



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

October 19, 2015

Dr. Dena Maloney
Superintendent/President
Taft College
29 Cougar Court
Taft, California 93268

(In reply, please refer to case no. 09-15-2424.)

Dear President Maloney:

In a letter dated July 27, 2015, the U.S. Department of Education, Office for Civil Rights (OCR), notified you of a complaint filed against Taft College's Children Center (Center). The Complainant alleged discrimination against her son (Student) on the basis of disability. Specifically, the Complainant¹ alleged that the Center removed her son from its program because he is a student with a disability.

OCR initiated its investigation of the complaint under the authority of Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, and their implementing regulations. Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation prohibit discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance. OCR also has jurisdiction as a designated agency under Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The Center receives funds from the Department and is subject to the requirements of Section 504 and Title II.

Pursuant to section 302 of its *Case Processing Manual* (CPM), OCR has the ability to resolve a complaint if, prior to the conclusion of its investigation, the recipient expresses an interest in resolving the complaint and agrees to resolve the issues in the complaint under appropriate legal standards.

On August 11, 2015, after OCR initiated its investigation of the present complaint, but prior to its request for data, legal counsel for the Center notified OCR that the Center was interested in resolving the complaint pursuant to a section 302 agreement. On September 3, 2015, OCR notified the Complainant of its intent to proceed with a section 302 Agreement to Resolve. Based on information gathered from the Complainant and the Center, including that the Complainant had enrolled the Student in another program, and

¹ OCR notified the Center of the Complainant's and Student's identity in its July 27, 2015 letter. Their names are withheld here in order to protect their personal privacy.

did not desire the Student's return to the Center, OCR determined that a Section 302 Agreement was appropriate under these circumstances.

The Center, without admitting any violation of the law, entered into the enclosed Agreement. Accordingly, OCR did not complete its investigation or reach conclusions as to whether the Center complied or failed to comply with Section 504, or Title II.

Under the Resolution Agreement, the Center agreed to train its full-time administrative staff regarding the enrollment of students with disabilities, the consideration of appropriate accommodations, disabled students' rights, and the Center's responsibilities under Section 504 and Title II. OCR has determined that the actions taken by the Center and its commitments expressed in the enclosed Agreement, when implemented, will resolve the issues in this complaint and is closing this matter as of the date of this letter. OCR will monitor the Center's implementation of the enclosed Agreement through completion and may reopen the investigation if the Center does not implement the provisions of the Agreement. OCR is informing the Complainant of the complaint resolution by concurrent letter. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

This concludes OCR's investigative process and should not be interpreted to address the Center'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 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.

Please be advised that the Center 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, the individual may file a complaint with OCR alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact David Howard, Civil Rights Investigator, at (415) 486-5523.

Sincerely,
/s/

MaryBeth McLeod
Team Leader

Cc: Mr. Benjamin C. Rosenbaum, Lozano-Smith, LLC
Enclosure