



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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January 28, 2015

IN RESPONSE, PLEASE REFER TO: 03142406

Sandra Kurtinitis, Ph.D
President
Community College of Baltimore County
800 S. Rolling Road
Catonsville, MD 21228

Dear Dr. Kurtinitis:

This is to notify you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR), against the Community College of Baltimore County (the College). XXXXXX (the Complainant) alleged that the College discriminated against XXXXXX on the basis of disability by failing to provide XXXXXX with necessary XXXXXX.

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

Legal Standards

The Section 504 regulation at 34 C.F.R. §104.44(a) requires recipients to make such modifications to their 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 disabled student. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted. Recipients are not required to make modifications that are essential to the instruction being pursued or would fundamentally alter the nature of the service, program or activity.

Title II at 28 C.F.R. § 35.130(b)(7), requires that a public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity

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

In determining whether a student was denied necessary academic adjustments or other modifications, OCR considers the institution's procedures for requesting and documenting a student's need for academic adjustments, whether the student provided notice of the disabling condition and requested necessary academic adjustments, and whether the necessary academic adjustments were provided.

Conclusion

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a resolution agreement. The provisions of the resolution agreement must be aligned with the complaint allegations or the information obtained during the investigation, and be consistent with applicable regulations. Such a request does not constitute an admission of a violation on the part of the College, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the College requested to resolve this complaint through a resolution agreement, which was executed by the College on January 26, 2015. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the College's implementation of the Agreement.

Accordingly, OCR is concluding its investigation of this allegation as of the date of this letter. This letter is not intended, nor should it be construed, to cover any other issues regarding the College's compliance with Section 504, and Title II, and their implementing regulations that may exist and are not discussed herein. The Complainant may have the right to file a private lawsuit 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, you 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.

Thank you for your cooperation in this matter. If you have any questions, please contact Ms. Regina Sheehan at 215-656-8563 or Regina.Sheehan@ed.gov.

Sincerely,

/s/
Rhasheda S. Douglas
Team Leader
Philadelphia Office