

## **Resolution Agreement**

Yuba College  
OCR Case Number 09-15-2477

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

### **A. Individual Student**

1. Within 30 days of the execution of this Agreement, the College will send the Student a letter via e-mail and mail stating that she may submit a claim for reimbursement for any out-of-pocket expenses that she incurred pursuant to her enrollment in Intermediate Algebra (MATH-52) in the spring 2015 semester and Elementary Algebra (MATH-50) in the summer 2015 semester. Such expenses may include, but are not limited to, the cost of books and materials, project fees, registration fees, and other reasonable related expenses. The College may request, but not unreasonably require, receipts or other readily available proof of payment of such expenses from the Student. The letter will inform the Student that the claim for reimbursement must be submitted within thirty days of the date of receipt of the letter, and will provide an address and a contact person to which the claim may be mailed. If the Student submits the claim within 30 days, the College will reimburse her for those expenses it determines were incurred pursuant to her enrollment in Intermediate Algebra (MATH-52) and Elementary Algebra (MATH-50). The College will act in good faith in evaluating and determining the claim item(s) to be paid.
2. Within 30 days of the execution of this Agreement, the College will remove all evaluative grades on the Student's transcript for MATH-52 in the Spring 2015 semester (withdrawal designation) and MATH-50 in the Summer 2015 semester ("F" designation).

### **B. Revisions to Disabled Students Programs and Services Policy and Guidance Memorandum**

1. On or before November 18, 2016, the College will provide for OCR review and approval a draft of its revised policies and procedures concerning the provision of auxiliary aids, services, accommodations, and modifications (academic adjustments / modifications) to students with disabilities through the College's Disabled Students Programs and Services (DSPS) office. Any drafts of revised DSPS policies and procedures and, if applicable, any revised Yuba Community College District Board Policies governing these procedures, will include a statement that students with disabilities will not be penalized academically or financially when DSPS or the College fails to implement approved, undisputed academic adjustments / modifications and a process for:

- a. DSPS to notify instructors of a student's approved academic adjustments/modifications at the beginning of an academic semester or within seven (7) days of enrollment in a course, whichever occurs first.
  - b. College instructors to confirm with DSPS that they have received notice of a student's approved accommodations. When an instructor provides DSPS with this confirmation, the instructor should describe (1) whether the academic adjustment / modification is to be implemented for the duration of the course and (2) any concerns the instructor may have regarding implementation (e.g., alternate media is not available for a particular course, exam software will not permit time extensions, no note takers volunteered in a particular course, etc.).
  - c. DSPS to notify exam proctors, College tutors and tutoring programs, and on-campus resource centers of approved academic adjustments / modifications for students registered with DSPS when the student's accommodation(s) involves exam administration, tutoring, or additional on-campus resources.
  - d. Approved DSPS academic adjustments / modifications to be implemented in online coursework, when applicable.
  - e. Students to notify DSPS when approved academic adjustments / modifications are not implemented. When a student provides DSPS with this notification, DSPS should provide the student with information about the process that DSPS will follow to respond promptly and effectively to the student's concerns. DSPS will also provide notice to the student and their instructor of DSPS' response to the student's concerns and any remedial actions taken, if applicable.
  - f. DSPS to promptly and effectively address requests from students related to grade changes or withdrawals when the College finds that approved academic adjustments / modifications were not implemented.
2. On or before January 20, 2017, the College will provide for OCR review and approval a short guidance memorandum to all students registered with DSPS and all College staff notifying these students and College staff of these revised policies and procedures and how to ensure approved adjustments/modifications are provided.

### C. Training

1. On or before February 3, 2017, the College will provide training to all professors, instructors, and DSPS staff regarding the revised policies and procedures and guidance memorandum.

### D. Reporting Requirements

1. On or by September 30, 2016, the College will provide OCR with confirmation that the College sent the Student a letter via e-mail and mail as described in Section A(1).

2. Within 30 days of receipt of a claim made by the Student pursuant to Section A(1), the College will provide OCR with documentation that the Student was issued a reimbursement for her claim.
3. On or by November 18, 2016, the College will provide a draft of the revised policies and procedures described in Section B(1) to OCR for review and approval.
4. On or by January 20, 2017, the College will provide a draft guidance memorandum described in Section B(2) to OCR for review and approval.
5. Within 30 days of receiving OCR's approval of the revised policies and procedures, the College will publish the revised DSPS policies and procedures in its Student Handbook and on the College's website and disseminate them to all staff, faculty, and students. The College will make these policies available upon request at DSPS offices; at on-campus resources including but not limited to the College Success Center, Writing Center, and Career center; testing centers; and at all College library facilities. The College will provide OCR with confirmation that the dissemination has occurred.
6. Within 30 days of receiving OCR's approval of the guidance memorandum, the College will provide OCR with written documentation showing that all students registered with DSPS and all School staff received the memorandum.
7. Within 30 days of providing training to all professors, instructors, and DSPS staff regarding the revised policies and procedures and guidance memorandum, the College will provide OCR with written documentation showing that these individuals have been trained and will provide OCR a copy of the training materials.

#### D. Monitoring

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 Section 504 and Title II and the regulations at 34 C.F.R. §104.4(a), 104.43(a), and §104.44(a), which were at issue in this case.

The College 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 the College has fulfilled the terms of this agreement and is in compliance with Section 504 and Title II and the regulations, which were at issue in 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 proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent or District Representative

\_\_\_\_\_08/11/2016\_\_\_\_\_  
Date

\_\_\_\_\_Douglas B. Houston, Chancellor\_\_\_\_\_  
Printed Name and Title