

What's Hot in Disability Law

AKA: The Towering **Inferno!**

Brief History of the ADA

- Signed into Law in July 1990:
 - Statutory Law “born”
- Implementation initiated: January 1992
Regulatory Law issued.
- Major Reauthorization: July 2000
Case Law examined
- ADA Restoration Act: January 2007 (Public initiative...NOT law)
- ADAAA: ADA Amendments Act January 2009:
Modifies statutory law triggering new regulations

How did the ADA get into Trouble?

The court system, especially the Supremes, weaken the original intent of the law in three major ways:

- Narrowly interpreting the definition of disability (Toyota v. Williams)
- Allowing mitigating measures to render NOT disabled (Sutton v United Air)
- Not recognizing evolving or intermittent symptoms as qualifying (Gonzalez v National Medical Examiners)

Extended definition of disability

“The definition of disability shall be construed in favor of a broad coverage to the maximum extend permitted and should not require extreme analysis.”

Additions to “major life functions”

Originals:

- Hearing
- Seeing
- Walking
- Caring for self
- Breathing
- Standing
- Learning
- Speaking

Newly added:

- Sleeping
- Reading
- Concentrating
- Thinking
- Communicating
- Lifting
- Bending

Impact in Post-secondary ED.

- Documentation requirements
 - Appropriate standards
- Substantially limits determination
 - Lesser standard
- Effective Communication
- Assembly areas
- Service Animals
- Mobility Aids

How to prepare

- Examine all policies and procedures
- Keep administration in the loop...these new regulations will affect the whole college NOT just disability services
- Promote Technical Standards in all programs that have non-academic requirements.
 - Same rules apply for fundamental alteration, undue burden and direct threat

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What got left out?

- Equipment and furniture
- Assistive technology
- Web accessibility
- Emergency Preparedness