

Summary Judgment Review

Case Name: Ruiz v. Fulton County School District

Nature of the Order: Magistrate's Report & Recommendation

Magistrate Judge: J. Clay Fuller

District Judge: Charles A. Pannell

Claims & Outcomes:

Claim: ADA, Failure to Accommodate Claim

- **Outcome:** Recommend Summary Judgment be Granted

Long Summary:

Plaintiff, Ruby Ruiz, was employed by Defendant, Fulton County School District (FCS) as a teacher. Ms. Ruiz alleged the following: She suffers from osteoarthritis, which restricts her ability to walk or stand for extended periods of time. On April 9, 2018, she submitted an accommodation form to FCS. Ms. Ruiz's physician recommended various accommodations. FCS approved an accommodation for Ms. Ruiz on May 30, 2018, which included the condition that classroom assignments be no more than 100 feet apart and not require the use of stairs.

In August 2018, Ms. Ruiz received her schedule for the new year, which she alleged required her to move to different classrooms and travel between 82 and 224 feet.

The Court first noted that, despite Ms. Ruiz's arguments to the contrary, she never requested an accommodation to remain in one classroom, nor did her physician recommend such an accommodation. As for the specific distance between classrooms, the Court explained that FCS presented evidence that employees responsible for handling Ms. Ruiz's accommodations request walked and measured the distances between Ms. Ruiz's classes, and that those distances did not exceed 100 feet. On the other hand, Ms. Ruiz did not testify during her deposition or state in her declaration that she had to walk more than 100 feet, nor did she measure the distances between the classrooms using measuring tools. Rather, she testified that she used a measuring tool on Google Earth based on aerial views of the schools, but she did not recall what those measurements were.

Next, the Court explained that even if Ms. Ruiz could show that she requested to be assigned to a single classroom, this was not a reasonable accommodation. Ms. Ruiz stated in her declaration that there were available classrooms that she could have taught out of; however, she testified in her deposition that she was told there were no available classrooms, or she was unaware if there was an available classroom. Accordingly, the Court found that Ms. Ruiz's allegation in her declaration was insufficient to create a triable issue of fact. Further, Ms. Ruiz pointed to no evidence that, in her position, it would have been reasonable to require her students and other teachers whom she taught with to come to her classroom. Lastly, the Court noted that FCS sought various other ways to reasonably accommodate Ms. Ruiz's disability.

The Court therefore recommended that Defendant's Motion for Summary Judgment be GRANTED.