

**Resolution Agreement
West Chester University
OCR Docket Number 03-18-2040**

The U.S. Department of Education, Office for Civil Rights (OCR) and West Chester University (the University) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability by the University. The University assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation at 28 C.F.R. Part 35.

Procedural Remedies

1. By November 30, 2018, University counsel will issue a memorandum to staff in the University's Office of Services for Students with Disabilities (OSSD) who are responsible for determining academic adjustments and accommodations for students with disabilities. The memorandum will inform staff that blanket denials of requests for any specific type of academic adjustment (e.g., requests for open book tests or exams) is not permissible under Section 504, but that the University must use a reasonable process to evaluate each request on a case-by-case basis, including the academic adjustment requested and the course(s) in which it is requested, to determine whether granting the request would fundamentally alter the nature or objectives of the course(s).

Reporting Requirement

By December 15, 2018, the University will provide OCR with a copy of the memorandum issued, including a list of individuals to whom the memorandum was provided and the method of distribution.

Individual Remedies

2. By November 30, 2018, the University will re-assess the Complainant's request to utilize notes on exams in the Statistics and Computer Science classes and provide OCR with a copy of its determination for OCR's review and approval. With its determination, the University will also provide OCR with a detailed narrative explaining how the University arrived at its determination, what information and/or documentation was reviewed in making the determination, and who was consulted in making the determination.
3. Within 30 days of receipt of OCR's approval of its determination, the University will notify the Complaint of its determination. If a determination is made that the academic adjustment would not constitute a fundamental alteration of the courses, the University will offer the Complainant, in writing, the opportunity to retake the classes at no cost.

Reporting Requirement

By December 15, 2018, the University will provide OCR with its determination on the academic adjustment requested in Statistics and Computer Science, including a written narrative explaining the determination, as described in Action Step #2, above. Within 45 days of receipt of OCR's approval of its determination, the University will provide OCR with a copy of its notification to the Complainant, including any offer of the opportunity to retake the class, if applicable.

The University understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that during the monitoring of this Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University 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 the ADA, at 35 C.F.R. § 35.130(b)(7)(i), which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this complaint.

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

/s/

11/15/18

President or designee
West Chester University

Date