section 504 and Title II. The memorandum will further specify that all administrators, faculty and staff must provide academic adjustments or auxiliary aids or services for a student with a disability immediately upon receipt of an Accommodation Letter from the College's Disability Support Services, and that if there are any questions or concerns regarding these matters, to consult with Disability Support Services staff immediately. The memorandum will also include a copy of the College's policies and procedures for the provision of academic adjustments to students with disabilities.

Reporting Requirements:

1. By October 3, 2014, the College will provide to OCR a copy of the memorandum sent to all administrators, faculty, and staff members pursuant to Commitment #3, above.
2. By October 3, 2014, the College will provide OCR a copy of the letter sent to the Student offering her the option of retaking the Course and a written description of how the Student responded to the offer in accordance with Commitment #2.

The College agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that the College has fulfilled the terms of this Agreement and is in compliance with the provisions of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (Title II).

The College shall provide data and other information in a timely manner. During the monitoring of this Agreement, OCR may visit the College, if necessary, to interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the College has complied with the terms of this Agreement and the provisions of Section 504 and Title II, which are applicable to this complaint.

The College 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 College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

8/22/14

Thomas P. Leary, President
Luzerne County Community College

Date