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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROY PAYAN, PORTIA MASON, THE
NATIONAL FEDERATION OF THE
BLIND, INC., and THE NATIONAL
FEDERATION OF THE BLIND OF
CALIFORNIA, INC.,

Plaintiffs,

vs.

LOS ANGELES COMMUNITY
COLLEGE DISTRICT,

Defendant.

Case No.: 2:17-cv-01697-SVW-SK

**PERMANENT INJUNCTION
AND FINAL JUDGMENT**

Upon consideration of Plaintiffs’ Motion for Permanent Injunction, Dkt. 325, and the opposition filed by Defendant Los Angeles Community College District (“LACCD”), Dkt. 327, regarding the Findings of Fact and Conclusions of Law, Dkt. 267, in which the Court held that LACCD violated Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.* (the “ADA” or “Title II”), and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 (“Section 504”), the Court ENTERS, DECREES, AND ORDERS the following:

1 1. Within one year of the date of this Order, LACCD shall ensure compliance with
2 the Alternate Media Production Policy, Dkt. 48-21 (the “Alternate Media Policy”), in effect at
3 Los Angeles Community College (“LACC”), for all courses offered at LACC and for all other
4 educational resources made available to students at LACC;

5 2. Within one year of the date of this Order, LACCD shall evaluate LACC’s
6 integrated library system website and all library databases available to students enrolled at
7 LACC to determine whether the library resources are fully accessible to blind students. LACCD
8 shall either (a) discontinue the use of any inaccessible library databases, inaccessible documents
9 contained in library databases, or other inaccessible library resources available to students
10 enrolled at LACC or (b) establish alternative means of providing access to the equivalent
11 benefits of the inaccessible library resources to blind students in a timely manner, *i.e.*, prior to or
12 at the same time sighted students are provided access to those library resources, including
13 outside of the classroom;

14 3. Within three months of the date of this Order, LACCD shall appoint or designate
15 an individual as the Dean of Educational Technology for LACC, with responsibilities as
16 established in the Alternate Media Policy and in other official policies or regulations established
17 by LACCD in effect at LACC. The Dean of Educational Technology at LACC must be
18 proficient in accessibility under the ADA. Instructors at LACC, and OSS staff, shall consult with
19 the Dean of Educational Technology as necessary to ensure (a) the preparation and furnishing of
20 classroom materials to blind students in an accessible format in a timely manner, *i.e.*, prior to or
21 at the same time that sighted students receive the equivalent materials, including outside of the
22 classroom, (b) the timely conversion of any inaccessible instructional materials into a format
23 accessible to blind students, or providing alternative means of access to the equivalent benefits of
24 inaccessible instructional materials in a timely manner; (c) the timely accommodation of blind
25 students pursuant to the terms of their accommodation letters, (d) timely responses to requests
26 for reasonable accommodations sought by blind students, and (e) compliance with the Alternate
27 Media Policy;

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1 4. Within one year of the date of this Order, LACCD shall ensure that the LACCD
2 website, the LACC website, and all other educational or instructional websites available to
3 students enrolled at LACC, including all educational resources or embedded programs on those
4 websites (such as PeopleSoft) made available to LACC students, are accessible to blind students
5 in accordance with WCAG 2.1 Level AA standards;

6 5. LACCD shall assess all educational resources or other technological programs
7 considered for acquisition and use at LACC, including resources that are purchased or licensed
8 from third party vendors, for accessibility to blind students prior to their acquisition. If any
9 resources considered for acquisition are determined to be inaccessible to blind students enrolled
10 at LACC, LACCD shall either (a) decline to acquire the resources or (b) acquire the inaccessible
11 technology but establish alternative means of providing access to the equivalent benefits of the
12 inaccessible resources to blind students in a timely manner, *i.e.*, prior to or at the same time
13 sighted students are provided access to those resources, including outside of the classroom;

14 6. In all cases, for each of the requirements imposed above, LACCD shall not be
15 required to take any particular action if doing so amounts to an undue financial or administrative
16 burden or would result in the fundamental alteration in a program, service, or activity at LACC,
17 consistent with 28 C.F.R. §§ 35.130(b)(7) and 35.164;

18 7. Within 30 days of the date of this Order, LACCD shall disseminate this Order to
19 all instructors and administrators at LACCD;

20 8. The Court shall retain jurisdiction over the enforcement of this Order. If Plaintiffs
21 believe that LACCD has violated any portion of this Order, Plaintiffs shall give notice of such
22 alleged violation to LACCD, and LACCD must respond in writing to such notice no later than
23 15 days after receipt. The parties shall meet and confer consistent with the Federal Rules of Civil
24 Procedure, and if the parties are unable to resolve a dispute over LACCD's alleged violation of
25 this Order, then (1) Plaintiffs may move this Court to seek enforcement of the Order, or
26 alternatively, (2) LACCD may file a motion for relief to seek a finding that Plaintiffs' requested
27 course of action constitutes an undue burden or fundamental alteration under 28 C.F.R.
28 §§ 35.130(b)(7) and 35.164;

1 9. This Order shall become effective as of the date the Order is signed and entered in
2 the above-captioned case, and the Order shall remain in effect for a period of three years from
3 the effective date;

4 10. Pursuant to the jury verdict entered in this case on June 20, 2019, see Dkt. 320,
5 judgment is entered in favor of Plaintiff Portia Mason against LACCD in the amount of \$0, and
6 judgment is entered in favor of Plaintiff Roy Payan against LACCD in the amount of
7 \$40,000.00, with interest thereon at the legal rate as provided by law;


8 11. Pursuant to the Court's findings of liability in the Findings of Fact and
9 Conclusions of Law, Dkt. 267, judgment is entered in favor of Plaintiffs National Federation of
10 the Blind, Inc. and National Federation of the Blind of California, Inc. against LACCD;

11 12. Plaintiffs are deemed the prevailing party pursuant to 42 U.S.C. § 12205 and shall
12 be entitled to recover their reasonable attorneys' fees and costs incurred in this action. Plaintiffs
13 are ordered to file a motion for attorneys' fees within 21 days of the date of this Order, consistent
14 with the parties' stipulation, Dkt. 326; and

15 13. This Order shall be deemed a final judgment pursuant to Federal Rule of Civil
16 Procedure 58.

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18 IT IS SO ORDERED.

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20 Date: 7/22/19

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23 HON. STEPHEN V. WILSON
24 UNITED STATES DISTRICT JUDGE
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