

**Central School of Practical Nursing
Resolution Agreement
OCR Docket #15-20-2246**

Central School of Practical Nursing (the School) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. This Agreement is being voluntarily submitted by the District under Section 302 of OCR's *Case Processing Manual* and before the completion of OCR's investigation and any issuance of findings. The School agrees to take the following actions:

- I. By **January 30, 2021**, the School will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Section 504 and will notify students, faculty, and staff of the name and/or title of its designated Section 504 Coordinator and that person's contact information (telephone number, email address and physical address). the School agrees to publish this information on a continuing basis on the School's website and in its recruitment materials or publications containing general information that it makes available to students, faculty, staff, applicants, and employees, and by any other effective means pursuant to 34 C.F.R. § 104.8.

REPORTING REQUIREMENTS: By **February 15, 2021**, the School will provide OCR with a copy of the notice(s) issued to students, faculty, and staff and a link to the information on its website. By **February 15, 2021**, the School will provide OCR with copies of the materials and publications that include the Section 504 coordinator notice either through inserts or reprinting.

- II. By **January 30, 2021**, the School will develop a policy delineating a procedure for students with disabilities to obtain academic adjustments and auxiliary aids and services under Section 504. The policy should include specific guidance regarding how and to whom requests for academic adjustments and auxiliary aids and services should be made by students with disabilities, along with reasonable standards for documentation, should the School choose to require it, to support the existence of a current disability and the need for requested services. The policy should also indicate that decisions will be made by persons trained in the requirements of Section 504 and knowledgeable about the disabilities in question. At minimum, the policy shall include the following:
 - a. A requirement that, should disability documentation submitted by a student be determined by the School to be inadequate, the School will notify the student in a timely manner of why it believes the documentation is inadequate and what additional documentation is needed to support the existence of a disability and/or the need for the requested services.

- b. Encouragement for an interactive process between the School and each student with a disability, in consultation with appropriate faculty and other program personnel, as necessary, to determine all necessary and appropriate academic adjustments based on each student's individual disability-related needs and the nature of the program(s) in which a student is enrolled. Upon notification from a student that the agreed-upon services are not effective, the School staff will work with that student to resolve the problem within a reasonable time period and through an interactive process.
- c. A process for determining if academic requirements are "essential" or whether a requested modification would fundamentally alter a course, academic program, or the School-sponsored performance-based experience to ensure that such determinations are made by a group of people, including pertinent faculty or other relevant personnel, after a careful, thoughtful deliberation that includes a review of program/course requirements and available options and alternatives, and that the decisions and the reasons supporting them are fully documented by the group.
- d. Timely notification to the student in writing of all specific academic adjustments that have been agreed to and of any denial of requested adjustments and the reason(s) for the denial informing them of the appeal procedure that can be used to challenge the denial of requests. This process will include the full documentation by the School in the student's case file of the date of the request, the nature of the request, and any supporting documentation, the reason(s) for the denial, and any interactive process between the School and the student. Students may also file an internal complaint about their adjustments or services through the School's general Section 504 grievance procedures developed pursuant to Item VI below. This process will also be available to address any complaints of disability discrimination under Section 504.
- e. A statement identifying the School's Section 504 coordinator and contact information for that person.

III. By **January 30, 2021**, the School will, pursuant to 34 C.F.R. § 104.7(b), develop grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504. The procedures will include, at a minimum:

- a. A statement that the grievance procedure is applicable to complaints alleging discrimination, harassment, and retaliation on the basis of disability;
- b. Notice to students of the process for filing a grievance, including whom to contact and how to initiate the grievance;
- c. A requirement that all complaints will be promptly, thoroughly, and impartially investigated, and the investigation will include the opportunity for the parties to identify witnesses and other evidence;
- d. Reasonable, designated timeframes for each stage of the grievance process;

- e. Provisions for maintaining the confidentiality of the person who files a complaint to the degree possible given the nature of the complaint;
- f. Written notice to the grieving party of the disposition of the grievance at each stage of the process;
- g. Notice that retaliation against a person who files a complaint of discrimination, or persons who participate in related proceedings is prohibited; and
- h. An assurance that, if discrimination has occurred, appropriate corrective and remedial actions will be taken.

REPORTING REQUIREMENTS: By **January 30, 2021**, the School will submit to OCR the policy and grievance procedures it drafted under Items V and VI. Within 60 calendar days of notification from OCR that the procedures developed in accordance with Items V-VI above are consistent with the requirements of Section 504, the School will:

- a. Adopt the procedures;
- b. Notify students, faculty, and staff of the new procedures and where copies of the procedures may be obtained; and
- c. Provide training by an authority knowledgeable about the requirements of Section 504 to faculty and staff, including all employees involved in determining or delivering academic adjustments and auxiliary aids and services, all admissions staff, and the School's Section 504 coordinator(s), on the requirements of Section 504 as to nondiscrimination, academic adjustments and auxiliary aids and services, fundamental alteration, and its new/revised procedures.

General Requirements

The School 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 School understands that during the monitoring of this 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 and obligations of the Agreement. Upon the School's satisfaction of the commitments made under the Agreement, OCR will close the case.

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

The Agreement will become effective immediately upon the signature of the School's representative below.

/s/

12/18/2020

Executive Director or Designee

Date