



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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October 29, 2018

Mr. Joe Schaffer
President
Laramie County Community College
1400 E. College Drive, Room 138
Cheyenne, Wyoming 82007

Re: Laramie County Community College
OCR Case Number: 08-16-2239

Via email only to: jschaffer@lccc.wy.edu

Dear President Schaffer:

On May 23, 2016, we received a complaint alleging Laramie County Community College discriminated against the complainant on the basis of his disabilities (Traumatic Brain Injury and Hearing Impairment). Prior to the conclusion of our investigation, the College entered into a Resolution Agreement (Agreement) dated June 19, 2017. The College has submitted information documenting its efforts to comply with the Agreement and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and Title IX of the Education Amendments of 1972 (Title IX).

The Agreement requires the College to submit documentation to OCR to demonstrate its compliance with the Agreement's requirements. We received the College's current monitoring report on September 6, 2018. The College previously met Agreement Terms 1-4, 6, 8-10, 11-13 and 15, which required no further monitoring and are summarized below. This letter addresses the status of the College's compliance with respect to Agreement Terms 5, 7, and 14. Please note below the Agreement terms are highlighted in *italics* followed by OCR's comments. The College, with this submission, has met the remaining requirements of its Agreement. Effective the date of this letter, case number 08-16-2239 is closed.

Procedural Requirements:

1. *By September 15, 2017, the College will provide written or electronic notice to its students that the College does not tolerate discrimination on the basis of disability. This notice will identify the College's Section 504/Title II Coordinator, including contact information that is consistent with the information currently included in its Nondiscrimination Statement. 34 C.F.R. §§ 104.7, 104.8, and 28 C.F.R. §§ 35.106 and 35.107.*

The College previously provided us documentation of electronic delivery of the required non-discrimination notice to all students on September 12, 2017.

Academic Adjustments (Accommodations):

2. *The College will review and revise procedures for requesting academic adjustments (including auxiliary aids and services) to ensure that qualified students with disabilities receive necessary, timely and effective academic adjustments in compliance with Section 504 at 34 C.F.R. § 104.44. Specifically, the College's procedures will provide for:*
 - a. *An interactive process between a trained College official(s), such as a Disability Support Services Officer or the Section 504 Coordinator, and the requesting student with a disability;*
 - b. *A process to identify effective alternatives if a requested academic adjustment is denied, and a process to ensure the academic adjustments provided are effective and useable by the student;*
 - c. *Notice to the student's instructors of the required academic adjustments, and confirmation of receipt of the notice by the receiving instructors.*

3. *The revised procedures will specifically include: language indicating that the College provides all required academic adjustments a student with a disability is legally entitled to receive pursuant to the requirements of Section 504 and Title II; that a student may file a disability discrimination complaint if they believe the College is discriminating based on disability; and the contact information for the College's Section 504/Title II Coordinator.*

4. *The College will ensure that its revised procedures do not, through language or implementation, create a chilling effect for students or prospective students with disabilities. Specifically, the College will ensure the procedures:*
 - a. *Work with the student to determine appropriate methods of communication so as not to impose an undue burden on the requesting student (e.g., require that the student hand deliver notice to instructors of his or her approved academic adjustments, require ongoing requests or notice to the instructor requesting or seeking implementation of previously approved testing academic adjustments).*
 - b. *Do not include language indicating that a student should disclose his or her disability in advance of enrollment, or that the student is requested or required to meet with the College's disability services office prior to admission.*
 - c. *Do not imply or state that the student should find or seek a college that is more willing to provide requested or required academic adjustments.*
 - d. *Clearly indicate that all approved academic adjustments will be provided with fidelity, and will not unilaterally be altered by an instructor based upon what that instructor perceives as appropriate or adequate modifications for their course.*
 - e. *Require that the College will maintain in good repair or timely replace defective equipment used to deliver auxiliary aids and services. The College may recoup the cost of repair or replacement of equipment only when damage is the direct result of abuse or deliberate misuse by a student.*

As required, the College provided its proposed revised Disability Support Services Student Handbook (Handbook) for OCR's review. The College included OCR's required revisions, clarifications, and modifications in the final version of the Handbook, which we subsequently

approved for use. The approved Handbook includes language that specifically indicates the College's Disability Support Services (DSS) staff will work interactively with students with disabilities to determine appropriate methods of communication so as not to impose an undue burden on the requesting student. The Handbook includes the opportunity for the student to proactively address the effectiveness of agreed upon academic adjustments. The Handbook no longer includes language indicating or implying that a student should disclose his or her disability in advance of enrollment; that the student is requested or required to meet with the College's disability services office prior to admission; or that a student with a disability should find or seek a college that is more willing to provide requested or required academic adjustments. The Handbook affirmatively states that all approved academic adjustments will be provided with fidelity, and will not unilaterally be altered by an instructor based upon what that instructor perceives as appropriate or adequate modifications for their course, and that the College will maintain in good repair or timely replace defective equipment used to deliver auxiliary aids and services.

- 5. Within 30 days after receiving OCR's approval of the procedure for requesting academic adjustments, the College will take action to appropriately publish and disseminate the procedures system-wide, using its standard methods for disseminating new information and procedures that impact the College's student population (e.g., through its website and in its Student Handbook(s)).*

The College previously provided documentation demonstrating system-wide publication and dissemination of the approved Handbook. The Student Handbook is available online at <http://www.lccc.wy.edu/life/handbook>. Students are advised to review the policies found at <http://policies.lccc.wy.edu/>. The approved Handbook also includes contact information for the Disability Support Services Office (DSSO) and explains that the DSSO provides services and resources to facilitate equal access for students with disabilities to participate in the College's courses, programs, activities and services.

- 6. Within 90 days of OCR's approval of the revised procedures for requesting academic adjustments, the College will provide training on the new procedures to all College personnel who may be involved in or need knowledge of the approved procedures, including all instructors, administrators, academic advisors, Disabled Student Services Office staff, and the College's Section 504/Title II Coordinator. The training will specifically highlight revisions and changes from the College's previously implemented procedures.*

Within 30 days of OCR's approval of the revised procedures and prior to implementing the training, the College will provide the name and qualifications of the trainer, a draft of the training materials, and proposed schedule for completing the training for OCR's review and approval. The College agrees to respond to OCR's feedback regarding the trainer's qualifications, training materials, and proposed schedule, which will be implemented only upon OCR's approval.

7. *Within ten days of receiving OCR's approval of the training, the College will implement the training. Additionally, the College will maintain and provide documentation of all training attendees (e.g., sign-in sheet or other record of attendance), and a copy of final approved training materials.*

Specific to term 6, the College provided its draft training materials for our review, which we approved for use. Additionally, the College reported that in order to assist faculty in the review and revision of their syllabi it implemented training addressing the appropriate development of class syllabi. Specifically the College conducted work sessions providing input and assistance to ensure syllabi comply with term 8(e) below. The College's previously provided documentation demonstrating partial completion of the required staff training, as well as a sampling of the revised syllabi for our review. The syllabi reflect the College's efforts to ensure that instructors' syllabi will not state or otherwise imply that the instructor will not abide by or honor a student's approved academic adjustments or impose restrictions on approved academic adjustments that would otherwise result in disability discrimination. Although not required, we encouraged the College to make a revision to the standard language to be included on syllabi.

In the current report we asked that the College include an update regarding completion of staff training. The College provided supporting documentation demonstrating that all staff have completed the required training. The College further reported that it revised the syllabi as suggested by OCR. With this information, we conclude that the College has met Agreement terms 6 and 7, which require no further monitoring.

8. *By September 1, 2017, the College will issue a Training Memorandum (Memorandum) to all instructional staff that specifically emphasizes:*
 - a. *Disability discrimination is prohibited, including inappropriate stereotyping of students with disabilities.*
 - b. *The instructors' obligation to provide all approved academic adjustments for students with disabilities.*
 - c. *Complaints relating to the effectiveness of available or approved academic adjustments are to be referred to the College's Disabilities Support Services Office for resolution.*
 - d. *Concerns with a student with disabilities behavior may relate to a disability, and although all students are subject to the College's student code of conduct requirements, it may be appropriate for an instructor to consult with the student and the Disabilities Support Services Office regarding behaviors impacting the student with a disability or other students.*
 - e. *Instructors' syllabi will not state or otherwise imply that the instructor will not abide by or honor a student's approved academic adjustments or impose restrictions on approved academic adjustments that would otherwise result in disability discrimination, (e.g., all tests will be taken as scheduled without exception; students not present for final exams for any reason fail the course; students who have not completed required work prior to class will be removed from the class.)*
 - f. *The contact information for the College's Section 504/Title II complaint coordinator.*

9. *By July 15, 2017, and prior to issuing the Memorandum, the College will provide a draft for OCR's review and approval. The College agrees to respond to OCR's feedback regarding the Memorandum, which will be issued only upon OCR's approval.*
10. *The College will maintain and provide to OCR documentation that all College instructors have received and reviewed the approved Memoranda.*

The College previously provided a draft Memorandum, which OCR reviewed and approved. The Memorandum specifically addressed the requirements of Agreement Term 8(a-f), and was approved for use. The College also previously provided documentation demonstrating delivery and receipt of the approved Memorandum to all instructors.

INDIVIDUAL ACTIONS:

11. *By July 10, 2017, the College will notify the student in writing that he is in good standing at the College, free to enroll in classes, and may access his student records consistent with the College's existing procedures. The College will also advise the complainant that Title IX prohibits retaliation, and will provide the name, and contact information for the College's Title IX Coordinator.*
12. *By July 10, 2017, the College will notify the complainant that he may retake ENGL 0910 and ENGL 1010 without cost, and with all approved academic adjustments and auxiliary aids. The complainant will not be enrolled in courses taught by Ms. Laura Hayes, unless there is no other qualified instructor available.*
13. *Within 10 days of the complainant's reenrollment, the College will designate a single contact person for the complainant to communicate with regarding his academic adjustments. The College will provide the complainant the name and contact information within 10 days of his reenrollment.*
14. *Within 10 days of OCRs approval of the College's revised procedures for requesting academic adjustments, the College will provide the complainant with individual written notice of the procedures that includes either a physical copy of the revised procedures or an electronic link that leads directly to the revised procedures. The College will maintain and provide documentation demonstrating delivery of the notice to OCR.*
15. *By July 10, 2017, the College will, at the student's election, remove from the student's academic record his enrollment in ENGL 0910 and ENGL 1010.*

The College previously provided a copy of a letter to the complainant advising him that that he was free to re-apply to the College and enroll in classes, and that he could access his student records via the College's EaglesEye portal or by submitting a request to the Registrar. The College also advised the complainant that Title IX prohibits retaliation, and provided the name and contact information for the College's Title IX Coordinator. Finally, the College's letter notified the complainant that he could retake ENGL 0910 and ENGL 1010 without cost and with all approved academic adjustments and auxiliary aids. Because the complainant had otherwise

met the requirements of ENGL 0910 and 1010, the College extended the complainant the option of taking an equivalent number of credits (six) in courses of his choosing. The complainant at his election could also request that ENGL 0910 and 1010 be removed from his academic transcript. The College also previously provided documentation demonstrating that the designated contact had been working with the complainant to enroll in course(s) for the spring 2017 semester, had reminded the complainant that the College will pay for six credits in courses of his choosing, and that the College remains ready, willing and able to provide Disabled Student Services approved academic adjustments to the complainant. Based on this documentation, we previously advised the College that it had met Agreement terms 11-13 and 15.

We asked that the College's current report include documentation demonstrating that the College has provided the complainant the notice required by Agreement term 14. We also requested an update regarding the complainant's enrollment status with the College. The College provided documentation demonstrating that as required by Agreement term 14, the complainant was provided the required notice. Further, the College reports that the complainant elected to enroll in a Math course (3 credits) in spring 2018, but due to health concerns withdrew. The complainant is currently enrolled in a four credit Math course and the College is paying for 3 of the credits. The complainant has not elected to have the English courses removed from his record. With this report, the College has met the remaining requirements for Agreement term 14, which requires no further monitoring.

The Agreement required that OCR monitor the Agreement until we determine that the College has demonstrated full compliance with all terms. The College has timely provided the required monitoring reports, and with its current report has met the remaining Agreement requirements. Monitoring of case number 08-16-2239 is complete, and the case is closed as of the date of this letter.

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 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. Also, under the Freedom of Information Act, it may be necessary to release this letter and related correspondence and records upon request. In the event that OCR receives such a request, it 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.

Thank you, and also Ms. Tara Nethercott, for your efforts on behalf of the College to meet the terms of the Agreement and the requirements of Section 504, Title II, and Title IX, which were at issue in this case. Please note that this letter is specific to case number 08-16-2239 and does not address any other College complaints, agreements, or related monitoring in process with OCR. Should you have any questions regarding this matter or require technical assistance in the future,

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please contact Sandra Sanchez, Civil Rights Attorney and primary contact for this case, at 303-844-6096. You can contact me at 303-844-6093.

Sincerely,



Angela Martinez-Gonzalez
Supervisory General Attorney

cc via email only to: Complainant

Tara B. Nethercott, Esq.
Woodhouse, Roden, Nethercott, LLC