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## Examining Structural Failures in Disability Accommodations at the University of California

**ABSTRACT.** Legal standards for disability law emphasize equal access to reasonable accommodations. These accommodations are expected to be provided to students in a timely manner, especially in higher education. The experience of disabled students at the University of California (UC) schools demonstrates violations of state and federal law. Systemic barriers to accommodations prevent students from receiving the equal access to education that's legally granted to them. These barriers manifest in the form of staffing shortages and resource constraints, difficult documentation requirements, delayed accommodation processing, and failures in digital accessibility compliance, all of which violate Section 504 of the Rehabilitation Act, Title II of the ADA, and California Government Code Section 11135. Drawing on federal case law, past federal investigations into the UC, and active litigation against UC campuses, this paper argues that the UC system must adopt a system-wide Universal Design for Learning mandate, formalize specialist-to-student ratios, standardize documentation processes, and establish accountability mechanisms to fulfill its legal obligations to disabled students.

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# EXAMINING STRUCTURAL FAILURES IN DISABILITY ACCOMMODATIONS AT THE UNIVERSITY OF CALIFORNIA

## INTRODUCTION

Students with disabilities have the protected right of equal access under federal and state law. However, the legal authority governing these protections fails to ensure that equal access to opportunities on campus is properly maintained. This takes the form of structural barriers hindering disabled students from receiving necessary accommodations within the University of California system.

According to the Association on Higher Education and Disability (AHEAD), the recommended ratio to ensure equal access to education is one disability specialist for every 250 undergraduate students.<sup>1</sup> For graduate students, the recommended ratio is one specialist for every 25 students, and for medical/health sciences, the ratio is one specialist for every 80 students.<sup>2</sup> Disability service professionals in the UC system indicate that meeting these ratios would allow them to effectively provide support to students with disabilities.<sup>3</sup> In the 2022-2023 academic year, UC Santa Cruz's average ratio was one disability specialist for every 834 students, far below the recommended ratio. This left specialists responsible for over three times as many students as the recommended caseload.<sup>4</sup> Across all the UC campuses, the median ratio was one disability specialist for every 399 students, respectively.<sup>5</sup> This is just one of many accommodation issues plaguing the UC system.

Disabled students are a vulnerable group, as students with a permanent disability graduate at a rate 22.5% lower than their peers.<sup>6</sup> With undergraduate enrollment at UC schools rising rapidly, ensuring the continued support for disabled students must be a priority. In the fall of 2025, 301,093 students were enrolled by the UCs, a 5.9% increase from fall 2021.<sup>7</sup> As general enrollment increases, if disability specialists are not hired at the same rate, the ratios between students and specialists will continue to widen.

Disability specialists are crucial to ensuring equal access to opportunity in the UC

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<sup>1</sup> Paula Cucurella, *What We Are Left to Dream Of: Disability and the Promise of Social Mobility. The Case of UCR.*, LA Progressive (June 19, 2025),

<https://www.laprogressive.com/education-reform/promise-of-social-mobility>.

<sup>2</sup> Univ. of Cal., *Transforming Culture and Practice: UC Systemwide Advisory Workgroup on Students with Disabilities* 11 (2023).

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

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 15

<sup>7</sup> UC Office of the President, *University of California Sets Enrollment Records*, Univ. of Cal. (Jan. 8, 2026), <https://www.universityofcalifornia.edu/press-room/university-california-sets-enrollment-records>.

system. The specialists facilitate the interactive process after students request accommodations by evaluating medical or psychological documentation, and determining appropriate solutions, ensuring equal access.<sup>8</sup> Therefore, larger specialist-to-student ratios cause longer wait times for intake appointments, delays in documentation review, and slower implementation of accommodations.

The UC accommodation system violates Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and California Government Code Section 11135 by neglecting to provide equal access opportunities for students with disabilities. This is exemplified by structural failures in resource allocation and institutional processes. The UC system must implement policy reforms to formalize student-to-specialist ratios, streamline documentation, and implement accountability mechanisms. The UC must address these violations to uphold federal protections for disabled students and ensure that all students have equal access to higher education.

## I. LEGAL FRAMEWORKS

Federal and state law align with UC policy in emphasizing the protection of equal rights to opportunities in education for disabled students.

### A. Federal Disability Protections

#### 1. Statutory Foundations: The Rehabilitation Act and ADA

The Code of Federal Regulations for the Rehabilitation Act of 1973 (Rehabilitation Act) and the Americans with Disabilities Act establish protections for disabled individuals and can be applied to the issue of equal access for disabled students in higher education. Section 504 of the Rehabilitation Act states that “no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity” provided by the government.<sup>9</sup> Title II of the Americans with Disabilities Act further establishes the illegality of disability discrimination in access to services and benefits by a public

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<sup>8</sup> Student Disability Center, *Accommodation Process*, The Regents of the Univ. of Cal., Davis, campus<https://sdc.ucdavis.edu/how-accommodations-are-determined> (last updated Dec. 5, 2020).

<sup>9</sup> The Rehabilitation Act, 29 U.S.C. § 504 (1973).

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entity.<sup>10</sup> Since the UC is a public university system that receives federal funding, it falls under Section 504 as a “program or activity” provided by the government, and under Title II as a public entity. When applied to the context of higher education, Section 504 and Title II mandate that disabled students have equal access to educational opportunities.<sup>11</sup> Moreover, Section 504 states that schools must provide auxiliary educational aids for students with impaired sensory, manual, or speaking skills promptly to ensure effective participation by students with disabilities.<sup>12</sup> Equal access to educational opportunities includes access to aids such as taped texts, notetakers, and interpreters,<sup>13</sup> and the UC is legally bound to these standards.

### 2. *The Reasonable Accommodations Standard*

Title II of the Rehabilitation Act states that a “public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.”<sup>14</sup> The act requires public entities to provide access to reasonable accommodations, although it does not explicitly define what is included under “reasonable accommodation.” Essentially, the UC system must provide reasonable accommodations to disabled individuals to ensure nondiscrimination and equality.

The Rehabilitation Act reaffirms nondiscrimination by declaring that universities should modify their academic requirements as necessary to avoid discrimination against disabled students.<sup>15</sup> Moreover, this aid “must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.”<sup>16</sup> However, the Rehabilitation Act limits modifications to those deemed “essential” to the degree or license program the students

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<sup>10</sup> Americans with Disabilities Act, 42 U.S.C. § 12132 (1990).

<sup>11</sup> U.S. Dep’t of Educ., *Disability Discrimination: Overview of the Laws*, <https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/disability-discrimination-overview-of-laws> (last updated Jan. 14, 2025).

<sup>12</sup> Americans with Disabilities Act § 12132.

<sup>13</sup> U.S. Dep’t of Educ., *Auxiliary Aids and Services for Postsecondary Students with Disabilities*, <https://www.ed.gov/laws-and-policy/individuals-disabilities/auxiliary-aids-and-services-for-postsecondary-students-with-disabilities> (last updated Sept. 1998).

<sup>14</sup> 28 C.F.R. § 35.130(b)(7)(i) (2024).

<sup>15</sup> 34 C.F.R. § 104.44(a) (1980).

<sup>16</sup> Laura Rothstein, *Section 504 at Fifty: Disability Policy and Practice in Higher Education—Why 504 and the ADA Remain Relevant and Important*, 48 J.C. & U.L. 153 (2023).

are pursuing.<sup>17</sup> Non-essential modifications are exempt from the discriminatory consideration.<sup>18</sup> If a university can prove that certain rules or functions are not strictly necessary to the completion of a course or license, then those rules or functions cannot be considered discriminatory.

The vague language within the Rehabilitation Act creates opportunities for confusion. Congress intended the act to serve as a broad civil rights protection aimed at providing equal opportunity to disabled individuals.<sup>19</sup> However, without clear guidance on what constitutes “reasonable accommodations, public entities are entrusted to fulfill this obligation as they see fit.”<sup>20</sup> This confusion has been the center of recent legal interpretations of disability law regarding higher education.

### 3. *Judicial Interpretations*

In *Wynne v. Tufts University* (1991), first-year medical student Steven Wynne alleged that Tufts discriminated against him by refusing to offer an alternative exam despite Steven’s dyslexia diagnosis.<sup>21</sup> The First Circuit required Tufts to carefully review the request again before ruling on the merits. The burden of proof regarding reasonable accommodations was placed on the institution and required that “relevant officials within the institution considered alternative means, their feasibility, cost, and effect on the program, and came to a rationally justifiable conclusion that the alternatives would either lower academic standards or require substantial program alteration.”<sup>22</sup> The First Circuit upheld Tufts’s decision, affirming that the university clearly demonstrated the importance of the exam, in its multiple-choice format, to the medical school curriculum as the fairest way to test students.<sup>23</sup>

Similarly, in *Zukle v. Regents of the University of California* (1991), the court held that a school may lawfully deny an accommodation if it fundamentally altered the

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<sup>17</sup> 34 C.F.R. § 104.44(a) (2024).

<sup>18</sup> *Id.*

<sup>19</sup> Brigid Hurley, *Accommodating Learning Disabled Students in Higher Education: Schools’ Legal Obligations Under Section 504 of the Rehabilitation Act*, 32 B.C. L. Rev. 1051, 1053 (1988).

<sup>20</sup> U.S. Equal Emp. Opportunity Comm’n, *Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA* (Oct. 17, 2002), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>.

<sup>21</sup> *Wynne v. Tufts Univ. Sch. of Med.*, 932 F.2d 19 (1st Cir. 1991).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

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“essential” academic requirements.<sup>24</sup> In *Zukle*, the plaintiff was dismissed after being unable to meet academic and clinical requirements, failing classes, and evading her clerkship.<sup>25</sup> The student previously sought reduced time for her clinical clerkship due to her disability and received some accommodations. However, the student claimed that the university refused her requested accommodations and dismissed her due to her disability.<sup>26</sup> The university provided evidence showing that the student’s requested accommodation would substantially alter the curriculum.<sup>27</sup> The Court deferred to the university regarding its decision that modifying the curriculum would compromise the integrity of the university’s program, as the requirements were considered “essential.”<sup>28</sup> The Court upheld the University’s position that the time allotted for the clinical clerkships was key in simulating real in-hospital medical experience for students.<sup>29</sup>

The case *A.J.T. v. Osseo Area Schools* (2025) clarified how violations of Title II and Section 504 should be treated.<sup>30</sup> A family in Minnesota sued the Osseo school district after their epileptic daughter was denied accommodations.<sup>31</sup> Trial and appellate courts ruled against the family, holding that the district could only be liable for disability discrimination damages if it acted with “bad faith or gross misjudgment,” a higher standard than typical disability claims.<sup>32</sup> The Supreme Court unanimously overturned this heightened legal standard, holding that ADA and Section 504 claims should be judged under the same framework as other disability discrimination cases, requiring proof only of “deliberate indifference.”<sup>33</sup> The Court emphasized the defendant could not avoid liability simply because they acted in good faith or without malicious intent.<sup>34</sup> This decision made it easier for students and families to hold schools accountable for failing to provide reasonable accommodations. Overall, it strengthens the enforcement of disability rights in education and expands access to legal justice regarding disability discrimination.

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<sup>24</sup> *Zukle v. Regents of the Univ. of Cal.*, 166 F.3d 1041 (9th Cir. 1999).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *A. J. T. v. Osseo Area Schools, Independent School District*, 605 U.S. 1, 7-14 (2025).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

*B. State-Level Disability Protections*

There are also state-level legal supports that reinforce federal protections for disabled students. Under California Government Code Section 11135, no person in the State of California shall be unlawfully denied full and equal access or be unlawfully subjected to discrimination on the basis of disability in any program or activity that receives state funding.<sup>35</sup> Moreover, the state’s public postsecondary-education statute, California Education Code Section 67310, declares that “equal access to public postsecondary education is essential for the full integration of persons with disabilities.”<sup>36</sup>

The UC’s Office for Ethics, Compliance, and Audit Services recognizes Section 504, ADA, and the previously mentioned California laws as binding.<sup>37</sup> Additionally, each UC campus has an ADA coordinator who ensures the university remains compliant with federal and state laws. This demonstrates that disability rights are meant to be a core institutional priority across the UC campuses. However, there are differences in the enforcement of ADA standards, as each university has its own separate policies regarding the application of these statutes.

The UC San Diego (UCSD) Office of Students with Disabilities (OSD) requires that students resubmit documentation for accommodations each quarter.<sup>38</sup> This is a tedious, time-consuming process that obstructs a student’s ability to secure timely access to necessary accommodations. At UCLA, students who are registered with or have been registered with the Center for Accessible Education (CAE) are not required to reapply for accommodations. Once approved, these accommodations are valid for the entirety of their academic career at the university.<sup>39</sup> This policy streamlines the process for receiving accommodations and protects students’ rights to equal and consistent access to education.

Despite a legal framework detailing the rights and protections of UC students with

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<sup>35</sup> Cal. Gov’t Code § 11135 (West 2023).

<sup>36</sup> Cal. Educ. Code § 67310 (West 2023).

<sup>37</sup> Disabled Students’ Program, *Learning Disabilities*, UC Berkeley, <https://dsp.berkeley.edu/students/policies/policies-guidelines/learning-disabilities> (last visited Jan. 3, 2026).

<sup>38</sup> Office for Students with Disabilities, *Steps for a Successful Transition to UC San Diego for Students with Disabilities*, UC San Diego Office for Students with Disabilities, UC San Diego, <https://osd.ucsd.edu/students/steps-for-a-successful-transition.html> (last visited Feb. 20, 2026).

<sup>39</sup> Center for Accessible Education, *Accommodations*, UCLA, <https://cae.ucla.edu/for-students/accommodations> (last visited Feb. 9, 2026).

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disabilities, there is a gap between promised and realized accommodations. The rights afforded to students under legal doctrine and the challenges faced by disabled UC students to receive those rights underscore the need to examine how institutions provide meaningful accommodations. When systems are not structured to protect students' needs, meaningful access to accommodations is hindered. Institutional conditions must be examined to determine how accommodations are actually provided.

### II. SYSTEMIC BARRIERS TO ACCESS

#### *A. Staffing Shortages and Resource Constraints*

Despite legal protections guaranteed for disabled students, the lived experiences of UC students demonstrate that these protections are not always actualized. The first issue is that the UCs are severely understaffed. UC Irvine had only four of seven disability specialist positions filled in the 2023-2024 academic year, with a ratio of one specialist to 460 students.<sup>40</sup> In the 2023-2024 academic year, UCLA's disability office functioned with only a third of its specialist positions filled, leading to ratios as high as one to every 1,281 students, resulting in delays and frustrations among students seeking accommodations.<sup>41</sup> The staffing shortage forced the office to stop assigning students to individual disability specialists, leaving students without access to personalized care.<sup>42</sup> Students were forced to wait up to three weeks for a response from their campus's disability center.<sup>43</sup> Moreover, increased caseloads make it more likely that students' accommodation requests are rejected, since the university does not have the capacity to grant them.<sup>44</sup>

The US Department of Education's 600 million dollar cuts to grants tied to DEI-related teacher training and programs<sup>45</sup> further exacerbate the effects of resource

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<sup>40</sup> Megan Tagami, *UC Disability Services Understaffed, Students Say*, CalMatters, May 22, 2023, <https://calmatters.org/education/higher-education/college-beat/2023/05/university-of-california-disability/>.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> Center for Accessibility Excellence, *Application Process*, UCLA, <https://cae.ucla.edu/cae-application-process> (last visited Jan. 23, 2026).

<sup>44</sup> Tagami, *supra* note 40.

<sup>45</sup> U.S. Dep't of Educ, *Cuts Over \$600 Million in Divisive Teacher Training Grants* (Feb. 17, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-cuts-over-600-million-divisive-teacher-training-grants>.

constraints, as ongoing budget uncertainty and declining per-student funding in the University of California system place growing pressure on campus support services, including disability resources<sup>46</sup>. Moreover, UC salaries fall below both California State Universities and California Community Colleges, causing a high turnover rate for staff in campus Disability Resource Centers.<sup>47</sup> There are systemwide issues with resource allocation to disabled student programs, as they remain understaffed and neglected.

*B. Barriers in Documentation and Disclosure Processes*

Major issues also lie in the documentation process of students with disabilities. Since students are not legally guaranteed accommodations until they disclose their disability, they must self-report their disability to their campus's DSPs. UC campuses often ask for a large amount of documentation from students in order to "confirm" their disability.<sup>48</sup> The UC system-wide documentation standards require comprehensive psychoeducational evaluations, including standardized IQ and achievement testing across reading, math, and written language, along with detailed descriptions of a student's functional limitations.<sup>49</sup> As previously stated, UCSD requires students to re-request accommodations every quarter.<sup>50</sup> In addition, there is confusion regarding what documentation is expected from students during the interactive process with disability specialists, leading to the denial of students' legal right to timely accommodations.

In 2018, the Office of Civil Rights (OCR) investigated UCSD over allegations that a student was not given proper accommodations for her ADHD diagnosis<sup>51</sup> The student submitted a diagnosis letter from her physician to OSD detailing what support she would need from the school. Before the student was able to attend her intake exam,

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<sup>46</sup> Florence Bouvet, *The 2026-27 Budget: University of California*, The Cal. Legislature's Nonpartisan Fiscal and Policy Advisor (Feb. 26, 2026), <https://lao.ca.gov/Publications/Report/5143>.

<sup>47</sup> Samantha Parr et al., *'It's Just a Fact': Understaffed CAE Office Fails to Meet Students' Needs*, Daily Bruin, Feb. 2, 2024, <https://dailybruin.com/2024/02/02/its-just-a-fact-understaffed-cae-office-fails-to-meet-students-needs>.

<sup>48</sup> *Documentation*, UCI Disability Servs. Ctr., <https://dsc.uci.edu/documentation/> (last visited Feb. 22, 2026).

<sup>49</sup> *Id.*

<sup>50</sup> Office for Students with Disabilities, *Disability Services Program*, UC San Diego, <https://osd.ucsd.edu/> (last visited Feb. 2, 2026).

<sup>51</sup> OCR Docket No. 09-17-2415, University of California San Diego, U.S. Dep't of Educ., Office for Civil Rights (Jan. 19, 2018).

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she was informed that her request would not be possible. OSD demanded current documentation and an explanation of the functional limitations of her disability.

The student alleged she was never made aware that the provided documentation was insufficient. The OCR's investigation confirmed that OSD never informed the student that she needed to provide evidence of the functional limitations of her disability. Additionally, throughout the alleged "interactive processes," the student clearly exhibited signs of ADHD in her explanations of classroom difficulties, verbally displaying the functional limitations of her disability.<sup>52</sup> UCSD denied the student's request for a clarified syllabus without thoroughly reviewing the functional limitations of her disability, stating the student failed to clearly explain how her disability affected her academic performance, even though she did so in email conversations with OSD. The OCR concluded the investigation, finding that UCSD had violated Section 504 in denying the student accommodations. Following this finding, UCSD implemented several corrective measures, such as giving guidance memos to OSD staff, clarifying and revising student and staff documentation on the accommodations process and grievance rights, updating and posting revised materials, and ensuring the student received course syllabi or equivalent planning information before classes began.<sup>53</sup> However, issues continue to persist within UCSD's OSD as students continue to report being confused by the documentation process.<sup>54</sup>

### *C. Failures in Providing Timely and Reasonable Accommodations*

The recurring theme of students not being granted access to reasonable accommodations promptly is not unique to UCSD. In April of 2025, two UCLA students, a wheelchair user and an individual with cerebral palsy, sued the school for violating Title II of the ADA.<sup>55</sup> The wheelchair user alleged that UCLA failed to provide access to disability-specific emergency evacuation protocols and evacuation chairs.<sup>56</sup> UCLA also failed to make reasonable accommodations for his wheelchair despite many requests to the DSP to provide accessible entrances to his classrooms and

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<sup>52</sup> OCR Docket No. 09-17-2415, *supra* note 51.

<sup>53</sup> *Id.*

<sup>54</sup> Alex Saporito, *Navigating ADHD and the OSD*, UC San Diego Guardian, Feb. 6, 2022, <https://ucsdguardian.org/2022/02/06/navigating-adhd-and-the-osd/>.

<sup>55</sup> Bertellotti et al. v. Regents of the Univ. of Cal., No. 2:25-cv-03069, Complaint at 1–2 (C.D. Cal. 2025).

<sup>56</sup> *Id.*

dorm building, which he was not able to enter.<sup>57</sup> For example, the student struggled with his math classroom’s inadequate wheelchair ramp, as it was too steep with no level landing.<sup>58</sup> This constituted a failure to provide an accessible entrance as required under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. UCLA dismissed this finding, as the student’s request for accommodations was denied.

The plaintiff with cerebral palsy experienced similar treatment from the school. UCLA allegedly provided her with inaccessible housing and significantly delayed her request for accommodations.<sup>59</sup> The student was also unable to access information on disability specific emergency evacuation protocols and evacuation chairs. Though this case is still ongoing, the alleged complaints, coupled with extreme staff shortages at UCLA, demonstrate how persistent the issue of accessible accommodations is in the UC system.

#### *D. Inaccessible Digital Infrastructure and Compliance Failures*

Similarly, the Department of Justice investigated UC Berkeley for Title II violations in 2016, including the failure to make publicly available online content accessible to students with disabilities, as well as a failure to adhere to WCAG 2.0 AA technical standards.<sup>60</sup> Flagged content included recorded lecture videos without proper captions, a lack of audio descriptions for visual content, poor color contrast, inaccessible PDFs, improper document structure, and links that were not keyboard accessible.<sup>61</sup> After the DOJ published a Letter of Findings, the University responded by saying that the accessible accommodations were too costly and threatened to remove the content entirely.<sup>62</sup> In 2017, UC Berkeley followed through with the threat and

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<sup>57</sup> *Bertellotti et al.*, No. 2:25-cv-03069.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> Office of Public Affairs, *Justice Department Secures Agreement with University of California, Berkeley to Make Online Content Accessible to People with Disabilities*, U.S. Dep’t of Justice (Nov. 21, 2022), <https://www.justice.gov/opa/pr/justice-department-secures-agreement-university-california-berkeley-make-online-content>.

<sup>61</sup> Civil Rights Div. U.S. Dep’t of Justice, *Letter of Findings-US v UC Berkeley* (Aug. 30, 2016), <https://www.justice.gov/crt/case-document/letter-findings-us-v-uc-berkeley>.

<sup>62</sup> Christopher Rim, *Digital Accessibility on College Campuses—Is Berkeley the Beginning of a Broader Call to Action?*, *Forbes* (Nov. 30, 2022), <https://www.forbes.com/sites/christopherrim/2022/11/30/digital-accessibility-on-college-campuses-is-berkeley-the-beginning-of-a-broader-call-to-action/>.

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removed public access to more than 20,000 files.<sup>63</sup> In 2022, the university finally entered into a consent decree with the DOJ to make online content accessible, revise and formalize accessibility policies, train personnel, designate an accessibility coordinator, conduct ongoing accessibility testing, and retain an independent auditor.<sup>64</sup> Four years later, UC Berkeley is still working to implement changes that were outlined in the consent decree. The fact that the process to eventual remedies took years, and seeing how the university's initial reaction was to dismiss concerns and revoke content access altogether, illuminates the ways in which accessible accommodations for students have been overlooked and undermined by the institutions obligated to protect them.

These examples illustrate the structural failures of the UC in addressing disabled students' needs. There are systemic issues with staffing, as well as delays in providing students with reasonable accommodations. Additionally, there is a heavy placement of burden on students to prove that they need these accommodations. These problems stem from the UC's unsuccessful implementation of Section 504 and Title II, which require timely accommodations, accessible content, and reasonable modifications. The UC demonstrates a clear inability to apply federal and state law in meeting the needs of individuals with disabilities, thus infringing on the legal rights of disabled students to receive accommodations.

### III. SOLUTIONS

#### *A. UC-Wide UDL Mandate*

Disability policy advocates often recommend the implementation of Universal Design for Learning (UDL). UDL seeks to proactively minimize barriers by designing courses and materials to work for all students, including those with disabilities, rather than adding accommodations later.<sup>65</sup> UDL rests on three core principles: multiple means of representation, multiple means of expression, and multiple means of

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<sup>63</sup> Nicole E. Flynn, *UC Berkeley Will Remove Public Access to Online Content ... And Replace It with New Accessible Content*, Cielo24 (Mar. 6, 2017),

<https://cielo24.com/2017/03/uc-berkeley-will-remove-public-access-to-online-content/>.

<sup>64</sup> Civil Rights Div. U.S. Dep't of Justice, *supra* note 61.

<sup>65</sup> *The Benefits of Universal Design for Learning*, CAST,

<https://www.cast.org/wp-content/uploads/2025/04/UDL-Benefits-Evidence-A11y.pdf> (last visited Feb. 6, 2026).

engagement.<sup>66</sup> According to UDL, the various representations of academic content, diverse methods to test students' expression of understanding, and the view that students engage with content in different ways should already be embedded in the course curriculum. For example, a professor applying UDL might present course content through both written notes and weekly video lectures (multiple means of representation), allow students to submit assignments via written essay, audio recording, or video (multiple means of expression), and offer both individual and group project options to accommodate different motivational styles (multiple means of engagement).<sup>67</sup> The goal of UDL is to implement a systematic, policy-backed approach in which accessibility is standard academic practice. The UDL ideology can be applied to policies that UCs can implement to minimize violations of federal and state law.

In 2021, the UC Provost and Executive Vice President, Michael Brown, charged a workgroup of subject matter experts, faculty, and students called the Systemwide Advisory Workgroup on Students with Disabilities (Work Group) with examining the current student experience and formulating recommendations for policies, programs, services, and campus culture to support students with disabilities.<sup>68</sup> In 2024, the group released the report for review by the UC-Wide Academic Senate. These recommendations provide basic guidelines regarding the structural oversight of disability services to ensure that the UC addresses its failures to align with federal and state law. Although the Work Group urged systemwide implementation, in the year since the report's release, UC has only partially adopted these recommendations, with significant gaps still evident across campuses.<sup>69</sup> To take the first step in creating a UDL-backed infrastructure where accessibility is the standard, the UC Office of the President should listen to the voices of its community members and issue a formal UC-wide mandate requiring uniform implementation of these policies. A UC-wide mandate would ensure consistency, accountability, and systemwide compliance rather than leaving implementation to individual campuses' interpretation, a structure that has created barriers to access for disabled students.

### *B. Staffing and Resource Expansion*

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<sup>66</sup> *The Benefits of Universal Design for Learning*, *supra* note 65.

<sup>67</sup> Erin Stapleton-Corcoran, *Universal Design for Learning (UDL)*, Univ. of Ill. Chi. (Feb. 12, 2022), <https://teaching.uic.edu/cate-teaching-guides/inclusive-equity-minded-teaching-practices/universal-design-for-learning-udl/>.

<sup>68</sup> Univ. of Cal., *supra* note 2.

<sup>69</sup> Univ. of Cal. Bd. of Regents, *Academic and Student Affairs Committee*, YouTube (Mar. 19, 2025), <https://www.youtube.com/live/lrV-Fi-S3ig>.

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The UC-wide policy should formalize the ratio to one specialist for 250 students, as recommended by AHEAD. Institutionalizing this ratio aligns with UDL philosophy and makes accessibility a standard for all students seeking help from their campus's DSP. Moreover, recent research points to staff-to-student ratios as a strong predictor of accommodation effectiveness.<sup>70</sup> The conclusions of this research are exemplified in the case against UCLA, as students were denied accommodations and personalized care due to staffing shortages.

### *C. Timeliness in Accommodations*

Moreover, the UCs continue to face accusations of delayed responses to accommodations requests, despite federal and state law emphasizing the need to respond to accommodations requests in a “timely manner.”<sup>71</sup> Testimonies across UC campuses indicated that students had to wait weeks before hearing back from their DSP. To address this gap, the Work Group also recommended reducing the maximum wait time for initial meetings to 72 business hours.<sup>72</sup> This clear timeline also coincides with UDL values of multiple expression, which emphasizes setting clear goals and organizational standards in policy design. Establishing this clear benchmark would operationalize what “timely” means within the UC system, ensuring that students are not left waiting for legally required accommodations. With rising enrollment numbers, the UCs must prioritize funding for DSPs.

### *D. Documentation Reform*

The documentation process should be streamlined and standardized throughout the UCs. In accordance with UDL principles, institutional processes should be created with equal access to accommodations in mind. However, equal opportunity for accommodations will not be guaranteed if each campus has a different policy. First, UCs should acknowledge that many students live with lifelong disabilities. UC-wide mandates must adopt UCLA's disability accommodation process, where students only

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<sup>70</sup> Melissa Beck Wells, *Disability Services in Higher Education: Statistical Disparities and the Potential Role of AI in Bridging Institutional Gaps*, PLoS One (May 7, 2025), <https://doi.org/10.1371/journal.pone.0322728>.

<sup>71</sup> Laura Rothstein, *Section 504 at Fifty: Disability Policy and Practice in Higher Education—Why 504 and the ADA Remain Relevant and Important*, 48 J.C. & U.L. 153 (2023).

<sup>72</sup> Univ. of Cal., *supra* note 2.

need to request accommodations once. If granted, students should not be forced to reapply every quarter. Moreover, as seen through the lawsuits against UCSD and UCLA, DSP staff often provide students with inconsistent information about what type of documentation is required for disability verification. This further violates UDL design, which takes into consideration the different ways students understand information and tasks.

The content required in documentation should also be standardized across the UCs. ADA coordinators must determine the details of the interactive processes and create a comprehensive list of documents essential for approving accommodations. This would eliminate the confusing back-and-forth process that enforces barriers to access. The comprehensive list of documents should be clearly outlined and distributed via multiple means of representation, aligning with UDL standards. The list would be available in different accessible formats on the UC website, each campus' website, printed or posted in each DSP, and linked in all electronic communications sent to students by DSPs to ensure that both students and faculty abide by the same standards.

Lastly, the UC system should implement accountability measures. The UC Work Group provides recommendations for keeping staff and faculty in adherence with legal standards. One significant mechanism is institutionalized data collection. The 2022-2023 state budget includes a multi-year funding compact that requires the UCs to report systemwide metrics, including undergraduate graduation rates for students with disabilities.<sup>73</sup> UCs should use this as a foundation to pursue a more detailed analysis of satisfaction with the campus's DSP and whether disabled students feel they can achieve academic success with their accommodations. These insights would help guide UDL-backed policy implementation if DSPs are not adhering to legal standards.

Additionally, a recurring issue within the UC system is a lack of disability training for staff and faculty. Faculty are rarely trained to recognize the manifestations of invisible disabilities. This means that students who communicate their needs awkwardly or at unconventional times are often misjudged as dishonest or incompetent rather than understood as navigating the genuine challenges of their disability. Requiring sustained professional development for staff and faculty and integrating UDL principles would mitigate discrimination and strengthen compliance with Title II and Section 504. This training could be based on the Disability Fact Sheet

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<sup>73</sup> *The 2022-23 Budget Agreement*, Disability Rights Cal. (July 28, 2022), <https://www.disabilityrightsca.org/latest-news/the-2022-23-budget-agreement>.

## EXAMINING STRUCTURAL FAILURES IN DISABILITY ACCOMMODATIONS AT THE UNIVERSITY OF CALIFORNIA

Handbook, created by a DSC Student Advisory Board member at UC Irvine,<sup>74</sup> and has been informally circulating in the UCs.

Another method of accountability is the creation of formal faculty liaisons to strengthen communication among faculty, disabled student services, and teaching and learning centers. These liaisons could connect faculty to teaching and learning resources on behalf of students, with progress measured by student success in course completion, retention, and graduation. Moreover, the Work Group recommendations call to expand the ADA coordinator role, which would include dedicated full-time compliance staff and the creation of chief accessibility officers to oversee a “holistic approach” to disability services.<sup>75</sup> The creation of these positions coincides with UDL guidelines that accessibility should be the standard. This further aligns with the pillars of multiple means of engagement and representation. Additionally, an advisory committee, similar to the Work Group, should be created to routinely evaluate the needs of the disabled student community. The cases at UCSD, UCLA, and UC Berkeley all demonstrate a failure to provide accommodations and an overall lack of accessibility on these campuses, which could be remedied by additional staff.

After evaluating systemic barriers students face, the UCs should implement formalized specialist-to-student ratios, streamline documentation timelines, and expand oversight measures to adequately support disabled students.

### CONCLUSION

Legal standards for disability law are grounded in the Civil Rights era legislative ideas of equal access. These standards state that institutions have the responsibility to provide reasonable accommodations to students with disabilities to ensure this access. The experiences of disabled students in the UC system reveal that these standards are often not met, and students face many barriers in trying to obtain the accommodations they need to be successful. These barriers include staffing issues exacerbated by less funding, confusing documentation requirements, and a lack of accountability and standardized processes for staff and faculty. Solutions to these issues include formalized staffing ratios, creating standardized documentation processes, and implementing new accountability measures. The UCs should take substantive steps to implement these

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<sup>74</sup> Gregoria Barazandeh, *Attitudes Toward Disabilities and Reasonable Accommodations at the University*, UCI Undergraduate Rsch. J., 1 (2005).

<sup>75</sup> Univ. of Cal., *supra* note 2.

## UNDERGRADUATE LAW REVIEW AT UC SAN DIEGO

solutions system-wide in order to ensure that UC campuses comply with federal and state law and meaningfully support students with disabilities.