

## **Resolution Agreement**

West Kern Community College District (Taft College Children's Center)

OCR No. 09-15-2424

In order to resolve the allegations raised in this complaint filed with OCR under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, and without admitting to any violation of law, West Kern Community College District (District) agrees to implement this agreement.

### **Actions and Reporting:**

- I. By February 28, 2016, the District will provide training for all full-time administrators of the District's Taft College Children's Center (Center). Training will include the following topics:
  - A. The requirement that the District, through the operation of the Center may not exclude qualified individuals with disabilities from the Center, and that the Center must take into account the needs of such persons enrolled in the Center in determining the services to be provided to them.
  - B. The District must make reasonable accommodations to its policies, practices, and procedures to ensure that qualified individuals with disabilities have an equal opportunity to participate in the Center. The District is not required to provide reasonable accommodations that constitute an undue burden for the District, or that result in a fundamental alteration of the Center.
  - C. The District will provide an interactive process for parents/guardians of children with disabilities by which they can request reasonable accommodations to the programs and services to be provided to the child with a disability through the Center. The District will not determine that a child with a disability does not qualify for admission to the Center by reason of disability based discrimination. Any determination that a child does not qualify for admission to the Center will be made on a case-by-case basis, in an interactive process with the child's parents/guardian to ascertain whether reasonable accommodations exist that would allow the child to meet the essential eligibility requirements of the Center.
  - D. In determining whether a reasonable accommodation constitutes an undue burden, the District will consider the nature and cost of the reasonable accommodation, the overall financial resources of the District, the effect of the reasonable accommodation on the District's expenses and resources, and the impact of the reasonable accommodation on the operation of the District at large.

- E. If the District concludes that no reasonable accommodations exist to accommodate the child in the Center, the District will discuss the matter with the parent/guardian and explain the rationale for being unable to enroll or keep the child in the Center. Any final determination that a reasonable accommodation represents an undue burden or a fundamental alteration shall be made by the head of the District's department in charge of the Center, or his or her designee, in a written notice to a parent/guardian whose child is affected, giving the reasons for reaching that conclusion.
  
- II. 14 days prior to the date listed above in Section I, the District will provide OCR with the name(s) of the trainer(s), the trainers' credentials, and copies of the materials to be used in the training for OCR's review and approval.
  
- III. No later than 10 days after the training takes place, the District will provide OCR with the names of the Center administrators who participated in the training, and their titles.

**Monitoring:**

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement in compliance with Section 504, and Title II.

The District 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 District understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with Section 504, and Title II.

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

\_\_\_\_\_/s/\_\_\_\_\_

Dr. Dena Maloney, Superintendent/President, or designee

10/15/2015

Date