

RESOLUTION AGREEMENT
El Camino College
OCR Case Number 09-19-2121

El Camino College (the 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 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations in the above-referenced case number.

A. Individual Remedies

By August 1, 2019, via email and regular mail, the College will:

- Offer the Complainant the opportunity to retake the final exams for ACR X, ACR XX, and ACR XXX with academic adjustments or auxiliary aids (hereinafter referred to as “accommodations”) that were previously approved for each of those classes during the 2018-2019 school year. The College may choose to administer these exams in the Special Resource Center (SRC) rather than allowing the Complainant to choose the location. The Complainant will have the option to have those exam grades replace his existing exam grades and be used to recalculate his final transcript grade for each class according to the College’s grade change procedures.
- Offer the Complainant the opportunity to take ESCO Group exams that were administered as part of any of his classes during the 2018-2019 school year. The SRC will coordinate with the Complainant and ESCO Group to ensure that the Complainant has access to accommodations that ESCO allows and that those accommodations are implemented. The Complainant will only be required to pay for the ESCO exam(s) if those students in his classes during the 2018-2019 school year were similarly required to pay for the exam(s).

The College will give the Complainant a deadline to respond to its offer, electing which, if any, of the exams he would like to take, of August 19, 2019. If the Complainant does not respond or elects not to take any of the exams, the College will have met its obligation under this provision. The College will give the Complainant a deadline to take the exams of no earlier than October 1, 2019.

Reporting Requirements

- By August 5, 2019, the College will provide OCR a copy of the letter and email offering the Complainant the opportunity to take the exams.
- By August 20, 2019, the College will provide OCR a copy of the Complainant’s response or otherwise notify OCR that the Complainant did not respond.
- If the Complainant elects to take any of the exams, the College will provide OCR documentation reflecting the exam(s) were administered and that the accommodations

were provided. If the Complainant elects to have the exam grades replace his existing exam grades, the College will provide OCR with documentation that those grades were replaced, and that transcripts were updated accordingly (if the change in exam grade resulted in a different overall grade for the class).

B. SRC Policies and/or Procedures

The College will develop and implement SRC policies and/or procedures regarding the provision of accommodations for certification and other testing administered as part of a College class and/or for a class grade or credit, involving an outside entity.¹ The SRC policies and/or procedures shall include that SRC staff will proactively communicate with the outside entity to learn about any restrictions on accommodations, and to facilitate the process for students to obtain accommodations for the test or certification. The obligation to learn about what accommodations are and are not permissible for such tests and certifications is on the College rather than on the student. If, in order to provide accommodations, SRC staff is required to become testing proctors for an outside entity, the College will ensure this takes place when possible. For certification or other testing where SRC staff is unable to become a proctor, the proctors will coordinate with SRC staff to address any accommodations-related issues.² If, based on the outside entity's restrictions on accommodations, not all students in the class are able to take the test or certification with their College approved testing accommodations, the College shall not require the test for class grade or credit unless where doing so is compliant with the College's accreditation standards (e.g., the nursing program, cosmetology program, emergency medical technician program, fire academy, etc.).

Reporting Requirements

- By October 1, 2019, the College will provide a copy of its written policies and/or procedures for OCR review and approval.
- Within 15 days of receiving OCR's approval, the College will distribute the policies and/or procedures to relevant staff, including all SRC staff and College Division deans.
- Within 5 days of distribution, the College will provide OCR with documentation that the policies and/or procedures were distributed.

C. Trainings

The College shall train SRC staff on the following:

- The policies and/or procedures developed as part of the above provision (B).
- That the SRC, not faculty, is responsible for determining whether a requested accommodation is approved or denied. For accommodations, the SRC is responsible for

¹ As an example, ESCO Group testing conducted as part of ACR 5.

² As an example, for a nursing certification and credential exam, there may be specific requirements for who can proctor that exam (e.g., a registered nurse), and SRC staff may not meet those requirements.

determining under what circumstances a modification is warranted, 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 for a particular accommodation or stated disability-related need, and any unique characteristics of his/her course of study and classes.

- Testing accommodations should be clear and specific in order to ensure appropriate and consistent implementation. When an accommodation includes options (e.g., various testing locations), the accommodation should clearly indicate any restrictions on the options, after engaging in an interactive process.
- All reasonable efforts shall be made to ensure that the provision of testing accommodations does not result in a student missing instruction time.

The College shall train the Instructor on the following:

- The general provisions of Section 504 and Title II that apply to accommodations including the purpose of accommodations for qualified students with disabilities.
- That testing accommodations, as outlined in Request for Test Accommodations forms, must be implemented.
- The Instructor should reach out to the SRC directly with any questions or concerns regarding accommodations, including the ability to implement any accommodation.

Reporting Requirements

- By September 3, 2019, the College will provide OCR with the name and qualifications of the trainer(s) and the proposed training materials for OCR review and approval.
- Within 30 days of receiving OCR's approval, the College will conduct the training(s).
- Within 15 days of conducting the training(s), the College will provide OCR with the following documentation: the date(s) of the trainings, final copies of any materials used or distributed during the training, sign-in sheets evidencing the appropriate staff attended the training, a list of the required staff who did not attend, and a plan for providing follow up for those staff who did not attend, as needed.

The College understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the College understands that during the monitoring of the 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 Agreement. Upon the College's satisfaction of the commitments made under the Agreement, OCR will close the case.

The College understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement. 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/
Superintendent or designee
El Camino College

07/15/2019
Date