



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

March 20, 2015

Anthony E. Beebe, Ed.D.
President
San Diego City College
1313 Park Boulevard
San Diego, CA 92101

(In reply, please refer to case no. 09-12-2017)

Dear Dr. Beebe:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has resolved the above-referenced complaint against San Diego City College (SDCC). The complainant alleged that SDCC discriminated against her based on disability.¹ Specifically, she alleged that SDCC discriminated against her when one of its instructors denied her access to one of her approved academic adjustments in his class.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) which prohibits discrimination on the basis of disability in programs and activities operated by recipients of federal financial assistance. OCR also has jurisdiction under Title II of the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act (Title II), over disability discrimination complaints filed against public educational entities. Because SDCC receives funds from the Department and is a public educational entity, it is subject to Section 504, Title II, and their implementing regulations.

As part of its investigation, OCR received and considered documentation and other information from the complainant and SDCC. Prior to completion of the investigation, OCR and SDCC reached a voluntary resolution agreement (Agreement), pursuant to Section 302 of OCR's Complaint Processing Manual, in which SDCC, without admitting to any violation of Section 504, Title II, or their implementing regulations, has agreed to take certain actions to address the complaint allegations in this matter.

As part of the Agreement, signed on March 3, 2015, SDCC will take the following actions:²

¹OCR provided the name of the complainant in its notification letter to SDCC and is not stating her name in this letter in the interest of privacy.

²A copy of the Agreement is enclosed with this letter. The San Diego Community College District (SDCCD), as the parent organization for SDCC, is the entity referenced in the Agreement and the signatory to the Agreement. This is so because any action to revise the policies, procedures, or rules of SDCC is done through the SDCCD and its board of trustees. The failure to reference SDCC in the Agreement is immaterial since all of the actions done by the SDCCD in the Agreement will be on behalf of and for SDCC.

- (1) Revise and thereafter disseminate its policies, procedures, and notices that address discrimination against those with disabilities so that they are consistent with the obligations of Section 504 and Title II.
- (2) Take measures to strengthen its academic adjustments process and procedure so that it better ensures that students receive their approved adjustments to the fullest extent. Some of the measures include: revising publications so that they better inform students and instructors of students' entitlement to have adjustments in various settings; providing information to instructors about the proper process to follow in the event they have questions or concerns about a student's approved adjustments; and, developing a process for students to utilize in the event an instructor refuses or fails to provide an approved adjustment.
- (3) Provide to the complainant the ability to seek reimbursement for any costs incurred as a result of having to drop one course and register in a different course because of the failure to provide an approved adjustment.
- (4) Provide training to those involved in the instructional setting and the provision of academic adjustments in the areas of Section 504 and Title II, the revised policies and procedures required by the Agreement, the measures taken to strengthen the process and procedure for the procurement of academic adjustments, and the complaint procedures for those alleging discrimination based on disability.

OCR has concluded that the provisions of the Agreement, when implemented, are aligned with the complaint allegations or the information obtained during the investigation in this matter and are consistent with the provisions of Section 504, Title II, and their implementing regulations. As such, SDCC's submission of the signed Agreement to OCR resolves the complaint in this matter and OCR will monitor SDCC's implementation and completion of the Agreement's requirements.

This concludes the investigatory phase of this complaint and this letter should not be interpreted to address SDCC's compliance with any other regulatory provision or to address any issues other than those addressed herein.

This letter sets forth OCR's determination in an individual OCR case, 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.

Please be advised that SDCC 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, she 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, 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.

The complainant may file a private suit in court whether or not OCR found a violation.

OCR thanks you and your staff, specifically, outside counsel Lesa Wilson, for your assistance and cooperation in resolving this matter. If you have any questions about this letter, please contact Alan Konig, Civil Rights Attorney, at (415) 486-5527 or Alan.Konig@ed.gov.

Sincerely,

/s/

James M. Wood
Team Leader

encl.

cc: Lesa Wilson, Esq. (w/o encl.)