

Rapid Research Report

Are colleges and universities required to have accessible vehicles to transport students with disabilities under the Americans with Disabilities Act?

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EXECUTIVE SUMMARY AND DEFINITIONS

This report will examine whether colleges and universities must have accessible vehicles for students with disabilities under the Americans with Disabilities Act (“ADA”). Broadly, according to relevant federal case law, colleges and universities must provide accessible transportation to students with disabilities under the ADA if the university cannot provide “meaningful access” to its programs and services otherwise. A university does not necessarily have to have an accessible vehicle; however, if contract transport services or other alternatives fail to provide meaningful access, accessible vehicles may be necessary. For the purposes of this report, the terms “college” and “university” will be used interchangeably, and the use of one term over another does not denote a material difference.

First, this report will explore the issue of accessible transportation in the context of a university campus and the consequences that a lack of accessible transportation can have for college students. Second, the report will outline the relevant parts of the ADA that apply to colleges in the U.S. This section will specifically discuss relevant differences between private and public universities.

Third, the report will discuss relevant federal cases on this issue. States in the Rocky Mountain region fall within three federal circuits: the Eighth Circuit (which includes North Dakota and South Dakota), the Ninth Circuit

(which includes Montana), and the Tenth Circuit (which includes Colorado). As readers may know, the U.S. Supreme Court's decisions are binding throughout federal courts in the U.S. After U.S. Supreme Court law, the law from the Federal Circuit Courts of Appeals governs in the states that fall within their respective circuit. For example, Colorado falls within the Tenth Circuit, so federal courts in Colorado must follow the decisions from the U.S. Supreme Court and the Tenth Circuit Court of Appeals. In this instance, the U.S. Supreme Court, the Eighth Circuit Court of Appeals, and the Tenth Circuit Court of Appeals have not addressed the issue of accessible transportation on college campuses directly. As a result, there is no concrete rule of law on the issue that federal district courts in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming must follow. Therefore, federal courts within these states may turn to other federal decisions for analysis or may analyze the issue according to their reading of the law. However, the Ninth Circuit Court of Appeals has directly addressed this issue in *Guerra v. West Los Angeles College*. Therefore, courts in California do have binding authority on the issue, as discussed in more detail below. Importantly, this report is not an exhaustive analysis of every case that has addressed this issue; instead, it aims to provide a short update on the current state of recent law as is relevant to the Rocky Mountain region.

Fourth, the report will discuss other possible scenarios, including a university's use of contracted transportation for students with disabilities.

Fifth and finally, the report will conclude by discussing areas where colleges and universities could improve accessible services.

INTRODUCTION

Many disability rights activists see transportation access for people with disabilities as a civil rights and basic equity issue.¹ Research has shown that students with disabilities who have access to accessible transportation services are more likely to regularly attend classes and succeed in their academic endeavors.² Despite this research, students with disabilities on university campuses report several issues with campus transportation and public transportation, including: a lack of accessible vehicles; drivers and transport staff who have not received training on how to accommodate or secure mobility devices; dysfunctional equipment; and other issues. For example, in 2023, Sarah Fergus, then a student at University of North Carolina Chapel Hill, tried to board a local public Chapel Hill Transit bus, but the driver did not allow Fergus to detach her Firefly, a wheelchair mobility attachment, in order to board the bus.³ Other passengers had to lift Ferguson off the bus, leaving her feeling, “like a piece of furniture.”⁴ As a result, Fergus started using the mobility-on-demand services available at her university, but she found that long wait times prevented her from arriving to classes or campus activities on time, leaving her in limbo between public transport and campus

transport services.⁵ Students with disabilities report similar experiences frequently on campuses across the country.

The experiences of three students with disabilities at American University illuminate other problems with the lack of accessible transport and the lack of staff training on disabilities on college campuses. First, In November 2021, an American University (“AU”) campus shuttle driver told Ben Shore, then a senior, that he could not bring his service dog on the bus.⁶ In March 2022, another AU shuttle operator told Jessica Chaikof, then a graduate student at the university, that she had to leave the bus if she could not provide identification for her service dog.⁷ As readers may know, under the ADA, identification for a service dog is not required in any setting.⁸ Third, Fiona Murphey, an AU student and wheelchair user, stated that shuttle operators had not received training on how to properly and safely strap her wheelchair down.⁹ Without this training, Murphey faced an ongoing safety hazard when she rode the campus shuttle.¹⁰ In another instance, an AU shuttle operator driving a shuttle for a class field trip told Murphey that there was not enough space for her and her wheelchair, and the driver did not allow her on board.¹¹

The experiences of Fergus, Shore, Chaikof, and Murphey are just a few illustrations of the myriad challenges that students with disabilities face when campus transportation services are not able to serve them. Such challenges illuminate the physical barriers to attending class and campus activities and

the possible emotional injuries of being singled out in front of classmates or being questioned about the nature of a disability.

THE ADA’S APPLICABILITY TO PUBLIC AND PRIVATE UNIVERSITIES

The ADA requires public and private colleges and universities to provide equal and meaningful access to post-secondary education for students with disabilities. This section will discuss the two areas of the ADA that are applicable to this issue, Titles II and III, and additional ADA regulations surrounding ground transportation.

Title II

Title II of the ADA applies to all publicly-funded universities, community colleges, and vocational schools.¹² Title II requires public entities to provide individuals with disabilities with “meaningful access to the benefit” that an entity’s programs, services, and facilities offer.¹³ Programs and services can include classes, student organizations, extracurricular activities, university services, dormitories, cafeterias, and other elements of life on a college campus.¹⁴ To illustrate, universities may provide meaningful access in any number of ways, including: physical accessibility to buildings; communication aids; modifications of policies, practices, and procedures; and other mechanisms.¹⁵ Colleges may work with individual students to find reasonable

accommodations and modifications that meet the individual needs of a student with a disability that the university is not otherwise serving.

The ADA does not require a university to accommodate or modify policies and procedures if it would “fundamentally alter the nature of the service, program, or activity or give rise to an undue financial or administrative burden.”¹⁶ This limiting principle is a high threshold, and a university must demonstrate why a particular alteration would meet this standard. For a student to demonstrate that a college has violated Title II of the ADA, a student must demonstrate that she has a disability; she was “excluded from participation in or otherwise discriminated against with regard to a public entity’s services, programs, or activities;” and that her exclusion was due to her disability.¹⁷

Title III

Title III of the ADA applies to private universities to the extent they hold themselves out to the public as public accommodations.¹⁸ Under Title III of the ADA, a university cannot discriminate against students with disabilities in the “full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.”¹⁹ In its definition of public accommodation, Title III explicitly *includes* undergraduate and postgraduate private schools and places of education.²⁰ The only exception to Title III lies with religious organizations or entities. In certain cases, if a religious organization controls an institution of higher

education, Title III may not apply.²¹ However, Section 504 of the Rehabilitation Act of 1973 applies to most religious institutions if the institution receives federal funding. Therefore, even if a private institution is exempt from Title III as a religious entity, Section 504 may provide similar protections for students with disabilities as the ADA would at a public university.²²

Ground Transportation

Titles II and III of the ADA also apply to the context of ground transportation more broadly outside the bounds of university campuses. This section will discuss ADA requirements for ground transportation, which can be a useful consideration when considering accessible transport on a college campus. The ADA requires public and private ground transportation operators to provide rider information in accessible formats; ensure that equipment like ramps and lifts are in good working condition; allow riders with disabilities adequate time to enter and exit; allow riders with service animals to bring their service animals on board; and to train ground transportation personnel to operate vehicles and equipment and treat people with disabilities respectfully.²³ Despite the ADA requirements and regulations, individuals with mobility disabilities who use paratransit services report an eighty-percent higher overall journey time than individuals without mobility disabilities.²⁴ People with disabilities often have to budget more time for transport, book it in advance, and make do with less flexible services.²⁵ As a result, people with disabilities face unequal access to infrastructure, mobility,

opportunity, and economic self-sufficiency due to the lack of reliable and accessible transport.²⁶ Studies have shown that the lack of access to transportation limits employment opportunities, access to healthcare facilities, education options, and social activities.²⁷

Users and transport systems typically categorize ground transportation into three groups: fixed route services, paratransit services, and mobility-on-demand services. Each group is subject to various requirements under the ADA. First, fixed route systems are public transport systems that have pre-set routes and stops, like bus routes or light rail services. Under the ADA, fixed route systems must have a lift or ramp for a wheelchair and other mobility devices; have slip-resistant floors; allow turning room for wheelchairs; and have accessible handrails and pull cords or buttons; among other requirements for individuals who have a visual or auditory impairment or other disability.²⁸

Second, paratransit services complement fixed route services.²⁹ Paratransit is available for individuals with disabilities within three-quarters of a mile of a fixed route who are unable to get to a fixed route stop because of their disabilities.³⁰ Paratransit services must have the same days and hours as a fixed route; may not charge for a personal care attendant for someone with disabilities; may not restrict services based on a person's trip purpose; and may not charge more than twice the fare for a fixed-route of a similar length at the same time of day.³¹ The ADA mandates that paratransit is comparable

to fixed route public transit.³² However, practically speaking, people with disabilities usually have to request paratransit services more than a day in advance, services are often not on-time, and paratransit users face several other challenges, making the systems inflexible and challenging to use.³³ Furthermore, if a person with disabilities lives outside of three quarter mile radius of a fixed route, she is ineligible for paratransit.³⁴

Third, mobility-on-demand transportation services exist as an alternative to fixed route and paratransit services. Mobility-on-demand services allow a person with disabilities to request point-to-point transport in any location. Some cities and municipalities have public mobility-on-demand transport services to allow people with disabilities to request rides, but riders can face similar issues to those discussed above with respect to delays and other challenges. Uber, Lyft, and other ride-sharing platforms are private mobility-on-demand services that have theoretically made transport for people with some disabilities more available.³⁵ However, the lack of accessible vehicles on these platforms and the higher cost prohibits many people with disabilities from using them.³⁶

Despite these requirements, people with disabilities can cite numerous examples of public transportation systems that have failed to comply with the ADA and failed to adequately serve people with disabilities.³⁷ Some municipal and state public transport providers cite challenges with driver shortages, a lack of funding, and other regulatory and policy challenges as

barriers toward increasing accessible transportation more broadly outside of college campuses.³⁸ Many disability rights advocates think mobility-on-demand transportation services are more effective and helpful in comparison to fixed route services, which students must find and use as they exist.³⁹ For example, the University of Michigan conducted a survey that found that 85% of students with disabilities felt it was easier to access campus facilities and programs with mobility-on-demand transportation.⁴⁰ Fixed route and mobility-on-demand transport will be discussed further below in this report's conclusion.

RELEVANT FEDERAL CASE LAW

This section will discuss relevant federal case law. Because there is no decisive case law in the Eighth Circuit Court of Appeals or the Tenth Circuit Court of Appeals, this section will focus on illustrative cases from the Ninth Circuit, which includes the Rocky Mountain state of Montana. While this case law is not binding on all Rocky Mountain states, it can provide meaningful analysis for how a court in the Rocky Mountain region might approach and analyze the issue of accessible transportation on college campuses.

Guerra v. West Los Angeles College

In July 2024, the Ninth Circuit Court of Appeals concluded that a public community college failed to provide meaningful access to university

programs and services for two students with disabilities in *Guerra v. West Los Angeles College*. Two of the plaintiffs in the case, Mr. Guerra and Ms. Chrystal, were students with physical disabilities who attended West Los Angeles College (“WLAC”), a public community college in California.⁴¹ The plaintiffs’ disabilities prevented them from walking far distances.⁴² Originally, WLAC provided an on-demand campus shuttle service that students with disabilities could call for assistance.⁴³ Typically, Mr. Guerra parked in an accessible parking spot (using a state-issued placard) and called the campus shuttle to get to class.⁴⁴ However, WLAC ended the shuttle service in 2016, leaving both Mr. Guerra and Ms. Chrystal without access to several parts of their campus.⁴⁵ As a result, both had to drop certain classes and programs.⁴⁶ After WLAC discontinued the shuttle, Mr. Guerra asked a campus sheriff how to arrive to class.⁴⁷ The sheriff told him to walk from his accessible parking spot to class.⁴⁸ In trying to walk that distance, Mr. Guerra fell, causing him to suffer injuries and lose summer courses due to his recovery time.⁴⁹

WLAC argued that Mr. Guerra and Ms. Chrystal could use motorized scooters to get around campus.⁵⁰ Mr. Guerra had a scooter, but he had no way to bring it to campus.⁵¹ WLAC argued that Guerra could use the Los Angeles paratransit system to bring his scooter to campus; but the court concluded that paratransit services was not “sufficiently reliable or flexible to accommodate his schedule.”⁵² The court also recognized that it can take several months, if not years, for eligible people with disabilities to receive

mobility devices under public programs and this solution was therefore not a long-term solution for other students with disabilities who did not already have a mobility device.⁵³ Because the campus ended the shuttle service and did not provide a way for Mr. Guerra and Ms. Chrystal to get to class and other campus activities, the court concluded that both Mr. Guerra and Ms. Chrystal had lost meaningful access to WLAC's programs and services.⁵⁴ The court stated that WLAC failed to provide reasonable modifications for students with disabilities to get to campus programs and services after ending the shuttle service.⁵⁵

After concluding as much, the court remanded the case to the United States District Court for the Central District of California, a federal trial court, to determine what reasonable modifications WLAC could provide to give the students meaningful access.⁵⁶ On remand, the federal trial court concluded that an on-campus shuttle service would be an appropriate reasonable modification for Mr. Guerra.⁵⁷ The court specifically noted that providing a shuttle service would *not* “fundamentally alter the nature of the service, program, or activity” foreclosing WLAC from arguing that the shuttle would be an undue burden.⁵⁸ However, this decision did not specifically require WLAC to provide transportation accessible for people who use wheelchairs, it merely mandated that WLAC provide reasonable modifications for the students.

Guerra is not binding on the Rocky Mountain region; however, the Ninth Circuit Court of Appeals' analysis could be used as persuasive authority in cases in any state. The trial court's conclusions would be particularly persuasive in other Ninth Circuit states, which would include Montana. The federal trial court's language regarding meaningful access and the injuries that the plaintiffs suffered highlights the problems with the lack of accessible transport on college campuses. The court in *Guerra* specified that plaintiffs suffered an injury "to their dignity and independence as a result of Defendants' violation of their civil rights."⁵⁹ Importantly, the court in *Guerra* stated that, "access for students with disabilities is neither meaningful nor equal if it means that they relinquish control over their ability to arrive at class on time."⁶⁰ Although the case is only persuasive authority, and not binding, in the Eighth Circuit (home to North Dakota and South Dakota) and the Tenth Circuit (home to Colorado, Utah, and Wyoming), it is an important case to consider when looking at accessible transport on campuses. Paul Grossman, a disability law expert and former attorney for the U.S. Department of Education's Office for Civil Rights, highlighted that although the ruling is narrow and applies only to the parties in *Guerra*, it has important implications for other universities beyond the parties in the case.⁶¹

Huezo v. Los Angeles Community College District

In 2007, a federal trial court ordered the Los Angeles Community College District to establish a wheelchair accessible shuttle to reach all areas of

campus that did not have accessible paths.⁶² In this case, *Huezo v. Los Angeles Community College District*, Mr. Huezo, the plaintiff, was a student at Pierce College in Los Angeles who used a wheelchair to attend class and access other public facilities on campus.⁶³ Mr. Huezo asked the university for various modifications for his disability.⁶⁴ His college granted some, but not all, of the requests.⁶⁵ For example, the college installed a grab bar in one of the college facility restrooms after Mr. Huezo complained about the lack of grab bars.⁶⁶ However, Mr. Huezo asked for an accessible drafting table for his architecture course and the university never provided one.⁶⁷

In addition to a failure to provide reasonable modifications for his disabilities, Mr. Huezo also alleged that Pierce College failed to conduct a self-evaluation of accessibility and create a transition plan to ensure ADA accessibility, which is a requirement under Title II of the ADA.⁶⁸ Mr. Huezo alleged that he and other students with disabilities had communicated clear issues with campus accessibility, including no grab bars in accessible bathroom facilities; no accessible parking spaces; no accessible desks in classrooms; no curb cuts in campus sidewalks; steep ramps; no handrails on accessible ramps; and no accessible gym facilities.⁶⁹ Mr. Huezo stated that the lack of accessible features often required him to “become the focus of unwanted attention” or “request that an entire classroom be rearranged” to accommodate him in his wheelchair.⁷⁰ Mr. Huezo was often unable to

participate in class activities or specifically could not take a class because of a lack of accessibility.⁷¹

In this case, the court looked to Pierce College's lack of a self-evaluation as evidence that Mr. Huevo experienced discrimination and concluded that the lack of plans in conjunction with Mr. Huevo's experiences of the campus demonstrated that Pierce College failed to comply with the ADA.⁷² Through a permanent injunction, the court ordered the Los Angeles Community College District to "establish a regularly scheduled wheelchair accessible shuttle that will take disabled students to all portions of campus that do not have accessible paths."⁷³ A permanent injunction is a remedy that orders a particular party to do something, rather than to pay a monetary amount, and can be a powerful remedy in accessibility cases under the ADA. As discussed with respect to *Guerra*, this case is not binding in courts outside of the Central District of California; however, other courts in any circuit in the Rocky Mountain region could use it as persuasive authority.

A Private Right of Action

In relation to *Huevo*, courts are split as to whether the ADA creates a private right of action that allows an individual to bring suit against a public entity for failing to conduct a self-evaluation or conduct a transition plan under the ADA.⁷⁴ A private right of action is a legal concept that allows an individual to file a lawsuit under a particular statute, rather than a state or

federal enforcement agency.⁷⁵ Under many federal statutes, only the U.S. Department of Justice or another federal agency tasked with enforcing the statute can bring suit on behalf of an individual for an alleged violation of the statute.⁷⁶ For example, the Food, Drug, and Cosmetic Act (FDCA) does not provide a private right of action, so the Food and Drug Administration is the only agency that may sue under this statute.⁷⁷ A private right of action is a relevant consideration in the conversation surrounding accessible transport on campuses because courts may or may not give it significant weight in analyzing a college's lack of accessible transportation. Some courts have concluded that private individuals cannot allege a serious-enough harm based on an entity's failure to comply with a self-evaluation or transition plan alone.⁷⁸ As a result, if an individual is a student at a university without accessible transport, the student would have to demonstrate an injury beyond merely the lack of a self-evaluation or a transition plan (as Mr. Guerra did, for example).

The Eighth Circuit Court of Appeals and the Ninth Circuit Court of Appeals has concluded that the ADA did not create a private right of action for an entity's failure to conduct a self-evaluation or create a transition plan.⁷⁹ Therefore, in Montana, South Dakota, and North Dakota, individuals cannot bring a suit under the ADA on that basis alone. However, the Tenth Circuit Court of Appeals (which is binding on courts in Colorado, Wyoming, and Utah) has concluded that private individuals may sue based on a lack of self-

evaluation and transition plan under the ADA.⁸⁰ Regardless of the circuit, plaintiffs in any court may ask a court to consider a university's failure to complete a self-evaluation, failure to create a transition plan, or failure to follow a transition plan as one part of several pieces of evidence in a case based on another discrete injury under the ADA.⁸¹

TRANSPORT ALTERNATIVES

Some universities try to use external contract transport or other solutions instead of purchasing wheelchair accessible vehicles or providing other accessible transport for campus activities. While the ADA does not explicitly prohibit this, colleges must ensure that these services meet the institution's obligations under the ADA.⁸² When using external services, a university has the same obligations "that would apply to the [university] if the [university] itself provided the service."⁸³ The responsibilities of a college or university depends on its status under the ADA – public (Title II) or private (Title III).⁸⁴ Specifically, section 37.25 of the ADA requires that college and university transportation systems meet the regulations assigned to their status.⁸⁵ For example, transportation at a private college must adhere to requirements for private entities that are not "primarily engaged in transporting people."⁸⁶ Similarly, public universities must adhere to

regulations that apply to public entities who are not primarily engaged in transporting people.⁸⁷

For example, if a university chooses not to purchase or rent fully accessible vehicles and instead chooses to make use of contract transport services, like an accessible taxi, the taxi must still provide meaningful access to all university programs, activities, and classes.⁸⁸ If an externally contracted service fails to arrive on time, fails to deliver or pick-up a student from an activity, or otherwise does not properly serve a student with disabilities, the university would still be responsible under the ADA's principle of "meaningful access" discussed above, as well as under other principles of contract and agency law.⁸⁹ Importantly, if a university does purchase an accessible vehicle, the university may use that vehicle for any activities, so long as it is available for a student with disabilities when necessary.⁹⁰ For example, if a university purchases an accessible mini-bus, the university could use that mini-bus to transport a student who uses a wheelchair for a field trip and to transport an athletic team with no wheelchair users to an away game.

Jamie Axelrod, a college administrator and past president of the Association on Higher Education and Disability, illuminated the important question that universities must ask themselves with respect to this issue: "[colleges] 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?'.⁹¹ Colleges must consider this with

respect to the layout of a campus, the accessibility of activities and programs, any other aspects of campus life.⁹²

CONCLUSION

To improve transportation accessibility for students with disabilities, universities can implement a number of different changes. Colleges can invest in accessible vehicles; implement a mobility-on-demand transport system that is compliant with all accessibility guidelines; and provide comprehensive training for drivers, including how to accommodate mobility devices and communicate with students with disabilities.⁹³ Universities can also create a way for users to report accessibility challenges with the transport system.⁹⁴

State and federal agencies can also continue to investigate and conduct reviews of college accessibility features to ensure that campuses across the nation are compliant. The Department of Education's Office for Civil Rights and the Department of Justice have both pursued the enforcement of the ADA and accessibility requirements on college campuses.⁹⁵ Various settlement agreements and resolution agreements have required college campuses to implement a number of changes, including architectural reviews and remediation efforts; modifications to accessible

parking areas; evaluation of architectural barriers; and completion of required changes in a timely and prompt manner, among other things.⁹⁶

For students with disabilities, accessible transport is often a key necessity for their university experiences. Colleges that invest more time, training, and funds into accessible transport services for students can avoid forcing students to experience the persistent and sometimes humiliating challenges that a lack of transport creates. For example, if American University invested more time and funding in driver training and education, Ben Shore and Jessica Chaikof would not have had to improperly identify and justify their service dogs, as discussed above. Similarly, if the University of North Carolina at Chapel Hill provided timely accessible transport on campus, the university could have prevented Sarah Fergus from having to rely on other riders on public transport to properly board a public bus. In many cases, training and education resources are already available for university drivers and transport service providers, and a university need only provide and require the completion of such trainings for their staff.

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⁴ Martin (2023).

⁵ *Id.*

⁶ Zoe Bell, *The Eagle*, “Disabled students raise concerns about ADA violations on AU shuttle bus, campus buildings,” (Apr. 11, 2011), <https://www.theeagleonline.com/article/2022/04/disabled-students-raise-concerns-about-ada-violations-on-au-shuttle-bus-campus-buildings> (accessed Oct. 13, 2024).

⁷ Bell (2011).

⁸ Individuals may only ask, “is the animal required because of a disability?” and “what work or task has the animal been trained to perform?” See Rocky Mountain ADA Center, “Service Animals,” <https://rockymountainada.org/topics/individuals/service-animals> (accessed Nov. 19, 2024).

⁹ Bell (2011).

¹⁰ *Id.*

¹¹ *Id.*

¹² *ADA National Network*, “What are a public or private college- university's responsibilities to students with disabilities?” <https://adata.org/faq/what-are-public-or-private-college-universitys-responsibilities-students-disabilities> (accessed Nov. 19, 2024); *ADA Inspections*, “ADA Requirements for Education Facilities,” (Feb. 15, 2021) <https://inspectionsada.com/ada-compliance-blog/2021/2/12/ada-requirements-for-education-facilities> (accessed Oct. 13, 2024).

¹³ *Guerra v. W. L.A. Coll.*, 812 Fed. Appx. 612, 613 (C.D. Cal. 2024); 42 U.S.C. § 12131(1)(A).

¹⁴ *Guerra v. W. L.A. Coll.*, 2024 U.S. Dist. LEXIS 134648 (C.D. Cal 2024) at *7-10; *ADA Inspections* (2023).

¹⁵ *ADA National Network*, “What are a public or private college- university's responsibilities to students with disabilities?” <https://adata.org/faq/what-are-public-or-private-college-universitys-responsibilities-students-disabilities> (accessed Nov. 19, 2024).

¹⁶ *Id.*

¹⁷ *Lovell v. Chandler*, 303 F.3d 1039, 1052 (9th Cir. 2002) (citing *Weinreich v. Los Angeles County Metropolitan Transportation Authority*, 114 F.3d 976, 978 (9th Cir. 1997)).

¹⁸ *ADA Inspections* (2023).

¹⁹ Great Lakes ADA Center, “Legal Brief No. 45,” (May 2021), https://www.adagreatlakes.org/Publications/Legal_Briefs/Brief_45_ADA_and_Higher_Educ.pdf (accessed Nov. 19, 2024).

²⁰ *Id.*; See also *ADA National Network*, “What are a public or private college- university's responsibilities to students with disabilities?” <https://adata.org/faq/what-are-public-or-private-college-universitys-responsibilities-students-disabilities> (accessed Nov. 19, 2024).

²¹ *ADA National Network*, “Religious Entities Under the Americans with Disabilities Act,” <https://adata.org/factsheet/religious-entities-under-americans-disabilities-act> (accessed Nov. 19, 2024).

²² *Id.*

²³ See National Rural Transit Assistance Program, “ADA Toolkit,” (May 2020), <https://www.nationalrtp.org/Toolkits/ADA-Toolkit/Service-Type-Requirements/ADA-Complementary-Paratransit-Requirements#GeneralRequirementsforAllServiceTypes> (accessed Nov. 25, 2024).

²⁴ Cemal Akcicek, Aditi Misra, Manish Shirgaokar, and Wesley Marshall, *Transportation Research Record*, Vol. 2678, Iss. 1, “How Time Inefficient and Uncertain are Paratransit Trips Compared to Car Trips,” (2024) at 274.

²⁵ Ron Brooks, *American Council of the Blind*, “If Separate is Not Equal, Then What About Paratransit?”, (Oct. 2021), <https://www.acb.org/if-separate-not-equal-then-what-about-paratransit> (accessed Nov. 25, 2024).

²⁶ Akcicek *et al.* at 273.

²⁷ Graydon W. Bascom, and Keith M. Christensen, *Journal of Transport & Health* Vol. 7, “The impacts of limited transportation access on persons with disabilities’ social participation,” (2017), <https://doi.org/10.1016/j.jth.2017.10.002> (accessed Nov. 25, 2024).

²⁸ See National Rural Transit Assistance Program, (May 2020).

²⁹ Akcicek *et al.* (2024) at 272.

³⁰ Gleason *et al.* at 731.

³¹ See National Rural Transit Assistance Program, (May 2020).

³² Akcicek *et al.* (2024) at 272.

³³ Gleason *et al.* at 732; Akcicek *et al.* (2024) at 273.

³⁴ Gleason *et al.* at 732.

³⁵ *Id.*

³⁶ *Id.*

³⁷ See, e.g. Cerebral Palsy Foundation, *Zach Anner & the Quest for the Rainbow Bagel*, YouTube (Mar. 20, 2017), <https://www.youtube.com/watch?v=LhpUJRGrZgc> (accessed Nov. 1, 2024).

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⁴⁰ Raskin (2024).

⁴¹ *Guerra*, 812 Fed. Appx. at 613.

⁴² *Id.*

⁴³ *Guerra*, 2024 U.S. Dist. LEXIS 134648 at *7-8.

⁴⁴ *Id.*

⁴⁵ *Guerra*, 812 Fed. Appx. at 613.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Guerra*, 2024 U.S. Dist. LEXIS 134648 at *7-8.

⁴⁹ *Id.*

⁵⁰ *Guerra*, 812 Fed. Appx. at 613.

⁵¹ *Id.* at footnote 1.

⁵² *Id.*

⁵³ *Guerra*, 812 Fed. Appx. at 613.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Great Lakes ADA Center (2021) at 14.

⁵⁷ *Guerra*, 2024 U.S. Dist. LEXIS 134648 at *23.

⁵⁸ *Id.* at *27 citing 28 C.F.R. § 35.130(b)(7)(i).

⁵⁹ *Id.* at *32-33.

⁶⁰ *Guerra*, 2024 U.S. Dist. LEXIS 134648 at *38.

⁶¹ Kathryn Palmer, *Inside Higher Ed*, “Disability Ruling Against Calif. College is ‘Wake-Up Call’ for Others,” (Aug. 9, 2024), <https://www.insidehighered.com/news/diversity/disability/2024/08/09/calif-college-disability-ruling-wake-call-others> (accessed Dec. 5, 2024).

⁶² *Huezo v. L.A. Cmty. College Dist.*, 2008 U.S. Dist. LEXIS 81513 (C.D. Cal 2008) at *6.

⁶³ *Id.* at *1.

⁶⁴ *Id.* at *2.

⁶⁵ *Id.*

⁶⁶ *Huezo v. L.A. Cmty. Coll. Dist.*, 2007 U.S. Dist. LEXIS 100116 (C.D. Cal. Feb. 26, 2007) at *3.

⁶⁷ *Id.* at *3-4.

⁶⁸ *Id.* at *41.

⁶⁹ *Id.* at *11.

⁷⁰ *Id.* at *53.

⁷¹ *Id.*

⁷² *Id.* at *51, *58.

⁷³ *Huezo*, 2008 U.S. Dist. LEXIS 81513 at *6.

⁷⁴ See, e.g., *Lonberg v. City of Riverside*, 571 F.3d 846, 849 (2009); *Iverson v. City of Boston*, 452 F.3d 94, 102 (1st Cir. 2006); *Alexander v. Sandoval*, 532 U.S. 275, 275 (2001); see also *Huezo*, 2007 U.S. Dist. LEXIS 100116 at *41-42.

⁷⁵ Democracy Docket, “Everything You Need to Know: Private Right of Action” <https://www.democracydocket.com/proa/> (accessed Nov. 19, 2024).

⁷⁶ *Id.*

⁷⁷ Congressional Research Service, “Enforcement of the Food, Drug, and Cosmetic Act; Select Legal Issues,” (Feb. 9, 2018), <https://crsreports.congress.gov/product/pdf/R/R43609> (accessed Nov. 19, 2024).

⁷⁸ *Iverson v. City of Boston*, 452 F.3d 94, 102 (1st Cir. 2006).

⁷⁹ *Lonberg*, 571 F.3d at 849, 851; *Gustafson v. Bi-State*, 2020 U.S. Dist Lexis 155782 (E.D. Mo. 2020) at *17-18.

⁸⁰ *Chaffin v. Kan. State Fair Bd.*, 348 F.3d 850, 857-58 (10th Cir. 2003).

⁸¹ *Huezo*, 2007 U.S. Dist. LEXIS 100116 at *42.

⁸² University of Washington: Disabilities, Opportunities, Internetworking, and Technology Center, “Must contracted transportation services at a postsecondary institution be accessible to people with disabilities?”, (May 24, 2022), <https://www.washington.edu/doit/must-contracted-transportation-services-postsecondary-institution-be-accessible-people-disabilities> (accessed Nov. 25, 2024).

⁸³ 49 U.S.C. § 37.23.

⁸⁴ See University of Washington Disabilities, Opportunities, Internetworking, and Technology Center, (2022).

⁸⁵ 49 U.S.C. § 37.25.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ Palmer (2024) (stating that federal regulations do not explicitly require on-campus accessible transportation, but that campuses must provide students with accommodations that may include on-campus accessible transport).

⁸⁹ See *Anderson v. Rochester-Genesee Reg'l Transp. Auth.*, 337 F.3d 201, 215 (2d Cir. 2002) (stating that, under the ADA, a public entity can be liable for failing to provide accessible transportation in accordance with a transport plan. Similar reasoning could apply if a university has a transition plan that includes accessible transportation, as the ADA requires, and the university fails to fulfill that plan by providing the requisite transport then the university could be liable under the ADA).

⁹⁰ See Rachael Plant, *Campus Safety*, “Fleet Management: Creating an Inclusive Campus Through Accessible Transportation,” (Sep. 1, 2023) <https://www.campussafetymagazine.com/insights/fleet-management-creating-inclusive-campus-through-accessible-transportation/125643/#:~:text=By%20implementing%20or%20improving%20accessible,to%20successfully%20navigate%20the%20campus> (accessed Dec. 5, 2024).

⁹¹ Palmer (2024).

⁹² *Id.*

⁹³ Raskin (2024).

⁹⁴ Castano (2023).

⁹⁵ Great Lakes ADA Center (2021) at 15.

⁹⁶ *Id.*