

September 15, 2014

XXXXXX XXXXXX
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XXXXXX, XXXXXX XXXXXX

Re: Docket # 07142029

Dear XXXXXX XXXXXX:

On January 29, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received this complaint against XXXXXX XXXXXX, the Ozarks Technical Community College (College), Springfield, Missouri, alleging discrimination based on disability and retaliation for engaging in a protected activity. This letter is to confirm the College has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

1. Specifically, the complainant alleged the College discriminated against her on the basis of disability by refusing to extend the time for her to appeal XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX.

Additionally, the complainant alleged the College retaliated against her by:

2. refusing to extend the time for her to appeal the College's XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX, because she filed previous complaints alleging race discrimination with the College and OCR; and
3. refusing to investigate XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX because she filed previous complaints alleging race discrimination with the College and OCR.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. The Section 504 regulation at 34 C.F.R. § 104.61 incorporates by reference the prohibition on retaliation and intimidation for engaging in a protected activity found in the regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, at 34 C.F.R. § 100.7(e).

- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. The regulation implementing Title II at 28 C.F.R. § 35.134 also prohibits retaliation.

As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to Section 504, Title II, and the regulations prohibiting retaliation. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Prior to the completion of OCR's investigation, the College submitted a signed Agreement (copy enclosed) on August 26, 2014, that, when fully implemented, will address the allegations of this complaint.

OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the College's implementation of the Agreement. When OCR concludes the College has fully implemented the terms of the Agreement, OCR will close the complaint. If the College fails to carry out the Agreement, OCR may resume the investigation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

Maria L. North
Supervisory Attorney

Enclosure