

RESOLUTION AGREEMENT

I. INTRODUCTION

Tillamook Bay Community College (“college”) enters into this agreement to resolve the allegation asserted in a complaint denominated OCR Reference No. 10142236 (“the complaint”) filed with the Office for Civil Rights in the U.S. Department of Education (OCR), under Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 USC 794, and title II of the Americans with Disabilities Act of 1990 (“Title II”), 42 USC 12131–12134, and those statutes’ implementing regulations at 34 CFR Part 104 and 28 CFR Part 35.

II. GENERAL PROVISIONS

- A. This agreement resolves the allegation asserted in the complaint and does not constitute an admission by the college of a violation of Section 504 or Title II, or those statutes’ implementing regulations, or any other law.
- B. OCR agrees to discontinue its investigation of the complaint based upon the college’s commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegation asserted in the complaint.
- C. The college agrees to provide OCR data and other information in a timely manner. The college understands that during OCR’s monitoring of the college’s implementation of this agreement, OCR may visit the college campus, interview staff members 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 regulations implementing Section 504 at 34 CFR 104.43 and 104.44 and with the regulation implementing Title II at 28 CFR 35.130, which were at issue in this case.
- D. OCR will not terminate its 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 CFR 104.43 and 104.44 and with the regulation implementing Title II at 35.130.

- E. The college acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms of this agreement. Before initiating administrative enforcement (34 CFR 100.9 and 100.10), or judicial proceedings to enforce this agreement, OCR shall give the college written notice of the alleged breach and a minimum of 60 calendar days to cure the alleged breach.

III. REMEDIAL ACTION

Remedies for Subject Student

By September 19, 2014, the college will send a letter to the student who is the subject of the complaint that states:

- the college will pay for tuition for the student to take the XXXX and XXXXX classes he needs to complete his degree requirements during the XXXXXX 2014 academic term and any costs associated with those classes, such costs to include required textbooks and other books, lab fees, and any other costs directly associated with registering and taking those classes; and
- if the student is unable to enroll in the classes during the XXXXX 2014 term, the college will pay for the student's classes as described above for the subsequent term during the 2014-15 academic term; and
- an assurance that the college will fully implement the disability-related academic adjustments and auxiliary aids the college had approved for the student for the XXXXX 2014 quarter, such adjustments and aids to include [...entirety of remaining clause redacted by OCR.]

IV. REPORTING

By January 5, 2015, the college will provide OCR with a detailed report about actions taken pursuant to this agreement related to the student who is the subject of the complaint. The report will include descriptions or copies of any written communications between the college and the student related to the college's implementation of the agreement and will include a copy of the letter sent by the college to the student.

Signed:

_____/ s /_____
Dr. Connie Green
President
Tillamook Bay Community College

____09/15/2014_____
Date