

Calif. college disability ruling is "wake-up call" for others

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A judge has ordered West Los Angeles College to restore on-campus transportation services for two students who sued the college in 2016.

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The fear of falling has followed Charles Guerra onto the hilly campus of West Los Angeles College in Culver City since 2016.

That's the year Guerra, an Army veteran with a spinal cord injury that makes walking difficult and painful, and two other students filed a lawsuit against the college after it discontinued its point-to-point shuttle services for students with disabilities. Since then, Guerra has fallen numerous times attempting to traverse the campus's steep, uneven terrain and the long distances between its buildings and decentralized parking lots.

In addition to his fear that he'll get hurt on campus again, the shuttle shutdown has also derailed his academic career.

"When I started school, they had the tram service, and that was the only way I could do it," he told *Inside Higher Ed*. Nearly a decade later, he has one more class to finish to earn his associate degree. "I was a straight-A student, and when they took it away, my grades

plunged and I suddenly had all of these problems.”

Now, after eight years of litigation, a federal judge has ruled that the college must provide Guerra and a second plaintiff, Karlton Bontrager, on-campus transportation services by the time the fall semester starts on Aug. 26. (The third plaintiff, known as Chrystal, who needed to carry an oxygen tank to manage various medical conditions, died prior to the ruling.)

While the decision is narrow in scope, experts say it has broader implications for other colleges and universities, which are legally required to provide students with meaningful access and participation.

“This should be a wake-up call for campuses,” said Jamie Axelrod, director of disability resources at Northern Arizona University and past president of the Association on Higher Education and Disability (AHEAD). “They need to review ... the accessibility of their campuses in terms of navigation, terrain and transportation and ask themselves, ‘Are we really providing that meaningful access?’”

Meaningful Access

That was the central question of the lawsuit Guerra and his co-plaintiffs filed against the college, which is part of the nine-campus Los Angeles Community College District. It argued that in taking away the shuttle and not offering an equivalent alternative, the college denied the students’ right to meaningfully access and participate in their education, in violation of Title II of the Americans With Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and California antidiscrimination law.

The college’s “denial of access to campus services has significantly restricted Plaintiffs’ participation in college life and progress towards completing their education,” the complaint alleged. “Plaintiffs have been forced to forgo classes, withdraw from classes, or limit coursework to online classes.”

Over eight years, the case boomeranged from district court to the U.S. Court of Appeals for the Ninth Circuit and back again, until U.S. District Court Judge Michael Fitzgerald made his final ruling clear last week: “You have lost!” he wrote in an order requiring the college to provide on-campus transportation services for Guerra and Bontrager.

Guerra said he hasn’t yet heard from the college or the district about the specifics of his court-ordered transportation accommodation. Whatever that looks like, though, he hopes it will alleviate his long-standing worries about getting to class on a campus he described as a “beautiful castle in the sky built with no regard for anyone with a disability.”

Editors’ Picks

The transportation he'll have access to this this fall will allow him to focus all of his energy on finishing the last course he needs to complete the associate degree, putting him one step closer to his decade-old goal of becoming an addiction counselor.

But he's also hopeful that his case will lead to finding a solution that works for all students. "It's for the people coming after me," he said. "The veterans coming back who are all torn up—they can't go to school there. I want every single person to be able to go to West Los Angeles College."

Students with disabilities make up roughly 20 percent of all U.S. college-goers—and 28 percent of student veterans, like Guerra, according to the National Center for Education Statistics. But barriers, such as an inaccessible physical campus, contribute to disabled students' lower graduation rates relative to other peers.

Juliet Hidalgo, a spokesperson for the college district, said via email that it "intends to fully comply with the judge's order" to provide some type of transit for Guerra. But she couldn't offer any details, as "other aspects of this case are still being decided."

She emphasized "that LACCD is firmly committed to fostering a welcoming, inclusive educational and working environment for people of all abilities," reflecting "our dedication to embracing the diversity of our region across all nine District campuses."

But Guerra's case isn't the first to challenge the district's accommodations for students with disabilities.

Pierce College is under a permanent court order to provide a wheelchair-accessible shuttle to students with disabilities, among other accommodations, as the result of a lawsuit filed against the college in 2008.

In 2023, a federal jury ruled in Payan v. LACCD that Los Angeles City College failed to meet its legal obligations to two blind students by "maintaining inaccessible websites, library resources and educational software, as well as by failing to provide timely accessible course materials," according to the National Federation of the Blind, which supported the suit.

If West L.A. College doesn't come up with a plan for Guerra and Bontrager's transportation by later this month, Judge Fitzgerald said he'll hold the college district in contempt of court.

"It can have a full-time Uber driver for both those plaintiffs and have it drive them at will on the campus, and give them a placard to use to make it clear that they have the right to do that," he said at a hearing last week. "Or it can just acknowledge that there is a real issue here, which is going to be an ongoing issue, and reach a global solution, at least in the long run."

That reality may be imminent, depending on how Fitzgerald rules another case before him—*Cline v. West Los Angeles College et. al.*, which he said contains “the real issue.” The goal of that class action lawsuit, brought by a group of disabled students in 2022, is to restore shuttle access for all students with disabilities.

“The District chose decades ago to build a beautiful campus on a steep hill. At some point, the District will have to spend money for all students to reconcile that decision” with disability law, Fitzgerald said in his order regarding Guerra and Bontrager. “That ‘at some point’ is the Cline action. The equitable relief ordered for these two Plaintiffs will likely be superseded by whatever the ultimate settlement or disposition of that action turns out to be.”

‘The Bigger Picture’

Jack Ruebensaal, a longtime political science professor at the college, testified in 2017 that he also had an injury that made it difficult to navigate the campus before the shuttle became his “primary mode of transportation,” according to a court transcript. Years before the lawsuit, he sat on the facilities committee during construction of some of the buildings he found difficult to access.

“Many a time I would say to the architects, ‘You’ve moved a campus that the focus is in the center and you’ve put all the parking around the periphery. This is going to be horrific for people who can’t necessarily walk the distance from the periphery into the center,’” Ruebensaal recalled in 2017. “But, you know, architects being what they were, they are going to design a campus that they can look back on and say, ‘This is a lead campus.’”

For the students and employees who have to study and work there, however, he added, the design is “crap.”

That’s why colleges need “to step back and look at the bigger picture” when designing the layout of their campuses, said Autumn Elliott, a lawyer for Disability Rights California who represented Guerra and his co-plaintiffs.

“They may have followed all the specific, prescriptive rules, but do people with disabilities actually have access? If they don’t, there may be an obligation on the campus to do more,” she said. “Schools needs to think about what the impact is on people with disabilities and build that into their decision-making processes.”

Although providing on-campus transportation isn’t an explicit requirement of federal disability regulations, the precedent set by Fitzgerald’s ruling last week has implications beyond the two students it immediately affects, said Paul Grossman, executive counsel for AHEAD, retired attorney for the U.S. Department of Education’s Office for Civil Rights and a disability law expert.

“Campuses need to provide students with mobility impairments effective, meaningful accommodations,” he said, noting that he was not speaking on behalf of AHEAD. “And in some instances—maybe many instances—that will mean on-campus transit.”