

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Spokane Community College (SCC) enters into this agreement to resolve the allegations in a complaint (Reference No. 10142024) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and title II of the Americans with Disabilities Act of 1990 (42U.S.C. 12131-12134) and their respective implementing regulations.

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10142024 and does not constitute an admission by SCC of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10142024 based upon SCC's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. SCC understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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 [recipient] written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.
- D. SCC 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, SCC understands that during the monitoring of the implementation of this agreement, if necessary, OCR may visit SCC and interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether SCC has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

- E. SCC understands that OCR will not close the monitoring of the implementation of this agreement until OCR determines that SCC has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

III. REMEDIAL PROVISIONS

A. Responses to Student Requests for Academic Adjustments

- 1 For OCR's review and approval, by June 1, 2014, SCC will review and revise, as necessary, its policies and procedures for the provision of academic adjustments, auxiliary aids, and program modifications to ensure that students with disabilities are not discriminated against on the basis of disability and that such policies and procedures are in compliance with Section 504 and Title II and those statutes' implementing regulations. The policies and procedures must specifically ensure that:
 - a. Students receive notice from SCC of the opportunity to request disability-related academic adjustments, auxiliary aids, and program modifications and receive notice of any specific college requirements for requesting adjustments, aids, and modifications, including the timeframes and guidelines by which students are expected to submit requests, the name and contact information for the college employee to whom students should submit any requests, and any requirements for appropriate documentation of students' disabilities and need for adjustments, aids, and modifications;
 - b. An interactive process occurs between SCC and students about obtaining effective academic adjustments, auxiliary aids, and program modification;
 - c. When requests for academic adjustments, auxiliary aids, and program modifications are approved by SCC, students, relevant college faculty, and staff members are promptly and effectively notified so that the academic adjustments, auxiliary aids, and program modifications can be implemented in a timely manner; and

- d. When requests for academic adjustments, auxiliary aids, and program modifications are not approved by the college, specific reasons for such decisions are clearly articulated and documented in writing to students; and, as applicable, students are informed of any additional information the college needs to reevaluate students' requests.
2. Within 120 calendar days of receiving OCR's approval of the SCC draft policies and procedures for the provision of academic adjustments, auxiliary aids, and program modifications SCC reviewed and revised in accordance with section III.A.1. of this agreement, the college will adopt, publish in accessible formats, and implement those policies and procedures.

B. Staff Notice and Training

1. Within 90 calendar days of adopting its policies and procedures pursuant to sections III.A.1. of this agreement, SCC will provide training about policies and procedures for the provision of academic adjustments, auxiliary aids, and program modifications. SCC will provide the training to the college's designated Section 504 and Title II coordinators and to all administrators, faculty, disability services staff members, and any other employees and contractors who are responsible for approving or providing academic adjustments, auxiliary aids, and program modifications for students with disabilities.
2. Within 90 calendar days of adopting its policies and procedures pursuant to sections III.A.1. of this agreement, SCC will widely disseminate written notices to all college employees and contractors, students, and any other members of the college community of those policies and procedures.

C. Individual Remedies

1. By June 1, 2014, SCC will provide a letter to the student informing the student of the specific steps taken by the college pursuant to section III.A., above. In that letter, SCC will also offer to the student one of two options. The first option offered in the letter will be for the student to retake, at no cost to the student, XXXXXXXX, XXXXXXXX XXXXXXXX, and/or XXXXXX XXXXXXXX and have the grade earned in the retaken class be the one reflected on her transcript. The student may retake one, two, or all three of these courses under this option. The second option offered is that SCC will remove one, two, or all three of the courses (XXXXXXX,

XXXXXXXX XXXXXX, and/or XXXXX XXXXXX) from the student's transcript and refund the cost for the courses removed. The letter will allow the student until December 31, 2014 to make a request for retakes or refund. Should the student not choose either option, SCC will not alter the student's transcript.

The letter will also advise the student that, should she choose to take additional course work at SCC, upon her request, SCC will review and reconsider her request for extended time on assignments utilizing the standards described in section III.A.1.

2. If the student requests review and reconsideration of her request for extended time on assignments, within two weeks of the request, SCC will review and reconsider the request consistent with the standards provided in sections III.A.1., above.

3. If the review conducted by SCC does not result in a decision to grant the student extended time on assignments, in keeping with the standards enumerated in section III.A., SCC will meet with the student for the purpose of reviewing the alternatives available to the student, including, but not limited to: the provision of additional documentation to support her request for academic adjustments, other academic adjustments or program modifications that may assist the student in meeting her disability-related needs, and information regarding other options that the student may pursue to complete her academic requirements, such as a course substitution or other modifications as SCC deems necessary.

IV. REPORTING PROVISIONS

- A. By June 1, 2014, SCC will provide for OCR's review and approval a copy of its reviewed and revised draft policies and procedures, pursuant to section III.A.1., above.
- B. As promptly as possible, OCR will provide SCC with feedback about the draft policies and procedures the college submitted pursuant to sections III.A. of this agreement.
- C. Within 120 calendar days of adopting, publishing, and implementing the policies and procedures pursuant to sections III.A. of this agreement, SCC will provide OCR with a detailed report documenting that the SCC has incorporated OCR's comments and adopted, published, and

implemented those policies and procedures. The report will include the date or dates on which the policies and procedures were adopted and implemented, a description of how and where the policies and procedures were published, and a copy of its published policies and procedures

- D. By December 1, 2014, SCC will provide OCR a report describing the training it provided pursuant to section III.B.1 of this agreement. The report will include a detailed description of the training; the training agenda; the date or dates the training was provided; the name, title, and qualifications of the individuals who provided the training, and a list, including names and titles of all individuals who attended the training.
- E. By December 1, 2014, SCC will provide to OCR copies of notices disseminated under section III.B.2 of this agreement.
- F. By December 1, 2014, SCC will provide a report to OCR reflecting the completion of the individual remedies set forth in section III.C above, and that includes:
 - 1. A copy of the letter sent to the student pursuant to section III.C.1, above.
 - 2. Description of any reviews and/or reconsideration by SCC pursuant to section III.C.2 above and a copy of any written decision or explanation communicated to the student.
 - 3. A description of any alternatives made available by SCC to the student pursuant to section III.C.3 of the agreement.

Signed:

_____/ s / _____

____04/28/2014_____

Date

Scott Morgan, President
Spokane Community College