

RESOLUTION AGREEMENT

Texas State University (TXST)

OCR Case Numbers 06132087, 06132089, 06132308, 06132319, and 06132323

Texas State University (TXST or the University) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, TXST commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and their respective implementing regulations, to resolve alleged compliance concerns raised by five student complaints. TXST understands that OCR will not close the monitoring of this Agreement until OCR determines that TXST has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. §§ 104.43 and 104.44, and 28 C.F.R. §§ 35.130 and 35.160, respectively, which were at issue in this case. TXST 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, TXST understands that during the monitoring of this Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether TXST has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II. TXST 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 TXST written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement does not constitute an admission by TXST that it discriminated or otherwise engaged in any wrongdoing.

TXST hereby voluntarily commits to the following:

1. TXST will draft a letter to all individuals, who requested academic accommodations and auxiliary aids and services for deafness and/or hearing impairments during the 2012-13 and the 2013-14 school years. The letter will identify TXST's existing communication policies, its commitment to providing access to its programs for deaf/hearing-impaired persons, and direct individuals to where they can go for assistance.

REPORTING REQUIREMENT 1.1: TXST will submit to OCR for review and approval the draft letter for deaf/hearing-impaired individuals by **November 15, 2013**.

REPORTING REQUIREMENT 1.2: TXST will submit to OCR the list of individuals who during the 2012-13 and 2013-14 school years requested some form of communication-related

academic accommodations or auxiliary aids or services for deaf or hearing-impaired persons by **November 15, 2013**.

REPORTING REQUIREMENT 1.3 Within **10 calendar days** of OCR's approval of the letter, TXST will send the letter to all individuals identified in Reporting Requirement 1.2 of this Agreement, and will verify to OCR in writing that all individuals have been notified.

2. TXST will submit for OCR's review and approval in-service training materials regarding its communication policies and procedures. TXST will identify one or more persons knowledgeable about Section 504 and Title II who will provide this training. The training will be conducted annually for those persons responsible for coordinating or administering services for deaf/hearing-impaired students (i.e., Disability Services Staff, including coordinators, counselors and supervisors) and will include, at minimum, a review of:

- TXST's commitment to non-discrimination and meeting the needs of the deaf and hearing-impaired community in accordance with Section 504 and Title II;
- An explanation that reasonable academic accommodations and auxiliary aids and services are available upon request;
- The types of services available;
- How to request assistance;
- An explanation that the types of services available will depend on the length and complexity of the communication as well as the needs of the individual requesting assistance; and
- The responsibility of designated staff to act on each request for reasonable academic accommodations and auxiliary aids and services made by deaf/hearing-impaired individuals.

REPORTING REQUIREMENT 2.1: **By December 13, 2013**, TXST will:

- Submit the training materials for OCR's review and approval.
- Identify the trainer(s) and information about the trainer's qualifications.

REPORTING REQUIREMENT 2.2: Within **10 calendar days** of OCR's approval of the training materials, TXST will provide staff training on their communication policy and procedures.

REPORTING REQUIREMENT 2.3: Within **10 calendar days** after the training, TXST will submit to OCR proof that the training was provided. Such documentation will include:

- The agenda and handouts for the training;
- The date and time the training was held; and
- A copy of the attendance sheet from the training, including the name and title of each participant, along with a written assurance from TXST that all required attendees were present during the training.

3. TXST will ensure that prior to assigning its interpreters for deaf/hearing-impaired students, consideration will be given to the complexity of the course being taken as well as the qualifications of the interpreters, to ensure accurate translation.
4. TXST will ensure that deaf/hearing-impaired students are provided equivalent opportunities to participate in after-class and other course-related discussions with faculty as compared to students without disabilities.

/S/
Dr. Joanne H. Smith, Vice President for Student Affairs
Texas State University

Date