

RESOLUTION AGREEMENT
Bakersfield College
OCR Case Number 09-19-2302

The Kern Community College District on behalf of Bakersfield College (the College), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the non-compliance and compliance concerns identified by 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 (Title II), and their implementing regulations in the above-referenced case number.

MEMORANDUM / GUIDANCE DOCUMENT

Item A: Testing Accommodations for Online Exams

The College will develop a memorandum for circulation to all instructors of online courses and Disabled Students Programs and Services (DSPP) staff describing best practices for implementing testing accommodations for online courses and exams and inviting instructors to reach out to DSPP staff with questions. The memorandum will also include that when a student is not provided with extended time on a test or exam, pursuant to a testing accommodation, this is a denial of a testing accommodation requiring remediation, regardless of whether the student appears to have needed the time (i.e., by finishing early, not immediately informing the instructor, etc.).

Reporting Requirements

- By November 1, 2019, the College will provide OCR with a draft of the memorandum for review and approval.
- Within 21 days of receiving final approval from OCR, the College will circulate the memorandum to the instructors and DSPP staff and provide OCR with a copy of what it circulated and any accompanying email/letter.

Item B: Request for Course Waiver

The College will develop a guidance document for DSPP staff describing how requests for disability-related course waivers are to be processed, that they be handled in a timely manner, and that students who make disability-related course waiver requests be informed of the process when inquiring about a course waiver. The guidance document will include scenarios addressing when course waivers may or may not be granted, including how a student's type of degree may impact a request.

Reporting Requirements

- By December 15, 2019, the College will provide OCR with a draft of the guidance document for review and approval.
- Within 5 days of receiving final approval from OCR, the College will circulate the guidance document to DSPP staff.

INDIVIDUAL REMEDIES

Item C: XXXXXX Exams

By November 1, 2019, via email and regular mail, the College will offer the Complainant the opportunity to retake Exam 1, Exam 2, and Exam 3 (or reasonable equivalents) for her XXXXXX course with her full testing accommodations, including extended time, that were in place during the 2018-2019 academic year. The Complainant will have the option to have those exam grade(s) replace her existing exam grade(s) and be used to recalculate her final transcript grade.

The College will give the Complainant a deadline to respond to its offer, electing which, if any, of the exams she would like to take, of no earlier than November 8, 2019. If the Complainant does not respond or elects not to take any of the exams, the College will have met its obligation under this provision. The College will give the Complainant a deadline to take the exam(s) of no earlier than December 13, 2019 but will allow the Complainant to take the exam(s) sooner if she chooses.

Reporting Requirements

- By November 7, 2019, the College will provide OCR a copy of the letter and email offering the Complainant the opportunity to take the exams.
- By November 21, 2019, the College will provide OCR a copy of the Complainant's response or otherwise notify OCR that the Complainant did not respond.
- If the Complainant elects to take any of the exams, the College will provide OCR documentation reflecting the exam(s) were administered and that the accommodations were provided. If the Complainant elects to have the exam grade(s) replace her existing exam grade(s), the College will provide OCR with documentation that the grade(s) were replaced, and that her transcript was updated accordingly (if the change in exam grade(s) resulted in a different overall grade for the class).

Item D: Request for a Course Waiver

Within 15 days of receiving final approval from OCR regarding the course waiver guidance document, via email and regular mail, the College will offer the Complainant the opportunity to have her request for a course waiver reviewed based on the process outlined in the guidance document.

Reporting Requirements

- Within 5 days of communicating to the Complainant the offer to have her request for a course waiver reviewed, the College will provide OCR with documentation of what it sent to the Complainant.
 - Should the Complainant elect to have the College review her request for a course waiver within 60 days of the College's offer to the Complainant, the College will provide OCR
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with all documentation related to its review as well as a summary of the process it engaged in for OCR review and approval.

The College understands that by signing the 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 and obligations of the Agreement. Upon the College's satisfaction of the commitments made under the Agreement, OCR will close the case.

The College understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement. Before initiating such proceedings, OCR will give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Thomas Burke,
Chancellor
Kern Community College District, on behalf of
Bakersfield College

10/15/2019
Date