

## UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

ONE PETTICOAT LANE 1010 WALNUT STREET, SUITE 320 KANSAS CITY, MO 64106 REGION VII KANSAS MISSOURI NEBRASKA OKLAHOMA SOUTH DAKOTA

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April 12, 2018

Re: Ranken Technical College OCR Case Number: 07-16-2121

Dear Mr. XXXXXXXX:

On April 14, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Ranken Technical College (College), St. Louis, Missouri, alleging discrimination on the basis of disability. This letter is to confirm the College has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

OCR opened an investigation to determine whether the College failed to modify its academic requirements as necessary to ensure that those requirements did not have the effect of discriminating against a qualified student with a disability, in violation of 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

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

The complaint stated that after being absent from the class for health reasons and reasons related to his disability, the Student submitted a request for excused absences to his instructor in the manner prescribed by the College's attendance policy. Though the Student submitted documentation from his health care provider(s) with his request, the instructor refused to excuse the absences. The Student followed up with school administrators and the appeal board, neither of which excused the absences. The Student was dismissed from the College for violation of the College's attendance policy.

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 interviews with OCR, both the Complainant and the Student stated that the Student's interest in the field and the small class sizes made the program a good fit for the Student. The Student re-enrolled at the College in the fall of 2017. The Student was not reimbursed for tuition or housing expenses remitted before he was dismissed from the College.

On November 21, 2016, OCR sent notification letters to the Complainant and the College, including a data request to the School. During the investigation, on October 26, 2017, the College expressed an interest in engaging in OCR's resolution process pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>1</sup>

Prior to the completion of OCR's investigation, the College submitted a signed Agreement (copy enclosed) on April 12, 2018 that, when fully implemented, will address the allegation of this complaint. OCR considers the allegation 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.

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

Sincerely,

J. Earlene Gordon Supervisory Attorney

Enclosure

<sup>&</sup>lt;sup>1</sup> OCR's Case Processing Manual is online at <u>http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html</u>.