



Cautionary Development: A Quantitative Analysis of Accommodation Lawsuits in Higher Education

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Introduction

The Americans with Disabilities Act (ADA) (1990; amended in 2008), along with Section 504 and 508 of the Rehabilitation Act, were established to protect individuals with disabilities from discrimination in higher education and to ensure equal access to educational opportunities in the United States.

As enrollment rates of students with disabilities in colleges and universities continue to increase, disability-related litigation has become an important area of study within higher education policy and training.

This project examines 87 disability discrimination cases between 2010 - 2025 filed in the United States involving colleges and universities regarding alleged disability rights violations. The purpose of this study is to identify patterns within these cases, including the disabilities most frequently involved in litigation, academic majors/programs, and the recurring legal issues raised by plaintiffs. By analyzing these cases, this research seeks to uncover broader trends in disability discrimination lawsuits within higher education and provide insight into how institutions should respond to accommodation requests in hopes of avoiding litigation.

This study also aims to contribute to the growing body of research surrounding disability rights in higher education and to provide a guide to disability offices on how to safely navigate accommodation requests. Our goal is to assist educators, administrators, disability service offices, and stakeholders in higher education to better understand recurring challenges faced by students with disabilities and within disability offices in higher education, to in turn improve practices that reduce barriers, ensure compliance with federal disability law, and minimize the likelihood of litigation.

Methods

Each of the three presenters used the following online search engines to find lawsuits related to higher education and disability accommodations between the years of 2010 and 2025: Google Scholar and Justia.

The search terms used were singularly or combined: "ADA", "lawsuits", "higher education", "university", "college", "reasonable accommodations", and "disability."

In total, we found ninety-four (94) cases. The three presenters divided the years evenly, covering 2010-2015, 2016-2020, and 2020-2025. Case information was dispersed into a shared spreadsheet.

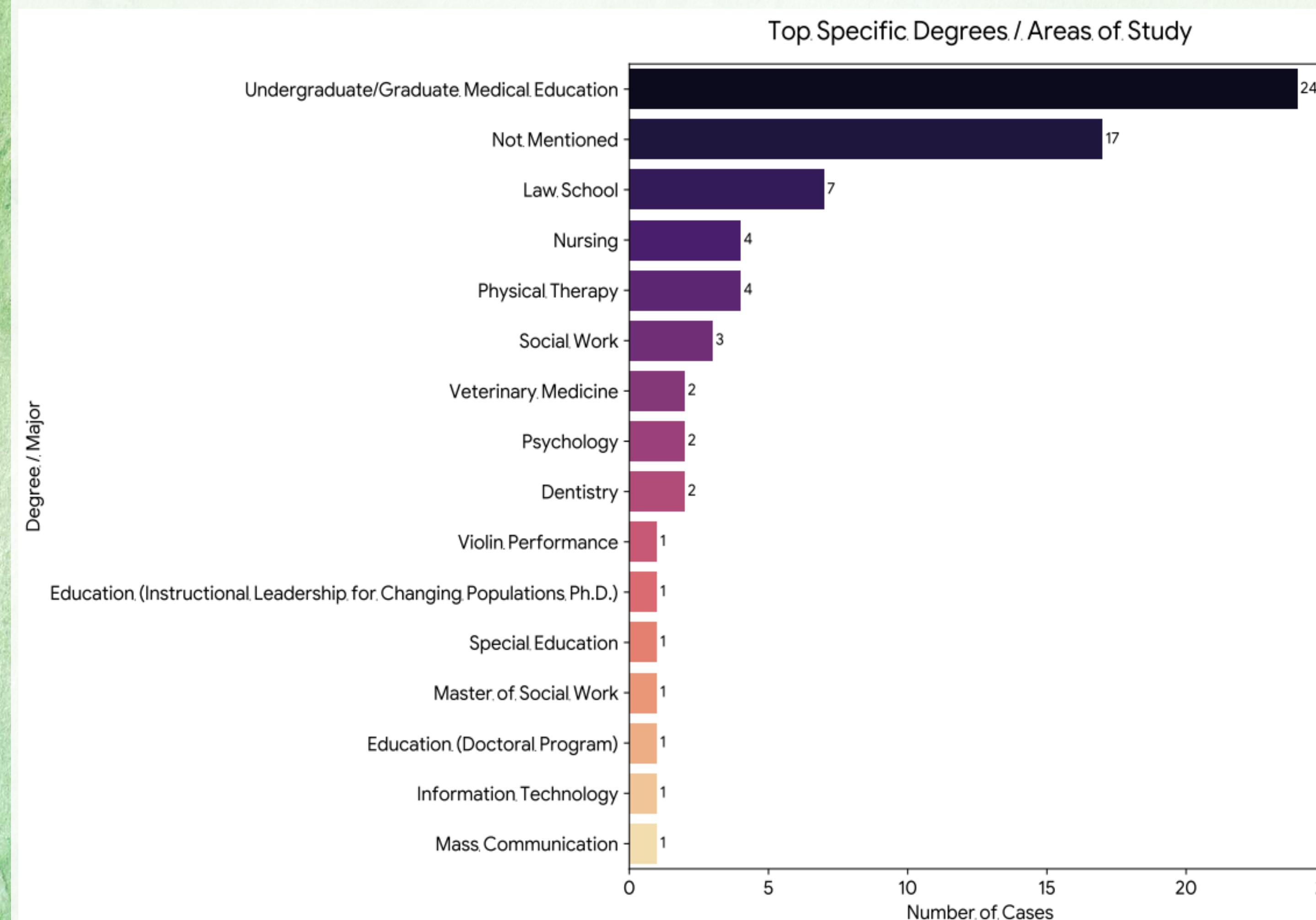
A custom sandbox tool was built in Google Studio to extract information from provided cases. The tool analyzed each case and extracted the following information: Outcome, Disability Types, Accommodations Requested, Major, and Educational Institution.

We conducted a secondary filtering review of cases as a team. Eighty-seven (87) cases made it into our final spreadsheet after the initial AI review, as seven cases were found not to be applicable to ADA in higher education. We analyzed the categories to find common themes and patterns in legal trends, disabilities, program patterns, and conclusions.

Results

- Of the 87 cases, only 15 ruled for plaintiff
- Over half of successful plaintiffs had psychological/psychiatric conditions
- Graduate/Professional schools are at a MUCH higher risk of litigation representing over 47% percent of cases
- Majority of cases revolved around denials or faulty implementation of policy modifications and testing
- Cases with no degree mentioned were 112% more likely than cases with degrees mentioned to involve physical accessibility issues.

What major/program was found the most frequent during our research?



Conclusion

In conclusion, we developed several recommendations to help disability professionals and institutions reduce the risk of litigation while promoting equitable access for students with disabilities.

- 1. Professional Schools:** Professional programs are unique in that the stakes are often higher with our assumption being that students are more willing to engage in the legal process. Expertise and training in these academic areas is crucial for accessibility professionals.
- 2. Ambiguous Impact Can Not Lead to Ambiguous Process:** Over half of successful plaintiffs had psychological/psychiatric conditions. Although these may present unique challenges in accommodating the student, the process should still remain interactive and well-documented.
- 3. Clear Policies:** Institutions should develop, maintain, and consistently apply disability accommodation policies across all departments and programs. Clear policies help ensure equitable treatment of students, reduce confusion among faculty and staff, and provide a framework for making legally sound accommodation decisions.
- 4. Physical Accessibility Requests Are Often Independent of Programs:** A reminder that our institutions are still responsible for accommodating physical spaces in a timely manner. Creating a process for these changes is essential. Identify stakeholders and think through methods of communication proactively.
- 5. Understand the Technical Standards:** For accessibility specialists in a more general role this can be difficult, but it is still a vital component of the process. Encourage campus partners to post clear, accessible technical standards that are available to both the student and the accessibility professional.

References:



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