

RESOLUTION AGREEMENT
Forsyth Technical Community College
OCR Complaint No. 11-14-2247

Forsyth Technical Community College (the College) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-2247. This Agreement does not constitute an admission by the College of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

I. Accommodations¹ Procedures:

The College will revise its procedure for providing “accommodations” (Accommodations Procedures) to ensure that its documentation requirements conform to the regulations implementing Section 504 and Title II. Specifically, the revisions to the Accommodations Procedures shall ensure that the determination as to what accommodations should be provided to qualified students with disabilities will be reached through an interactive process and individualized assessment that does not include mandatory documentation requirements for specific disabilities and that any requirements that students provide documentation to support their requests for accommodations are reasonable.

Reporting Requirement: By October 31, 2014, the College will provide to OCR a draft of the revised Accommodations Procedures for OCR’s review and approval.

Reporting Requirement: Within 30 days of OCR’s approval of the revised Accommodations Procedures, the College will provide OCR with documentation that the revised Accommodations Procedures were adopted and widely disseminated to College staff and students.

II. Training:

The College will conduct mandatory training on the revised Accommodations Procedures for all DSO staff and administrators and all other College staff working with the DSO office regarding the College’s obligation under Section 504 and Title II to ensure that every student requesting accommodations receives an individualized assessment, that DSO staff engage with students an interactive process, and that any requirements that students provide documentation to support their requests for accommodations are reasonable.

Reporting Requirement: By October 31, 2014, the College will notify OCR of the name and qualifications of the person who will be conducting the mandatory training and when and where the training will be held and provide a copy of the proposed training materials for OCR’s review and approval. The College may also elect to contact OCR to schedule a mutually agreeable time for OCR staff to conduct the training.

Reporting Requirement: Within 30 days of the date of training, the College will provide OCR with the sign-in sheets showing the name and title of all staff members (by name and title) who attended the training.

¹ As used herein, the term "accommodations" refers to academic adjustments and auxiliary aids and services.

III. Student Remedies:

A. The Complainant:

The College will offer, in writing, to reimburse the Complainant for any of pocket expense of the psycho-educational assessment that the DSO required be provided to receive his accommodation. The College may require the Complainant to provide reasonable documentation of those expenses. The College will provide payment to the Complainant within 15 days of the Complainant providing the DSO with documentation of the expenses.

Reporting Requirement: By October 31, 2014, the College will provide OCR with a copy of the written offer to the Complainant.

Reporting Requirement: By December 5, 2014, the College will provide OCR with a copy of the Complainant's response to the offer. If no written response was provided by the Complainant, the College will provide OCR a report summarizing any other communication with or response from the Complainant.

Reporting Requirement: Within 30 days of the Complainant's response, the College will provide OCR with documentation of the reimbursement to the Complainant for expenses of the psycho-educational assessment.

B. Other Students:

The College will review all accommodation requests during the 2012-2013 and 2013-2014 school years where a student was required to provide a psycho-educational assessment (assessment) or another type of assessment in order to rule out other possible diagnoses, in order to receive an accommodation. For each accommodation request, the College will determine if the decision to require a psycho-educational assessment is consistent with its revised Accommodations Procedures, as discussed in Item I above; if the assessment would not be required under the revised Accommodations Procedures, the College will offer reimbursement for any out of pocket expenses for the assessment to the students. The College may require the affected students to provide reasonable documentation of their expenses.

Reporting Requirement: By December 5, 2014, the College will provide for OCR's review and approval documentation of the College's review of accommodation requests, including (a) the information it reviewed; (b) its determination about whether its decision would be different under the revised Accommodations Procedures; (c) its determination about whether individual relief is appropriate for each student; and (d) if applicable, any proposed remedies as a result of its review.

Reporting Requirement: Within 10 days of OCR's approval of the College's review and proposed remedies, the College will offer any approved remedies to students as appropriate, including reimbursement for unnecessary assessments.

Reporting Requirement: If applicable, by March 20, 2015, the College will provide to OCR documentation that it provided any approved remedies to students who accepted the remedies, as identified above.

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104, and Title II at 28 C.F.R Part 35, which were at issue in this case.

The College 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 College understands that during the monitoring of this 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 of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104, and with the regulation implementing Title II at 28 C.F.R Part 35, which were at issue in this case.

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

_____/s/_____
President or Designee
Forsyth Technical Community College

_____**10/9/2014**_____
Date