



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

November 5, 2018

VIA EMAIL ONLY

Dr. Perry W. Ward, President
Lawson State Community College
1100 Ninth Avenue SW
Bessemer, AL 35022
pward@lawsonstate.edu

RE: OCR Complaint #04-18-2243

Dear Dr. Ward:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has concluded its investigation of the above-referenced complaint received by this office on May 9, 2018, alleging that Lawson State Community College (College) discriminates against individuals with disabilities because certain aspects of Building A (on the College's Bessemer campus) are not accessible to individuals with mobility impairments. More specifically, the complaint alleges that Building A's front and back entrance doors are too heavy; the wheelchair lift is too narrow, frequently does not work, and is subject to long repair delays; and the library's entrance doors and metal detector are too narrow.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (FFA). OCR is also responsible for enforcing 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 prohibit discrimination on the basis of disability by public entities. As a recipient of FFA from the Department and a public entity, the College is subject to the provisions of Section 504 and Title II.

Based on the above, OCR opened the following legal issue for investigation: whether the College discriminates against individuals with disabilities because certain aspects of Building A (on the College's Bessemer campus) are physically inaccessible to individuals with mobility impairments (e.g., the front and back entrance doors are too heavy; the wheelchair lift is too narrow, frequently does not work, and is subject to long repair delays; and the library's entrance doors and metal detector are too narrow), in noncompliance with the Title 504 implementing regulation at 34 C.F.R. §§104.21 -104.23 and the Title II implementing regulation at 28 C.F.R. §§ 35.149 - 35.151.

Prior to the completion of OCR's investigation, the College requested to voluntarily resolve this complaint and OCR agreed to pursuant to Section 302 of OCR's Case Processing Manual (CPM).

On November 5, 2018, OCR received the enclosed signed Agreement that, when fully implemented, will require the College to take actions to resolve the allegation of this complaint, and, more specifically, to address any compliance concerns that were identified pursuant to OCR's review of documentation and onsite visit conducted on October 11, 2018. 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 entity/individual who filed the complaint 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 occurs, the individual 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.

OCR is committed to prompt and effective service. If you have any questions, please contact Ms. Demetria Mills-Obadic, at (404) 974-9353, or the undersigned at (404) 974-9408.

Sincerely,

April England-Albright
Supervisory General Attorney

Enclosure