

**Resolution Agreement**  
Solano Community College  
OCR Case Number 09-15-2290

Solano Community College (College), without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement (Agreement) to resolve the issues investigated by the Office for Civil Rights, U.S. Department of Education (OCR), under the Title II of the Americans with Disabilities Act (Title II) and Section 504 of the Rehabilitation Act (Section 504), in the above-referenced complaint.

**I. Individual Student**

- A. Within twenty days of the date of this agreement, the College will convene a meeting to be attended by individuals knowledgeable about the Student, including the Disability Services Program (DSP) Coordinator. The College will notify the Student of the meeting at least ten days in advance and make reasonable efforts to reschedule the meeting to ensure her attendance.
- B. The purpose of the meeting is to discuss the Student's course requirements, course load and completion of her degree.
  - a. The College will engage in the interactive process with the Student to determine whether the auxiliary aids and services for which she is currently approved enable her to participate in her courses at the College as a qualified individual with a disability, or whether she requires additional or alternative auxiliary aids and services.
  - b. The College will discuss how to support the Student in meeting the course requirements of her academic program.
  - c. The College will designate a staff person at DSP whom the Student may contact should she have any concerns about her auxiliary aids and services.
- C. Within five days of the date of the meeting, the College will provide the Student with a written account of the topics discussed and the decisions made at the meeting.
- D. The College will offer the Student the opportunity to retake English 4. If she chooses to do so, the College will replace the grade she obtained when she took English 4 in the fall 2014 semester with the grade she earns when she retakes the course.

**II. Notetaker Policy**

- A. By December 1, 2015, the College will provide OCR with a draft of its notetaker policy, including any supplementary forms. Within 15 days of receiving OCR's approval, the College will provide OCR with documentation of the finalized policy. The policy will include the following elements:

- a. An explanation of the process that instructors are to use to make in-class announcements for volunteer notetakers, which includes:
    1. When and how such announcements should be made; and
    2. The frequency with which such announcements should be made.
  - b. A description of DSP's responsibilities in the event that no volunteer notetaker is found, including the circumstances under which DSP will:
    1. Notify instructors to post lecture notes to an online portal as appropriate;
    2. Designate DSP staff to serve as notetakers for DSP students as appropriate; and
    3. Contract with paid notetakers to serve as notetakers as appropriate.
  - c. A description of the follow-up steps that instructors are to take if a volunteer notetaker is found, including:
    1. Notifying DSP that a volunteer notetaker has been found; and
    2. Providing DSP with the volunteer notetaker's contact information so that DSP may make arrangements regarding the transmission of notes between the volunteer notetaker and the DSP student.
  - d. A description of DSP's responsibilities in ensuring that DSP students are provided with notes from their volunteer notetaker, including:
    1. Ensuring the notes will be provided in a consistently timely manner and are of usable quality in order to meet the needs of the DSP student;
    2. Establishing a standard arrangement (e.g., time and place) for the DSP student to be provided with the notes, as well as clarifying the format (e.g., carbon copy) in which the notes are to be provided to the DSP student; and
    3. Ensuring that the notes are provided to the DSP student within 24 hours of the end of the class period, unless a different amount of time is needed by the DSP student.
- B. The College will identify in writing the College employee (by title) who is responsible for timely resolving any concerns about notes brought to the attention of the DSP office. The College will update and revise any policies, procedures, and practices to contain this information.
- C. Within 30 days of finalizing its notetaker policy, the College will provide OCR with documentation that it has disseminated and publicized its policy by:
- a. Distributing the notetaker policy to all staff and administrators in the College's DSP Office and all administrators responsible for oversight of that office;
  - b. Drafting a DSP section in the Student Handbook which references the notetaker policy and where it may be located;

- c. Updating any other documents that discuss or describe the College's policies regarding academic adjustments and auxiliary aids, including on the College DSP website under the "Faculty" and "Student" tabs.

### **III. Guidance to Instructors regarding the College's Accommodations Process**

- A. By December 1, 2015, the College will submit to OCR a draft memorandum to instructors that provides guidance regarding the College's accommodation process for students with disabilities, including reference to its notetaker policy. Within 15 days of OCR's approval, the College will provide OCR with documentation (including a distribution list and copy of the final memorandum) that the guidance memorandum has been distributed to all full-time and part-time instructors. The guidance memorandum will include the following:
  - a. An explanation of the accommodations process and examples of accommodations, including a statement that the College cannot deny a necessary accommodation without establishing that it would result in a fundamental alteration in the program or would constitute an undue burden on the College; and
  - b. Instructors cannot unilaterally deny approved accommodations; any questions or concerns that instructors may have about a student's approved accommodations should be addressed to the DSP Coordinator. The concerns will be resolved through an interactive process between the student and College.
- B. The College will reinstate the annual workshops provided in the past by the Human Resources Department to new faculty on their obligations to students with disabilities. The College will also extend an invitation to all current instructors to attend.
  - a. By December 10, 2015, the College will submit to OCR for review and comment a copy of the training agenda, including the names and titles of the trainer(s) and the proposed date(s) of completion.
  - b. By March 1, 2016, the College will provide OCR with documentation that shows that it has completed the training, which will include the names and titles of the trainer(s), the dates of the training, a copy of the final agenda and materials used at the training, and a list of the participants.

### **IV. Monitoring**

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 regulations implementing Section 504 at 34 C.F.R. §104.44(a) and Title II at 28 C.F.R. §35.130(b)(7) which were at issue in this case.

The College understands that by signing this agreement, it agrees to provide data and other

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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 and Title II at 34 C.F.R. §104.44(a) and 28 C.F.R. §35.130(b)(7).

The 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 sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Solano Community College President or Designee

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11/13/2015  
Date