

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921



Ms. Jane M. Parker
VP Education, Accreditation
and Regulatory Affairs/Florida Regional Director
CO/ Premier Education Group
One Monarch Place
Springfield, Massachusetts 01144

Re: Complaint No. 01-13-2187

Dear Ms. Parker:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint that was filed against the Salter School of Nursing and Allied Health (School) in Manchester, New Hampshire. The Complainant alleged that the School would not accept the documentation she provided to show that she has a disability and needed accommodations. The Complainant also alleged that once the School received the documentation of her disability, they used it as a basis for excluding her from her chosen field of study, and they denied her accommodations for her disability. OCR is closing this complaint because, prior to OCR completing its investigation, the School entered into a voluntary resolution agreement (Agreement) that resolves the complaint allegations. A copy of the Agreement is enclosed.

OCR enforces Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Section 104 (Section 504). Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance from the Department. The School receives Department funds, and is, therefore, subject to the requirements of Section 504.

Based on the allegation presented, OCR accepted for investigation the following legal issue:

- Whether the School discriminated against the Complainant on the basis of disability by excluding her from her chosen field of study, and by failing to provide her with appropriate accommodations to afford her an equal opportunity to participate in and benefit from the educational process at the School, in violation of 34 C.F.R. Sections 104.43 and 104.44.

After OCR's initial contact to the School and prior to OCR completing its investigation of the allegations presented in this complaint, the School offered to resolve this complaint voluntarily, as is permitted in Section 302 of OCR's Complaint Processing Manual. After negotiating with OCR, the School agreed to take a number of steps to resolve the allegations. These steps are set out in the Agreement, signed by you on November 27, 2013, and include commitments by the School to readmit the Complainant into the Patient Care Technician Program (PCT Program) and assist her regarding the steps she needs to take to re-enroll in the PCT Program; assist her in the steps she needs to take to complete enrollment in the Surgical Technician Program (Surg. Tech. Program), which has an internship requirement, and meet with her and engage in an interactive process in an effort to reach an agreement on specific academic adjustments and/or auxiliary aids that the Complainant may need to accommodate her disability.

OCR finds that the resolution offered by the School is aligned with the Complainant's allegations and with information obtained by OCR. In addition, the resolution offered is consistent with Section 504. Accordingly, we are closing this investigation as of the date of this letter. Consistent with our usual practice, OCR will monitor the School's implementation of the Agreement. OCR will close the monitoring of this matter, and will notify the parties in writing of the monitoring closure, once it determines that the School has satisfied the terms of the Agreement. The School has agreed to provide OCR with an initial monitoring report by December 31, 2013.

The matters addressed in this letter are not intended and should not be construed to cover any other issues regarding the School's compliance with the regulations implementing Section 504, Title II, or the other laws enforced by OCR, which may exist but are not discussed here. This letter is a resolution letter issued by OCR to address an individual OCR case. Resolution letters contain fact-specific investigative findings and dispositions of individual cases. Resolution letters are not formal statements of OCR policy and they 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 note that the Complainant may have the right to file a private lawsuit regarding the matters raised in this case, whether or not OCR identified compliance concerns. Also, 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, OCR will seek to protect all personal information to the extent provided by law that, if released, could constitute an unwarranted invasion of privacy.

OCR would like to thank you and your staff for the assistance given in resolving this issue, most notably Julie Marques and Narissa Kulling. If you have any questions or concerns about the information contained in this letter, please feel free to contact Eric Olick, Senior Civil Rights Attorney at (617) 289-0021, or via email at Eric.Olick@ed.gov. You may also contact me directly at (617) 289-0040.

Sincerely,

/s/ Nicole M. Merhill
Acting Compliance Team Leader/Civil
Rights Attorney

Enclosure

cc: Ms. Julie Marques
Campus Director