



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

October 23, 2018

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Dr. Margaret Hamilton
President
Lane Community College
4000 East 30th Avenue
Eugene, Oregon 97405-0640

Re: Lane Community College
OCR Reference No. 10182003

Dear Dr. Hamilton:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has resolved the above-referenced complaint against Lane Community College (college). OCR investigated whether the college discriminated against a student, on the basis of disability, from January 18 to July 2, 2017, when it failed to provide her with modifications to attendance and modifications to course deadlines as academic adjustments, because the college's Center for Accessible Resources (CAR) inappropriately denied her request for these accommodations on January 18, 2017. As explained below, prior to the conclusion of OCR's investigation, the college asked to voluntarily resolve the complaint and signed the enclosed Resolution Agreement (agreement).

OCR accepted this complaint for resolution under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. These laws prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance and by public entities, respectively. The college receives federal financial assistance from this Department and is a public entity, and is therefore subject to Section 504 and Title II.

Section 504 at 34 C.F.R. §104.44(a) provides that a recipient of federal financial assistance shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified student with a disability. Section 504 at §104.44(d) further provides that a recipient shall take steps as are necessary to ensure that no student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of

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the absence of educational auxiliary aids for students. Title II at 28 C.F.R. § 35.130(b)(7) similarly requires a public entity to make reasonable modifications to its policies, practices, or procedures when necessary to avoid discrimination on the basis of disability.

OCR's investigation to date indicates that in November 2016, the student registered with CAR and identified her disabilities as anxiety and panic attacks. At this time, the student also requested academics adjustments for attendance and course due dates, and she provided medical documentation to support her request. The college did not notify the student that her medical documentation was insufficient to support her request until July 2017. The college contacted the student's medical provider in August 2017, and the student was provided with the accommodations during the 2017-2018 academic year. These facts raise a concern that the student may not have received the accommodations to which she was entitled pursuant to Section 504 and Title II.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, before OCR issues a final determination, the recipient expresses an interest in resolving the complaint allegation and OCR determines that it is appropriate to resolve the issue under investigation with an agreement. In this case, the college requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the college's willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. On October 22, 2018, the college submitted the enclosed agreement which, when fully implemented, will address the allegation raised in this complaint.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by December 3, 2018.

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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the college 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 harmed 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 privacy.

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Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. We are closing this case as of the date of this letter. If you have any questions, please contact Jennifer Kuenzli at (206) 607-1675 or at jennifer.kuenzli.

Sincerely,

Kelli Lydon Medak
Supervisory Attorney

Enclosure: Resolution Agreement

cc: Erin E. Gould, Attorney