

**Voluntary Resolution Agreement  
East Valley Institute of Technology  
OCR Case Number 08-17-2130**

OCR and the East Valley Institute of Technology (EVIT) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by EVIT. EVIT assures the U.S. Department of Education, Office for Civil Rights, (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 Code of Federal Regulations 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, EVIT 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, EVIT agrees to take the following actions.

**REQUIRED ACTIONS:**

1. By December 1, 2017, EVIT will provide the Complainant with the option to re-take the final practical exam (mock state exam) for the Adult Cosmetology course with the previously approved accommodations for her disability (XXXX) at no cost to the Complainant at any time during the 2017-18 School Year, through the end of May 2018. Notice of the option will be provided to the Complainant by letter in writing (sent via email and regular mail) and will include an offer for unlimited classroom and hands-on skill review during normal operating hours to assist in preparation for the practical exam at times convenient to the Complainant.

**REPORTING REQUIREMENT #1:**

Within 10 days of the date notice is sent to the Complainant of the option to re-take the Adult Cosmetology final practical exam, EVIT will provide OCR with a copy of the notice and means of delivery to the Complainant.

**REPORTING REQUIREMENT #2:**

By June 15, 2018, or earlier if available, EVIT will provide OCR documentation showing whether the Complainant retook the exam, and if so, will include documentation that the approved accommodations were provided.

2. EVIT will provide training to pertinent staff, faculty and administrators, including staff of the Office of Disability Resources and Services (DRS), on EVIT's policies and procedures for requesting and providing accommodations to students with disabilities. The training will ensure that if faculty or staff receive information that a student may need an accommodation/academic adjustment, they will inform the Student that he or she must work with the DRS, and provide the contact information for the DRS.

**REPORTING REQUIREMENT 3:** Within 20 calendar days of providing the training, EVIT will provide OCR with documentation that it has conducted the required training and will provide the following information: the date(s) the training was conducted; a list of staff, faculty 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.

#### **ADDITIONAL ACKNOWLEDGEMENTS:**

EVIT 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, EVIT understands that during the monitoring of this Agreement, if necessary, OCR may visit EVIT, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether EVIT has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.33-104.36 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

EVIT 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 EVIT 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 EVIT's representative below.

/s/

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**For EVIT**

11/13/2017

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**Effective Date**