



LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM

Changing Lives,
Creating Futures

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Louisiana
Community
& Technical
College System

265 South Foster Drive
Baton Rouge, LA 70806

Phone: 225-922-2800
Fax: 225-922-1185

www.lctcs.edu

TO: Dr. Monty Sullivan
LCTCS President
THROUGH: Dr. Chandler LeBoeuf
Governmental and Public Affairs Officer
FROM: Dr. Amber Blair
Executive Director of Student Compliance, Equity, and Governance

DATE: November 9, 2023

SUBJECT: Review and Advisement: New LCTCS Policy #2.021 - Student Policy
on the Americans with Disabilities Act

Received
APPROVED
12/13/23
LCTCS BOARD OF SUPERVISORS

FOR BOARD REVIEW AND ADVISEMENT

Recommendation: Staff recommends that the Board accept for Review and Advisement
new LCTCS Policy #2.021 - Student Policy on the Americans with Disabilities Act.

Background: The System has not previously established ADA support and grievance
procedures for students; it has only been for employees.

Fiscal Impact: N/A

History of Prior Actions: The CSAO-CAO group approved the draft policy on
10/26/2023. PACC approved the new policy on 11/6/2023.

Benefits to the System: The new policy for students establishes a System ADA
Coordinator for students and ensures compliance with the requirements of Section 504
of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act
and its Amending Act of 2008.

Signature of Monty Sullivan

Approved for Distribution to the Board
Dr. Monty Sullivan, President

Date

12/13/23

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM
Policy # 2.021

Title: STUDENT POLICY ON THE AMERICANS WITH DISABILITIES ACT

Authority: Board Action

Original Adoption: TBD

Effective Date: TBD

Last Revision:

1. POLICY

The Louisiana Community and Technical College System (LCTCS) Office is fully committed to ensuring compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, ("Section 504") and the Americans with Disabilities Act and its Amending Act of 2008 (collectively "ADA") to include:

- Section 504: Provides, "No otherwise qualified individual with handicaps in the United States . . . shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...."
- Title I of the ADA: Prohibits discrimination against qualified individuals with disabilities in all employment practices, including recruitment, hiring, advancement, compensation, fringe benefits, job training and other terms, conditions and privileges of employment. Upon request, LCTCS institutions shall engage in an interactive process and may approve a reasonable accommodation, unless the Requestor is not a qualified individual; doing so poses an undue hardship to the institution; or poses a direct threat to the health or safety of the individual with a disability or others.
- Title II of the ADA: Ensures qualified individuals with disabilities have equal access to the full range of programs, services, activities and facilities of the agency. Upon request, the LCTCS Office may provide a reasonable accommodation, unless the Requestor is not a qualified individual; doing so would fundamentally alter the nature of the agency's service, program or activity; or poses a direct threat to the health or safety of the individual with a disability or others.

Accordingly, it is LCTCS's policy that no qualified student or applicant shall, solely by reason of disability, be denied access to, participation in or the benefits of any program or activity offered by one of its member colleges.

2. PURPOSE

The purpose of this policy is to outline the LCTCS Office's standards and procedures for purposes of ADA compliance.

3. APPLICABILITY

This policy applies to students and applicants at all LCTCS member colleges. The LCTCS offers reasonable accommodation to students with eligible documented learning, physical and/or psychological disabilities.

4. DEFINITIONS

- A. Disability: Under the ADA, an individual with a disability is a person who:
- a. Has a physical or mental impairment that substantially limits one or more major life activities;
 - b. Has a record of such impairment;
 - c. Is Regarded as Having such impairment as described in item #1 above; or
 - d. An impairment that is episodic or in remission if it substantially limits a major life activity when it is active.
- B. Impairment: Any physiological, mental or psychological disorder or condition, including those that are episodic or in remission, that substantially limits one or more major life activities when active.
- C. Substantially Limits: An impairment that prevents the ability of an individual to perform one or more major life activities as compared to most people in the general population when taking into consideration factors such as the nature, severity, duration and long-term impact of the condition. Such consideration must be regardless of any mitigating measures such as modifications, auxiliary aids or medications used to lessen the effects of the condition (except for use of ordinary eyeglasses or contact lenses).
- D. Major Life Activities:
- a. Generally, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others and working; and
 - b. The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.
- E.
- F. Qualified Individual:
- a. Under Title I, an individual with a disability who meets the requisite skill, experience, and education requirements for the position and who can perform the essential functions of the position held or applied for, with or without reasonable accommodation(s).
 - b. Under Title II, an individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in

programs or activities provided by the LCTCS Office, with or without reasonable accommodation(s).

G. Reasonable Accommodations:

- a. Under Title I, a modification or adjustment to the work environment that will enable a qualified individual with a disability to:
- b. Participate in the testing, application and/or interview process;
- c. Perform the essential functions of the job; or
- d. Provide equal opportunity to the benefits and privileges of employment.
- e. Under Title II, a modification that permits an individual with a disability to effectively communicate with the LCTCS Office and/or ensure equal opportunity relative to the LCTCS Office's programs, services, activities and facilities.

H. Regarded as Having: An individual is regarded as having such an impairment if the individual establishes that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment, whether or not the impairment substantially limits or is perceived to substantially limit a major life activity.

I. Student: Anyone registered for an academic course at an LCTCS Institution, including but not limited to, degree or non-degree seeking individuals.

J. Undue Hardship: An accommodation that would be unduly costly, extensive, substantial or disruptive, in light of factors such as the size of the agency, the resources available and the nature of the agency's business operations.

K. Direct Threat: A significant risk of substantial harm to the health or safety of an individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation.

L. ADA Coordinator: The LCTCS Office representative responsible for facilitating the interactive, evaluation process relative to any request for accommodation for students, whose name and contact information is provided below. Each LCTCS member college has a designated ADA Coordinator.

Name:	Dr. Amber Blair
Section:	LCTCS Governmental and Public Affairs
Address:	265 North Foster Drive, Baton Rouge, LA 70806
Phone #:	225-922-2800
Email:	amberblair1@lctcs.edu

5. REASONABLE ACCOMMODATIONS

It is the responsibility of the qualified individual with a disability to request a reasonable accommodation(s) when needed. Requests should be made to the appropriate college Disability/Accessibility Services Office under most circumstances. Accommodation plans may not be applied retroactively. Appropriate, reasonable accommodations will be made to allow each student to meet course requirements, but no fundamental or substantial alteration of academic standards will be made.

- A. To request an accommodation, the individual:
- a. Is encouraged to seek accommodations prior to the beginning of the term.
 - b. May initiate a request either verbally or in writing. If in writing, the qualified individual with a disability should complete the Request for Accommodation Form. If the individual needs assistance to complete the request form, the appropriate college Disability/Accessibility Services Office will provide such assistance;
 - c. Must submit the request to the appropriate person for the nature of the accommodation requested (as further explained below); and
 - d. Must timely and cooperatively participate in the interactive process (as further described therein);
 - e. Provide current supporting medical and/or psychological documentation of a disability from a licensed professional. The supporting documentation shall at minimum include:
 - i The diagnosis(es)
 - ii The severity of the disability or diagnosis,
 - iii Functional limitations,
 - iv Treatments, and
 - v Recommendations for removing barriers to learning.
- B. Service Animals: Students with service animals shall be guided by the service animal policy of the member college.

NOTE: Guidelines that govern facility standards are based on the date of original construction. Additional guidelines may apply when renovations or alterations are undertaken. The appropriate LCTCS or member college office shall coordinate construction and renovation in conjunction with appropriate state departments, as well as building code, regulatory and leasing entities, as applicable.

C. Pregnant and Parenting Students
Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." According to the DOE, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began. This generally means that pregnant students should be treated by LCTCS or any member college the same way as someone who has a temporary disability and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should

all be employed, in addition to any other ergonomic and assistive supports typically provided by Disability Services.

To the extent possible, the LCTCS and all member colleges will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place when the leave began. The Title IX Coordinator has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly. The Title IX Coordinator, working in consultation with the college disabilities specialist, will determine all reasonable accommodations. Information related to accommodations, reporting, modified academic responsibilities, harassment, and retaliation can be found in [LCTCS Policy #2.020 The Title IX Rights for Pregnant and Parenting Students](#).

NOTE: Accommodation requests and information collected during the associated interactive process shall be limited to only those individuals with an educational need to know.

D. Effective Communication (Title II)

A qualified individual with a speech, hearing or vision impairment may request an accommodation to the ADA Coordinator and shall be furnished with appropriate auxiliary aids and services so that the individual can participate equally in LCTCS college programs, services and activities. Such auxiliary aids may include qualified sign language interpreters, documents in Braille and other ways of making information and communication accessible. Anyone who requires an auxiliary aid or service for effective communication should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

D. Modifications to Policies, Procedures, or Facilities (Title II)

A qualified individual with a disability seeking modifications to policies, procedures or facilities for equal opportunity to enjoy LCTCS college programs, services and activities should contact the ADA Coordinator. Such requests should include the specific program, service or facility that the individual is unable to access and the accommodation(s) requested.

6. INTERACTIVE PROCESS - EVALUATION OF ACCOMMODATION REQUESTS

A. Upon receipt, the individual to whom an accommodation request was submitted must, when practicable, immediately notify the appropriate ADA Coordinator. The ADA Coordinator shall:

- a. Document the request, if not submitted in writing by the Requestor, on the Request for Accommodation Form;
- b. Where appropriate, discuss any alternative, equally effective accommodations with the Requestor;
- c. Notify the Requestor, in writing, of the final determination, including information regarding the internal grievance procedure.

B. Individuals with disabilities are encouraged to suggest accommodations based upon their own life and/or work experiences. Such requested accommodations will be duly

considered. Nonetheless, the LCTCS and its member colleges reserve the right to select an equally effective accommodation that may be less expensive or impactful on educational operations. All accommodation requests will be evaluated thoroughly and objectively on a case-by-case basis.

7. GRIEVANCE PROCEDURE

Member colleges must have a grievance process for students to challenge an accommodation decision or to file a complaint of discrimination or harassment. Students shall follow the published grievance procedures at their respective LCTCS member college. Once all grievance and appeal processes have been exhausted at the college level, a student, or the parent/legal guardian of a minor student, may appeal to the LCTCS Office on the grounds that the college's published procedures do not provide due process or that such procedures were carried out in an unfair or impartial manner. The appeal must be made, in writing, within 30 business days of the college's final disposition on the matter. Students may file a system-level appeal in accordance with [LCTCS Policy 2.004 Student Conduct and Appeal Procedures](#).

8. PROTECTIONS

No individual shall be discriminated or retaliated against, coerced, intimidated, threatened, harassed or interfered with for:

1. Making an accommodation request;
2. Opposing any act or practice made unlawful by the ADA;
3. Filing a charge, testifying, assisting or otherwise participating in an investigation, proceeding or hearing to enforce any provision of the ADA;
4. Aiding or encouraging another individual in the exercise of any right granted or protected by the ADA; or
5. Having a family, business, social or other relationship or association with an individual with a known disability.

9. PUBLIC NOTICE

To ensure accessibility by all interested persons, this policy shall be made available on the LCTCS Office's public website located at <https://www.lctcs.edu/>.

10. DOCUMENTATION

Students should obtain all ADA-related forms from their LCTCS member college.

11. CONFIDENTIALITY

All documentation obtained as part of an accommodation request, including medical and other relevant information, shall be maintained as confidential records and subject to disclosure only as allowed by law or with the individual's permission. Student or applicant accommodations are considered confidential and shall be maintained separate from a student's or applicant's other education records.

12. ADDITIONAL RESOURCES

For additional resources, individuals with disabilities may contact Louisiana Rehabilitation Services at (225) 219-2225 or 1(800) 737-2958 or online at https://www.laworks.net/WorkforceDev/LRS/LRS_Main.asp.

Individuals may also contact or file a complaint with the following:

U.S. Equal Employment Opportunity Commission (EEOC) pursuant to Title 1 (29 CFR S 1630.1 - 1630.16) at 1-800-669-4000, 1-800-669-6820 (Try for Deaf/Hard of Hearing callers only) or 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only).

Louisiana Commission on Human Rights pursuant to LA. R.S. 23:323 et seq at 225-342-6969; or U.S. Department of Justice (DOJ), Civil Rights Division, pursuant to Title II (28 CFR 5 35.101 - 35.190) at 202-514-3847 or 202-514-0716 (TY for Deaf/Hard of Hearing callers only).

Be advised that strict time limitations apply for filing complaints with these governmental agencies.

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM
Policy # 2.021

Title: STUDENT POLICY ON THE AMERICANS WITH DISABILITIES ACT

Authority: Board Action

Original Adoption: TBD

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Last Revision:

1. POLICY

The Louisiana Community and Technical College System (LCTCS) Office is fully committed to ensuring compliance with the requirements of [Section 504 of the Rehabilitation Act of 1973, as amended, \(“Section 504”\) and the Americans with Disabilities Act and its Amending Act of 2008 \(collectively “ADA”\)](#) to include:

- [Section 504: Provides, “No otherwise qualified individual with handicaps in the United States . . . shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance....”](#)
- [Title I of the ADA](#): Prohibits discrimination against qualified individuals with disabilities in all employment practices, including recruitment, hiring, advancement, compensation, fringe benefits, job training and other terms, conditions and privileges of employment. Upon request, LCTCS ~~institutions~~ ~~Office~~ shall engage in an interactive process and may approve a reasonable accommodation, unless the Requestor is not a qualified individual; doing so poses an undue hardship to ~~the-the~~ [institutionagency](#); or poses a direct threat to the health or safety of the individual with a disability or others.
- [Title II of the ADA](#): Ensures qualified individuals with disabilities have equal access to the full range of programs, services, activities and facilities of the agency. Upon request, the LCTCS Office may provide a reasonable accommodation, unless the Requestor is not a qualified individual; doing so would fundamentally alter the nature of the agency's service, program or activity; or poses a direct threat to the health or safety of the individual with a disability or others.

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2. PURPOSE

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The purpose of this policy is to outline the LCTCS Office's standards and procedures for purposes of ADA compliance.

3. APPLICABILITY

This policy applies to students and applicants at all LCTCS member colleges. [The LCTCS offers reasonable accommodation to students with eligible documented learning, physical and/or psychological disabilities.](#)

4. DEFINITIONS

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 - Has a record of such impairment; ~~or~~
 - ~~Is R~~egarded as ~~H~~aving such impairment as described in item #1 above; ~~or~~
 - ~~e.d.~~ [An impairment that is episodic or in remission if it substantially limits a major life activity when it is active.](#)
- B. **Impairment:** Any physiological, mental or psychological disorder or condition, including those that are episodic or in remission, that substantially limits one or more major life activities when active.
- C. **Substantially Limits:** An impairment that prevents the ability of an individual to perform one or more major life activities as compared to most people in the general population when taking into consideration factors such as the nature, severity, duration and long-term impact of the condition. Such consideration must be regardless of any mitigating measures such as modifications, auxiliary aids or medications used to lessen the effects of the condition (except for use of ordinary eyeglasses or contact lenses).
- D. **Major Life Activities:**
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 - The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.
- E. ~~Essential Functions: The fundamental and primary job duties of a position. Considerations in determining whether a function is essential include such factors as the written job description; whether the reason the position exists is to perform that function; the limited number of employees available to perform that function; and the degree of expertise required to perform the function.~~
- F. **Qualified Individual:**

a. Under Title I, an individual with a disability who meets the requisite skill, experience, and education requirements for the position and who can perform the essential functions of the position held or applied for, with or without reasonable accommodation(s).

b. Under Title II, an individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the LCTCS Office, with or without reasonable accommodation(s).

G. Reasonable Accommodations:

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A.a. Is encouraged to seek accommodations prior to the beginning of the term.

a.b. May initiate a request either verbally or in writing. If in writing, the qualified individual with a disability should complete the Request for Accommodation Form. If the individual needs assistance to complete the request form, the appropriate college Disability/Accessibility Services Office will provide such assistance;

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2. Opposing any act or practice made unlawful by the ADA;
3. Filing a charge, testifying, assisting or otherwise participating in an investigation, proceeding or hearing to enforce any provision of the ADA;
4. Aiding or encouraging another individual in the exercise of any right granted or protected by the ADA; or
5. Having a family, business, social or other relationship or association with an individual with a known disability.

9. PUBLIC NOTICE

To ensure accessibility by all interested persons, this policy shall be made available on the LCTCS Office's public website located at <https://www.lctcs.edu/>.

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12. ADDITIONAL RESOURCES

For additional resources, individuals with disabilities may contact Rikki Nicole David, State ADA Coordinator, at rikki.david@la.gov or (225) 342-1243. Louisiana Rehabilitation Services at (225) 219-2225 or 1(800) 737-2958 or online at https://www.laworks.net/WorkforceDev/LRS/LRS_Main.asp.

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Be advised that strict time limitations apply for filing complaints with these governmental agencies.

Signature: *W. Chandler LeBoeuf*
W. Chandler LeBoeuf (Dec 6, 2023 11:28 CST)

Email: chandlerleboeuf@lctcs.edu

Signature: *Amber Blair*
Amber A. Blair (Dec 6, 2023 11:29 CST)

Email: amberblair1@lctcs.edu

Review and Advisement to LCTCS Policy 2.021 - Student Policy on Americans with Disabilities Act

Final Audit Report

2023-12-06

Created:	2023-12-06
By:	Ericka Poole (erickapoole@lctcs.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2qjRbFWLFXHkREIDuUXwfbD-x7pDax1g

"Review and Advisement to LCTCS Policy 2.021 - Student Policy on Americans with Disabilities Act" History

 Document created by Ericka Poole (erickapoole@lctcs.edu)

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 Document emailed to chandlerleboeuf@lctcs.edu for signature

2023-12-06 - 5:08:10 PM GMT

 Email viewed by chandlerleboeuf@lctcs.edu

2023-12-06 - 5:28:20 PM GMT

 Signer chandlerleboeuf@lctcs.edu entered name at signing as W. Chandler LeBoeuf


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