



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
ARKANSAS
LOUISIANA
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TEXAS

November 15, 2017

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

RE: OCR Case No. XXXXXXXXX
Mountain View College

Dear Dr. Garza:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint, received by OCR on XXXX XXXXXX, XXXX, and filed against the Mountain View College, Dallas, Texas. The Complainant alleged that the College discriminated against XXX (the Student) on the basis of XXXXXXXX by XXXXXXXX to XXXXXXXX XXXXXXXX in XXX of XXXX XXXXXXXX and by XXXXXXXX to respond appropriately to XXXXXXXX - XXXXXXXX XXXXXXXX by XXX of XXX XXXXXXXX.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination based on disability by recipients of Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. Because the College is a recipient of Federal financial assistance from the Department and a public entity, OCR has jurisdiction to resolve this complaint under Section 504 and Title II. OCR opened the following issues for investigation:

1. Whether the College XXXXXX to XXXX XXXX XXXXXXXXXs to XXX XXXXXX XXXXXX as XXX XXXXXX to XXXXX XXXX XXXX XXXXXXX XX XXX XXXXX or XXXX XXX XXXX of XXXXXXX, on XXX XXXX of XXXXXXX, XXXXX a XXXXXX XXXXX XXXXX, by XXXXX to XXXXX XXXXXXX with XXXXXXX XXXXXXX XXXXXXX XXXXXXX XXX XXXXX XXXX XXXXXXX, in violation of Section 504, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130.
2. Whether the College XXXXXXX XXXXXXX XXX XXXXXXX XX XXX XXXXXXX of XXXXXXXX by XXXXXXXX to XXXX XXXXXXX and XXXXXXX XXXXXXXX XXXXXXX to XXXXXXX XXXXXXX-XXXXXXXXXXXXXXXXXX by XX XXXXXXX XXXXXXX XXXXXXX, XXXXXXX XXX XXXXXXXX to XXXXXXXX a XXXXXXXX XXXXXXXX, of XXXXX XX XXX or XXXXXXX XXXX XXX

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

XXXXXX XXXXXX XXX XXXX-XXXX XXXXXX XXXX, in violation of Section 504 and Title II, at 34 C.F.R. § 104.4, and 28 C.F.R. § 35.130, respectively.

Prior to the conclusion of OCR's investigation, on XXXXXX XX, XXXX, College requested to voluntarily resolve the complaint allegations. OCR's Case Processing Manual (CPM) Section 302 provides that issues under investigation may be resolved at any time when, prior to the conclusion of OCR's investigation, the recipient expresses an interest in resolving the issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation. OCR approved the College's request to resolve the issues prior to the conclusion of OCR's investigation and secured the enclosed resolution agreement (Agreement) on XXXXXX XX XXXX. OCR has determined the Agreement resolves the allegations raised in the complaint. OCR will monitor the College's implementation of the Agreement and will not conclude monitoring of the College until all terms of the Agreement have been satisfied.

Effective the date of this letter, OCR is closing the investigation of this case. 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. Please also note that you 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, 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, it 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 or concerns, please contact Alex D. Coulter, Equal Opportunity Specialist, at (214) 661-9655, or me, at (214) 661-9648.

Sincerely,

Timothy D. Caum
Team Leader
Dallas Office

Enc: as stated