
US District Court Recognizes Civil Rights Of Richmond, Virginia's Citizens With Disabilities

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The United States District Court for the Eastern District of Virginia today ordered the City of Richmond, Richmond City Council, and Mayor Douglas Wilder to fund a five-year plan for eliminating the barriers to access in the schools, a plan to which the Richmond School Board had agreed. 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."

It has been known for over a decade that the Richmond Public Schools do not comply with the Americans with Disabilities Act ("ADA") and other federal and state disability laws. At least 56 of the 60 Richmond schools have architectural defects that prevent persons with disabilities from participating in the broad range of services, programs, and activities held at school facilities.

After years of government 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 – filed suit against the City, City Council, Mayor, and 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.

Midway through the litigation, plaintiffs reached agreement with the School Board on a comprehensive five-year plan to remediate the schools. But the plan was contingent on funding, as to which the School Board depends on the other defendants, which control the power of the purse in Richmond. But these other defendants maintained that they were not liable for the conditions in the schools. In its decision today, the Court rejected this argument, and granted plaintiffs' motion for summary judgment.

"We are extremely pleased to learn of the Court's decision, which recognizes the important civil rights of Richmond's citizens with disabilities," said David Hopper, co-counsel to the plaintiffs and partner at the law firm Cook, Heyward, Lee, Hopper & Feehan. "We hope that all parties can now put this case behind us and move on to the crucial work of actually removing the barriers to access in the Richmond Public Schools."

"Once these barriers to access are removed, Richmond's citizens with disabilities will have equal access to the full array of services, programs and activities offered in the Richmond Public Schools,"

said Joseph Mueller, co-counsel to the plaintiffs and associate at the law firm Wilmer Cutler Pickering Hale and Dorr.

"We are delighted with today's important decision and are thrilled to move forward and continue to improve the Richmond Public Schools," said Christopher Bacon and Vicki Beatty, plaintiffs in the case. "Our hope is that other schools across the nation will take notice and evaluate their responsibility to provide citizens with long-recognized and basic rights."

The WilmerHale pro bono team included, [Christopher Davies](#), [Cynthia Vreeland](#), Melissa Coffey, [Rebecca McCloskey](#), [Joseph Mueller](#), Michael Vagnucci and Benjamin Stern. Co-counsel on the case was David Hopper from the Richmond, Virginia-based law firm, Cook, Heyward, Lee, Hopper & Feehan.