

Resolution Agreement
Lincoln College of Technology
OCR Complaint No. 06202012

The U.S. Department of Education, Office for Civil Rights (OCR) and the Lincoln College of Technology (LCT) enter into this resolution agreement (Agreement) to resolve the issue opened for investigation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the LCT. The LCT 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), 29 U.S.C. § 794 (amended 1992), 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 completion of OCR's investigation, the LCT agreed to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the LCT agrees to take the following actions:

ACTION ITEM I

The LCT will revise its policies and procedures to include a policy regarding the LCT's obligation to permit the use of a service animal by an individual with a disability in accordance with Title II and Section 504, at 28 C.F.R. § 36.136(a) and 34 C.F.R. § 104.4(a), respectively. The LCT's revised policies and procedures regarding service animals shall, in part, reflect that staff cannot ask about a person's disability, require medical documentation, require a special identification card or training documentation for a service animal, or ask that a service animal demonstrate its ability to perform work or a task.

REPORTING REQUIREMENTS

By June 30, 2020, the LCT will provide OCR, for its review and approval, a draft of its revised policies as referenced in Action Item I above.

Within (60) days of OCR's approval of the amended Section 504 policies, the LCT will provide documentation to OCR demonstrating it has implemented such policies. The documentation submitted to OCR will include the following: (1) printouts or a link to all online publications of the revised policies; and (2) an e-mail from the LCT president to all LCT Staff and students providing a copy of, or a link to, the revised policies.

ACTION ITEM II

The LCT will provide information to OCR in connection with a training session for LCT instructors, administrators, and ADA staff (LCT Staff). The training will cover the LCT's obligation to permit the use of a service animal by an individual with a disability in accordance with Title II and Section 504. The training will also cover the LCT's service animal policy approved by OCR under Action Item I. The training will be created by one or more individuals

knowledgeable about the above-mentioned topics and may be delivered to LCT Staff in person or in an electronic format.

REPORTING REQUIREMENTS

By September 1, 2020, the LCT must provide OCR, for its review and approval, the training materials reflecting the topics described in Action Item II that include, but shall not be limited to, the credentials of the individual(s) selected to conduct the training, a proposed plan for the training session (e.g., length of the training session, topics to be considered, etc.), and a copy of the training materials to be used by the trainer(s) and/or provided to attendees during the training session.

Within sixty (60) calendar days after OCR approves the training-based information described in Action Item II, the LCT will conduct the training approved by OCR. The training must be provided to LCT Staff as defined above.

Within ten (10) calendar days after conducting the final training session in accordance with Action Item II, the LCT will provide OCR with documentation demonstrating the training has been completed, including a list containing the printed name, signature, and title of each attendee, the materials used during the training, and any other information indicating that the training sessions were conducted in accordance with the requirements of this Agreement.

ACTION ITEM III

By July 1, 2020, the LCT will send the Complainant a letter to the address on file with the LCT via regular mail, delivery tracking, offering the Complainant XX---phrase redacted---XX and setting a deadline of September 1, 2020, for the Complainant to respond. Further, the letter will inform the Complainant that she will be permitted the use of her service animal XX---phrase redacted---XX in accordance with Title II and Section 504.

REPORTING REQUIREMENTS

Within five (5) calendar days after the LCT sends the letter described in Action Item III, the LCT must provide OCR a copy of the letter mailed to the Complainant including the address to which the LCT mailed the letter, and delivery tracking information for the letter.

If XX---phrase redacted---XX the LCT must provide OCR a letter notifying OCR that XX---phrase redacted---XX in the LCT.

The LCT 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 the Agreement. Further, the LCT understands that during the monitoring of the Agreement, if necessary, OCR may visit the LCT, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement.

Upon the LCT's satisfaction of the commitments made under the Agreement, OCR will close the case.

The LCT further understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the LCT 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 LCT's representative below.

/s/

Scott M. Shaw, Chief Executive Officer and President
Lincoln College of Technology

Date