



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

ONE PETTICOAT LANE  
1010 WALNUT STREET, SUITE 320  
KANSAS CITY, MO 64106

REGION VII  
ARKANSAS  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

May 29, 2020

*By email only to: [president@bakersfieldcollege.edu](mailto:president@bakersfieldcollege.edu)*

Dr. Sonya Christian  
President  
Bakersfield College  
1801 Panorama Dr.  
Bakersfield, California 93305

Re: OCR Docket No. 09-19-6902  
Bakersfield College, California

Dear Dr. Christian:

I hope this letter finds you and your team well, and I would like to first and foremost inquire whether you need any assistance from the U.S. Department of Education (Department), or the Office for Civil Rights (OCR) specifically, with regard to the ongoing COVID-19 pandemic. OCR extends to you an invitation to access the Department's *COVID-19 ("Coronavirus") Information and Resources for Schools and School Personnel*, available at <https://www.ed.gov/coronavirus>.

This letter is to advise you of the resolution of the directed investigation that OCR initiated in Bakersfield College (College).<sup>1</sup> OCR investigated whether the College's website and online programs 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 and its implementing regulation at 34 C.F.R. §104.4 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. In addition, OCR 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).

OCR enforces Section 504 of the Rehabilitation Act of 1973 (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

---

<sup>1</sup> The College is a part of the Kern Community College District (District). OCR opened this complaint against the College. However, during the investigative process, the District (in conjunction with the College) assumed responsibility for working with OCR to resolve the complaint.

enforces Title II of the Americans with Disabilities Act of 1990 (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.

OCR conducted an assessment of the College's online programs, services, and activities and noted possible compliance concerns including, but not limited to:

- Users with disabilities who use computer keyboards for navigation due to a disability did not have access to all contents and functions.
- Users with disabilities who use computer keyboards for navigation due to a disability were unable to tell visually where they were on a page, as visual focus indicators were missing.
- Documents provided in portable document format (pdf) were inaccessible to people with vision disabilities who use screen readers.

On May 28, 2020, the College signed the enclosed resolution agreement (Agreement) to voluntarily resolve the directed investigation pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>2</sup> OCR will monitor the implementation of the Agreement.

This concludes OCR's directed 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 OCR directed investigation. 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.

---

<sup>2</sup> On May 10, 2020, the District also signed the Agreement.

If you have any questions, you may contact me at (816) 268-0487 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at [Laura.Favazza@ed.gov](mailto:Laura.Favazza@ed.gov).

Sincerely,

A handwritten signature in blue ink that reads "Laura Favazza". The signature is fluid and cursive, with a long horizontal stroke at the end.

Laura Favazza  
Attorney

Courtesy copy by email only to:

Christopher W. Hine  
General Counsel  
[christopher.hine@kccd.edu](mailto:christopher.hine@kccd.edu)

Enclosures