



REGION IX  
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San Francisco, California 94102

UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

May 30, 1997

**CONFIDENTIAL**

Dr. William H. Feddersen  
Superintendent/President  
Mt. San Antonio College  
1100 North Grand  
Walnut, California 91789

(In reply, please refer to Docket Number 09-96-21511.)

Dear Dr. Feddersen:

On May 28, 1996, the U.S. Department of Education (hereinafter Department), San Francisco Office for Civil Rights (OCR), received a complaint from a student (hereinafter complainant) enrolled at Mt. San Antonio College (hereinafter College). The complaint alleged discrimination on the basis of disability (learning disability/dyscalculia). Specifically, the complainant alleged that the College denied her an appropriate academic adjustment in the form of a course substitution for a mathematics course (Mathematics 50, a pre- algebra course) during the 1995-96 academic year.

OCR has the responsibility and the authority to investigate complaints of discrimination on the basis of disability in programs receiving financial assistance from the Department under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, 34 C.F.R. Part 104. Similarly, OCR is designated under Title II of the Americans with Disabilities Act of 1990 to investigate claims of discrimination on the basis of disability filed against entities operating public postsecondary institutions. Under the Title II provisions of 28 C.F.R. § 35.103, a recipient may not apply a lesser standard than that of Section 504, unless specifically stated. The College is a recipient of Federal funds through the Department and operates a public postsecondary educational institution. Therefore, OCR has jurisdiction over the College pursuant to Section 504 and Title II.

OCR reviewed data provided by the College and the complainant. OCR interviewed a number of College personnel and the complainant. OCR also consulted with persons knowledgeable on the subject of learning disabilities including individuals employed on other campuses of the California Community Colleges system. In turn, these experts brought to OCR's attention scholarly journals and articles on the topic of learning disabilities and mathematics.

Based on the information gathered by OCR in the course of this investigation, OCR has determined that the College failed to fully consider the complainant's request for a course substitution as an academic adjustment in a manner consistent with the requirements of Section 504 and Title II. The following is a summary of the legal standards and factual

basis to support this conclusion as well as the actions agreed to by the College to address the concerns raised in this case.

### Legal Standard

Under the Section 504 regulation at 34 C.F.R. § 104.30) (j)(1) and (k)(3), and the Title II regulation at 28 C.F.A. § 35.104, an individual with a disability is any person who has a physical or mental impairment which substantially limits one or more major life activities, such as learning. A "qualified" Individual with respect to postsecondary and vocational educational services, is a disabled person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity.

Under 34 C.F.R. § 104.4(a) and b{1)(ii), no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

Under 34 C.F.R. § 104.44(a), a recipient must make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability. Modifications may include substitution of specific courses required for the completion of degree requirements and adaption of the manner in which specific courses are conducted. Under 34 C.F.R.

§ 104.44(d), a recipient shall take such steps as are necessary to ensure that no student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination in an education program because of the absence of auxiliary aids. However, recipients are not required to modify academic requirements which the recipient, "can demonstrate are essential to the program of Instruction being pursued by such student."

The regulations for Title II, at 28 C.F.R. § 35.130(b)(1)(ii) and (iii), state that a public entity may not afford a qualified individual with a disability opportunities that are not equal to those afforded others, and may not provide aids, benefits, or services that are not effective in affording equal opportunity. Under 28 C.F.R. § 35.130(b)(7), a public entity must make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless doing so would fundamentally alter the nature of the service, program, or activity.

### Factual Summary

The complainant began her current educational program at the College during the Spring 1993 semester. The complainant is pursuing a business major in paralegal studies and through Spring 1996 (the most recent semester completed at the time of OCR's request for information from the College), maintained a grade point average of 3.7 in her program courses.

According to the College, in order to obtain her Associate of Science degree, the complainant was required to pass Mathematics 50, a pre-algebra course (hereinafter Math 50).

In October 1994, the complainant was assessed for potential learning disabilities by a College counseling psychologist. Based on the assessment data, the assessing psychologist concluded that the complainant had severe dyscalculia, a mathematics processing disorder, and auditory and memory processing deficits. The psychologist discussed the results of the assessment with the complainant in December 1994. The psychologist recommended several steps which the complainant should take to address her learning disabilities. These steps were: (a) extended time for testing; (b) use of tutorial services; (c) work in the Adaptive Learning Laboratory to address mathematics and memory deficits; (d) enroll in classes for the enhancement of memory and organizational processing skills; and (e) receive personal and career counseling in light of her learning disabilities.

During the Spring 1995 semester, the complainant enrolled in Math 50 but withdrew from the course after 11 weeks (of the 18-week semester) because she was failing the course. She received a grade of 'W' (Withdrawal) for the course.

During the Spring 1996 semester, the complainant requested a course substitution for Math 50 on the basis of her diagnosis of dyscalculia. She based this request on her assertion that the psychologist had previously indicated to her that a course substitution was appropriate for her considering the severity of her disability. The complainant stated that the psychologist told her that the College does not grant course substitutions or waivers as a matter of practice. The psychologist confirmed to OCR that it was his opinion that the complainant should have been granted a course substitution as an academic adjustment.

In May 1996, the College denied the complainant's request for a course substitution on the basis that: (a) Math 50 is a requirement for the Associate of Science degree; (b) the complainant had not re-enrolled in Math 50 with the recommended adjustments discussed above; (c) a course substitution policy for the College had not been finalized; and (d) pending such a policy, the complainant should retake the mathematics course in question with all recommended accommodations.

The complainant argued in her complaint to OCR that she had availed herself of all the academic adjustments and additional training recommended by the College. However, she stated that these adjustments were not sufficient to allow her to participate effectively in the mathematics course.

### Factual Summary Continued

According to information provided by the complainant and the College, beginning in 1993, the complainant enrolled in a number of academic skill-building and tutorial courses including a mathematics skills review course. During each summer and semester in which the complainant was enrolled as a student in the College, the complainant was enrolled in, and completed, courses to address her writing, memory, and learning strategies for mathematics, similar to, or the same as, those recommended by the College. The College

maintained that the complainant failed to utilize these services in conjunction with her enrollment in Math 50; that the courses did not sufficiently address the content of Math 50; and that she did not enroll in such courses in an appropriate sequence or the timely manner necessary to maximize her ability to pass Math 50.

In the course of its investigation, OCR learned that the complainant had utilized all the adjustments and training provided by the College and had made diligent efforts to complete the mathematics requirements. OCR also found that the College has never provided a course substitution in mathematics for any disabled student as an academic adjustment. For the period covering academic years 1994-95 and 1995-96, ten such requests were made, including that of the complainant, and none was considered or granted.

The College informed OCR that a draft policy governing course substitutions and waivers was developed in December 1994. The policy has yet to be approved, but according to the College, the proposed policy is, in fact, the course substitution policy currently used by the College. Upon review of the policy, OCR learned that a course substitution or waiver will only be considered for a disabled student if the student has taken the course at least twice and not succeeded in the course despite availing him/herself of all appropriate resources to facilitate the learning process. The College defended this policy on the basis that it could not make prescriptive judgments without the disabled student making a serious attempt at passing the course. A College representative also told OCR that even if a waiver or substitution were determined to be appropriate after the student failed the course twice, the failing grades would remain on the student's transcript. OCR then asked whether these grades would continue to remain on the transcript even if it were determined that they were a direct result of the individual's disabling condition and the College's failure to consider a course substitution. The College representative responded that the grades would remain because they were the grades that had been earned in the classroom.

On December 13, 1996, a meeting was convened by the College Affirmative Action Officer in response to the complainant's repeated request for a course substitution. In attendance at the meeting were the complainant, the Affirmative Action Officer, and staff from the Disabled Student Services (DSS) office. It was determined at the meeting that the complainant would repeat Math 50; attend the Adaptive Learning Laboratory designed to assist disabled students; work with a tutor in the laboratory; and be given extended time for testing. There was no consideration of a course substitution.

Consequently, on January 13, 1997, prior to the beginning of the Spring semester, OCR formally requested that the College convene a meeting of College staff to assess the Individual needs of the complainant in order to determine whether a course substitution was appropriate or whether, considering the complainant's Individual needs, she should repeat Math 50 with appropriate academic adjustments and services. OCR requested that the College include in the meeting DSS staff, the complainant's proposed Math 50 Instructor for the Spring semester, and an expert in the area of dyscalculia. The College agreed to convene the meeting. In addition to those individuals identified by OCR, the College included in the meeting several members of the Mathematics Department and

identified one such member as someone knowledgeable about dyscalculia who could serve as the expert.

The meeting was convened on January 22, 1997, with the complainant in attendance. Based on reports by the complainant and College staff in attendance at the meeting, some members of the Mathematics Department indicated that the department would not grant course substitutions as a matter of policy and that there was no course that could substitute for Math 50. This decision was made without any individual consideration of the complainant's needs despite a discussion of her disabling condition. OCR also learned that during this meeting, College staff noted adversely the fact that the complainant had filed an OCR complaint.

In the meeting, it was determined that the complainant would repeat Math 50 for the Spring 1997 semester; be granted an alternative testing location as well as extended time for testing; and participate in specialized tutoring. The complainant also requested that the College hire an outside expert in dyscalculia to monitor her progress throughout the semester. The College agreed to this request.

Although the complainant agreed to repeat Math 50 with the provisions noted, she informed OCR that she did so with the understanding that there was no alternative, such as a course substitution, which the College would consider beyond those permitted in the January 22 meeting.

### Analysis

Three common but difficult issues facing colleges are: (a) how to accommodate learning disabled students who have difficulty with mathematics<sup>1</sup>; (b) what is the college's responsibility to resolve questions concerning the lawful academic adjustment for a student with a disability; and (c) what is an appropriate process for considering course substitutions.

### Mathematics and Learning Disabilities

Disabled student services coordinators report to OCR that it is not unusual for students with significant learning disabilities to spend many years attempting to fulfill community college mathematics requirements<sup>2</sup>. Others who have experienced multiple failures

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<sup>1</sup> In recognition of the complexity of the Issue of learning disabled students and mathematics, OCR and the California Community Colleges Chancellor's Office have decided to work together to try to provide mutual guidance on this topic.

<sup>2</sup> The fact that some students with learning disabilities cannot pass mathematics courses, as currently structured, is well documented. Empirical studies brought to OCR's attention indicate that, despite years of specialized instruction, many students with specific learning disabilities experience greater difficulty with both computation and mathematics word problems than their same-aged peers (Goldman, S.R.; Hasselbrtng, T.S.; & the Cognition and Technology Group at Vanderbilt. (1997). Achieving mathematics literacy for students with learning disabilities. *Journal of Learning Disabilities*. (2), 198-208).

simply withdraw or relinquish their aspirations for a college degree. Mathematics requirements can serve as the gatekeeper to matriculation to four year universities, even when the university degree program to which the learning disabled student aspires permits course substitution for the level of mathematics course which the student cannot pass.

Some members of the California Community Colleges system have advised OCR that recently a number of promising models have emerged for teaching mathematics to students with learning disabilities. For example, some institutions are reported to have success with extending mathematics courses over several semesters. However, these and other alternative instructional models are not yet widespread. Consequently, learning disabled students may find themselves without recourse to even supplemental tutoring services tailored to their disability.

In general, analysis of questions pertaining to learning disabled students and accommodation in mathematics courses begins with an assessment of the student seeking the accommodation. Assessment of learning disabilities in this context is complex in at least three ways: not all persons with this diagnostic label have the same type of impairment; the degree of impairment will vary; and the available diagnostic tools are not always sufficiently sensitive to predict definitively how the impairment will manifest itself in a particular skill area, such as mathematics. Mathematics touches on a wide range of cognitive skills such as attention, memory, sequencing, spatial ability, verbal ability, and reasoning. Any given learning disabled student may be strong in some areas while weak in others. Finally, the size of the population of learning disabled students who cannot pass basic college level mathematics courses, regardless of the instructional methodology, is not known. This may be, in part, because of the limited exploration and use of new models for teaching mathematics to students with learning disabilities. In short, there is a substantial group of students for whom interpretation of psychometric measures provides no clear prediction of success in a particular mathematics course. Thus these students fall into a so-called "gray area."

Once OCR is satisfied that the student seeking an academic adjustment has been adequately assessed, it asks which of three groups most appropriately describes the student:

- (1) Those learning disabled students whose assessments show their disability is an insurmountable barrier to their ability to succeed in mathematics.
- (2) Those learning disabled students whose assessments indicate they fall into a "gray area" where it cannot be predicted in advance whether, even with academic adjustments (reasonable accommodation), they will or will not be able to succeed in a particular mathematics class.
- (3) Those learning disabled students whose assessments demonstrate that, with academic adjustments (reasonable accommodation), their disability should not preclude success in a particular mathematics class.

## Mathematics and Learning Disabilities Continued

With regard to the first group, the regulations do not support requiring such a student to nonetheless take the course, unless the institution has demonstrated that the course is essential to the program being pursued by the student<sup>3</sup> or to a directly related licensing requirement (34 C.F.R. § 104.44). OCR notes that a number of institutions have adopted a "try it and see if you can pass it" approach to mathematics requirements, similar to that employed by the College in this case. This approach raises a number of concerns under Section 504 and Title II. Under most circumstances, it is discriminatory to require the student to consume his or her time and jeopardize his or her grade point average taking a particular mathematics course when the person qualified to administer and/or interpret the psychometric data has determined that the student, due to his or her disability, is highly unlikely to pass the course with any of the accommodations the institution can identify and/or deliver. In such cases, the recipient should explore with the student the possibility of a course substitution, unless the recipient can demonstrate that the course is essential to the program of study being pursued by the student, and that allowing a substitution would, therefore, involve a fundamental alteration of its academic program (28 C.F.R. I 35.130(b)(7)). If a course substitution is called for, but no appropriate course for substitution is available, a waiver should be considered as an option.

With regard to the second group, a college's course of action may include requiring the student to attempt the course, once, with well-tailored accommodations (Including the possibility of allowing flexibility in the pacing, nature of assignments, or testing strategies). Unfortunately, for some of these students in the gray area, mathematics will prove to be an insurmountable barrier, and they will receive a failing grade. This outcome could not be predicted due to current limitations in the assessment process.<sup>4</sup>

When a learning disabled student, whose assessment is unable to predict whether the disability precludes success in a particular mathematics course, takes the course but does not pass it, the issue that immediately arises is whether the failing grade should be maintained on the student's transcript. Subject to collaboration with the California Community Colleges Chancellor's Office, the technical assistance advice of OCR is that, the better practice would be to presume that a failing grade earned in mathematics by a student assessed as being in the gray area, and who was required to attempt mathematics rather than receive a course substitution, should be removed or withdrawn in some manner. Obviously, this presumption would not prevail in a number of circumstances including where an institution has evidence that the student did not avail him/herself of identified sources of academic support, utilize the agreed-upon accommodations, regularly attend class, complete assigned work, and so on.

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<sup>3</sup> Accordingly, OCR is currently in discussion with the California Community Colleges Chancellor's Office as to what guidance might be issued to ensure compliance with the regulations.

<sup>4</sup> In the case of this group of students, taking a mathematics course may be little more than the functional equivalent of a second-level assessment. OCR notes that for all other individuals, assessment results and grades are separate matters. For instance, one would not ask a student to take auditory music appreciation in order to determine whether she or he is hearing-impaired, and then record a failing grade on the transcript of the student who is in fact found to be deaf.

With respect to the third group, the analysis is no different from that of any other student with a disability taking a course, including recording of the grade on the transcript. However, a student failing the course raises the question of whether further assessment is appropriate prior to attempting the course again.

In the case at hand, OCR found as a matter of fact, that the student took the mathematics course while fully availing herself of the academic adjustments/accommodations identified by the College. Functionally speaking, her initial failure provided concrete evidence that her disability was a barrier to passing mathematics, at least as then offered by the College. Further, following the complainant's withdrawal from Math 50 In Spring 1995, prior to OCR's involvement, the College did not identify any new sources of expertise or accommodations likely to benefit the complainant academically. No appropriate educational rationale for the proposed additional attempts at Math 50 was present. Accordingly, such directives were not consistent with the requirements of Section 504 or Title II. Here, as in most cases, the College's policy of requiring more than one attempt at a course before considering course substitution was unlawful. Under the facts of this case, as a matter of remedy, any grades received on second or subsequent failures should not be recorded.

### [The College's Responsibility to Provide Academic Adjustments](#)

OCR has jurisdiction over institutions as a whole, not individuals. Institutions are held accountable for compliance. As recipients of Federal financial assistance, postsecondary institutions, through their administrations, are responsible for ensuring full compliance with the procedural and substantive requirements of Section 504 and Title II. Where there is an internal difference of opinion as to the nature of a disability or an academic adjustment/accommodation, the administration is responsible for ensuring that the dispute is resolved promptly and that the resolution determinations are made by individuals who are qualified to make them. To meet this obligation, postsecondary institutions, through officers superior to the disputing parties, should examine the institutions legal responsibilities to their disabled students. The ability of a disabled student services office to persuade an instructor or academic department to provide an adjustment/accommodation should not be the determining factor in whether the student is accorded an accommodation to which she or he is entitled. A clearly articulated written procedure for addressing such conflicts, including designation of an administrator with authority over the parties and responsibility to resolve accommodation disputes, is an effective method for ensuring institutional compliance with Section 504 and Title II.

Neither Section 504 nor Title II dictate what is the best way for administrators to take into account all the relevant views and perspectives in such disputes. However, where the administration concludes that the law mandates an outcome in favor of the student, it has a duty to promptly implement that outcome. In the academic life of a student, even a few days may be a substantial period of time. Similarly, the college also has a duty to communicate in a timely fashion a decision to deny accommodation so that the student may expeditiously act to safeguard his or her academic well-being (e.g., changing his or her course load). Such communication should include notice to the student of available



grievance procedures for resolving complaints alleging discrimination on the basis of disability (34 C.F.R. § 104.7).

The complainant in this case was diagnosed by the College's own psychologist as having a severe learning disability with regard to mathematics. As no one else in this matter was trained to conduct or interpret an assessment of individuals with learning disabilities, no basis existed for other parties at the College to dispute that conclusion. (An analogous Federal Court decision, for example, held that it was unlawful for bar examiners to substitute their Judgement for that of an applicant's doctor as to the nature of her disability [D'Amicov, New York State Board of Law Examiners, 813F. Supp. 217 (W.D. N.Y.1993)]).

Under the particular facts of this case, the College had before it the opinion of only one Individual qualified to determine the nature and the extent of the complainant's disability. This expert opinion was that of the complainant's psychologist, who reportedly concluded that she was too disabled to accomplish Math 50, even with academic adjustments. The subject which remained within the purview of the Mathematics Department's expertise was the topic of course substitution and essential program requirements. OCR notes that if the complainant's assessment had placed her in the gray area of learning disabled students whose success or failure cannot be predicted (the so-called second group referred to above), the Mathematics Department would have had a very vital additional role to play in helping to identify those course accommodations that may be appropriate and those that may not be appropriate in that they would fundamentally alter the nature of the course.

After the complainant withdrew from the course the first time because she was failing, there does not appear to have been any real consensus between the Mathematics Department and the DSS office about academic adjustments. The directives to the complainant to repeat Math 50 were not based on a valid educational justification. Rather, they appear to be a reflection of the College's own Inability to promptly and squarely address the needs of the complainant and the College's legal obligations under the law. The College, Including the DSS office, deferred to the de facto arbitrary policy of the Mathematics Department never to permit course substitutions in mathematics. As such these directives to the complainant were unlawful.

### Course Substitution and Waiver

Absolute rules against any particular form of academic adjustment or accommodation are disfavored by the law. OCR has confirmed that, consistent with this legal tenet, nothing in the administrative rules of the California Community Colleges system requires that all students, irrespective of their type or degree of disability, attain a specific standard of competency in mathematics prior to receipt of an Associate of Arts or Associate of Science degree. Implementation of course substitutions is fully permissible under the administrative rules of the California Community Colleges system.

Whether there are ever circumstances in which substitution may be eliminated, absolutely, as an academic adjustment, is a question that may be effected by litigation elsewhere in the country. Until that matter is decided, or until OCR, either on its own or in partnership with the State, issues additional guidance, for the purposes of this letter, OCR assumes

that the College has discretion to decide that all students must pass Math 50 in order to obtain an Associate of Arts or Associate of Science degree from the College. However, with regard to students with disabilities such a decision cannot be reached without a serious procedural and substantive undertaking by the College. This process should include discussion of the fundamental nature of its degree requirements, as well as a thorough self-examination of what the College currently does and will do to make its mathematics courses accessible to all students. In any event, the facts in this case demonstrate that the College has not undertaken the requisite process to determine that course substitutions/waiver will not be granted for Math 50, in general, or in the complainant's case in particular. Rather, OCR found that certain members of the College committee assembled in January 1997 appeared to have predetermined that no course substitution (or waiver) should ever be considered for the complainant. It appears that the College, without additional substantive review, deferred to the wishes of these committee members. During this process, there was no discussion of why Math 50 was an essential requirement of the complainant's course of study (34 C.F.R. § 104.44(a)), nor was there discussion by the College staff of whether the granting of a course substitution would constitute a fundamental alteration of the program being offered.

The Section 504 and Title II regulations do not set forth a specific process for reaching a decision as to whether or not to grant a given student a course substitution/waiver. However, technical assistance, based on pertinent Federal court decisions and analogous Title II regulation (28 C.F.R. §§ 35.130(b)(7)), can be given:

- (1) A college or university would do well to invest sufficient resources to address the issue in a formal and "professional" manner. Where specific areas of expertise are entailed, persons who are qualified to provide such expert information ought to be consulted.
- (2) A college or university cannot base its decision or policies relying merely on past practices. The conclusion that no accommodation or adjustment exists to meet the needs of a particular student or class of students is disfavored and should not be reached without first affirmatively looking for alternatives and evaluating them. Prior to reaching such a decision, the college or university must also have reached a conclusion that the specific course in question is essential to the program of instruction being pursued by the student or directly related to some licensing requirement.
- (3) No accommodation/adjustment should be automatically rejected, unless other effective more feasible ones exist, or the only identified accommodations have been determined to lower academic standards or otherwise fundamentally alter the nature of the program in question (See, 34 C.F.R. § 104.44(a) and 28 C.F.R. § 35.130(b)(7)). Moreover, when the requested accommodation pertains to communication, public entities are required to give primary consideration to the preference of the student with the disability (28 C.F.R. § 35.160(c)).

- (4) The better practice is that the final decision should be made by a person or committee with authority over all parties who may have differing interests in the decision. This individual/committee should also have full responsibility for ensuring complete implementation of this decision. This decision and its reason should be documented. (By analogy, see also, 28 C.F.R. § 35.150(a)(3)}

### Voluntary Resolution

Perhaps reflecting the complexity of the issues, this case has entailed a lengthy period of voluntary compliance communications. During these communications, OCR has informed the College of the above concerns. As a result, the College agreed to take certain steps to resolve the issues in this case. These steps, which the College is implementing, are outlined in the enclosed Voluntary Resolution Plan signed by the College on February 19, 1997.

Implementation of this agreement is being monitored by OCR. In summary, although the complainant conditionally agreed to retaking Math 50, the College agreed to hire an outside consultant with professional expertise in the area of dyscalculia to monitor the complainant's progress in the course throughout the semester. If it is determined by the consultant that a course substitution is appropriate, one will be granted the next semester and the complainant will be issued a course grade of "W" for Math 50. The College will revise its academic adjustments policies, including those which govern course substitutions and waivers, and include due process procedures designed to address the concerns of qualified disabled students who wish to contest the denial of a requested academic adjustment. Finally, the College agreed not to retaliate against the complainant or other qualified disabled students who advocate for their civil rights and to respect the privacy rights of such students. The time frames for implementation of these provisions are outlined in the enclosed agreement.

OCR has taken the opportunity presented by this case to address issues brought to its attention by directors of community college disabled student service offices, community college administrators, and students. The problems uncovered at the College are not unique to that institution. OCR appreciates the efforts of the College to work with OCR to address these complex issues. Similarly, OCR appreciates the interest expressed by the California Community Colleges Chancellor's Office to work with OCR to develop more standardized guidance in this subject area. OCR hastens to add that, at this time, the guidance is OCR's alone.

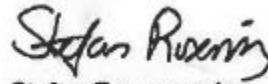
Under the Freedom of Information Act, it may be necessary to release this document and related records on request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personal information which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

This letter is not intended, nor should it be construed, to cover compliance by the College with Section 504 or Title II and the implementing regulations as to any issue not specifically discussed herein.

Page 12 - Dr. William H. Feddersen

Thank you for your cooperation. If you have any questions, please contact Charles R. Love, Program Manager, at (415) 437-7701, or me, at (415) 437-7000.

Sincerely,



**Stefan Rosenzweig**  
Director  
San Francisco Enforcement Office  
Western Division

Enclosure

cc: Audrey Yamagata-Noji  
Dean of Student Services

Grace Hanson  
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Ralph Black  
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California Community Colleges Chancellor's Office