

**Voluntary Resolution Agreement  
Western Area Career and Technology Center  
OCR # 03-15-2298**

In order to resolve the compliance concerns noted in the complaint filed with the United States Department of Education, Office for Civil Rights (OCR), against Western Area Career and Technology Center (the Center) under Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act at 28 C.F.R. Part 35 (Title II) which prohibit discrimination on the basis of disability, the Center voluntarily enters into this Resolution Agreement (Agreement) and makes the following commitments to OCR.

**Action Step 1– Review of Process for Providing Academic Adjustments to Students with Disabilities**

- a. By November 30, 2015, the Center shall review and revise its policies, procedures, and practices for providing academic adjustments to students with disabilities to ensure that these determinations are sufficiently detailed and documented, describing the nature, type and amount of services to be provided in a manner which is specific and clear (e.g. prescribing the amount of extended time to be provided on tests and identifying the location(s) where students will take tests in a quiet and distraction-free environment).
- b. By November 30, 2015, the Center will revise its grievance procedures, or develop new grievance procedures, to address applicable student complaints brought under Section 504 and Title II, in accordance with their implementing regulations. The Center will ensure that these procedures provide for the prompt and equitable resolution of such complaints. The Center's revised grievance procedures will, at a minimum, include:
  - a. notice to students of the procedure, including how and where to file a complaint;
  - b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;
  - c. adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
  - d. designated and prompt timeframes governing the major stages of the grievance process;
  - e. notice to the parties of the outcome of the complaint, and the basis for the decision;
  - f. the right of parties to appeal the findings, remedy or both; and
  - g. an assurance that the Center will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.

**Reporting Requirements**

By December 15, 2015, the Center will submit to OCR, for its review and approval, any policies and practices revised in accordance with Action Step #1, including any applicable forms for providing academic adjustments to students with disabilities and procedures used in documenting students' approved academic adjustments. Within 30 days of OCR's review and approval, the Center will provide OCR with documentation demonstrating that it has adopted and is implementing these policies and practices.

By December 15, 2015, the Center will also provide OCR with its revised grievance procedures for OCR's review and approval pursuant to Section 504 and Title II. Within 30 days following notification from OCR that the Center's grievance procedures referenced in Action

Step #1 meet the requirements of Section 504 and Title II, the Center will provide written notice to students of the grievance procedures and will amend the Student Handbook and website to include these procedures. The Center will provide OCR with documentation reflecting that the revised grievance procedures have been published and widely disseminated.

**Action Step 2 – Memorandum to faculty and administrators regarding the provision of academic adjustments**

- a. The Center recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.44(a) to provide modifications to its academic requirements, as are necessary, to qualified students with disabilities to ensure that they are not denied the benefits of, or excluded from participation in, the Center's educational programs, benefits, or services. The Center also recognizes its obligation under the Title II regulation at 28 C.F.R. § 35.130(b)(7) to make reasonable modifications when necessary to avoid discrimination on the basis of disability, unless it can demonstrate that making such modifications would fundamentally alter the program.
- b. By November 30, 2015, the Center will send a memorandum to all faculty and administrators, who are involved in the provision and delivery of academic adjustments to students with disabilities, reminding them of their obligations to provide academic adjustments in accordance with the applicable Section 504 and Title II regulations. Specifically, this memorandum will remind them of their responsibility to implement the approved academic adjustments in a manner that is consistent with the Center's revised policies.

**Reporting Requirements**

By December 15, 2015, the Center will submit evidence of the date and method of the distribution of the memo required by Action Step 2, including a list of the persons who received it, by name and title.

The Center understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Center understands that during the monitoring of this Agreement, OCR may visit the Center, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the Center has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4(b)(iv), 104.44(a), and 104.61 and Title II at 28 C.F.R. §§ 35.130(b)(1)(iv), 35.130(b)(7), 35.134 which were at issue in this complaint.

The Center understands that OCR will not close the monitoring of this Agreement until OCR determines that the Center has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4(b)(iv), 104.44(a), and 104.61 and Title II at 28 C.F.R. §§ 35.130(b)(1)(iv), 35.130(b)(7), 35.134 which were at issue in this complaint.

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

/s/

9/24/15

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Director or designee  
Western Area Career and Technology Center

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Date