

**Resolution Agreement
Laney College
OCR Case Number 09-12-2317**

Laney College, without admitting to any wrongdoing or violation of law, agrees to implement this Resolution Agreement to resolve the issues investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, in the above-referenced complaint.

I. Section 504 Plan

By March 31, 2014, the College will give OCR for review and approval a draft Section 504 plan for the provision of programs and services to students with disabilities which will include the following¹:

- A. Designation of a Section 504 coordinator who will be responsible for implementing academic adjustments, including auxiliary aids (“accommodations”).
- B. Procedures for students with disabilities to request and obtain accommodations, including the type of documentation that is needed and forms that need to be completed by students.
- C. A description of how the College will ensure that instructors will provide or implement the approved accommodations.
- D. A description of the process the College will use to determine whether an accommodation may result in a fundamental alteration of a program, including a process by which instructional staff may raise an objection to an approved adjustment. In cases where the College has approved an accommodation and an instructor objects, the College will provide the approved accommodation to a student until a final decision has been reached regarding the instructor’s objection.
- E. A statement that the College will work with the student and the instructor to identify and implement any alternate accommodation(s) that may be available when it has been decided that the requested accommodation would fundamentally alter the program or instruction, or if implemented, conflict with a direct licensing requirement or negate a requirement essential to the program of instruction.

¹ Laney College is a member of Peralta Community College District (District). The District has Section 504 policies and procedures that apply to its member schools. The District’s administrative procedure 5140 requires each college to maintain a plan for the provision of programs and services to students with disabilities.

F. Information on how students can grieve or challenge the College's decision regarding the students' disability services.

Within 45 days of receiving final feedback or comments from OCR, the College will adopt and implement the Section 504 plan.

II. Student Disability Handbook

By April 30, 2014, the College will give OCR for review and approval a draft of the student disability handbook that contains relevant information about the College's disability related services, such as how to register for disability services, how to request and obtain academic adjustments, how to grieve a decision made by the College with respect to a student's disability services, and other pertinent information regarding the College's Section 504 policies and procedures.

Within 45 days of receiving final feedback or comments from OCR, the College will adopt and implement the student disability handbook.

III. Notice and Training

By March 31, 2014, the College will provide a description of how it will disseminate its Section 504 plan to faculty, staff, and students. The College will also provide a description of how it will disseminate the student disability handbook to students with disabilities, including posting it on the College's website. Within 45 days of receiving OCR approval, the College will provide confirmation to OCR that the information has been disseminated.

By May 31, 2014, the College will provide OCR with a draft guidance memo addressed to faculty regarding their Section 504 responsibilities, including the need to implement all approved accommodations. Within 45 days of receiving final feedback or comments from OCR, the College will distribute the memo to faculty.

In addition, by September 30, 2014, the College will provide documentation to OCR that it has offered in-person Section 504 training to faculty as part of faculty's professional development.

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that during the monitoring of this Agreement, OCR may visit the College, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section

504, at 34 C.F.R. § 104.43(a), 34 C.F.R. § 104.44, and 34 C.F.R. § 104.7, which were at issue in this case.

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. § 104.43(a), 34 C.F.R. § 104.44, and 34 C.F.R. § 104.7.

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/_____
College President or Designee

____2/11/2014____
Date