



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

June 1, 2015

Dr. James Klauber
President
Calhoun Community College
P.O. Box 2216
Decatur, AL 35609

Re: Complaint #04-15-2077

Dear Dr. Klauber:

On December 18, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against Calhoun Community College (College) alleging discrimination on the basis of disability. Specifically, the Complainant alleged that she was not provided needed academic adjustments, after attempting to obtain them through the proper channels, which resulted in her dismissal from the Licensed Practical Nursing Program (LPN).

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, 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; and Title II of the Americans with Disabilities Act of 1990, 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 these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR investigated the issue of whether the College discriminated against the Complainant on the basis of disability by failing to provide approved academic adjustments, which resulted in the Complainant's dismissal from the LPN program, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.44, and the Title II implementing regulation at 28 C.F.R. § 35.130.

Prior to the completion of OCR's investigation, the College requested to voluntarily resolve this complaint. Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved, before the conclusion of an investigation, when the recipient or public entity expresses an interest in resolving the complaint. The attached Resolution Agreement (Agreement) will require the College to take actions to remedy any compliance concerns regarding this complaint.

On May 28, 2015, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the complaint. OCR will monitor the College's implementation of this Agreement to ensure that it is fully implemented. If the College fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College may not harass, coerce, 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. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

If you have any questions about this letter, please contact Ms. Sonia Lee, General Attorney, at (404) 974-9371, or Scott Sausser, Esq., Compliance Team Leader, at (404) 974-9354.

Sincerely,

Scott R. Sausser, Esq.
Compliance Team Leader

Enclosure