

August 20, 2014

Dr. John Holdnak
President
Gulf Coast State College
5230 West Hwy 98
Panama City, FL 32401

Re: Complaint # 04-14-2373

Dear Dr. Holdnak:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed against Gulf Coast State College (College) on April 24, 2014 alleging that the College discriminated against the Complainant on the basis of disability (XXXXXXXXXX XXXXXXXX XXXXXXXXXX) when it failed to follow the guidelines in its Student Handbook regarding timelines for investigating complaints. Specifically, the Complainant alleged that after a professor failed to provide XXX with his accommodation of additional time during an online exam, the College failed to respond to a formal complaint XXX subsequently filed on XXXXXXXXXX XX XXXX.

OCR opened this complaint pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and, Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. The College receives Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdiction over this complaint.

Based on the complaint allegations, OCR investigated the legal issue of whether the College failed to investigate promptly and respond appropriately to the Complainant's disability discrimination grievance, in violation of 34 C.F.R. § 104.7(b), as well as Title II and its implementing regulation at 28 C.F.R. § 35.107.

During OCR's investigation of this complaint, the College offered to resolve this complaint. Pursuant to Section 302 of OCR's *Case Processing Manual (CPM)*, a complaint may be resolved when, before the conclusion of an investigation, the recipient or public entity expresses an interest in resolving the complaint. Based on the foregoing, OCR accepted the College's request to resolve this complaint, and the College entered into the enclosed Resolution Agreement (Agreement), which when fully implemented, will resolve the issues in this complaint. The College is advised that the Complainant may file a private lawsuit regardless of whether OCR finds a violation of Section 504 and Title II.

OCR will monitor the College's implementation of this Agreement to ensure that it is fully implemented. If the College fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II.

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.

Intimidation or retaliation against complainants by recipients or public entities is prohibited. No recipient or public entity may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in an investigation in connection with a complaint.

This concludes OCR's consideration of the complaint, which we are closing effective the date of this letter. If you have any questions regarding this matter, please contact Mr. Daniel Sorbera, Investigator, at 404-974-9466, or me, at (404) 974-9376.

Sincerely,

Arthur Manigault, Esq.
Compliance Team Leader

Enclosure