UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

August 13, 2015

Laurence B. Frank
President
Los Angeles Trade-Technical College
400 West Washington Blvd.
Los Angeles, CA 90015

(In reply, please refer to case no. 09-11-2113.)

Dear President Frank:

This letter is to notify you of the closure of the investigation of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), against Los Angeles Trade-Technical College, a part of the Los Angeles Community College District on March 11, 2011. The complaint alleged that the College discriminated against Complainant[1] on the basis of disability. On August 17, 2011, OCR notified you that we were also investigating whether the College discriminated against the Complainant based on national origin. OCR investigated whether an instructor for a nursing course at the College assigned the Complainant a failing grade because he is immune-suppressed and speaks English with a Filipino accent.

OCR investigated the complaint under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794, and its implementing regulation, 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100. Section 504 prohibits discrimination on the basis of disability by recipients of federal financial assistance. Title II prohibits discrimination on the basis of disability by public entities.[2] Title VI prohibits discrimination on the basis of race, color or national origin. As a recipient of federal financial

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[1] OCR notified the College of the identity of the Complainant when the investigation began. We are withholding the Complainant's name from this letter to protect the Complainant's privacy.

[2] When OCR has both Section 504 and Title II jurisdiction over an institution, as is the case here, OCR processes the complaint according to its procedures for enforcing Section 504. See 28 C.F.R. § 35.171(a)(3)(i).

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assistance and as a public entity, the College is subject to Section 504, Title II, Title VI and their implementing regulations.

OCR concluded that the College discriminated against the Complainant on the basis of disability and national origin as alleged. The preponderance of evidence showed that the instructor based decisions about the Complainant, including a negative evaluation of his performance in the course, on his disability and national origin, which resulted in the Complainant being dropped from the College's nursing program.

OCR explained its findings to the College's representative by telephone on March 19, 2012, and sent the College written findings by letter dated December 19, 2012. The December 19 letter sets forth the applicable legal standards, the facts gathered during OCR's investigation, and the basis for OCR's legal conclusions. On August 6, 2015, the Deputy Chancellor for the District signed the attached Resolution Agreement which, when fully implemented, will be sufficient to resolve the areas of noncompliance.

Under the Resolution Agreement, the College and the District agreed to amend the Complainant's transcript, reimburse the Complainant for all tuition, fees and expenses related to his enrollment in the College's nursing program and provide training for all College registered nursing program administrators and instructors explaining the College's responsibility under Federal civil rights laws to ensure that students are not subjected to discrimination, and that these laws prohibit discrimination against individuals on the basis of national origin/accent and discrimination against individuals with disabilities.

Based on the commitments made in the Resolution Agreement, OCR finds the College in compliance with Section 504, Title II, Title VI and the regulations with respect to the issues investigated in this case. This concludes OCR's investigation of the complaint. OCR is closing the investigation as of the date of this letter. OCR will monitor implementation of the Resolution Agreement by the College and the District to completion. OCR is informing the Complainant of the complaint resolution through a copy of this letter. The Complainant may have a right to file a private lawsuit in federal court whether or not OCR finds a violation.

This letter sets forth OCR's determination in an individual case and should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. It 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.

Please be advised that the College and the District 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 individual may file a complaint with OCR 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.

If you have any questions, please contact Gloria Guinto, Civil Rights Attorney, at (415) 486-5519.

Sincerely,

/s/

Zachary Pelchat
Team Leader

cc: Kevin Jeter, Esq.
        Complainant

Enclosure