



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION IX  
CALIFORNIA

50 UNITED NATIONS PLAZA  
MAIL BOX 1200; ROOM 1545  
SAN FRANCISCO, CA 94102

November 13, 2019

**VIA ELECTRONIC MAIL ONLY**

Mr. Artemio Pimentel  
President  
Woodland Community College  
2300 East Gibson Road  
Woodland, California 95776

(In reply, please refer to OCR Docket Number 09-17-2561.)

Dear President Pimentel:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) has resolved the above-referenced complaint against the Woodland Community College (College). The Complainant<sup>1</sup> alleged that the College discriminated against him on the basis of disability. Specifically, OCR investigated:

1. Whether individuals with mobility impairments are able to access the following campus facilities<sup>2</sup>:

- a. The power doors in building #700 and elevator in building #800<sup>3</sup> are inaccessible because they are not turned on or are broken;
- b. The restrooms in campus building #800, next to the Community Room, are inaccessible because the power doors are not turned on or are broken;
- c. The ramp behind campus building #800 is not accessible to individuals with disabilities or marked as being accessible; and
- d. The campus bookstore is inaccessible because of a non-functioning push plate for the entrance door;<sup>4</sup>

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<sup>1</sup> OCR previously provided the College with the identity of the Complainant. We are withholding the Complainant's name from this letter to protect his privacy.

<sup>2</sup> The initial complaint was filed on September 21, 2017 and included Issues 1.a., 1.b., and 1.c.

<sup>3</sup> Although the Complainant alleged that the elevator was located in building #700, OCR determined it was a typographical error because the only elevator on campus is located in building #800. As such the issue reflects the correct building where the elevator is in fact located.

<sup>4</sup> During the course of the investigation OCR learned about Issue 1.d. and the College was notified on November 28, 2018 of its addition to the complaint.

- e. Lab tables in science course rooms are inaccessible to Complainant;<sup>5</sup> and
- f. The relocation of the Department of Supportive Programs and Services (DSPS) office to the space inside building #700 known as the “food pantry” is inaccessible to students with mobility impairments.<sup>6</sup>

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of federal financial assistance. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. As a recipient of federal financial assistance and as a public entity, the College is subject to Section 504, Title II, and their implementing regulations.

OCR gathered evidence by reviewing documents and correspondence provided by the Complainant and the College. OCR also interviewed the Complainant and College administrators. Finally, OCR also gathered evidence during its onsite visit to the College in March 2019. Regarding Issues 1.a., 1.b., 1.c., 1.e., the College expressed interest in resolving the matter prior to the conclusion of OCR’s investigation of the allegations, and OCR determined that such a resolution is appropriate in this case. In addition, through the course of its investigation, OCR obtained credible information indicating that Issues 1.d. and 1.f. are currently resolved and is dismissing these issues. This letter summarizes the applicable legal standards, the relevant facts obtained during the investigation to date, the reasons for our determination and the terms of the resolution reached with the College.

### **Legal Standards**

The regulations implementing Section 504 and Title II provide that no qualified person with a disability shall, because a recipient’s facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program, service, or activity of the recipient. 34 C.F.R. § 104.21; 28 C.F.R. § 35.149. The regulations contain two standards for determining whether a recipient programs, activities, and services are accessible to individuals with disabilities. One standard applies to “new construction” and “alterations” while the other applies to “existing facilities.” The applicable standard of compliance depends upon the date of construction and/or the date of any alterations to the facility.

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<sup>5</sup> During the course of the investigation OCR learned about Issue 1.e. and the College was notified on November 28, 2018 of its addition to the complaint.

<sup>6</sup> During the course of the investigation OCR learned about Issue 1.f. and the College was notified on May 17, 2019 of its addition to the complaint.

### *New construction and alterations*

The Section 504 regulations, at 34 C.F.R. § 104.23, apply to “new construction or alterations,” defined as any facility or part of a facility where construction was commenced after June 3, 1977. For the purposes of Title II, “new construction or alterations” is defined as any construction of or alterations to a facility or a part of a facility on or after January 26, 1992. The regulations for each law provide that each facility or part of a facility constructed by, on behalf of, or for the use of the recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. The regulations further provide that each facility or part of a facility altered by, on behalf of, or for the use of the recipient in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by persons with disabilities.

The Section 504 regulations, at 34 C.F.R. § 104.23(c), specify the *American National Standards Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped* (ANSI 117.1 – 1961 (1971)) as the minimum standard for determining accessibility for facilities constructed or altered on or after June 3, 1977 and before January 18, 1991. Facilities constructed or altered on or after January 18, 1991 are required to comply with the *Uniform Federal Accessibility Guidelines* (UFAS) (Appendix A to 41 C.F.R. subpart 101-19.6). Recipients may choose between applying the *2010 Standards for Accessible Design* (2010 Standards) (28 C.F.R. § 35.151 and 28 C.F.R. part 36, subpart D) or UFAS for any new construction or alteration commenced on or after March 15, 2012. 77 F.R. 14972, 14975 (Mar. 14, 2012).

With respect to Title II, public facilities constructed or altered on or after January 26, 1992 through September 14, 2010 are required to choose application of UFAS or the 1991 *ADA Standards for Accessible Design* (1991 Standards) (28 C.F.R. Part 36, App. A). Public facilities constructed or altered on after September 15, 2010 through March 14, 2012, are able to comply through the application of UFAS, the 1991 Standards, or the 2010 Standards. Effective March 15, 2012, new construction and alterations pursuant to Title II are required to comply with the 2010 Standards. New construction and alterations completed before March 15, 2012 that did not comply with the 1991 Standards or UFAS (i.e., noncompliant new construction and alterations) were also subject to the 2010 Standards. 28 C.F.R. § 35.151(c)(5).

### *Existing facilities*

The Section 504 regulations, at 34 C.F.R. § 104.22, and the Title II regulations, at 28 C.F.R. § 35.150, also apply to “existing facilities.” Section 504 defines existing facilities as any facility or part of a facility where construction was commenced prior to June 3, 1977. Existing facilities for the purposes of Title II are any facility or part of a facility where construction was commenced prior to January 26, 1992. The regulations provide that, with respect to existing facilities, the recipient shall operate its programs, services, and activities so that, when viewed in their entirety, they are readily accessible to and usable by persons with disabilities (hereinafter “the program accessibility standard”).

Accessibility of existing facilities is determined not by compliance with a particular architectural accessibility standard, but by considering whether a recipient program, service, or activity offered within an existing facility, when viewed in its entirety, is accessible to and usable by individuals with disabilities. The recipient may comply with the existing facility standard through the reassignment of programs, services, and activities to accessible buildings, alteration of existing facilities, or any other methods that result in making each of its programs, services, and activities, when viewed in their entirety, accessible to individuals with disabilities. In choosing among available methods for redressing program inaccessibility, the recipient must give priority to those methods that offer programs, services, and activities to individuals with disabilities in the most integrated setting appropriate as well as methods that entail achieving access independently and safely.

The concepts of program access and facilities access are related, because it may be necessary to remove an architectural barrier in order to create program access. For example, a program offered exclusively in a particular building on a campus may not be accessible and usable to individuals with disabilities absent the provision of physically accessible features. Under such circumstances, facility accessibility standards may be used to guide or inform an understanding of whether persons with disabilities face barriers to participating in the program, service, or activity provided in a particular facility. In reviewing program accessibility for an existing facility subject to Section 504, UFAS or the 2010 Standards may be used as a guide to understanding whether individuals with disabilities can participate in or benefit from the program, activity, or service. The 2010 Standards may be used as a guide to understanding whether individuals with disabilities can participate in or benefit from the program, activity, or service of a public entity subject to Title II. Specific details of the architectural standards are described below as needed.

#### *Maintenance of Operable Features*

The Title II regulations, as 28 C.F.R. § 35.133, provide that a public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the ADA.

#### *Notice & Signage*

The Section 504 regulations, at 34 C.F.R. § 104.22(f), also require the recipient to adopt and implement procedures to ensure that interested persons can obtain information as to the existence and location of programs, services, activities, and facilities that are accessible to and usable by persons with disabilities. The Title II regulations, at 28 C.F.R. § 35.163(a), have a similar requirement for public entities. In addition, 28 C.F.R. § 35.163(b) requires a public entity to provide signage at all inaccessible entrances that direct users to accessible entrances or to a location at which they can obtain information about accessible facility entrances. The section also requires that the international symbol for accessibility be displayed at each accessible entrance to a facility.

**Issue 1.a.:** Whether the power doors in building #700 and the elevator in building #800 are inaccessible because they are not turned on or are broken.

**Issue 1.b.:** Whether the restrooms in campus building #800, next to the Community Room, are inaccessible because the power doors are not turned on or are broken.

### **Factual Findings to Date**

At the time of the OCR complaint, the Complainant was enrolled as a student at the College. The Complainant has a medical condition which requires him to use a mobility device. He was registered with the College's DSPS office. The Complainant graduated from the College in May 20XX.

#### Bathroom Power Doors in Buildings #700 and #800

Building #700 was constructed in 1994, renovated in 2010 and had the bathroom power doors installed in 2014. Building #800 was constructed in 2007 and had the bathroom power doors installed in 2014. During the Fall 2017 semester the Complainant reported to the College several times that he was unable to access the restrooms in buildings #700 and #800 because the power doors were not turned on, broken, or needed to have batteries replaced. For example, on August XX, 2017, the Complainant was not able to enter the restroom located next to the Community Room in building #800 because the power doors were not working and there was no one there to assist him in opening the door. Throughout the Complainant's time at the College, when he encountered similar issues with the bathroom power doors, he contacted the DSPS Coordinator, who then contacted College administrators, including the Assistant Director of Maintenance and Operations (AD of M&O), the Dean of Instruction, the ADA Coordinator, and the Dean of Student Services. According to the Complainant and the DSPS Coordinator, following the August XX, 2019 incident, they submitted an online complaint about the doors through the DSPS website, which they believed went to the College's ADA Coordinator, however, they did not receive a response to the complaint.

#### Elevator in Building #800

The Complainant alleged that he was unable to access the elevator in building #800 on multiple occasions between Fall 2017 and Spring 2019. In particular, the Complainant stated that on February XX, 2019, he could not leave the second floor of the building because the elevator was not working and had to wait for someone to assist him. Similar to the bathroom power doors, the Complainant informed the DSPS Coordinator and the Dean of Instruction about the elevator issues he encountered in the Fall 2017 and February 2019. According to the Dean of Instruction, on February X, 2017, she notified all College employees, faculty, staff, and administrators that the elevator would be locked and unavailable through the month of February 2017 for repairs. The Dean of Instruction moved classes from the second floor to the first floor to ensure access and expected that other staff share the information with those impacted, such as students and

others who needed to access the second floor. When the elevator was operational again, an email was sent out informing everyone that classes could resume in their original location.

### College's Process to Address the Elevators and Bathroom Power Doors

According to the College, on or about March 19, 2018, the AD of M&O verbally trained and instructed the custodial staff on a process to ensure that the restroom power doors throughout the campus and the elevator are accessible to all students. The process includes daily checks of each door and the elevator by custodial staff and notice to the AD of M&O when a door or the elevator is not working along with a sign posted to indicate such and arrangements for repairs, if necessary. The process includes notice to the Dean of Instruction when the evaluator is out so that classes on the second floor of building #800 may be relocated to the first floor. The College's process also provides that students may inform any College staff member, who would contact either a Dean or the AD of M&O directly about an accessibility issue with the power doors and elevators. As of June 13, 2019, all restroom power doors and the elevator were functioning.

### **Determination**

Both buildings #700 and #800 were constructed after 1991, in 1994 and 2007 respectively, and therefore the relevant standards for accessibility are UFAS and the ADA Accessibility Guidelines. However, since the College installed power doors in both buildings in 2014, the altered element, or power doors, were subsequently subject to the applicable requirements of the 2010 Standards.

The Title II regulations at 28 C.F.R. § 35.133 obligate colleges to maintain in operable condition those features of facilities and equipment that are required to be readily accessible to and usable by with persons with disabilities.<sup>7</sup> However, isolated or temporary interruptions in service or access due to maintenance or repairs are permissible under the regulations. Allowing obstructions or interruptions to persist beyond a reasonable period of time constitutes a violation of the regulation. OCR's investigation to date revealed that the Complainant encountered intermittent issues with access the restrooms because the power doors were turned off, broken, or needed new batteries. In regards to the elevator in building #800, there were intermittent issues that required repairs or maintenance. In one instance, the Complainant could not leave the second floor due to a problem with the elevator. Despite the Complainant's numerous complaints to DSPS staff as early as February 2017 and the direction of those concerns to Deans and the AD of M&O, the Complainant continued to have difficulty accessing to the bathrooms and the elevator throughout his enrollment at the College, even after he filed the OCR complaint. While the College implemented a protocol in 2018 that requires the College's custodial staff to check and report any issues with the elevators and the power doors to the AD of M&O, OCR has

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<sup>7</sup> [Section 404.3](#) of the 2010 Standards does not require that doors are automated, but does require them to comply when provided. [Section 404.3.5](#) requires that door and gate controls be compliant as operable parts (operable with one hand and without tight grasping, pinching, twisting of the wrist, or more than 5 lbs.).

concerns that the College's current reporting process for any accessibility issues related to the elevator and power doors does not provide sufficient clarity on how the issues are to be reported by students and other members of the public as needed and how the accessibility issues will be timely and adequately addressed by the appropriate parties.

In order to complete the investigation of the issues regarding the bathroom power doors and the elevator in building #800, OCR would need to gather information regarding the frequency of non-operation of the doors and the elevator, the length of time taken to make repairs, the opening force required for the doors, in the event the push plate is not working, which would involve reviewing data and documentation as well as, conducting interviews with a knowledgeable College staff, such as maintenance personnel.

Prior to the conclusion of OCR's investigation into these issues, however, the College expressed an interest in resolving this complaint and OCR agreed that such a resolution was appropriate. Under the Resolution Agreement, the College will develop a Plan (Plan) and issue written guidance and training on the same for all College personnel responsible for implementing the Plan. The Plan will also insure that the accessible features are compliant as operable parts and that those responsible for responding have received sufficient training on the scope of their responsibilities.

**Issue 1.c.:** Whether the ramp behind campus building #800 is not accessible to individuals with disabilities or marked as being accessible.

### **Factual Findings to Date**

The Complainant alleged that the ramp behind building #800 is not accessible to individuals with disabilities because it is not marked. The Complainant was not aware of there being a ramp and used a makeshift 'ramp' to access the path of travel.

According to the Complainant, he informed the DSPS Coordinator that he was having difficulty navigating around the four poles as he approached the ramp from the parking lot. The DSPS Coordinator stated that he was aware of Complainant's concern regarding the ramp, confirmed that the Complainant was not using the correct ramp and reported the issue via email to the Dean of Instruction. However, it is not clear if the Dean of Instruction responded to the email.

During OCR's onsite to the College, OCR staff inspected the parking lot area behind building #800 and the ramp. OCR staff observed that there is a ramp marked with blue paint showing the accessible route from the parking spot to the ramp. OCR staff also observed that there were two poles anchored to the ground and two small metal bases, presumably for two additional poles, were in the path of travel onto the ramp.

OCR's investigation to date revealed that the Complainant was using the wrong ramp to access the path of travel from the parking lot to the entrance of building #800. However, the accessible route from the accessible parking spaces to the ramp was visibly marked in blue paint.

Regarding Complainant's complaint that he found it difficult to navigate around the four poles located on the accessible path from the parking lot to the ramp, OCR has concerns that the two poles and two metal bases may reduce the width of the approach to the accessible path and create a barrier for those in mobility devices to access the ramp. In order to complete the investigation of this issue, OCR would need to gather data such as the clear width between the poles, the clear width at the turn to approach the ramp and the protrusion of any base steel component that remains even where a pole is removed.

### **Determination**

Prior to the conclusion of OCR's investigation into this allegation, the College expressed an interest in resolving this issue and OCR agreed that such a resolution was appropriate. The Resolution Agreement requires the College to retain or designate a consultant with expertise on the issues of physical accessibility and program access in Title II and Section 504 and their implementing regulations. This individual will shall work with the College on the issues related to the ramp discussed above.

**Issue 1.d.:** Whether the Campus Bookstore is inaccessible because of a non-functioning push plate for the entrance door.

### **Factual Findings to Date**

In November 2018, the Complainant notified OCR that the push plate for the entrance door to the Campus Bookstore (Bookstore) had not functioned for over six months and the DSPS Coordinator and the Deans of Instruction and Student Services had been notified. It was further reported to OCR that the push plate was out of service for at least 9-12 months. On the day of OCR's onsite, the push plate was not working, and a sign was posted which read, "Out of Order; For Assistance Please Call the Bookstore 661-5790." The College replaced the push plate in April 2019 and provided documentation and video evidence to OCR (dated June 13, 2019) that the push plate is functional.

### **Determination**

OCR's investigation to date revealed that the push plate to the Bookstore door had not been functioning since, at least, November 2018 and the College was aware of the situation. The push plate was replaced in April 2019 and is now functional.

Pursuant to OCR's Case Processing Manual (CPM), Section 108(j),<sup>8</sup> OCR will dismiss an allegation if it obtains credible information indicating that the allegation raised by the complainant are currently resolved and are therefore no longer appropriate for investigation.

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<sup>8</sup> See, <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf> (November 12, 2019).



The College replaced the non-functioning push plate at the Bookstore entrance door in April 2019 and provided sufficient evidence that it is functioning. As such, OCR considers the allegation raised by the Complainant regarding the Bookstore push plate to be resolved and is dismissing this allegation.

**Issue 1.e.:** Whether the lab tables in the science course rooms are inaccessible to the Complainant.

### **Factual Findings to Date**

The Complainant alleged that he did not have access to a lab table that effectively allowed him to participate in his XXXX laboratory course during the Spring semester 2018. After speaking to the Complainant about his accommodations, the course professor, the DSPS Coordinator and the Complainant worked with DSPS office to find some solutions. Thus, the Complainant was provided with a regular student desk and a small adjustable table, which were placed next to the Complainant's lab group's lab table. However, even with this arrangement, the Complainant remained at a significantly lower height than the rest of his group, which made it difficult for him to actively participate in the lab experiments which were performed on the taller tables. Although the professor tried to locate some of the experiments onto the Complainant's modified lab station, he was not able to actively or fully participate because, for example, he was unable to look through the microscope. The Complainant earned a passing grade for the course.

In the Fall 2018 semester, the College replaced some of the taller lab tables with lower ones. During OCR's onsite visit to the College, OCR staff noted that there are lower lab tables located in all three lab classrooms observed, including the room where the Complainant took his XXXX course. The College reported that there are currently ten adjustable, accessible tables available on campus to be used as and where needed. According to the College, if an accessible table is not already in a particular lab classroom and is needed, the lab instructor either moves a table into the classroom him or herself, contacts the AD of M&O directly to move the table into the classroom, or contacts DSPS to arrange for the table to be moved by the M&O staff.

### **Determination**

To date, OCR's investigation revealed that the lab table provided to the Complainant during his XXXX lab course in the Spring 2018 was not accessible to him as the lab tables were too high for him to reach. The College attempted to find a solution by bringing in an adjustable height table for the Complainant. In the Fall 2018 semester the College replaced some of the higher lab tables with lower ones. In order to complete this investigation, OCR would need to collect further information regarding whether and how the College insured that the newly acquired lower lab tables comply with the applicable standards.

Additionally, OCR also has concerns related to the Complainant's ability to access and participate in the science lab course. Here, the Complainant stated that even after he was provided the adjustable lab table, he was only able to observe the lab experiments and not fully participate

because the experiments took place on the taller tables. This raises a concern that the Complainant was not able to fully access the program and possibly needed additional accommodations. OCR would need to further investigate this concern by conducting interviews with the DSPS staff, the biology lab instructor, the Complainant and possibly other students.

Prior to the conclusion of OCR's investigation, however, the College expressed an interest in resolving this allegation and OCR agreed that such a resolution was appropriate. The Resolution Agreement requires that the College provide training to all administrators, staff, faculty, and other College personnel who have responsibility for ensuring that complaints of disability-based discrimination, including reports of physical accessibility issues which may involve broader questions of program accessibility.

**Issue 1.f.:** Whether the relocation of the DSPS office to the space inside building #700 known as the "food pantry" is inaccessible to students with mobility impairments.

### **Factual Findings to Date**

According to the Complainant, the relocation of the DSPS office to a temporary space inside building #700, called the "food pantry" was very cramped and the doorways almost too small for wheelchair access. OCR learned that during the Spring 2019 semester, the DSPS staff were temporarily relocated from their original office spaces to the food pantry during the repair of the office windows. The Complainant, however, was able to schedule appointments, tests, or pick up notes from this new location. OCR staff visited this space during its visit. As of May 13, 2019, the College moved all DSPS staff back to its original location.

### **Determination**

Through its investigation, OCR learned that at or about the start of the Spring 2019 semester, the DSPS office was relocated to a number of different spaces, including the room formerly known as the "food pantry." The Complainant, who uses a wheelchair, stated that it was not possible for him to fully navigate the space inside the "food pantry" as it was very narrow.

Pursuant to section 108(j) of OCR's CPM, OCR will dismiss a complaint if it obtains credible information indicating that the allegations raised by the complainant are currently resolved and are no longer appropriate for investigation.

In May 2019, the College completed necessary repairs in the original DSPS office and returned the DSPS staff to all former spaces there. As such, OCR considers the issue raised by the Complainant regarding the DSPS office relocation to be resolved and is dismissing this issue.

### **OCR Concerns Regarding Response to Notice of Accessibility Issues**

The Complainant told OCR that in general he worked with DSPS staff when he encountered an accessibility issue. He stated that he informed DSPS staff of the issues with bathroom door

accessibility, the elevator, the bookstore door, and the laboratory tables. The Complainant understood that DSPS staff would forward these issues to the appropriate administrators or College personnel for resolution.

OCR learned that generally, the DSPS Coordinator would gather information from and refer a student reporting accessibility issues to either the Dean of Student Services or the Dean of Instruction, depending on the issue and the particular timeframe. OCR also learned that the DSPS Coordinator would typically initiate the process with a call to the respective Dean's office for the student and provide the Dean information about the situation prior to the Dean meeting with the student. However, once the issue was reported to the administrators, the DSPS Coordinator was often not aware or informed about the solution. OCR learned that the DSPS Coordinator had not received any training related to the College's policies and procedures for handling complaints of physical inaccessibility on campus, but he knew there was an ADA Coordinator for the College. The Dean of Instruction stated that she does not handle complaints of discrimination and believed that would fall under the College's Human Resource Director. She stated that she does not view reports regarding the physical inaccessibility of buildings as complaints of disability discrimination. She further stated that facilities accessibility issues were not in her purview, that she was not familiar with the policy and procedure for handling such complaints, that she had not received training on those policies and procedures this year but, that she would typically follow up with the AD of M&O on facility issues. The Dean of Instruction stated that concerns about things like the non-functioning power doors in the bathrooms were not formal complaints. The Dean of Instruction stated to the DSPS Coordinator that he should coordinate with the Dean of Student Services and that practice has been in place for the six years she has been there.

### **Determination**

OCR has concerns regarding whether the College's response to notice of physical accessibility issues met the requirements of Title II and Section 504. Specifically, witnesses stated that the College had been given notice of the accessibility issues regarding the bathroom power doors, the elevator, the Bookstore push plate, and the lab table and that the issues either continued to reoccur (power doors and elevator) or were not promptly resolved (e.g. push plate, lab tables).

OCR learned that while physical accessibility issues could be reported through the DSPS webpage, which went to the College's ADA Coordinator, it is unclear who or what was done with those online complaints as the individuals who submitted the complaint received no acknowledgement or response to the complaint. Additionally, witnesses for the College indicated they lacked training on the College's process for responding to notice of discrimination generally, or accessibility issues as disability-based discrimination, specifically.

Prior to the conclusion of OCR's investigation into this issue, the College expressed an interest in resolving the matter and OCR agreed that such a resolution was appropriate. The Resolution Agreement requires that the College train any College personnel responsible for implementing current protocols to resolve accessibility issues. In addition, the DSPS staff, Deans of the College, and other relevant College personnel will receive training on the College's policies and

procedures for responding to complaints of disability-based discrimination, including those concerning program access and physical access.

Based on the commitments made in the enclosed Resolution Agreement, OCR is closing the investigation of this complaint as of the date of this letter, and notifying the Complainant concurrently. When fully implemented, the Resolution Agreement is intended to address the complaint allegations. OCR will monitor the implementation of the Resolution Agreement until the College is in compliance with the terms of the Resolution Agreement. Upon completion of the obligations under the Resolution Agreement, OCR will close the case.

This concludes OCR's investigation of the complaint and 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 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 College may not harass, coerce, intimidate, retaliate, 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 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, 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.

Thank you for your cooperation in resolving this case. If you have any questions regarding this letter, please contact Christina González, Civil Rights Attorney at (415) 486-XXXX.

Sincerely,

/s/

Kana Yang  
Team Leader

cc (by email): Kellie Murphy, Esq.