

Welcome to the 2025 Virtual ADA Conference for State and Local Governments



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ADA Legal Updates: The Year in Review

State of Georgia, ADA Conference

June 3, 2025



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Today's Presentation

- **Title I: Employment**
- **Title II: Public entities**
 - Education
 - Effective Communication
 - Voting
 - Transportation
 - Criminal Legal Systems
 - Olmstead – Community Integration
 - Housing
- **Questions**

Title I: Employment

Stanley v. City of Sanford Florida (pending before S.Ct.)

- Opinion: 2023 WL 6614448 (11th Cir. Oct. 11, 2023); *cert granted*, 144 S. Ct. 2680 (U.S. June 24, 2024)
- Stanley was a firefighter for 15 years.
- After developing Parkinson's, she retired at age 47.
- When hired, employer had policy that employees retiring for disability reasons received free health insurance until 65.
- Policy subsequently amended which limited free health insurance to 24 months.
- She sued under ADA arguing that policy change was discriminatory against retired employees.

Stanley v. City of Sanford Florida (cont.)

- **11th Cir:** Affirmed lower court's granting of Motion to Dismiss
 - Former employee not qualified individual with a disability
 - ADA requires that person “holds” or “desires” to hold a job with the employer at the time of the discriminatory act
- **U.S. Supreme Court:** Agreed to hear the case as there is a split in the lower courts as to whether former employees are qualified and can bring an ADA case. DOJ supports employee.
- **Oral Argument (1/13/25):** Justices seemed sympathetic to employee. Decision will be issued by end of June.

Mobley v. Workday, Inc.

- **Opinion:** 2024 WL 3409146 (N.D. Cal. July 12, 2024)
- **Facts:** Workday provides applicant screening services and uses AI, including biased training data and information. Mobley has mental illness and applied to 100+ positions with companies that use Workday's screening tool – all denied. Sued under Title I of ADA, as well as ADEA and Title VII.
- **Court:** Case can move forward. (Motion to Dismiss denied)
 - Sufficiently pled disparate impact under the ADA
 - Workday is not an employment agency, but as an agent, may be independently liable

EEOC v. Factor One Source Pharmacy

- **Case Number:** 1:24-cv-01572-RMR (D. Col.)
- **Facts:** EEOC alleged employer violated ADA and GINA by asking about employee disabilities and genetic information related to hemophilia. Once disclosed, employees pressured to use Factor One to fill hemophilia prescriptions.
- **Settlement:**
 - \$515,000 in monetary relief
 - Agreed not to take adverse employment actions against employees who did not use company pharmacy
 - Training on ADA and GINA along with employee survey

Tornabene v. City of Blackfoot

- **Opinion:** 2024 WL 4145753 (D. Idaho Sept. 11, 2024)
- **Facts:** HR Director who successfully worked remotely during pandemic wanted to continue to work from home after developing long COVID – employer denied and terminated her.
- **Court:** Denied employer's Motion for Summary Judgment
 - Question of fact as to whether regular in-person hours is an essential job function and need not be accommodated. Evidence plaintiff successfully teleworked during pandemic.
 - Court relies on [EEOC Guidance](#) that telework is a common accommodation for employees with Long COVID.

Ali v. Regan

- **Opinion:** 111 F.4th 1264 (D.C. Cir. 2024)
- **Facts:** Economist with severe allergies asked for various accommodations - only given accommodation of remote work
- **D.C. Circuit:** Found for employee, reversing lower court; sufficient evidence for jury to find remote work not reasonable
 - Offering a willing employee remote-work option is very different from forcing remote work on an unwilling employee as the sole option for accommodations
 - Employer's actions inconsistent with aim of integration and eliminating segregation and stigma

Tudor v. Whitehall Central School District

- **Opinion:** 132 F.4th 242 (2d Cir. 2025)
- High school teacher with PTSD asked for brief morning and afternoon breaks to leave the school for 15-minutes; permitted for years until a new administration prohibited teachers from leaving school grounds during prep periods
- During litigation, plaintiff admitted that she *could* do her job without breaks, though it caused her “great duress and harm”
- District court dismissed her case, saying that she was not entitled to reasonable accommodations because she *could* do her job without them
- **2nd Cir.:** Vacated district court decision.
 - “A straightforward reading of the ADA confirms that an employee may qualify for a reasonable accommodation even if she can perform the essential functions of her job without the accommodation.”
 - EEOC and DOJ filed [amicus brief](#) in 2024

Leave as a Reasonable Accommodation

EEOC Priority: In the past year, the EEOC resolved numerous cases where employers unjustly terminated employees with disabilities who could not return without accommodations, often following FMLA (12 weeks) or other type of leave.

Examples:

- [EEOC v. PACE Southeast Michigan](#)
- [EEOC v. Northern Virginia Surgery Center](#)
- [EEOC v. Bell Road Tire](#)
- [EEOC v. Wal-Mart \(Arizona\)](#)
- [EEOC v. Castle Hills Master Association](#)

EEOC v. Pilot Freight Services Inc.

- **Case Number:** 1:21-cv-03936-MLB (Consent Decree entered Aug. 9, 2024)
- **Facts:** Employee requested time off to meet with doctor about biopsy result. Soon thereafter, employee was terminated, allegedly due to a reduction in force. EEOC found employer's reasoning was pretextual and sued under ADA.
- **Consent Decree:** Parties reached 1-year Consent Decree Terms included:
 - \$400,000 in monetary damages to former employee
 - ADA training for employees
 - Maintain anti-discrimination policies and EEOC monitoring

EEOC v. Nature's Herbs and Wellness Center

- **Case Number:** 1:24-cv-02706-NYW (Consent Decree entered Nov. 17, 2024)
- **Facts:** Employee with various mental disabilities requested accommodations and employer terminated her. Employer told HR to “cut her loose,” was upset that the employee had not disclosed disabilities prior to hire and called her a “fruitcake.”
- **Consent Decree:** Parties reached 2-year Consent Decree Terms included:
 - \$95,000 in monetary damages to former employee
 - Revise reasonable accommodation and retaliation policies
 - Annual ADA training for employees in 7 locations

Title II: Public Entities

Education

A.J.T. v. Osseo Area Schools (pending before S.Ct.)

- **Opinion:** 96 F.4th 1058 (8th Cir. 2024), *cert. granted*, 2025 WL 226839 (U.S. Jan. 17. 2025)
- **Facts:** Student with epilepsy with morning seizures denied modified class schedule and sued under ADA/Rehab Act
- **8th Cir:** No discrimination because school district did not act in bad faith or exhibit gross misjudgment
- **Question Before U.S. Supreme Court:** Does ADA/Rehab Act require a uniquely stringent “bad faith or gross misjudgment” standard when seeking relief for discrimination related to education? Oral Argument was 4/28/25.

C.B. v. Moreno Valley Unified School District

- **Opinion:** 732 F.Supp.3d 1139 (C.D. Cal. 2023)
- **Background:** 10-year-old African American student was repeatedly tackled, handcuffed, taken into custody, and then referred to law enforcement for exhibiting disability-related behaviors at school.
- **10/13/23 Court Order:** School security program found to disproportionately refer black disabled students to law enforcement in violation of federal law. Previous year, black disabled students were 3.63 times more likely to be referred to law enforcement than their non-disabled peers.

C.B. v. Moreno Valley Unified School District (cont.)

- Opinion: 2024 WL 3259034 (C.D. Cal. June 28, 2024)
- **6/28/24 Permanent Injunction:** District ordered to significantly reduce the disproportionate referral to law enforcement, removal, and restraint of disabled and black disabled students. The injunction requires:
 - reforming school district policies;
 - implementing comprehensive training for staff;
 - establishing a mechanism for community input; and
 - appointment of monitor with expertise to oversee Order's reforms for 4 years

Robertson et al. v. District of Columbia

- **Opinion:** --- F.Supp.3d ---, 2025 WL 211056 (D.D.C. Jan. 16, 2025)
- Parents and guardians of students with disabilities and the Arc alleged that D.C. fails to provide safe and adequate transportation to and from school for children with disabilities violating the ADA, Section 504, local D.C. discrimination law.
- Buses arrive late or don't pick up students, often with no notice; routing system is outdated causing delays; no up-to-date information about children; causing lost instruction and participation time; in first five months of 2023-2024, over 1,000 delays and cancellations
- **Court:** Permitted ADA, Section 504 and DCHRA claims to move forward
 - Rejected D.C.'s argument that there is no discrimination because it only provides bussing services to students with disabilities; here, the issue is that failures in the transportation system deny students with disabilities access to education
 - Declined to adopt a "bad faith or gross misconduct" standard for discrimination claims
 - Note, also rejected plaintiffs' claims that this amounted to an *Olmstead* violation

Effective Communication

Laboratory Holdings of America v. Davis (pending before S. Ct.)

- **Opinion:** 2024 WL 489288 (9th Cir. Feb. 8, 2024), *cert. granted*, 2025 WL 288305 (U.S. Jan. 25, 2025)
- **Facts:** LabCorp uses inaccessible kiosks at its facility for patients to check-in for appointments.
- **Lower Court:** Certified nationwide class (ADA Title III – injunctive relief) and statewide class (state law - statutory damages) - includes people who chose not to use the kiosk.
- **U.S. Supreme Court Question:** Whether federal court may certify a class action when some members of the proposed class lack any Article III injury? Oral argument was 4/29/25.

Patterson v. Six Flags

- **Opinion:** 2024 WL 4804061 (E.D. Cal. Nov. 15, 2024)
- **Facts:** Failure to provide ASL interpreter for deaf patron at amusement park on multiple occasions
- **Court:** Rejected 7-day notice policy – policy can't override ADA obligations unless compliance is undue hardship. Permanent injunction requiring Six Flags to reform its policies, implement ADA training, and establish mechanisms for providing timely accommodations.
- **Update:** Injunction issued: 2025 WL 672793 (E.D. Cal. Mar. 3, 2025)

ACB of Metropolitan Chicago v. City of Chicago

- **Case No.:** 19-cv-06322 (N.D. Ill.)
- Class action alleging that Chicago violated the ADA and Section 504 by failing to install accessible pedestrian signals (APS) at its signalized intersections; DOJ intervened
- **2023:** Granted summary judgment to plaintiffs and DOJ, 667 F.Supp.3d 767 (N.D. Ill. 2023)
 - City's network of traffic signals are "program" or "service" under Title II and Rehab Act (phrase has "sweeping breadth")
 - City violated law by failing to make its existing, rehabbed and new traffic signals meaningfully accessible; violated reasonable accommodation obligation by failing to equip majority of signals with APS; and violated effective communication obligations
- **April 2025:** Court hearing to finalize remedial plan
 - Proposed plan requires APS at 71% of signalized intersections in 10 years; 100% in 15 years unless City can show it has already achieved meaningful access; factors for prioritization; community involvement; compliance program; independent monitor

Background: Web Accessibility Title II Rule

April 2024: Published [New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments](#)

- WCAG 2.1 AA is the standard for state and local governments web applications and mobile apps
- Compliance Deadlines
 - April 2026 for larger entities (50,000 or more)
 - April 2027 for smaller entities (less than 50,000)

No proposed rule for Title III entities

Ellerbee v. State of Louisiana Depart of Admin.

- **Opinion:** 2025 WL 319913 (M.D. La. Jan. 28, 2025)
- **Facts:** Blind man sued under ADA and Rehab Act for inaccessibility of several Louisiana websites
- **State:** Case is premature. State has until April 2026 to ensure its websites are accessible under new DOJ Rule.
- **Court:** Motion to dismiss denied. Fact that technical standards are not yet enforceable does not prevent ADA and Rehab Act claim. Plaintiff has sufficiently alleged State's inaccessible websites denied him meaningful access.

Voting

DOJ Settlement Agreements to Ensure Texas Election Websites Are Accessible

- **Facts:** DOJ secured settlement agreements with 4 Texas counties to resolve [findings](#) that their inaccessible websites violated the ADA.
- **Settlement:** Counties agreed to a) make future and existing online election content accessible; b) hire auditor to evaluate accessibility of websites; and c) adopt new policies and provide training for relevant personnel.

California Council of the Blind v. Weber

- **Opinion:** 2024 WL 4951256 (N.D. Cal. Dec. 2, 2024)
- **Facts:** Plaintiffs (California voters with print and manual dexterity disabilities) challenged the accessibility of the ballot return process of the vote by mail system. They are currently unable to return their ballots electronically and therefore they cannot vote privately and independently.
- **Court:** Denial of Motion to Dismiss. Plaintiffs' claim can proceed. ADA pre-empts state law that prohibits electronic return and therefore, Plaintiffs have standing.
- **Status:** Trial scheduled for 2026.

Transportation

Guerra v. West Los Angeles College

- **Opinion:** 742 F.Supp.3d 1083 (C.D. Cal. 2024)
- **Facts:** Students with mobility disabilities alleged termination of on-campus shuttle service violated ADA and Rehab Act
- **D.Ct. (2017):** ADA doesn't require college to provide students with transportation
- **9th Cir:** No "meaningful access" after shuttle service ended
- **D.Ct (2024):** Permanent injunction - must provide either on-demand transit system or restore shuttle service. Unreliable city bus deemed not a reasonable accommodation.

The Taxis for All Campaign v. NY City Taxi and Limousine Commission

- **Opinion:** 2024 WL 4007963 (S.D.N.Y. Aug. 29, 2024)
- **Facts:** ADA suit filed in 2011 over lack of accessibility of NYC taxis (only 1.8% accessible for wheelchair users)
- **Settlement:** in 2014, NY agreed that 50% of taxi fleet would be accessible by 2020. NY failed to meet this commitment.
- **Court:** Granted plaintiffs' motion to enforce the obligation to make 50% of its taxi fleet accessible. City must ensure all new taxis are accessible until 50% requirement is met.

Goodlaxson v. Baltimore

- **Case No.** 21-cv-01454 (D. Md.)
- Class action challenging Baltimore's failure to install and maintain curb ramps and sidewalks so they are accessible to and usable by people with mobility disabilities
- Baltimore's own data showed systemic barriers
- **2019:** Eval showed only 1.3% of curb ramps surveyed complied with the ADA and widespread problems with sidewalks that were damaged, narrow, otherwise unusable
- **2025:** Parties reached [Partial Consent Decree](#), approved by Court on March 31, 2025
 - \$44m and \$50m over the next four years to the construction and remediation of thousands of curb ramps and hundreds of thousands of square feet of sidewalk
 - Appoint ADA coordinator
 - Improved 311 system for requests and complaints about curb ramps and sidewalks
 - Commits Parties to further negotiations about remaining curb ramps and sidewalks

Criminal Legal Systems

Disability Rights Oregon v. Washington County

- **Opinion:** 2024 WL 4046017 (D. Or. Aug. 30, 2024)
- **Facts:** Plaintiffs challenged County's practice of sending law enforcement instead of trained mental health professionals in response to mental health emergencies. (For people who call 911 with physical health emergencies, County sends EMT or paramedics)
- **Court:** Magistrate recommends denial of Motion to Dismiss. Plaintiffs have plausibly alleged that people experiencing a mental health crisis do not have meaningful access to a service: consistent access to mental health services through the emergency communications system.

Matchett v. Brighton Police Department

- **Opinion:** 2024 WL 4607728 (W.D.N.Y. Oct. 29, 2024)
- **Facts:** Deaf parents brought suit against the police dept when ASL interpreters not provided for several 911 visits
- **Court:** Police dept's Motion to Dismiss denied
 - Rejected argument that parents had not made a request for a reasonable accommodation
 - Under the "obvious need" doctrine, when a disability is apparent, public entities must provide accommodations even without an explicit request.
 - Injunctive relief/nominal damages claims can proceed

Trivette v. Tennessee Dept. of Correction

- **Opinion:** 2024 WL 3366335 (M.D. Tenn. July 9, 2024)
- **Facts:** ADA lawsuit brought by deaf inmates alleging hundreds of interactions where effective communication not provided.
- **Court Ruling:** TDOC violated ADA by failing to provide ASL interpreters and video phones
- **Settlement Reached:** (March 5, 2025) TDOC commits to provide appropriate auxiliary aids and services and reasonable accommodations for deaf prisoners

See also, [U.S. v. Wisconsin Department of Corrections](#), DOJ settlement on behalf of deaf inmates. (Sept. 30, 2024)

Olmstead – Community Integration

Brown v. District of Columbia

- **Opinion:** 2024 WL 5252074 (D.D.C. Dec. 31, 2024)
- **Facts:** Community integration class action on behalf of people with physical disabilities in DC nursing facilities.
- **Court:** DC violated ADA's integration mandate – DC had no comprehensive and effectively working Plan in place, as referenced in Supreme Court's *Olmstead* case.
- **Remedy:** Permanent injunction requiring DC to serve plaintiffs in most integrated settings appropriate to their needs.

Marsters v. Healey

- Case Number: 22-cv-11715 (D. Mass. Settlement Approved June 18, 2024)
- **Facts:** Cross-disability class action lawsuit alleging ADA violation for unnecessarily institutionalizing people with disabilities in nursing facilities.
- **Settlement Agreement**
 - No fewer than 2,400 people will be transitioned from nursing facilities into the community
 - Information and supports to make informed choice about where to live and relevant support services

Housing

Access Living vs. City of Chicago

- **Opinion:** 2024 WL 4346630 (N.D. Ill. Sept. 30, 2024)
- **Facts:** Lawsuit alleged City of Chicago violated ADA, 504 and FHAA due to inaccessibility of over 500 HUD-funded apartment complexes. City claimed not responsible for the failures of private 3rd parties – no control over accessibility.
- **Court:** City's affordable housing scheme was a "program, service or activity" under ADA/504, which must comply with federal accessibility laws. City could be liable under the FHAA for its role in design and construction because of its funding of the projects.

Powers v. McDonough

- **Opinion:** 748 F.Supp.3d 842 (C.D. Cal. 2024)
- **Facts:** Class action lawsuit under Rehab Act seeking supportive housing units on behalf of unhoused disabled veterans.
- **Court:** Certified the class and denied Motion to Dismiss
- **Trial:** Judge [ruled](#) VA violated its mandate to end veteran homelessness when it leased land on its West Los Angeles campus to third-party developers.
- **Appeal:** Pending before 9th Circuit Court of Appeals

Questions?

