

**A Resolution in Support of the Plaintiffs in *Payan v. Los Angeles Community College District (LACCD)***

**WHEREAS**, the plaintiffs in *Payan v. Los Angeles Community College District (LACCD)*, brought their concerns regarding course material accessibility to their federal district court in hopes of taking legal measures to ensure an equitable and educational experience for disabled students<sup>1</sup>; and

**WHEREAS**, the two LACCD student experiences directly represented in the case, Roy Payan and Portia Mason, fell behind in their coursework due to the inaccessibility of web programs like MyMathLab, library resources, textbooks, and more<sup>11</sup>; and

**WHEREAS**, the plaintiffs proved twice to the federal district court and the Ninth Circuit Court of Appeals that LACCD was required by §Section 504 of the Americans with Disabilities Act (ADA) to accommodate the specified complaints brought forward by *Payan*; and

**WHEREAS**, this came with the statement that “§Section 504 and the ADA were specifically intended to address both intentional discrimination and discrimination caused by ‘thoughtless indifference’ or ‘benign neglect,’ such as physical barriers to access public facilities,”<sup>2</sup> meaning that LACCD is working against the interests of the disabled community by appealing to the Supreme Court of the United States to reverse the precedent of §Section 504; and

**WHEREAS**, these barriers to systemic accessibility are barriers that not only affect Payan and Mason but blind students as a part of the larger disabled community who seek an equitable education in LACCD institutions<sup>31</sup>; and

**WHEREAS**, the Office for Equity, Diversity, and Inclusion at LACCD<sup>4</sup> claims to be working towards “supporting an environment that reflects, complements and meets the needs of the diverse student population,”<sup>5</sup> yet actively works towards uprooting the precedent set for §Section 504, effectively creating grounds for disabled students to be victims of unintentional discrimination and not have the legislative support to fight it; and

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<sup>1</sup> Ninth District Court of Appeals. *Payan v. Los Angeles Community College District Opinions*. <https://cdn.ca9.uscourts.gov/datastore/opinions/2021/08/24/19-56111.pdf>

<sup>2</sup> *Id.* at 17.

<sup>3</sup> *Id.* at 17.

<sup>4</sup> Statement of Equity, Diversity, and Inclusion of LACCD:

<https://www.laccd.edu/Departments/DistrictResources/OfficeOfDiversity/Pages/default.aspx>

<sup>5</sup> Statement of Purpose: Office of Equity, Diversity, and Inclusion for Los Angeles Community College District.

<https://www.laccd.edu/Departments/DistrictResources/OfficeOfDiversity/Pages/default.aspx>.

**WHEREAS**, the Alternate Media Protection Policy at LACCD already “requires that instructional materials purchased from third parties, such as textbooks, be made accessible to students with disabilities, that the college must proactively evaluate the accessibility of its instructional materials, and it establishes a process by which students with disabilities may request inaccessible materials be reproduced to them in an accessible format,”<sup>6</sup> and thus the LACCD is violating its own policy to make course materials accessible; and

**WHEREAS**, students of LACCD constituted nearly three thousand transfer applications to UCLA in Fall 2021<sup>7</sup>, representing a significant amount of transfer students seeking admissions to our university; and

**WHEREAS**, LACCD is located in the greater Los Angeles area, meaning that UCLA is the most geographically accessible University of California campus—in the aggregate, UCLA would lose the eminent voices of disabled transfer students from LACCD because of the reversal of the cases’ current status; and

**WHEREAS**, the disabled students in institutions under LACCD would continue to be disserved for years to come by being given less resources to complete their education in community college and transfer to a four year university; and

**WHEREAS**, upholding of the lawsuit would allow the LACCD to actively disregard a student's approved accommodations even after their efforts to go through the proper channels to request and get their reasonable accommodations; and

**WHEREAS**, the change in precedent of §Section 504 in the ADA could give way for institutions, including the University of California system, to deny accommodations to the disabled community under similar reasons to LACCD; and

**WHEREAS**, the Board of Directors of the University of California Student Association (UCSA) at their February Board Meeting both condemned the LACCD’s plan to file a petition with the Supreme Court of the United States in *Payan v. LACCD* and reaffirmed their support of the disabled community in the California public education system through a Resolution sponsored

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<sup>6</sup> Ninth District Court of Appeals. *Payan v. Los Angeles Community College District Opinions*. <https://cdn.ca9.uscourts.gov/datastore/opinions/2021/08/24/19-56111.pdf>

<sup>7</sup> Transfer Profile by California Community College: <https://admission.ucla.edu/apply/transfer/transfer-profile/community-college>

by the UCSA Transfer Affairs Officer and UCSA Transfer Student Advisory Council <sup>8</sup>;

**THEREFORE LET IT BE RESOLVED**, that the Undergraduate Students Association Council (USAC) condemns LACCD's plan to file a petition with the Supreme Court of the United States in *Payan v. LACCD*; and

**LET IT FURTHER BE RESOLVED**, that the USAC acknowledges the intersection of disability justice and transfer justice in this critical court case, and the significant impact that disabled students would be actively denied an equitable access to the transfer pathway and a four-year degree; and

**LET IT FINALLY BE RESOLVED**, that the USAC reaffirms its commitment to advocating for the needs of disabled students by publicly supporting the plaintiffs in *Payan v. LACCD* through various advocacy efforts, including addressing its concerns at the March 2nd, 2022 LACCD Board of Trustees meeting.

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<sup>8</sup> UCSA Resolution in Support of the Plaintiffs in *Payan v. Los Angeles Community College District (LACCD)*: <https://docs.google.com/document/d/1WA-RgT-wAv2DK7ovps8OKz6PAifCA1PhWUznqOPy6gY/mobilebasic>