

Resolution Agreement
Phoenix College
OCR Case Number 08-16-2070

Phoenix College (College) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR). By this Agreement, the College agrees to implement the following Resolution Agreement. These complaint allegations were opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) 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. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, which prohibit discrimination on the basis of disability in public education programs that receive Federal financial assistance from the Department.

During the course of OCR’s investigation, before OCR had made any findings, the College indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR’s *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The College’s decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. **Transcript.** The College will remove from the complainant’s transcript all information regarding the BIO201 course (spring semester 2014) and HIM212 course (spring semester 2015) XXXX. Before removing the courses, the College will verify whether the change will require the complainant to return any financial assistance to Vocational Rehabilitation used to pay for the courses. If repayment would be required, the College will make the payment directly to Vocational Rehabilitation on the complainant’s behalf.

REPORTING REQUIREMENT: Within 30 days after this Agreement is signed, the College will provide OCR with documentation that the change has been made, a copy of the revised transcript has been provided to the complainant and a copy of any check payable to Vocational Rehabilitation as reimbursement for the classes.

2. **Policies and Procedures.** The College will review, and if necessary, revise its policies and procedures for requesting and providing academic adjustments and auxiliary aids and services (accommodations) to ensure that the College provides blind and visually impaired students with equally effective communication of curricular materials (*e.g.* – textbooks, workbooks, code books, articles, compilations, presentations, videos and images or graphic materials, etc.) The College will ensure that its policies and procedures address each of the following:
 - a. For blind students, the DRS will meet with each blind student and each instructor in each course in which the student is registered well in advance of the beginning of each course to:

- 1) Review and discuss the course syllabus and other available information about the format(s) in which the course will be presented;
- 2) Identify all materials that will be provided to or used by students as well as written materials which will need to be converted each week of the semester; and
- 3) Confirm with the student that the format will be usable by the student's assistive technology or, if appropriate, how equally effective alternate access will be provided.

The College will offer the same opportunity for a meeting to visually impaired students as is required by the College for blind students in (a)1 through 3. If a visually impaired student accepts an offer for a meeting, the DRS will similarly meet with the student and each course instructor in which the student is registered.

- b. When a blind or visually impaired student registers late for a course late or transfers into a course after the course has begun, the student will promptly notify the DRS. DRS will promptly meet with the student and the instructor in the course(s) for which the student registered or transferred late to address the topics described in Terms 2(b)(1) through 2(b)(3) above.
- c. The College will provide timely access to converted curricular material. If circumstances such as late registration, mid-semester transfers, the medium chosen or the volume or complexity of the material will delay conversion, the College will work with the impacted students to ensure equally effective alternate access to the course materials in the interim.

REPORTING REQUIREMENT: By **February 3, 2019**, the College will provide OCR, for OCR's review, approval and feedback, its revised draft accommodations policies and procedures.

3. If necessary, the College will take action to address any feedback provided by OCR with respect to the draft accommodations policies and procedures.

REPORTING REQUIREMENT: Within 30 calendar days of the date OCR provides feedback regarding the College's draft accommodations policies and procedures, the College will provide a description of the corrective action taken in response to OCR's feedback.

4. Within 30 calendar days of OCR's approval of the draft accommodations policies and procedures, the College will adopt and implement the revised policies and procedures.

REPORTING REQUIREMENT: Within 30 calendar days of its final adoption of the revised policies and procedures, the College will provide documentation to OCR establishing that it has adopted and implemented the new policies and procedures.

5. **Audit and Remediation Plan.** The College will conduct and complete an audit of the process(es) used to convert textbooks and other curricular materials for blind and visually

impaired students into a format usable by the student's assistive technology during the 2015-2016, 2016-2017 and 2017-2018 academic years. The audit will evaluate, at a minimum:

- a. the length of time taken by the College to convert textbooks and other curricular materials into a format usable by the student's assistive technology;
- b. the frequency with which the conversion of materials is delayed beyond the beginning of the course;
- c. the circumstances for such delays (e.g. - late registration, mid-semester transfers, the medium chosen or the volume or complexity of the material);
- d. the length of delays in providing converted textbooks and other curricular materials to the student; and
- e. how the College ensured equally effective alternate access to the course materials in the interim.

After completing the audit, the College will develop a written remediation plan of any potential corrective actions the College will take based on the findings of its audit for OCR's review and approval. The remediation plan will include dates by which each corrective action will be completed.

REPORTING REQUIREMENT: By **February 3, 2019**, the College will provide OCR with the results of the audit and any remediation plan, including all supporting documentation, for OCR approval.

6. If necessary, the College will take action to address any feedback provided by OCR with respect to the audit and remediation plan.

REPORTING REQUIREMENT: Within 30 calendar days of the date OCR provides feedback regarding the College's audit and remediation plan, the College will provide a description of the corrective action taken in response to OCR's feedback.

7. Within 30 calendar days of OCR's approval of the remediation plan, the College will adopt and implement the remediation plan, taking the corrective actions in accordance with the approved plan.

REPORTING REQUIREMENT: The College will submit written reports to OCR every six months after the date of OCR's approval of the College's remediation plan summarizing the actions the College has taken pursuant to this Agreement.

8. **Health Information Management Program Software Survey.** The College will take immediate and continuing steps to identify and evaluate available alternative software to the AHIMA Virtual Lab Suite (VLab), third party software accessed through VLab (e.g. –

3M Encoder) and the virtual dissector used in prerequisite Biology courses to determine whether there is an alternative(s) that is accessible to blind and visually impaired students. For the purposes of this Agreement, “accessible” means that blind and visually impaired individuals are able to independently acquire the same information, engage in the same interactions, and enjoy the same services within the same timeframe as individuals without disabilities. In evaluating alternative software, the College will request, obtain, review and evaluate each vendor’s most recent accessibility testing results, if available.

REPORTING REQUIREMENT: By **February 3, 2019**, the College will report to OCR on the results of the software survey including copies of all documentation the College relied upon in its evaluation of the availability of alternative accessible software. If the College identifies accessible alternatives to the VLab, third party software accessed through VLab or the virtual dissector used in prerequisite Biology courses, the College will report to OCR on the actions it will take to secure use of the alternative accessible software in the HIM program and the anticipated date of full implementation of the software in the HIM program.

9. **Training.** Within 30 calendar days after adopting and implementing any new accommodation policies and procedures, the College will provide training highlighting the changes to the policies and procedures for DRS staff and administrators. The College will also provide training to all full-time and adjunct faculty as well as academic, student affairs and information technology managers, which will address: the requirements of Title II and Section 504; the College’s student accommodation process highlighting any OCR-approved changes to the policies and procedures made pursuant to term 2 of this Agreement; the College’s resources for students and College faculty and administrators on disability-related matters, including tools and techniques available for faculty and staff to provide accessible instruction to blind and visually impaired students and the contact information for the DRS Director and Section 504/ADA Coordinator to respond to any faculty or staff questions. The College will also review and revise as needed its current resource materials for faculty and staff on how to make digital information and course materials accessible to blind and visually impaired students.

REPORTING REQUIREMENT: Within 30 calendar days of providing the training, the College will provide OCR with documentation that it has conducted the required training(s) and will provide the following information: the date(s) the training was conducted; a list of staff and administrators, by name and title, who participated in the training and copies of any written materials (i.e., slides, handouts) used or distributed during the training.

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 the Agreement, if necessary, OCR may visit the College, interview College employees 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities

