



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

December 11, 2014

IN RESPONSE, PLEASE REFER TO: 03142284

Dr. Karen A. Stout, President
Montgomery County Community College
340 Dekalb Pike
Blue Bell, PA 19422

Dear Dr. Stout:

This refers to a complaint filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR), against Montgomery County Community College (the College) alleging discrimination on the basis of disability. Specifically, XXXXXX (the Complainant) alleges that the College discriminated against XXXXXX on the basis of disability by XXXXXX while the Student attended classes and by limiting the Student's enrollment 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. Section 504 prohibits 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. Title II prohibits 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 the provisions of Section 504 and 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 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 on December 10, 2014. Accordingly, OCR is concluding its investigation of this complaint. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the College's implementation of the Agreement.

This letter is not intended, nor should it be construed, to cover any other issues regarding the College compliance with Section 504 or Title II and their implementing regulations that may exist and are not discussed herein. The Complainant may have the right to file a private lawsuit in Federal court whether or not OCR finds a violation.

Please be advised that the College 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.

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.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact Sarah McCarthy, Attorney, at (215) 656-6416, or by email at sarah.mccarthy@ed.gov or Beverly Johnson, Investigator, at (215) 656-8581, or by email at beverly.johnson@ed.gov.

Sincerely,

/s/
Vicki Piel
Supervisory Attorney and Team Leader
Philadelphia Office

Enclosure