

**Hartnell College  
Resolution Agreement  
OCR Case Number 09-20-2066**

Hartnell Community College (College) and the Hartnell Community College District (District)<sup>1</sup> agree to implement this Resolution Agreement (Agreement) to resolve the violations identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, Title II of the Americans with Disabilities Act of 1990 as amended (Title II), 42 U.S.C. § 12131 et seq., and their implementing regulations in the above-referenced OCR case number.

**I. Administrative Procedure (AP) 3440 Service Animals Policy and Notice**

- A. The District will revise, for OCR's review and approval, its AP 3440 to be in compliance with Title II and Section 504, and to ensure that students with disabilities who require a service animal, as defined under Title II and Section 504, are provided equal access to programs and services. The District's revised AP 3440 (including, but not limited to, its "Service Animal Defined," "Inquiries by the [College]," and "Licensure and Vaccinations" sections) will no longer require students to: (i) register a service animal with the College's Department of Supportive Programs and Services (DSPS); (ii) obtain a photographic identification (photo ID) for the service animal and ensure that the photo ID is visible on the service animal at all times; or, (iii) ensure that the service animal completes obedience training.
- B. Upon OCR review and approval of the revised AP 3440 (Approved AP 3440) and the District's implementation of it, the District will notify its administrators, faculty, staff, and student population of the Approved AP 3440 by: (i) posting a notice summarizing the Approved 3440 on the District's and School's general and disability-related websites; and, (ii) sending an email to all of its administrators, faculty, staff, and student population with the same notice. The District will provide a link to or copy of the Approved 3440 in its notice.

**II. DSPS Handbook and the College's Student Catalog**

- A. The District will revise, for OCR's review and approval, its DSPS Handbook and Student Catalog to reflect the Approved AP 3440. Following OCR's approval of the revised DSPS Handbook and Student Catalog, the District will implement both approved versions.

**III. Training**

- A. The District will conduct a training for College administrators and its DSPS staff regarding the Approved AP 3440 and the College's obligations under Title II and Section 504 to provide students with disabilities access to its programs and services

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<sup>1</sup>The District worked in conjunction with the College throughout OCR's investigation of this complaint; the District has assumed the responsibility of entering in to and implementing this Agreement.

with respect to their use of service animals. Prior to conducting the training, the District will provide, for OCR's review and approval, the qualifications of the selected trainer and the proposed training materials for the training.

#### **IV. Monitoring and Reporting**

With respect to the provisions in Section IV of this Agreement, please note that the observance of local, state, and national holidays as well as the Winter 2020 Intersession closure (December 19, 2020 through January 03, 2021) will not be included in the calculation of business days.

- A. By no later than forty-five (45) business days from the date this Agreement is executed, the District will submit to OCR, for its review and approval, a revised draft of AP 3440, pursuant to Section I of this Agreement. Within thirty (30) business days of OCR's approval of the revised AP 3440, the District will implement the Approved AP 3440 and provide OCR with documentation demonstrating this implementation.
- B. Within fifteen (15) business days of OCR's approval of the revised AP 3440, the District will provide OCR, for its review and approval, a draft of the notice it will distribute, in accordance with Section I above, that summarizes the Approved AP 3440. Within five (5) business days of the District's implementation of the Approved AP 3440, the District will, in accordance with Section I of this Agreement, post the approved notice on its and the School's websites and send an email containing the same approved notice to its faculty, staff, and student population. Within five (5) business days of issuing the approved notice, the District will provide OCR documentation demonstrating its distribution of the email and posting of the notice.
- C. Within thirty (30) business days of OCR's approval of the revised AP 3440, the District will submit to OCR, for its review and approval, revised versions of the DSPS Handbook and Student Catalog to reflect the Approved AP 3440. Within thirty (30) business days of OCR's approval of the District's revised DSPS Handbook and Student Catalog developed pursuant to Section II of this Agreement, the District will:
  - (i) implement the approved Handbook and Catalog for the remainder of the 2020-2021 school year and thereafter;
  - (ii) distribute the revised Handbook and Catalog to faculty, staff and student population;
  - and (iii) provide OCR with documentation demonstrating this implementation and distribution.
- D. Within thirty (30) business days of OCR's approval of the revised AP 3440, the District will submit to OCR, for its review and approval, the proposed trainer's qualifications and training materials, in accordance with Section III of this Agreement. After OCR's approval of the use of the trainer and training materials, the District will conduct the training by April 02, 2021. Within ten (10) business days of conducting the training, the District will provide OCR with documentary evidence of the training, including a training outline or any training materials presented, and sign-in sheets of attendees.

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 the Agreement. Further, the District 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 District has fulfilled the terms and obligations of the Agreement. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the application statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Dr. Raul Rodriguez, President  
Hartnell Community College District

\_\_\_\_\_09/10/2020\_\_\_\_\_  
Date