



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

January 25, 2018

Dr. Robert Garza, President
Mountain View College
4849 West Illinois Avenue
Dallas, TX 75211

RE: OCR Complaint #06-17-2188
Mountain View College

Dear President Garza,

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, filed on [XXXX XXXX XXXX], against the Mountain View College (the College). The Complainant alleged that the College discriminated against [XXXX] on the basis of disability.

OCR 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 Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulations, at 34 C.F.R. Part 104, which prohibit discrimination based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit public entities from discriminating on the basis of disability.

The College is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdictional authority to process complaints of discrimination filed against the College under Section 504 and Title II.

OCR opened the following issues for investigation:

1. Whether the College failed to make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified disabled student, by failing to provide the Complainant with necessary academic adjustments and/or auxiliary aids (i.e. exempt the Complainant from [XXXX XXXX] class's requirement to participate in [XXXX XXXX] lab) during the Fall 2016 and Spring 2017 semesters, in violation of Section 504, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130.

2. Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because students consistently sitting on the high school students' cafeteria stairs render the stairs and existing handrails inaccessible to or unusable by persons with disabilities, in violation of Section 504 (34 C.F.R. §§104.21 - 104.23), and Title II (28 C.F.R. §§35.149 – 35.151).

Prior to the conclusion of OCR's investigation, on December 11, 2017, the College informed OCR that it was interested in resolving the complaint. Section 302 of OCR's Case Processing Manual (CPM) provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. On January 3, 2018, OCR determined that a resolution under Section 302 of the CPM was appropriate.

On January 18, 2018, the College voluntarily signed and submitted to OCR a Resolution Agreement (Agreement) to resolve the complaint allegation. A copy of the Agreement is enclosed. OCR determined that the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance that the College will fulfill its obligations under Section 504 and Title II with respect to the complaint allegations. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor the College's implementation of the Agreement.

Effective the date of this letter, OCR is closing the investigation of this complaint. This letter 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 have the right to 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, you 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.

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If you have any questions about this letter, please contact Kyle Gruber, the attorney assigned to investigate this complaint, at (214) 661-9613 or Kyle.Gruber@ed.gov. You may also contact me at (214) 661-9648 or Timothy.Caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Dallas Office

Enclosure:
Resolution Agreement