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October 17, 2016

Dr. Betty Truitt  
President  
Black Hawk College  
6600 34<sup>th</sup> Ave.  
Moline, IL 61265

Re: OCR Docket # 05-16-2218

Dear Dr. Truitt:

This is to advise you of the resolution of the above-referenced complaint investigation of Black Hawk College (College). Specifically, the complaint alleged the College subjected Student A to discrimination based on her disability (xxxxxxxxxxxxxxxxxx) in the following manner:

1. Throughout the 2015-2016 school year, the College failed to provide Student A with appropriate academic adjustments and auxiliary aids for her classes in the Equestrian Science program.
2. In the Spring 2016 semester, the College subjected you to different treatment than similarly situated non-disabled students when it did not give you the option of replacing your horse when it went lame, forced you to remove your horse from the barn after an incident where your horse became “spooked,” and removed your name from the “chore list.”
3. In the Spring 2016 semester, the College administratively withdrew Student A from her Intermediate Horse Training class.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the College is subject this law. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Prior to the conclusion of OCR’s investigation, the College expressed an interest in voluntarily resolving this case under section 302 of OCR’s *Case Processing Manual*. In light of the College’s willingness to address the issues raised in the complaint allegations, OCR determined entering into a voluntary resolution agreement would be appropriate.

## Facts

### **Allegation 1**

Student A alleged that throughout the 2015-2016 school year, the College failed to provide her with appropriate academic adjustments and auxiliary aids for her classes in the Equestrian Science program.

Student A enrolled at the College in the Fall of 2014. Throughout her tenure at the College, Student A registered with the Disability Services Office in order to receive accommodations.<sup>1</sup> During Fall 2015 academic term, Student A's classroom accommodations included: a copy of instructor's notes or access to a peer note taker, recording of lectures, and access to a service dog at all times. Student A also had testing accommodations which included: extended test time, and testing in a quiet room. In Spring 2016, Student A's classroom accommodations were: a copy of instructor's notes or access to a peer note taker, recording of lectures, access to a service dog at all times, and the ability to leave class for short breaks in order to orient herself and feel safe. Student A's testing accommodations in Spring 2016 included: extended test time, access to her service dog, and testing in a quiet room. The College contends that it met with Student A several times throughout the school year regarding her academic adjustments and accommodations and at no time denied her auxiliary aids or any other accommodations.

Student A told OCR that in December 2015, her Western Horsemanship II instructor required her to take part of her final in the College's barn with other students instead of in a quiet room, as her accommodations required. Student A also indicated that on or about February 16, 2016, she was observing a colt breaking course in the College's barn and the instructor asked Student A to leave the barn because her service dog was distracting the horses. Student A complained to the College about this incident. The College told OCR they interviewed the instructor and the instructor indicated that he never kicked Student A out of the arena. The instructor told the College Student A's service dog jumped on his stand in front of the arena and made the horses scatter. The instructor indicated that he told Student A she would need to go into the stands as a safety precaution. The instructor told the College he was aware of Student A's accommodations and did not tell her she could not have her dog with her.

### **Allegation 2**

Student A alleged that in the Spring 2016 semester, the College subjected her to different treatment than similarly situated non-disabled students when it did not give her the option of replacing your horse when it went lame, forced her to remove her horse from the barn after her horse got injured and removed her name from the "chore list."

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<sup>1</sup> Information for how to request academic adjustments and auxiliary aids is available through the College's Student Handbook, Disability Services Handbook, as well as online at the College's Disability Services webpage: [www.bhc.edu/disability](http://www.bhc.edu/disability).

In Spring 2016, Student A was enrolled in EQ-264 – Show Horse Training, EQ-266 – Horse Show Prep & Management, EQ-268 – Intermediate Horse Training & Development, and CS-100 – Introduction to Computers. The College told OCR that EQ-264 students are required to provide their own horses for the class. If qualified horses are available through the College, students may utilize those horses, but they are not guaranteed.

From the onset of EQ-264, the College allowed Student A to use her horse in the course. On or about February 8, 2016, Student A's horse was injured and not able to be used in the EQ-264 course. According to Student A, other students in the program also had injured horses and were allowed to find replacements, while she was not. The College indicated that in the Spring 2016 semester, one other EQ-264 student had their horse become injured and this student was forced to find a qualified horse outside of the College, or drop the class. This other student found a qualified horse on their own and had the horse approved by the College. According to the College, this student is non-disabled.

On or about February 18, 2016, the College met with Student A and her mother and Student A confirmed that her horse was not able to be used due to his injury and that she could use no other horse at the College. The College advised Student A of her potential degree options at that point in the semester, including that she had completed the requirements for her Associates of Applied Sciences in General Occupational Technical Studies and could graduate in Spring 2016. The College also informed Student A that it would be willing to work with her if she wished to fulfill the requirements for an Associates of Applied Sciences degree in Horse Science. Student A rejected this option.

The College indicated that upon approval, horses may be brought to the College and housed in the stalls. The stalls are used as part of the Equine Science program, and are not intended to be reserved for horses not being utilized as part of the course curriculum. They also noted that the "chore list" is for student who have horses maintained in the stalls. As Student A's horse was not being utilized because of his injury, Student A was asked to remove the horse and because she had no assigned horse, was removed from the chore list.

The College noted that it met with Student A and her mother on February 25, 2016, and gave Student A the options to: (1) graduate with her Associates of Applied Sciences in General Occupational Technical Studies or change her degree to the (2) Associates of Applied Sciences degree in Horse Science, with the College providing a course waiver, directed study course and providing credit for work experience. Student A and her mother requested that the College allow her to use a horse named "Cody" for her EQ-264 course. The College informed Student A that "Cody" did not qualify because of his experience, and that it was too late in the course to find any qualified horse.

### **Allegation 3**

Student A alleged the College discriminated against her when it administratively withdrew her from her Intermediate Horse Training class.

On April 14, 2016, Student A requested to withdraw from EQ-264 and EQ-266. EQ-264 is an eight week course prerequisite course for EQ-268, so when Student A decided to withdraw from EQ-264, she was administratively withdrawn from EQ-268.

Student A requested to graduate with an Associate in Applied Science Degree Spring 2016. The College confirmed that Student A met all the requirements for graduation.

#### Resolution Agreement

Prior to the conclusion of this investigation, the College requested to resolve the complaint through a section 302 agreement. The enclosed Resolution Agreement is fully aligned with the complaint allegations. It requires the College to:

- provide administrators and employees in the College's Disability Services Office training on the policies and procedures for providing academic adjustments and/or modifications to students, including how to engage in the interactive process with students;
- provide Instructor A in the College's Equestrian Science program training on the College's policies and procedures for providing academic adjustments and/or modifications to students, including the procedures to follow to ensure that academic adjustments are provided appropriately and the resources each instructor may access for guidance and assistance;
- provide a letter to Student A advising her that, it will allow her to choose from the following options:
  - a. to retake EQ-264 and EQ-266 at no cost (specifically, no cost of tuition or stall fees to the courses) and to have her previous withdrawals in the courses expunged from her academic record;
  - b. to receive a full refund of tuition, stall fees, and books for EQ-264 and EQ-266, and to have her withdrawals from the courses expunged from her academic record; or
  - c. to allow the final grades/withdrawals given to her for the courses to stand; and
- implement the option chosen by Student A.

OCR will monitor the agreement. Please note that the first monitoring deadline is January 15, 2017.

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Thank you for your assistance and cooperation during OCR’s investigation—and particularly for the assistance of Ms. Allison Wright, counsel to the College. If you have questions about this letter, you may contact Roberto Flores, Equal Opportunity Specialist, at 312-730-1688 or [roberto.flores@ed.gov](mailto:roberto.flores@ed.gov).

Sincerely,

Marcela Sanchez-Aguilar  
Supervisory Attorney

Enclosure