

Resolution Agreement
Irvine Valley College
09-17-2090

In order to resolve the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), Irvine Valley College (College) agrees to take the following actions to ensure compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and their implementing regulations.

I. Interactive Process

- A. By April 24, 2017, the College's Disabled Student Programs and Services (DSPS) will extend a written offer to meet with the Student and, if the Student wishes, an advocate of her choice, including the Complainant. DSPS will offer to engage in an interactive process with the Student and specifically respond to her pending request for an accommodation of extended time to submit assignments and reports.
- B. If the Student agrees, DSPS will schedule and conduct the meeting within two weeks of receiving notice of that agreement. As a part of the interactive process, DSPS will specifically discuss with the Student and consider the following: the nature and extent of the Student's disability; how the Student is impacted by the disability; any information provided by third parties, including, but not limited to, a letter dated November XX, 2016, from Dr. XXXX XXXXXX recommending that the Student receive extra time to submit assignments and reports; any new information that the Student provides for consideration; and any other relevant information in the Student's College record. The College will document this meeting in the Student's DSPS file.
- C. DSPS will complete the interactive process and reach a determination as to whether the accommodation request will be approved or denied. Such determination will be based on the Student's individual needs and will not be governed by categorical limitations contained in DSPS's current Extended Time on Assignments policy (Policy). DSPS will consider the Student's disability and its impact, her requested accommodation, and any unique characteristics of her course of study and classes in determining whether or not the requested accommodation is reasonable. DSPS will provide the Student with written notice of its determination within one week of meeting with the Student.
 - i. If the request is approved, the accommodation will be added to the Student's Accommodation Plan and a copy will be provided to the Student and, at the Student's request, to each of her instructors.
 - ii. If the request is denied, DSPS will explain in the written notice the basis for the denial and will advise the Student of her right to challenge the decision through the College's disability discrimination complaint procedure.

Reporting Requirements:

By May 1, 2017, the College will provide OCR a copy of its written offer to the Student under provision I.A.

By June 30, 2017, the College will inform OCR whether the Student agreed to meet and engage in an interactive process under provision I.B. If so, by July 31, 2017, the College will provide OCR with documentation of the DSPS meeting with the Student under provision I.B.

By August 30, 2017, the College will report to OCR its determination on the accommodation request under provision I.C., including a description of the information it considered and the basis for its determination. The College will also provide OCR a copy of the written notice of the determination to the Student. If the request is approved, the College will provide OCR a copy of the Student's updated Accommodation Plan and confirm that the Plan was provided to the Student and, at the Student's request, to her instructors.

II. Policy, Training, and Forms

- A. The College will modify the Policy to make it clear that DSPS will determine whether a student with a disability should be provided extended time to submit assignments as an accommodation, including under what circumstances and the amount of extended time necessary, on an individualized basis after engaging in an interactive process with the student and fully considering his/her disability and its impact, his/her request or stated need, and any unique characteristics of his/her course of study and classes. As a part of this modification the College will:
 - i. clarify that DSPS will consider extended time to submit assignments as an accommodation upon notice of student need and/or request regardless of whether the assignments appear on a syllabus or have completion dates of more than one week;
 - ii. remove reference to "extremely extenuating circumstances;"
 - iii. clarify that DSPS, not an instructor, is responsible for determining whether a student should be provided this type of accommodation, including whether such an accommodation would be a fundamental alteration; and
 - iv. clarify that the amount of extended time approved as an accommodation will be determined by DSPS based on the individual needs of the student.
- B. The College will distribute the modified Policy to all DSPS staff persons who interact with students and faculty members regarding accommodations, and will provide the same staff with effective training to ensure consistent implementation.
- C. The College will modify its DSPS Accommodation Plan and Accommodation Verification forms to specifically list extended time on assignments as an available accommodation. The College will distribute the modified forms to relevant DSPS personnel with direction to begin using them upon receipt.

Reporting Requirements:

By June 30, 2017, the College will provide a draft of the modified Policy under provision II.A. for OCR's review and approval. Incorporating OCR's input, the College will finalize the Policy and provide OCR a final copy within 30 days of the date of OCR's approval.

Within 30 days of finalizing the modified Policy, the College will confirm to OCR that it has distributed the modified Policy and provided effective training as required by provision II.B.

By June 30, 2017, the College will provide OCR with its modified DSPS Accommodation Plan and Accommodation Verification forms and will confirm distribution pursuant to provision II.C.

III. Monitoring process:

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has fulfilled its terms and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§104.43(a) and 104.44(a), and Title II, at 28 C.F.R. §§35.103(a), 35.130(a), 35.130(b)(1)(ii) and (iii), and 35.130(b)(7), which were at issue in this case.

The College further 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, at 34 C.F.R. §§104.43(a) and 104.44(a), and Title II, at 28 C.F.R. §§35.103(a), 35.130(a), 35.130(b)(1)(ii) and (iii), and 35.130(b)(7), which were at issue in this case. By signing this Agreement, the College agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement.

The College 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 and 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the College written notice of the alleged breach and 60 calendar days to cure the alleged breach.

_____/s/_____
Glenn R. Roquemore, PhD
President

4/18/2017
Date