

**Resolution Agreement**  
West Los Angeles College  
Docket Number 09-13-2082

In order to resolve the issues identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the above-referenced complaint filed pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the American with Disabilities Act of 1990, West Los Angeles College (College) agrees to implement this Resolution Agreement (Agreement). In signing this agreement, the College does not admit to any violation of state or federal law.

**I. Assistants for Students with Disabilities**

- a. By July 24, 2013, the College will provide OCR with a draft modification to its Personal Care Attendant (PCA) policy. Within 15 days of receiving OCR's approval, the College will provide OCR with documentation of the finalized policy. The modified policy will include the following elements:
  - i. An explanation that whether the College will permit the use of an assistant is an individualized determination that is made after engaging in an interactive process with the disabled student. The process will determine whether the services of the assistant are needed to ensure that the student is not denied the benefits of, excluded from participation in, or otherwise subjected to, discrimination;
  - ii. The College will not deny a student the use of an assistant or place restrictions on the services or functions the assistant provides when it is established through the interactive process, as described in Section I(a)(i), that the services or functions are needed so long as the services or functions do not constitute a fundamental alteration of the course of program or result in an undue burden on the College; and
  - iii. The College will remove the language in the PCA Policy that categorically limits the supportive functions or services that the assistant may provide.
- b. Within 30 days of finalizing its PCA policy, the College will provide OCR with documentation that it has disseminated and publicized its modified policy by:
  - i. Distributing the revised PCA policy to all staff and administrators in the College's DSPS Office and all administrators responsible for oversight of that office;
  - ii. Updating the explanation regarding PCAs in the Student Handbook; and
  - iii. Updating any other documents that discuss or describe the College's policies regarding academic adjustments and auxiliary aids.

- c. By July 24, 2013, the College will provide OCR with a draft modification to its PCA Request and Agreement. Within 15 days of receiving OCR's approval, the College will provide OCR with documentation of the finalized PCA Request and Agreement and documentation that all staff and administrators in the DSPS Office have received notice and copies of the revised agreement.
  - i. The College will remove the language in the PCA Request and Agreement that categorically limits the supportive functions or services the assistant may provide.
  - ii. The PCA Request and Agreement will state that the services and functions that an assistant may provide are based on individualized determinations made through an interactive process between the College and the Student, and may not be prohibited unless they constitute a fundamental alteration of the course or program or result in an undue burden on the College.

## **II. Guidance to Instructors regarding the College's Accommodations Process**

By July 24, 2013, the College will submit to OCR a draft memorandum to instructors that provides guidance regarding the College's accommodation process for students with disabilities. Within 15 days of OCR's approval, the College will provide OCR with documentation (including a distribution list and copy of the final memorandum) that the guidance memorandum has been distributed to all full-time and part-time instructors. The guidance memorandum will include the following:

- a. An explanation of the accommodations process and examples of accommodations, including a statement that the College cannot deny a necessary accommodation without establishing that it would result in a fundamental alteration in the program or would constitute an undue burden on the College; and
- b. Instructors cannot unilaterally deny approved accommodations; any questions or concerns that instructors may have about a student's approved accommodations should be addressed to the DSPS director. The concerns will be resolved through an interactive process between the student and College.

## **III. Monitoring**

- a. 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 regulations implementing Section 504 at 34 C.F.R. §104.44(a) and Title II at 28 C.F.R. §35.130(b)(7) which were at issue in this case.
- b. 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 and Title II at 34 C.F.R. §104.44(a) and 28 C.F.R. §35.130(b)(7).

- c. 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

\_\_\_\_\_08/13/2013\_\_\_\_\_  
Date