

**RESOLUTION AGREEMENT**  
**Everest College**  
**Case Number 08-14-2054**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced complaint against the Everest College Phoenix - Mesa (College) pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. The College agrees to implement the following terms of this Resolution Agreement.

- 1) The College will provide OCR with a full accounting, along with supporting documentation, detailing every item the College has charged the Complainant, including but not limited to tuition, books, fees (e.g. application fees), health insurance, and any other item related to his enrollment with the College. If any charge has been waived or refunded to the Complainant, the College will include this information along with supporting documentation. Additionally, the College will provide OCR with a full accounting, along with supporting documentation, detailing all monies the Complainant borrowed through student loans while enrolled with the College.

**REPORTING REQUIREMENTS**

By March 1, 2015, the College will provide OCR with the documentation described in Term 1 for OCR's review and approval. The College will continue to clarify its accounting and provide supporting documentation until OCR's reviews and approves the records.

- 2) Upon OCR's review and approval of Term 1, the College will return all monies it received for the Complainant's attendance, including tuition and fees, to their funding sources. The College will also write-off any ledger balance resulting from any unpaid charges, including any charges associated with the books received by the Complainant.

**REPORTING REQUIREMENTS**

Within 30 days of OCR's approval of the monetary amount, the College will provide OCR with documentation demonstrating compliance with Term 2.

- 3) The College shall ensure that all courses the Complainant had taken and credits the Complainant had earned while enrolled at the College are displayed on the Complainant's school records and transcript.

**REPORTING REQUIREMENTS**

By March 1, 2015, the College will provide OCR with a copy of the Complainant's entire student record. Additionally, the College will provide OCR with a copy of the Complainant's final transcript as the College would send to any other post-secondary institution, employer, or third party. The College will continue to make additional

changes to the records and transcript until OCR's reviews and approves the records and transcript.

- 4) The College will revise its application and admissions/enrollment process to eliminate any consideration of whether an applicant's high school diploma is based on remedial special education in completed courses. The College will ensure its admission/enrollment process establishes objective, non-discriminatory eligibility criteria for determining admission/enrollment.

### **REPORTING REQUIREMENTS**

By March 1, 2015, the College will revise and provide OCR with a copy of all documents related to the College's admissions/enrollment process. At a minimum, the College will provide a copy of its revised admissions/enrollment policies and procedures, application form and related documents, student catalog, internal guidance for College employees, and any other source that addresses the admissions/enrollment process. Additionally, if any of the information is available online, the College will provide OCR with a link to all such locations. The College will continue to make changes until it receives OCR's approval.

- 5) The College shall draft a memo (Memo) for OCR's review and approval, to be sent to all College administrators and all staff involved in the application/enrollment process informing them Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. The Memo shall instruct all recipients to immediately cease all attempts to obtain information regarding whether an applicant to the College or enrolled student completed remedial special education while enrolled at the elementary and secondary institutions. Additionally, the Memo shall instruct all recipients to immediately report to the College any current and past practices of gathering and/or relying on such information in the application/enrollment process.

### **REPORTING REQUIREMENT**

Within 10 days of the date of the Agreement, the College shall provide OCR with a copy of the draft Memo for OCR's review and approval. The College will continue to make changes until it receives OCR's approval.

- 6) Within 10 calendar days after the College has received OCR's approval of the Memo, the College shall issue the Memo to all College administrators and all staff involved in the application/enrollment process.

### **REPORTING REQUIREMENT**

Within 10 days of the date the College issues the Memo, the College shall provide OCR with a statement confirming it has issued the Memo, a list of names along with job titles of all recipients of the Memo, and a copy of the final memo as issued. The College shall provide supporting evidence showing it has issued the Memo (e.g. copy of email showing list of recipients).

- 7) a) Within 30 calendar days of the date of OCR's approval of the College's admissions and enrollment process in Term 4, the College shall submit to OCR for approval a copy of the training materials and trainer's credentials. The training shall clarify that Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. The training will also address the College's revised application and admissions/enrollment process. The training will emphasize that the College may not deny admission/enrollment to a student because the student may have completed remedial special education coursework at the elementary and secondary level, or is otherwise disabled. The training will also highlight Section 504's prohibition against pre-admission inquiries regarding a student's disability.
- b) Within 30 calendar days of OCR's approval of the training materials and credentials, the College will provide training to all administrators and staff involved in the application/enrollment process.

#### **REPORTING REQUIREMENTS**

Within 30 calendar days of the date of the training, the College will provide OCR with a list by name and job title of all individuals who attended the training.

- 8) By March 1, 2015, the College will conduct an audit of all students since January 1, 2012 whose enrollment was cancelled or revoked, to determine whether the College relied on information regarding a student's completion of remedial special education in high school in making its decisions. For any student whose enrollment was cancelled or revoked because of the College's review of the student's completion of remedial special education in high school which resulted in a regular high school diploma, the College will contact the student and invite the student to reapply and provide a full accounting to OCR of all expenses incurred by the student as set forth under Term 1. The College will also provide reimbursement to such student(s) as set forth under Term 2.

#### **REPORTING REQUIREMENTS**

By March 1, 2015, the College will provide OCR with an explanation detailing all of the efforts it made to meet Term 8. At a minimum, the College will provide OCR with the number of students who were denied enrollment, the number of students whose enrollment was cancelled or revoked as described above, and the number of these students who the College knows are disabled. For each student, the College will provide its justification for denying or revoking enrollment, and the type of supporting credentials (e.g. diploma or transcript) the student provided. The College will continue to provide OCR with requested data until it receives OCR's approval.

- 9) The College will conduct an annual audit, until the closure of the monitoring of this complaint, to ensure that it has ceased all attempts to obtain information regarding an applicant's or student's completion of remedial special education admission/enrollment process.

### **REPORTING REQUIREMENTS**

By March 1, 2015 (for the 2014-2015 school year) and March 1, 2016 (for the 2015-2016 school year), the College will provide OCR with an explanation detailing all of the efforts it made to meet Term 9 during the above academic years. At a minimum, the College will provide OCR with the number of students whose enrollment was cancelled or revoked based on the College's review of the students' completion of remedial special education in high school, the College's justification for cancelling or revoking enrollment, and the type of supporting credentials (e.g. diploma or transcript) the student provided. The College will continue to provide OCR with requested data until it receives OCR's approval.

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.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104.

The College 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 College understands that during the monitoring of this agreement, if necessary, 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 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, were at issue in this case.

/S/

January 26, 2015

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Everest College Phoenix-Mesa

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Date