

Gail E. Carberry, Ed.D., President
Quinsigamond Community College
670 West Boylston Street
Worcester, Massachusetts 01606

Re: Complaint No. 01-14-2142
Quinsigamond Community College

Dear President Carberry:

We write to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint that was filed against Quinsigamond Community College (College) alleging discrimination on the basis of disability. Specifically, the complaint alleged that the College does not provide adequate accessible parking at the College's Ahlfors Building. As explained below, based on the steps in the attached signed resolution agreement (Agreement), which OCR will monitor, OCR considers this case resolved.

OCR opened this complaint for investigation under Section 504 of the Rehabilitation Act of 1973, and its implementing regulation found at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990, and its implementing regulation found at 28 C.F.R. Part 35 (Title II), both of which prohibit discrimination based on disability. The College is subject to the requirements of Section 504 because it receives Federal financial assistance from the Department, and it is also subject to the requirements of Title II because it is a public entity operating a postsecondary education program.

Based on the allegation, OCR opened for investigation the following legal issue:

Whether the College violates Section 504 and Title II and their implementing regulations at 34 C.F.R. §104.22(a) and 28 C.F.R. §34.150(a)(1) by not providing adequate accessible parking spaces near the Ahlfors Building for persons with disabilities.

A complaint filed with OCR may be resolved when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. The provisions of the resolution agreement must be aligned with the complaint allegations or the information obtained during the investigation, and consistent with applicable regulations.

Based on discussions between OCR and the College, the College agreed to provide accessible parking in all parking facilities that serve the Ahlfors Building. This will include an adequate number of spaces, including van spaces; and the College will ensure that the spaces are located on accessible paths of travel and have the proper dimensions, access aisles, ground surfaces and

signage. The College has also pledged to provide OCR a copy of the Commonwealth's accessibility assessment, which the College anticipates receiving shortly.

OCR has determined that the terms of the Agreement address the underlying allegation in this case and are also consistent with Section 504 and Title II. Accordingly, OCR is closing this investigation as of the date of this letter.

As memorialized in the Agreement, OCR will monitor the College's compliance with the agreed-upon terms. OCR will close the monitoring of this matter, and will notify the parties in writing, once it determines that the College has satisfied the terms of the Agreement. The College has agreed to provide OCR with an initial monitoring report by January 1, 2015.

The information in this letter is not intended and should not be construed to cover any other issues regarding compliance with Section 504 or Title II that may exist but are not discussed herein. Please also be advised that the Complainant may have the right to file a private suit in Federal court on this issue, whether or not OCR found a violation.

We would like to thank attorney Kenneth Tashjy for his assistance in this matter. If you have any questions regarding this letter, you may contact senior civil rights attorney LouAnn Pearthree, by telephone at (617) 289-0128, or via e-mail at LouAnn.Pearthree@ed.gov. You may also contact me directly at (617) 289-0120.

Sincerely,

Allen L. Kropp
Team Leader/Civil Rights Attorney

Enclosure

Cc: Kenneth A. Tashjy
General Counsel
Massachusetts Community College System