

Resolution Agreement

Chabot-Las Positas Community College District & Las Positas College
OCR Case No. 09-18-2131

In order to resolve the allegations in the above-referenced complaint to the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), the Chabot-Las Positas Community College District and Las Positas College (College) agree to take the actions outlined in this Resolution Agreement (Agreement), without admitting to any violation of law.

OCR and the College enter into this Agreement prior to, and in lieu of, OCR conducting a full investigation into the above-referenced complaint. Prior to OCR making a compliance determination in this matter, the College voluntarily expressed an interest in resolving the allegations.

The College agrees to enter into this voluntary agreement because the proposed remedy is consistent with its position that the Complainant should take the final exam. In addition, training and guidance to faculty members, and education in a complex area of law is always beneficial.

A. Final Exam

1. By August 31, 201, Disabled Students Programs & Services (DSPS) will meet with the Complainant to determine appropriate testing accommodations that the Complainant would be provided to take the final exam. Discussions of appropriate academic adjustments shall include, but not be limited to, location where the final exam will be conducted, whether the Complainant is allowed to use his own personal computer or the Disability Resource Center (DRC) computer to take the final exam, and other necessary computer hardware, software, features (such as screen brightness controls), tools, and applications (such as Magnify) that the Complainant should be provided during the final exam to mitigate his vision impairment. Academic Adjustment decisions will be documented on the Student's Academic Accommodation Plan (AAP).
2. The College will ensure that the Complainant is provided with an equitable condition/scenario with that of the students who took the CS-XX final exam in the classroom. The College will obtain input from the Complainant and decide which option below is applicable. The College

will then give the CS-XX instructor instructions regarding the selected option.

Options:

- a) Provide the Complainant or DRC with the same hard drive (preloaded with the same version and setup of Linux Virtual Operating System and installer that was used in the CS-XX class), that was provided to the non-disabled students who took the final exam in the classroom; or
 - b) Install the same version and setup of Linux Virtual Operating System that was used in the CS-XX class onto the Complainant's personal computer or the DRC computer. After the Complainant completes the final exam, the Linux Virtual Operating System will be removed from the Complainant's personal computer or the DRC computer. If applicable, the Complainant will arrange a time with DRC to have the Linux Virtual Operating System removed from his personal computer.
 - c) The Dean will confirm in writing that the version and setup of the Linux Virtual Operating System and installer that is provided to the Complainant for the final exam is the same version that was given to his classmates and provide OCR with a written statement attesting to it.
3. The College will give the Complainant the same final exam that was provided to his classmates in the classroom.
- a) The College will provide the Dean with a copy of the questions on the final exam. The Dean will confirm in writing that they are the same questions that were on the final exam that the Complainant's CS-XX classmates took and send OCR a written statement attesting to it.
 - b) Upon OCR's approval, the CS-XX final exam will be scheduled and administered to the Complainant.
4. By September 1, 2018, the College will contact the Complainant to schedule and administer the CS-XX final exam.

B. CANVAS Portal

1. Within 10 calendar days of the signing of this Agreement, the College will grant the Complainant access through the CANVAS portal the same fall 2017

CS-XX class materials, including assignments, quizzes and midterm exam that his classmates had access to before the final exam.

- a. The College will notify the Complainant in writing that it has granted him access to the CANVAS portal of the fall 2017 CS-XX class materials.
- b. The College will provide OCR with a copy of the above notification that it sent to the Complainant.

C. Training and Guidance Memorandum

1. The College will provide the CS-XX instructor with written guidance regarding the requirements of Section 504 and Title II. The written guidance will cover the following topics:
 - a. The College's, including faculty's, legal obligations and responsibilities under Section 504 and Title II and;
 - b. The College's disability policy and procedures regarding adjustments and modifications for qualified students with disabilities and;
 - c. The College's policy and procedures for resolving disagreements regarding students' academic adjustments.
2. The written guidance shall also include a page where the instructor acknowledges and signs that he has read and understands the materials.
3. The College will issue a written guidance memorandum to all Disability Resource Center administrators and staff in the College, who have responsibility for ensuring that students are provided with their approved academic adjustments. The guidance memorandum will include procedures for promptly responding to students' complaints against faculty regarding the provision of their approved academic adjustments.

D. Reporting Requirements

1. By September 1, 2018, the College will provide OCR with a copy of the final Accommodation Plan (AAP) that was developed for the Complainant under Agreement item A.1.
2. By September 1, 2018, the College will provide OCR with the date it conferred with the Complainant regarding options outlined under Agreement item A.2 and report which option was selected.
3. Within 10 days of selecting one of the options described in Agreement item A.2 above, the College will provide a copy of the instructions that were issued to the CS-XX instructor.

4. By September 1, 2018, the College will provide to OCR the Dean's written statement confirming that the final exam the Complainant is taking is the same version that his CS-XX classmates took.
5. By September 30, 2018 the College will provide a report to OCR confirming the date when the Complainant took the final exam and the academic adjustments that were provided to him during the final exam.
6. Within 10 days of the signing of this Agreement, the College will provide OCR with a copy of its written notification to the Complainant in accordance with Agreement items B.1 (a) and B.1 (b).
7. By September 30, 2018, the College will submit to OCR with a copy of the draft written guidance, as described under Agreement item C.1, and the qualifications and subject matter expertise of the individual(s) who prepared the materials. Within 45 days of OCR's approval of the written guidance, the College will provide the written guidance to the CS-XX instructor and provide OCR with a copy of the signature page of the written guidance that was signed by the CS-XX instructor acknowledging that he read and understood it.
8. By September 30, 2018, the College will submit a draft of the guidance memorandum, as described in Agreement item C.3, and the qualifications and subject matter expertise of the individual(s) who prepared the materials, for OCR review and approval.
9. The College will finalize and issue the guidance memorandum required in Agreement item C.3 within 60 days of OCR's approval. Within 15 days of providing the written guidance required under Agreement item C.3, the College will provide OCR with the following documentation: a copy of the guidance materials distributed signed confirmations from each recipient evidencing that they read and understand the materials.
10. Upon successful completion of these reporting requirements pursuant to the monitoring standard below, OCR will issue a letter in writing confirming successful completion to the College and the Complainant and will close the monitoring phase of this case.

E. Monitoring

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 the Agreement. Further the College understands that during the monitoring of the 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. Upon the College satisfaction of the commitments made under the Agreement, OCR will close the 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 College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____

Roanna Bennie
Interim President, Las Positas College

_____08/17/2018_____

Date