

Office Copy

Accessibility for the Disabled to Wyoming's Higher Education

September 1983

A report of the Wyoming Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission, but only to the Wyoming Advisory Committee.



Accessibility for the Disabled to Wyoming's Higher Education

ACCESSIBILITY FOR THE DISABLED TO WYOMING'S HIGHER EDUCATION

-- A report prepared by the Wyoming Advisory Committee
to the U.S. Commission on Civil Rights

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Wyoming Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission and will be considered by the Commission in formulating its recommendations to the President and the Congress.

RIGHT OF RESPONSE:

Prior to publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses received have been incorporated, appended, or otherwise reflected in the publication.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, age, handicap, religion, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the U.S. Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957, as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters which the Advisory Committee has studied; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

LETTER OF TRANSMITTAL

Wyoming Advisory Committee to the
U.S. Commission on Civil Rights
September 1983

MEMBERS OF THE COMMISSION

Clarence M. Pendleton, Chairman
Mary Louise Smith, Vice Chairman
Mary Francis Berry
Blandina Cardenas Ramirez
Jill S. Ruckelshaus
Murray Saltzman

Linda Chavez, Staff Director

Dear Commissioners:

In 1977, the Department of Health, Education and Welfare developed regulations for enforcement of Section 504 of the Rehabilitation Act of 1973. The regulations were designed to ensure that recipients of Federal money do not discriminate against disabled persons. Recipients are required to determine if any of their policies or facilities create barriers to full participation of handicapped persons in their programs. If areas of inaccessibility are located, institutions are then to develop a transition plan setting out the steps that will be taken to remedy the problems and dates when these actions will be completed. Most colleges and universities in the Nation receive Federal assistance, and, therefore are required to meet the accessibility standards of Section 504.

Little attention has been paid to the difficulties rurally situated colleges encounter in attempting to meet the mandate of Section 504. Wyoming is a large, sparsely populated State with seven community colleges. Many of these schools are not served by public transportation. They have few, if any, disabled persons' organizations to call upon for expert advice in making accommodations for the handicapped. The few administrators these schools have must perform a variety of functions and may not develop adequate expertise in dealing with the problems of disabled students.

The Wyoming Advisory Committee's study of the State's community colleges revealed that three of four schools reviewed had not taken the initial step of identifying areas of program inaccessibility on their campuses. Schools in some instances did not have accessible housing for disabled students. One college library was not accessible. Awareness of available auxiliary aids to assist disabled students was limited, and sources of information about such aids were not known.

The Wyoming Advisory Committee believes that many of the problems found in these colleges can be readily overcome.

We urge you to consider this report and make public your reaction to it.

FUJI ADACHI
Chairperson

MEMBERSHIP OF THE WYOMING ADVISORY COMMITTEE TO THE U.S.
COMMISSION ON CIVIL RIGHTS

Fuji F. Adachi, Chairperson
Laramie

Floyd A. Esquibel
Cheyenne

Lucille McAdams
Fort Washakie

Laurel Miller
Casper

Jamie Childs Ring
Casper

Marion Toney
Green River

Jay Brill
Laramie

L. Keith Henning
Cheyenne

Oralia G. Mercado
Casper

Scott Ratliff
Riverton

Charles M. Scott
Casper

Edna L. Wright
Rawlins

WYOMING DEPARTMENT OF GAME AND FISHERIES
ROCKY MOUNTAIN REGIONAL OFFICE
DENVER, COLORADO

ACKNOWLEDGMENTS

The Wyoming Advisory Committee wishes to thank the staff of the Commission's Rocky Mountain Regional Office, Denver, Colorado for help in the preparation of this report. The investigation and report were the principal staff assignment of Dr. Roger C. Wade with assistance and support from Joanne Birge, Esq., Cal E. Rollins and Phyllis Santangelo. The project was undertaken under the overall supervision of William F. Muldrow, acting director, Rocky Mountain Regional Office.

CONTENTS

INTRODUCTION..... 1

WYOMING'S COMMUNITY COLLEGES..... 2

SECTION 504 REGULATIONS.....5

 Definition of Handicapped.....6

 Compliance Procedures.....8

 Program Accessibility.....9

 Mainstreaming.....10

 Higher Education.....12

THE OFFICE FOR CIVIL RIGHTS.....14

 On-Site Reviews.....16

ENUMERATING THE DISABLED.....20

CHARACTERISTICS OF THE DISABLED.....22

WYOMING'S DISABLED POPULATION.....26

RESULTS OF ON-SITE VISITS.....30

 Self-Evaluations.....31

 Disabled Persons' Organizations.....34

 Numbers of Disabled Enrolled.....35

 Recruiting and Recruitment Ma-
 terials.....38

 Counseling.....42

 Housing.....44

 Other Facilities.....46

 Transportation.....47

Academic Requirements.....	49
Auxiliary Aids.....	52
Technical Assistance.....	54
Administrative Leadership on Sec- tion 504.....	56
Remarks of Disabled Students and Faculty.....	58
FINDINGS AND RECOMMENDATIONS.....	62
APPENDICES	

INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 is a broad mandate banning discrimination against the disabled. It states in part:

No otherwise qualified handicapped individual in the United States, as defined in section 706(6) of this title shall, solely because of handicap, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.¹

Most colleges and universities in the Country receive Federal monies (by grant, by contract, or both) and therefore must fulfill the requirements of Section 504.

Wyoming has a system of two-year community colleges located primarily in small towns. The Wyoming Advisory Committee to the U.S. Commission on Civil Rights, in seeking to determine whether colleges in small town settings encounter any unique problems in meeting the mandate of Section 504, selected a sample of community schools located throughout the State for

1 -----
29 U.S.C.A. sec. 794 (1975).

on-site visits. Copies of the colleges' "504 self-assessments" were reviewed and interviews with 504 coordinators conducted. Interviews were also held with administrators, counselors, recruiters, faculty, and disabled students to determine what, if any, difficulties were occurring in fulfilling the requirements of Section 504. State and government officials, including those involved in enforcement of Section 504, and leaders of disabled persons' organizations were also scheduled for interviews. Available information on the disabled population of the State, Wyoming laws dealing with the disabled, and Federal regulations were incorporated in the study. The results of this survey and analysis are presented in what follows.

WYOMING'S COMMUNITY COLLEGES

The Wyoming Legislature enacted legislation in 1945 permitting development of public two-year community colleges in the State. The first such school was established that year in Casper, and the most recent in

1968 in Cheyenne. Currently, Wyoming has seven community colleges located throughout the State.² Each college is governed by a board of trustees of seven members elected by voters of the local school districts. These boards are responsible for governance of the institutions.³

Acting as a coordinating and umbrella policy agency for these schools is the Community College Commission with offices in Cheyenne. This Commission consists of nine members appointed by the Governor with the advice and consent of the Wyoming Senate; no more than half the Commission can be from the same political party. The Community College Commission has responsibility for studying personnel, administrative and fiscal policies; formulating uniform methods and procedures for the designation of courses and credit hours, student loans and financial aids; prescribing

 2 Cheyenne, Riverton, Rock Springs, Powell, Sheridan, Casper, and Torrington.

3 Wyo. Stat. Ann. 21-18-201 et seq. (1977).

" 'Community college' means an institution which offers programs of academic work in the freshman and sophomore years of college, general and vocational education in terminal programs and adult education services...."
Wyo. Stat. Ann. 2-18-202(v) (1977).

minimum standards in accreditation and submitting recommendations to the Legislature concerning financial and program needs.⁴

Financing for the community colleges comes primarily through a combination of local and State funding. Each college may collect taxes from its local district up to an eight mills assessment.⁵ In explaining its funding the Commission states:

Approximately sixty-four percent of the total operational budget for the seven community colleges is derived from state general fund appropriations. Other sources of income include tuition assessments, a percentage of motor vehicle tax and federal funding [emphasis added].⁶

According to data published by the Wyoming Community College Commission, total enrollment in Wyoming's seven community colleges has been steadily increasing over the last ten years. During the 1981 spring semester 9,673 full-time equivalent students were enrolled. A total of 28,452 persons enrolled in programs on and off

4 Wyo. Stat. Ann. 21-18-210 and 211 (1977); see also: State of Wyoming, the Wyoming Community College System, Wyoming Community Colleges: 1982-83, n.d., p. 2 (hereafter cited as Wyoming Community Colleges).

5 Wyo. Stat. Ann. 21-18-214 (1977) and 21-18-219 (1977). The second four mills requires consent of the electorate.

6 Wyoming Community Colleges, p. 3.

the campuses.⁷ The Commission projects continued growth during the next decade. A Community College Commission brochure describes the system thusly:

The community colleges have become comprehensive and are providing university parallel, specialized career (vocational-technical), and adult/continuing education programs both on the campus and throughout the districts and service areas.⁸

The brochure continues:

Greater emphasis is being placed on the non-traditional student than at any other time previously, and the system continues to look at new means of providing this as well as traditional programming.⁹

SECTION 504 REGULATIONS

In April 1976 Executive Order 11914 directed the Secretary of the U.S. Department of Health, Education, and Welfare (HEW) (since split into the Department of Health and Human Services and the Department of Education) to coordinate implementation of the Rehabilitation Act of 1973, Section 504, by all Federal

 7 Ibid.
 8 Ibid.
 9 Ibid., pp. 3-4.

agencies and departments providing fiscal assistance. HEW's 504 rules and regulations were published in the Federal Register on Wednesday, May 4, 1977 and became effective on June 3rd of that year.¹⁰

The goal of these regulations according to HEW is:

...to design a regulation that preserves the essential elements of a strong and effective program for ending discrimination, while avoiding the imposition of unnecessary and counterproductive administrative obligations on recipients.¹¹

Definition of Handicapped

In 1974 Congress amended the original definition of "handicapped person" in the Rehabilitation Act of 1973 because confusion had arisen over whether the law applied to matters other than employment of disabled persons.¹² The revised statutory definition as included in HEW's regulations states:

(1) "Handicapped persons" means any person who (i) has a physical or mental impairment which substantially limits one or more of such person's

 10 42 Fed. Reg. 22676-22702 (1977).
 11 Id., 22677.
 12 29 U.S.C.A. sec. 706(7) (1982 Supp.).

major life activities, (ii) has a record of such impairment or (iii) is regarded as having an impairment.¹³

A major life activities means: "...functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working."¹⁴

In its supplemental information the Department of Health, Education and Welfare explained the changes in definitions stating that

it became clear that section 504 was intended to forbid discrimination against all handicapped individuals, regardless of their need for or ability to benefit from vocational rehabilitation services.¹⁵

A recipient of Federal funding is defined as:

...any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal assistance is extended directly or through another recipient, including any successor, assignee, or transferee, but excluding the ultimate beneficiary of the assistance.¹⁶

 13 29 U.S.C.A. 706(7) (1982 Supp.); 34 C.F.R. 104.3(3) (1981).
 14 34 C.F.R. 104.3(2)(ii) (1981).
 15 42 Fed. Reg. 22676 (1977).
 16 34 C.F.R. 104.3(f) (1981).

"Federal financial assistance" can be any grant or loan, any contract or fund, services of Federal personnel, real or personal property or any interest in property, including leases or transfers.¹⁷ A college or university that has students receiving veteran's benefits or Federal student loans is considered to be a recipient of Federal financial assistance.¹⁸

Compliance Procedures

Steps required by recipients for full compliance with the requirements of Section 504 are listed in HEW's regulations.¹⁹ Among these are the development of "self-evaluations" to determine the extent of inaccessibility to educational programs. A self-evaluation is to be conducted with assistance and input from disabled persons or organizations representing disabled persons. Every Federal recipient was to complete a self-evaluation within a year of the effective date of the 1977 regulations and take

 17 34 C.F.R. 104.3(h) (1981).
 18 U.S., Department of Health, Education and Welfare,
Handbook for the Implementation of Section 504 of
the Rehabilitation Act of 1973, n.d., p. 50.
 (hereafter cited as Handbook).
 19 34 C.F.R. Part 104 (1981).

remedial measures.²⁰ Recipients with 15 or more employees must also designate at least one individual to coordinate 504 efforts and must establish grievance procedures that accord both due process and prompt and equitable resolution of complaints.²¹

Program Accessibility

As the administering agency, the U.S. Department of Education is concerned to see that no artificial limitations are placed on disabled students by educational institutions or programs.²² Some institutions develop what one person characterized as a "ramp mentality," the belief that construction of entrance building ramps fulfills the requirements of the Rehabilitation Act of 1973 and section 504.²³ The agency explains in its Federal Register overview that:

Every existing facility need not be made physically accessible, but all recipients must ensure that programs conducted in those facilities are made accessible. While flexibility is allowed in choosing methods that in fact make programs in existing facilities accessible, structural

20 -----
34 C.F.R. 104.6 (1977).

21 34 C.F.R. 104.7 (1981).

22 See e.g.: 34 C.F.R. 104.42-104.44 (1981).

23 William Deno, Coordinator for Facilities Planning, University of Colorado, interview in Boulder, Colorado, November 24, 1982.

changes in such facilities must be undertaken if no other means of assuring program accessibility is available.²⁴

Structural changes then are but one of several means of program access. The regulations offer some examples of accommodation when they say:

A recipient may comply with the requirements of paragraphs (a) [requiring program access] of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternative accessible sites.... A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section.²⁵ [Emphasis added].

Mainstreaming

While recipients do have latitude in how they provide program accessibility, the regulations state that such is not to be accomplished by mere development of a set of separate programs or facilities for the disabled. Instead, integration of the disabled into

24 42 Fed. Reg. 22677 (1977).

25 34 C.F.R. 104.22(b) (1981).

the same programs and activities as others is required whenever possible.²⁶ This concept is called "mainstreaming."

The regulations allow for a few exceptions to main-streaming. For example, colleges can develop additional separate programs for physical education and athletics when appropriate, but even if such separate programs are developed, all of the school's athletic programs must still be open to the disabled. A deaf student, for example, could not be denied the opportunity to try out for a school's varsity basketball team even if the school had a separate team for deaf students. The regulations say:

Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separate or different.²⁷

26 -----
34 C.F.R. 104.43(d) (1981), mandating "the most integrated setting appropriate."

27 Id., 104.4.

Higher Education

The Department of Education rules dealing with institutions of higher education cover all Federal recipient college programs and services. The law reaches from recruitment and admissions to health services and prohibits discrimination on the basis of handicap in academic, research, occupational training, housing, health, insurance, counseling, financial aid, physical education, athletics, recreation, transportation, extracurricular activities, or any other postsecondary education programs.²⁸

Specific types of discriminatory actions prohibited by Section 504 are:

- Denying a handicapped person opportunity to participate in or benefit from services;
- Providing a handicapped person an aid or service that is not as effective as that provided to others;
- Providing unnecessarily separate or different aids, benefits, or services to a handicapped person (services must be provided in the most

- integrated setting appropriate);
- Aiding or perpetuating discrimination against a handicapped person by providing significant assistance to entities that discriminate; and
- Restricting opportunities of a handicapped person to participate on planning and advisory boards.²⁹

Other types of prohibited discriminatory acts are:

- Limiting rights, privileges, and advantages enjoyed by others;
- Selecting sites or locations of facilities that have a discriminatory effect on qualified handicapped persons; and
- Adopting criteria or methods of administration that have the effect of subjecting qualified handicapped persons to discrimination.³⁰

28 34 C.F.R. Part 4, Subparts A and C (1981).
29 34 C.F.R. 104.4 (1981).
30 Handbook, pp. 43-44.

ENFORCEMENT

The Office for Civil Rights

Within the U.S. Department of Education the Office for Civil Rights (OCR) has been assigned responsibility for enforcement of Section 504. As part of its Section 504 responsibility, OCR receives citizen complaints, conducts reviews of educational facilities to determine compliance with regulations, and provides technical assistance to recipients of Federal education funds who seek compliance.³¹

Though the Rehabilitation Act is not explicit, the courts have ruled that a private right of action is implicit in Section 504.³² While many civil rights actions can be filed only after administrative channels have been exhausted, an exception has been made in the case of Section 504 suits because courts have found that administrative remedies cannot assure an individual complainant of a decision within a

31
32

20 U.S.C.A. sec. 3413 (1982 Supp.).
See: Baker v. Bell, 630 F. 2d 7046 (5th Cir-1980); and
Guertin v. Hackerman, 496 F. Supp. 593 (SD Tex. 1980).

reasonable time and may be inadequate in the relief afforded.³³ Thus a handicapped person who alleges discrimination can file suit prior to, or in addition to, an appeal to the Office for Civil Rights, or any other Federal agency.³⁴ An individual who chooses to sue can collect attorneys' fees if he or she prevails in the case.³⁵

The Federal Department of Education Office for Civil Rights (OCR) in Region VIII is responsible for monitoring and enforcing Section 504 in Colorado, North and South Dakota, Montana, Utah, and Wyoming. The Division of Postsecondary Education, within the Office for Civil Rights, is responsible for oversight of

Federal funds in higher education. OCR, in addition to Section 504 responsibilities, handles enforcement of Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, religion, and national origin in any program or service supported by Federal money³⁶ and Title IX of the Education Amendments of 1972 which bans sex discrimination in educational programs or activities.³⁷

On-Site Reviews

Each year OCR's Division of Postsecondary Education determines the number of on-site reviews it will conduct for each of its jurisdictions. On-site reviews involve a close examination of an institution's practices and take approximately one month.³⁸ The Postsecondary Division attempts to maintain what it considers to be a balance in the number of on-site reviews it conducts.

36 42 U.S.C.A. sec. 2000d (1981).

37 20 U.S.C.A. sec. 1681 (1978).

38 Dr. Joseph Torres, Division Director, Postsecondary Education Division, Office for Civil Rights, U.S. Department of Education, Denver, Colorado, interview with RMRO staff, February 1, 1983 (hereafter cited as Torres interview).

Though in a particular year reviews of one or more types may not be conducted, the aim of the Division is to conduct a roughly equivalent number of reviews for Titles VI and IX and Section 504. The Division indicates balance has been maintained over the last three years (1979-82) with seven 504, nine Title IX, and eight Title VI reviews during that period.³⁹

Specific schools to be reviewed are selected on the bases of complaints and inspection of racial and sexual statistics collected by OCR from the schools in Region VIII. Additional on-site reviews may be added to the work schedule at any time if funding permits. These generally result from a citizen's complaint about an institution or because the staff sees a need for review.⁴⁰

Since 504 became effective in 1977, the Division of Postsecondary Education has conducted a total of seven 504 reviews, all in the last three years.⁴¹ The Office for Civil Rights indicates that there are 106 universities, four-year, and two-year colleges in Region VIII. All are considered to be recipients of

 39 Ibid.
 40 Ibid.
 41 Ibid.

Federal money in one form or another.⁴² Somewhat less than seven percent of Region VIII's postsecondary educational institutions receiving Federal assistance have had on-site reviews to date.⁴³

The Region VIII Office for Civil Rights also has a technical assistance arm which attempts to inform schools of their 504 obligations and means of meeting them. Similar assistance is available regarding Title VI, and Title IX. Upon request, the Regional Technical Assistance Staff (RTAS) will conduct workshops on 504 regulations, ways of creating accessibility, and cost-saving means of redesigning facilities when this is needed. RTAS goes to campuses and school districts throughout Region VIII to conduct these workshops. RTAS currently conducts an average of five workshops per month on Section 504 requirements. These meetings include a photographic slideshow developed by Temple University and free written materials concerning

42

Ibid.

43

Data collected from Torres interview.

accessibility. Written information may also be obtained through the mails upon request.⁴⁴ (See Appendix I for a list of materials free of charge).

According to the Region VIII Director of OCR's Division of Postsecondary Education, none of the seven on-site 504 reviews conducted by the regional office have resulted in use of the ultimate sanction which may be imposed upon non-compliant recipients--cessation of Federal funding. In instances where reviews have discovered program inaccessibility (all reviews conducted to date have found such problems), the regional director of the Office for Civil Rights has contacted the president of the school under review and notified it of deficiencies. Discussions between school officials and OCR are then aimed at agreement on ways to meet compliance requirements and schedules for doing so. Letters of agreement have been negotiated in all instances of non-compliance.⁴⁵

44 William Farrell, Regional Technical Assistance Staff, Office for Civil Rights, U.S. Department of Education, Denver, Colorado, interview with RMRO staff, January 28, 1983.

45 Torres interview.

ENUMERATING THE DISABLED POPULATION

It is not easy to determine with certainty the number of disabled persons within a given population. A commentator recently stated: "A major hurdle to accurately counting disabled persons is the difficulty in defining disability."⁴⁶ Because definitions of what constitutes a disabled person vary widely, so do the numbers of handicapped persons identified in a particular population.

Lack of reliable statistics on the disabled population causes difficulties for institutions of higher learning and others who must provide services for the handicapped. A study by the National Association of College and University Business Officers concluded:

College and university planners are hindered by significant gaps in current demographic information on the number and types of handicapped students in primary, secondary, and postsecondary institutions. Much of the current information about handicapped persons in the U.S. population is derived from definitions of work disabilities or medical

46 -----
Robert Ruffner, "Counting Disabled People," in Disabled USA, Spring 1982, p. 10.

conditions. These definitions provide very little insight into the capability of a handicapped person in higher education.⁴⁷

The Bureau of the Census has proposed an in-depth survey of the disabled population as a followup to the 1980 census, but to date this study has not been conducted. (A pretest of a questionnaire for this followup was conducted in Richmond, Virginia.)⁴⁸

Five national surveys done in the 1970s widely varied in the census count of the disabled in the Country. Numbers ranged from 5.97 percent to 19.94 percent of the total U.S. population. Some of these studies relied upon respondents to identify themselves as disabled (the self-identification method), while others counted those who could not work because of a disability. Two studies enumerated only persons with disabilities that persisted for six months or more, while others made a distinction between chronic and temporary impairments.⁴⁹

47 National Association of College and University Business Officers, Management of Accessibility for Handicapped Students in Higher Education, n.d., pp. 2-3 (hereafter cited as Management of Accessibility).

48 Jack McNeil, U.S. Bureau of the Census, telephone interview by RMRO in Denver, Colorado, April 29, 1983.

49 Management of Accessibility, p. 50.

The Bureau of the Census has developed data on the numbers and types of disabled persons in the Nation. The 1980 census used a self-identification method to arrive at its figures. (Not all 1980 census data on the disabled is presently available.) During this census, persons were asked if they had a work impairment or a public transportation impairment. Of the non-institutionalized population between the ages of 16 and 64, 12,402,995 people out of a total of 144,560,822 claimed to have had a work impairment. In that same census, 2,619,428 claimed a transportation disability.⁵⁰

CHARACTERISTICS OF THE DISABLED

The Disability Rights Education and Defense Fund (DREDF), in a recent publication, claimed that 16.3 percent of the Nation's population is handicapped. Federal civil rights laws are said to protect

50 -----
 U.S., Department of Commerce, Bureau of the Census, 1980 Census of Population and Housing, "Provisional Estimates of Social, Economic, and Housing Characteristics," PHC80-S1-1, Table P-2, pp. 14-24 (hereafter cited as Census Data).

36,781,400 of these persons.⁵¹ Several studies reveal that blacks incur a greater frequency of impairments than whites,⁵² and DREDF statistics for 1980 show 22 percent of the black population having a disability.⁵³ Other minority groups also have a disproportionate number of disabled, 20.6 percent of the Hispanic and 19 percent of the Native American populations with work disabilities.⁵⁴

Disabled persons have a greater likelihood of falling below the poverty level. Summarizing the results of two recent studies on the handicapped, the National Association of College and University Business Officers comment:

In spite of the differences in definitions of handicap and information collection methods, these two studies show a strong negative relationship between income and incidence of handicap.⁵⁵

A DREDF publication states:

The percentage of disabled families (families with a member disabled) earning less than \$5,000 in 1975 was almost triple the national average;

-
- 51 Disability Rights Education and Defense Fund, An Overview: The Grassroots Disability Rights Movement and the Role of the Disability Rights Education and Defense Fund, February 7, 1983, p. 2 (hereafter cited as Overview).
- 52 Management of Accessibility, p. 59.
- 53 Overview, p. 2.
- 54 Ibid.
- 55 Management of Accessibility, p. 61.

more than twice the percentage of disabled families as non-disabled families earned less than \$10,000.⁵⁶

A 1976 survey conducted by the U.S. Census Bureau confirms that more than twice as many disabled persons live in poverty (28.7 percent) as do the total population (11.8 percent).⁵⁷

The census survey additionally revealed that women under 55 years of age are more likely than men of the same age to be disabled.⁵⁸ Disabled females earn considerably less per hour worked than do non-disabled males. Race also makes a difference in the earnings of the disabled, according to DREDF data. They claim that in the age range of 45 to 54 years of age

...for every dollar earned by a non-disabled white male, comparably qualified disabled people make the following:

Disabled white male--60 cents
 Disabled white female--24 cents
 Disabled black male--25 cents
 Disabled black female--12 cents 59

Persons with a handicap also tend to have less education than non-disabled persons. Three studies done in the 1970s attempted to determine the number of

 56 Overview, p. 2.

57 Management of Accessibility, pp. 63-64.

58 Ibid., p. 57.

59 Overview, p. 2.

disabled persons attending institutions of postsecondary education (each used a different method of defining handicapped persons). The results of the research showed that the number of disabled college students in the Nation ranged from .5 percent to 2.75 percent.⁶⁰

The National Center for Educational Statistics said of the underrepresentation of disabled college students:

Among the college-aged population (18 to 25 years of age), the 1976 study found that only 29.0 percent of the handicapped persons were enrolled compared to 36.3 percent for the college-aged population as a whole.⁶¹

The Center additionally observed that only five percent of handicapped persons enrolled in colleges have completed their tenure.⁶²

 60 Management of Accessibility, pp. 63-64.
 61 National Center for Educational Statistics, The Impact of Section 504 of the Rehabilitation Act of 1973 on American Colleges and Universities, 1979, p. 33.
 62 Ibid., p. 33.

WYOMING'S DISABLED POPULATION

As do national figures on the number of disabled persons, those for Wyoming vary. A study done in 1976 found that more than 20 percent of the State's population had some type of impairment.⁶³ But another survey conducted that same year claimed only 5.67 percent of the State's citizens had impairments causing a limitation of some life function.⁶⁴ Census data for Wyoming in 1980 (this data deals with self-identified work and transportation disabilities in the noninstitutionalized population 16 to 64 years of age) showed that 18,930 people had a work disability, while 2,192 stated they had a public transportation disability. At minimum then, 18,930 working age people in the State claim a disability; this equals approximately six percent of that population.⁶⁵

The Wyoming Department of Vocational Rehabilitation estimates 14,380 people eligible for vocational rehabilitation programs in 1982. Of this number about 10 percent were actually involved in the State's

63 -----
Management of Accessibility, Chart: "Handicapped
 Population by State," p. 53.

64 Ibid.

65 Census data.

rehabilitation program.⁶⁶ The Wyoming Department of Education counted 9,427 disabled students aged six through 17 in the State's public schools in 1982. Disabled students equalled approximately 9 percent of the 101,665 students enrolled that year.⁶⁷ This figure is somewhat lower than the 9,728 disabled students identified by the U.S. Department of Education as being enrolled in Wyoming's public schools in 1981.⁶⁸

The Wyoming Department of Education indicates that 5,999 students graduated from the State's high schools in 1982. Of these graduates, 201 were special education students (3 percent of the graduates were disabled).⁶⁹ Few of these disabled students went on to the State's institutions of higher learning. A recent study of Wyoming's postsecondary schools (April 1982) found that

...there is an average of 5.5 handicapped students attending each of Wyoming's seven community colleges, and 125 handicapped

-
- 66 State of Wyoming, Department of Vocational Rehabilitation, Wyoming Population and Employment: Forecast Report, November 1981, n.p.
- 67 Marion Kissel, Wyoming Department of Education, letter to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, March 10, 1983 (hereafter cited as Kissel letter).
- 68 U.S., Department of Education, Office for Civil Rights, Selected Statistics, 1982, p. 47.
- 69 Kissel letter.

students at the University of Wyoming.⁷⁰
 Total enrollment at the seven community colleges, plus
 the University of Wyoming, equalled approximately
 19,000 students in 1982.⁷¹ About .8 percent of the
 State's college and university students, then, are
 disabled.⁷²

The four community colleges surveyed
 by the Wyoming Advisory Committee to the U.S.
 Commission on Civil Rights were asked how many disabled
 students they had enrolled. Responses made it evident
 that schools differed in a definition of disability.
 Some excluded those with mental handicaps, while others
 only counted persons with mobility impairments.
 Schools indicated uncertainty about the numbers of

 70 Cilla Tragesser, A Report to the President on Improving
 Access and Opportunities for Handicapped Students at
 Central Wyoming College, April 1982, p. 10 (hereafter
 cited as Tragesser).

71 Wyoming Community Colleges, p. 3 and University of
 Wyoming Office of Admissions and Records, telephone
 interview, April 27, 1983.

72 Based on ~~Tragesser~~ data.

disabled persons in their midsts.⁷³ Lack of familiarity with the definition of a handicapped person, as stated in 504 regulations, was apparent.⁷⁴ One school said it had no disabled students, and the largest number claimed by any school visited was 14 at Western Wyoming College.⁷⁵

By comparison, data for the University of Wyoming indicate a considerably larger and growing number of disabled students in attendance. In the 1981-82 school year, 86 disabled students attended the University out of a total Fall semester enrollment of 9,635. By 1982-83 this number had increased to 140 handicapped students of a 10,204 total enrollment at the Laramie campus.⁷⁶ Disabled students currently account for approximately 1.5 percent of the University's

73 Kenneth Burns, interview staff in Cheyenne, Wyoming, November 15, 1982 (hereafter cited as Burns interview); Marty Kelsey, interview in Rock Springs, Wyoming, December 14, 1982 (hereafter cited as Kelsey interview); Charles Rogers, interview in Torrington, Wyoming, November 29, 1982 (hereafter cited as Rogers interview); Pat Sturdevant, interview in Riverton, Wyoming, January 11, 1983 (hereafter cited as Sturdevant interview).

74 Ibid.

75 Ibid.

76 Registrar's Office, University of Wyoming, Laramie, August 1, 1983.

enrollment.⁷⁷ While figures for the community colleges in the State are not reliable, it is clear that a far smaller percentage of community college students are handicapped. Central Wyoming College in Riverton, for example, has .1 percent disabled students, fifteen times less than the University of Wyoming percentage.⁷⁸

Nationally, small two-year community colleges attract greater percentages of disabled students than do large universities.⁷⁹ This relationship does not hold true for Wyoming's schools.

RESULTS OF ON-SITE VISITS

Staff of the Rocky Mountain Regional Office visited four of Wyoming's seven community colleges: Laramie County Community College in Cheyenne, Eastern Wyoming College at Torrington, Central Wyoming College at Riverton, and Western Wyoming College at Rock Springs. When possible, interviews were conducted with the

 77 Jay W.Brill, Serving the Disabled College Student
 78 in Wyoming, University of Wyoming, n.d., n.p.
 Figure derived from Tragesser data and from Wyoming
 79 Community Colleges: 1982-83, p. 3.
Management of Accessibility, p. 65.

presidents of these schools, persons acting as 504 coordinators, student recruiters, counselors, facilities managers, interested faculty, and disabled students.

Self-evaluations

As part of the compliance regulations under Section 504, the development of a self-assessment is required to determine areas of program inaccessibility.⁸⁰ A self-evaluation should involve not only an inspection of buildings but an examination of admissions policies, admissions tests, all academic programs, and all services provided by the recipient to ensure that disabled persons are not discriminated against or inhibited from participating in offered programs.⁸¹

Should the self-evaluation process reveal that alterations in facilities are required in order to provide accessibility, a recipient is then required to develop a written "transition plan" specifying the

80 34 C.F.R. 104.6 (c) (1981).
81 Id.

problem(s), the structural changes projected, estimated costs, and dates for completion of construction projects. Self-evaluations and transition plans (when needed) are to be kept available for public inspection for at least three years after they are drawn up. These materials should contain a list of "interested persons consulted" during the self-evaluation process. Disabled persons and organizations for disabled people are specifically mentioned as interested persons.⁸²

Every recipient with 15 or more employees is required to select from them a person to act as coordinator of 504 activities.⁸³ The 504 coordinators for each of the four campuses visited were identified and interviewed. These people were usually held responsible for carrying out several functions for their institutions, either as counselors, personnel officers, recruiters, or, in one case, college president. This "wearing of many hats" was cited by one 504 coordinator as a problem for small schools in

 82 34 C.F.R. 104.6 (1981).
 83 34 C.F.R. 104.7 (1981).

that some functions, such as coordinating 504 activities, may be ignored. He said: "...each of us has so many different jobs, so if no one is riding us about a particular thing it will tend to slide. Little attention will be paid to it."⁸⁴

Each 504 coordinator was asked if their school had conducted a self-evaluation. Of the four schools visited Western Wyoming College was the only one having done so.⁸⁵ Central Wyoming College believed it had met the requirement through a study of its buildings conducted by a graduate intern.⁸⁶ Review of the intern document reveals that it does not contain a survey of admission policies, academic requirements, and services provided by the college. A disabled person was involved in its drafting but no advocacy groups for the handicapped were contacted. The study identifies several structural barriers on the campus but does not produce a transition plan. This study was not published until 1982, four years after the deadline according to 504 regulations.⁸⁷ At the time of the

 84 Rogers interview.
 85 Burns, Rogers, Kelsey, and Sturdevant interviews.
 86 Sturdevant interview.
 87 Tragesser, p. 16.

on-site visit little had been done by the colleges governing board to correct structural problems cited in the study.⁸⁸

The 504 coordinator of Western Wyoming College, which had completed a thorough self-evaluation, could not state with certainty whether any disabled persons or organizations had participated in the evaluation.⁸⁹ The written materials provided do not contain a list of "interested persons consulted."⁹⁰

Disabled Persons' Organizations

In response to the question, "Are there any organizations for the disabled in your area?" one 504 coordinator could not name any, while others named the State of Wyoming Vocational Rehabilitation Office or the Disabled American Veterans.⁹¹ None mentioned more than two organizations. Lack of advocacy groups for the disabled was cited by Dr. Bert Slafter, president of Western Wyoming College, as posing a problem for rural colleges. He believed it was difficult for such

88

Sturdevant interview.

89

Kelsey interview.

90

Western Wyoming College, "The Self Evaluation," n.d.

91

Burns, Rogers, Kelsey, and Sturdevant interviews.

schools to stay informed about recent developments in the provision of accessibility because they did not have advocacy groups to call upon for expert assistance.⁹²

Numbers of Disabled Enrolled

Each 504 coordinator was asked how many handicapped students were presently attending classes at their schools. One replied, "We may have four or five disabled per semester."⁹³ Western Wyoming College claimed fourteen disabled students.⁹⁴ Schools are not required to keep records of the number of handicapped students in attendance, so no written figures were forthcoming.

A study conducted in 1982 listed the following enrollments of disabled students (34 in number) for six of the seven community colleges in the State:

- Central Wyoming College - six disabled students
- Eastern Wyoming College - five disabled students
- Western Wyoming College - three disabled students

92 -----
 Dr. Bert S. Slafter, interview in Rock Springs, Wyoming, December 14, 1982 (hereafter cited as Slafter interview).

93 Rogers interview.

94 Kelsey interview.

- Casper College - eleven disabled students
- Northwest Community College - four disabled students
- Sheridan College - five disabled students 95

Administrators of the four colleges visited were queried regarding the low numbers of disabled students on their campuses. They were asked what they saw as the reasons so few handicapped students were enrolled. Pat Sturdevant, 504 coordinator for Central Wyoming College, believed there were many more disabled persons on that campus but they were not identifying themselves as such.⁹⁶ William Marsh of Eastern Wyoming College claimed the numbers of disabled persons attending his school were low because the population of students of any kind was small. He further commented that the school had a percentage of students with disabilities equal to the percentage of the student body at larger schools with disabilities. He did not believe lack of facilities for the handicapped played any role in keeping numbers low.⁹⁷

In further observations concerning low attendance

95

Tragesser, p. 13.

96 Sturdevant interview.

97 William Marsh, interview in Torrington, Wyoming, November 29, 1982 (hereafter cited as Marsh interview).

of the disabled on campuses, two other interviewees contended that the colleges were not doing enough to make the disabled aware that the campuses are barrier free. Dr. Slafter said, "I think the colleges are going to have to extend effort on this."⁹⁸ Still other reasons were put forth to explain the lack of disabled students on the campuses. Dr. St. Pierre, President of Central Wyoming College, believed that students in the State preferred, if at all possible, to attend the University of Wyoming. Since the disabled can attend school there, they do not go to community colleges. The limited facilities of the community colleges also added impetus for disabled persons to attend the University of Wyoming rather than the two-year schools.⁹⁹

The question of small numbers was addressed by Billy Bates, a counselor at Eastern Wyoming College.

98

Slafter interview.

99

Dr. Richard St. Pierre, interview in Riverton, Wyoming, January 11, 1983 (hereafter cited as St. Pierre interview).

He said, "I think it is because we are not accessible."¹⁰⁰
 Bates stated that he had informed some potential
 students that his campus was not accessible and that
 disabled students would be better served at the
 University of Wyoming.¹⁰¹

Recruiting and Recruitment Materials

HEW regulations for Section 504 state:

If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section.¹⁰²

Paragraph (a) requires a recipient to make efforts to notify disabled persons of all types that it does not discriminate on the basis of handicap and to make known who the 504 coordinator of the institution is.¹⁰³

Examples of means of notifying the disabled of these facts are:

 100 Billy Bates, interview in Torrington, Wyoming,
 November 29, 1982 (hereafter cited as Bates interview).
 101 Ibid.
 102 34 C.F.R. 104.8 (b) (1981).
 103 34 C.F.R. 104.8(a) (1981).

...posting of notices, publication in newspapers and magazines, placement of notices in recipients' publications, and distribution of memoranda or other written communications.¹⁰⁴

Inspection of recruitment materials gathered from the four campuses revealed that they did contain non-discrimination statements which specifically mentioned non-discrimination on the basis of handicap as well as race and sex. In some instances these statements were in small print on the bottom of a page.¹⁰⁵ None of the schools had any recruitment materials designed especially for the disabled, for example, large-type versions for the visually impaired.¹⁰⁶ The catalogue for Eastern Wyoming College described the physical facilities of the campus but made no mention of the accessibility of buildings.¹⁰⁷ Nor did any of the other catalogues discuss accessibility.

Recruiters for the four colleges were asked if they routinely sent recruitment materials to disabled person's organizations in the area from which they did their recruiting. None had a list of such

104

Id.

105

Catalogs of courses for Laramie County Community College: 1982-83; Eastern Wyoming College: 1982-83; Western Wyoming College: 1982-83; and Central Wyoming College: 1982-83 (hereafter cited as Catalogs).

106

Rogers, Burns, Kelsey, and Sturdevant interviews.

107

Catalogue of courses for Eastern Wyoming College.

organizations to which they sent information.¹⁰⁸ It was mentioned again in this context that few organizations for the disabled existed in the college's recruitment areas.¹⁰⁹

The majority of the recruiting done by these four colleges is through high schools, both in and out of Wyoming.¹¹⁰ Recruiters generally agreed with the statement made by one who said, "I don't see that many disabled when visiting schools."¹¹¹ Two recruiters were asked if they were aware of the numbers of disabled in the population they recruit from. Additionally, they were asked how the percentage of disabled students enrolled in their schools compared with the percentage of the population with a handicap in the areas from which they recruited students. Neither had this data or had made such a comparison.¹¹² The lack of organizations

 108 Toni Murdock, interview in Rock Springs, Wyoming, December 14, 1982 (hereafter cited as Murdock interview); Rex Karsten, interview in Cheyenne, Wyoming, November 16, 1982 (hereafter cited as Karsten interview); Pam Westbrook, interview in Torrington, Wyoming, November 29, 1982 (hereafter cited as Westbrook interview); Loren Jost interview in Riverton, Wyoming, January 11, 1983 (hereafter cited as Jost interview).

109 Murdock and Jost interviews.

110 Murdock, Karsten, Westbrook, and Jost interviews.

111 Murdock interview.

112 Murdock and Jost interviews.

for the disabled and the fact that most of the recruiting is done in small town high schools with few services for the disabled were mentioned as possible reasons recruiters seldom encountered potential recruits with handicaps.¹¹³

All recruiters responded negatively when asked if they undertook special efforts of any kind to recruit disabled students.¹¹⁴ The recruiting officer for Central Wyoming College did not foresee any such activity in the future.¹¹⁵ Most students who were enrolled, according to one recruiter, had come to the colleges under the auspices of the State Department of Vocational Rehabilitation.¹¹⁶ This was supported by many of the

113 Murdock, Karsten, Westbrook, and Jost interviews.

114 Ibid.

115 Jost interview.

116 Colleen Foy, interview in Torrington, Wyoming, November 29, 1982 (hereafter cited as Foy interview); Sally Fleck, interview in Rock Springs, Wyoming, January 11, 1983 (hereafter cited as Fleck interview); Davey Carroll, interview in Torrington, Wyoming, November 29, 1982 (hereafter cited as Carroll interview).

disabled students interviewed for this study who indicated they had entered school with the assistance of the Department of Vocational Rehabilitation.¹¹⁷

Counseling

Two of those involved in recruitment took special care with handicapped students to make certain the disabled received what they viewed as necessary counseling. One recruiter said he tried to provide the disabled with school counselors who would be sensitive to their needs.¹¹⁸ Another stated that counselors talk individually with handicapped students "...about the type of program that would suit them best."¹¹⁹ Subpart E of the 504 regulations pertaining to postsecondary education discusses the counseling of disabled students. It says:

-
- 117 Colleen Foy, interview in Torrington, Wyoming, November 29, 1982 (hereafter cited as Foy interview); Sally Fleck, interview in Rock Springs, Wyoming, January 11, 1983 (hereafter cited as Fleck interview); Davey Carroll, interview in Torrington, Wyoming, November 29, 1982 (hereafter cited as Carroll interview).
- 118 Bates interview.
- 119 Marsh interview.

...The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interest and abilities. This requirement does not preclude a recipient from providing factual information about licensing and certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.¹²⁰

Interviews conducted with counselors for the community colleges did not reveal any "channeling" of disabled students into particular areas of study.¹²¹ Because the numbers of disabled students on these campuses is low, counselors had very limited contact with handicapped students. None of the counselors reported that the disabled students they did encounter had any particular difficulties. But one counselor stated that, because of a narrow doorway to her office, it was difficult for people in wheelchairs to enter.¹²² Again, 504 regulations require that all programs and services of a recipient must be accessible to the disabled. Accessibility can be accomplished in a variety of ways other than structural changes. In the

 120 34 C.F.R. 104.47(b) (1981).
 121 Murdock, Bates, and Ferguson interviews.
 122 Ferguson interview.

area of counseling, accessibility could be provided by having the counselor meet with the disabled students in an accessible room.¹²³

Housing

HEW (now the Department of Education) 504 regulations also address matters concerning housing provided by colleges and universities. The subsection concerned with postsecondary education states:

A recipient that provides housing to its nonhandicapped students shall provide comparable, convenient, and accessible housing to handicapped students at the same cost as to others. At the end of the transition period provided for in subpart C, such housing shall be available in sufficient quantity and variety so that the scope of handicapped students' choice of living accommodations is, as a whole, comparable to that of nonhandicapped students.¹²⁴

The transition period referred to here was two years after completion of self-evaluation plans, meaning that such housing should have been available by June 3, 1980.

¹²³ See: 34 C.F.R. 104.22 (1981) ("Existing facilities").
¹²⁴ 34 C.F.R. 104.45(a) (1981).

Three of the four campuses visited did provide housing for their students. Eastern Wyoming College and Central Wyoming College did not have fully accessible housing.¹²⁵ Eastern Wyoming College had no accessible housing for disabled males. That which was accessible for women was at the bottom of the hill which was, by admission of the school's 504 coordinator, difficult for persons in wheelchairs to traverse.¹²⁶ Central Wyoming College had no accessible housing for men or women at the time of the on-site visit, but as of fall 1983 it had two apartments in resident housing accessible to the disabled.¹²⁷

The president of Eastern Wyoming College believed it would be difficult to create accessible housing because the State government, the school's major source of funding, does not fund housing projects for the colleges.¹²⁸ While the 504 regulations were written to allow for flexibility and cost savings, HEW explained when publishing in the Federal Register:

...ending discriminatory practices and providing equal access to programs may involve major burdens on some recipients. Those

-
- 125 Rogers and Sturdevant interviews.
 - 126 Rogers interview.
 - 127 Sturdevant interview. (See Sturdevant response of September 1, 1983 in Appendix II).
 - 128 Rogers interview.

burdens and costs, to be sure, provide no bases for exemption from section 504 of this regulation. Congress' mandate to end discrimination is clear.¹²⁹

Other Facilities

The library of Western Wyoming College was either not accessible or accessible with considerable difficulty.¹³⁰ Perhaps even more than with other services, inability to use a school's library can pose a serious inequality for handicapped students. Library accessibility is considered to be vital to a college education. If assignments made by professors require a library, a disabled student's grades could be adversely affected by inaccessibility.

Other difficulties encountered included cafeterias and food services that were not readily accessible.¹³¹ Laramie County Community College had ramps leading to its buildings but these were too steep according to some on that campus. The same school also had doors which disabled persons found difficult to open.¹³² An

 129 42 Fed. Reg. 22676 (1977).
 130 Kelsey interview.
 131 Ibid.
 132 Thomas Neal, interview in Cheyenne, Wyoming, November 15, 1982 (hereafter cited as Neal interview).

Eastern Wyoming College official worried that a paraplegic could become frost bitten because they could not open building doors on that campus.¹³³ Though an elevator had been installed in a major building of Laramie County Community College, it frequently broke down according to persons on campus.¹³⁴ Certain laboratories at another school were not accessible, and one class had been moved because a disabled student had complained about this situation.¹³⁵ An unpaved parking lot made it difficult for those with mobility impairments to travel from their cars in one instance.¹³⁶

Accessibility to the gymnasium and sporting events was difficult at another school.¹³⁷

Transportation

A problem experienced by all of the schools in this study, lack of student transportation, seems due to their small town settings.¹³⁸ While recipients of Federal funds are not under any obligation to provide

 133 Rogers interview.
 134 Ferguson interview.
 135 Kelsey interview.
 136 St. Pierre interview.
 137 Kelsey interview.
 138 Rogers, Burns, Kelsey, and Sturdevant interviews.

transportation to disabled students, if they have a transportation system for their students it must be accessible. Similarly, vehicles used for field trips and other school functions must be accessible so that disabled students are not barred from fully participating in programs.

None of the four campuses was served by public transportation.¹³⁹ A senior citizens' van was available for transporting disabled to and from Laramie County Community College but it did not run on a regular basis.¹⁴⁰ A disabled student told of a lengthy wait in very cold weather for this van.¹⁴¹ At the other colleges, as one respondent put it: "There is no public transportation, nor any handi-van type of thing. Any disabled person who wants has to get out here as best they can."¹⁴² None of the schools had made any effort to create means of transporting the handicapped to and from campus or to coordinate with handi-vans when such were available.¹⁴³

139 Ibid.

140 Walter Lovato, student, interview in Cheyenne, Wyoming, November 15, 1982 (hereafter cited as Lovato interview).

141 Ibid.

142 Kelsey interview.

143 Rogers, Kelsey, Burns, and Sturdevant interviews.

Central Wyoming College did provide bus service to some of its students, but the 504 coordinator for that school stated that the bus did not have a wheelchair lift and was inaccessible. A wheelchair-bound student had complained to school officials about this situation.¹⁴⁴ Central Wyoming College also had a van used for field trips for various classes but it was not accessible.¹⁴⁵

Academic Adjustments

Where necessary, 504 regulations call for adjusting academic requirements. They say:

A recipient to which this subpart applies [subpart E.] shall 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 handicap, against a qualified handicapped applicant or student.

Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses

144 Sturdevant interview.

145 Ibid.

required for a degree and adaptation of the manner in which specific courses are conducted.¹⁴⁶

The regulations further say that disabled students must be allowed to bring tape recorders, guide dogs, or other devices to class which will enable them to fully participate in classroom work.¹⁴⁷

Evaluation of disabled students through examinations is also discussed in 504 regulations. These say:

In its course examinations or other procedures for evaluating students' academic achievement in its programs, a recipient...shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the students' achievements in the course, rather than reflecting the students' impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure.)¹⁴⁸

The 504 coordinators for all four colleges were asked if any such adjustments had been made in their school's academic programs. Western Wyoming College,

 146 34 C.F.R. 104.44 (a) (1981).
 147 34 C.F.R. 104.44 (b) (1981).
 148 34 C.F.R. 104.44 (c) (1981).

which had done a self-assessment, included as part of the self-evaluation process an examination of its academic programs to determine if they discriminated in any way, including course examination. Some changes had been made as a result of the findings of the self-assessment.¹⁴⁹ No adjustments had been made in the academic programs or course examination methods of Central Wyoming College, according to the school's 504 coordinator.¹⁵⁰ At Eastern Wyoming College the 504 coordinator mentioned that oral examinations had been given in one instance to a student who could not write.¹⁵¹ The coordinator of Laramie County Community College's 504 efforts indicated that any difficulty a disabled student might encounter in performing academic requirements would be dealt with by the faculty, because, he contended, they were responsive to the needs of the handicapped.¹⁵²

No systematic attempt to ensure that their academic requirements did not discriminate or that means of student evaluation did not reflect handicaps

 149 Kelsey interview.
 150 Rogers, Burns, and Sturdevant interviews.
 151 Rogers interview.
 152 Burns interview.

was evidenced at the schools which had not done a self-evaluation. Some relied on the responsiveness of faculty and on the belief that, because their student body and faculty was small, problems would be quickly identified and responded to. But the 504 coordinator of Western Wyoming College pointed out that problems may not be addressed with such an informal process. He stated that with so "...few handicapped students we have not had to face the full range of potential problems. There has not been anybody to point out the needs to us."153

Auxiliary Aids

In order to fully participate in programs, a disabled person may also require "auxiliary aids." These are such things as tape recorders, taped texts, readers for the visually impaired, and interpreters. Since without the assistance of such aids many handicapped could not fully participate in a school's programs, institutions are required to

...take such steps as are necessary to ensure that no handicapped student is denied benefits of, excluded from participation in, or

153 Kelsey interview.

otherwise subjected to discrimination under the education program or activity operated by the recipient because of absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.¹⁵⁴

There has been considerable controversy about who is required to pay for such aids--the institution or a State's department of vocational rehabilitation. In a recent case in Colorado, the Office for Civil Rights for the U.S. Department of Education ruled that the University of Colorado was obligated to pay for a deaf interpreter for Jeanette Scheppach, a student at the University.¹⁵⁵

None of the Wyoming schools visited had an extensive array of auxiliary aids, and some had none. Audio tapes of class materials, inclusion of audio enhancing devices in a yet to be completed auditorium, and a machine called a video-tech were the only aids mentioned by any of the 504 coordinators.¹⁵⁶ The 504 coordinator for Eastern Wyoming College said that none of the disabled students who attended his school had

154 34 C.F.R. 104.44(d) (1981).

155 Dr. Joseph Torres, Division Director, Postsecondary Education Division, Office for Civil Rights, U.S. Department of Education, telephone interview with RMRO staff, February 15, 1983; The Handicapped Coloradan, vol. 4, no. 7, February 1983, p. 1.

156 Rogers, Burns, Kelsey, and Sturdevant interviews.

needed aids from the school and that the State Department of Vocational Rehabilitation had provided all auxiliary aids for these students.¹⁵⁷ The same situation held true for the other campuses according to officials at those schools.¹⁵⁸ The Department of Vocational Rehabilitation is one of the main sources for recruiting disabled students to these colleges. Disabled persons not receiving assistance from the department could encounter difficulties in obtaining auxiliary aids. The 504 coordinator for Western Wyoming College told of being asked by prospective students about assistance for the hearing and visually impaired at his campus and that he had to tell them there was none available.¹⁵⁹

Technical Assistance

At the time of the research interview, Western Wyoming College was in the process of deciding what types of aids were needed for the school. Money for purchase of some items had been allocated. The

 157 Rogers interview.
 158 Burns, Kelsey, and Sturdevant interviews.
 159 Kelsey interview.

school's 504 coordinator expressed a need for technical assistance in making decisions about aids. He did not believe that he was informed enough to determine what devices would be best suited to his school's needs.¹⁶⁰

The need for help in making such decisions has been cited as a Nation-wide problem. A recent study of 504 compliance by colleges found that

No single source currently lists all adaptive education equipment for handicapped students in higher education.... It is very difficult for faculty, staff, or handicapped students unfamiliar with the range of available devices to easily locate ones that will meet student needs at reasonable prices.¹⁶¹

No formal system for attaining help in purchase decisions from disabled students or organizations existed on any of the campuses.¹⁶²

The need for technical assistance in implementing 504 requirements was expressed by two of four 504 coordinators interviewed.¹⁶³ None of the coordinators was aware that the Regional Office for Civil Rights in the Department of Education offered technical assistance through RTAS.¹⁶⁴ Some of the schools had

 160 Ibid.
 161 Management of Accessibility, p. 4.
 162 Rogers, Burns, Kelsey, and Sturdevant interviews.
 163 Kelsey and Sturdevant interviews.
 164 Rogers, Burns, Kelsey, and Sturdevant interviews.

obtained assistance from the Wyoming Department of Vocational Rehabilitation. Persons from that department had visited two of the campuses and examined buildings to determine their accessibility.¹⁶⁵

Questions asked of the interviewer by 504 coordinators indicated that some were not familiar with 504 regulations. Central Wyoming College's coordinator said that she had no training regarding these regulations. This coordinator asked how often a school was required to do a self-evaluation.¹⁶⁶ The regulations state clearly that this was to be done once and completed by June of 1978.¹⁶⁷

Administrative Leadership--Section 504

The presidents of the colleges and the 504 coordinators were asked if their school's leadership had taken clear steps to implement Section 504. Had the presidents of the schools made public statements, sent memoranda to staff, or in any other ways made it

 165 Rogers and Burns interviews.
 166 Sturdevant interview.
 167 34 C.F.R. 104.6 (1981).

known that 504 regulations would be adhered to? Were there any meetings, seminars, or workshops to explain 504 regulations to faculty and staff?

Responses to these questions varied. The president of Central Wyoming College said that he was not sure that the faculty of his school was aware of the regulations.¹⁶⁸ The 504 coordinator on that campus could not recall any statements from the school president regarding Section 504.¹⁶⁹ At two other colleges the 504 coordinators and school presidents stated that they had made public statements on 504.¹⁷⁰ While the president of Eastern Wyoming College, who also served as the 504 coordinator, admitted that his role was minimal and that the school hadn't done much in the area of the handicapped, he had distributed copies of the regulations to his faculty.¹⁷¹ None of the schools had run any seminars or workshops, although, according to some respondents, 504 regulations had been discussed at staff meetings.¹⁷²

 168 St. Pierre interview.
 169 Sturdevant interview.
 170 Kelsey, Burns, and Slafter interviews.
 171 Rogers interview.
 172 Rogers, Burns, Kelsey, Sturdevant, St. Pierre,
 and Slafter interviews.

Remarks of Disabled Students and Faculty

At each campus visited disabled students, and where possible, disabled faculty members were interviewed. The numbers of handicapped students at these schools, as previously noted, are not great. Only 11 disabled students were interviewed for the survey because of this. Just one school indicated that it had any handicapped faculty.¹⁷³

Most of the students interviewed did not believe they had encountered any discrimination or had any major difficulties in getting around their campuses or participating in their school's activities. Several stated they had been treated very well by their teachers, other students, and school administrators.¹⁷⁴ Some told of accommodations made for them such as scheduling all classes on the first floor of buildings,¹⁷⁵ making up a special physical education

173 Burns interview.

174 Lovato and Fleck interviews; Jennifer Stevens, interview in Riverton, Wyoming, January 11, 1983 (hereafter cited as Stevens interview); Dene Redford, interview in Torrington, Wyoming, November 29, 1982 (hereafter cited as Redford interview).

175 Fleck interview.

course so that a handicapped student could meet a physical education requirement,¹⁷⁶ and instructors accepting tapes instead of written exams.¹⁷⁷

While most students did not cite any difficulties at their schools, some did. These included not having any accessible student housing,¹⁷⁸ lack of lifts on school buses,¹⁷⁹ lack of transportation to campuses,¹⁸⁰ not providing a reader (for a blind student),¹⁸¹ difficulty moving from student housing to classroom buildings because of steep hills,¹⁸² difficulty getting to laundry facilities,¹⁸³ and lack of adequate disabled parking spaces.¹⁸⁴ One disabled student who had participated in efforts to make his campus accessible accused his school's administration of lacking sensitivity to the concerns of the disabled.¹⁸⁵

-
- 176 Foy interview.
 - 177 Lovato interview.
 - 178 Larry Fast, interview in Riverton, Wyoming, January 11, 1983 (hereafter cited as Fast interview).
 - 179 Fast interview.
 - 180 Ibid.
 - 181 Lovato interview.
 - 182 Foy interview.
 - 183 Stevens interview
 - 184 Redford interview.
 - 185 Fast interview.

Only one disabled faculty member could be located for an interview.¹⁸⁶ He expressed dissatisfaction with his situation and asserted that he had brought a variety of problems to the attention of school administrators but they were not responding to them. He stated that the building in which his office was housed did not have bathroom facilities which could accommodate a wheelchair. The elevator in one of the buildings frequently malfunctioned and barred his access to certain rooms. The door to this elevator closed rapidly making it difficult for him to enter in his wheelchair. Once in the elevator, he could not reach the numbers to indicate to which floor he wished to go. There were no wheelchair-level water fountains in the buildings to his knowledge. He was unaware of any committees dealing with campus facilities which included disabled students or faculty members. Additionally, he had never been consulted by school officials regarding planning of buildings or difficulties the disabled might encounter at the school.¹⁸⁷ He claimed that, over the years, several handicapped students had come to him about problems

186 Neal interview.

187 Ibid.

they were having at the school. They complained to him rather than to administrators because they did not think results would be forthcoming, he maintained.¹⁸⁸

FINDINGS AND RECOMMENDATIONS

Finding 1

Reliable and detailed information on the number of disabled persons in the United States is not currently available. University and college administrators need accurate and complete information on the numbers and types of disabled persons in their recruitment areas in order to determine what steps they need to take in recruiting and planning for disabled students.

Recommendations

The Bureau of the Census of the U.S. Department of Commerce should conduct a detailed study of the disabled population of the Nation. The Bureau of the Census should consult with those who need and use data on the disabled to ensure that useful information is developed in the study.

Finding 2

According to regulations of the U.S. Department of Education for implementation of Section 504 any recipient of Federal funds who employs 15 or more employees must appoint a 504 coordinator to oversee 504 compliance. Some of the 504 coordinators interviewed for the survey conducted by the Wyoming Advisory Committee stated that they had received no training in the requirements of Section 504. Lack of detailed understanding of the rules and regulations was evidenced in interviews with these coordinators.

Recommendations

The governing boards of Wyoming's community colleges should take steps to ensure that the 504 coordinators of their schools are trained in regard to 504 rules and regulations so that the schools can meet their 504 obligations.

The Region VIII Office for Civil Rights of the U.S. Department of Education should continue to periodically send factsheets on Section 504 to the postsecondary

schools' 504 coordinators in the region, updating and informing coordinators about 504 rules and regulations as well as recent court rulings.

The Region VIII Office for Civil Rights should hold a session for 504 coordinators of the community colleges in Wyoming. The Wyoming Advisory Committee to the U.S. Commission on Civil Rights and the postsecondary institutions of the State should be involved in developing this conference.

Finding 3

Upon request, the Regional Technical Assistance Staff (RTAS) of the Department of Education's Region VIII Office for Civil Rights offers technical assistance in complying with the Rehabilitation Act of 1973, but none of the 504 coordinators interviewed for the Wyoming Advisory Committee's survey were aware that the Office for Civil Rights could be called upon for such help. Coordinators interviewed indicated they desired technical assistance.

Recommendations

A telephone survey of postsecondary schools in Region VIII should be conducted by the Region VIII Office for Civil Rights to determine which schools are unaware that they can obtain technical assistance from RTAS.

The Region VIII Office for Civil Rights should develop effective means of informing all schools about the services of RTAS.

Finding 4

Three of the four colleges surveyed by the Wyoming Advisory Committee had not conducted the required 504 self-assessment. They are: Eastern Wyoming College in Torrington; Laramie County Community College in Cheyenne; and Central Wyoming College in Riverton.

Recommendations

The boards of directors of Eastern Wyoming College, Laramie County Community College, and Central Wyoming College should take steps to ensure that required self-assessments are conducted.

The Region VIII Office for Civil rights should provide these schools with any technical assistance needed to develop self-assessments and, if needed, transition plans.

Finding 5

There are few disabled persons organizations or advocacy groups for the handicapped in Wyoming. Such bodies often provide expertise to institutions seeking ways of making their programs accessible. Because of the dearth of disabled persons' groups the community colleges of Wyoming have few sources of information to which to turn in attempting to comply with Section 504.

Recommendations

Wyoming's colleges, and perhaps similar rural schools, have particular need for consultation and technical assistance since they have few other resources to call upon. The Regional Technical Assistance Staff of the Region VIII Office for Civil Rights should target such schools for assistance.

Finding 6

Eastern Wyoming College and Central Wyoming College have limited accessible housing for the disabled.

Recommendations

The boards of directors of Eastern Wyoming College and Central Wyoming College should provide housing which is accessible to disabled students.

The Region VIII Office for Civil Rights should monitor the efforts of these schools to provide housing for the disabled.

Finding 7

The library of Western Wyoming College is not fully accessible to disabled students.

Recommendations

This and other possible barriers to postsecondary education in Wyoming should be examined by the Region VIII Office for Civil Rights. Appropriate steps for correction of inadequacies should be taken by that office.

Finding 8

Limited transportation to and from these campuses poses difficulties for disabled students.

Recommendations

These schools should explore means of developing methods of transportation for disabled students.

Finding 9

None of the schools surveyed had more than a few auxiliary aids for the disabled. Some 504 coordinators indicated a lack of information about such aids.

Recommendations

The governing boards of these community colleges should request inventories and ensure that appropriate auxiliary aids are provided on their campuses and that their schools 504 coordinators are informed about the availability of aids.

The most recent information on auxiliary aids should be provided to all colleges and universities in Region VIII by the Region VIII Office for Civil Rights' Technical Assistance Staff.

The Office for Civil Rights should periodically send information on new advances in auxiliary aids to postsecondary institutions in Region VIII.

APPENDIX I

REGION VIII RTAS SECTION 504 PUBLICATIONS
INVENTORY LIST

March 12, 1982

Pub #	Title
1	Accessibility Assistance (CSA), "A directory of consultants on environments for handicapped people."
2	Accessibility Modifications, "Guidelines for modifications to existing buildings for accessibility to the handicapped."
3	Creating an Accessible Campus, "An effort to develop accessible buildings on college and university campuses."
4	Steps Toward Campus Accessibility, "A report on the progress campuses have made in achieving accessibility and presents practical solutions campuses have applied to accessibility problems."
5	Resource Guide to Architectural Barrier Removal, "A list of available resources which can meet information need, to indicate whose funding can be obtained, and which publications are available through various agencies of the federal government."
6	Adapting Historic Campus Structures for Accessibility, "A review of issues involved in making modifications to buildings of historic value, architectural significance or traditional interest."
7	Barrier Free Meetings, "To make meetings and other functions accessible to the handicapped."

- 8 Resource Guide to Literature on Barrier-Free Environments, "The Architectural and Transportation Barriers Compliance Board early recognized need for a guide on architectural barriers and barrier free design."
- 9 Your School Includes a Blind Student, "A guide for genuine integration of the blind student into the regular education system, as a preparation for normal responsible adulthood."
- 10 Handbook for Blind College Students, "A guide to the use of various library, rehabilitation, and other services available throughout the country to blind students."
- 11 Planning Effective Advocacy Programs, "Guidelines for enhancing the capabilities of existing organizations and ensuring the effectiveness of new ones."
- 12 Poster, "Know Your Rights As a Disabled Person."
- 13 Brochure, Know Your Rights As a Disabled Person, "Disabilities covered under Section 504."
- 14 Your Responsibilities to Disabled Persons as School or College Administrator, "The laws and what they cover preschool to adult education."
- 15 1981 Health Resource Directory, Higher Education and the Handicapped, "A directory to help colleges and universities to develop campus-wide programs which will encourage institutions to provide equal access to postsecondary education for all qualified students and employees, regardless of handicap."
- 16 Regional Directory Services for Deaf Persons, Region VIII, "A brochure to acquaint persons with services and interpreters for deaf persons within the areas of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming."

- 17 Resource Directory of Handicapped Scientists, "To increase the number of women, minority and handicapped persons in the natural, social and applied sciences."
- 18 Recruitment, Admissions and Handicapped Students, "A guide for compliance with Section 504 of the Rehabilitation Act of 1973."
- 19 Section 504 Self-Evaluation for Preschool, Elementary, Secondary, and Adult Education, "A guide in helping schools extend their programs to handicapped persons who have been denied their rights to a free appropriate education."
- 20 Section 504 Self-Evaluation for Colleges and Universities, "A guide to development of training materials, training workshops, and information services to assist colleges and universities in providing access for handicapped students and employees."
- 21 Dispute Settlements: Procedural Safeguards, "A catalogue of materials related to the educational rights of handicapped children."
- 22 Science for Handicapped Students in Higher Education, "A threefold guide to increase the number of women, minority and handicapped persons in the natural, social and applied sciences, (2) to increase the kinds of opportunities available to these groups, and (3) to increase the participation of minority, women and handicapped in policy-making advisory and managerial positions."
- 23 A Training and Resource Directory for Teachers Serving Handicapped Students K-12, "A guide to national, state, and local agencies and organizations that are the sources of materials, services, and technical assistance along with literature and media on educational services for handicapped students."

- 24 A Summary of Legislation Relating to the Handicapped 1977-78, "A brief synopsis of legislation enacted by the 95th Congress which affects physically and mentally handicapped persons."
- 25 Section 504 Briefing Guide, "A guide to Section 504 that protects the rights of handicapped persons."
- 26 504 Fact Sheet, "A brochure - Handicapped Persons Rights Under Federal Law."
- 27 Large Print copies of Title VI, IX, 504 and Voc Ed Guidelines of March, 1979. "Nondiscrimination in Federally-Assisted Programs."
- 28 Section 504 in braille in four parts, "Nondiscrimination on the Basis of Handicap."
- 29 Federal Register - HEW Section 504 Regulation, May 4, 1977, "Non-discrimination on the Basis of Handicap."
- 30 Federal Register - P.L. 94-142, Part B, August 23, 1977, "Implementation of Part 8 of the Education of Handicapped Children."
- 31 Federal Register - Vocational Education Guideline March 27, 1979, "Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap."
- 32 Federal Register - Section 504 Policy Statements, May 1, 1978: "Policy Determinations in Nondiscrimination Federally Assisted Programs."
- 33 Federal Register - Section 504 Policy Statements, August 14, 1978: "Policy Interpretation Nondiscrimination in Federally Assisted Programs."
- 34 Federal Register - Department of Education, Part 104, May 9, 1980, "Establishment of Title 34 Section 504 Rehabilitation Act of 1978."

- 35 Resource Guide for Parents and Educators of Blind Children, "A book of practical suggestions applicable from infancy through high school for all who are concerned about blind children."
- 36 Full Mobility Counting the Cost of the Alternatives, "A national survey of transportation of handicapped people."
- 37 Pocket Guide to Federal Help, "A brochure meant to make an handicapped individual aware of the principal government services that they might be eligible for."
- 38 The Blind and Physically Handicapped in Competitive Employment, "A Guide to Compliance with the applicable federal laws and regulations."
- 39 You and Your Deaf Patients, "Some considerations about deaf persons and how to serve them better."
- 40 Working with special-needs students: A handbook for vocational education teachers, "This handbook is based on the Georgia state model program and has a major focus to present basic preferred practices for dealing with the special-needs student in regular vocational programs."
- 41 Secondary level special education: preparation for employment, "A handbook of secondary level special education and related services as a preparation for employment by Jane Ann Razeghi."
- 42 Education, "A bibliography of vocational education special needs resource material 1980-81."
- 43 Access to Transportation, "A booklet that covers the handicapped and elderly rights to accessible transportation."

- 44 Section 504 Region VIII Technical Assistance Resource Directory, "A Resource Directory of Technical Assistance available for the states of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming."
- 45 Access America, "A brochure on The Architectural Barriers Act and You."
- 46 About Barriers, "A brochure of suggestions on Barrier-free design."

* Publications are free of charge and may be ordered by writing or calling the RTAS Unit at:

ED/OCR/RTAS
Attn: Dr. Mike Lopez
1961 Stout Street
Denver, Colorado 80294
Telephone: (303) 837-5295

* Please order by publication number, quantities may be limited.



DEPARTMENT OF EDUCATION
 REGION VIII
 FEDERAL OFFICE BUILDING
 1961 STOUT STREET
 DENVER, COLORADO 80294

August 25, 1983

OFFICE OF THE REGIONAL DIRECTOR
 OFFICE FOR CIVIL RIGHTS

Roger C. Wade, Ph.D.
 Civil Rights Analyst
 United States Commission
 on Civil Rights
 Brooks Towers Suite 2235
 1020 Fifteenth Street
 Denver, Colorado 80202

Dear Dr. Wade:

This is to confirm the comments I made to you by telephone on August 23 regarding your draft of the U.S. Department of Education segments of your Accessibility for the Handicapped to Wyoming's Community Colleges Report. Your narrative of the information I provided you is commendably comprehensive and accurate.

I did, however, express concern about your inclusion of the following paragraph on page 11 of your draft:

Though the Rehabilitation Act is not explicit, the courts have ruled that a private right of action is implicit in Section 504.²⁸ Most civil rights laws only allow such a suit to be filed after administrative channels have been exhausted, but an exception to this has been made in the case of Section 504 because the courts have found the administrative remedies "inadequate"²⁹ and "of little avail".³⁰ Thus a citizen can file suit prior to, or in addition to, an appeal to the Office for Civil Rights, or any other Federal Agency.³¹ An individual who chooses to sue can collect attorney's fees if he or she prevails in the case.³²

²⁹ Kling v. County of Los Angeles, 633 F.2d 876 (9th Cir. 1980).

³⁰ Miener v. Missouri, 673 F.2d 969 (8th Cir. 1982).

This paragraph is included in the Report section you titled "Enforcement, The Office for Civil Rights." You and I did not discuss the issue regarding the right of private action when you interviewed me in the process of generating your report.

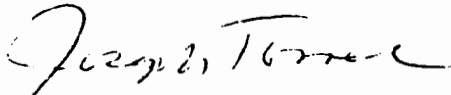
Page 2 - Roger C. Wade, Ph.D.

Although we welcome the fact that courts have ruled that a private right of action is implicit in Section 504, we respectfully disagree with the reason you attribute to the courts for having so ruled. Our experience has taught us that the administrative remedies our Office has secured pursuant to findings of non-compliance have been clearly adequate. We have received only two complaints alleging that a school denies wheelchair-bound students access to educational programs and activities (Vanstrum v. Sheridan College and Tilmon v. Metropolitan State College). In both cases we found the allegations to be valid and required the schools to make structural and non-structural changes that made the programs and activities accessible. Incidentally, neither of the complainants had to retain an attorney. In all seven of our reviews we found accessibility violations and required and secured adequate remedial action. The remedial actions cost the schools in question thousands of dollars.

It seems to us, therefore, that the statement that "...administrative remedies (are) 'inadequate' and 'of little avail'." is inaccurate and would almost surely give readers of your final report the erroneous impression that our Office is ineffectual in its enforcement of the accessibility requirements of Section 504.

We do believe it is essential that your readers be informed that there is a right of action under Section 504, but we formally request that you delete the sentence, "Most civil rights laws only allow such a suit ... of 'little avail'."

Sincerely,


Joseph B. Torres, Ed.D.
Division Director
Postsecondary Education
Office for Civil Rights

cc: Mr. William Muldrow
Acting Regional Director

WESTERN WYOMING COLLEGE

ROCK SPRINGS, WYOMING 82901



August 25, 1983

Roger C. Wade, Ph.D.
Civil Rights Analyst
Brooks Towers Suite 2235
1020 Fifteenth Street
Denver, CO 80202

Dear Dr. Wade:

I appreciated your correspondence of August 19, 1983, wherein you permitted a review of statements made during the study of accessibility of the handicapped to Wyoming's community colleges. Since our conversations, Western Wyoming College has had some significant happenings in this area. It is with pleasure that I now relay those to you.

- 1.) Western Wyoming College has embarked upon a \$41,699,000 expansion program in its facilities, equipment and software areas. A new Center is being erected in Green River, Wyoming, and, of course, the campus proper will be the site of the bulk of construction. One of the paramount considerations in this entire endeavor has been to assure that existing facilities and new facilities will be 100% totally accessible and usable for the handicapped. Not only has our architectural firm, College Planning Associates, and college officials been adamant in this quest, we are utilizing two acknowledged expert architects as consultants.
- 2.) Western is launching an all-out high profile marketing program. One of the thrusts will be to communicate with handicapped potential students that educational opportunity and services will be available. Certainly, we intend to utilize special vehicles to bridge communication gaps insomuch as such a special audience must be made aware of what is happening and when they can expect to capitalize.
- 3.) We have budgeted for special learning systems and software to assist handicapped once they are in the facilities. As you know, it is one thing to property design facilities; it is quite another to make sure that a college staff and support services, as well as design software, enhance the learning opportunity.

Roger C. Wade, Ph.D.

- 2 -

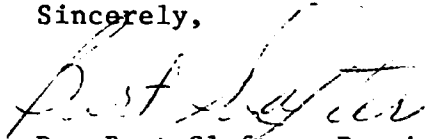
August 25, 1983

4.) In January of 1984, we will endeavor to have our Student Personnel Services division identify many ways through which we can promote a full service concept with the handicapped. This will be no small endeavor and will require several years of phased planning and implementation.

Incidentally, all of the facilities afoterreferenced as well as the equipment which includes vast telecommunications capabilities will be occupied in 1986. Some, of course, will come on line at an earlier date.

Should you have any suggestions, particularly on items 2, 3 and 4 earlier noted, please convey them as it is now a very timely opportunity to do something of significance. Best regards to you.

Sincerely,



Dr. Bert Slafter, President
Western Wyoming College

BSS:jg

WESTERN WYOMING COLLEGE

ROCK SPRINGS, WYOMING 82901



August 25, 1983

Dr. Roger C. Wade
Civil Rights Analyst
United States Commission on Civil Rights
Rocky Mountain Regional Office
Brooks Towers, Suite 2235
1020 Fifteenth Street
Denver, CO 80202

Dear Dr. Wade:

Thank you for your correspondence of August 19th concerning the study of accessibility for the handicapped to Wyoming's community colleges.

I believe that what you have written is sufficiently accurate as it pertains to WWCC. There are a couple of items you may wish to add somewhere in the report.

First, we have purchased several thousands of dollars worth of equipment for the handicapped community this immediate past summer, and plan to spend more this academic year. Equipment for the hearing and visually impaired dominated our purchasing.

Second, we have retained the services of William R. Deno, Architect, as a Accessibility Consultant to help us with our multi-million dollar expansion program. It is his responsibility to work closely with the architects to ensure that all our new construction and renovation work complies with the current ANSI specification, A117.1, 1980.

Again, thank you for your concern and should you need further information from me, please do not hesitate to call.

Sincerely,

W.M. Kelsey
Staff Officer for Administrative
Services



Central Wyoming College

RIVERTON, WYOMING 82501

September 1, 1983

Roger C. Wade
 Civil Rights Analyst
 United States Commission on Civil Rights
 Rocky Mountain Regional Office
 Brooks Tower, Suite 2235
 1020 Fifteenth Street
 Denver, Colorado 80202

Dear Dr. Wade:

In response to your letter of August 19 requesting any additional information on the study conducted by the Wyoming Advisory Committtee to the U.S. Commission on Civil Rights on Accessibility for the Disabled to Wyoming's Higher Education, I would like to offer the following comments:

- 82, 122, 176: Inaccurate, in that the report referred to has not been presented to the CWC Board of Trustees. In addition, a variety of activities have been accomplished: Effective fall 1983 two double occupancy apartments in student housing are handicapped accessible; an access door installed in the Activities Center; institutional '85-'86 budget calls for \$30,000 for six sets of automatic doors to be installed at various locations on campus.
- 97: Loren Jost is the Director of Institutional Relations at Central Wyoming College in Riverton--not at Western Wyoming College--please clarify.
- 133: The only remaining unpaved area on campus (around the vocational/technical building) has been paved, including a walkway for wheel chair access between the vocational technical building and other campus access routes.

Roger C. Wade
September 1, 1983
Page 2

- 137: No public transportation is provided by the city.
- 141, 142, 178: Central Wyoming College is experimenting with an in-county bus route for students; this is not an on-going service.
- 148: Misleading to the reader. Our specific point of reference was to physical education classes that are adaptable to a variety of handicaps, and our records indicate that no handicapped student has been turned away from physical education classes.
- 160: The CWC Student Senate, a formal college organization, granted funds to the college's Criminal Justice Club, who in turn purchased a wheel chair for one handicapped student. In addition, this same student was a member of the Student Senate during 1982-83.
- 164: There have been four different presidents at Central Wyoming College since December 1979. Consequently, no one person had served as the institution's 504 coordinator in an on-going capacity which bespoke a lack of continuity. The question was asked at the time of the report out of an honest desire to keep within the guidelines and learn more about the 504 requirements.
- 167: The Chief Executive Officer of the college has changed since the statement was made. The new president is Edward L. Donovan.

Roger C. Wade
September 1, 1983
Page 3

Findings and recommendations:

Finding #5--deadline for filing 504 self-assessment.
Central Wyoming College welcomes any technical assistance
the Office of Civil Rights can provide.

Finding #7--student housing.
Central Wyoming College has two apartments in resident
housing for handicapped students. During fall '83,
one of the apartments is occupied by the only identifiable
person requesting campus housing.

I hope this data will serve to clarify some of the items.
If additional information is needed, please let me know.

Sincerely,



Patricia Sturdevant
Personnel Officer

PS:eds

cc: Edward L. Donovan
Scott Ratliff



DEPARTMENT OF EDUCATION
 REGION VIII
 FEDERAL OFFICE BUILDING
 1961 STOUT STREET
 DENVER, COLORADO 80294

September 1, 1983

OFFICE OF THE REGIONAL DIRECTOR
 OFFICE FOR CIVIL RIGHTS

Roger C. Wade, Ph.D.
 Civil Rights Analyst
 U.S. Commission on Civil Rights
 1020 Fifteenth Street
 Brooks Towers
 Suite 2235
 Denver, Colorado 80202

Dear Dr. Wade:

This is in response to your letter of August 19, wherein you discuss the draft report prepared by the U.S. Commission on Civil Rights concerning the Accessibility of the Handicapped to Wyoming's Community Colleges.

On page four of the subject five page draft report, you touched upon the responsibilities of the Regional Technical Assistance Staff (RTAS) in the Office for Civil Rights (OCR). In the draft report, you suggested that the primary responsibility of the RTAS unit is for Section 504 of the Rehabilitation Act of 1973. It might be interesting to your readers to know that in addition to having responsibility for Section 504, the Region VIII RTAS resource unit also gives technical assistance for Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

In your report you mentioned our Temple University training module which is used at workshops, etc. In addition to the training module, the RTAS has a long list of video cassette films, film strips and other resource training materials available from our office free of charge. A list is enclosed.

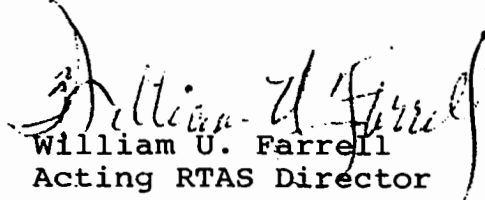
In June 1983, RTAS began mailing out an outreach letter which is sent annually to each State Education Agency (SEA), Local Education Agency (LEA) and to all known advocacy groups throughout each of the six states in Region VIII informing each of the staff and resources available upon request. Each recipient of Federal financial assistance in the state of Wyoming, including all Postsecondary institutions, were sent

Page 2 - Dr. Roger Wade

outreach letters. Responses to these letters have resulted in a suprisingly high number of requests for technical assistance.

I hope this information will be useful as you finalize your report. If you need additional information, please do not hesitate to contact me.

Sincerely,


William U. Farrell
Acting RTAS Director

Enclosure

U.S. COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

BULK RATE
POSTAGE AND FEES PAID
U.S. COMMISSION ON CIVIL RIGHTS
PERMIT NO. G73

