



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

April 5, 2015

Sent via email to [XXXXX](#)

XXXXX XX XXXXXXXXX  
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XXXXXXXXXX  
XXXXXX XXXX XXXXXXXXX

Re: Docket # 07152278

Dear Mr. XXXXX:

On September 11, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against your client, the Metropolitan Community College – Blue River (College), Independence, Missouri, alleging discrimination on the basis of disability. This letter is to confirm the College has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

The Complainant alleged the College discriminated against her son by:

1. Involuntarily withdrawing him from his English 80 course because of behaviors that are directly related to his disability.
2. Failing to investigate her complaint to the XXXX of XXXXXXXX XXXXXXXXXXXXX that her son was involuntarily withdrawn because of his disability, and advising her and her son not to have contact with the students and instructor in the XXXXXXXX XX course.

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, 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”) from the Department.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 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.

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>.

ONE PETTICOAT LANE, 1010 WALNUT STREET, SUITE 320, KANSAS CITY, MO 64106  
[www.ed.gov](http://www.ed.gov)

On January 27, 2016, OCR sent notification letters to the parties, including a data request to the College. On February 16, 2016, the College provided OCR with a response to OCR's data requests, and on February 25, 2016, the College provided OCR supplemental information. OCR conducted interviews with the complainant, her son, 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 raise compliance concerns. The College subsequently expressed to OCR an interest in engaging in resolution negotiations pursuant to section 302 of OCR's *Case Processing Manual*.<sup>1</sup>

Prior to the completion of OCR's investigation, the College submitted a signed Agreement (copy enclosed) dated April 4, 2016, 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.

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, the complainant 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.

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

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If you have any questions about this letter, please contact XXXXXX XXXXX, Equal Opportunity Specialist, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at [XXXXXX.XXXXX@ed.gov](mailto:XXXXXX.XXXXX@ed.gov).

Sincerely,

/s/ J. Earlene Gordon

J. Earlene Gordon  
Supervisory Attorney

Enclosure