



## OPENING DOORS AND MINDS

In today's competitive society, a college degree is crucial for success. Not only does a degree symbolize knowledge attained, it also opens doors for greater financial and social opportunities. Over an adult's working life, high school graduates earn an average of \$1.2 million, associate's degree holders earn about \$1.6 million, and bachelor's degree holders earn about \$2.1 million, according to the US Census Bureau.

In addition to financial advantages, other benefits of higher education include such intangibles as a tendency for postsecondary students to become more open-minded, more cultured, more rational, more consistent and less authoritarian—benefits that get passed down to succeeding generations. These are qualities that society values and a chance to develop them should be available to all students, including those with disabilities.

Universities are legally required to provide students who need them with reasonable accommodations for course examinations, provision of equipment and auxiliary aids, including sign language interpreters. They must make certain that students know about these services. They are also required to ensure that students with disabilities are not denied educational opportunities because of architectural barriers.

While these laws are in place, it often takes advocacy to put teeth into them. That's why the Disability Rights Legal Center (DRLC) recently represented undergraduate and graduate level students with disabilities at California State University, San Bernardino (CSUSB), a sprawling campus of 17,000 students.

In the case, plaintiffs alleged that despite persistent efforts by the students with disabilities to obtain accommodations for classes and classrooms—spread out over 67 buildings across more than 400 acres—they were unable to achieve the access required to complete their educations. The students had advocated on numerous levels, including filing a complaint with the US Department of Education's Office for Civil Rights. Nevertheless, the students alleged that they continued to experience myriad difficulties.

One master's degree student with a spinal injury needed accommodations such as a standing podium in class because she was significantly limited in her ability to sit at a typical desk. However, the podium was sometimes unavailable or had been moved to a place where she could not get to it easily, which negatively affected her studies.

Another student with a vision disability needed his textbooks and other written material translated into alternative formats, such as audiotapes or Braille, and also required notetakers and testing accommodations. He received the accommodations after weeks of delay or not at all, and could not participate fully in his courses.

These students' experiences were echoed by the allegations of other plaintiffs and class members. Some students were made to wait for weeks after classes had begun to receive modified equipment and alternate format materials. When instructional media was finally provided, it was often inadequate. Books on tape were inaudible, or the wrong chapters were recorded. At times, accommodations were modified or eliminated without notice in the middle of an academic term. Many students experienced architectural barriers throughout the campus.

Now, thanks to a recent settlement, these doors of opportunity have swung wide for these individuals and other students with disabilities.

The DRLC and the Law Offices of David G. Geffen secured the rights of CSUSB students with disabilities in a recent federal class action settlement (Jackson, et al. v. California State University San Bernardino, et al). The settlement resolves a challenge to what plaintiffs alleged was CSUSB's systemic failure to provide consistent accommodations and

physical access for students with disabilities. The class action suit alleged violations of federal and state disability rights laws, including the ADA and Section 504 of the Rehabilitation Act of 1973.

As part of the settlement, the University has also agreed to spend approximately \$11.7 million to remove architectural barriers and enact substantial, campus-wide changes. This will ensure that the more than 300 students with disabilities who seek services from CSUSB are fully accommodated and well-served. This includes alternative and accessible furniture, accessible software in computer labs, campus transportation, staff and faculty training as well as student grievance procedures. The agreement also mandates the creation of an emergency evacuation plan for students with disabilities.

“Addressing barriers to education is critical to ensuring that people with disabilities are independent and integrated members of society,” says Shawna L. Parks, director of litigation for the DRLC and lead counsel on the case. “The scope and depth of the commitments made by the university in this settlement will usher in a new era at CSUSB.”

In fact, it already has. The master’s student was awarded her degree in 2007, shortly after the court approved the settlement. Likewise, the plaintiff with a vision disability was able to receive his alternative reading materials and testing accommodations and is back in school.

This agreement will serve as a model for how campuses across the nation can appropriately serve students with disabilities. This is especially significant in light of the incoming influx of student veterans, many returning from Iraq and Afghanistan, who are expected to begin college in the near future. ■ ABILITY

by Paula Pearlman & Debra Patkin

For more information, visit  
[www.disabilityrightslegalcenter.org](http://www.disabilityrightslegalcenter.org)



The Mission of the Disability Rights Legal Center, formerly the Western Law Center for Disability Rights, is to promote the rights of people with disabilities and the public interest in and awareness of those rights by providing legal and related services. We are located on the campus of Loyola Law School in Downtown Los Angeles and work with Loyola Law students in all of our programs.



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