



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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July 10, 2023

By email only to: Marielena.DeSanctis@ccd.edu

Dr. Marielena DeSanctis
President
Community College of Denver
Campus Box 201
P.O. Box 173363
Denver, CO 80217-3363

Re: OCR Docket No. 08-23-2090
Community College of Denver, Colorado

Dear President DeSanctis:

This letter is to advise you of the resolution of the investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR) conducted in Community College of Denver (College). OCR investigated whether the College's online programs, services, and activities exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. § 104.4 and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35. OCR also investigated whether the College fails to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communication with others, in violation of 28 C.F.R. § 35.160(a). In addition, OCR investigated whether the College discriminated against the Complainant on the basis of disability by denying him an equal opportunity to participate in his online Spanish Language I course, due to barriers in the technology used to deliver the course that were neither removed nor adequately addressed through academic adjustments or reasonable accommodations, in violation of 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130.

OCR enforces Section 504 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance from the Department. OCR also enforces Title II and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department.

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

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OCR conducted an assessment of the College's online programs, services, and activities, as well as the Spring 2023 online Spanish Language I course in which the Complainant enrolled, and noted possible compliance concerns including, but not limited to:

- On the College's public-facing website, users with disabilities who use computer keyboards for navigation due to a disability did not have access to all contents and functions.
- On the College's public-facing website and in the Spanish Language I course materials and the Learning Management System housing the course, the foreground and background colors of important content lacked sufficient contrast, posing a barrier to people with low vision.
- Documents provided in portable document format (pdf) for the Spanish Language I course were inaccessible to people with vision disabilities who use screen readers.

On July 10, 2023, the College signed the enclosed resolution agreement (Agreement) to voluntarily resolve the investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR will monitor the implementation of the Agreement.

This concludes OCR's investigation. This letter should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual matter. 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. An individual may have the 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. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact me at (816) 268-0487 or Laura.Favazza@ed.gov.

Sincerely,

/s/ Laura Favazza

Laura Favazza
Attorney

Enclosure

Courtesy copy by email only to:

Patrick Warwick-Diaz
Associate General Counsel
Patrick.Warwick-Diaz@cccs.edu