



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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March 26, 2021

Sent via electronic mail only, to: XXXXX.XXXXX@XXXXX.XXX

XXXXX X. XXXXX, XXXXX
c/o XXXXX XXXXX, Attorney
XXX XXXXX XXXXX XXXXX, XXXXX XXXX
XXXXX, XXXXX XXXXX

Re: Missouri Valley College
OCR Case Number 07202255

Dear XXXXX,

On September 28, 2020, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received a complaint against Missouri Valley College (College) in Marshall, Missouri, alleging the College discriminated against the Complainant (the Student) on the basis of disability. On February 18, 2021, OCR informed the College that OCR was investigating to determine whether the College failed to provide the Student with a reasonable academic adjustment when it refused to permit the Student to take classes virtually during the spring 2021 semester. This letter will confirm the College has voluntarily submitted a signed Resolution Agreement (Agreement) to resolve the complaint.

Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, prohibit discrimination on the basis of disability in programs and activities receiving Federal financial assistance (FFA). OCR has Section 504 enforcement jurisdiction over recipients of FFA from the Department. As a recipient of FFA from the Department, the College is subject to Section 504 and OCR's jurisdiction. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

The Student alleged that the College discriminated against her on the basis of disability when it did not permit her to attend classes remotely. The Student advised OCR that she suffers from XXXXX and XXXXX XXXXX and has reasonable accommodations in place with the College related to her XXXXX. In the fall of 2020, the Student became concerned that attending classes in-person at the College posed a threat to her health. With respect to her disability, the Student's fears for her health caused her to have a series of XXXXX XXXXX and XXXXX XXXXX. The Student requested academic adjustments – attending classes remotely – during the fall 2020 semester and the College granted her request.

During the spring 2021 semester, the Student advised OCR that her fear of being on campus continued to trigger severe XXXXX and caused her to largely stay in her room. The Student also told OCR that she was also suffering from XXXXX XXXXX during this time. The Student, an XXXXX, again requested that the College permit her to attend classes remotely for the spring 2021 semester. The Student submitted medical documentation to the College on September 29, 2020 recommending that she be allowed to study remotely because of her risk factors.

The College, however, denied the Student's renewed request to attend classes remotely during the spring 2021 semester. Documentation provided by the College shows that it encouraged the Student to speak with her academic advisor to determine whether any of the College's available online courses would permit the Student to continue her studies and make progress toward her degree. The College also informed the Student that her advisor could provide information about the possibility of enrolling in online classes elsewhere and transferring credits. Prior to the issuance of this letter, OCR was still investigating whether the College engaged in an interactive process with the Student, in conformity with the requirements of Section 504.

OCR's Case Processing Manual (CPM)¹ includes a Rapid Resolution Process (RRP) which provides an expedited resolution opportunity. OCR determined it had jurisdiction over this complaint and that it was appropriate to attempt to resolve this complaint using RRP. Prior to OCR completing its investigation, on March 22, 2021, the College requested to resolve any compliance concerns through Section 302 of the CPM, which allows OCR to resolve the allegations, when appropriate, through a resolution agreement.

The College voluntarily submitted a signed Resolution Agreement (Agreement) [copy attached], that, when fully implemented, will address the Student's complaint. The Agreement requires the College to engage the Student in the interactive process regarding her request for academic adjustments for the remainder of the 2021 spring semester, and if it is determined that academic adjustments are needed and can reasonably be provided, the College will provide the academic adjustments. The College will also determine whether the Student is in need of compensatory services for the 2021 spring semester, and if so, the College will provide such services. Additionally, the College will draft a memorandum for administrators and staff at the College's Accessibility & Disability Services office outlining the College's obligation to engage in an interactive process in conformity with the requirements of Section 504.

OCR considers the 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 its investigation. A complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

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, please be advised the Complainant may file another complaint alleging such treatment.

¹ The CPM is available on OCR's website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

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.

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. A complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

If you have any questions regarding this matter, please contact XXXXX XXXXX, attorney, at (816) 268-XXXX (voice) or (877) 521-XXXX (telecommunications device for the deaf), or by e-mail at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Megan Levetzow

Megan Levetzow
Compliance Team Leader

Attachment