

**Resolution Agreement
St. Petersburg College
OCR Docket # 04-18-2160**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and St. Petersburg College (College), enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the College. The College assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Prior to the completion of OCR's investigation, the College agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the College agrees to take the following actions.

Individual Remedies

1. By September 30, 2018, the College shall provide the Complainant with class lecture notes for all lectures covered by test #1 in X X X (course) at the College. The College will also invite the Complainant to retake test #1 (within 30 days), providing X a College contact to coordinate and facilitate the retesting for test #1.

Reporting Requirement: By October 31, 2018, the College shall provide documentation to OCR that it has provided the notes required under Item 1 above and submitted an invitation to Complainant to re-take test #1. If the Complainant agrees to re-take test #1, the College shall also provide the date for the retake of test #1.

2. By November 20, 2018, the College shall provide the Complainant with class lecture notes for all lectures covered by test #3 in X X X (course). The College will also invite the Complainant to retake test #3 (within 30 days), providing X a College contact to coordinate and facilitate the retesting for test #3.

Reporting Requirement: By December 31, 2018, the College shall provide documentation to OCR that it has provided the notes required under Item 2 above and submitted an invitation to Complainant to re-take test #3. If the Complainant agrees to re-take test 31, the College shall also provide the date for the retake of test #3.

3. Within 30 days after the Complainant has retaken both tests, the College will recalculate the Complainant's course grade using the retest scores for test#1 and test#3 only if those scores improved. If the course grade is recalculated, all records for the Complainant will be corrected to reflect the recalculated course grade and any references to his previous grades on test#1 and test#3 should be removed.

Reporting Requirement: By January 15, 2019, the College shall provide OCR with

proof that the Complainant retook test #1 and test#3. The College shall also submit the Complainant's new test scores and overall re-calculated course grades and proof that his records have been redacted per the instructions in Item 3.

Student Confidentiality Information and Training

4. By September 30, 2018 the College will revise the instruction sheet in all accommodation packets that are provided to professors to include an explanation about maintaining confidentiality when providing accommodations to the student. This explanation can be copied from the *St. Petersburg College Accessibility Services Resource Guide For Faculty* on page 6, and citation to such indicated.

Reporting Requirement: By September 30, 2019, the College shall provide OCR with documentation of the revised instruction sheet that is provided to professors in all accommodation packets.

5. By October 31, 2018, the College will provide all instruction staff at the College with training on how to maintain confidentiality when discussing or providing an accommodation to a student with a disability.

Reporting Requirements: By November 20, 2018, the College will provide OCR with a written report confirming the completion of training specified in Item 5. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the transcript(s)/materials used for the training indicating the date of the training as well; and (3) a list of the participants' names and titles who completed the training.

The College agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that the College has fulfilled the terms of this Agreement and is in compliance with the provisions of Section 504 implementing regulation at 34 C.F.R. §§ 104.44 and 104.61; and the Title II implementing regulation at 28 C.F.R. §§ 35.130 and 35.134, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Resolution 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 sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon signature of the President or designee below.

_____/s/_____
President / Vice President or Designee

_____/_____
Date