



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

April 30, 2013

Kathryn Lehner
President
College of the Redwoods
7351 Tompkins Hill Rd
Eureka, CA 95501

(In reply, please refer to case no, 09-12-2164.)

Dear President Lehner:

In a letter dated April 26, 2012, the U.S. Department of Education (Department), Office for Civil Rights (OCR), notified the College of the Redwoods, (College) of a complaint alleging discrimination based on disability. Specifically, the complainant¹ alleged that the College failed to provide him and another student with auxiliary aids and services necessary to ensure that they could participate in the College's Eureka Campus programs and activities in a nondiscriminatory manner.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance. OCR also has jurisdiction as a designated agency under Title II of the Americans with Disabilities Act of 1990, as amended, (Title II) and its implementing regulation over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The College receives Department funds, is a public education system, and is subject to the requirements of Section 504 and Title II.

Under Article III, Section 302, of OCR's Case Processing Manual, a complaint may be resolved at any time before the conclusion of an investigation when the recipient expresses an interest in resolving the complaint. Prior to the completion of OCR's investigation, the College expressed an interest in resolving the complaint. On April 25, 2013, the College submitted a Resolution Agreement (Agreement) which, when implemented, will resolve the allegation of this complaint. For this reason, OCR did not complete its investigation or reach findings or conclusions as to whether the College had failed to comply with Section 504 or Title II. The applicable facts gathered during the partial investigation are summarized below.

The Eureka Campus of the College of the Redwoods is located in a relatively remote area of Northern California. The two students in this case are deaf. They were both registered with the College's Disabled Students Programs & Services (DSPS) office and

¹ OCR previously notified the College of the complainant's identity and is withholding the name from this letter to protect the complainant's personal privacy.

approved to receive on-site sign language interpreters for their College courses. Due to a shortage of available interpreters, when the College was not able to provide on-site sign language interpreters for every class meeting for their courses, the College offered either an on-site sign language interpreter for one part of a class session and video remote interpreting (VRI) for the other part of the same class session, or VRI for the entire class session. Both students acknowledged to the College and to OCR that for certain courses, VRI provided them with effective communication. There were, however, certain other courses for which both students found VRI did not provide them with effective communication. In addition, some alternative auxiliary aids and services that rely on more use of written English do not provide effective communication for these two students and were therefore not a viable alternative. The two students have since moved from the area and are no longer attending the College.

OCR has determined that the College's commitments expressed in the enclosed Agreement, when implemented, will resolve the issues in this complaint and is closing this matter as of the date of this letter. The provisions of the Agreement are particular to the unique facts and circumstances of this case and should not be relied upon as the appropriate remedy for all such situations. OCR will monitor the implementation of the enclosed Agreement and may reopen the investigation if the College does not implement the provisions of the Agreement.

This concludes OCR's consideration of the complaint and should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR thanks you and your staff for your cooperation and assistance in resolving this matter. If you have any questions, please contact Danette Ng, Investigator, at (415) 486-5539, or me at (415) 486-5537.

Sincerely,

/s/

Mary Beth McLeod
Team Leader

cc: Patrick C. Wilson via electronic mail
College Counsel

Enclosure