

**RESOLUTION AGREEMENT**  
San Diego City College  
OCR Case Number 09-17-2502

San Diego City College (College) without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 *et seq.* (Section 504) and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.* (Title II), and their implementing regulations in the above-referenced OCR case number.

I. Individual Student Remedy

Within 45 days of the execution of this agreement, the Complainant shall provide the College with documentation of costs associated with her enrollment in the College's nursing program in the spring 2017 semester, in an amount not to exceed \$3,400.00. Within 30 days of being provided with the supporting documentation, the College, or its designee, shall reimburse the Complainant.

II. Written Guidance and Training for Disability Support Programs and Services Staff

The College will issue a written guidance memorandum and facilitate an in-service training for all Disability Support Programs and Services (DSPS) staff. The guidance memorandum and training will discuss the process to follow if a student alleges that an instructor, without justification, failed to implement an approved accommodation, and steps to take if it is confirmed that a student has been denied an approved accommodation, including how to provide a student an opportunity to re-take a test when it is confirmed that a testing accommodation was improperly denied.

III. Guidance to Instructors

The College will issue a written guidance memorandum and facilitate training for all full-time and part-time instructors in the nursing program (nursing instructors). The guidance memorandum will include an explanation of the DSPS accommodations process, including an explanation of how students receive testing accommodations and the process to follow if students come forward and state that they have not been provided with agreed upon accommodations. The training for the instructors will discuss the College's responsibilities to provide auxiliary aides and services to students with disabilities, including the role of DSPS, the accommodations process, and the various types of accommodations,

such as testing accommodations that may be provided to students with disabilities. The training will include a discussion of the role of the nursing instructors in ensuring that students with disabilities receive their accommodations while they are enrolled in the nursing program.

IV. Reporting Requirements

- A. Within 15 days of reimbursing the Complainant, the College will provide OCR with a copy of the reimbursement to Complainant.
- B. Within 90 days of the date of execution of this Agreement, the College will submit a draft of the guidance memorandum described in Section II, training materials, and title/name of the proposed trainers as described in Section II for OCR review and approval.
- C. The College will finalize and issue the guidance memorandum to the DSPS staff and provide the training required in Section II within 60 days of OCR's review and approval. Within 15 days of providing the training required in Section II, the College will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the College employees who attended the training, a list of the required College employees who did not attend, and a plan for providing follow up for those employees who did not attend, as needed.
- D. Within 90 days of the date of execution of this Agreement, the College will submit a draft of the guidance memorandum described in Section III, training materials, and title/name of the proposed trainers as described in Section III for OCR review and approval.
- E. The College will finalize and issue the guidance memorandum to all full-time and part-time instructors within the nursing program at the College and provide the training required in Section III within 60 days of OCR's review and approval. Within 15 days of providing the training required in Section III, the College will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the College employees who attended the training, a list of the required College employees who did not attend, and a plan for providing follow up for those employees who did not attend, as needed.

V. Monitoring

- A. The College understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further the College understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the College's satisfaction of the commitments made under the resolution agreement, OCR will close the case.
  
- B. The College understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Ricky Shabazz, Ed.D.  
President

\_\_\_\_\_ April 26\_\_\_\_\_, 2019