

State of Wisconsin



Labor and Industry Review Commission

Gail West-King, Complainant

Equal Rights Decision¹

Madison Area Technical College
a/k/a Madison College, Respondent

Dated and Mailed:

ERD Case No. CR202500907

October 15, 2025

westkga_rsd.doc:164

The decision of the administrative law judge is **modified** and, as modified, is **affirmed**. Accordingly, the complainant's complaint is dismissed.

By the Commission:

/s/

Michael H. Gillick, Chairperson

/s/

Georgia E. Maxwell, Commissioner

/s/

Marilyn Townsend, Commissioner

¹ **Appeal Rights:** See the green enclosure for the time limit and procedures for obtaining judicial review of this decision. If you seek judicial review, you **must** name the Labor and Industry Review Commission as a respondent in the petition for judicial review. Appeal rights and answers to frequently asked questions about appealing an equal rights decision to circuit court are also available on the commission's website <http://lirc.wisconsin.gov>.

Procedural Posture

This case is before the commission to consider the complainant's allegation that the respondent discriminated against her in violation of Wis. Stat. § 106.56, the statute prohibiting discrimination in postsecondary education on the basis of physical condition or developmental disability. An administrative law judge for the Equal Rights Division of the Department of Workforce Development issued a decision dismissing the complaint based upon a lack of jurisdiction. The complainant has filed a timely petition for commission review of that decision.

The commission has considered the petition and has reviewed the information that was before the administrative law judge. Based on its review, the commission agrees with the decision of the administrative law judge, and adopts the findings and conclusions in that decision as its own, except that it makes the following:

Modifications

1. The following phrase is inserted in the first sentence of the administrative law judge's decision after the word "test":

“and by discriminating against her based upon her age and race.”

2. The following is inserted after the fourth full paragraph on the second page of the administrative law judge's decision:

II. The Act Does Not Cover Discrimination Based Upon Age or Race

Although the complainant's complaint also alleges that she was discriminated against based upon her age and race, Wis. Stat. § 106.56 is limited to physical and mental disabilities. There is no coverage under the Act for discrimination based upon age or race.

Memorandum Opinion

The complainant's petition for commission review contains no argument, and the commission has no specific indication as to why the complainant believes the administrative law judge's decision was wrongly decided. Notwithstanding this, the commission has conducted an independent review of the information that was before the administrative law judge in order to determine whether the conclusions made by the administrative law judge are supported. The commission believes that they are. The complainant alleged discrimination in higher education based upon her age and race, and further, alleged that the respondent failed to provide her with a disability accommodation when taking a test. The statute at issue, Wis. Stat. § 106.56, does not provide protection from discrimination based upon age or race, but applies only to disability. Therefore, there is no jurisdiction over the complainant's age and race claims. While the statute does require disability accommodations in testing, that coverage is limited to situations in which a “prospective enrollee” is taking a standardized aptitude test. Here, the complainant

was not a “prospective enrollee,” but, instead, was a current student. Therefore, the statute did not require the respondent to provide the complainant with any specific disability accommodations. The dismissal of the complaint is affirmed.

NOTE: The commission has modified the administrative law judge’s decision to reflect that, in addition to her allegation that the respondent failed to provide her with a disability accommodation, the complainant also alleged that she was discriminated against based upon her age and race.

cc: Atty. Jon Anderson