

Cañada College
Resolution Agreement
OCR No. 09-19-2294

Cañada College (College), by and through the San Mateo County Community College District (District), agrees, without admitting to any violation of law, to implement the following Resolution Agreement (Agreement) to resolve the issues investigated 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, as amended by the Americans with Disabilities Act Amendments of 2008, (Title II or ADA) in the above-referenced OCR case number.¹

I. Memorandum

A. By December 2, 2019, the District will create a memorandum for OCR review and approval that will be disseminated to the administrators and staff at the College's Disability Resources Center (DRC) that identifies the College's obligation to engage in an interactive process with a student with a disability when the student communicates, or the DRC knows or reasonably should know of, a need for revised, supplemental, or new accommodations or academic adjustments to those already approved. The memorandum will include examples of when this occurs.

The memorandum will also include a description of the concept of fundamental alteration, including: notice that only the College, and not an individual faculty or staff member, can deny an adjustment or accommodation if it results in a fundamental program alteration; the information considered in making a fundamental alteration determination and the process used; the requirement to involve the student in an interactive manner when determining whether a fundamental alteration exists; and, the next steps, including the options available, when a determination of fundamental alteration is made and when it is not made.

B. Within thirty (30) days of OCR's approval of the memorandum required by the preceding paragraph [(A)] of this Agreement, the District will finalize the memorandum and disseminate it to the individuals stated in the paragraph.

Reporting Requirement

C. Within fifteen (15) days of disseminating the memorandum as required by paragraph (I)(B) of this Agreement, the District will provide to OCR verification of the dissemination.

¹ The allegations in the matter were made against the College which is one of the member institutions of the District. However, the District has advised OCR that it will accept the terms of this Agreement on behalf of the College and by signing this Agreement it acknowledges that it is obligating itself to fully comply with and perform the terms of this Agreement regardless of whether they pertain to actions of the College or the District and notwithstanding that no allegations were made against the District in this matter.

II. Training

A. By February 14, 2020, the District will provide training to all administrators and staff in the College DRC on the information stated in the memorandum created pursuant to section I(A) of this Agreement. The training will highlight the obligations and responsibilities of the DRC to engage in a full interactive process with students such that students are aware of all available relevant, reasonable, and necessary accommodations/adjustments and that they are all discussed with and considered by students. The training will also emphasize that the accommodation/adjustment process is an ongoing and fluid one and that the DRC may have to engage a student in a further interactive process after the initial approval of the student's accommodations/adjustments based on the unique circumstances of the student or the student's curriculum. The training will also include a sufficient period of time that allows for questions and answers.

The training will be given by an individual who is knowledgeable about the subject matter or by an outside third-party expert. The District may also request that a representative from OCR give the training at no expense to the District.

Reporting Requirement

B. Within thirty (30) days of completing the training required by preceding paragraph [(II)(A)] of this Agreement, the District will provide to OCR written verification that the training has taken place. The verification will state the date(s) on which the training occurred, the number of administrators and staff who attended on the date(s), and the name of the individual(s) who provided the training and his or her qualifications for providing the training. The District will also provide a copy of the sign-in sheet for the training and all documents provided to the attendees.

Monitoring

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504, Title II, and their respective implementing regulations.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II which were at issue in this matter.

The District 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 the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/s/_____
San Mateo County Community College District

Date: 10/29/19