



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

August 15, 2018

Dr. Mary Thornley
President
Trident Technical College
7000 Rivers Avenue
North Charleston, SC 29406

Re: OCR Complaint No. 11-16-2005
Letter of Findings

Dear Dr. Thornley:

The Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) has completed its investigation of the complaint we received on October 6, 2015 against Trident Technical College (the College). The Complainant alleged that the College discriminated against her on the basis of her disabilities when it failed to provide appropriate academic adjustments and auxiliary aids in a timely manner for at least one of the courses that she enrolled in during the XXXX semester (XXXX), including: (a) audio textbooks; (b) private testing; (c) 15-minute breaks during tests and exams; and (d) math formulas for testing.

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 programs and activities that receive Federal financial assistance from the Department. OCR also 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.

During the investigation, OCR reviewed documents provided by the Complainant and the College; and interviewed the Complainant and College faculty and staff. Before OCR completed its investigation, the College expressed a willingness to resolve a portion of Allegation 1(a) as it pertained to the provision of audio textbooks in the Complainant's XXXX course; and Allegation 1(c) as it pertained to the provision of 15-minute breaks during tests and exams in all three courses, on August 13, 2018, pursuant to Section 302 of OCR's *Case Processing Manual*. Further, after carefully considering all of the information obtained during the investigation, OCR found sufficient evidence of a violation of Section 504 and Title II with respect to Allegation 1(d), as it pertained to the provision of math formulas for testing in XXXX, as well as the College's process for determining appropriate academic adjustments and/or auxiliary aids/services. Finally, OCR found insufficient evidence to substantiate Allegation (a) pertaining

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

to the Complainant's XXXX and XXXX courses, as well as Allegation (b) pertaining to all XXXX courses. OCR's findings and conclusions are discussed below.

Background

The Complainant began attending the College during the XXXX semester. The Complainant is diagnosed with XXXX. During her enrollment, the Complainant registered as a student with a disability and received various academic adjustments and auxiliary aids/services. For the XXXX semester, the Complainant enrolled in XXXX courses: XXXX.¹ The Complainant requested the following adjustments and auxiliary aids/services, also referred to as accommodations², including, but not limited to, a note-taker, extended testing time, testing in a separate room, and math formula sheets for testing.³ On XXXX, the College's Disability Counselor continued the Complainant's eligibility for accommodations and forwarded a Faculty Notification Form (Form 1) to the Department Head of the XXXX Department (the Department Head). Form 1 dated XXXX, referenced one course, XXXX, and included the following accommodations: audio textbooks, extended testing time, a note-taker, 15-minute breaks during testing, and use of math formulas during testing; at this time, Form 1 did not include private testing, as the Complainant alleged.⁴ On XXXX, the Disability Counselor sent a separate Faculty Notification Form (Form 2) to faculty for both XXXX and XXXX courses. Form 2 included the same accommodations as Form 1 but omitted the provision for the 15-minute breaks during testing. Form 2 was subsequently modified on two occasions to add further accommodations for use of both magna tiles and a slant board during math testing; and, a private room for testing on XXXX and XXXX respectively. Finally, on XXXX, the Disability Counselor issued Form 3 for XXXX XXXX, which included the same accommodations as the latest version of Form 2.

During the XXXX semester, the Complainant filed a complaint to the South Carolina Technical College System (the System), to which the College submitted a response; however, it is unclear as to whether the System conducted an investigation of the Complainant's complaint.⁵ In her complaint, the Complainant expressed ongoing concerns about the timeliness of both the notification and receipt of accommodations, generally. Specifically, the Complainant contested the issuance of the Faculty Notification Form (the Form), which she alleged was sent late and

¹ During the XXXXXXXX semester, the College offered a compressed schedule format wherein some courses are offered in two, seven week terms: Fall 1 and Fall 2. The Complainant enrolled in XXXXXXXX for the full XXXXXXXX semester (or 14 week term); XXXXXXXX for Fall 1; and XXXXXXXX for Fall 2. Fall 1 courses commenced on XXXX. Fall 2 courses commenced on XXXX.

² The College and the Complainant frequently refer to academic adjustments and auxiliary aids as "accommodations." The Section 504 regulation addressing post-secondary education refers to "academic adjustments and auxiliary aids," while the Title II regulation refers to "reasonable modifications." When the term "accommodations" is used in this document, it refers to academic adjustments and auxiliary aids as those terms are used in 34 C.F.R. § 104.44 and reasonable modifications as that term is used in 28 C.F.R. § 35.130(b)(7).

³ Specifically, the Complainant submitted an evaluation report from her medical team which included several recommendations for academic adjustments and auxiliary aids/services.

⁴ Accommodations for XXXXXXXX also included calculator usage; copies of instructor's notes; use of a FM system; written instruction for assignments; and use of a left-handed desk.

⁵ Although the Dean reported that she drafted a response to the Complainant's complaint to the South Carolina Technical System, she was unaware if or when the Complainant received formal written notice of the outcome of the complaint. The Complainant further stated that she could not recall if she received a formal response to her complaint.

was incorrect; as well as not receiving audiobooks as proscribed in the Form. In XXXX, the Dean XXXX (the Dean) told OCR that she provided a response to the Complainant's concerns. OCR reviewed the College's response which indicated that the Complainant did not receive math formula sheets as an accommodation for XXXX because the XXXX Department determined that the request was "unreasonable based upon the policies and standards required within the department." The Dean further noted that the Complainant did not appeal the XXXX Department's decision. In another instance during the XXXX semester, the Dean acknowledged that the Complainant reported to the Testing Center for a private room for testing as an academic adjustment. The Dean acknowledged that the provision for a private room for testing was omitted from the Form, but contended that the matter was immediately rectified, without harm to the Complainant.

Legal Standards

The Section 504 regulation, at 34 C.F.R. § 104.43(a), provides that a qualified person with a disability may not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any postsecondary aids, benefits, or services on the basis of disability. The regulation at § 104.44(a) requires a recipient to modify its academic requirements as 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. The regulation at § 104.44(d) requires a recipient to ensure that no qualified individual with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills. OCR interprets the Title II regulation to require public recipients to provide academic adjustments and auxiliary aids to the same extent as required under Section 504.

Recipients may establish reasonable requirements and procedures for students to provide documentation of their disability and request academic adjustments and auxiliary aids and services. Students are responsible for obtaining disability documentation and for knowing and following the procedures established by the recipient. Once the student has provided adequate notice and documentation of his/her disability and the need for modifications due to the disability, the recipient must provide the student with appropriate academic adjustments and auxiliary aids and services that are necessary to afford the student an equal opportunity to participate in a school's program. However, the recipient is not required to make adjustments or provide aids or services that would result in a fundamental alteration of the recipient's program or impose an undue burden.

In determining what modifications are appropriate for a student with a disability, the recipient should familiarize itself with the student's disability and documentation, explore potential modifications, and exercise professional judgment. The question of whether a recipient has to make modifications to its academic requirements or provide auxiliary aids is determined on a case-by-case basis. OCR generally does not substitute its judgment for that of qualified educators and professionals regarding modifications. Instead, OCR reviews relevant factual evidence to determine whether a recipient acted in a reasonable manner and whether it took appropriate steps consistent with Section 504 and Title II in making decisions regarding a

student's eligibility for academic adjustments. Both Section 504 and Title II envision a meaningful and informed process with respect to the provision of modifications, e.g., through an interactive and collaborative process between the recipient and the student. If a recipient denies a request for a modification, it should clearly communicate the reasons for its decision to the student so that the student has a reasonable opportunity to respond and provide additional documentation that would address the recipient's objections.

Section 504 and Title II do not require a recipient to modify academic requirements that are essential to the instruction being pursued by the student or to any directly related licensing requirement. In reviewing an institution's determination that a specific standard or requirement is an essential program requirement that cannot be modified, OCR considers whether that requirement is educationally justifiable. The requirement should be essential to the educational purpose or objective of a program or class. OCR policy requires, among other factors, that decisions regarding essential requirements be made by a group of people who are trained, knowledgeable and experienced in the area; through a careful, thoughtful and rational review of the academic program and its requirements; and that the decision-makers consider a series of alternatives for the essential requirements, as well as whether the essential requirement in question can be modified for a specific student with a disability. OCR affords considerable deference to academic decisions made by post-secondary institutions, including what is or is not an essential program requirement.

Analysis

The Complainant alleged that the College discriminated against her on the basis of disability when it failed to provide her appropriate academic adjustments and auxiliary aids in a timely manner for the XXXX semester in at least one of her courses: XXXX, XXXX, and XXXX.

(a) Audio textbooks

The Complainant alleged that the College failed to provide audio textbooks in all XXXX courses. The College reported that the Complainant previously enrolled in XXXX during the XXXX semester; therefore, she had already obtained the audio textbook in advance of the XXXX semester. The Complainant subsequently acknowledged to OCR that she had the audio textbook when she reenrolled in the course for the XXXX semester. Likewise, for XXXX, the Complainant had an audio textbook from her prior two enrollments in the course.⁶ Prior to the start of the XXXX term for the XXXX course, which commenced on XXXX, the Complainant requested a new edition of the audio textbook. The College contended that the Services for Students with Disabilities (SSD) Office promptly obtained and provided notice that the audio textbook was available for pick-up, but the Complainant never retrieved it from the SSD Office. OCR reviewed an email dated XXXX addressed to the Complainant, which corroborated that the College provided notice of the audio textbook within one day of the start of the Fall 2 term. Therefore, with respect to XXXX and XXXX courses, there is insufficient evidence to support the Complainant's allegation as alleged.

⁶ Nevertheless, the College reported that it furnished another audio textbook for the XXXX course.

In regard to the XXXX course, the College indicated that it did not have sufficient information to order the audio textbook for the course. Specifically, OCR reviewed an email dated XXXX sent to the Complainant from the Disability Counselor. The email asked the Complainant to verify the ISBN number for the textbook with the course instructor because the SSD Office had difficulty obtaining the correct ISBN number. OCR also reviewed further email correspondence between the Complainant and the College, but did not find any indication as to whether the Complainant replied to the College's request for information or further attempts by the SSD Office to obtain the correct ISBN through other means. Although the College reported that the Complainant ultimately received the audio textbook, the Complainant reported that she did not obtain the audio textbook until mid-XXXX, which was after the conclusion of the Fall 1 term. OCR asked the Disability Counselor for the specific timeframe when the SSD Office furnished the audio textbook, but she was unable to recall. Therefore, with respect to the XXXX course, OCR required further information through investigation to determine whether the College provided timely access to the audio textbook. Accordingly, OCR determined that resolving such concerns through a Resolution Agreement pursuant to Section 302 of OCR's *Case Processing Manual* is appropriate.

(b) Private Testing

The Complainant alleged that the College failed to provide private testing in all XXXX courses. As stated earlier, the College previously considered whether it provided the Student with private testing as an academic adjustment in response to her complaint filed with the System. Generally, OCR does not conduct its own investigation of a complaint allegation that was previously investigated through another grievance process. However, OCR reviewed and identified conflicting information that was relied upon in the College's investigative findings. Specifically, in its narrative response to the Complainant's complaint, the College found that an academic adjustment for private testing was not initially included on the Complainant's Form because it had "not been previously discussed with [the Disability Counselor]." OCR determined that the College's findings are inconsistent with documentation reviewed by OCR wherein the Complainant expressly requested academic adjustments and auxiliary aids, including private testing, consistent with the recommendations delineated in a medical evaluation report she submitted to the Disability Counselor on XXXX.⁷ In an interview with OCR, the Dean responsible for the College's inquiry into the Complainant's System complaint acknowledged that the provision for private testing was "omitted" on the Form. She further indicated that once the Complainant brought the matter to the attention of the Disability Counselor and Testing Center, the omission on the Form was immediately corrected. OCR reviewed documentation indicating that the College promptly revised the Complainant's Form prior to the occurrence of any known scheduled testing. Because the College resolved concerns prior to when the academic adjustment would have been triggered, and the Complainant did not incur any known harm in any of her three courses, there is insufficient evidence that the College failed to provide an academic adjustment for private testing in a timely manner. Accordingly, OCR will take no further action with respect to Allegation 1(b).

(c) 15-minute breaks during testing

⁷ The Disability Counselor further told OCR that she considered the delineated accommodations in the Student's medical documentation as the Complainant's formal request for academic adjustments and auxiliary aids.

The Complainant alleged that the College failed to provide 15-minute breaks in all three courses. The Complainant told OCR that although she routinely requested 15-minute breaks for testing throughout her enrollment at the College, the academic adjustment was not included as an approved provision on her Form for the XXXX semester. Indeed, OCR reviewed several iterations of Forms for the Complainant's Fall semester courses and determined that all but one Form did not include a provision for 15-minute breaks. The sole Form that included the provision was Form 1 drafted for the first unit of the Complainant's XXXX course.

In response to the allegation, the Disability Counselor stated that she "went back and forth" with the Complainant regarding the provision for 15-minute breaks during testing. She recalled that the Complainant requested removing the provision in response to procedures initiated by professors. Specifically, both the Disability Counselor and the Complainant told OCR that she disfavored the practice of receiving portions of an exam when utilizing the provision for 15-minute breaks rather than receiving the exam in its entirety. Consequently, the Disability Counselor stated that in an email dated XXXX, the Complainant requested to omit the provision for 15-minute breaks during testing.

Although the Disability Counselor offered the Complainant's XXXX email as evidence that the Complainant requested the removal of this provision, OCR determined that such information is not dispositive because it fails to account for the Complainant's subsequent XXXX submission of medical documentation, which requested academic adjustments, including breaks during testing, anew. Moreover, the inclusion of the 15-minute breaks during testing on Form 1 suggests that the provision was, in fact, approved for the XXXX semester but omitted in subsequent iterations of the Form. OCR is concerned that if the College approved the provision for 15-minute breaks for testing, the Complainant did not receive the academic adjustment as alleged.

OCR requires further information to determine: (1) whether the provision for 15-minute breaks during testing was an approved academic adjustment through the interactive process; (2) the specific instances in which the Complainant did not receive 15-minute breaks during testing; and (3) whether the Complainant raised concerns with the College regarding the implementation of this provision. During the pendency of the investigation, the College expressed interest in resolving this concern with respect to all three of the Complainant's courses pursuant to Section 302 of OCR's *Case Processing Manual*.

(d) Math formulas for testing (in XXXX)

The Complainant alleged that the College failed to provide math formulas for testing in XXXX only. As stated previously, the College investigated the timeliness of the Complainant's receipt of academic adjustments in response to her complaint filed with the System. OCR reviewed the College's findings, which found that the XXXX Department denied the Complainant's previously-approved request for the academic adjustment and determined that the request was "unreasonable based upon the policies and standards required within the department." Because OCR readily identified concerns with respect to whether the College's inquiry in response to the

Complainant's System complaint complied with Section 504 and Title II legal standards and requirements, OCR conducted its own investigation.⁸

Following receipt of Form 1 on XXXX, the Department Head stated that she informed the Disability Counselor that the Complainant would not receive the previously-approved academic adjustment for the use of math formula sheets. The Department Head told OCR that she denied this specific accommodation because "use of the formula sheet would have undermined a requirement that was essential to the course." The Department Head explained that XXXX had 4 units or sections. The Department Head further explained that although use of math formula sheets was approved for use by all students for Unit 3 of the 4 unit course, Units 1, 2, and 4 did not provide for formula sheets, which she believed would have taken away from "course competencies."

OCR reviewed further documentation indicating that the Disability Counselor renewed the provision for use of math formula sheets, which the Department again denied. In an email dated XXXX, the Disability Counselor raised the issue of the provision for use of math formula sheets with the Dean of the Math Department, who referred the correspondence to the acting Department Head. In his response, the acting Department Head stated, in part, the following:

Personally, I feel this is more than what's a reasonable for an accommodation. Many of our classes already have a standard formula sheet, and I can't expect my instructors to create special ones just for [the Complainant] and monitor their use. I'm sorry but I can't agree to that accommodation.

The College further asserted that the "use of any other type of specialized formula sheet would place [the Complainant] at an unfair advantage over the other students in the class and undermine the academic integrity of the course. The College continued that "[t]he purpose of granting reasonable accommodations is to place the student with a disability on a level playing field with other student peers in the class, not to place the student at an advantage over other students."

OCR notes although the Department denied the provision for use of math formulas after the Disability Counselor issued Form 1, the inclusion of the provision remained in Form 3 issued on XXXX for the Fall 2 term when the XXXX course commenced.

At issue in this case is the balance between the College's obligation to provide an academic adjustment to the Complainant to ensure that the requirements of the XXXX course are not discriminatory under Section 504 and Title II; and the College's responsibility to ensure that students meet essential requirements needed to successfully complete a program of study. As discussed above, Section 504 and Title II do not require an institution to modify academic

⁸ As stated previously, OCR will generally not conduct its own investigation of a complaint allegation that was previously investigated through another grievance process. Instead, OCR will review the College's findings to determine whether the entity provided a comparable resolution process pursuant to legal standards that are acceptable to OCR. Notwithstanding OCR's general practice, OCR decided to investigate the Complainant's allegation with respect to Allegation 1(d) after identifying concerns regarding whether the appropriate legal standards were applied.

requirements that are essential to the instruction being pursued by the student or to any directly related licensing requirement. Because the College raised that the use of math formulas during Units 1, 2, and 4 of XXXX would have undermined a requirement that was essential to the course as a defense to its obligation under Section 504 and Title II to provide the provision at issue, OCR reviewed the College's determination that math formulas, or the restriction thereof, are an essential program requirement that cannot be modified. In doing so, OCR considered whether that requirement is educationally justifiable and essential to the educational purpose or objective of a program or class. In accordance with OCR policy, OCR also considered whether the College's decision regarding the essential requirement was made (i) by a group of people who are trained, knowledgeable and experienced in the area; (ii) through a careful, thoughtful and rational review of the academic program and its requirements; and (iii) that the decision-makers consider a series of alternatives for the essential requirements, as well as whether the essential requirement in question can be modified for a specific student with a disability, and in particular, the Complainant.

In asserting that math formulas are an essential requirement, the College indicated cited the course's curriculum competencies. The competencies state, in part, that:

This course develops critical thinking skills through instruction that emphasizes the understanding of mathematical concepts and the ability to apply these concepts to solving a problem...The student will demonstrate the following critical thinking objectives:

- Find integrals for numerous functions using techniques of substitution, integration by parts, trig substitution, and other mathematical principles in a logical process.
- Solve real world problems involving areas, volumes, arc length, work and other applications of integrals and series by applying mathematical principles in a logical process.

The College contended that while the competencies do not specifically mention "formulas," it is generally understood that formulas are a necessary part of solving these types of problems listed in the competencies, such as area, volumes, arc length, etc. The College further indicated that Department faculty developed the course curriculum and considered what "tools" students may use according to course competencies, including determining whether formula sheets were acceptable for Unit 3 of the course only. The College stated that faculty determined that for Unit 3, memorizing formulas was not essential as actually working the problems. In contrast, the other three units (Units 1, 2, and 4), involve integration. Therefore, the College contended that the formula sheets were not approved for Units 1, 2, and 4.

Based on the foregoing, OCR afforded the College significant deference and assumed that the College's decision about math formulas met initial factors requiring the decision to be *made by a group of people who are trained, knowledgeable and experienced in the area and through a careful, thoughtful and rational review of the academic program and its requirements*. However, OCR did not find any evidence that the *decision-makers considered a series of alternatives to the essential requirement, including whether the essential requirement in question can be modified for the Complainant, or a specific student with a disability*. OCR notes that

upon request by a student with a disability for a modification of an essential requirement, the College has an additional duty to consider if appropriate alternatives are available.⁹ Here, neither the curriculum materials nor the College's statements to OCR show any consideration of alternatives that could accommodate the Complainant without fundamentally altering the course as required. Because the College failed to establish that math formulas were an essential requirement that could not be modified for Units 1, 2, and 4 of the XXXX course, OCR found the College in violation of Section 504 and Title II with respect to its failure to provide the approved academic adjustment at issue. Accordingly, OCR resolved this allegation pursuant to Section 303(b) of OCR's *Case Processing Manual*.

Additional Concerns

As previously stated, the XXXX Department denied an academic adjustment for use of math formulas for Units 1, 2, and 4 of the XXXX course, which was included on the Complainant's [Faculty Notification] Form. Although the Disability Services Counselor specifically told OCR that requests for "accommodations are approved following the intake process between the disability counselor and the student" and that the subsequent Form is purposed to advise instructors of a student's approved accommodations, the College contended that accommodations included in the Form are not assured. Specifically, the College asserted, in part, that:

[F]aculty notification forms sent from the Office for Students with Disabilities to instructors is a determination of what may be reasonable accommodations based on information provided by a physician. The faculty notification form is not a guarantee those accommodations will be provided by the instructor and/or department and is instead regarded as open to negotiation in order to best determine an appropriate and reasonable accommodation to meet the student's needs.

OCR determined that the College's position regarding requests for academic adjustments and auxiliary aids and services violates Section 504 and Title II. OCR notes that the College's assertion of an open negotiation involving instructors and/or department heads to determine reasonable accommodations is inconsistent with Section 504 and Title II, as well as its own written procedures, stating that the determination of reasonable accommodations is made in consultation with SSD staff.¹⁰ Because the SSD staff is responsible for engaging in an interactive process with a student to determine appropriate approved academic adjustments and auxiliary aids and services, an instructor and/or department head may not unilaterally deny or

⁹ The College contended that after the Complainant was informed of the XXXX Department's denial of the academic adjustment at issue, she failed to avail herself of the right to appeal the decision. OCR notes that the College's position does not absolve the College of its obligation to consider the availability of appropriate alternatives when a request for academic adjustments involves program requirements.

¹⁰ OCR considered the Disability Services Counselor statements and the College's written Faculty Notification Process contained in the Students with Disabilities Handbook and determined that consistent with Section 504 and Title II, approved accommodations are determined by the SSD staff and thereafter delineated in a student's Form.

override granted accommodations subsequent to such determinations.¹¹ Consequently, OCR found that the College discriminated against the Student on the basis of her disability when the XXX Department unilaterally denied an approved academic adjustment for use of math formulas during the XXXX semester, in violation of Section 504 and Title II.

Conclusion

On XXXX, the College agreed to implement the enclosed Resolution Agreement (Agreement), which commits the College to take specific steps to address the identified areas of concern and noncompliance, pursuant to Section 302 and Section 303(b) of OCR's *Case Processing Manual*. Under Section 302 of OCR's *Case Processing Manual*, the Agreement, when fully implemented, will resolve the allegations identified in this complaint. The provisions of the Agreement are aligned with the allegations and issues raised by the Complainant, as well as the information obtained during OCR's investigation, and are consistent with applicable law and regulation. OCR will monitor the College's implementation of the Agreement until the College is in compliance with the statutes and regulations at issue in the complaint. Failure to implement the Agreement could result in OCR reopening the complaint. Under Section 303(b) of OCR's *Case Processing Manual*, a complaint will be considered resolved and the College deemed compliant if the College enters into an agreement that, fully performed, will remedy the identified area of noncompliance. OCR will monitor closely the College's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may conduct additional visits and may request additional information as necessary to determine whether the College has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issues raised. As stated in the Agreement entered into by the College on XXXX, if the College fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings, including to enforce the Agreement, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This concludes OCR's investigation of the complaint. 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 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. 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 must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

¹¹ Decisions with respect to the appropriateness of an academic adjustment and/or auxiliary aid or service should be made by someone with knowledge of the student's disability, who is properly trained in determining appropriate adjustments and modifications. OCR determined that decision rests with the SSD staff.

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.

We appreciate the College's cooperation in the resolution of this complaint. If you have any questions regarding this letter, please contact Erika Westry, the OCR attorney assigned to this complaint, at 202-453-7025 or Erika.Westry@ed.gov.

Sincerely,

Letisha Morgan
Team Leader, Team II
Office for Civil Rights
District of Columbia Office

Enclosure