

Court Rejects Disability Discrimination Claim in Light of Reasonable Accommodation

BY ROBERT G. YOUNG • AUGUST 15, 2019

On August 7, 2019, a federal district court in Rhode Island rejected a student's disability discrimination claim against Bryant University. The student enrolled in the University's Physician's Assistant program, a rigorous program that requires enrollees to maintain a 3.0 grade point average. The student fell short of that average in his first term.

At the start of his second term, he requested an accommodation for ADHD in the form of time-and-a-half for each exam. The College granted this request, but the student still did not meet the College's academic requirements. In his third term, the student continued to fall short of the program's academic requirements, and the College decided to decelerate him from the program. The student declined to return to the College in a decelerated status, and instead he filed a lawsuit.

Among his claims, the student alleged that the College discriminated against him on the basis of disability. However, the Court rejected this claim, finding that the student was not "otherwise qualified" for the PA program within the meaning of the disability discrimination laws. The Court noted that the College granted the student several accommodations he had asked for (even beyond the time-and-a-half for exams) but that the student still was not able to meet the College's academic requirements for the PA program. Consequently, the Court decided that the College could not be liable for disability discrimination.

Client Tip: This case serves as another reminder that a request for reasonable accommodation does not require an institution to lower or lessen its generally-applicable academic standards. It also highlights the need for institutions to work with students requesting accommodations, as the College's efforts to accommodate the student no doubt played a role in how the Court viewed the case.

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