

Orange Coast College
Resolution Agreement
OCR No. 09-13-2385

Orange Coast College (College) agrees, without admitting to any violation of law, to implement the following Resolution Agreement (Agreement) to resolve the issues investigated by the U.S. Department of Education (Department), Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Act Amendments of 2008, (Title II or ADA) in the above-referenced OCR case number.

- I. The College will take measures to ensure that its Disabled Students Programs and Services (DSP&S) is addressing requests for and providing auxiliary aids and accommodations in a timely and effective manner. At a minimum, this will include:

- (a) Development of a written protocol that describes the process that is followed for requesting, approval, and implementation of auxiliary aids and accommodations along with corresponding time periods for each step in the process (the application; necessary medical documentation; approval or disapproval by DSP&S; once an application is approved, how a meeting will be scheduled among the student, DSP&S representative, and, if necessary, any instructor/professor to discuss the implementation of the approved accommodations and ways to maintain an "interactive process" among them). The protocol will also provide the name or title of an individual in DSP&S, along with his or her business contact information, who will serve as the point of contact for students involved with the approval process. Additionally, the protocol will provide information about what occurs in any instance where there is a failure or refusal to provide approved aids or accommodations, or when those provided are ineffective, and information about filing a complaint of discrimination based on disability.

Once developed, the written protocol will be posted in the DSP&S where all other informational documents are posted for viewing by students or the public, will be made available for picking up by students or others by leaving them in a sufficient number in a conspicuous place in the DSP&S, will be posted at the DSP&S website, and will be provided to each student as he or she begins the process of seeking approval for aids or accommodations.

- (b) Development and implementation of a database and calendaring system within DSP&S that tracks the steps in each individual student's progress through the approval process and provides reminders or notifications when a step in the process has reached a predetermined time limit so that the student's request will be immediately flagged and acted on.

- (c) Implementation of a requirement that the DSP&S document the following dates in the file of each student seeking approval of auxiliary aids or accommodations:
 - 1) receipt of the application; 2) necessary medical or other documentation was requested and provided or received; 3) medical or other documentation was reviewed; 4) request was approved or denied; 5) student was notified of the approval or denial; 6) if a conference was requested by the student, when it was scheduled, and when it was held; 7) letter describing the aids or accommodations was given to the student; and, 8) any subsequent substantive contact from or to the student and a brief summary of the nature of the contact.
 - (d) Review by the DSPS Director each semester of the data produced by the tracking system to assess whether the process for providing accommodations is operating in a timely manner.
 - (e) Annual training for all DSPS staff members who are involved in the accommodations process on the protocol described in (a) above.
- II. The College will fully and objectively review the staffing level within the DSP&S and determine whether additional staff should be placed within the office to assist with its existing duties and obligations and also those imposed by this Agreement.¹ In making its determination, the College will give primary consideration to the advice and requests of its DSP&S director and the findings in this matter that resulted in the terms of this Agreement.

Reporting Requirements

- III. By **August 15, 2014**, the College will provide its proposed protocol to OCR for review and comment. Within thirty (30) days of OCR's approval of the protocol, the College will adopt and implement the protocol and provide written assurance to OCR that it has done so and that it has disseminated the protocol as required.
- IV. By August 29, 2014, the College will provide detailed and specific information to OCR about the database and calendaring system it intends to use to properly track the progress of a student's request and, within thirty (30) days of OCR's approval of the database/calendaring system, the College will fully implement the system and provide written assurance to OCR that it has done so.
- V. By August 15, 2014, the College will provide written assurance to OCR that it has fully implemented the requirement to properly document significant events in each student's file who is requesting accommodations or auxiliary aids.

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If a determination is made to provide additional administrative assistance, the College is not required to hire a new individual and may fill the position with existing employees from outside of DSP&S and at levels that it believes appropriate.

- VI. By **November 1, 2014**, the College will provide a detailed and specific written report to OCR of the process it undertook to review the staffing level in DSP&S and inform OCR of the determination reached. The report will include the information considered and the factors evaluated in making the determination, the details of any newly created position (e.g., the start date, the term of the employment, whether staffed at full time equivalency (FTE) or another level, the duties and responsibilities of the position, etc.), and verification that any newly created position has started. If no new position is created, the College will ensure that its report to OCR contains sufficient information to justify the determination.

Monitoring

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 Section 504, Title II, and their respective implementing regulations.

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 regulations implementing Section 504 and Title II which were at issue in this matter.

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.

By: 

Date: 7/24/14