

Resolution Agreement
Brownson Technical School
Case Number 09-22-2243

The Brownson Technical School (the School) 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 its implementing regulations in the above-referenced OCR case number.

I. REVISIONS TO THE SCHOOL'S SECTION 504 PUBLICATIONS

A. SECTION 504 NOTICE OF NONDISCRIMINATION, COMPLIANCE COORDINATOR, AND GRIEVANCE PROCEDURE

The School will review all of its current publications, including information published on its website, and will revise the publications as needed to provide notice of nondiscrimination on the basis of disability that meets the requirements of 34 C.F.R. § 104.8, notice of the name and contact information for the compliance coordinator pursuant to 34 C.F.R. § 104.7(a) and notice of the Section 504 accommodations procedure developed pursuant to Section B below. The School will also develop a revised grievance procedure for complaints of disability discrimination that meets the requirements of 34 C.F.R. § 104.7(a), and provide the School community with notice regarding that procedure.

REPORTING REQUIREMENT:

By May 2, 2023, the School will submit a draft of the notice of nondiscrimination, notice of compliance coordinator, and grievance procedures as described in Section I.A. to OCR for review and approval. Within 30 days of receiving OCR's approval, the School will: (1) finalize and issue the notice of nondiscrimination, notice of the compliance coordinator, and grievance procedures as required by the regulations at 34 C.F.R. § 104.8 and § 104.7(a); (2) adopt the grievance procedures, post them on the School's website, publish them in any written materials, such as student and staff handbooks; and (3) send an email to all School instructors, administrators, other employees, and students with a link to the notice of nondiscrimination, notice of compliance coordinator, and the revised grievance procedures. Within 45 days of receiving OCR's approval, the School will provide OCR with documentation of its distribution of the notice of nondiscrimination, notice of compliance coordinator, and grievance procedure, including links, emails, and copies of written publications.

B. SECTION 504 ACCOMMODATIONS PROCEDURE

The School will develop, adopt, and implement a written procedure for the purpose of determining the aids, benefits, or services (collectively, "accommodations") to be provided to students with disabilities. The written process will provide specific guidance

for how students can request accommodations and for how the School will respond to such requests, including: (i) how and to whom students should make their requests; (ii) the name or title of the employee(s) responsible for responding to such requests and for engaging in the interactive process to determine approved accommodations; (iii) procedures for implementing the approved accommodations, including how the approved accommodations will be communicated to instructors and other staff members with responsibility for implementing them; and (iv) procedures that are available if there is a dispute about the provision of an accommodation.

REPORTING REQUIREMENT:

By May 2, 2023, the School will provide to OCR for review and approval, a draft of the written procedure. Within 60 days of OCR approval, the School will provide documentation to OCR that the written procedure has been adopted and distributed to School students, instructors, administrators, and other employees as appropriate.

II. SECTION 504 WRITTEN GUIDANCE AND TRAINING

A. SECTION 504 WRITTEN GUIDANCE

The School will distribute a written guidance memorandum for all School instructors, administrators, and other employees regarding the School's obligations under Section 504. The guidance memorandum will include an explanation of qualifying disabilities, the types of accommodations that can be offered to students, and the School's obligations to engage in an interactive process regarding a student's requests for a disability accommodation. It will also include information on the revised Section 504 accommodations procedure, the compliance coordinator, and the revised grievance procedures.

REPORTING REQUIREMENTS:

By May 2, 2023, the School will provide to OCR for review and approval, a draft of the written guidance memorandum for all School instructors, administrators, and other employees as appropriate. Within 60 days of OCR approval, the School will provide documentation to OCR that the written guidance has been distributed to School instructors, administrators, and other employees as appropriate.

B. SECTION 504 TRAINING

The School will provide Section 504 training to all administrators and employees who are involved in determining, reviewing, or resolving requests for academic adjustments and/or auxiliary aids for students with disabilities. The training will cover, at minimum, the School's obligations under Section 504: to provide academic adjustments to students with a disability, including modifications to academic requirements that are necessary to ensure that such requirements do not discriminate, or have the effect of discriminating,

against qualified students with a disability; and to engage in an interactive process with students with a disability concerning their disability and related needs.

REPORTING REQUIREMENTS

By May 2, 2023, the School will submit a draft of the proposed training materials and the name/title of the proposed trainer(s) for OCR review and approval; in the event that the School intends to provide its staff and administrators with training, the School will submit for OCR review and approval information regarding the training, including the name/title of the trainer(s), any training materials made available to the School, and a summary of the material to be covered. The School will provide the training within 60 days of OCR's approval. Within 14 days of providing the training, the School will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s) (and, if applicable, the name of the online course), a copy of any materials used or distributed during the training, sign-in sheets (or other documentation, such as training certificates) evidencing the School employees who attended the training, a list of the required School employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

II. MONITORING

By signing the resolution agreement, the School agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of the resolution agreement.

The School understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the School is in compliance with the terms of the agreement and the statute and regulation at issue in the case.

The School understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the School written notice of the alleged breach and 60 calendar days to cure the alleged breach.

/s/
Mr. Bill Brown
Director
Brownson Technical School