



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

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

October 12, 2016

Dr. Jeffery S. Allbritten, President
Florida Southwestern State College
8099 College Pkwy
Fort Myers, FL 33919

Re: Complaint #04-16-2161

Dear President Allbritten:

The U.S. Department of Education, Office for Civil Rights (OCR) has completed its investigation of the above-referenced complaint filed by the Complainant against Florida Southwestern State College (College) alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the College failed to provide her with the accommodation of using self-written color coded notes during tests. She also alleged that she was discriminated against on the basis of disability when the Adaptive Services Director yelled and pounded her fist when she was pulled out of a meeting to discuss the Complainant's accommodations, told the Complainant she should stop trying and that the Complainant should go see the College counselor because the stress was too much for her.

The complaint was investigated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by public entities including public elementary and secondary education systems.

Legal Standards

The regulation implementing Section 504, at 34 C.F.R. § 104.44(a), provides that a recipient shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate on the basis of disability against a qualified disabled student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory. The regulation implementing Title II, at 28 C.F.R. § 35.130(b)(7), provides that a public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.

When determining whether a recipient provided academic adjustments in accordance with Section 504 and Title II, OCR examines the following: (1) whether the student provided adequate notice in accordance with required procedures of the need for academic adjustments; (2) whether reasonable academic adjustments were provided; and, (3) whether the academic adjustments provided were of adequate quality and effectiveness.

In keeping with the policy of deference to academic decision making, OCR gives significant deference to the professional judgments of faculty and other educational experts with respect to genuine academic decisions. OCR does not substitute its judgment for that of educational experts with respect to whether academic requirements are or are not essential to participation in a recipient's program or activity. OCR may, however, review the process that a postsecondary institution utilizes to determine whether an academic adjustment is an essential requirement.

Under an appropriate process, when determining whether a requested academic adjustment or auxiliary aid would constitute a fundamental alteration of an essential program requirement, relevant officials within the institution are generally required to engage in a reasoned deliberation that includes a diligent assessment of available options. An appropriate process should include the following: 1) the decision is made by relevant officials including faculty members; 2) the decision makers consider a series of alternatives, their feasibility, cost and effect on the academic program; and after reasoned deliberation; and, 3) the decision makers reach a rationally justifiable conclusion that the available alternatives would result either in lowering of academic standards or requiring substantial program alternative.

The regulation implementing Section 504 at 34 C.F.R. § 104.4(a) states that no qualified person with a disability shall, on the basis of disability, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance. The Section 504 implementing regulation at 34 C.F.R. § 104.4(b)(1)(i)-(iv) states that in providing any aid, benefit, or service, a recipient may not on the basis of disability: (i) deny a qualified person with a disability the opportunity to participate in

or benefit from the aid, benefit, or service; (ii) afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others; (iii) provide a qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others; or, (iv) provide different or separate aid, benefits, or services to persons with disabilities or to any class of persons with disabilities unless such action is necessary to provide qualified persons with disabilities with aid, benefits, or services that are as effective as those provided to others. The regulation implementing Title II is interpreted consistently with the regulation implementing Section 504 as it relates to different treatment and disability harassment.

Under Section 504 and Title II, recipients have a responsibility to ensure equal educational opportunities for all students, including students with disabilities. Disability harassment is a form of discrimination prohibited by Section 504 and Title II. Disability harassment under Section 504 and Title II is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying student's participation in or receipt of benefits, services, or opportunities in the institution's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights under the Section 504 and Title II regulations. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program. When disability harassment limits or denies a student's ability to participate in, or benefit from, an educational institution's programs or activities, the institution must respond effectively. Where the institution learns that disability harassment may have occurred, the institution must investigate the incident(s) promptly and respond appropriately.

OCR reviews evidence under the preponderance of the evidence standard. Under a preponderance of the evidence standard, OCR evaluates evidence obtained during an investigation to determine whether the greater weight of the evidence is sufficient to support a conclusion that the District failed to comply with a law or regulation enforced by OCR or whether the evidence is insufficient to support such a conclusion.

OCR reviewed documents provided by the College and the Complainant pertaining to the issues of the complaint. The documents included the Complainant's disability file, notes, the College's policy and procedures, the College's investigative file, witness statements and email correspondence, among other documents. OCR interviewed the Complainant and her witnesses, and three College staff persons.

Background

The Complainant has an audio processing deficit, processing deficit in long term visual and auditory and a severely impaired memory function. Her formal diagnosis is Mathematics Disorder, Learning Disorder and history of Attention-Deficit/Hyperactivity Disorder (ADHD). The Complainant began taking classes at the College in fall 2014.

Legal Issue One

Whether the College failed to provide the complainant with an academic adjustment in noncompliance with 34 C.F.R. Section 104.44 (a).

The Complainant alleged that the College failed to provide her with the accommodation of using color-coded self-written notes during tests, specifically in her Human Growth and Development course (Course).

According to the College, a student who is in needed of academic adjustment/accommodations must register with Adaptive Services. The College has a procedure in place that states students must make requests and provide recent documentation from a qualified, licensed professional that speaks to the specific disability and the requested accommodation, students must request accommodations each semester, Academic accommodations are not intended to fundamentally alter the nature of the course being taught and are not appropriate if they supplement the very skills which the test is intended to measure. The Director of Adaptive Services determines what accommodations the student will receive based on documentation provided and conversations with the individual. For disputes regarding academic adjustments/accommodations students can file a grievance under the disability grievance procedures

The Complainant registered with Adaptive Services in fall 2014 and requested the following accommodations: open book, guided notes for testing, extra time on assignment and testing, quiet area for test, preferential seating, audio recording, tutoring and use of a calculator. The Complainant provided documentation from a licensed professional which among other things recommended she be given class notes or open book on test as an accommodation. She received the following accommodations extended time on test up to double time, alternate testing location, permission to record class lectures, priority seating, clarification of instructions (written/verbal), permission to utilize four function calculator for class assignments and testing sessions, access to copies of instructor notes, chapter outlines, and Power Point presentations prior to class. Other resources suggested for her to use were the Oral Communication center, writing center, math lab, tutoring center, counseling services. She was not granted the requested accommodation of open book, guided notes for testing and was told that tutoring is available to everyone. There were several meetings and email exchanges between the Complainant and the

Director regarding her requests for accommodations. The evidence also supports that it was explained that the use of notes on test had not been considered a reasonable accommodation in higher education as notes alter the nature of the tool (test) as a measurement of learning outcomes but the use of notes could be discussed on a case by case basis. In spring 2015, the Complainant made the same request and in addition to what she received in fall 2014, she was given the additional accommodations of permission to utilize formula cards on math exams, and reader during testing session if requested.

The Complainant on her own without going through Adaptive Services would ask each of her professors whether she could use self-written, color coded notes for test. The Complainant alleges her professors would allow her to use self-written, color coded notes for test in all classes except for the Course. The evidence supports that the Complainant was allowed to use pre-approved formula cards in her math exams and in speech class the professor allowed all students to use one note sheet front and back on the final and the Complainant was allowed to use the same in the testing center. On or around January 5, 2016, the Complainant approached the Professor for the Course about using her self-written, color coded notes on exams, the request was denied because it was not an approved accommodation per her accommodation letter. On or around January 21, 2016, the Complainant and the Professor met to further discuss the Complainant's disability and her request to use her self-written, color coded notes on exams. The Complainant was advised that the Professor would follow up with Adaptive Services about her request. The evidence shows that a conversation took place between the Professor and Adaptive Services about the Complainant's request and the Professor's opinion about the effects on her ability to gauge the Complainant's knowledge of the subject matter of granting such a request. It was determined that the request had not been approved by Adaptive Services and the Professor did not honor the Complainant's request. The Director informed the Complainant and the Professor that she would reach out to other colleges and universities to get further information on how such a request had been handled by them.

In spring 2016, on February 10, 2016, the Complainant made a formal request to Adaptive Services to use her self-written color coded notes on exams in the Course. The Complainant explained her need for the accommodation stating that due to her memory issues writing notes in her own handwriting and color coding her notes helped her remember the information. Additionally, drawings in her notes also helped her remember. The Complainant was told that utilizing notes on a test was a transfer of information from one place to another, rather than a measurement of knowledge obtained. The College also reached out to other colleges and universities and the Florida Department of Education Office of Equity and Civil Rights Compliance (FLDOE) to obtain additional information on how to address the Complainant's request. The other colleges and FLDOE informed the College that the requested accommodation had not been allowed with students with similar disabilities as the Complainant and instead students had been provided word bank, calculator, note taker, extended time, private room for

testing and tape recording lectures. The Complainant's request to use her self-written color coded notes was denied and she was offered additional resources such as recording class lectures, reader/reading software, and tutoring as she was already receiving some of the suggested accommodations. The Complainant stated that she utilized the additional resources but they were not helpful. However, she did not inform Adaptive Services or the Professor that the additional resources were not working.

The Complainant filed a grievance on February 24, 2016, challenging the denial of her use of self-written color coded notes on exams. The Associate Dean of Students received the complaint on February 29, 2016¹. On March 1, 2016, the parties were notified of the receipt of the complaint and that an investigation would begin and if the parties did not agree with the findings an appeal could be filed with the College's Office of General Counsel.

According to the evidence, the Associate Dean, obtained the Complainant's Adaptive Services file and met with the Director to obtain additional background information and understand the accommodations that had been given to the Complainant and why the requested accommodation had been denied. He also reviewed available data on similar findings regarding such a request and email discussions with another college regarding a similar question regarding notes on exams. A meeting was held on March 18, 2016, with the Complainant, her mom and her Vocational Rehabilitation Counselor (VR Counselor).

During the meeting, the Associate Dean reviewed the notes the Complainant wanted to use on exams and informed the Complainant that he would meet with the Professor to determine if the notes presented by the Complainant could be used without compromising the exam. The Complainant had also provided an addendum from her doctor which was noted but determined not to be different from the original statement of the doctor recommending use of open notes that was already in the Complainant's file. He was also asked by the VR Counselor to provide what would be acceptable if the notes were deemed unacceptable. The Dean met with the Professor and the ADA Coordinator on March 21, 2016 to discuss the Complainant's use of the notes. The Professor reviewed the notes and stated that she had concerns that the use of notes on an exam would not accurately measure learning outcomes for the course but be a transfer of information.

The Complainant rebutted this assertion by stating that she is not aware of what information would be on the exam therefore her notes could not contain the answers. OCR obtained information from the College to ascertain how the notes the Complainant wanted to use would diminish the integrity of the exam and be a transfer of information. The Complainant had a section in her notes marked definitions. In that section, there were several words with the

¹ The Complainant originally filed with the Office for General Counsel. Per College operating procedure the Associate Dean was the correct person to file with and the complaint was transferred to that office. The College was also on spring break March 7-11 and that week was not considered College working days for purposes of the 15 day investigative period.

definition written out. The Professor stated that there are questions on the test that asks for definition of terms. Another section of the notes had a chart on reflex. The Professor explained that the Complainant's notes described the stages of reflex and a multiple choice test question would ask for a stage of reflex. The Complainant's notes had information on each stage and would thus have the answers. The Complainant's notes also had drawings and the Professor stated that drawings with no notes would be fine but the picture depicted in the notes was a picture of the brain with the names of each area of the brain and would be a problem because a test question would be "tell which part of the brain is depicted?"

On March 22 and 25, 2016, via email the Complainant and VR Counselor were notified by the Associate Dean that the use of the notes would not be appropriate. In the alternative the Complainant was informed that a study guide outline and the use of 3x5 note cards with information of more of a retrieval style pre-approved by the Professor could be used on exams. The VR Counselor responded on behalf of the Complainant rejecting the alternative. The Complainant explained to OCR that the use of the study guide may have helped but her notes were better. She also indicated that she had tried to use the study guide in the past but it confused her more. However, she failed to inform the College that she had used the study guide and it was not helpful. The Complainant was provided with a formal letter of the Associate Dean's findings and informed that she could appeal the decision. The Complainant did not appeal the decision.

Analysis and Conclusion

The regulation implementing Section 504, at 34 C.F.R. § 104.44(a), provides that a recipient shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate on the basis of disability against a qualified disabled student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory. The regulation implementing Title II, at 28 C.F.R. § 35.130(b)(7), provides that a public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.

It is the prerogative of an educational institution to decide what requirements are essential so long as each requirement has a rational relationship to the program of instruction and therefore is

not a pretext for discrimination. OCR must not substitute its judgment for the strictly academic judgment of the educators.

The evidence shows that the College has a procedure in place for students with a disability to request accommodations/academic adjustments. The Complainant followed the procedure and provided the College with adequate notice of her need for accommodations. The Complainant was provided with all requested academic adjustments/accommodations and additional resources with the exception of open book, guided notes on exams². Per her documentation it was recommended that she be provided class notes or open book on exams. The College determined that allowing the open book guided notes as an accommodation would not allow the professor to gauge the Complainant's knowledge of the course materials but would instead be a transfer of information as notes alter the nature of the tool (test) as a measurement of learning outcomes. The College's position is that it is essential for professors to be able to measure knowledge required in academic course at the college level. Instead of the open book guided notes, the Complainant was given the accommodations of extended time on test up to double time, alternate testing location, permission to record class lectures, priority seating, clarification of instructions (written/verbal), permission to utilize four function calculator for class assignments and testing sessions, access to copies of instructor notes, chapter outlines, and Power Point presentations prior to class.

The evidence further shows that the College engaged in an interactive process with the Complainant meeting with her several times and corresponding through emails and offering additional resources in lieu of the request to use notes on exams. The College also consulted with the Professor, other colleges and universities and the FLDOE regarding the request. The other colleges/universities and FLDOE all provided information that open notes on exams is not an accommodation provided for students with similar disabilities and in the alternative students have been provided word bank, calculator, note taker, extended time, private room for testing and tape recording lectures. The Complainant was already receiving some of these accommodations and was offered additional accommodations and resources. Although the Complainant stated she used the additional resources and they did not work, she failed to inform the College that the alternatives were inadequate. The Complainant also stated that she was allowed to use her notes on exams in her other classes but the evidence supports she was allowed to use formula cards on math exams, and in speech class the professor allowed all students to use one note sheet front and back on the final. Additionally, the Professor for the Course was asked

² The Complainant received extended time on test up to double time, alternate testing location, permission to record class lectures, priority seating, clarification of instructions (written/verbal), permission to utilize four function calculator for class assignments and testing sessions, access to copies of instructor notes, chapter outlines, PP presentations prior to class. Other resources suggested Oral Communication center, writing center, math lab, tutoring center, counseling services, vocational rehab services, center for independent living, student responsible for scheduling testing appointments and requesting test from professor via email. In spring 2015, she received the additional accommodations of permission to utilize formula cards on math exams, reader during testing session if requested.

to provide additional insight on how using the notes on exams would affect her ability to determine if the Complainant was learning the material or merely transferring information. OCR was provided with direct examples from the Complainant's notes of information in the notes that could be exam answers and leave the Professor unable to gauge whether the Complainant knew the information or just transferred the information from the notes to the exam. The Complainant was given an avenue to appeal the denial of the accommodation and the denial was upheld; but once again the Complainant was offered additional resources; the opportunity to use a study guide provided by the Professor and pre-approved notes that had more mnemonic type devices which could help stimulate the Complainant's memory retrieval. The Complainant rejected the alternatives.

OCR finds insufficient evidence that the College failed to engage in the interactive process when it denied the Complainant's request to use self-written color coded notes on exams in the Course. Therefore, the evidence is insufficient to support a finding of noncompliance with respect to this issue.

Legal Issue Two

Whether the Complainant was subjected to harassment on the basis of disability in noncompliance with 34 C.F.R. Section 104.4(a), (b)(1) (i) and (vii).

The Complainant alleged that the Director told her to put her disability in the back seat, that College isn't for everyone, she should stop trying and that she should see the campus counselor and use breathing exercises for anxiety. The Complainant also alleged that she reported this behavior to the Associate Dean during her meeting with him regarding her appeal of the denial of an accommodation. The Complainant's witness also stated that in meetings he attended it appeared the Director was condescending to the Complainant and confirmed that the Associate Dean was made aware of the allegations during his investigation.

The evidence shows that the Director admitted to making the statement regarding "putting your disability in the back seat." However, the Director stated the statement was part of an article written on empowering students with disabilities and is used as empowerment to encourage students to view their disabilities differently. The statement is usually said during the initial visit with the student but would not be something said each semester. Similarly, the quoted statement that "college is not for everybody" is part of a discussion about the importance of students selecting their own future and setting their own priorities. She also admitted that she advised the Complainant to utilize the free counseling services at the College Counseling Center because of her stress level and counseling is one of many free services for students that she has referred them to in the past for issues outside of her expertise. She denied telling the Complainant to stop

trying. The Complainant did not feel that any of the statements made by the Director to her were for motivation or empowerment.

The evidence supports that the Associate Dean was made aware of the Director's statement during his investigation of the Complainant's grievance regarding her accommodations³. As a result, the Dean spoke with the Director about the allegations and she denied yelling at the Complainant and stated that she wanted to be honest and forthright with students. He did not recall if he discussed the actual comments alleged by the Complainant with the Director. He did not follow up with the Complainant regarding her allegations but reported the allegations to the Vice President of Student Affairs (VP) who at the time was the Director's supervisor. He did not share the allegations with the ADA and is not aware if the VP looked into the allegations. The College confirmed that it did not investigate the Complainant's allegations of disability harassment as they felt the allegations did not rise to the level of harassment. According to the College, the Dean expressed to the VP that the Complainant complained that the Director had engaged in rude behavior rather than the Complainant having been harassed, as such no investigation took place and the situation was handled as an employment matter.

The College's Discrimination and Harassment Complaint Procedures state in relevant part that when a complaint of discrimination on the basis of disability is received an investigation will take place to determine whether there is reasonable cause to believe that harassment or discrimination has occurred based on the evidence obtained. OCR's review of the procedures noted that the procedures provide notice to students and employees of the procedures, including where complaints may be filed; application of the procedures to complaints alleging harassment carried out by employees, other students, or third parties; states that an adequate, reliable, and impartial investigation of complaints will take place, designated and reasonably prompt timeframes for the major stages of the complaint process; verbal notice to the parties of the outcome of the complaint and a prohibition against retaliation. However, the procedures do not include the definition of disability harassment and what constitutes an hostile environment, an assurance that the college will take steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the complainant and others, provides inconsistent timeframes for filing a complaint (90-day for students and 30-days for faculty staff), does not state that all parties are given an opportunity to present witnesses and other evidence, or that written findings of the investigation and if applicable appeal findings are provided to both parties.

As a result of OCR's investigation, the College conducted an investigation of the Complainant's allegations beginning on August 12, 2016. The ADA Coordinator conducted the investigation and contacted the Complainant on August 12th via telephone and August 17, 2016, via email informing her of the investigating and need to schedule a time to meet with her to discuss her allegations. The Complainant's mother on behalf of the Complainant declined the invitation stating they wanted to await OCR's decision. The ADA Coordinator contacted the Complainant's VR Counselor but he informed her that his schedule did not permit him to

³ Although there is evidence of the College's actual knowledge because the alleged conduct was made by an employee during the scope of her employment OCR would input constructive knowledge to the College.

provide information at that time. The College obtained a statement from the Director on August 25, 2016, regarding the allegations. Her statement contained the same information provide to OCR. Based on the preponderance of the evidence, the College concluded that the Complainant took partial statements out of context from larger discussions over a long period of time and that the statements in context had a nondiscriminatory meaning and as such the Complainant was not treated less favorably based on her disability.

Analysis and Conclusion

When a recipient has notice of possible harassment against a student, the recipient must take immediate and appropriate steps to determine what occurred and if harassment has occurred must take immediate and appropriate steps to end the harassment, prevent its reoccurrence and remedy the effects.

However, in this particular case, the College did not take immediate and appropriate steps to determine whether the Complainant was subjected to disability harassment. The Associate Dean was made aware of the comments made by the Director, consulted with the Director about the comments and reported the incident to her supervisor. However, no formal investigation took place at that time. The Director admitted to making the statements, but she asserts that the Complainant took her statements out of context. According to the Director, her statements were meant to be empowering and helpful to the Complainant. The statements being made by someone in the Director's position to a student with a disability while requesting accommodations could be considered sufficiently serious as to amount to harassment and create a hostile environment.

During the course of OCR's investigation, the College attempted to conduct its own investigation regarding the Complainant's allegation of disability discrimination; however, the investigation was incomplete because the Complainant decided not to participate and instead to await OCR's investigative results. A complete investigation would have included a statement from the Complainant and an opportunity to provide evidence and witnesses based on the above, OCR has determined that the College failed to conduct an adequate investigation to determine whether the Complainant was subjected to disability discrimination (i.e. harassment) when she initially raised concerns about comments made by the Director. Further, the College failed to determine whether there was reasonable cause to believe that the statements made by the Director, who is in a position of authority, to the Complainant while meeting to discuss her disability related accommodations was sufficiently serious as to amount to harassment and create a hostile environment for the Complainant. Additionally, OCR noted that the College's harassment procedures do not include the definition of disability harassment including what constitutes an hostile environment, an assurance that the college will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, provided inconsistent time frames, did not state that all parties are given an opportunity to present

witnesses and other evidence, or that written findings of the investigation and if applicable appeal findings are provided to both parties. Therefore the evidence is sufficient to support that the College is in noncompliance with Section 504 and Title II with respect to this issue.

The College entered into the enclosed Agreement, which when fully implemented, will resolve the issue in this complaint. OCR will monitor the College's implementation of the Agreement to ensure that it is fully implemented and that the College is in compliance with the statutes and regulations at issue in this complaint.

This concludes OCR's investigation of the complaint and 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 file a private suit 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.

This concludes OCR's consideration of this complaint. If you have any questions about this letter, please contact Vicki Lewis, Senior Attorney at 404-974-9332 or the undersigned at 404-974-9376.

Sincerely,

Arthur Manigault, Esq.
Compliance Team Leader

Enclosure