



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

61 FORSYTH ST., SOUTHWEST, SUITE 19T70
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

Dr. Ivan H. Allen
President
Central Georgia Technical College
80 Cohen Walker Drive,
Warner Robins, GA 31088

Re: Complaint #04-19-2004

Dear Dr. Allen:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has concluded its investigation of a complaint received by this office on October 3, 2018 alleging discrimination on the basis of disability by the Central Georgia Technical College (College). Specifically, the Complainant alleged the College denied him accommodations of American Sign Language (ASL) for his classes.

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 at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability and retaliation, and Title II of the Americans with Disabilities Act of 1990 (Title II), 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 and retaliation by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to Section 504 and Title II.

Based on the above, OCR opened an investigation of the following legal issue: of whether the College failed to provide the Complainant with an ASL Interpreter for his classes, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.44, and Title II and its implementing regulation at 28 C.F.R. § 35.130(b)(7).

Pursuant to OCR's *Case Processing Manual* (CPM) at Section 302, a complaint may be resolved when, before the conclusion of an investigation, "the recipient expresses an interest in resolving the allegations and issues *and* OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation." After submitting information in response to OCR's data request letter, the College informed OCR of its desire to take voluntary action necessary to resolve the allegation in the complaint. Accordingly, OCR has not issued findings concerning these issues. Set forth below is a summary of the evidence obtained thus far, prior to the signing of the resolution agreement and the terms of the resolution agreement.

The College provided documentation of communication between the Complainant and staff at the College indicating that there would be no interpreter available for the scheduled Math class during the summer and the Complainant would have to use the C-print instead. The information provided thus far does not provide conclusive information to make a finding of a violation.

As indicated above, prior to the completion of OCR's investigation, the College requested to voluntarily resolve this complaint, and OCR determined that resolution pursuant to OCR's CPM section 302 was appropriate. The attached Resolution Agreement (Agreement) will require the College to take actions to remedy any compliance concerns identified in the complaint.

On March 21, 2019, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the allegations in 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.

OCR is committed to prompt and effective service. If you have any questions, please contact Cassandra Williams at (404) 974-9393 or by email at cassandra.williams@ed.gov or the undersigned at (404) 974-9408.

Sincerely,

April England-Albright
Supervisory General Attorney

Enclosure