

Resolution Agreement

OCR Complaint #03-13-2329 Berks Technical Institute

To resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulations, at 34 C.F.R. Part 104, the Berks Technical Institute (the Institute) enters into this Resolution Agreement (Agreement) and commits to implement the provisions set forth in this Agreement.

The Institute recognizes and affirms its responsibility to comply with the following provisions of the Section 504 regulations:

34 C.F.R. § 104.44(d)(1): A recipient to which this subpart applies shall take such steps as are necessary to ensure that no student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

34 C.F.R. § 104.44(d)(2): Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions.

ACTION STEPS

1. By June 15, 2014, the Institute will review and revise the process that it uses for making determinations about whether students with disabilities are entitled to auxiliary aids and academic adjustments to participate in its programs and activities. Specifically, the Institute will adopt written procedures which ensure that, prior to determining that a student with a disability is ineligible for requested auxiliary aids or academic adjustments, the Institute will engage in a reasonable process with the student, which may include an interactive process and formal requests for documentation. Moreover, this process will include consideration of any requested reasonable modification or adjustment that would enable the student to have an equal opportunity to benefit from the academic program and will take into consideration such factors as:
 - a. the extent of the student's disability;
 - b. the student's prior use of auxiliary aids;
 - c. the nature and complexity of program content; and
 - d. the modes through which course content is presented.

In addition the process may include consultation with course instructors or specialists familiar with the student's disability, where appropriate.

The Institute will further ensure that any determination regarding auxiliary aids and academic adjustments is made after a reasoned deliberation by an individual(s) with relevant training, knowledge and experience that includes a review of course or program requirements and available options/alternatives. The person(s) making any decision about whether a student requires auxiliary aids and the auxiliary aids to be provided will be knowledgeable and informed about (or will make the decision based upon documentation received from a person who is knowledgeable and informed about) the nature of the student's disability, and the effect of that disability on the student's performance in all aspects of the program. The process will ensure that a denial of a requested academic adjustments or auxiliary aids occurs only after conducting an appropriate and specific inquiry. When denying a request, the Institute will notify students in writing, including the procedures for appealing such decisions.

2. Within 60 calendar days of receiving written notification from OCR of the approval of the revised procedures developed in accordance with Action Step #1, the Institute will provide training for all relevant staff and administrators responsible for making determinations regarding requests for academic adjustments or modifications to ensure that staff are aware of Section 504's requirements and to train the staff on the Institute's procedures for providing academic adjustments/auxiliary aids to students with disabilities.
3. Within 20 calendar days of signing this Agreement, the College will send the Complainant a letter offering XXX readmission to the Institute. The letter will state that the Complainant has 60 days to notify the Institute whether XXX will return to the Institute. In the event that the Complainant reenrolls, the Institute will utilize its revised procedures in considering the Complainant's request for auxiliary aids and will make an individualized determination regarding the Complainant's request, consistent with the procedures adopted pursuant to #1 above.

Reporting Requirements

1. By June 30, 2014, the Institute will provide OCR with a copy of its procedures for providing academic adjustments and auxiliary aids to students with disabilities, consistent with Action Step #1 above.
2. Within 20 calendar days of the training specified in Action Step #2 above, the Institute will provide OCR with documentation demonstrating its compliance with Action Step #2, including a copy of the presentation and all materials distributed at the training, the name and title of the individual who conducted the training and sign-in sheets.
3. The Institute will provide OCR with a copy of the letter sent to the Complainant, consistent with Action Step #3 above, within 20 calendar days of sending the letter.

4. The Institute will notify OCR of the Complainant’s decision regarding reenrollment, within 20 calendar days of receiving the Complainant’s decision. If the Complainant decides to reenroll at the Institute, the Institute shall provide to OCR a copy of the letter provided to the Complainant regarding the outcome of XXX request for auxiliary aids or academic adjustments. This documentation shall be provided to OCR within 30 days of the date of the Complainant’s reenrollment.

This Agreement does not constitute an admission of liability by the Institute, nor does it constitute a determination by OCR that the Institute violated any of the laws or regulations enforced by OCR.

The Institute understands that OCR will not close the monitoring of this Agreement until OCR determines that the Institute has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. Part 104.

The Institute understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the Institute understands that during the monitoring of this Agreement, OCR may visit the Institute, interview staff and request such additional reports or data as are necessary for OCR to determine whether the Institute has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. Part 104, which were at issue in this complaint.

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

/s/

5/8/2014

President (or designee)

Date