



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

August 9, 2017

Dr. Paul Illich, President
Southeast Community College
301 South 68th Street, 5th Floor
Lincoln, Nebraska 68510

Re: Docket # 07162114

Dear Dr. Illich:

On July 18, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Southeast Community College (College), Lincoln, Nebraska, alleging the College discriminated against the Complainant on the basis of disability. This letter is to confirm the College has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA).
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of FFA from the Department and a public entity, the College is subject to Section 504, and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR opened an investigation into whether the College discriminated against the Complainant on the basis of disability in violation of 34 C.F.R. §104.44 when his instructor gave him a failing grade on a quiz he was unprepared to complete because of a disability-related absence in XXXXX XXXXX.

The College provided OCR with copies of the Complainant's student records as well as copies of communication between the College and the Complainant. The College told OCR that they have

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tried to work with the Complainant and would like to continue working with him. The College's data response states that the Complainant owes the College XXXXX for books and tuition fees and the College informed OCR that it is willing to explore options for the Complainant to repay this.

On August 2, 2017, prior to the completion of OCR's investigation, the College submitted a signed Agreement (copy enclosed) that, when fully implemented, will address the allegations of this complaint. The Agreement requires the College to provide the Complainant with an opportunity to retake the XXXXX course in an in-person class at no cost. The Agreement also requires the College to provide the Complainant with a payment plan for him to repay what he owes to the College bookstore. In addition, the College will meet with the Complainant to discuss his disability and what accommodations he requires and work with him to ensure that he qualifies for financial aid. Please consult the Agreement for further details.

OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the College's implementation of the Agreement. When OCR concludes the College has fully implemented the terms of the Agreement, OCR will close the complaint. If the College fails to carry out the Agreement, OCR may resume the investigation.

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 you because you 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.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

J. Earlene Gordon

J. Earlene Gordon
Supervisory Attorney

Enclosure