

## **RESOLUTION AGREEMENT**

### **Wharton County Junior College OCR Complaint No. 06-18-2276**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Wharton County Junior College (WCJC or 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. Section 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. Sections 12131 *et seq.*, 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 and public entities, respectively.

Prior to the completion of OCR's investigation, the WCJC 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 WCJC agrees to take the following actions.

### **POLICIES AND PROCEDURES**

#### **Action Item 1**

By **March 29, 2019**, the WCJC will generate proposed policies and procedures for the provision of accommodations/reasonable modifications to students participating in the WCJC Kids' College summer program. The proposed policies and procedures shall include but are not limited to the following information:

- (a) A statement setting forth the WCJC's commitment to providing reasonable modifications to students within the Kids' College summer program in order to ensure that students with disabilities have an equal opportunity to participate;
- (b) The requirement that when an accommodation for a student with a disability is requested, WCJC staff must make an individualized determination about whether the provision of a reasonable modification/accommodation is necessary to ensure that the student receives an equal opportunity to participate in the Kids' College summer program;
- (c) Identification of how requests for accommodations/reasonable modifications can be made;
- (d) Identification of who the requests shall be submitted to;
- (e) Identification of who is responsible for making determinations with respect to the requests; and
- (f) Identification of how determinations are made with respect to the requests.

#### **Reporting Requirements**

- I. By **March 29, 2019**, the WCJC will submit to OCR for its review and approval the proposed policies and procedures for the provision of accommodations/reasonable modifications to students participating in the WCJC Kids' College summer program, as identified by Action Item 1 of this Agreement.

- II. Within 45 calendar days of receiving OCR’s approval of the proposed policies and procedures, the WCJC will submit to OCR, evidence of their adoption, distribution, and how they are being implemented.

## **TRAINING AND PROFESSIONAL DEVELOPMENT**

### **Action Item 2**

Within 90 days of receiving OCR’s approval of the proposed policies and procedures identified pursuant to Action Item 1 of this Agreement, the WCJC will conduct a training for all WCJC Kids’ College staff involved in the Kids’ College programs and activities, and all WCJC staff involved in receiving, assessing and/or responding to requests for accommodations for students participating in the Kids’ College, regarding their obligations, pursuant to Section 504 and Title II, to provide reasonable accommodations to all qualified students with disabilities, and prohibiting discrimination on the basis of disability. The training shall at a minimum:

- (a) Include an overview of the requirements of Section 504 and Title II;
- (b) State that all employees are prohibited from engaging in conduct constituting discrimination against students on the basis of disability;
- (c) Address WCJC’s obligation to provide reasonable accommodations to students with disabilities in all its programs and activities, and specifically for students participating in the Kids’ College summer program;
- (d) Provide an explanation of what constitutes a reasonable accommodation, including examples of appropriate accommodations;
- (e) State that the requirement to provide reasonable accommodations does not extend to accommodations which would constitute a fundamental alteration to the program or activity;
- (f) Explain how to make an individualized determination about the provision of a reasonable accommodation to a student with a disability, including consideration of alternatives if certain accommodations would result in a fundamental alteration to the program or activity; and
- (g) Explain the policies and procedures implemented by the WCJC with respect to Action item 1 of this Agreement.

### **Reporting Requirement**

Within 15 days of providing the training identified by Action Item 2 of this Agreement, the WCJC will provide documentation to OCR evidencing that the training required by Action Item 2 has been completed, including the identity of the individual conducting the training and the individual’s qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheets or other documentation showing who attended the training.

## **INDIVIDUAL STUDENT**

### **Action Item 3**

By **January 18, 2019**, the WCJC will provide a refund to the Complainant, for the total cost of tuition and/or fees paid by the Complainant, for the Student, with respect to the Kids' College XXXX summer program.

#### **Reporting Requirement**

By **February 1, 2019**, the WCJC will provide documentation to OCR evidencing that the refund identified by Action Item 3 of this Agreement was provided to the Complainant.

### **Action Item 4**

Within 90 days of receiving OCR's approval of the proposed policies and procedures identified pursuant to Action Item 1 of this Agreement, the WCJC will send a letter to the Student's parent(s)/guardian(s), identifying the policies and procedures implemented by the WCJC with respect to Action item 1 of this Agreement and where those policies and procedures can be located, indicating that the Student can apply for admission to the Kids' College 2019 summer program through the general application/admittance process, and indicating that if the Student participates in the Kids' College 2019 summer program, the WCJC will apply the policies and procedures implemented by the WCJC with respect to Action item 1 when assessing any necessary accommodations for the Student to participate in the Kids' College 2019 summer program.

#### **Reporting Requirement**

Within 15 days of sending the letter identified by Action Item 4 of this Agreement, the WCJC will provide OCR with a copy of the letter, and documentation demonstrating that the letter was sent.

The WCJC 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 WCJC understands that during the monitoring of this Agreement, if necessary, OCR may visit the WCJC, interview staff, and request such additional reports or data, as are necessary for OCR to determine whether the WCJC has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.4 and Title II, at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The WCJC 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 WCJC 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 WCJC's representative below.

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**Betty McCrohan**  
**President**  
**Wharton County Junior College**

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**Date**