The Recipient on Both Sides:

Section 504 and the Two Harms Only a University Can Produce with a License Plate Camera

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Abstract

At least one hundred fifty American colleges and universities have connected their campuses to a private, nationwide automated license plate recognition network. The civil liberties literature treats this as a privacy, immigration, and First Amendment problem. It is also a disability discrimination problem, and no institution has been asked to answer for it.

This Article argues that campus deployment violates Section 504 of the Rehabilitation Act through two mechanisms that exist only in higher education. The first is documentary. The federal uniform system for disability parking puts the International Symbol of Access on the face of a special license plate, sized like the plate's own characters and physician-certified, which places a disability marker in the exact field the reader is built to capture. A municipality that photographs that field holds a photograph. A university holds the parking permit registry that maps every plate on its grounds to a name and an address, so the same photograph resolves to a person. The register is not built by decision. It is what one covered entity can assemble from components it already holds, and only a university holds all of them.

The second is therapeutic, and it must be stated in the terms the clinical literature uses. Contemporary treatment for persecutory delusions does not proceed by presenting counterevidence, an approach that literature has long regarded as unproductive. It proceeds by helping the person learn, through direct experience, that a feared threat is not present. For persecutory belief that takes the common form of a conviction that one is being watched or followed, the learning target is a proposition about the environment, and on a networked campus that proposition is not available to be learned because it is false in the one respect the treatment must address. The university that operates the counseling center delivering that intervention is the same entity that operates the camera network, inside a single program or activity, because Section 504 defines that term to reach all of the operations of a postsecondary institution. In the municipal fact pattern the camera operator and the clinician are different entities. On a campus they are the same defendant, and the population is concentrated at the age of peak incidence.

Section 504 is the correct instrument rather than Title II because a substantial share of the deploying institutions are private and outside Title II altogether. The Article maps the claim onto the discriminatory methods of administration and facility siting provisions, notes that the definition of facility expressly includes equipment and parking lots, addresses the vendor as a contractual arrangement rather than a shield, adds a failure-to-accommodate theory that does not depend on the contested availability of disparate impact, identifies a modification the vendor has already stated it is implementing under state law, and locates the surviving damages theory after recent limits on compensatory relief.

Keywords: Section 504; automated license plate recognition; campus police; disparate impact; failure to accommodate; methods of administration; *Alexander v. Choate*; *Alexander v. Sandoval*; program or activity; disability surveillance

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I. Introduction

A student parks in an accessible stall outside a campus counseling center. A camera at the lot entrance photographs the rear of the vehicle and reads the plate, and the read is uploaded to a private company's cloud platform, where it becomes a searchable record of one vehicle at one place at one time.[1] The plate is a special disability plate, because the student's state issues them to drivers a physician has certified, and the credential the plate carries is the International Symbol of Access, printed on the plate face in the same size as the plate's own numbers.[2] The university's parking office already holds a record tying that plate to the student's name, identification number, and local address, because a permit cannot be issued without one.

Nobody in this sequence decided to record that a particular student is disabled and attends therapy. The record exists anyway, and the institution holding every component of it is a recipient of federal financial assistance.

At least one hundred fifty American institutions of higher education have connected themselves to the network that performs the first step.[3] The account of that deployment is well developed and it is about other things: immigration enforcement reaching into sanctuary jurisdictions,[4] the surveillance of protest,[5] and the pursuit across state lines of a woman suspected of terminating a pregnancy.[6] Each is a serious harm and none is this one.

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1. Torin Monahan, *Flock on Campus: University Police as Appendages of a National Policing Apparatus*, POLICING & SOC'Y 1, 2 (2026), https://doi.org/10.1080/10439463.2026.2702635 (describing capture of vehicle images and surrounding context and their automated processing on the vendor's cloud platform).

2. 23 C.F.R. § 1235.2(b)–(c) (2026) (defining a "special license plate" as one that "displays the International Symbol of Access" "[i]n a color that contrasts to the background" and "[i]n the same size as the letters and/or numbers on the plate," and defining the qualifying disability by reference to a determination "by a licensed physician").

3. *Id.* at 8 (reporting one hundred fifty institutions, comprising one hundred twenty-three universities and twenty-seven colleges, ranging from large public universities to small community colleges).

4. *Id.* at 9 (reporting 11,935 searches explicitly pertaining to immigration, ICE, or border patrol assistance between June 1, 2024 and November 10, 2025, from partial audit records at eight institutions).

5. *Id.* at 11 (reporting 753 searches of campus police networks where the stated reason was protest, "No Kings," or similar terms).

6. *Id.* (reporting that every institution in the study with an operational system processed the Texas-originated search in that matter).

This Article makes a claim the existing literature has not made: campus deployment of automated license plate recognition violates Section 504 of the Rehabilitation Act of 1973,[7] and that it does so through two mechanisms no municipal deployment can produce.

The first is documentary. Disability status is not inferred from the surveillance record. On a special plate it is printed in the field the reader exists to capture, at the scale the reader is built to resolve, facing the direction the vendor says its cameras face.[8] Neither the plate nor the reserved stall identifies anyone standing alone. The university supplies the third component, and it is the one that matters: a permit registry mapping plates to persons, assembled years earlier for parking administration, sitting inside the same institution. A city with a camera and no registry has a photograph. A university with a camera and a registry can turn the photograph into a name whenever it wants to.

The second is therapeutic, and stating it correctly requires discarding a framing this Article's earlier drafts shared with much popular writing. Treatment for persecutory delusions is not, and has not for decades been, a matter of presenting the patient with disconfirming evidence. That approach was recognized early as unproductive.[9] What contemporary treatment does is help the person learn, through direct experience, that a feared threat is not present, and so build a competing belief in present safety.[10] When the feared threat takes the common form of a belief that one is under surveillance, the environmental proposition the treatment must help the patient reach, that one's movements are not being recorded and made available to police, is false on a

7. 29 U.S.C. § 794(a) (providing that no otherwise qualified individual with a disability "shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance").

8. *Compare* 23 C.F.R. § 1235.2(c) (2026) (Symbol of Access sized like the plate's characters), *with* Torin Monahan, *Grounding the Flock: Confronting Police Surveillance of Mobilities*, MOBILE MEDIA & COMM. 1, 5 (2026), https://doi.org/10.1177/20501579261453519 (quoting the vendor's public statement that its readers "take a point-in-time image of the rear of vehicles on public roadways").

9. Philippa Garety, *Therapeutic Advances for People with Delusions Will Come from Greater Specification and Empirical Investigation*, 14 WORLD PSYCHIATRY 180, 180 (2015), https://doi.org/10.1002/wps.20210 ("Very early, it was recognized that presenting counterevidence is a strikingly unproductive way to work with delusions.").

10. Daniel Freeman, *An Excitement Building in the Development of Psychological Treatments for Schizophrenia*, 25 WORLD PSYCHIATRY 266, 266 (2026), https://doi.org/10.1002/wps.70048 (describing persecutory delusions as inaccurate threat beliefs whose impact is diminished by developing a counterweight belief that the person is safe now, generated through direct experience of difficult situations, and noting that directly challenging delusions is rarely successful).

networked campus. A university that operates a counseling center is asking such a student to go out and learn that no record is being kept. A university that operates a nationally networked camera system has arranged for a record to be kept.

Section 504 defines “program or activity” as all of the operations of a college, university, or other postsecondary institution,[11] so both operations sit inside one covered program and belong to one defendant. In the municipal case the camera operator is a city and the clinician is a private practice, and the harm crosses an institutional boundary where no single entity answers for it. On a campus there is no boundary to cross.

The two mechanisms are independent, and they reach different protected populations. The documentary mechanism reaches students whose disability carries a special plate or who park in reserved stalls, which is to say students with the mobility-related impairments the federal placard and plate system certifies. The therapeutic mechanism reaches students with surveillance-themed persecutory conditions, whose route into the protected class runs through the clinic and the developmental window rather than through the plate. The claim therefore does not depend on any single disability type, and neither mechanism needs the other to state a violation.

Part II establishes the deployment from the public record. Part III explains why Section 504 rather than Title II is operative. Part IV develops the documentary mechanism against the discriminatory methods of administration and facility siting provisions. Part V develops the therapeutic mechanism. Part VI addresses remedy, including a failure-to-accommodate theory that survives whatever a court decides about disparate impact. Part VII takes four objections, including the two the verification of this Article’s own authorities surfaced. This Article does not argue that surveillance of disabled people is uniquely objectionable, and it does not rest on the proposition that disabled students are the only population harmed. It argues that a specific statute, with a specific coverage rule and a specific effects test, is violated by an institutional configuration peculiar to higher education.

11. 29 U.S.C. § 794(b)(2)(A).

II. The Deployment

A. What the System Is

Flock Safety operates the largest automated license plate recognition network in the United States, comprising more than 83,000 cameras nationwide, freestanding, attached to existing infrastructure, or mounted on patrol vehicles.[12] Access is sold to police departments, private retailers, and homeowners' associations, each able to share its data with the entire network, portions of it, or not at all.[13] The default posture is permissive: a client that opens its cameras nationwide receives access to the entire national network in return, so the design affords complete data sharing.[14]

The system does not stop at plates. It captures vehicle characteristics including color, make, model, bumper stickers, and dents, permitting a search without a plate number at all, and it generates alerts from driving patterns.[15] Its cameras capture surrounding context, including people in vehicles and pedestrians.[16] The hardware line has grown to include drones, gunshot detection, and high-definition pan-tilt-zoom cameras, and the processing now includes facial recognition and pattern recognition.[17]

The vendor's public position is that its cameras do not track people. That position is contradicted by the vendor's own documents. Its patent claims identification of "different classes of people (male, female, race, etc.)," clothing types, and height and weight,[18] and its own

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12. Monahan, *supra* note 1, at 2.

13. *Id.*

14. *Id.* ("Therefore, the affordance is for complete data sharing.").

15. *Id.*; *see also* Monahan, *supra* note 8, at 4 (describing vendor marketing of free-form searches for a "blue SUV with a racing stripe" and creation of a unique fingerprint for every vehicle even where plates are obscured).

16. Monahan, *supra* note 1, at 2.

17. *Id.*

18. Flock Group Inc., System and Method for Object Based Query of Video Content Captured by a Dynamic Surveillance Network, U.S. Patent No. 11,416,545 B1, at 19, *quoted in* Monahan, *supra* note 8, at 5.

marketing describes a camera line built to "track people and vehicles, zooming in for identifying details."[19]

This Article does not rest on the contested capabilities. The documentary mechanism in Part IV requires nothing beyond reading a plate and storing the read, which is the one capability nobody disputes.

B. One Hundred Fifty Institutions

The scale of campus adoption was not publicly known until 2026. Drawing on open-records requests to public institutions and their police departments, and on the network audit logs those requests produced, one hundred fifty institutions of higher education were identified as participating.[20] The distribution is national: 56.7% in the South, 24.0% in the Midwest, 11.3% in the Northeast, and 8.0% in the West.[21]

Three features of that list matter here.

First, it is not confined to large public universities. Community colleges with enrollments in the four and five thousands appear alongside flagship campuses, which the researcher attributes to a subscription model effective enough to persuade institutions with a handful of officers to buy in.[22] Institutional size does not predict exposure, so the affected population is not concentrated where sophisticated compliance offices sit.

Second, a substantial share of the list is private. Notre Dame, Rice, Emory, Cornell, Elon, Houston Christian, Syracuse, Ithaca, Merrimack, Furman, Stanford, and the University of Chicago all appear.[23] This selects the statute, and Part III returns to it.

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19. Monahan, *supra* note 8, at 5 (quoting vendor marketing materials and observing that "it is difficult to take the company's defenses seriously when they contradict themselves").

20. Monahan, *supra* note 1, at 8 & app. B (listing every identified institution by state and region as of May 26, 2026).

21. *Id.* at 8.

22. *Id.* at 9 (naming institutions with modest enrollments, including a community college in Alabama enrolling 6,473 students and one in Mississippi enrolling 4,696).

23. *Id.* app. B.

Third, academic medical centers appear. The University of Colorado Anschutz Medical Campus, the University of Mississippi Medical Center, the University of Oklahoma Health Sciences Center, and the University of Texas at Houston are on the list.[24] A camera reading plates at an academic medical center reads the plates of patients, and Part IV.C returns to that.

The magnitude is documented rather than asserted. Records from eight institutions yielded 199 audit files containing information on 42,392,471 searches.[25] So is institutional posture toward disclosure: of forty-two institutions asked, eight fulfilled the requests, two produced records too heavily redacted to analyze, and the rest denied, ignored, or priced the request out of reach.[26]

C. What Makes a Campus Different

Campus police are not a marginal category of law enforcement. More than 17,600 sworn campus officers hold arrest powers on campuses and in surrounding communities at close to 1,300 institutions, and the overwhelming majority are armed.[27] At private institutions the state grants comparable municipal policing powers while insulating the department from open-records law and civilian oversight that would reach any other agency.[28]

Three structural features distinguish a campus from a city, and all three cut the same direction.

The first is the registry. A university issues parking permits, and a permit application collects the plate and ties it to the holder's name, identification number, and address. No municipality holds an equivalent standing table for the general driving public; a city needs a

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24. *Id.*

25. *Id.* at 7, 12 (noting that access to a few hundred documents provided a window into the entire network because the network had access to those eight sites).

26. *Id.* at 7 & app. A (recording that rejection was the norm, and that one medical campus quoted $4,000 for review and redaction).

27. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, CAMPUS LAW ENFORCEMENT AGENCIES SERVING 4-YEAR INSTITUTIONS, 2021–2022 (2024), *cited in* Monahan, *supra* note 1, at 5 (reporting that 98% of officers at four-year public institutions serving 1,000 or more students, and 89% at comparable private institutions, are authorized to carry handguns).

28. Monahan, *supra* note 1, at 5.

motor vehicle department query to move from plate to person. The campus lookup has already been performed, in advance, for the institution's entire population, and stored.

The second is enclosure. A campus is a bounded jurisdiction with a small number of vehicle entrances, which is the geometry the vendor markets to higher education. A city's cameras sample a road network. A campus perimeter installation approaches a census of who enters and when.

The third is the concentration of function. A city does not operate the clinic that treats the people its cameras watch. A university does.

III. Coverage: Why Section 504 Governs

A. Recipient Status Is Not Contestable

Section 504 reaches any program or activity receiving federal financial assistance.[29] For institutions of higher education, recipient status was settled more than forty years ago, in a posture stronger than the one presented here.

In *Grove City College v. Bell*, a private college accepted no direct federal aid of any kind and argued it was therefore not a recipient.[30] The Court rejected the argument, holding that "coverage is not foreclosed because federal funds are granted to Grove City's students rather than directly to one of the College's educational programs."[31] The college's fallback, that conditioning assistance on compliance infringed its First Amendment rights, received what the Court called brief consideration and was rejected, because Congress may attach reasonable and unambiguous conditions to assistance an institution is not obligated to accept.[32]

29. 29 U.S.C. § 794(a).

30. *Grove City Coll. v. Bell*, 465 U.S. 555 (1984).

31. *Id.* at 569–70. The Court reached that conclusion on "clear statutory language, powerful evidence of Congress' intent, and a longstanding and coherent administrative construction of the phrase 'receiving Federal financial assistance.'" *Id.* at 569.

32. *Id.* at 575–76 (noting that the college could terminate its participation in the grant program and thereby avoid the statutory requirements).

One limit on the citation should be stated rather than buried. *Grove City* was decided under Title IX and does not separately analyze Section 504.[33] That is a limit on the authority, not on the conclusion, because Congress supplied the missing step three years later.

B. All of the Operations

Grove City also held that coverage was program-specific, reaching only the financial aid office rather than the institution.[34] Congress overrode that holding in the Civil Rights Restoration Act of 1987, which added parallel definitions of "program or activity" to Title VI, Title IX, the Age Discrimination Act, and Section 504. As codified for Section 504, the term means all of the operations of "a college, university, or other postsecondary institution, or a public system of higher education."[35]

Three consequences follow. The first disposes of the defense a university will reach for immediately.

The campus police department is not severable. An institution cannot answer a Section 504 complaint about its camera network by characterizing the network as a public safety function outside the educational program, because the statute defines the covered program as all of the operations of the institution, and a police department is one of them. The argument is foreclosed on the face of the text.

The parking office is not severable either, which is what permits the cameras and the registry to be treated as components of a single method of administration rather than unrelated systems that happen to coexist.

And private institutions are covered on the same terms. The definition speaks of a college, university, or other postsecondary institution without distinguishing public from private, and a

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33. The opinion's analysis addresses Title IX throughout. Application of the same recipient logic to Section 504 rests on the parallel structure of the statutes and on Congress's subsequent amendment of both. *See infra* note 35 and accompanying text.

34. *Grove City*, 465 U.S. at 573–74 (concluding that receipt of student grants "does not trigger institutionwide coverage" and that the assistance represents aid "to the College's own financial aid program").

35. 29 U.S.C. § 794(b)(2)(A). The definitional subsection is captioned " 'Program or activity' defined" and applies "[f]or the purposes of this section." *Id.* § 794(b).

separate provision independently reaches an entire private organization principally engaged in the business of providing education.[36] A private university on the deployment list is covered twice over.

C. Why Not Title II

Title II of the Americans with Disabilities Act prohibits discrimination by public entities in their services, programs, and activities.[37] For a public university, Title II and Section 504 run together and a complaint would plead both.

Title II is nonetheless the wrong lead statute here, for a reason that is arithmetic rather than doctrinal. Title II reaches public entities. A meaningful fraction of the institutions on the deployment list are private, and for those institutions Title II is unavailable at any pleading. Section 504 reaches all of them. A theory built on Title II would omit Notre Dame, Rice, Emory, Cornell, Stanford, and the University of Chicago while purporting to describe a nationwide deployment,[38] and it would omit them precisely where the surveillance is least visible, because private campus police departments are the ones states have shielded from open-records law.[39]

D. Directly or Through Contractual Arrangements

The vendor relationship is the second defense a university will reach for, and the regulation forecloses it in the operative clause of the operative sentence.

The Department of Education's Section 504 regulation provides that a recipient, in providing any aid, benefit, or service, may not, "directly or through contractual, licensing, or other arrangements," engage in the enumerated forms of discrimination.[40] The methods of administration provision repeats the phrase: a recipient may not, "directly or through contractual

36. *Id.* § 794(b)(3)(A)(ii).
37. 42 U.S.C. § 12132.
38. Monahan, *supra* note 1, app. B.
39. *See supra* note 28 and accompanying text.
40. 34 C.F.R. § 104.4(b)(1) (2026).

or other arrangements, utilize criteria or methods of administration” with the prohibited effects.[41] The Department of Health and Human Services regulation, which governs recipients of that agency’s assistance, is materially identical.[42]

A subscription to a surveillance platform is a contractual arrangement. That is what it is called in the contracts, which is why they were obtainable by open-records request. The institution selects the vendor, the camera sites, and the sharing posture, and pays the invoice, and the regulation attaches liability to the recipient that made those selections rather than to the manufacturer of the hardware.

The point has independent force given how the network operates. A campus department may open its cameras to nationwide search and then have no practical knowledge of who searched them or why.[43] Under a rule attaching liability only to the searching entity, that ignorance would be a defense. Under a regulation reaching methods of administration adopted through contractual arrangements, the decision to open the cameras is itself the method, and the recipient’s unawareness of the consequences describes the violation rather than excusing it.

IV. The Register the University Assembles

A. Disability Status Inside the Captured Field

Automated license plate recognition is built to read one thing, and federal regulation has printed a disability credential on it.

The uniform system administered under Title 23 defines a special license plate as one that displays the International Symbol of Access, and it requires the symbol to appear “[i]n a color that contrasts to the background” and “[i]n the same size as the letters and/or

41. *Id.* § 104.4(b)(4).

42. 45 C.F.R. § 84.68(b)(3) (2026) (prohibiting a recipient from utilizing, “directly or through contractual or other arrangements,” criteria or methods of administration that have the effect of subjecting qualified individuals with disabilities to discrimination or the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient’s program). The current section number reflects the redesignation effective July 8, 2024. *See* 89 Fed. Reg. 40066 (May 9, 2024).

43. Monahan, *supra* note 1, at 2 (observing that where blanket sharing is enabled, police may be entirely unaware when other entities access the data or for what purposes).

numbers on the plate," issued only to a person a licensed physician has certified as meeting the regulatory definition of disability.[44] The same part provides for a removable windshield placard, physician-certified as well, displayed so that it "may be viewed from the front and rear of the vehicle."[45]

The special plate is the strong form of the point, because it puts the credential where the reader looks. A reader captures and indexes the rear license plate. The Symbol of Access on a special plate is on that plate, in contrasting color, at the size of the plate's own characters, which is the size the reader is built to resolve. The vendor's own account of what it photographs is a "point-in-time image of the rear of vehicles."[46] A physician-certified disability marker is thus inside the frame by regulatory design, on every read, of every vehicle so plated, at every camera, without any officer forming an intention to record anything about disability. Placard-only vehicles do not depend on the camera resolving the placard; they are reached by position, as Part IV.C explains, because they park where the credential is required to park them.

B. The Parking Registry as Identity Key

The objection that comes first, and comes from people who have thought about the problem, is that the credential is exposed to public view already. Anyone in a lot can see it. What has the camera added?

The difference is between an observation and a record with a key.

A passerby who sees a marked vehicle acquires a fact about a vehicle. The observation is unindexed, unstored, unsearchable, unassociated with a name, and gone in a minute. To convert it into information about a person, the observer would need a table mapping that vehicle to an identity. No member of the public has one.

The university has one. Parking administration at essentially every institution requires vehicle registration as a condition of the permit, and the registration collects the plate together

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44. 23 C.F.R. § 1235.2(b)–(c) (2026).

45. *Id.* § 1235.4(a)–(c).

46. Monahan, *supra* note 8, at 5 (quoting the vendor's statement).

with the holder's name, institutional identification number, status, and address. The table exists for billing and enforcement and predates the cameras by decades.

The claim is not that a labeled disability register sits assembled on a server somewhere. It is narrower and harder to answer: one covered entity holds every component such a register would require, holds the camera reads on one system and the plate-to-person key on another, and can join them at will. What distinguishes the university from the city is not that it has built the join but that it alone can build it, from data it already keeps, whenever a campus officer runs a plate. The camera contributes location and time at scale. The registry contributes identity. Neither system was built for the other and neither alone produces the harm, which is why no one had to decide to produce it.

The scale of that harm is measurable, and it has been measured on this exact technology. A study of one month of license plate recognition data found that five spatiotemporal points uniquely identify roughly ninety percent of individuals even when the timestamps are coarsened to half-day granularity.[47] The general result is starker: four points identify ninety-five percent of individuals in a mobility dataset, and the uniqueness of a trace decays only as roughly the one-tenth power of its resolution, so coarsening the data barely helps.[48] A perimeter installation on a bounded campus generates points at that resolution as a matter of routine, and joins them to a registered identity the moment the plate is looked up.

That aggregation transforms the character of individually innocuous information is not a proposition this Article invents. The Supreme Court has described the same transformation in the location context, observing that a person "does not surrender all Fourth Amendment protection by venturing into the public sphere,"[49] and that a stored location record lets the government "travel back in time to retrace a person's whereabouts," access to a category of information that in

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47. Jing Gao, Lijun Sun & Ming Cai, *Quantifying Privacy Vulnerability of Individual Mobility Traces: A Case Study of License Plate Recognition Data*, 104 TRANSP. RSCH. PART C: EMERGING TECHS. 78 (2019), https://doi.org/10.1016/j.trc.2019.04.022.

48. Yves-Alexandre de Montjoye, César A. Hidalgo, Michel Verleysen & Vincent D. Blondel, *Unique in the Crowd: The Privacy Bounds of Human Mobility*, 3 SCI. REPS. 1376 (2013), https://doi.org/10.1038/srep01376.

49. *Carpenter v. United States*, 585 U.S. 296, 310 (2018) (quoting *Katz v. United States*, 389 U.S. 347, 351–52 (1967)).

the past was limited by "a dearth of records and the frailties of recollection."[50] Two limits on that citation should be stated plainly. *Carpenter* is a Fourth Amendment case and this Article does not argue that campus automated license plate recognition is a search. And the Court expressly did not address conventional surveillance tools such as security cameras.[51] The premise is borrowed and the empirical measure comes from the mobility studies; the conclusion is statutory.

C. Position as Status, and the Clinic Lot

The registry is not the only route from a read to a status. Position supplies a second, and it is the route that reaches placard-only vehicles.

Accessible parking spaces are fixed, marked, and reserved by law for credential holders. A vehicle logged repeatedly in such a space is a vehicle whose occupant has obtained a physician-certified credential, and the inference requires no reading of the plate or placard at all. The same is true of destination. Campus counseling centers, disability resource offices, student health centers, and accessible drop-off points sit at known coordinates. A record of arrivals at those coordinates is a record about the people who go there.

The academic medical centers on the deployment list are the acute case.[52] A camera reading plates at the entrance to a teaching hospital's lot produces an attendance record for a patient population, including a psychiatric patient population, inside an institution that is a Section 504 recipient in both capacities. Those institutions also receive assistance through the Department of Health and Human Services, so a complaint may be filed with either agency under materially identical regulations.[53]

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50. *Id.* at 312.

51. *Id.* at 316 (declining to express a view on "conventional surveillance techniques and tools, such as security cameras"). The case is cited here for the analytic premise about aggregation and retrospective access, not for a constitutional holding.

52. *See supra* note 24 and accompanying text.

53. *See supra* note 42.

Legislatures have already recognized that capture near sensitive destinations is a distinct harm rather than an incident of general road monitoring, and Part VI.B returns to the statute that proves it.

D. Methods of Administration, and the Siting Provision

The doctrinal home for the documentary mechanism is the effects clause, which prohibits a recipient from utilizing "criteria or methods of administration" that have "the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap" or "the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program or activity with respect to handicapped persons."[54] That clause is not an obscure one. The Supreme Court quoted it verbatim, in its Health and Human Services form, in the course of deciding the leading Section 504 case, reproducing the very language about "defeating or substantially impairing accomplishment of the objectives of the recipient's program" on which Part V of this Article relies.[55]

The deployment is a method of administration. It is a standing institutional practice, adopted by contract, applied uniformly, administered by an office of the recipient. Its effect on the protected class differs in kind from its effect on the general population, because for the general population it produces a location history, and for this class it produces a location history joined to a physician-certified status the class did not disclose to the police department and cannot withhold without surrendering the accommodation.

That last point is where the analysis becomes concrete, and it answers the rejoinder that the cameras read every plate identically and so cannot discriminate. The capture is facially neutral and the effect is not. A nondisabled student may decline to display anything. A student who needs an accessible space cannot obtain one without a credential the regulation requires to face the camera, and cannot avoid the camera without giving up the space. The read that for one driver encodes only a location encodes for this one a protected status, because the state

54. 34 C.F.R. § 104.4(b)(4)(i)–(ii) (2026).

55. *Alexander v. Choate*, 469 U.S. 287, 304 n.25 (1985) (quoting 45 C.F.R. § 84.4(b)(4)(ii) (1984)).

printed the status on the plate. The institution has conditioned an accommodation on a form of data capture it imposes on no one else, and has never framed the condition as a choice. That differential, produced by a neutral practice, is what the effects clause reaches.

The regulation supplies a second and more specific hook that has gone unused. Subsection (b)(5) provides that in determining "the site or location of a facility," a recipient may not make selections that have the effect of excluding qualified handicapped persons from or denying them the benefits of the program, or that have the purpose or effect of defeating or substantially impairing accomplishment of the program's objectives with respect to handicapped persons.[56] The question this raises is whether a camera is a facility, and the definitional section answers it. "Facility" means "all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property."[57] A camera is equipment. A stanchion is a structure. The lot it watches is a parking lot. Camera siting is site selection within the regulation's own definition, and a recipient that places readers at the entrances to the counseling center lot, the disability services lot, and the accessible stalls has made a set of location decisions the regulation addresses in a dedicated subsection rather than leaving to the general effects clause.

V. The Recipient on Both Sides

A. What Treatment Actually Does

The therapeutic mechanism has to be stated in the terms the clinical literature uses, and the popular account is wrong in a way that matters. This Article's own earlier drafts shared the error, and correcting it narrows the claim and makes it sturdier.

The popular account holds that treatment for persecutory belief proceeds by examining the evidence for the belief and finding it wanting. Clinicians abandoned that approach long ago,

56. 34 C.F.R. § 104.4(b)(5)(i)–(ii) (2026); *accord* 45 C.F.R. § 84.68(b)(4) (2026).
57. *Id.* § 104.3(i).

because presenting counterevidence is "a strikingly unproductive way to work with delusions."[58] The treatment that produces the largest current effects works differently and behaviorally. It conceptualizes a persecutory delusion as an unfounded threat belief, and it diminishes the belief by helping the patient build a competing belief in present safety, generated through the patient's own direct experience of the situations the threat belief makes frightening.[59] The mechanism is learning, and what has to be learned is that a feared thing is not so.

That mechanism has an environmental precondition, and it is the precondition a surveillance deployment removes. Not for every persecutory delusion. A belief that one is being poisoned is untouched by a license plate camera. The mechanism bites where the delusional content concerns surveillance or observation, a common form of persecutory ideation, because there the safety the patient must come to believe in is a fact about the environment: that one's movements are not in fact being recorded, catalogued, and made available to the police. On a campus wired into a nationwide network, that fact does not obtain. The vehicle is photographed on entry, the read is indexed, and the record is searchable by the campus department and, where nationwide sharing is enabled, by agencies in states the student has never visited.[60] The safety belief the treatment is trying to build is, in the one respect the treatment must address, not true. And the cameras are neither hidden nor deniable; they are visible on poles and mapped by activists, so the environment supplies not only the absence of the reassurance the treatment needs but a discoverable object the belief can attach to.

The obvious rejoinder is that the network watches everyone and singles out no one, while a persecutory delusion is a belief that one is personally targeted, so the two do not meet. The rejoinder does not survive contact with the mechanism. What the treatment must establish is not that the student is unimportant to the state; it is that the proposition frightening the student

58. Garety, *supra* note 9, at 180.

59. Daniel Freeman et al., *Comparison of a Theoretically Driven Cognitive Therapy (the Feeling Safe Programme) with Befriending for the Treatment of Persistent Persecutory Delusions: A Parallel, Single-Blind, Randomised Controlled Trial*, 8 LANCET PSYCHIATRY 696 (2021), https://doi.org/10.1016/S2215-0366(21)00158-9 (reporting the largest treatment effects yet seen for persistent persecutory delusions and describing the model of persecutory delusions as unfounded threat beliefs reduced by developing beliefs about safety).

60. Monahan, *supra* note 1, at 2, 12.

is false. The proposition that one's movements are recorded and available to police is true for everyone on a networked campus, and its truth does not turn on the student having been singled out. A system that records indiscriminately and shares nationally does not make the reassurance easier to deliver. It makes it impossible to deliver honestly, because the thing the clinician would ordinarily help the patient see, that no one is compiling a record of where they go, is not the case.

The Article stops there and does not claim a measured clinical outcome. No study has compared psychosis treatment outcomes at surveilled and unsurveilled campuses, and none has isolated the effect of ambient surveillance on the treatment of surveillance-themed delusion. The claim is mechanistic and bounded: a documented treatment mechanism has a documented environmental precondition, that precondition fails for a definable subclass of patients, and the entity that removed it is the same entity that runs the clinic.

B. One Program, Two Operations

Everything to this point could be said of any city deploying the same system. The distinguishing feature of the university case is the identity of the parties.

The counseling center is an operation of the institution. The police department is an operation of the institution. Section 504 defines the covered program as all of the operations of the institution,[61] so both sit inside a single program or activity and both are attributable to a single recipient. That single recipient is running an intervention through one office and defeating its precondition through another.

The regulation reaches that configuration through the same clause the Supreme Court quoted in *Choate*: a method of administration with "the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program or activity with respect to handicapped persons."[62] Because the covered program is the whole institution, the objective the clause protects is the institution's own, and with respect to disabled students that objective is their meaningful participation in the educational program. A camera network

61. 29 U.S.C. § 794(b)(2)(A).

62. 34 C.F.R. § 104.4(b)(4)(ii) (2026); *see supra* note 55 (quoting the Court's reproduction of this clause).

that drives surveillance-sensitive students out of the environment, developed further in Part V.D, impairs that objective directly. The counseling center makes the impairment vivid and specific rather than supplying the only version of it: the institution has not merely failed some disabled students in the abstract, it operates the very clinical service aimed at the condition its cameras aggravate, so the impairment is self-inflicted and the recipient cannot claim it did not know the objective, having defined the objective by opening the clinic. The clause asks about effect, not intent, and the effect runs against a program goal the recipient set for itself.

C. The Onset Window

The affected population is not incidentally located on campuses. The incidence of schizophrenia rises rapidly after puberty and peaks in the mid-twenties, with a male peak between fifteen and twenty-four and a female peak between twenty and twenty-nine.[63] Institutions of higher education concentrate, in one bounded environment, the population entering the period of highest incidence, and they operate the clinical services those students are directed to.

An institution deploying this infrastructure across that environment is not making a neutral choice with a diffuse population effect. It is making it in the setting and at the developmental moment where the effect is most concentrated, while holding an affirmative obligation to the affected students under a statute it has accepted federal money in exchange for honoring.

D. Withdrawal as Lost Educational Opportunity

The harm must be characterized in terms a remedy can reach, and the campus setting supplies what the municipal setting cannot.

The behavioral response to a surveillance environment that a person experiences as threatening is avoidance, and avoidance of a campus is disengagement from the educational program. The response is not idiosyncratic to psychosis. The largest systematic review of the

63. Paul A. Tiffin & Patrick Welsh, *Practitioner Review: Schizophrenia Spectrum Disorders and the At-Risk Mental State for Psychosis in Children and Adolescents*, 54 J. CHILD PSYCHOL. & PSYCHIATRY 1155, 1155 (2013), https://doi.org/10.1111/jcpp.12136.

question finds that concern about disclosure is the most commonly reported stigma-related barrier to seeking help for a mental health problem, and that stigma exerts a small-to-moderate deterrent effect on help-seeking overall.[64] A recipient that builds infrastructure producing exactly the disclosure people avoid care to prevent, at the door of the clinic that care is delivered in, has acted on the mechanism that review identifies rather than around it. The literature also names the specific category the university occupies: not the individual attitudes of the public but structural stigma, the discriminatory effect of institutional policies and arrangements, which is what a single entity running both the clinic and the camera network produces.[65]

A student who stops driving to campus, stops attending in person, stops going to the counseling center because its lot is watched, or withdraws, has lost educational opportunity. Courts have treated that category as economic rather than emotional, and Part VI.E takes up why the distinction now decides the case.

VI. Remedy

A. Meaningful Access, and Its Limits

Section 504 requires that an otherwise qualified individual with a disability "be provided with meaningful access to the benefit that the grantee offers," and to assure meaningful access "reasonable accommodations in the grantee's program or benefit may have to be made."[66]

The limits of that holding should be stated by this Article rather than by a hostile reader, because they are the most serious doctrinal obstacle the claim faces. *Choate* did not hold that

64. Sarah Clement et al., *What Is the Impact of Mental Health-Related Stigma on Help-Seeking? A Systematic Review of Quantitative and Qualitative Studies*, 45 PSYCHOL. MED. 11 (2015), https://doi.org/10.1017/S0033291714000129 (reviewing 144 studies and 90,189 participants; median association between stigma and help-seeking $d = -0.27$; disclosure concerns the most commonly reported barrier).

65. Patrick W. Corrigan, Benjamin G. Druss & Deborah A. Perlick, *The Impact of Mental Illness Stigma on Seeking and Participating in Mental Health Care*, 15 PSYCHOL. SCI. PUB. INT. 37 (2014), https://doi.org/10.1177/1529100614531398 (distinguishing public, self, and structural stigma, and identifying structural stigma with the policies and practices of institutions).

66. *Choate*, 469 U.S. at 301. The Court framed the balance as one in which a grantee "need not be required to make 'fundamental' or 'substantial' modifications to accommodate the handicapped, [but] it may be required to make 'reasonable' ones." *Id.*

Section 504 reaches all facially neutral practices with disparate effects. It assumed without deciding that the statute reaches some conduct with an unjustifiable disparate impact, and it rejected the boundless version of the theory in terms directly relevant here: Congress did not enact a National Environmental Policy Act for disabled people "requiring the preparation of 'Handicapped Impact Statements' before any action was taken by a grantee that affected the handicapped."[67]

The claim advanced here survives that limit because it is not the boundless version. It does not ask recipients to conduct an impact assessment before every action. It identifies one discrete, standing, contractually adopted practice; a class selected by a physician-certified credential the recipient's own regulations require to face the recipient's cameras; and a specific modification, already implemented by the vendor elsewhere, that the recipient can adopt without altering any educational program. *Choate*'s concern was administrative unmanageability. A single practice with an identified fix is the manageable case. And the same opinion that voiced the concern quoted the methods of administration provision as operative law.[68]

B. Feasibility Is Not Speculative

The modification is narrow, and a state legislature has already required it of comparable systems. Washington's Driver Privacy Act, Senate Bill 6002, was signed by Governor Bob Ferguson and took effect on signature on March 30, 2026. It restricts agency use of automated license plate readers, bars deployment on or near sensitive locations including health care facilities, schools, places of worship, courts, and food banks, prohibits use for immigration enforcement and for

67. *Id.* at 298 (also observing that requiring each recipient to evaluate the effect of every proposed action on disabled people, and then to consider less disadvantageous alternatives, "could lead to a wholly unwieldy administrative and adjudicative burden").

68. *See supra* note 55.

tracking constitutionally protected activity, and requires deletion of reader data within twenty-one days absent evidentiary need.[69]

The dispositive fact is the vendor's own response, published on its own website. The company states that it "is implementing platform safeguards to support compliance statewide," that it "will apply a 21-day retention schedule" to agency customers across Washington, and that it is working directly with agencies throughout the state to keep them compliant.[70]

That forecloses the strongest form of the fundamental alteration defense. A recipient cannot argue that no feasible alternative exists when the vendor has announced, in its own marketing, that it is already building the alternative. What remains available to a campus is the same package: geofenced exclusion of the counseling center lot, the disability services lot, the health center, and accessible stalls; retention limits; a bar on nationwide search of campus cameras; and severance of the parking registry from any law enforcement query path.

C. The Administrative Route

The enforcement path is an administrative complaint to the Department of Education's Office for Civil Rights, or to the Department of Health and Human Services for a medical campus, under the enforcement provisions of each agency's Section 504 regulation.[71] That route has an advantage easy to miss and hard to overstate.

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69. S.B. 6002, 69th Leg., Reg. Sess. (Wash. 2026); *see Gov. Ferguson Signs SB 6002, the Driver Privacy Act, into Law*, ACLU of Wash. (Mar. 30, 2026), https://www.aclu-wa.org/press-releases/gov-ferguson-signs-sb-6002-the-driver-privacy-act-into- (last visited July 24, 2026); *Washington Adds Safeguards for Flock Cameras*, WASH. STATE STANDARD (Mar. 30, 2026), https://washingtonstatestandard.com/2026/03/30/washington-adds-safeguards-for-flock-cameras/ (last visited July 24, 2026) (describing the felony-and-missing-person use limits and the twenty-one day deletion requirement). The ACLU of Washington describes the location-based restriction as unique in the country.

70. Flock Safety, *What Does Washington Senate Bill 6002 Mean for ALPR Use in Washington?*, https://www.flocksafety.com/blog/what-does-washington-senate-bill-6002-mean-for-alpr-use-in-washington (last visited July 24, 2026).

71. 34 C.F.R. § 104.61 (2026) (adopting the procedural provisions of the Department's Title VI regulation for purposes of Part 104).

Private enforcement of disparate impact regulations promulgated under Title VI was foreclosed in *Alexander v. Sandoval*.[72] Whether that reasoning reaches Section 504 and Title II disparate impact claims has divided courts; the Ninth Circuit has held that it does not.[73]

Whatever the answer for private plaintiffs, it does not constrain the agency, and *Sandoval* itself says so. The Court described § 602 as empowering agencies "to enforce their regulations either by terminating funding to the 'particular program, or part thereof,' that has violated the regulation or 'by any other means authorized by law,'" subject to the prerequisite that no enforcement action may be taken "until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means."[74] The effects clause at issue here is the agency's own regulation, and the agency's authority to enforce it administratively is what *Sandoval* left standing.

D. Failure to Accommodate, Which Does Not Depend on Disparate Impact

The disparate impact theory does not have to carry the case alone, and it should not, because its availability in a private action is contested outside the Ninth Circuit and a recipient will press the contest. The reasonable-modification request that Part VI.B describes also states a second and independent theory that the *Sandoval* debate does not touch.

Disability discrimination under Title II and Section 504 proceeds on any of three theories, and failure to accommodate is one of them. The Ninth Circuit has held not only that the three are available but that a court errs by forcing a claim into the disparate impact frame when the facts

72. *Alexander v. Sandoval*, 532 U.S. 275, 293 (2001) ("Neither as originally enacted nor as later amended does Title VI display an intent to create a freestanding private right of action to enforce regulations promulgated under § 602. We therefore hold that no such right of action exists.").

73. *Payan v. Los Angeles Cmty. Coll. Dist.* (*Payan I*), 11 F.4th 729, 737–38 (9th Cir. 2021) (holding that a private right of action exists to enforce disparate impact regulations under Title II and Section 504, and distinguishing Title VI because disability classifications draw rational basis rather than strict scrutiny).

74. *Id.* at 289.

fit failure to accommodate instead.[75] The failure-to-accommodate theory does not rest on any regulation *Sandoval* addressed; it enforces the statute's own meaningful-access requirement as construed in *Choate*, and its cause of action is not the disputed disparate impact right.

On the facts here the theory is direct. A student with a surveillance-sensitive condition, or a student who must display a credential to obtain a reserved space, requests a reasonable modification: that the recipient geofence the counseling center lot, the disability services lot, the health center, and the accessible stalls so that reads there are not captured or not retained, or that it sever the parking registry from law enforcement query. The recipient refuses. That refusal is a failure to make a reasonable modification, actionable on its own terms, whatever a court later concludes about whether a facially neutral practice with a disparate effect is privately actionable. And the modification cannot be resisted as unreasonable or fundamentally altering, because the vendor is already performing it in Washington. The disparate impact theory reaches the practice even absent a request; the failure-to-accommodate theory reaches the recipient the moment a request is refused. A complainant should plead both.

E. Damages

Compensatory damages for emotional distress are unavailable in private actions under the Spending Clause antidiscrimination statutes, a limit the Supreme Court established in a case arising under Section 504 and the Affordable Care Act.[76] That limit has been extended to Title II through the chain of incorporation running from the ADA's remedies provision to Section 504's and thence to Title VI.[77] The argument that the ADA is not Spending Clause legislation does not

75. *Payan I*, 11 F.4th at 733, 738 (identifying disparate treatment, disparate impact, and failure to make a reasonable accommodation as the available theories, and holding that the district court erred in requiring the plaintiffs to proceed only in disparate impact when some claims were properly failure-to-accommodate claims); *see also Payan v. Los Angeles Cmty. Coll. Dist.* (*Payan II*), 169 F.4th 971 (9th Cir. 2026) (noting the instruction on remand to consider the plaintiffs' claims under either a disparate impact or a failure-to-accommodate theory).

76. *Cummings v. Premier Rehab Keller, P.L.L.C.*, 596 U.S. 212, 221–22 (2022) (holding emotional distress damages unavailable under the Rehabilitation Act and the Affordable Care Act because they are not traditionally available in contract). The parallel citation at 142 S. Ct. 1562 is superseded and is not used here.

77. *Payan II*, 169 F.4th 971, 977 (9th Cir. 2026) ("[W]e hold that emotional distress damages are not available under Title II of the ADA, as the remedies available under Title II of the ADA are defined by the statutory text's reference to the Rehabilitation Act."); *accord A.W. ex rel. J.W. v. Coweta Cnty. Sch. Dist.*, 110 F.4th 1309, 1314 (11th Cir. 2024).

avoid the result; the Supreme Court called that status "quite irrelevant" where the statute makes its remedies coextensive with Title VI's.[78]

The limit is not total, and the surviving category is the one this deployment produces. Compensatory damages for lost educational opportunities remain available as economic rather than emotional harm.[79] The instruction for a plaintiff is therefore specific: concede emotional distress, plead lost educational opportunity with particularity, and prove amount to a reasonable certainty.[80]

The live question is no longer whether compensatory relief survives. It is what counts as a lost opportunity, which is a question about the scope of the right wearing the clothes of a question about the scope of the remedy.

VII. Objections

A. Safety

The institutional answer will be campus safety, and the answer fails as a matter of law before it is ever tested as a matter of fact.

The effects test is not a cost-benefit test. A recipient does not acquire permission to burden a protected class by showing that the burden is productive, and Section 504 asks whether the class has meaningful access on the practice as administered, not whether the practice works. Effectiveness enters the analysis at one point only, the fundamental-alteration defense, and Part VI.B has already closed it. Geofencing the counseling center lot, the disability services lot, the health center, and the accessible stalls leaves the network intact everywhere else, so the recipient is not choosing between safety and the civil rights of its students. The premise beneath the safety

78. *Barnes v. Gorman*, 536 U.S. 181, 190 n.3 (2002), *quoted in Payan II*, 169 F.4th at 977.

79. *Payan II*, 169 F.4th at 978–79 ("We agree that plaintiffs may seek compensatory damages for lost educational opportunities under Title II of the ADA," and holding the district court erred in barring them) (following *A.W.*, 110 F.4th at 1315–16, and citing *Franklin v. Gwinnett Cnty. Pub. Schs.*, 503 U.S. 60, 66 (1992), which quotes *Bell v. Hood*, 327 U.S. 678, 684 (1946)).

80. *Payan II*, 169 F.4th at 978–79 (agreeing that "plaintiffs seeking lost opportunity damages must prove the amount of damages with reasonable certainty") (citing *Vestar Dev. II, LLC v. Gen. Dynamics Corp.*, 249 F.3d 958, 962 (9th Cir. 2001)).

argument, that protecting these students costs the institution its safety mission, is false, and once it is false there is no tradeoff left for a court to balance. The principle is indifferent to the worth of the goal. A recipient may not trade away a protected class's rights for any objective, however sound or however popular, because the statute is written so that the objective's merit never enters the question whether the class has been denied meaningful access. A good purpose does not launder a discriminatory method.

The safety story is also thin on its own terms, and it is checkable against the institution's own filings. Every institution taking federal student aid publishes Clery Act crime statistics, including motor vehicle theft, which is the vendor's flagship use case and a reportable category, so the claim that the cameras reduce campus crime can be measured against numbers the institution files under federal mandate; the same reports already break out disability as a category of hate-crime prejudice, so the class at issue sits in the data too.[81] On the record as it stands, campus departments did not initiate the immigration, protest, or reproductive-rights searches; they hosted searches launched by external agencies, while the searches campus police ran themselves concerned stolen vehicles, disturbances, property damage, and thefts.[82] A safety justification must account for the difference between what the institution uses the cameras for and what the network uses the institution for, and the institution controls the second by contract.

B. Credentials Are Publicly Displayed

The second objection was answered in Part IV.B and is restated here in its strongest form: the credential is displayed to the world, so the institution has recorded only what any observer could see.

The objection proves too much. On its logic, a hospital photographing every visitor's face would be recording only what passersby could see. What separates a record from an observation is retention, indexing, searchability, and a key that resolves the observation to a person. The

81. 20 U.S.C. § 1092(f)(1), (f)(1)(F), (f)(4)(A)–(B), (f)(13) (requiring annual publication of statistics for the current and two preceding calendar years, a public daily crime log open to inspection within two business days, offense counts by geographic category, and hate crime statistics by category of prejudice, disability among them).

82. Monahan, *supra* note 1, at 12.

university supplies all four. The passerby supplies none. That is the distinction the Supreme Court drew when it observed that reconstructing a person's movements was once "limited by a dearth of records and the frailties of recollection."[83]

C. The Vendor Says It Does Not Track People

The third objection borrows the vendor's denial. It fails for two reasons. The denial is contradicted by the vendor's own patent and marketing.[84] And the documentary mechanism does not require people-tracking at all. It requires reading a plate and storing the read, which the vendor asserts rather than denies, because it is the product.

D. Choate Forecloses This

The fourth objection is the strongest and it comes from this Article's own central authority. A recipient will argue that *Choate* rejected exactly this kind of claim: a facially neutral administrative practice, challenged for its differential effect on disabled people, with the remedy sought being a modification the recipient never considered.

The answer is in the shape of the two claims. *Choate* concerned a durational limit on an inpatient benefit, and the plaintiffs' theory required the state to redefine the benefit itself to account for the greater medical needs of disabled recipients.[85] Nothing comparable is asked here. No educational benefit is redefined, no program is altered, and no student receives more of anything. The recipient is asked to stop capturing one category of data at four locations, which is what its vendor is already doing in another state.

The deeper answer is that the class here is not defined by greater need. It is defined by a credential the recipient's own government requires it to display in the direction of the recipient's cameras. *Choate* warned against a theory that would require evaluating every action's effect on a

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83. *Carpenter*, 585 U.S. at 312.

84. *See supra* notes 18–19 and accompanying text.

85. *Choate*, 469 U.S. at 302–03 (holding that Section 504 does not require a state "to alter this definition of the benefit being offered simply to meet the reality that the handicapped have greater medical needs").

population that is "typically not similarly situated to the nonhandicapped."[86] The differential here does not arise from dissimilar situation. It arises from a document.

VIII. Conclusion

One hundred fifty institutions of higher education joined a national police surveillance network, and the public account of what they did wrong has been written around immigration, protest, and reproductive privacy. The disability account has not been written, and it runs on a statute those institutions already agreed to be bound by in exchange for money they already took.

Two things are true of a university that a city cannot say for itself. It holds the table that turns a photograph of a plate into a record about a person, and it holds it because it sells parking permits. And it operates, inside a single program or activity as Congress defined that term, both the clinic that treats persecutory belief and the infrastructure that removes the condition the treatment runs on.

Neither was a decision. That is the point of an effects test. The regulation does not ask a recipient what it meant to build. It asks what its methods of administration do to the class, and it asks the question of the entity that selected the vendor, selected the sites, selected the sharing posture, and holds the key.

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86. *Id.* at 298.