

**Resolution Agreement**  
**Mountain View College**  
**OCR Complaint #06-17-2188**

OCR and the Mountain View College (the College) enter into this resolution agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the College. The College assures the U.S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the College agreed to voluntarily resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the College agrees to take the following actions.

**Action Item #1 – Training**

The College will provide training regarding the College's obligation to abide by the requirements of Section 504 and Title II, as it relates to the provision of auxiliary aids and services and academic adjustments. The training will include, but is not limited to, guidance on the appropriate method(s) to provide auxiliary aids and services and academic adjustments for students with disabilities. The College shall provide this training to personnel in the College's Disability Services Office (DSO) and all faculty.

**Reporting Requirement #1**

- a) **Within 60 days** of the signing of this Agreement, the College will submit to OCR, for review and approval, its proposal for complying with Action Item 1 above. Specifically, the College will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the College intends to use at the training session(s).
- b) **Within 60 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement 1(a), the College will provide the training listed in Action Item 1 above.
- c) **Within 30 days** of the completion of the training referenced in Reporting Requirement 1(b), the College will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the College will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 1, the date(s) and time(s) the training session(s)

occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

### **Action Item #2 – Stairwell Access**

The College will complete a self-evaluation under Section 504 and Title II of the stairwells leading to the Art Gallery and the Trinity Garza Early College High School Area (High School) of the College's campus for obstructions created by students of the College or the High School. The College will devise a written Action Plan (Plan) following the conclusion of this self-evaluation identifying the modifications necessary to ensure that the stairwells are free of physical obstacles created by students sitting on the stairwells.

### **Reporting Requirement #2**

- a) **Within 30 days** of the signing of this Agreement, the College will submit to OCR evidence that the College completed the self-evaluation of the stairwells leading to the Art Gallery and the High School Area.
- b) **Within 30 days** of completing the self-evaluation, the College will submit to OCR for approval a copy of the Plan developed as a result of its self-evaluation of the stairwells leading to the Art Gallery and the High School Area.
- c) **Within 30 days** of receiving OCR approval, the College will provide OCR with a progress report regarding the Plan's steps to ensure access to stairwells leading to the Art Gallery and the High School Area. The report will include a description of the College's implementation of the Plan. The College will continue to provide OCR with progress reports regarding implementation of the Plan until the Agreement has been fully implemented for the 2017-18 academic year.

### **Action Item #3 – Academic Adjustments**

The College shall notify the Complainant, in writing via certified mail, that the College will meet with the Complainant to discuss [XXXX] need for academic adjustments. The College will offer the Complainant academic adjustments of adequate quality and effectiveness, including, but not limited to: 1) opportunity to retake [X---phrase redacted---X] and receive a new grade for the course, replacing [XXXX] previous grade, 2) if the Complainant elects to retake [XXXX XXXX], the ability to complete [XXXX XXXX] coursework required to be done in the [XXXX XXXX] Laboratory in the DSO, and 3) permitting the Complainant to complete the work described in item 2 in the DSO during all regular hours that the [XXXX XXXX] Laboratory is open and available to College students.

**Reporting Requirement #3**

- a) **Within 15 days** of the signing of this Agreement, the College will submit to OCR documentation evidencing whether the College provided notice to the Complainant in accordance with Action Item 3.
- b) **Within 15 days** of receiving a response to the Complainant, the College will submit to OCR documentation indicating whether the Complainant agreed to meet with the College to discuss academic adjustments.
- c) **Within 15 days** of meeting with the Complainant, if such meeting occurs, the College will submit to OCR documentation of all academic adjustments formally offered to the Complainant.
- d) **Within 15 days** of the Complainant’s completion of [XXXX XXXX], the College will submit to OCR evidence that the Complainant’s prior grade was changed to the grade earned in retaking and completing the course.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II.

The College also 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 College has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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 proceeding 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.

This Agreement will become effective immediately upon the signature of the College’s representative below.

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Mr. Robert Garza, President  
Mountain View College

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Date