



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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September 14, 2020

Sent by email only to: Chemene.crawford@seattlecolleges.edu

Dr. Chemene Crawford
President
North Seattle College
9600 College Way North
Seattle, Washington 98103-3599

Re: North Seattle College
OCR Reference No. 10192042

Dear President Crawford:

This letter is to inform you of the disposition of the above-referenced complaint filed against North Seattle College (college) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complainant alleged that:

1. The college discriminates against students and other individuals with disabilities by not providing sink faucets and soap dispensers that are within reach range of wheelchair users in the exterior public restrooms at the college's College Center and Instructional Building.
2. The college discriminates against students and other individuals with disabilities due to inadequate signage to indicate accessible paths of travel.

OCR investigated this 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. These federal civil rights laws prohibit disability discrimination in programs and activities receiving federal financial assistance, and by public entities, respectively. The college receives federal financial assistance from this Department and is a public entity. Therefore, it is required to comply with these laws.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Under the OCR *Case Processing Manual* (CPM), OCR is required to dismiss a complaint when OCR obtains credible information indicating that the allegations raised by the complainant are currently resolved and are therefore no longer appropriate for investigation. The OCR CPM can be found on-line at: <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

With respect to allegation no. 1, during the course of the investigation, the college provided OCR with information indicating that the college was the subject of a comprehensive accessibility compliance review (WSBCTC Ref. No 19-32-22) that was initiated in May 2015 by the Washington State Board of Community and Technical Colleges (WSBCTC). The college provided OCR with copies of detailed documents relating to that review, which in addition to other facilities on campus, specifically encompassed the restrooms in the College Center and the Instructional Building, including the reach ranges of various restroom features. The college also provided to OCR a letter that it received from the WSBCTC dated May 3, 2019, stating that the college had “address[ed] all areas of non-compliance identified in the Civil Rights Letter of Finding (LOF) issued to the college on May 19, 2015.”

Because OCR received information that allegation no. 1 has been resolved and is no longer appropriate for investigation, OCR is dismissing allegation no. 1. With respect to allegation no. 1, 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. This letter serves as OCR’s final agency determination in this matter regarding allegation no. 1, and there is no right of appeal. The complainant may have the right to file a private suit in court regardless of OCR’s determination.

With respect to allegation no. 2, as explained below, prior to completion of OCR’s investigation, the college expressed an interest in voluntarily resolving this complaint allegation and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

The regulation implementing Section 504 (see 34 C.F.R. §§ 104.21, 104.22 and 104.23) and Title II (see 28 C.F.R. §§ 35.133, 35.149 and 35.150) requires that the college, when not all entrances to a facility are accessible, provide directional signage to indicate the accessible route to the nearest accessible entrance.

The investigation to date indicated that certain areas of the college’s campus may not have adequate directional signage to indicate accessible routes and that pursuant to an award of capital funds from the WSBCTC, the college is in the process of implementing

an ongoing campus signage project. Under the agreement, the college will ensure that throughout the campus signage project's design and implementation, the college adheres to the Section 504 and Title II regulations referred to above.

In accordance with Section 302 of the OCR Case Processing Manual, a complaint allegation may be resolved at any time when, before the conclusion of an investigation, 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 during the course of an investigation. 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 concern identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the college resulted in college signing the enclosed agreement.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

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 complainant 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.

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 May 30, 2021.

Thank you and your staff for the assistance provided to OCR in the resolution of this

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complaint. If you have any questions regarding this matter, please contact Timothy L. Sell, Senior Attorney, at (206) 607-1639 or by email at timothy.sell@ed.gov.

Sincerely,

Sukien Luu
Supervisory Attorney

Enclosure

cc: Derek Edwards, Assistant Attorney General (by email only)