



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 3, 2019

VIA MAIL

George Hardy, Campus Director
Vista College
1905 W. Loop 281, Ste. 21
Longview, TX 75604

Re: OCR Complaint No. 06-18-2340

Dear Director Hardy:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint filed against Vista College (College) in Longview, Texas. The complainant (Student) alleged that the College discriminated against her on the basis of disability.

OCR is responsible for ensuring that organizations that receive or benefit from Federal financial assistance from the Department are in compliance with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, 34 C.F.R. Part 104 (Section 504), which prohibits discrimination based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 et seq., 28 C.F.R. Part 35 (Title II). The Section 504 implementing regulation at 34 C.F.R. § 104.61 incorporates by reference the provision against retaliation under Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100. The College is a recipient of Federal financial assistance. Therefore, OCR has jurisdiction to process this complaint under Section 504.

Pursuant to OCR's Case Processing Manual (CPM) Section 109, the complainant's allegations were processed via OCR's Rapid Resolution Process (RRP). OCR considered the following issues in RRP:

1. Whether the College lacks grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging disability discrimination or retaliation, in violation of Section 504, at 34 C.F.R. § 104.7(b); and
2. Whether, the College failed to designate and identify at least one person to coordinate its efforts to comply with Section 504, in violation of Section 504, at 34 C.F.R. §§ 104.7(a) and 104.8.

During the processing of this complaint, OCR reviewed pertinent documentation, including with the College's Reasonable Accommodation Request Form (Accommodation Request Form), the name and email of the College's Section 504 Coordinator and links to the College's Student Complaint Policy (Complaint Policy), and the School Catalog. OCR also spoke with College staff knowledgeable about the complaint allegations. OCR identified issues regarding the College's non-discrimination notice and Section 504 grievance procedures.

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

During RRP, the College informed OCR that it was interested in resolving the complaint through a voluntary resolution agreement. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to OCR's issuance of a final determination, the recipient expresses an interest in resolving the allegations, and OCR determines it is appropriate to resolve them with an agreement. OCR approved the College's request to resolve this complaint.

The College voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the College signed the Agreement on January 2, 2019. OCR has determined that when fully implemented the Agreement will address all of the allegations. Further, OCR accepts the Agreement as an assurance the College will fulfill its obligations under Section 504 with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the College's implementation of the Agreement. Please be advised that if the College fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This letter sets forth OCR's determination in the individual OCR case identified above. 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 be advised 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. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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.

Thank you for the cooperation extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Stephanie Inman, the attorney assigned to the matter, at (214) 661-9651 or stephanie.inman@ed.gov. You may also contact me at (214) 661-9600 or at melissa.malonson@ed.gov.

Sincerely,

Melissa Huling Malonson
Supervisory Attorney/ Team Leader
Office for Civil Rights

Enclosed: Resolution Agreement

cc: XXXX, Corporate Director of Compliance
XXXX