
RESOLUTION AGREEMENT

Scottsdale Community College 08-20-2084

The U.S. Department of Education, Office for Civil Rights (OCR) and the Scottsdale Community College (College) 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 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. Accordingly, to resolve the issues of this investigation, the College agrees to take the following actions.

Development of Plan

1. Within sixty (60) calendar days of the date of the signing of this Agreement, the College shall develop a plan (Plan) for OCR's review and approval. The Plan shall outline the College's current practices as well as the steps the College will take to ensure that students with approved academic adjustments, including auxiliary aids and services, are provided. At a minimum, the Plan shall include:
 - a. A review of possible weaknesses in the College's system of implementation of approved academic adjustments related to the notification to faculty of approved academic adjustments/accommodations, and the monitoring of its implementation. This review shall also include a review of the College's failure (extra time) and alleged failure (notetaker) to ensure that the Student received his approved academic adjustments that were at issue in this case;
 - b. Update the College's written policies, procedures, or practices, if necessary;
 - c. Update the College's system of or process for monitoring the implementation of approved academic adjustments; and
 - d. Provide training for relevant staff. This training may be in the form of in-person training, online training, detailed written/mailed memorandum, or other appropriate means to be approved by OCR. The College may create separate training for different categories of staff. The training shall ensure that the staff are aware of the College's updates and the staff's specific roles and responsibilities regarding the implementation and/or monitoring of approved academic adjustments of disabled students.

REPORTING REQUIREMENT

Within sixty (60) calendar days of the date of the signing of this agreement, the College will submit the Plan to OCR for OCR's review and approval. The College will continue to revise the Plan until OCR notifies the College in writing of its approval of the Plan.

XXX & XXX Retake

2. Within fifteen (15) calendar days of the date of the signing of this Agreement, the College shall offer the Complainant an opportunity at no cost to the Complainant to retake XXX and XXX, the courses at issue in this complaint. The College shall remind the Complainant that this offer is contingent upon the Complainant's suspension and the terms related thereto being fulfilled, as is consistent with the College's policies, procedures, and prior communications regarding his suspension. Additionally, the offer shall provide that the offer to retake the courses at no cost to him will be available to him for one (1) calendar year from the date his suspension is served and the conditions related to return from the suspension are met. The offer will require the Complainant to, in writing, accept or reject the offer. A deadline for accepting or rejecting the offer to retake XXX and XXX may be imposed, so long as the timeframe provides the Complainant at least thirty (30) calendar days to consider such offer.

REPORTING REQUIREMENTS

Within ten (10) calendar days of the date the College communicates the offer, the College shall provide OCR with a copy of the offer and a written confirmation to OCR that the offer was communicated to the Complainant.

Within fifteen (15) calendar days of the Complainant's acceptance or rejection of the offer, the College shall provide OCR with documentation showing the Complainant's acceptance or rejection of the offer. If the Complainant rejects the College's offer, upon documentation from the College demonstrating the rejection of the offer, OCR will close the monitoring of this term of the agreement and no further reporting requirement will be necessary.

If the College does not lift the Complainant's suspension, extends his suspension, or takes further action regarding his enrollment, within fifteen (15) calendar days of the College's action/s, the College shall notify OCR its action/s.¹

If the Complainant accepts the College's offer and retakes XXX and/or XXX, within fifteen (15) calendar days of the end the semester for which the Complainant takes the

¹ OCR is not investigating the College's suspension of the Complainant in this complaint. This reporting requirement is included in order for OCR to remain updated with the Student's status and to properly monitor Term 2 of the Agreement. If the Complainant believes that the College's actions regarding his suspension are discriminatory or retaliatory, the Complainant may file a new complaint with OCR, and OCR will evaluate his complaint consistent with OCR's Case Processing Manual.

course/s (or other appropriate time), the College will provide OCR with documentation demonstrating that the College provided the course/s at no cost to the Complainant.

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 the regulations implementing Section 504, 34 C.F.R. §104.4, §104.43, and §104.44 which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close this case.

The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the 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.

/s/

5/22/2020

Scottsdale Community College

Date