



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

September 2, 2015

Ref: 06152294

Dr. Ricardo Romo, President  
University of Texas at San Antonio  
One UTSA Circle  
San Antonio, Texas 78249

Dear Dr. Romo:

This letter is to notify you of the determination regarding the above referenced complaint filed against the University of Texas-San Antonio (University), San Antonio, Texas. The Student alleged that the University discriminated against him on the basis of his disabilities by failing to provide the approved academic adjustments in his fall 2014 XXX course and spring 2015 XXX course.

This agency is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department or an agency that has delegated investigative authority to this Department are in compliance with Section 504, 29 U.S.C. § 794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104 (2014). Section 504 prohibits discrimination on the basis of disability. OCR is also responsible for enforcing Title II, 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35 (2014). Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. The University is a recipient of Federal financial assistance from the Department of Education and is a public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution under both Section 504 and Title II.

OCR informed you in a letter dated May 29, 2015 that it would investigate the following issue: Whether the University discriminated against Student on the basis of his disabilities by failing to make such modifications to its academic requirements as are necessary, in violation of Section 504 and its implementing regulation at 34 CFR § 104.44 and Title II and its implementing regulation at 28 CFR § 35.130.

In the complaint to OCR, Student alleged that in his fall 2014 XXX course, his professor XXX *to end of paragraph*.

In a preliminary review of the date received by the University June 13, 2015, OCR determined the following. Student was re-enrolled in the University in fall 2013 and submitted documents supporting his need for academic adjustments. He was approved for the following academic adjustments: XXX *to end of sentence*. In a review of the documents submitted by the University, OCR identified potential compliance concerns

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

regarding the provision of academic adjustments. In subsequent discussions with the University, the University expressed an interest in resolving the allegations and issue in the complaint.

Based on the above, the University agreed to implement the enclosed resolution agreement on August 31, 2015, which addresses the compliance concerns by providing training for administrators, faculty and staff at UTSA responsible for the approval and arrangement of academic adjustments and/or auxiliary aids and services to students with disabilities. OCR will monitor implementation of the resolution agreement. If the University fails to comply with the terms of the resolution agreement, OCR will resume its investigation.

Under OCR procedures, we are obliged to inform the complainant and the institution against which a complaint is filed, that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by this agency because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing held in connection with a complaint.

Under the Freedom of Information Act, 5 U.S.C. § 552, 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.

If you have any questions regarding this letter, please contact Sakina Vidacak, Attorney, at (214) 661-9628, or me at (214) 661-9608.

Sincerely,

Paul Edward Coxe  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

Enclosure