

VOLUNTARY RESOLUTION AGREEMENT

The Yakima Valley College (the college) voluntarily agrees to take the following actions to resolve the allegations in a complaint (Reference No. 10162080) filed with 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).

A. Review of Policies, Procedures, and Practices

Action Items

1. The college will review and revise its policies, procedures, and practices (revised procedures) with regard to the provision of academic adjustments and auxiliary aids, specifically interpreter services, for students with disabilities. The revised procedures will augment, consistent with Section 504 and Title II, currently existing procedures that explain to students with disabilities how to obtain academic adjustments and auxiliary aids and services. At a minimum, the revised procedures will identify the appropriate college representative that a student should notify when the student believes that service provided by the college as an accommodation is not effective, and the revised procedures will provide an explanation of the interactive process involving both college personnel and the student, that will be utilized to ensure the timely provision of necessary academic adjustments and auxiliary aids and services.
2. Within 30 days of receiving OCR's approval of the revised procedures, the college will implement the revised procedures.

Reporting Requirements

1. By 5/23/2018, the college will submit to OCR for review and approval the college's proposed revised procedures with regard to the provision of academic adjustments and auxiliary aids and services to students with disabilities. If OCR requires changes to the revised procedures, the college will re-submit the procedures to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the college's revised procedures.

2. Within 60 days of receiving OCR's approval of the college's revised procedures, the college will provide documentation to OCR demonstrating its compliance with Action Item A.2, including but not limited to, implementation of the revised procedures, and evidence of the procedures' publication and dissemination to the college community.

B. Notice

Action Items

1. By 6/22/2018, the college agrees to disseminate to pertinent staff, specifically staff members in the disability services office, notice of the college's obligations specified under Action Item A.1., above.
2. By 6/22/2018, the college agrees to initiate annual dissemination of the notice to pertinent staff members referenced in Action Item B.1, above.

Reporting Requirements

1. By 7/13/2018, the college will provide a report to OCR that reflects the specific actions taken to comply with Action Item B.1, above. The report will include a copy of the written notice disseminated to pertinent college staff members and faculty, and documentation of the names and position titles of those who received the notice. If the notice was also disseminated to the identified individuals in any non-written manner, the college will also provide documentation indicating what was contained in the non-written notice, and how, when, and to whom the notice was disseminated.
2. By 7/13/2018, the college will provide a report to OCR that reflects specific actions taken to comply with Action Item B.2, above. The report will include documentation of the actions initiated by the college to implement an annual notice to pertinent staff as referenced in Action Item B.2, above, such as, for example, delegation to a staff member of the responsibility for disseminating notice, or inclusion in a college calendar.

C. Training

Action Items

1. The college agrees to provide training to its staff in the disability services office and any other pertinent staff members regarding and the revised procedures as identified under Action Item A.1., above.
2. Within 60 days of receiving OCR's approval of the training materials, the college will provide training as specified under Action Item C.1., above.

Reporting Requirements

1. By 6/8/2018, the college will submit to OCR for review and approval a copy of any training materials developed in accordance with Action Item C.1., including the name(s) and credentials of any individuals who will be providing the training. If OCR requires any changes to the training materials, the college will re-submit the proposed training materials to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the college's training materials.
2. By 7/27/2018, the college will provide documentation to OCR demonstrating the college's compliance with Action Item C.2, including a copy of all training materials used, the date of the training, a copy of the attendance sheet, and the name and title of the trainer.

D. Student-Specific Actions

Action Items

1. The college will send the student a letter expressing the college's commitment to provide necessary academic adjustments and auxiliary aids and services to students with disabilities pursuant to Section 504 and Title II.
2. In the letter (D.1 above), the college will offer the student the opportunity to accept one of three options. The first option offered will be for the student to retake with an ASL interpreter, at no cost to the student, any classes the student took in the winter 2016, spring 2016, and fall 2016, quarters, and have the grades earned in the retaken classes be the official grade on the student's transcript. The second option offered will be for the student to be provided the opportunity to take any additional courses at the college with an ASL interpreter, at no cost to the student, and earn a total number of credits equivalent to the total number of credits the student took

in the winter 2016, spring 2016, and fall 2016, quarters. Regarding the first and second options, the college will allow the student the option of completing all selected courses no later than June 30, 2020. Additionally, regarding the first and second options, if the student has relocated, the college will offer to pay the tuition costs at a comparable institution. The third option will be for the college to remove the grades the student earned for the winter 2016, spring 2016, and fall 2016, and fully refund the tuition costs for the courses removed. The letter will allow the student until 30 days from the effective date of the letter to make a choice. Should the student not choose any option, the college will take no further action.

Reporting Requirements

1. By 6/8/2018, the college will provide to OCR for review and approval a draft of the letter described under Action Item D.2, above. If OCR requires any changes to the letter, the college will re-submit the letter to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the college's letter and authorizes the college to issue it to the student.
2. By 7/13/2018, the college will provide OCR a final copy of the letter described under Action Item D.1, above, that it issued to the student.
3. By 8/13/2018, the college will provide to OCR information reflecting which option under D.2. the student selected.

E. General Monitoring Principles

1. The college understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the college understands that during the monitoring of this agreement, OCR may visit the college campus, 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 the regulation implementing Section 504 at 34 C.F.R. § 104.4, 34 C.F.R. § 104.43, and 34 C.F.R. § 104.44; and Title II at 28 C.F.R. § 35.130 and 28 C.F.R. §35.160, which were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close this case.

2. The college understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including enforcing the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings, including 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.

Signed:

Date:

_____/s/_____

Linda J. Kaminski, Ed.D
President
Yakima Valley College

April 12, 2018