

The
DISABILITY LAW
Handbook

2009

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This handbook is a broad overview of rights and obligations under federal disability laws. Individual state laws may impose more stringent obligations. This handbook is intended to inform rather than to advise, and the information provided is of a general nature. You should consult an attorney for advice about your particular situation.

FOREWORD

Disability law is an area of law that overlaps with many other areas of law – including employment law, administrative law, elder law, consumer law, construction law, insurance law, school law, health law, social security law, and civil rights law. Individuals with disabilities are a protected class under civil rights laws, and it is the one protected class that anyone can join, usually involuntarily, at any point in their lives.

It is my hope that this book, which is a very broad brush look at disability law, will find its way into the hands of both individuals who have disabilities and entities that have obligations under various disability laws. This book is meant to provide basic information about disability rights, as well as resources for finding out more.

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The Americans With Disabilities Act: **An Overview**

When did the ADA become a law?

The Americans with Disabilities Act was signed into law on July 26, 1990. Some parts of the ADA didn't go into effect until after that date, to give entities time to comply with the law, but all of those deadlines have passed.

What kind of law is the ADA?

The ADA is a comprehensive civil rights law. It prohibits discrimination on the basis of disability in employment, state and local government programs, public accommodations, commercial facilities, transportation, and telecommunications.

What is the definition of disability?

It is important to remember that "disability" is a legal term, rather than a medical one. Because it has a legal definition, that definition is different in different laws.

The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities. This includes people who have a record of an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability, but are regarded as having a disability. The ADA also makes it unlawful to discriminate against a person based on that person's association with a person with a disability.

What do you mean by "association with a person with a disability?"

For example, if I do not have a disability, but I work in an HIV Clinic, it would not be legal for someone to discriminate against me based on the fact that I work with, or "associate" with, people who have HIV.

What are major life activities?

Major life activities are those functions that are important to most people's daily lives. Examples of major life activities are breathing, walking, talking, hearing, seeing, sleeping, caring for one's self, performing manual tasks, and working. Major life activities also include major bodily functions such as immune system functions, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

What does a "record of" an impairment mean?

"Record of" means that the person has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities, even though the person does not currently have a disability.

Can you give me an example of someone who has a "record of" an impairment without having a disability?

Sure. A man, who is in line for a promotion, has a history of cancer treatment, although he is now free of cancer. He is not given the promotion because his bosses are worried that, if his cancer returns, he won't be able to do the job. He does not, at this point, meet the first part of the definition of disability because he does not have a physical or mental impairment that substantially limits one or more major life activities. However, based on his "record of" an impairment, he is being discriminated against.

What does "regarded as" having an impairment mean?

"Regarded as" means that the person either:

- Has an impairment that does not substantially limit a major life activity;
- Has an impairment that substantially limits a major life activity only as a result of the attitudes of others toward them; or
- Does not have any impairment, but is treated by an entity as having an impairment.

Can you give me an example of someone who is “regarded as” having an impairment, but doesn’t have a disability?

Yes. A woman applies for a job as a customer service representative at a department store. Her face is badly scarred from an automobile accident. The interviewer doesn’t want to give her the job, in spite of her skills and experience, because he thinks customers will be uncomfortable looking at her. She is not substantially limited in any major life activity, but the interviewer is “regarding her as” if she has a disability.

Are all people who have disabilities covered by the ADA?

I’ll give you the “lawyer answer” – it depends. All people who meet the ADA definition of disability are covered by the ADA in general, but they still may not have rights under particular sections of the ADA. For example, there is a section of the ADA that deals only with employment discrimination. If a person with a disability is not employed and is not seeking employment, then that person would not necessarily be covered by that part of the ADA, although the person would be covered by other parts of the ADA.

Are psychiatric disabilities covered, too?

Yes, the ADA definition of disability includes mental, as well as physical, impairments.

How many people in the United States have a disability?

According to the Survey of Income and Program Participation (SIPP) data, approximately 54 million Americans have a disability.

What kinds of things does the ADA cover?

The ADA is divided into five sections called “titles.” Each title covers a different area. Title I covers employment. Title II covers state and local government programs. Title III covers places of public accommodation. Title IV covers telecommunications. Title V has several miscellaneous provisions that cover things like retaliation and attorney fees.

I heard there is a new ADA. Is this book about the new ADA or the old ADA?

Actually, what you might have heard called the “new ADA” is really called The ADA Amendments Act – or the ADAAA. You have to have a pretty good understanding of the ADA to understand the details of why we needed an amendments act for it, but without going into a lot of detail, it can be summed up fairly simply. After the ADA was passed in 1990, cases started being filed and ending up in courts. Some were appealed all the way to the U.S. Supreme Court, and the ADA began to change. Rulings by the Supreme Court, as well as lower courts, began to narrow the definition of disability. After its first dozen years, the definition of disability had become the focus of most disputes. Congress never intended for it to be that way. The focus of the ADA was supposed to be on access and accommodation, not on whether the person really had a disability. Congress had not foreseen the ways in which the courts would narrowly interpret, and ultimately change, the definition. So on January 1, 2009, the ADAAA became effective. It essentially overturned those Supreme Court cases that narrowed the definition of disability and it made clear that the definition must be “construed in favor of broad coverage of individuals” with disabilities. So rather than this being a “new ADA,” it really is just going back to the way Congress meant the ADA to be when it was first written and passed back in 1990.

This book has a lot of information, but what if I want more information about the ADA?

There is a Resource Section in the back of the book. You can always call your regional Disability and Business Technical Assistance Center at 1.800.949.4232 with questions or to request in-person training. You can listen to our archived and new webcasts by visiting www.southwestADA.org and clicking on the webcast link. If you enjoy podcasts, you can download The Disability Law Lowdown podcast at www.disabilitylawlowdown.com.

Employment and the ADA

As long as I meet the ADA definition of disability, am I covered by Title I?

Not necessarily. Because Title I is about employment, a person must meet the definition of disability, and must also be a “qualified individual.” That means that you must have the skill, experience, and education that the job requires. In other words, if you have a disability and you apply for the job of a foreign language translator, it would not be discriminatory for the employer to require you to have the skill, experience, and education to be able to translate a foreign language.

The other part of being a qualified individual with a disability, in terms of employment, is that you must be able to perform the essential functions of the job, with or without reasonable accommodation.

What are “essential functions?”

Essential functions are basic job duties. To determine if a job duty is an essential function, you look at factors like whether the position exists to perform that function, the number of other employees available to perform the function or among whom the function could be distributed, and the degree of expertise needed to perform the function.

Are all employers covered by Title I of the ADA?

No. Title I of the ADA applies to private employers with 15 or more employees, all state and local governments, employment agencies, and labor unions.

What kinds of employment practices are covered by Title I of the ADA?

All of them – applying for a job, hiring, firing, promotions, compensation, training, recruitment, advertising, layoffs, leave, employee benefits, and all other conditions and privileges of employment are covered.

When should I tell an employer that I have a disability?

There is no one specific answer to this question. It really depends on your individual situation. If you need your employer to accommodate you, then, at that time, you will probably have to tell your employer about your disability. But if you don't need an accommodation, then it is really just a personal decision about when, or even whether, to tell your employer.

Can an employer make me have a medical exam or ask questions about my disability?

A potential employer may not ask you whether you have a disability, or any questions about the nature or severity of a disability. However, a potential employer may ask questions about the ability to perform specific job functions and may ask an individual with an obvious disability to describe or demonstrate how those functions would be performed.

An employer may not ask a job applicant to take a medical exam before making a job offer. But it's all right for an employer to condition a job offer on the result of a medical exam if this is required of all entering employees in the same job category.

What is a reasonable accommodation?

A reasonable accommodation is any kind of modification or adjustment to a job or to the work environment that makes it possible for a qualified applicant or employee with a disability to either participate in the job application process or to perform essential job functions. Reasonable accommodation also includes adjustments to make sure that individuals with disabilities have the same rights and privileges as individuals without disabilities in the workplace.

Can you give me some examples of reasonable and unreasonable accommodations?

Examples of reasonable accommodations might include making the workplace accessible to and usable by an employee with a disability, restructuring a job, modifying work schedules, providing qualified readers or interpreters, or modifying equipment. Reassigning a current qualified employee, who is unable to do the current job even with an accommodation,

to a vacant position, may also be a reasonable accommodation. There is no obligation, though, to find a vacant position for an applicant who is not qualified to perform the job for which s/he is applying.

Examples of accommodations that are not reasonable, and not required, are lowering quality or quantity standards, or providing personal use items like eyeglasses, wheelchairs, or hearing aids.

Is telecommuting a reasonable accommodation?

It might be. If an employer already allows telecommuting, but has a rule that an employee is not eligible to participate in telecommuting until s/he has worked there for a specific number of months or years, then it might be a reasonable accommodation to remove that time requirement. If the nature of the job is such that being at the workplace is necessary, then the employer would not have to allow telecommuting. It really depends on a lot of factors on both the employer's and employee's sides.

Are there any limits on providing reasonable accommodations?

Keep in mind that the person requesting the accommodation must be otherwise qualified and able to perform the essential functions of the job, with or without reasonable accommodation. Also, the disability must be known to the employer.

The employer is not required to make an accommodation if doing so would be an undue hardship on the operation of the business.

What is an undue hardship?

Undue hardship is an "action requiring significant difficulty or expense." This is decided by looking at factors like the nature and cost of the accommodation compared to the size, resources, and structure of the business. If the business making the accommodation is part of a larger entity, the overall resources of the larger organization would be considered.

So if the employer can show my accommodation request is an undue hardship, am I out of luck?

No. Even if a particular accommodation would be an undue hardship on the employer, the employer has to try to find another accommodation that would not pose an undue hardship. If the cost of the accommodation poses an undue hardship, the employer should pay the cost up to the point that there is an undue hardship and then allow the employee the option of paying for the other portion of the cost.

As long as my office is accessible, do the other parts of the office, like the kitchen and breakroom, have to be accessible?

Yes. An employee with a disability must be able to access the building, the equipment, and all facilities used by employees, unless providing access would be an undue hardship.

What if an employer refuses to hire me because the HR person thinks it wouldn't be safe to have me around?

The ADA lets employers establish standards that exclude people who pose a direct threat to the health and safety of the individual or others if, and only if, that risk cannot be eliminated or reduced by reasonable accommodation. Direct threat means a significant risk of substantial harm.

Deciding that an employee is a direct threat must be based on an individual assessment of that particular employee and must be based on reliable medical or other objective evidence, as opposed to generalizations, ignorance, stereotypes, fears, or patronizing attitudes.

If I take illegal drugs or am an alcoholic, am I covered by the ADA?

People who are currently engaging in the use of illegal drugs are specifically excluded from the ADA definition of “qualified individual with a disability.” Therefore, employers may take action against the employee on the basis of drug use without violating the ADA.

Alcoholism is treated differently under the ADA. A person who currently uses alcohol is not automatically denied protection. A person who has alcoholism may be considered to be a person with a disability under the

ADA and an employer may have to reasonably accommodate the alcoholic employee. But allowing an employee to consume alcohol, or be under the influence of alcohol, at work are not reasonable accommodations. It's all right to discipline or even fire an employee if the alcohol use affects the person's job performance or conduct. And of course, employers may have "no alcohol in the workplace" policies and even require that employees not be under the influence of alcohol at work, even if it was consumed elsewhere.

Does having a disability protect me from being fired or laid off?

No. It protects employees from being discriminated against on the basis of disability. It is not a violation for an employer to fire, demote, not promote, reduce hours, or change any other condition of employment for some other reason that is not related to your disability. The same situation exists with layoffs or reductions-in-force. As long as your discharge is not based on your disability, there is no violation of the ADA.

What should I do if my employer has discriminated against me because of my disability?

Complaints may be filed with either the Equal Employment Opportunity Commission (EEOC) or your state's designated human rights agency. Private lawsuits are also an option, but you cannot file a lawsuit until after the EEOC or your state's human rights agency has investigated your complaint and issued a notice that's referred to as a "Right To Sue Letter."

You can contact the EEOC at:

1.800.669.4000(voice)

1.800.669.6820(TTY)

www.eeoc.gov

State and Local Governments **and the ADA**

What is the goal of this part of the ADA?

The goal of Title II of the ADA, which covers state and local governments, is really to make sure that people with disabilities have equal access to civic life.

The City Hall in my town is a very old building and I've been told that, because it is a historical building, it doesn't have to comply with the ADA. Is that true?

Structural changes to facilities that are historically significant facilities, meaning they are listed in the National Register of Historic Places, or designated as historic under state or local law, might threaten or destroy the historical significance of the property so the ADA might not require those kinds of structural changes. Even if that's the case, though, the entity must consider alternatives to such structural changes. These might include providing the government service in another building, or, depending on what is offered in the building, using audiotape or video images to show the inaccessible portions of the property. If alterations are made to the property, though, then the changes must conform to the ADA Standards for Accessible Design, which has a special section on historic buildings, or the Uniform Federal Accessibility Standards, to the maximum extent feasible.

What about buildings that aren't really historical, but were built before the ADA went into effect? Does the local government have to make those buildings accessible?

Government entities have to make sure that people with disabilities are not excluded from government services, programs, or activities, just because buildings that were there before the ADA are not accessible. Government programs, when viewed in their entirety, have to be readily accessible to people with disabilities. This standard is called "program accessibility." Governments don't necessarily have to make these older facilities completely architecturally and structurally accessible, but they do have to make the programs accessible. They can do that by making the building

accessible, by building another facility that is accessible and offers the same programs and services, or by moving the programs and services to a place that is accessible.

Most of the time when people talk about accessibility, they are talking about wheelchair access. I'm deaf and I need effective communication for accessibility. Does my local government have to provide effective communication for me if I am deaf?

Yes. The government must provide communication with individuals with disabilities that is as effective as communications with others, unless doing so would be an undue financial or administrative burden, or would cause a fundamental alteration of the program. The government entity must provide auxiliary aids and services, when those are necessary for effective communication. What "effective communication" means, though, may be different for different situations. For example, if a person is deaf and is going to City offices to pay a water bill, because this would be just a routine transaction that would require little back-and-forth communication, it would probably not require the use of a sign language interpreter. Just writing and gestures could be effective communication under those circumstances. But if there is a town meeting at which citizens will listen to, and perhaps speak with, government officials and where important topics will be discussed, that same person may need a sign language interpreter to effectively communicate and participate in that meeting.

How could my need for a sign language interpreter cause a "fundamental alteration" of a government program?

In most cases, it wouldn't. But if, for example, a city operates a planetarium and you request that the lights be left on so that you can see the sign language interpreter, that would require a fundamental alteration of the program since it's essential that the planetarium is dark so that participants can see the display of lights. Just because the planetarium doesn't have to leave all the lights on, though, doesn't mean that it doesn't have to try to make the program accessible. Maybe the sign language interpreter could be illuminated by a flash light in a small part of the space without fundamentally altering the program.

Does the state have to provide printed materials in large print if I have low vision?

Yes. Printed materials that it provides to other citizens must be made available in other formats so that people who are blind or have low vision can access them. These alternate formats might include large print, Braille, or materials on tape. Remember, though, that you may have to request the materials in the format that you need. Allow time for creating the material in the alternate format you need.

I went to a County-owned museum and the staff refused to allow me to take the tour because I'm blind. They have a separate tour once a week for people who are blind. I would probably like that, but I wanted to go on the tour right then with my friends. Is it legal for them to have a separate tour for people who are blind?

Yes, they can offer a separate tour for people who are blind. Sometimes museums do this so that they can allow visitors a chance to touch specific items that are not generally available for museum visitors to touch. However, the museum cannot deny you access to the general tour just because they have the special tour available. You can go on either tour, although the museum does not have to allow you to handle objects that the general public is not allowed to handle on the general tour, even if it allows that on the special tour.

I wanted to join a City basketball league, but when I turned in my application, I had to use my asthma inhaler. The person who took my application said that I would have to have a physical exam before participating in the league, even though that wasn't required of anyone else. Can the city require me to get a physical just because I have asthma?

No, the City cannot require a person with a disability to have a medical examination unless it requires that of all participants.

Because of my disability, I have a notetaker for my classes at the County Community College. Is it all right for the college to charge a surcharge to recover part of the cost of the notetaker?

No, the government entity is not allowed to place a surcharge on a person with a disability, even when there is a cost to the entity for providing the service.

Do state and local police have obligations under the ADA?

Yes. The ADA affects everything that officers, sheriff's deputies, and other law enforcement personnel do – receiving citizen complaints, interrogating witnesses, arresting, booking, and holding suspects, operating emergency call centers, providing emergency medical services, enforcing laws, and any other duties.

How are 911 calls made accessible to people with speech or hearing disabilities?

Such individuals must have direct access to 911 systems. Emergency centers have to be able to get calls from TDD/TTY and computer modem users without relying on third parties or state relay services. Operators must be trained to recognize, and quickly respond to, a TDD/TTY call.

Do state and local governments have to provide help to people with disabilities during weather emergencies and evacuations?

Yes. Notification systems, as well as evacuation plans, must take into account how individuals with disabilities will be accommodated. Different kinds of disabilities require different strategies. A “one size fits all” plan for people with disabilities will always be inadequate.

How is Title II of the ADA enforced?

Individuals may file private lawsuits or they may file complaints with the Department of Justice, or another appropriate federal agency.

Public Accommodations and the ADA

What are “public accommodations” under the ADA?

A place of public accommodation is a facility whose operations affect commerce and falls into at least one of these categories:

- Places of lodging (inns, hotels, or motels);
- Places that serve food or drink (restaurants and bars);
- Places of exhibition or entertainment (theaters, concert venues, stadiums, arenas);
- Places of public gathering (auditoriums, convention centers, lecture halls);
- Sales or rental establishments (stores, shopping centers);
- Service establishments (laundromats, banks, beauty shops, travel services, repair services, funeral homes, gas stations, professional offices, pharmacies, insurance offices, hospitals);
- Public transportation terminals, depots or stations;
- Places of public display or collection (museums, libraries, galleries);
- Places of recreation (parks, zoos, amusement parks, gyms, pools);
- Places of education (nursery schools, elementary, secondary, undergraduate, or postgraduate schools, trade or technical schools);
- Social service center establishments (day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); or
- Places of exercise or recreation (gyms, health spas, bowling alleys, golf courses).

What does Title III of the ADA require from these places of public accommodation?

These places may not discriminate against people with disabilities, and may not deny full and equal enjoyment of the goods and services offered by the place.

Do both buildings and parking lots have to be accessible to individuals with disabilities?

Yes. Parking lots are also covered by the ADA, with specific requirements for the number of spaces that must be accessible, relative to the total number of spaces in the parking lot.

What kind of businesses have to provide me with a sign language interpreter if I need one for effective communication?

There may be many different situations in which a sign language interpreter would need to be provided by a place of public accommodation, but the most common situations are those in which the person who is deaf is meeting with a lawyer, a doctor, or another professional, such as a financial planner. Interactions with people in these professions usually require the person who is seeking information to get detailed, often technical, information that can affect legal rights, financial status, or health. So the law places a greater emphasis on the provision of truly effective communication in these situations.

I had a meeting with my lawyer and I requested a sign language interpreter because I am deaf. Do I have to pay for the sign language interpreter?

No. In this case, the lawyer must pay for the sign language interpreter. The only way around that is if the lawyer can prove that it would be an undue burden in light of all of the resources available to the lawyer, including tax credits and tax deductions. “Undue burden” is a fairly tough standard, though, in that it isn’t enough for a business or any entity to simply say, “That costs more than I want to spend,” or “I don’t have that kind of money in the budget.” A court will look not only at the bottom line on an entity’s balance sheet, but also what kind of expenditures are there. In terms of providing a sign language interpreter, the lawyer cannot pass that cost to the individual client. It is also important to note that a doctor or a lawyer may not require you to bring a family member or a friend to interpret for you.

The day care center near my home says that it is not equipped to handle children with disabilities. Can they just refuse to accept my child who has a disability?

Day care centers cannot legally refuse to accept children with disabilities because of their disabilities unless it can show that it would cause an undue burden, considering all the financial resources available to the day care center, including tax incentives, or would fundamentally alter the services offered by the day care center.

Do stores have to have Braille price tags? Do restaurants have to have Braille menus?

No, they don't have to do that, as long as there are sales personnel or wait staff to provide the information verbally, if requested.

Do businesses have to let service animals come in, even if it's a restaurant or a hospital or some place like that?

Generally, yes. A place of public accommodation must modify its policies to allow a service animal to accompany an individual with a disability, unless it would result in a fundamental alteration or would jeopardize the safe operation of the public accommodation. In a restaurant, a service animal must be allowed to accompany the person with a disability in all areas that are open to other patrons. In a hospital, the same is true, except that there may be certain areas of the hospital where having a service animal could jeopardize safety, such as in the sterile environment of an operating room.

Are all animals owned by people with disabilities classified as service animals?

Service animals are individually trained to do work or perform tasks for the benefit of an individual with a disability. Some of the more typical tasks are guiding people with impaired vision, alerting individuals with impaired hearing to certain sounds, providing minimal protection or rescue work, pulling a wheelchair, or retrieving dropped items.

I have a small dog that I like to have with me at all times. It calms me down to have her nearby. I have a letter from my doctor that says she is a therapy animal. Is that the same as a service animal?

No. Therapy animals are not service animals because they do not perform tasks for the person with a disability. Therapy animals, sometimes called companion animals or emotional support animals, are therapeutic and helpful to their owners, but they do not meet the ADA definition of service animals and are not protected by the ADA.

If a business has to let a service animal on the premises, who is responsible for feeding it?

Service animal owners are responsible for animal care and supervision.

Can a hotel charge me a pet deposit for having my service animal with me?

No, a public accommodation may not require a person with a disability to make a pet deposit as a condition of having a service animal with its owner, even if it requires such deposits for pets. A service animal is not considered a pet so the rules that apply to pets do not apply to service animals.

If a business just leases its space, then who is responsible for ADA compliance – the tenant or the landlord?

The ADA places the responsibility for compliance on both the landlord and the tenant. But the landlord and tenant might decide, through the terms of the lease, who will actually make the changes, remove the barriers, provide the aids and services, and pay for them. However, both the tenant and the landlord remain legally obligated.

How does enforcement work under Title III of the ADA?

Individuals can bring private lawsuits against the places of public accommodation to get court orders to stop discrimination. People can also file complaints with the Department of Justice (DOJ), who has the authority to file suit in cases of public importance or where there is a pattern or practice of discrimination. In these cases, the DOJ may seek monetary damages and civil penalties.

Transportation and the ADA

Is public transportation covered by the ADA?

Yes. If it is offered by a state or local government, it is covered by Title II of the ADA. If it is offered by a private company, it is covered by Title III.

Do all buses have to be accessible to people who use wheelchairs?

At this point, nearly all buses are required to be accessible. When the ADA was passed in 1990, it required that any new bus that was leased or purchased after that date would have to be accessible to people who use wheelchairs, but it did not require retrofitting of older buses. Since buses are generally replaced after 10 or 12 years, it would be very rare to have an inaccessible bus still in the fleet, since the ADA was passed 19 years ago.

Do bus drivers have to let people who are blind ride the buses?

Bus drivers may not discriminate against people because of a disability. No transit provider may deny any person with a disability, on the basis of disability, the opportunity to use the transit provider's service.

Are taxicabs covered by the ADA even if they are driven by private independent contractors?

Yes. Taxicabs are still covered by the ADA even if the drivers are not technically employees of a cab company.

Are shuttle buses on college campuses covered by the ADA?

The ADA does not require a college campus to offer a shuttle bus system, but if it does, then students with disabilities must be able to ride the shuttle system or be provided with equivalent transportation.

What is paratransit?

Paratransit is a transportation service that supplements public transit fixed route systems by providing door-to-door service for individuals with disabilities who cannot use the fixed route service.

Do all cities or counties have to offer paratransit service?

Any public entity that offers a fixed route service must also offer paratransit because there will always be some individuals with disabilities who are unable to navigate the fixed route systems on their own.

Is paratransit free?

No. Paratransit fares may not exceed twice the fare that would be paid by a person paying full fare on a comparable trip on the fixed route system.

Is every person who has a disability eligible for paratransit?

No. There are three categories of eligibility for paratransit:

1. Individuals who cannot navigate the fixed route system, as a result of a physical or mental impairment, without the assistance of another individual (other than the operator of a wheelchair lift or other boarding device);
2. Individuals with disabilities who can use buses that have wheelchair lifts, but want to travel on a route that uses buses that are not accessible; and
3. Individuals with disabilities who have specific impairment-related conditions that prevent the person from traveling to a boarding location or from a disembarking location. It must really prevent the travel and not just make it more difficult.

Does paratransit have to cover the same areas as the fixed route service covers?

The transit agency has to provide paratransit to and from places within corridors that are $\frac{3}{4}$ mile on each side of all fixed bus route service – making the corridor 1.5 miles wide.

What days and hours does paratransit have to be offered?

Paratransit must be available throughout the same hours and days as the transit agency's fixed route service.

Rehabilitation Act

What is the Rehab Act?

The Rehabilitation Act of 1973, often called the Rehab Act, prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment, and in employment practices of federal contractors.

What is Section 504 of the Rehab Act?

Section 504 states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either gets federal financial help or is conducted by an administrative agency or the United States Postal Service.

Who is covered by Section 504?

Individuals who meet the definition of disability are covered. The definition is the same as it is for the ADA.

Which places are covered by Section 504?

It applies to any entity that receives federal financial assistance. This includes a lot more places than you might think about when you first hear that. Of course, it covers nearly all government entities. It also covers nearly all colleges, universities, and trade schools. Many private schools and day care centers are also covered, as are most health care facilities.

My child is covered by Section 504 in her public school. The school says they will come up with a 504 Accommodation Plan. Can you tell me what that is?

Yes. A 504 Accommodation Plan outlines the student’s needs and what modifications and accommodations will be provided. The plan is written by a team of people who are knowledgeable about the student. It’s similar to the Individual Education Plan (IEP) used in special education.

Who enforces Section 504?

Each federal agency has its own set of Section 504 regulations that apply to its own programs. Agencies that provide federal financial assistance also have Section 504 regulations covering entities that get federal aid. Those entities that get federal financial help must provide reasonable accommodation for employees with disabilities, program accessibility, effective communication with people who have hearing or vision disabilities, and accessible new construction and alterations. Each agency enforces its own regulations.

Section 504 can also be enforced by people with disabilities who have been discriminated against, through private lawsuits. You don't have to file a complaint or get a "right to sue" letter before going to court.

Where can I get more information about how to file a Section 504 Complaint?

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section – NYAV
Washington DC 20530
800.514.0301/V
800.514.0383/TTY

So that's Section 504. Are there other sections of the Rehab Act I should know about?

Yes – Sections 501, 503, and 508.

Section 501 requires affirmative action and nondiscrimination in employment by federal agencies. To find out about filing a 501 Complaint, contact your agency's Equal Employment Opportunity office.

Section 503 requires affirmative action and prohibits employment discrimination by federal government contractors and subcontractors with contracts of more than \$10,000. For more information, you can visit www.dol.gov/esa/ofccp. Or call 202.693.0106.

Section 508 has certain accessibility requirements for electronic and information technology used by the federal government. An accessible information technology system can be used in a variety of ways so that it doesn't rely on a single sense or ability of the user. Federal government websites must be accessible to users who are blind or have low vision, who are deaf or hard of hearing, and/or who might need accessibility-related software or peripheral devices to use accessible systems. Federal government websites must be accessible to people with different kinds of disabilities.

Where can I get more information on Section 508?

U.S. General Services Administration
Office of Governmentwide Policy
IT Accessibility & Workforce Division
1800 F Street, NW
Room 1234, MC:MKC
Washington DC 20405-0001

www.gsa.gov/section508
202.501.4906 (voice/relay)

U.S. Architectural and Transportation Barriers Compliance Board
1331 F Street NW, suite 1000
Washington DC 20004-1111

www.access-board.gov
800.872.2253/V
800.993.2822/TTY

Individuals with Disabilities Education Act (IDEA)

What kind of law is the Individuals with Disabilities Education Act?

It is a law that requires public schools to provide all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to the child's individual needs.

Does IDEA apply to both public schools and private schools?

No. IDEA applies only to public schools.

Does IDEA apply to public colleges?

No. IDEA applies only to public school systems that end at grade 12.

Are all students with disabilities eligible for special education and related services under IDEA?

No. IDEA has a list of eligibility categories. In addition to having a disability that fits into one of the categories, the child must, by reason of the disability, need special education and related services in order to receive a free appropriate public education (sometimes referred to as FAPE). The eligibility categories are: orthopedic impairment, other health impairment, auditory impairment, visual impairment, deaf-blindness, mental retardation, emotional disturbance, learning disability, speech impairment, autism, multiple disabilities, and traumatic brain injury.

What do public schools have to provide to those students?

IDEA requires the school to develop an appropriate Individualized Education Program (IEP) for each eligible student. IDEA also sets out the procedures that must be followed as the IEP is developed. Some of these include that the IEP must be developed by a team of knowledgeable persons and the IEP must be reviewed at least annually.

Who decides on what goes into the child's IEP?

The IEP team decides what goes into the IEP. At a minimum, the IEP team must have the following members: the student's parent(s), the adult student, a representative of the school district who is qualified to provide or supervise special education services, knows the general curriculum, and knows about the resources available in the district, at least one special education teacher or service provider, at least one general education teacher who is responsible for implementing the student's IEP, someone who can interpret evaluations as they apply to a student's instruction, and others who have knowledge or expertise about the student, including related services personnel, as appropriate.

What are related services?

Related services are services that students may need in order to benefit, and to receive a free appropriate public education, from the educational program. Only students who are eligible for special education services under IDEA are eligible for these related services. Some of the more common related services are: special transportation, assistive technology, speech therapy, rehabilitation counseling, counseling, psychological services, occupational therapy, social work, and orientation and mobility training.

Can children with disabilities get educational services even before kindergarten?

Yes, if they are eligible for services under IDEA. From birth to age three, states have early intervention programs for children who have developmental delays. Services for eligible children who are three and older, but have not yet reached their 22nd birthday on September 1 of the current school year, are provided by local school districts.

If I think my child might need special education services, what should I do?

You should request that the school evaluate your child to see if s/he is eligible for special education services under IDEA. The school will ask you to sign a consent for testing. You have the right to know about the abilities, skills, and knowledge that the school will evaluate, as well as a description

and explanation of the procedures, tests, records, and reports they will be using in the evaluation.

My child has a lot of behavior problems at school. How is discipline handled under IDEA?

If your child's behavior interferes with learning, or is disruptive to the classroom, the IEP must address the behavior. The IEP team is supposed to identify positive behavioral interventions and supports, recognize antecedents to inappropriate behavior, and develop other strategies to address the behavior. You might want to ask for a Functional Behavior Assessment (FBA) and this may assist the IEP team in designing a Behavior Intervention Plan (BIP).

What if my child already has an IEP, but I disagree with it?

It is important that both the parents and the school make a good faith effort to come to an agreement about the IEP, but sometimes, agreement is not possible. There are several options for parents in this situation. Parents may, of course, do nothing. In that case, the school will implement its plan, even over parental objections. Parents may choose to remove a child from public school in favor of private school or home school placement. Parents may request a mediation to try to resolve the areas of disagreement. Parents may speak with the State education agency about the possibility of filing a complaint. As a last resort, parents may file for a due process hearing. This is an administrative hearing presided over by an independent hearing officer.

Are there other laws that apply to students with disabilities in public schools?

Yes. Both Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act may apply to students with disabilities.

Housing

Do disability laws cover housing for people with disabilities?

Yes. There are four key federal disability rights laws that affect housing for people with disabilities. The first is the Architectural Barriers Act (ABA), which covers all buildings owned or leased by the federal government. Section 504 of the Rehabilitation Act (504) also covers housing if the housing was built with federal funds or receives federal financial assistance. The Americans with Disabilities Act (ADA) has provisions that apply to discrimination in housing. And the most comprehensive housing discrimination statute is the Fair Housing Act (FHA), as amended in 1988.

What does the ABA cover?

The Architectural Barriers Act was the very first federal law that required certain buildings to be accessible to people with disabilities. It was passed in 1968. The ABA covers all buildings that are constructed or leased by the federal government, as well as any buildings built with a loan or a grant from the federal government. For the ABA, the accessibility standard is called the UFAS – Uniform Federal Accessibility Standards.

I didn't know that 504 covered housing. What exactly does it cover?

Remember that 504 covers all entities that receive federal financial assistance. So 504 covers housing built with federal funds. Almost all public housing requires federal assistance. UFAS is the accessibility standard for 504. Under 504, five percent of all units must be fully accessible to people with mobility impairments, and two percent of all units must be fully accessible to people with sensory (hearing and vision) impairments.

Where is housing covered in the ADA?

In two places:

Title II covers programs of state or local governments, which includes housing. Title II requires new construction and alterations to have no architectural barriers that restrict access or use. Each part of a facility built

after January 26, 1992 must be designed and constructed to be accessible. Title II applies to individual housing units as well as offices, recreational areas, and other parts of a housing complex that might not be covered by the FHA. Under Title II, housing may be built according to UFAS or ADAAG (ADA Accessibility Guidelines) standards.

Title III covers places of public accommodation associated with housing. Just like under Title II, new construction and alterations must have no architectural barriers. Housing itself is not covered by Title III, but rental offices, day care centers, and other places of public accommodation associated with housing are covered. Facilities built after January 26, 1993 must be built in compliance with the ADA Standards for Accessible Design and barriers in existing buildings must be removed if the removal is relatively easy to accomplish without much difficulty or expense.

Those are federal laws. Don't states and some cities have their own building codes?

Yes, they do. In fact, there are more than 40,000 state and local building code jurisdictions nationally. In addition, there are many state and local fair housing laws and those might have additional or different access requirements.

The Fair Housing Act isn't a disability law, is it?

No and yes. When the Fair Housing Act was first passed in 1968, it prohibited housing discrimination based on race, color, religion, and national origin. Sex discrimination in housing was added in 1974. Then in 1988, the FHA was changed again to include familial status (meaning that housing discrimination based on whether there were children under the age of 18 in the family was unlawful) and disability.

Including disability caused a lot of changes to the law because, for the other kinds of discrimination addressed by the law, it was enough to not refuse to sell or rent to, or otherwise treat unfairly, people in those protected classes. With disability, though, design and construction requirements were also necessary so that people with disabilities could access housing.

So how does that work? Does the Fair Housing Act apply to all housing sales and rentals?

Yes, it is unlawful to discriminate in any aspect of selling or renting housing to an individual with a disability because of the disability. It is important to note that the Fair Housing Act requires landlords to make reasonable modifications to their policies so that people with disabilities have equal housing opportunities.

What are some examples of modifications to policies?

An apartment complex that does not allow pets would have to modify that policy to allow an individual with a disability who uses a service animal, or an emotional support animal, to have the animal. A housing project that does not allow reserved parking spaces would have to modify that policy so that a person who uses a wheelchair or who has very limited mobility could park in a spot close to the apartment unit.

Then all housing has to be accessible?

Not all housing. The design and construction requirements are for multifamily dwellings that were designed and constructed for first occupancy after March 13, 1991. A multifamily dwelling includes buildings with four or more single-family units (duplexes are not covered), apartment complexes, and other places where people sleep even if they share kitchens and/or bathrooms.

Are all the units in those buildings covered?

All the units are covered if the building has four or more units and has an elevator. If there is no elevator, then all ground floor units are covered.

Do the design and construction requirements apply to college dorms?

Yes. In addition to the usual kinds of housing, the FHA applies to time-shares, transitional housing, homeless shelters, student housing, and assisted living facilities.

I asked my landlord to put a ramp going to the door of my apartment, but he said he doesn't have to do that. Is he right?

The landlord is correct that he does not have to put that ramp in for you. However, he must allow you to put in the ramp for yourself. You will be responsible for the cost involved and you will need to restore the area to its previous condition when you move.

I tried to rent an apartment, but because I have a child with Down Syndrome, the apartment manager said I would have to pay double the usual deposit. Is that legal?

No. The FHA makes it unlawful to discriminate against a person who is associated with a person with a disability. The apartment manager cannot increase your deposit simply because your child has a disability.

Where can I get more information?

You can go to www.fairhousingfirst.org or call 888.341.7781 (V/TTY).

If I have a complaint that falls under the Fair Housing Act, where do I send that?

Office of Program Compliance and Disability Rights
Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
451 7th Street SW, Room 5242
Washington DC 20410

Social Security and Disability

What kinds of programs does Social Security have specifically for people with disabilities?

Of course, all of the programs of the Social Security Administration (SSA) are available to people who have disabilities and people who do not have disabilities. There are two main benefit programs for people with disabilities – Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI). There is also the Ticket to Work program that helps people who are getting SSI or SSDI to attempt to return to work with supports that protect benefits and gradually transition people to self-sufficiency.

What is SSI?

SSI stands for Supplemental Security Income. It's a federal income supplement program funded by general tax revenues – not Social Security taxes. It's designed to help people who are elderly, blind, or have a disability (as defined by SSA, but we will get to that later), and who also have very limited or no income or assets. It provides cash assistance to meet very basic needs for food and shelter. Even if you have never worked or paid Social Security taxes, you may be eligible for SSI. But remember that one of the requirements for SSI is that you have very limited or no income, and few financial assets or resources.

What is SSDI?

SSDI stands for Social Security Disability Insurance. It pays benefits to a person who has a disability (as defined by SSA, but again, we will get to that later), and sometimes even to family members of the person with a disability, if the person worked long enough and paid Social Security taxes.

How do I apply for SSI or SSDI?

You may apply by calling 1.800.772.1213 and they will make an appointment to take your application by phone or in person at a Social Security office. You can also just go to a Social Security office without an appointment, but you will probably have to wait a long time.

The easiest way is to do as much as possible of the application process online. For SSDI, you can complete both the application and the Adult Disability and Work History Report online at www.socialsecurity.gov. For SSI, you can complete the online Adult Disability and Work History Report online, but then you will have to call 1.800.772.1213 in order to complete the application process.

Be sure to keep a copy of any paperwork you send to SSA.

How long will it take for Social Security to make a decision about whether I'll get benefits?

Usually it takes about 3-5 months to get the initial decision.

Who makes the decision?

The Social Security Administration sends your application to a state agency that makes disability decisions. The state has medical and vocational experts who contact your healthcare providers to get information and records. The state agency might ask you to have a medical exam or tests. You do not have to pay for this. If the state does notify you that it is requesting that you be at a certain healthcare office or facility for an exam or test, be sure to keep that appointment.

I heard that most people get turned down when they apply. Is that true?

Yes, that's true. Most people will be denied when they first apply. What's most important, though, is to read that denial letter because it will tell you about your right to appeal.

What do I do if I get turned down at first?

You appeal that decision. The letter you get will tell you how to do that. When you appeal that initial denial, that is called **reconsideration**. You may be able to appeal for reconsideration online. Or you can complete paper forms and submit them. But either way, you must request reconsideration within 60 days. Even on reconsideration, though, most people are still denied benefits. Reconsideration generally takes another 3-5 months.

Is there another appeal if I get turned down on reconsideration?

Yes. You can appeal for a hearing by filing a Request for Hearing by an Administrative Law Judge and an Appeal Disability Report. Both can be submitted online or on paper. Again, this appeal must be filed within 60 days.

Will I have to wait another 3-5 months for the hearing with the judge?

Actually, you will probably have to wait a lot longer than that to get to the hearing. In some places, the wait for a hearing is longer than a year. It is impossible to say how long your wait will be, but your lawyer can probably give you an idea of the wait you can expect in your area.

What happens at the hearing?

That is a little difficult to answer because each hearing is a little different, but they do have some things in common. The people in the room will usually be the Administrative Law Judge (ALJ), the judge's clerk who will record (either digitally or on tape) the hearing, and you, along with your representative, if you have one. There might also be a doctor (not anyone who has ever treated you, but just someone who can read and interpret the medical records and give an opinion about your ability to perform work-related activities), a psychologist or psychiatrist (if you have claimed to have a mental disability), and/or a vocational expert who will give an opinion about whether there are jobs that you could do, even with the limitations you have. In the hearing, you will have a chance to explain to the judge why you believe that you should get benefits.

After the hearing, the judge will notify you in writing of his/her decision.

If I lose there, is that the end of the line for appeals?

No. You may appeal to the Appeals Council by filing a Request for Review of Decision/Order of Administrative Law Judge. You cannot do this online at this time. It must be filed on paper. The form is available online or you can call 1.800.772.1213 and request that the form be mailed to you. Your request will go to the Office of Disability Adjudication and Review. Someone there will review your medical records and notify you in writing about the decision on your case. If you do not prevail in your appeal to the

Appeals Council, you can file suit in federal court. You must have a lawyer to do this. The case will be filed on your behalf against the Social Security Administration. A federal district court judge will hear the case and notify you in writing of the decision in your case.

Should I get a lawyer to help me apply for SSI or SSDI?

You are not required to have a lawyer unless you appeal to federal court. However, it might be a good idea to have a lawyer help you, especially if you are going to have a hearing before a Social Security Administrative Law Judge. The reason it's helpful to have a lawyer with you at that point is that a lawyer will know what kind of evidence to gather, how to best present the evidence, what to ask the witnesses that the judge will ask to testify, whether to seek additional witnesses, how to prepare you for the questions you will face, and how to put on the best case possible. Also, a lawyer will help to ease some of the fear and nervousness that most people feel when they go into a courtroom setting.

What should I do if I can't afford a lawyer?

Social Security law sets out how lawyers get paid and no lawyer is allowed to charge you more than that. The way it works is that you do not have to pay the lawyer anything in advance for his/her fee. There might be a very small expense deposit to cover the costs of mailing and copies and those kinds of out-of-pocket expenses. But you do not pay the lawyer a fee for his/her time. The lawyer will be paid 25 percent of your past due benefits, or \$5300, whichever is less. And the lawyer is paid only if you get benefits. If you do not prevail in your case, then the lawyer does not get a fee and cannot ask you to pay a fee.

What is the Social Security definition of disability?

It's important to remember that the definition of disability is a legal definition and not a medical definition. Therefore, there are almost as many definitions of disability as there are disability laws. Social Security pays only for total disability. No benefits are paid for partial disability or for short-term disability under SSI or SSDI.

Social Security law defines disability as the inability to engage in any substantial gainful activity by reason of any medically determinable physical

or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

Disability, under Social Security law, is based on your inability to work. You will meet the Social Security definition of disability if SSA finds that you cannot do the work you did before; you cannot adjust to other work because of your medical condition(s); and your disability has lasted or is expected to last for at least one year or result in death. This is a strict definition of disability.

What is a “medically determinable impairment?”

It is an impairment that can be shown by medically acceptable clinical and/or laboratory diagnostic techniques. The impairment must be established by medical evidence consisting of signs, symptoms, and lab findings – and not simply by a person listing the symptoms.

Lots of times, people will bring a letter from a doctor that says that they have a disability. Often it says the person has a “total and permanent disability.” They don’t understand why, if their doctor says it, that Social Security disagrees. This goes back to the definition of disability being legal rather than medical. Your doctor, probably, is not a lawyer. So SSA is not that interested in the legal opinion of your doctor. What SSA wants from your doctor is evidence in the form of clinical notes and diagnostic tests and lab findings. SSA wants to know what treatments have been tried and how they have, or have not, worked. SSA wants to know about side effects of treatments and medications. SSA wants to know how your condition affects your ability to function and do work-related activities.

I heard that Social Security has a list of disabilities. How can I find out if my condition is on that list?

Social Security does not have a list of disabilities. What it has is a Listing of Impairments. The Listing of Impairments describes impairments that are considered severe enough to prevent a person from gainful work-related activities. But this isn’t the kind of list where you can just look for your condition, find it, and know you’ll get benefits. It goes into detail about the criteria under which each condition is considered. Just because your

condition is in the Listing of Impairments, that does not mean that you will automatically get benefits.

What kind of medical benefits do I get if I am on SSI or SSDI?

If you get SSDI, you can get Medicare coverage. Medicare helps pay hospital and doctor bills and it will go into effect after you have gotten benefits for at least 24 months, unless you have ALS or need long-term dialysis for chronic kidney disease or need a kidney transplant. Medicare pays roughly 80 percent of reasonable charges.

If you get SSI, you will get Medicaid (the name varies in some states). Medicaid covers all of the approved charges of the patient.

Can someone work and still get disability benefits from Social Security?

Social Security rules make it possible for people to test their ability to work without losing their benefits. These rules are called “work incentives.” The rules are different for SSI and SSDI, but under both programs, the program may provide continued cash benefits, continued help with medical bills, help with work-related expenses, and vocational training. For more information about work incentives, ask any Social Security office for the publication called “The Red Book – A Guide to Work Incentives.”

What is the Ticket To Work program?

Ticket to Work gives most people who are getting Social Security benefits more choices for getting employment services. SSA issues the “tickets” to eligible people who, in turn, may choose to assign those tickets to an Employment Network (EN) of their choice to get employment services, vocational rehabilitation (VR) services, or other support services they need to achieve a work goal. The EN, if it accepts the ticket, will help the person find and maintain employment. You can get more specific information about the Ticket to Work by contacting the SSA at 1.800.772.1213 or visiting the website at www.socialsecurity.gov.

Air Travel

What disability law applies to air carriers?

The Air Carrier Access Act.

Is this a new law?

Not really. It was passed by Congress in 1986. In 1990, the Department of Transportation published implementing regulations. The Air Carrier Access Act (ACAA) is supposed to minimize the special problems that travelers with disabilities face as they navigate through the complex air travel system.

Does this law cover all kinds of disabilities or only mobility impairments?

It does cover all kinds of disabilities and it also covers temporary disabilities (like broken legs) that are not included in the definition of disability.

So airlines have to let people with disabilities on flights?

Yes. Airlines cannot refuse a passenger just because that passenger has a disability. Also, airlines cannot limit the number of people with disabilities on a particular flight. Any information that other passengers get must also be provided to people with disabilities. The only exceptions are if the individual with a disability would endanger the health or safety of other passengers or violate an FAA safety rule, or if the plane has fewer than 30 seats and there are no lifts or boarding chairs available that can adapt to the space limitations of such a small plane.

I use a portable oxygen concentrator (POC) and when I tried to take it on a plane a few years ago, the airline would not allow it. Is it lawful for them to do that?

The answer to that question has changed. Prior to May 2009, it was lawful for the airlines to prohibit POCs on flights. Now, however, on all U.S. airlines operating flights on aircraft with 29 or more seats, the airline must

allow approved POCs. “Approved” just means that it has a label stating that it meets the FAA requirements for medical portable electronic devices.

What does an airline not have to provide under the ACAA?

The airline is not required to actually provide the medical oxygen for use on the plane, the ability to carry an incubator, hook-up for a respirator to the plane’s electrical system, or accommodations for a passenger who has to travel on a stretcher. If the airline chooses to provide any of these services, it may charge a reasonable fee and require 48-hour advance notice and 1-hour advance check-in.

What if I have a complaint under the ACAA?

There are two options. All airlines are required to have a Complaints Resolution Official (CRO) immediately available to resolve disagreements between passengers with disabilities and the airline. If things are not resolved by the CRO, then a complaint may be filed with:

Aviation Consumer Protection Division
U.S. Department of Transportation
400 Seventh Street, SW
Room 4107, C-75
Washington, D.C. 20590

<http://Airconsumer.ost.dot.gov>
202.366.2220/V
202.366.0511/TTY

Civil Rights of Institutionalized Persons Act

What does this law do?

The Civil Rights of Institutionalized Persons Act (CRIPA) gives the Attorney General the power to investigate conditions of confinement of state and local government institutions such as prisons, jails, detention centers, juvenile correctional facilities, government-operated nursing homes, and institutions for individuals who have psychiatric or development disabilities. It allows the Attorney General to uncover and correct serious problems that put the health and safety of people in these institutions in danger.

So if I have a complaint about the way I was treated in a jail, can the Attorney General sue them for me?

No. The Attorney General does not have the power under CRIPA to investigate isolated incidents or to represent individual institutionalized persons.

But if it's widespread, then the Attorney General can sue?

Yes, on behalf of the government, but not on behalf of an individual. The Attorney General can sue in civil court if there is reasonable cause to believe that conditions are “egregious or flagrant,” that they are causing “grievous harm” to the residents or detainees, and that they are part of a “pattern or practice” of denying residents the full enjoyment of constitutional or federal rights.

Who do I contact to bring something to the Attorney General's attention?

U.S. Department of Justice Civil Rights Division
950 Pennsylvania Avenue NW
Special Litigation Section – PHB
Washington DC 20530
www.usdoj.gov/crt/split
877.218.5228

Resources

Disability and Business Technical Assistance Center www.adata.org	800.949.4232 V/TTY
ADA Information Line U.S. Department of Justice Civil Rights Division 950 Pennsylvania Avenue NW Disability Rights Section – NYAV Washington DC 20530 www.ada.gov	800.514.0301 V 800.514.0383 TTY
Abledata 8630 Fenton Street, suite 930 Silver Spring MD 20910 www.abledata.com	800.227.0216 V 301.608.8912 TTY
Access Board United States Access Board 1331 F. Street NW – suite 1000 Washington DC 20004-1111 www.access-board.gov	800.872.2253 V 800.993.2822 TTY
Accessible Web Design – Bobby 127 Bridge St. Plattsburgh NY 12901 www.accessible.org	450.534.4253
Adaptive Environments Institute for Human Centered Design 180-200 Portland Street, suite 1 Boston MA 02114 www.humancentereddesign.org	617.695.1225 V/TTY
Alliance for Technology Access 1304 Southpoint Blvd., suite 240 Petaluma CA 94954 www.ATAccess.org	707.778.3011 V 707.778.3015 TTY
American Association of People with Disabilities 1629 K Street NW, suite 503 Washington DC 20006 www.aapd-dc.org	800.840.8844 V/TTY

<p>American Indian Disability Technical Assistance Center The University of Montana Rural Institute Center for Excellence in Disability Education, Research and Services 32 Corbin Hall, the University of Montana Missoula MT 59812-7056 www.aidtac.ruralinstitute.umt.edu</p>	
<p>Assistive Tech Center for Assistive Technology and Environmental Access Georgia Institute of Technology www.assistivetech.net</p>	404.894.4960 V/TTY
<p>Center for Applied Special Technology (CAST) 40 Harvard Mills Square – suite 3 Wakefield MA 01880-3233 www.cast.org</p>	781.245.2212
<p>Center for the Study and Advancement of Disability Policy 1875 Eye Street NW, 12th floor Washington DC 20006 www.disabilitypolicycenter.org</p>	202.466.6550
<p>Disability Access Symbols – Graphic Artists Guild 32 Broadway, suite 1114 New York NY 10004 www.gag.org/resources/das.php</p>	212.791.3400
<p>Disability Info www.disabilityinfo.gov</p>	
<p>Disability Rights Education and Defense Fund (DREDF) 2212 Sixth Street Berkeley CA 94710 www.dredf.org</p>	510.644.2555 V/TTY
<p>Disability Statistics Cornell University School of Industrial and Labor Relations 201 Dolgen Hall Ithaca NY 14853-3901 www.disabilitystatistics.org</p>	607.255.7727 V 607.255.2891 TTY
<p>Equal Employment Opportunity Commission www.eeoc.gov</p>	800.669.4000 V 800.669.6820 TTY

Fair Housing Accessibility First www.fairhousingfirst.org	888.341.7781 V/TTY
Federal Communication Commission Disability Rights Office 445 12 th Street SW Washington DC 20554 www.fcc.gov/cgb/dro/	888.225.5322 V 888.835.5322 TTY
Federal Transit Administration Office of Civil Rights U.S. Department of Transportation 400 Seventh St. SW, room 9102 Washington DC 20590 www.fta.dot.gov/ada	888.446.4511 V/Rel
Housing and Urban Development (HUD) 451 7 th Street SW Washington DC 20410 www.hud.gov/offices/fheo/disabilities/index.cfm	202.708.1112 V 202.708.1455 TTY
Job Accommodation Network www.jan.wvu.edu	800.526.7234 V/TTY
National Center on Accessibility IU Research Park 501 North Morton Street, suite 109 Bloomington IL 47404-3732 www.ncaonline.org	812.856.4422 V 812.856.4421 TTY
National Center on Workforce & Disability (NCWD) Institute for Community Inclusion UMass Boston 100 Morrissey Blvd Boston MA 02125 www.onestops.info	
National Center for Accessible Media Carl and Ruth Shapiro Family National Center for Accessible Media One Guest Street Boston MA 02135 www.ncam.wgbh.org	617.300.3400 V 617.400.2489 TTY

<p>Protection & Advocacy Agencies National Disability Rights Network 900 Second Street NE – suite 211 Washington DC 20002 www.napas.org</p>	<p>202.408.9514 V 202.408/9521 TTY</p>
<p>RESNA Rehabilitation Engineering & Assistive Technology Society of North America 1700 N. Moore St. Suite 1540 Arlington VA 22209-1903</p>	<p>703.524.6686 V 703.524.6639 TTY</p>
<p>Section 508 Information www.section508.gov</p>	
<p>Small Business Administration 409 Third Street SW Washington DC 20416 www.sba.gov</p>	<p>800.827.5722 V 704.344.6640 TTY</p>
<p>Social Security – Benefits for People with Disabilities Social Security Administration Office of Public Inquiries Windsor Park Building 6401 Security Blvd. Baltimore MD 21235</p>	<p>800.772.1213 800.325.0778</p>
<p>Technology Integration in Education Linda J. Burkhart 6201 Candle Ct. Eldersburg MD 21784 www.lburkhart.com</p>	
<p>The ARC 1010 Wayne Avenue, suite 650 Silver Spring MD 20910 www.thearc.org</p>	<p>800.433.5255</p>
<p>US Department of Education- Office for Civil Rights 400 Maryland Ave SW Washington DC 20202 www.ed.gov</p>	<p>800.872.5327 V 800.437.0833 TTY</p>
<p>U.S. Department of Transportation 1200 New Jersey Ave SE Washington DC 20590 www.dot.gov</p>	<p>202.366.4000</p>

Web Accessibility In Mind (WebAIM)
Center for Persons with Disabilities
6800 Old Main Hill
Utah State University
Logan UT

435.797.7024 V
435.797.1981 TDD

Workplace RERC
RERC on Workplace Accommodations
CATEA, Georgia Institute of Technology
490 Tenth St. NW
Atlanta GA 30318
www.workrerc.org

800.726.9119

Statute and Regulation Citations

Air Carrier Access Act of 1988

49 U.S.C. §41705

Implementing Regulation:

14 CFR Part 382

Americans with Disabilities Act of 1990

42 U.S.C. §§12101 *et seq.*

Implementing Regulations:

29 CFR parts 1630, 1602 (Title I, EEOC)

28 CFR Part 35 (Title II, DOJ)

49 CFR Parts 27, 37, 38 (Title II, III, DOT)

28 CFR Part 36 (Title III, DOJ)

47 CFR §§64.601 *et seq.* (Title IV, FCC)

Civil Rights of Institutionalized Persons Act

42 U.S.C. §§ 1997 *et seq.*

Fair Housing Amendments Act of 1988

42 U.S.C. §§3601 *et seq.*

Implementing Regulation:

24 CFR Parts 100 *et seq.*

Individuals with Disabilities Education Act

20 U.S.C. §§ 1400 *et seq.*

Implementing Regulation:

34 CFR Part 300

Section 501 of the Rehabilitation Act of 1973, as amended

29 U.S.C. §791

Implementing Regulation:

29 CFR §1614.203

Section 503 of the Rehabilitation Act of 1973, as amended

29 U.S.C. §793

Implementing Regulation:

41 CFR Part 60-741

Section 504 of the Rehabilitation Act of 1973, as amended

29 U.S.C. §794

More than 20 Implementing Regulations for federally assisted programs, including:

34 CFR Part 104 (DOE)

45 CFR Part 84 (HHS)

28 CFR §§42.501 *et seq.*

More than 95 Implementing Regulations for federally conducted programs, including:

28 CFR Part 39 (DOJ)

Section 508 of the Rehabilitation Act of 1973, as amended

29 U.S.C. §794d

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