



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

December 22, 2015

Sent via email to XXXXX.XXXXX@XXXXX.XXXXX

XXXXX X. XXXXX
XXXXX XXXXX XXXXX
XXX XXXXX XXXXX XXXXX, XXXXX XXXX
XXXXX, XXXXX XXXXX-XXXX

Re: Docket # 07152008

Dear MX. XXXXX:

On October 24, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint against your client, the Ozarks Technical Community College (College), Springfield, Missouri, alleging discrimination on the bases of disability and retaliation. We have determined that we have the authority to investigate this complaint consistent with our complaint procedures and applicable law.

The Complainant specifically alleged the College discriminated against him because of his disabilities by:

1. X---paragraph redacted---X, and
2. X---paragraph redacted---X.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA). The Section 504 regulation at 34 C.F.R. § 104.61, incorporates by reference the regulatory provision of Title VI of the Civil Rights Act of 1964 at 34 C.F.R. § 100.7(e), which prohibits retaliation, including intimidation, threats, coercion, or discrimination, for engaging in an activity that is protected under the laws OCR enforces. Protected activities include opposing discrimination or any act or practice made unlawful by these laws, or making a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under these laws.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. The Title II regulation at 28 C.F.R. 35.135 also prohibits retaliation for engaging in an activity that is protected under Title II.

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As a recipient of FFA from the Department and a public entity, the College is subject to Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

On February 20, 2015, OCR sent notification letters to the parties, including a data request to the College. On March 20, 2015, the College provided OCR with a response to OCR's data requests. OCR subsequently conducted interviews with the Complainant and some of the College staff. During the course of OCR's investigation, OCR discovered deficiencies in the College's notice of nondiscrimination and anti-discrimination policies and grievance procedure that raises compliance concerns. The College expressed to OCR an interest in engaging in resolution negotiations pursuant to section 302 of OCR's *Case Processing Manual*.¹

Prior to the completion of OCR's investigation, the College submitted a signed Agreement (copy enclosed) dated December 18, 2015, that, when fully implemented, will address the allegations of this complaint. Please consult the Agreement for further details.

OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the College's implementation of the Agreement. When OCR concludes the College has fully implemented the terms of the Agreement, OCR will close the complaint. If the College fails to carry out the Agreement, OCR may resume the investigation.

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.

If you have any questions about this letter, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Earlene Gordon

J. Earlene Gordon
Supervisory Attorney

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.