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## Richmond City Public Schools on the Road to ADA Compliance

2009-02-25

After a years-long battle, construction is now underway to make all of the public schools in the City of Richmond, Virginia accessible to people with disabilities.

Until recently, the Richmond Public Schools were largely inaccessible to persons with disabilities, and the schools did not comply with the Americans with Disabilities Act ("ADA") and other federal and state disability laws. As a result, persons with disabilities in the Richmond community—including students, parents, and other citizens—were deprived full access to a broad range of services, programs, and activities held at school facilities.

In 2005, after years of inattention to these problems, a group of plaintiffs—each of whom either has a disability or is the parent of a student with a disability—represented by WilmerHale, filed suit against the City of Richmond, the Richmond City Council, the Mayor of Richmond, and the Richmond School Board to force the city and school officials to make the schools accessible to persons with disabilities. Plaintiffs did not seek any monetary damages, but sought only that the Richmond schools be brought into compliance with the ADA's requirements that "programs, services and activities" held at school facilities be accessible.

After extensive negotiations, the School Board agreed to a five-year plan to remediate the structural defects in every school in Richmond, and also agreed to hire a full-time ADA coordinator for the schools. On February 28, 2006, the United States District Court for the Eastern District of Virginia ordered the City of Richmond, Richmond City Council, and Mayor Douglas Wilder to fund this five-year plan for eliminating the barriers to access in the schools. The Court determined that all defendants have a “shared legal obligation to ensure that the Richmond City Public Schools become ADA-compliant within a reasonable amount of time.” This decision was reversed by the United States Court of Appeals for the Fourth Circuit on the grounds that the School Board had been solely responsible for the condition of the schools, and that on the existing record the City could not be held liable for curing the condition of the schools.

Since the Fourth Circuit's decision, the plaintiffs—assisted by the WilmerHale team—have fought tirelessly to secure funding for and enforce the remediation plan to which the School Board had agreed. As a result of a long series of mediation sessions, the School Board's ADA coordinator formed a committee, which included plaintiffs, to determine the best use of all available funds. In large part because of the public attention created by the litigation, the City Council shifted course and established a funding stream for the remediation plan. Indeed, the City Council has publicly committed to providing funds sufficient to complete all the projects in the plan—and thus to make every Richmond school accessible to persons with disabilities.

As a result of this City funding, 57 projects have been completed in the last year, and over \$2 million has been spent or otherwise allocated for the project. At long last, persons with disabilities should soon be able to participate fully in educational and other community programs in the

Richmond schools.

Members of WilmerHale's pro bono team included [Cindy Vreeland](#), [Chris Davies](#), [Joe Mueller](#), Michael Vagnucci, [Rebecca McCloskey](#), Melissa Coffey, and Vivek Jain.