

Resolution Agreement
Minneapolis Community and Technical College
OCR Docket Numbers 05-13-2051

In order to resolve OCR case number 05-13-2051 and to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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), 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35, Minneapolis Community and Technical College (College) agrees to take the following actions:

A. Trainings and Reviews of Academic Adjustment Requests

1. By October 1, 2014, the College will arrange for OCR to deliver technical assistance to all Disability Services Office staff, the Dean of Students, academic department chairs and other necessary faculty and administrators at the College on the Section 504 and Title II requirements concerning the provision of disability-related academic adjustments or modifications to students with disabilities including the provision of modifications such as changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted as well as the documentation and rationales necessary to meet the requirements for establishing that a requested academic adjustment or modification would fundamentally alter the educational requirement in question.

REPORTING REQUIREMENT: By August 1, 2014, the College will provide OCR available dates for the above-referenced technical assistance. Within ten (10) business days of receipt of the College's available dates, OCR will notify the College of the date OCR has selected to provide the technical assistance at the College. The College will ensure the required College personnel attend the above-referenced technical assistance and assist OCR with the dissemination of information and materials related to the technical assistance.

2. The College has identified the Dean of Students and the Disability Services Director as subject matter experts on the provision of academic adjustments or modifications to students with disabilities, and the Section 504 and Title II requirements concerning the provision or denial of disability-related academic adjustments or modifications to students with disabilities (Experts). By October 1, 2014, the College will arrange for OCR to deliver technical assistance to the Experts on the Colleges' obligations under Title II and Section 504 regarding said topics, including a discussion of the applicable College policies and procedures.

REPORTING REQUIREMENT: By August 1, 2014, the College will provide OCR availability dates for the above-referenced technical assistance. Within ten (10) business days of receipt of the College's available dates, OCR will notify the College of the date OCR has selected to provide the technical assistance at the College. The College will ensure the required College personnel attend the above-referenced technical assistance and assist OCR with the dissemination of information and materials related to the technical assistance.

3. By October 1, 2014, the Experts will review, and revise as necessary, the College's ongoing training program for staff and faculty on the College's policies and procedures regarding the provision of academic adjustments or modifications to students with disabilities, and the Section 504 and Title II requirements concerning the provision or denial of disability-related academic adjustments or modifications to students with disabilities.
4. From June 1, 2014 through June 1, 2016, both Experts will review all instances in which a student's request for academic adjustments, pursuant to Section 504 and/or Title II, is denied, in whole or in part, by the College.

In each instance, the Experts will review: 1) the student's academic adjustment request(s); 2) the Disability Services Office's records regarding the student's disability; and 3) Disability Services Office's stated rationale for denying the student's request(s) including any input provided by course instructors.

The Disability Services Office will notify the Experts within two (2) business days of the academic adjustment request denial, and provide the required review materials to the Experts within four (4) business days of the request denial.

The Experts will complete the review of the academic adjustment request denial within five (5) business days of receipt of the required review materials. Upon completion of the review, the Experts will issue a written determination regarding the permissibility of the request denial under Section 504 and Title II. The report shall include the rationale supporting the Experts' determination regarding Section 504/Title II compliance, and when applicable, suggested remedial actions in instances in which the Disability Services Office is found to have erred in denying a student's academic adjustment request(s), including providing the requested academic adjustment and remedying the effects of the delay in providing said adjustment.

In instances in which the Experts determine the Disability Services Office's request denial to be impermissible, the College shall take

immediate action to remedy the effects of the denial, subject to the recommendations of the Experts.

REPORTING REQUIREMENT: By December 1, 2014, the College will submit a report to OCR, with supporting documentation, regarding the Experts' review of the ongoing training program identified in item A.3. The report will include a copy of the Experts' written report and, if applicable, a description of actions taken by the College in response to the Experts' recommendation(s).

REPORTING REQUIREMENT: By August 1, 2015, for the 2014-15 academic year, and by August 1, 2016, for the 2015-16 academic year, the College will submit a report to OCR regarding its compliance with item A.4. The report will include copies of: 1) the information submitted by the Disability Services Office to the Experts for review in each instance of a request denial; 2) the Experts' written determination(s) for each instance reviewed; and 3) when applicable, information regarding the Disability Services Office's implementation of the Experts' recommendations in instances in which the Experts determine the request denial(s) to be impermissible under Section 504 and/or Title II.

5. For the 2014-15 academic year, and the 2015-16 academic year, if applicable, the Disability Services Director (Director) will serve as the primary point of contact for the Complainant should she experience any difficulties obtaining or accessing disability-related academic adjustments at the College.

REPORTING REQUIREMENT: By August 1, 2014, for the 2014-15 academic year, and by August 1, 2015, for the 2015-16 academic year, the Director will send signed letter to the Complainant informing the Complainant of her ability to directly contact the Director should she experience any difficulties obtaining or accessing disability-related academic adjustments at the College. By August 15, 2014, for the 2014-15 academic year, and by August 15, 2015, for the 2015-16 academic year, the College will submit a copy of the above-reference signed letter to OCR.

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

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with the Title II implementing regulation at 28 C.F.R. § 35.130(a), and 28 C.F.R. § 35.130(b)(7), and the Section 504 implementing regulation at 34 C.F.R. § 104.4(a), and 34 C.F.R. § 104.44(a), which were at issue in 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Minneapolis Community and Technical College.

Mr. Phillip Davis
President
Minneapolis Community and Technical College

Date