





On XXXXXXXXXXXXXXXXXXXX, the 504 Coordinator e-mailed the Program’s Interim Director to consider whether the Complainant’s requests were “viable and reasonable.” Thereafter, the 504 Coordinator sent a letter to the Complainant on XXXXXXXXXXXXXXXXXXXX indicating that her requests for "attendance flexibility", an extension of the "timeline of completion of fieldwork", and "ability to take breaks/sit down as needed", were approved.

Regarding the Complainant's request for “XXXXXXXXXXXXXXXXXXXXXXXXXXXX”, however, the 504 Coordinator wrote that the XXXXXXXXXXXXXXXXXXXX was solidified and did not allow for XXXXXXXX. Specifically, the 504 Coordinator indicated that XXXXX an XXXXX course section would “dictate the XXXXXXXX of faculty, classroom space and division XXXXXXXX.”

The College offered a XXXXXXXXXXXXXXXXXXXXXXXX as an alternative accommodation, which would allow the Complainant to XXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXX, so that she could XXXXXXXXXXXXXXXXXXXXXXXX for Spring XXXX and every subsequent semester until Fall XXXX, when the Complainant would have to XXXXX a full XXXXXXXXXXXXXXXXXXXX. The XXXXXXXXXXXXXXXXXXXX would require the Complainant to XXXXXXXX the Program for an XXXXXXXX to complete her degree, however. The College did not indicate whether the Complainant would be required to XXXXXXXX the XXXXXXXX in the Program.

The 504 Coordinator invited the Complainant to contact her if the Complainant had any questions about the College’s response. The College’s Spring XXXX semester began on XXXXXXXXXXXXXXXXXXXX.

### Legal Standards

The Section 504 regulation, at 34 C.F.R. § 104.43(a), provides that a qualified person with a disability may not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any postsecondary aids, benefits, or services on the basis of disability. The regulation at § 104.44(a) further requires a college to modify its academic requirements as necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability against a qualified student with a disability. The regulation at § 104.44(d) requires a college to ensure that no qualified individual with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

Colleges may establish reasonable requirements and procedures for students to provide documentation of their disability and the need for modifications, and request academic adjustments and auxiliary aids and services. Once the student has provided adequate documentation, the college must provide appropriate academic adjustments and auxiliary aids and services that are necessary to afford the student an equal opportunity to participate in a school’s program, unless the adjustments, aids, and/or services would result in a fundamental alteration of the college’s program or impose an undue burden.

Regarding fundamental alterations, Section 504 does not require that colleges modify academic requirements that are essential to the instruction being pursued or are directly related to a licensing requirement. When reviewing a determination that a specific standard or requirement is an essential program requirement that cannot be modified, OCR considers whether that requirement is educationally justifiable, i.e., essential to the educational purpose or objective of a program or class. OCR policy requires, among other factors, that decisions regarding essential requirements be made by a group of people who are trained, knowledgeable and experienced in the area; through a careful, thoughtful and rational review of the academic program and its requirements; and that the decision-makers consider a series of alternatives for the essential requirements, as well as whether the essential requirement in question can be modified for a specific student with a disability. OCR affords considerable deference to academic decisions made by post-secondary institutions, including what is or is not an essential program requirement.

Similarly, a college is not required to provide an academic adjustment or auxiliary aid if it can show that the requested adjustment or aid would pose an undue financial or administrative burden. Generalized conclusions are not sufficient to support a claim of undue burden. Instead, undue burden must be based on an individualized assessment of current circumstances that show a specific academic adjustment or auxiliary aid would cause significant difficulty or expense.

If a college denies a request for a modification, it should clearly communicate the reasons for its decision so that the student has a reasonable opportunity to respond and provide additional documentation that would address the college objections.

### Analysis

Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the College expressed an interest in resolving Allegation 1 and OCR determined that a voluntary resolution is appropriate. Subsequent discussions between OCR and the College resulted in the College signing the enclosed Agreement which, when fully implemented, will address Allegation 1. OCR will monitor the College's implementation of the Agreement.

### Allegation 2

The Section 504 regulation, at 34 C.F.R. § 104.7(a), requires a recipient that employs 15 or more persons to designate at least one person to coordinate its efforts to comply with Section 504.

On XXXXXXXXXXXXXXXXXXXX, the Complainant sent a letter to the College's Disability Services Coordinator alleging that the College had failed to designate a 504 Coordinator since XXXXXXXXXXXX. The College asserted that at no time between XXXX and the present had it failed to designate or identify the College's 504 Coordinator, and it provided the XXXXXXXX student handbook which included sufficient designation and notice of its 504 Coordinators. The Complainant did not provide any evidence to refute this. Accordingly, OCR found insufficient evidence to support Allegation 2.

Conclusion

This concludes OCR’s investigation of the complaint. This letter 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. 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.

The Complainant has a right to appeal OCR’s determination with respect to Allegation 2 within 60 calendar days of the date indicated on this letter. In the appeal, the complainant must explain why the factual information was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would change the outcome of the case; failure to do so may result in dismissal of the appeal. If the complainant appeals OCR’s determination, OCR will forward a copy of the appeal form or written statement to the recipient. The recipient has the option to submit to OCR a response to the appeal. The recipient must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the recipient.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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

Sincerely,

Meighan A.F. McCrea  
Compliance Team Leader

Enclosure

cc: XXXXXXXXXXXXXXXX, XXXXXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX, XXXXXXXXXXXXXXXXXXXXXXXX