



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

August 22, 2014

IN RESPONSE, PLEASE REFER TO: **03-14-2246**

Mr. Thomas P. Leary, President
Luzerne County Community College
1333 S. Prospect Street
Nanticoke, PA 18634-3899

Dear Mr. Leary:

This is to notify you of the resolution of the complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Luzerne County Community College (the College). XXXXXX (the Complainant) filed on behalf of her XXXXXX, XXXXXX (the Student). The Complainant alleges that the College discriminated against the Student on the basis of disability by failing to provide the necessary academic adjustments, including extra time on quizzes, in XXXXXX.

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance.
- 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, which prohibit discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to Section 504, Title II and their implementing regulations.

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a Voluntary Resolution Agreement. The provisions of the agreement must be aligned with the complaint allegations or the information obtained during the investigation and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the College requested to resolve the complaint through a Voluntary Resolution Agreement (the Agreement), which was executed by the College on August 22, 2014. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the College's implementation of the Agreement.

Page 2 - Mr. Thomas P. Leary, President

Accordingly, OCR is concluding its investigation of these allegations and closing this complaint as of the date of this letter.

This letter is not intended nor should it be construed to cover any other issues regarding the College's compliance with Section 504 and/or Title II, which may exist and are not discussed herein. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact Irene Town at 215-656-8586, or by email at Irene.Town@ed.gov.

Sincerely,

/s/

Rhasheda S. Douglas
Team Leader

Enclosures

cc: Carol P. Beard, Esquire