

Resolution Agreement
Complaint No. 09-22-2342
Santa Barbara City College

In order to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against Santa Barbara City College (College) pursuant to Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation, 28 C.F.R. Part 35, the College agrees to take the actions identified in this Resolution Agreement (Agreement).

I. Guidance Memorandum

The College will develop a written guidance memorandum for professors and instructors regarding the provision of “class presentation materials” accommodations for students with disabilities. The memorandum will describe what constitutes class materials, including digital slides or pictures provided as part of a class lecture. The memorandum will also address what instructors are to do if they receive requests for materials late in a term, or have concerns about intellectual property, including how to engage the assistance of Disability Services and Programs (DSPS) staff for initiating an interactive process with the student.

Reporting Requirement:

- A. By May 20, 2023, the College will submit a draft of the guidance memorandum, OCR for review and approval.
- B. Within 30 days of OCR approving the language in the memorandum, the College will provide OCR documentation that the memorandum has been circulated to all professors/instructors at the College. The documentation will include a copy of the cover e-mail or other method of transmission.

II. Discussion with Instructor

Between May 15 - May 19, 2023, the College will conduct a one-on-one discussion with Professor XXXXX XXXXXX, regarding the content of the guidance memorandum.

By May 20, 2023, the College will provide OCR with information confirming that this discussion took place, including the date and information about which College staff who participated in the discussion.

III. Monitoring

By signing the resolution agreement, the College agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement set forth above.

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. The College understands that OCR will not close the monitoring of the resolution agreement until such time as OCR determines that the College has demonstrated compliance with the terms of the agreement and the statute and regulations at issue in this case.

The College 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 and regulations. Before initiating such proceedings, OCR will give the College written notice of the alleged breach of the resolution agreement and sixty (60) calendar days to cure the alleged breach.

Signed:

_____/s/_____
Kindred Murillo, Ed.D.
Interim Superintendent/President

04/26/2023
Date