

Resolution Agreement
Heartland Community College
OCR Case No. 05-17-2250

The U.S. Department of Education, Office for Civil Rights (OCR) and the Heartland Community College (College) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, noncompliance, or wrongdoing by the College. The College assures OCR that it will take the following actions to comply with 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. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department of Education and public entities, respectively.

1. By January 13, 2018, the College will ensure that the upper floors of the College's Student Commons Building (SCB) and Instructional Commons Building (ICB) have remained accessible to persons with limited mobility by ensuring that the elevators that service these areas are maintained in operable working condition, with only isolated or temporary interruptions in service or access due to maintenance or repairs.

Reporting requirements:

On February 1, 2018, and every three months thereafter, the College will submit a written report to OCR that includes each date on which any SCB or ICB elevator was out of service or otherwise not usable by persons with disabilities. For each date, the report will include the length of time the elevator was out of service or otherwise not usable by persons with disabilities, and the reason the elevator was out of service or otherwise not usable by persons with disabilities

2. By November 1, 2017, the College will make any necessary physical and other modifications to the restroom entrances in the ICB to ensure the restroom entrances are accessible to and usable by individuals with disabilities in conformance with the standards for new construction and alterations under the 2010 ADA Standards for Accessible Design.

Reporting requirements:

On or before November 22, 2017, the College will submit a written report to OCR outlining the steps taken to ensure the restroom entrances in the ICB are accessible to and usable by individuals with disabilities in conformance with the standards for new construction and alterations under the 2010 ADA Standards for Accessible Design. If the College makes any physical modification to the building, the report will include the specifications and measurements for the area modified.

The College 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 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 are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §104.21, and Title II implementing regulation at 28 C.F.R. §35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 Section 504 and Title II.

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.

For the College

Date