



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

March 18, 2020

Ref: 06202012

Scott M. Shaw, Chief Executive Officer and President
2915 Alouette Drive
Grand Prairie, Texas 75052

Via e-mail only (sshaw@lincolntech.edu)

Dear Mr. Shaw,

The United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was received on October 17, 2019, and filed against the Lincoln College of Technology (LCT or Recipient), in Grand Prairie, Texas. The Complainant alleged that the LCT discriminated against her on the basis of disability regarding the use of her service dog.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), or an agency that has delegated investigative authority to the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 704 (amended 1992), and its implementing regulations at 34 C.F.R. § Part 104, which prohibit discrimination on the basis of 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. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. The LCT is a recipient and public entity. Therefore, OCR has jurisdiction over this complaint under Section 504, and Title II.

OCR opened the following issue for investigation—whether the LCT discriminated against the Complainant on the basis of disability by infringing on the Complainant’s ability to use her service animal, in violation of Section 504 and Title II, and their implementing regulations, at 34 C.F.R. § 104.4(a) and 28 C.F.R. § 35.136(a), respectively.

OCR reviewed information provided by the Complainant and the LCT. OCR also conducted an interview with the Complainant. OCR’s preliminary review of the information provided by the LCT indicates XX---phrase redacted---XX the Complainant presented on campus with her service

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by fostering educational excellence and ensuring equal access.

dog. The evidence indicates the LCT asked the Complainant to provide a doctor's note indicating the nature of her disability and "qualifying" her service dog before she could bring her service dog to campus. The LCT later withdrew its request for said doctor's note. OCR's preliminary review of the above information raises a concern that the LCT infringed on the Complainant's ability to use her service dog on the LCT's campus during the time period in which it required a doctor's note regarding the Complainant's disability and her service dog.

Prior to the conclusion of OCR's investigation, the LCT informed OCR that it was interested in resolving the issue opened for investigation. Section 302 of OCR's Case Processing Manual (CPM) provides that an allegation may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. The provisions of the resulting resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR approved the LCT's request to resolve the issue opened for investigation.

The LCT voluntarily signed the enclosed resolution agreement (Agreement) on March 16, 2020. OCR determined the Agreement resolves the issue opened for investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor the LCT's implementation of the Agreement to ensure all commitments are satisfied.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a complaint with OCR.

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 about this letter, please contact Najwa-Monique Sharpe, the attorney assigned to investigate your complaint, at (214) 661-9642, or by e-mail at najwa-monique.sharpe@ed.gov. You may also contact me at 214-661-9648 or by e-mail at timothy.caum@ed.gov.

Sincerely,

/s/

FOR: Timothy D. Caum
Supervisory Attorney/Team Leader
OCR, Dallas Office

CC: Michael Couling, LCT Grand Prairie Campus President Via e-mail only (MCouling@lincolntech.edu); Alexandra Luster, LCT General Counsel Via e-mail only (ALuster@lincolntech.edu)