

RESOLUTION AGREEMENT
Alamo Colleges District Northwest Vista College
Complaint Number 06-20-2347

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and Alamo Colleges District Northwest Vista College (“Recipient”) enter into this agreement to resolve the allegations and claims in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Recipient. The Recipient assures OCR that it will take the following actions, consistent with its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 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. § 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 Recipient agreed to resolve the issue in this investigation pursuant to Section 302 of OCR’s Case Processing Manual. Accordingly, to resolve the issue of this investigation, the Recipient agrees to take the following actions.

Action Item 1

By xxxxx xx, xxxx, Recipient will provide training to administrators, faculty and staff of the Northwest Vista College xxxxxxxx Department regarding the Recipient’s obligations pursuant to Section 504 and Title II to provide academic adjustments (accommodations) to all qualified students with disabilities attending the Recipient’s facility. The training will be conducted by individual(s) knowledgeable about the laws and issues pertaining to disability discrimination and shall address, at a minimum, the following:

- 1) The requirement that a qualified person with a disability may not be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in any postsecondary program’s aids, benefits, or services on the basis of disability;
- 2) The Recipient’s process and procedure for providing academic adjustments (accommodations) to qualified students with disabilities to ensure that its academic requirements do not discriminate or have the effect of discriminating on the basis of disability against a qualified student with a disability;
- 3) An explanation that although the Recipient is not required to make adjustments or provide aids or services that would result in a fundamental alteration of a program, the Recipient must make an individualized determination that a specific standard or requirement is an essential program requirement that cannot be modified, via a careful, thoughtful, and rational review of the academic program and its requirements, in which the decision-makers also consider a series of alternatives for the essential requirements, as well as whether the essential requirement in question can be modified for a specific student with a disability;

- 4) An explanation that, if the Recipient denies a request for an academic adjustment, it should clearly communicate the reasons for its decision to the student so that the student has a reasonable opportunity to respond and provide additional documentation that would address the Recipient's objections; and
- 5) The Recipient's policies and procedures for requesting academic accommodations.

Action Item 2

- 1) **Individual Remedy:** The Recipient will expunge the xxxx xxxxxx x xxxx xxxxx xx xxxxxxx xxxxx from the Student's transcript.

Reporting Requirements

- 1) **By xxxxxxxx xx, xxxx,** the Recipient will submit to OCR, for review and approval, its proposal for complying with Action Item 1 above. Specifically, the Recipient 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 Recipient intends to use at the training session(s). Within 30 days from Recipient's submission, OCR will notify Recipient in writing that it approves or disapproves Recipient's submission.
- 2) **Within 30 days** of OCR's approval of the individual(s) to conduct the training and materials referenced in Reporting Requirement 2, the Recipient will provide the training described in Action Item 1 above.
- 3) **Within 30 days** of the completion of the training referenced above, the Recipient will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the Recipient will provide to OCR the names of all individuals who attended the training session(s), 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).
- 4) **By xxxxxxxx xx, xxxx,** the Recipient will provide documentation to OCR that it has implemented Action Item 2 of this Agreement, including a copy of the Student's updated transcript.

The Recipient 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 Recipient 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 Recipient understands that during the monitoring of this agreement, if necessary, OCR may visit the Recipient, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the Recipient 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 Recipient 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 Recipient 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 Recipient's representative below.

President or Designee's Signature
Alamo Colleges District Northwest Vista College

Date

Printed Name and Title, if signed by Designee