

Resolution Agreement

Napa Valley Community College District

Case No. 09-16-2383

In order to resolve the issues investigated and concerns identified in the above-referenced complaint filed with 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) and their implementing regulations, Napa Valley Community College District (District) agrees to fully implement the terms below:

I. Individual Remedy

Within 45 days of signing this Agreement, the District will review and assess whether other students' grades have been changed under similar circumstances to the Complainant's grade change request during the last year. If the District determines that other students' grades have been changed based on an instructor's request, even if outside of the District's stated time period for filing, then the District will revise the Complainant's grade to reflect the grade that the Instructor requested entered as the final grade for the Complainant in her Philosophy XXX class in Spring 2014 and provide OCR with documentation of the same. If the District's review shows that the Complainant's grade should have been changed, the District will also provide training to the individual(s) who made the decision not to change the Complainant's grade consistent with the information provided in the guidance memorandum discussed in Section II of this Agreement.

A. Reporting Requirements

Within 60 days of signing this Agreement, the District will provide OCR with an explanation and results of the review discussed in I. for OCR review and approval. If the District determines that the grade should be changed based on the investigation and criteria set forth above, then, within 15 days of making that determination, it will provide OCR with documentation of the same and documentation that it has provided training to the individual(s) who made the decision not to change the Complainant's grade consistent with Section I of this Agreement.

II. Training and Policy Revision

The College will revise its policy and procedure for grade changes, now at BP 4232 and AR 4232, to state that the College shall consider a request for change of grade where the timely request for a change is necessitated as a remedy for discrimination on the basis of disability

pursuant to Section 504 and Title II, including with respect to the denial of an approved accommodation/modification.

The District shall provide a guidance memorandum to all staff and instructors at the College reminding them of the prohibition against retaliation, setting forth the legal standard for assessing whether retaliation has occurred and the College's grievance process related to retaliation. The guidance memorandum will also include examples of prohibited retaliation and contact information for the Title II/Section 504 Coordinator and any other compliance officer responsible for reporting, inquiries, and investigations.

B. Reporting Requirement

Within 30 days of signing this Agreement, the District shall provide a copy of the revised BP and AR 4232 and guidance memorandum discussed in Section II of this Agreement for OCR's review and approval. Within 15 days of receiving OCR's approval, the District shall: distribute the guidance memorandum to all staff and instructors and publish the BP and AR on its website and distribute it to instructors and to staff in its disability services office. The District shall provide OCR with documentation of distribution, including a link to the website with respect to the BP and AR, as well as all communications evidencing distribution to staff and instructors.

III. Monitoring

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, OCR may visit the District, interview District staff, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulation, which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504, Title II, and their implementing regulations, which were at issue in this case.

The District 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 University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____

_____04/17/2017_____

Superintendent/President
Napa Valley College

Date