

RESOLUTION AGREEMENT
Florida State College at Jacksonville
Complaint Number 04-19-2106

The U.S. Department of Education, Office for Civil Rights (OCR) and Florida State College at Jacksonville (College) enter into this Resolution Agreement (Agreement) to resolve the allegation(s) 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), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

Prior to the conclusion of OCR’s processing of the above-referenced complaint, the College agreed to resolve the issue(s) 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:

A. Accommodations Procedure Revision and Publication

1. The College will revise its Procedure (and, as needed, associated forms) regarding the provision of academic adjustments and auxiliary aids/services for student with disabilities (collectively, Accommodations Procedure) as follows:
 - i. For the College’s accommodation that is currently described as “Consideration of Deadline Leniency,” (a) the qualifying terms “consideration of” and any other terms that would require a student to repeatedly renegotiate the accommodation once it has been granted, will be stricken from the procedure; (b) the Office of Services for Students with Disabilities (as opposed to a professor) will be identified as the party responsible for making the decision to grant or deny this accommodation, and (c) an explanation will be inserted to clarify that for students seeking a deadline leniency accommodation due to an “unforeseen technical barrier,” there must be a nexus between the student’s disabling condition and the technical barrier, in order for this accommodation to be granted.
2. Reporting Requirements
 - i. Within 14 calendar days of the date the Agreement is signed, the College will
 1. inform all personnel responsible for granting and denying accommodations that, starting immediately, the revisions described in A(1)(i), above, will be implemented, with future training on the revisions to occur after formal adoption of the revised Accommodations Procedure; and
 2. provide OCR with a statement affirming its completion of A (2)(i)(1), above.
 - ii. By November 16, 2019, the College will adopt and implement the revised Accommodations Procedure by:
 1. providing all faculty, staff, and students with written notice of the revisions, including information on how to obtain a copy of the Accommodations Procedure. The College will make this

- communication through the College's website and electronic mail messages to faculty, staff, and student; and
2. providing training on the revised Accommodations Procedure to all personnel responsible for granting and denying accommodations.
- iii. Within 30 calendar days after the implementation of the revised Accommodations Procedure, the College will provide OCR with documentation that it has:
1. adopted and implemented the revised Accommodations Procedure. (The documentation will include copies of the written communication issued to faculty, staff, and students regarding the Accommodations Procedure, a description of how the Accommodations Procedure was distributed, and a link to the College's webpage where the Accommodations Procedure is located); and
 2. provided training to personnel responsible for granting and denying accommodations. (The documentation will include the names and titles of all personnel responsible for granting and denying accommodations; the name(s), title(s), and qualifications of the trainer(s); all training materials; dated sign-in sheet(s) of training session(s) with clearly printed name(s) and title(s) of participants as well as participants' signatures, and evidence that training participants were specifically informed that the College will not use "consideration of" in any of the accommodations it grants. If training occurs electronically, then documentation from electronic sources corresponding to the aforementioned requirements will be accepted.)

B. Complainant-Focused Remedies

1. By September 17, 2019, the College will extend an offer to the Complainant to (a) participate in an interactive process to determine appropriate accommodations for any future classes she might elect to take at the College and (b) retake, free of charge, any classes she took in the fall of the 2018-2019 academic year with the any accommodations granted as a result of the participation in the aforementioned interactive process.
2. Reporting Requirement(s)
By October 21, 2019, the College will provide OCR with documentation that it has completed the Action Items identified in B (1), above.

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

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are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.34(a)-(c); and, the Title II implementing regulation at 28 C.F.R. § 35.130. 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 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 Agreement will become effective immediately upon the signature of the College's representative below.

Signature

Mr. Kevin Hyde, Interim President

(or Designee)

Florida State College at Jacksonville

Date

Designee's Printed Name and Title