



# **THE DISABILITY LAW HANDBOOK**

**A Publication of the DBTAC Southwest  
ADA Center**

**A program of ILRU**

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**DBTAC**  
National Network of ADA Centers



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DISABILITY LAW  
HANDBOOK

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The DBTAC Southwest ADA Center is part of a national network of ten regional DBTAC: ADA Centers that provide up-to-date information, referrals, resources, and training on the Americans with Disabilities Act (ADA). The centers serve a variety of audiences, including businesses, employers, government entities, and individuals with disabilities. The centers are funded by the National Institute on Disability and Rehabilitation Research under the U.S. Department of Education. Call 1-800-949-4232 v/tty to reach the center that serves your region or visit <http://www.adata.org/>.

This book is printed courtesy of the National Network of ADA Centers. There are a number of national training, technical assistance and resource development initiatives provided by the DBTACs. Additional information about these is available in the National DBTAC Initiatives section of this booklet.

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The information in this book is intended solely as informal guidance and is neither a determination of your legal rights or responsibilities under the Americans with Disabilities Act or other laws, nor binding on any agency with enforcement responsibility under the ADA and other disability-related laws.

# **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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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.





# **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 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](http://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](http://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 break room, 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.

### **If I have a disability, can my employer evaluate my job performance using the same performance and conduct standards that they use for everybody else?**

Generally, yes, as long as the same standards apply to everybody. An employer can evaluate performance standards, such as how well the employee performs both essential and marginal job functions, and whether the employee is meeting basic job requirements like teamwork, customer service, work output, and product quality. Employers may also evaluate and enforce conduct standards like appearance standard, rules against destroying company property, rules about computer and equipment usage, and attendance requirements.

### **Is an employer allowed to require the same quantitative and qualitative requirements for performance as it requires for employees without disabilities?**

Yes. An employer with a disability has to be able to meet the same production standards as all other employees doing the same job. Employers do not have to lower production standards as a reasonable accommodation. However, a reasonable accommodation might be required to assist employees with disabilities in meeting the same production standards.

### **So if an employee with a disability violates one of the employer’s conduct standards, can the employee be disciplined?**

Yes. As long as the disability does not cause the violation of the conduct standard, it is permissible to discipline the employee. For example, if an employee who uses a wheelchair has frequent arguments with her supervisor or co-workers, she may be disciplined or even fired because the conduct is not related to her disability.



**But if the disability causes the violations of the conduct standards, can the employee still be disciplined?**

Yes. As long as the conduct standard is job-related and consistent with business necessity, and all other employees are held to the same standard, it is permissible to discipline the employee even when the conduct is caused by the disability. The ADA does not protect employees from the consequences of violating conduct standards, even when the violation is caused by the disability.

**Is it all right for an employer to require an employee to get or change treatment for a disability to help or comply with a conduct standard?**

No. Decisions about medication and medical treatment are generally medical decisions that take into account a number of factors about which the employer may not be aware or have the expertise to consider. Even if employers just want to help, they should discuss the unacceptable conduct rather than medical treatments or medications to treat a disability.

**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:

800.669.4000 (voice)

800.669.6820 (TTY)

[www.eeoc.gov](http://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.

## **Are all state and local governments covered, even if there aren't 15 employees?**

Yes. Unlike private employers, who must have 15 or more employees to be covered by the employment provisions of the ADA, there is no such minimum for coverage under Title II. Most state, county, and city governments will have 15 or more employees, but there may be some smaller entities, such as municipal utility districts, that may have fewer employees, but are nonetheless covered entities.

## **What kinds of government activities and programs are covered?**

The ADA identifies two major categories – activities and programs involving general public contact, and activities and programs directly administered by state and local government for beneficiaries. So this includes services like 3-1-1 and 9-1-1, public use of facilities, activities of state legislatures, county boards, city councils, voting and election of state or local officials, court activities, town meetings, police and fire department activities, planning boards, licensure and registration activities, and all public benefit and social service programs.

## **What about public schools? Are they covered by Title II?**

Yes. All programs and services of public schools and school districts, including those not covered by the Individuals with Disabilities Education Act (IDEA), are covered by the ADA.

## **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 there 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 note taker 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 note taker?**

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 9-1-1 calls made accessible to people with speech or hearing disabilities?**

Such individuals must have direct access to 9-1-1 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.

## **I know that employers aren't covered by the ADA unless they have at least 15 employees. Does it work the same for places of public accommodations? Are they all covered or do they have to be a certain size?**

The 15-employee minimum applies only to employers. Places of public accommodation are covered, regardless of the number of employees or the size of the business.

## **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.

For example, a restaurant leases space in a shopping center. In the lease, it says that the restaurant agrees to abide by all federal, state, and local laws. The restaurant is accessible inside and has removed all architectural barriers within the restaurant, but there is no curb cut or ramp to enable wheelchair users to get to the restaurant. The restaurant owner asks the owner of the building to put in a curb cut so that customers who use wheelchairs can get to the restaurant. The building owner refuses, citing the terms of the lease that says that the restaurant will abide by all federal laws. No matter what the lease says, however, both the building (the landlord) and the restaurant (the tenant) could be sued for violating the ADA because the lease is an agreement between the landlord and the tenant, but does not protect either of them from legal actions to enforce the ADA.

## **Are big apartment complexes covered as places of public accommodation?**

It depends on which part of the apartment complex you mean. The leasing office, which is open to the public, is covered under Title III of the ADA. The housing part of the complex is covered by another law called The Fair Housing Act Amendments of 1988.

## **To be a lawyer in my state, you have to graduate from law school and pass the bar exam. I have my law degree, but the place where the bar exam is given, which is not technically a place of public accommodation, is not accessible. Is it still covered by the ADA?**

Even if the facility is not covered, there is a requirement that any entity that offers exams or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, or professional or trade purposes, must offer those exams or courses in a place and manner accessible to persons with disabilities – or offer alternative accessible arrangements for people with disabilities.

## **What if I need modifications on a licensing, certification or credentialing exam?**

The entity must make modifications for individuals who have disabilities, including changes in the length of time allowed for the exam, and providing auxiliary aids or services. It's important to remember that the exam has to be given in such a way that it measures the person's aptitude, level of achievement, knowledge, or whatever else the exam is supposed to measure, instead of just measuring the person's disabilities related to sensory, manual, or speaking skills, unless those skills are what the exam is supposed to measure.

For example, when taking a timed test to be licensed as a professional engineer, a person with a visual impairment might need extra time to allow for the use of a reader, screen reader, or other auxiliary aid. The exam tests knowledge rather than speed so allowing extra time is a reasonable modification of the time limits. However, if the same person is taking a test that measures keyboarding speed, then allowing extra time would not be reasonable since speed is the factor that is being measured by the test.

## **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 besides wheelchair users – people who have other kinds of disabilities -- 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.

## **Are rides at amusement parks covered by the transportation requirements of the ADA?**

It depends on what you mean by "rides." If you're talking about roller coasters or ferris wheels or adventure rides, then no. Those rides are still covered by the ADA, but they would not be covered by the transportation requirements. But if you're talking about trains or trolleys that go around the park just to transport people from one attraction to another, then the answer is yes. They are subject to the transportation requirements of the ADA, as are parking lot shuttles at amusement parks.

## **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.

## **Are rail and light rail systems covered by the ADA?**

Yes. The Department of Transportation has specific technical standards for rail cars which

include things like automatic door closing alarms, access for wheelchairs, tactile signs and other signage requirements, handrails, public address systems, non-slip surface requirements, handrail specifications, and other accessibility features.

**If a state or local government doesn't directly provide transportation, but contracts with a private company to provide the service, does the government entity still have to comply with the ADA?**

Yes. The regulations specifically say that the government cannot evade its responsibility under the ADA by contracting with private companies. The private companies are essentially seen as being agents of the governmental entities and so they have the same accessibility requirements as the government does under the ADA.

**Our city government issues permits, sort of like a franchise, for taxis to operate. Does that make the city responsible for the taxis' compliance with the ADA?**

No. That's a little different than having a contract with the government entity. If the government issues permits, franchises, or licenses, that does not confer any kind of an "agent" status. However, taxis are still covered by Title III of the ADA as a public accommodation.

**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. This does not mean that sedan-type vehicles have to be accessible to wheelchairs, but it does mean, among other things, that if a person can transfer from the wheelchair to the backseat of the taxi, the driver must allow the passenger to do so, and place the wheelchair in the trunk of the cab, in the same way that the driver would place a passenger's luggage in the trunk of the cab.

**What other kinds of things would a taxi driver who drives a sedan-type vehicle have to do to comply with the ADA since it can't accommodate a wheelchair?**

Drivers must not discriminate against individuals with disability. They must allow a service animal to be in the taxi with the owner, even if there is a "no pet" policy. Taxi drivers may not insist that a person in a wheelchair wait for a lift-equipped van as long as the person can transfer to the backseat and the wheelchair can be stowed in the trunk. Drivers may not impose a surcharge on a person with a disability just because the person has a disability.





# **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](http://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 Government - wide Policy  
IT Accessibility & Workforce Division  
1800 F Street, NW  
Room 1234, MC:MKC  
Washington DC 20405-0001  
[www.gsa.gov/section](http://www.gsa.gov/section)  
508 202.501.4906 (voice/relay)

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

[www.access-board.gov](http://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, 5 percent of all units must be fully accessible to people with mobility impairments, and 2 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](http://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 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](http://www.socialsecurity.gov). For SSI, you can complete the online Adult Disability and Work History Report online, but then you will have to call 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 it 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 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 800.772.1213 or visiting the website at [www.socialsecurity.gov](http://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. Under the ACAA, an individual with a disability is a person who has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. If you are familiar with the Americans with Disabilities Act (ADA), then you may notice that the ACAA definition of an individual with a disability is almost identical to the ADA definition. There is one important difference, though. The ACAA covers even temporary disabilities, like broken bones.

## **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.

## **Can the air carrier require me to provide proof of my disability?**

An air carrier must not require any kind of proof as a condition for the provision of transportation, except in some very limited circumstances. If a person is traveling in a stretcher or incubator, needs medical oxygen during a flight, or if there is reasonable doubt that the person can complete the flight safely, without requiring extraordinary medical assistance during the flight, then the air carrier may require a written statement from a physician saying that the passenger is capable of completing the flight without requiring extraordinary assistance during the flight. It must be dated within ten days of the initial departing flight. The air carrier may also require such a written statement if the passenger has a communicable disease that could pose a direct threat to the health or safety to others on the flight. In that case,

the physician statement should say that the disease or infection would not, under present conditions in the patient's case, be communicable to other people during the normal course of a flight. It should also state what precautions should be taken to prevent transmission and it must be written within ten days of the flight for which it is presented.

### **Do I have to give the airline advance notice that I will be on a flight, if I have a disability?**

Maybe. A carrier must not require a passenger with a disability to give advance notice that s/he will be traveling on a flight. However, if the passenger with a disability will require certain specific services, then advance notice must be provided.

An air carrier may require that a passenger with a disability who requires carrier-supplied inflight medical oxygen give up to 72 hours' advance notice on international flights and 48 hours' advance notice on domestic flights, and check in one hour before the check-in time for the general public. And 48 hours' advance notice and check-in one hour before the check-in time for the general public is required to use a ventilator, respirator, continuous positive airway pressure (CPAP) machine or portable oxygen container (POC).

An air carrier does not have to allow an incubator or a person who must travel on a stretcher on the plane, but if it chooses to do so, it can require 48 hours' advance notice and check in one hour before the check-in time for the general public. Also, an air carrier does not have to provide a hook-up for a respirator, ventilator, CPAP machine or POC to the aircraft electrical power supply, but if it chooses to do so, it can require 48 hours' advance notice and check in one hour before the check-in time for the general public.

Air carriers can also require 48 hours' advance notice and check in one hour before the check-in time for the general public in order to receive any of the following:

- transportation for an electric wheelchair on an aircraft with fewer than 60 seats;
- provision of hazardous materials packaging for batteries or other assistive devices that are required to have such packaging;
- accommodation for a group of ten or more individuals with a disability who make reservations and travel as a group;
- provision of an on-board wheelchair on an aircraft with more than 60 seats that does not have an accessible lavatory;
- transportation of an emotional support or psychiatric service animal in the cabin;
- transportation of a service animal on a flight segment scheduled to take 8 hours or more; and
- accommodation of a passenger who has both severe vision and hearing impairments.

It is up to the air carrier to provide the service or accommodation if the advance notice is given, and to make sure that reservations and other administrative services ensure that, when the advance notice is given, the notice is communicated, clearly and on time, to the people who will be responsible for providing the service or accommodation.

Even if the passenger does not meet advance notice or check-in requirements, the air carrier must still provide the service or accommodation if it can do so by making reasonable efforts, without delaying the flight.

### **Can the airline require me to travel with an assistant just because I have a disability?**

Air carriers may not generally require that a passenger with a disability travel with another person as a condition of being able to have the air transportation. However, passengers who fall into certain categories may be required to travel with a safety assistant if the air carrier determines that it is essential for safety. The categories are:

- a passenger traveling in a stretcher or incubator;
- a passenger who, because of mental disabilities, is unable to comprehend or respond appropriately to safety instructions from carrier personnel;
- a passenger with a mobility impairment so severe that the person is unable to physically assist in his or her own evacuation of the aircraft; and
- a passenger who has both severe hearing and severe vision impairments, if the passenger cannot establish some means of communication with personnel that is adequate to communicate safety instructions and enable the passenger to assist in his or her own evacuation of the aircraft.

If the passenger with a disability believes that s/he can travel independently, but the air carrier disagrees, then the air carrier must not charge for the safety assistant's transportation. The air carrier is not required to find or provide the safety assistant. If the passenger voluntarily chooses to travel with a personal care attendant or safety assistant that the air carrier does not require, the air carrier may charge for the transportation of that person.

Concern that a passenger with a disability might need help with personal care, like using the lavatory or eating, is not the basis for requiring the person to travel with a safety attendant. Air carriers have to make sure that personnel are trained about this. The air carrier is allowed to tell passengers that air carrier personnel are not required to provide those kinds of services.

### **Can the airline charge a surcharge to me for providing accommodations?**

Air carriers are not allowed to impose charges for providing facilities, equipment, or services that the ACAA requires the air carriers to provide to passengers with a disability. However, if a passenger must use more than one seat because of the passenger's size or condition (like the use of a stretcher), then the carrier may charge for the extra seat(s). This is not considered a special charge.

If the air carrier has a website for reservations and ticket purchase that is not accessible to people with certain disabilities, then it must allow people with disabilities to make reservations and purchase tickets in another way (such as by phone) without imposing additional charges. And if there is a price discount that is available only for online purchases, it must provide the same discount to people with disabilities who cannot access the inaccessible website.

## **How can I find out in advance if the plane I will be on is accessible?**

Air carriers must provide the following kinds of information about the accessibility of the aircraft expected to make a particular flight:

- the specific locations of seats with movable armrests (by row and seat number);
- the specific location of seats that the air carrier does not make available to passengers with a disability (such as exit row seats);
- any aircraft-related limitations on the ability to accommodate passengers with a disability, including limitations on the availability of level-entry boarding to the aircraft at any airport involved with the flight;
- any limitations on the availability of storage facilities in the cabin or bay;
- whether the aircraft has an accessible lavatory; and
- the kinds of service to passengers with disabilities that are, or are not, available on the flight.

Information and services must be available to people who use text telephone, whether through the carrier's TTY, voice relay, or other technology. Air carriers must provide access to TTY users during the same hours that telephone service is available to the general public. There can be no extra charges for TTY users. Carriers must list their TTY number any place they list their phone number. If the carrier does not have a TTY, then it must state how TTY users can reach reservation and ticketing services, such as through a voice relay service.

## **Does the airport itself have to be accessible?**

Airports must be accessible to, and usable by, individuals with disabilities. Air carriers are responsible for accessibility for all airport facilities that are owned, leased, or controlled by the air carrier. Airport facilities have the same accessibility standards as do places of public accommodation under Title III of the ADA, including the implementing regulations promulgated by the U.S. Department of Justice.

Air carriers must ensure that transportation systems within terminals, and between the terminal and other destinations, including moving sidewalks, shuttle vehicles, and people movers, comply with the accessibility requirements of the U.S. Department of Transportation's ADA rules.

Animal relief areas must be available for service animals that accompany passengers departing, connecting, or arriving at an airport.

Captioning must be enabled at all times on all televisions and other audiovisual displays that are capable of displaying captions and are located in any part of the terminal where passengers can go. New or replacement televisions or audiovisual displays must have high-contrast captioning capability.

Air carriers are required to provide assistance when requested by a passenger with a disability

to transport the passenger between gates to a connecting flight, as well as from the terminal entrance, or vehicle drop-off point, through the airport to the gate for a departing flight, and from the gate to the terminal exit or a vehicle pick-up point. This includes providing assistance in accessing key functional areas of the terminal, like ticket counters and baggage claim. It also includes a brief stop, at the passenger's request, at the entrance to a rest room on the route.

Carriers at U.S. airports must, if requested, in cooperation with the airport operator, escort a passenger with a service animal to an animal relief area at the airport.

When providing assistance to move through the terminal, carriers must assist passengers who are unable to carry luggage, with transporting both checked and carry-on luggage. The carrier may ask the passenger for credible verbal assurance that s/he cannot carry the luggage in question. If credible verbal assurance is not provided, the carrier may require documentation.

### **Do individuals with disabilities have to go through the same security screenings as other passengers?**

All passengers, including passengers with disabilities, are subject to TSA security screening in U.S. airports. Likewise, at foreign airports, passengers, including passengers with disabilities, are subject to the security screening measures required by law in the country where the airport is located.

If the air carrier imposes security measures that go beyond those mandated by TSA or a foreign security screening, then it must use the same criteria for passengers with disabilities as for other passengers. Passengers who use a mobility or other assistive device should not be subject to special screening just because of the device unless the device activates a security system or security personnel make a judgment that the device might conceal a weapon or other prohibited item. Air carriers may not require searches of individuals with disabilities to a greater extent, or for different reasons, than for other passengers.

If a passenger with a disability requests a private screening, then it must be provided in time for the passenger to catch the plane. But if, with the use of technology, an appropriate screening of a passenger can be performed without necessitating a physical search of the person, then a private screening is not required.

### **What services do the air carriers have to provide to passengers with disabilities on the plane?**

Air carrier personnel must provide the following assistance, when requested, for a person with a disability:

- Assistance in moving to and from seats, as part of enplaning and deplaning;
- Assistance in preparation for eating, such as opening packages and identifying food;
- Assistance with the use of the on-board wheelchair, when there is one on the plane, to enable the person to move to and from a lavatory;
- Assistance to a semi-ambulatory person in moving to and from the lavatory, not involving lifting or carrying the person;

- Assistance in stowing and retrieving carry-on items, including mobility aids and other assistive devices stowed in the cabin;
- Effective communication with passengers who have vision impairments and/or who are deaf or hard-of-hearing, so that these passengers have timely access to information the carrier provides to other passengers (info such as weather, on-board services, flight delays, and connecting gates).

Air carrier personnel are not required to provide extensive special assistance, including assistance in actual eating, assistance within the restroom; assistance at the passenger's seat with elimination functions; and provision of medical services.

**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?**

Carriers, except for on-demand air taxi operators, who conduct passenger services must allow, on all aircraft with a capacity of more than 19 seats, any passenger with a disability to use a ventilator, respirator, continuous positive airway pressure machine (CPAP), or an FAA-approved portable oxygen concentrator (POC), unless either the device does not meet FAA requirements for medical portable electronic devices and does not display a manufacturer's label that indicates the device meets those FAA requirements or the device cannot be stowed and used in the passenger cabin consistent with TSA, FAA, and PHMSA regulations.

**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.

**Are service animals covered by the ACAA?**

The ACAA definition of service animals includes guide dogs, signal dogs, psychiatric service animals, and emotional support animals. Airlines are required to allow service animals traveling with persons with disabilities to sit with them in the cabin of the aircraft. Persons traveling with pets, as opposed to service animals or emotional support animals, do not have any rights under the ACAA. To determine whether a qualified individual with a disability is entitled to travel with a service animal, airline personnel may ask questions and request documentation in certain circumstances. The questions that may be asked, and the level of documentation that may be required, will vary depending on the individual's disability and the type of service animal. The reason for the variation in requirements is because: 1) many people with disabilities who travel do not have obvious disabilities and the need for a service animal is not apparent; and 2) even for some individuals with obvious disabilities, the reason they need the service animal may not be apparent.



If an individual has an obvious disability and: 1) the service animal is wearing a harness, tags, vests, or backpack; or 2) the person provides identification cards or other written documentation; or 3) credible verbal assurances that the animal is a service animal, then the airline should permit the animal to accompany the individual with a disability on the plane.

If airline personnel are not certain of the animal's status, even after being told that an animal is a service animal, additional questions may be asked, including: "What tasks or functions does your animal perform for you?," "What has the animal been trained to do for you?," and "Would you describe how the animal performs this task or function for you?"

For emotional support or psychiatric service animals, airlines may request very specific diagnostic documentation 48 hours in advance of a flight. The documentation must: 1) be current (not be more than one year old); 2) be on letterhead from a licensed mental health professional; 3) state that the person has a mental or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders (DSM IV); and 4) state that the animal is needed as an accommodation for air travel or for activity at the individual's destination. The documentation should also state that the health professional is treating the individual and include the date and type of the mental health professional's license and the state or other jurisdiction in which it was issued. It does not need to state the individual's diagnosis.

Unusual animals such as miniature horses, pigs, and monkeys may be allowed to travel as service animals. To determine whether the animal will be allowed in the cabin the airline may take into account the animal's size, weight, and whether the animal would pose a direct threat to the health or safety of others, or cause a significant disruption in cabin service. If the animal would pose or cause any of these things, the animal may have to travel in the cargo hold. In addition, if there are restrictions on any of these animals at the final destination point of travel, the animal may not be allowed to fly the friendly skies at all. Other unusual animals such as snakes, other reptiles, ferrets, rodents, and spiders will be denied boarding the plane at all, as they may pose other safety and public health concerns. Foreign carriers are required to transport only dogs as service animals.

Any service animal may be denied boarding privileges if the animal barks, growls, jumps on people or misbehaves in ways that indicate the animal has not been trained to behave properly in public settings, poses a direct threat to the health and safety of others, or poses a significant risk of disruption in airline service.

Service animals cannot be denied passage because other passengers are annoyed by, or afraid of, animals. Airlines will make the accommodations needed to assure that other passengers are comfortable.

A person traveling with a service animal may ask to pre-board and request a bulkhead seat or another seat that better suits their needs. People with disabilities can sit in any seat with their service animal unless they block an aisle or an area designated for emergency evacuation. If they cannot be accommodated in a requested seat, then they must be given the opportunity to move to another seat within the same class of service.

Airlines are not required to make modifications that would constitute an undue burden or would fundamentally alter their programs. In order to accommodate a service animal, an airline does not have to ask another passenger to give up all or most of the space in front of their seats. Airline personnel may try to find someone willing to share their foot space. Airlines can voluntarily reseat a person traveling with a service animal to a business or first-class seat to accommodate a service animal, but are not required to do so. In-flight services and facilities do not have to be provided to service animals. Individuals traveling with the animals must provide for the animal's food, care, and supervision. However, in the terminal, airlines must provide animal relief areas and provide escort service to individuals traveling with service animals to these areas, upon request.

### **What if I have a complaint under the ACAA?**

There are two options. All airlines are required to have a Complaint Resolution Official (CRO) immediately available to resolve disagreements between passengers with disabilities and the airline. A CRO must be designated by any carrier providing scheduled service, as well as a carrier providing nonscheduled service using aircraft with 19 or more passenger seats. A CRO must be available at each airport the carrier serves at all times when the carrier operates at the airport. The CRO may be available in person or by telephone. If a telephone link to the CRO is used, then TTY or similarly effective technology must be available for person with hearing impairments. CRO services must be available in the language(s) in which the carrier makes services available to the general public.

Carriers must make passengers aware of the CRO's availability and contact info any time a person complains or raises a concern with carrier personnel or contractors about discrimination, accommodations, or services for passengers with a disability, that is not immediately resolved by carrier personnel. This includes issues at the airport, as well as when contacting reservation agents and accessing websites.

The CRO must be completely familiar with the requirements of the ACAA and its implementing regulations, as well as the carrier's procedures with respect to passengers with disabilities. The CRO should be the carrier's expert in compliance with the ACAA. The carrier must make sure that each CRO has the authority to resolve complaints on the behalf of the carrier. The CRO must have the power to overrule the decision of other personnel, except that the CRO does not have to be given authority to countermand a decision of the pilot-in-command of an aircraft when the decision is based on safety considerations.

If an individual believes that an air carrier has violated any provision of the ACAA and its implementing regulations, the individual may either seek assistance or file an informal complaint with the DOT no later than 6 months after the date of the incident by either:

- Going to the Department's Aviation Consumer Protection Division at [airconsumer.dot.gov](http://airconsumer.dot.gov) and selecting "Air Travel Problems and Complaints," or
- Writing to DOT, Aviation Consumer Protection Division (C-75),  
1200 New Jersey  
Avenue, SE, Washington DC 20590.



# **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  
Special Litigation Section – PHB  
950 Pennsylvania Avenue NW  
Washington DC 20530  
[www.usdoj.gov/crt/split](http://www.usdoj.gov/crt/split)  
877.218.5228



# **Resources**

<b>Disability and Business Technical Assistance Center</b> www.adata.org	<b>800.949.4232 V/TTY</b>
<b>ADA Information Line</b> U.S. Department of Justice Civil Rights Division Disability Rights Section – NYAV 950 Pennsylvania Avenue NW Washington, DC 20530 www.ada.gov	<b>800.514.0301 V</b> <b>800.514.0383 TTY</b>
<b>Abledata</b> 8630 Fenton Street, Suite 930 Silver Spring, MD 20910 www.abledata.com	<b>800.227.0216 V</b> <b>301.608.8912 TTY</b>
<b>Access Board</b> United States Access Board 1331 F. Street NW , Suite 1000 Washington ,DC 20004-1111 www.access-board.gov	<b>800.872.2253 V</b> <b>800.993.2822 TTY</b>
<b>Accessible Web Design – Bobby</b> 127 Bridge St. Plattsburgh, NY 12901 www.accessible.org	<b>450.534.4253</b>
<b>Adaptive Environments Institute for Human Centered Design</b> 180-200 Portland Street, Suite 1 Boston, MA 02114 www.humancentereddesign.org	<b>617.695.1225 V/TTY</b>
<b>Alliance for Technology Access</b> 1304 Southpoint Blvd., Suite 240 Petaluma, CA 94954 www.ATAccess.org	<b>707.778.3011 V</b> <b>707.778.3015 TTY</b>
<b>American Association of People with Disabilities</b> 1629 K Street NW, Suite 503 Washington, DC 20006 www.aapd-dc.org	<b>800.840.8844 V/TTY</b>
<b>American Indian Disability Technical Assistance Center</b> 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	
<b>Assistive Tech</b> Center for Assistive Technology and Environmental Access Georgia Institute of Technology www.assistivetech.net	<b>404.894.4960 V/TTY</b>

<b>Center for Applied Special Technology (CAST)</b> 40 Harvard Mills Square – Suite 3 Wakefield, MA 01880-3233 <a href="http://www.cast.org">www.cast.org</a>	<b>781.245.2212</b>
<b>Center for the Study and Advancement of Disability Policy</b> 1875 Eye Street NW, 12 <sup>th</sup> floor Washington, DC 20006 <a href="http://www.disabilitypolicycenter.org">www.disabilitypolicycenter.org</a>	<b>202.466.6550</b>
<b>Disability Access Symbols – Graphic Artists Guild</b> 32 Broadway, Suite 1114 New York, NY 10004 <a href="http://www.gag.org/resources/das.php">www.gag.org/resources/das.php</a>	<b>212.791.3400</b>
<b>Disability Info</b> <a href="http://www.disabilityinfo.gov">www.disabilityinfo.gov</a>	
<b>Disability Rights Education and Defense Fund (DREDF)</b> 2212 Sixth Street Berkeley, CA 94710 <a href="http://www.dredf.org">www.dredf.org</a>	<b>510.644.2555 V/TTY</b>
<b>Disability Statistics</b> Cornell University School of Industrial and Labor Relations 201 Dolgen Hall Ithaca, NY 14853-3901 <a href="http://www.disabilitystatistics.org">www.disabilitystatistics.org</a>	<b>607.255.7727 V</b> <b>607.255.2891 TTY</b>
<b>Equal Employment Opportunity Commission</b> <a href="http://www.eeoc.gov">www.eeoc.gov</a>	<b>800.669.4000 V</b> <b>800.669.6820 TTY</b>
<b>Federal Communications Commission</b> <b>Disability Rights Office</b> 445 12 <sup>th</sup> Street SW Washington, DC 20554 <a href="http://www.fcc.gov/cgb/dro/">www.fcc.gov/cgb/dro/</a>	<b>888.225.5322 V</b> <b>888.835.5322 TTY</b>
<b>Federal Transit Administration</b> Office of Civil Rights U.S. Department of Transportation 400 Seventh St. SW, Room 9102 Washington, DC 20590 <a href="http://www.fta.dot.gov/ada">www.fta.dot.gov/ada</a>	<b>888.446.4511 V/Rel</b>
<b>Housing and Urban Development (HUD)</b> 451 7th Street SW Washington, DC 20410 <a href="http://www.hud.gov/offices/fheo/disabilities/index.cfm">www.hud.gov/offices/fheo/disabilities/index.cfm</a>	<b>202.708.1112 V</b> <b>202.708.1455 TTY</b>
<b>Job Accommodation Network</b> <a href="http://www.jan.wvu.edu">www.jan.wvu.edu</a>	<b>800.526.7234 V/TTY</b>



<p><b>National Center on Accessibility</b>  IU Research Park  501 North Morton Street, Suite 109  Bloomington, IL 47404-3732  www.ncaonline.org</p>	<p><b>812.856.4422 V</b>  <b>812.856.4421 TTY</b></p>
<p><b>National Center on Workforce &amp; Disability (NCWD)</b>  Institute for Community Inclusion  UMass Boston  100 Morrissey Blvd  Boston, MA 02125  www.onestops.info</p>	
<p><b>National Center for Accessible Media</b>  Carl and Ruth Shapiro Family  National Center for Accessible Media  One Guest Street  Boston, MA 02135  www.ncam.wgbh.org</p>	<p><b>617.300.3400 V</b>  <b>617.400.2489 TTY</b></p>
<p><b>Protection &amp; Advocacy Agencies</b>  National Disability Rights Network  900 Second Street NE – Suite 211  Washington, DC 20002  www.napas.org</p>	<p><b>202.408.9514 V</b>  <b>202.408/9521 TTY</b></p>
<p><b>RESNA</b>  Rehabilitation Engineering &amp; Assistive Technology Society of North America  1700 N. Moore St. Suite 1540  Arlington, VA 22209-1903</p>	<p><b>703.524.6686 V</b>  <b>703.524.6639 TTY</b></p>
<p><b>Section 508 Information</b>  www.section508.gov</p>	<p><b>800.827.5722 V</b></p>
<p><b>Small Business Administration</b>  409 Third Street SW  Washington, DC 20416  www.sba.gov</p>	<p><b>704.344.6640 TTY</b></p>
<p><b>Social Security – Benefits for People with Disabilities</b>  Social Security Administration  Office of Public Inquiries  Windsor Park Building  6401 Security Blvd.  Baltimore, MD 21235</p>	<p><b>800.772.1213</b>  <b>800.325.0778</b></p>
<p><b>Technology Integration in Education</b>  Linda J. Burkhart  6201 Candle Ct.  Eldersburg, MD 21784  www.lburkhart.com</p>	

**The ARC**

1010 Wayne Avenue, Suite 650  
Silver Spring, MD 20910  
[www.thearc.org](http://www.thearc.org)

**800.433.5255**

**US Department of Education- Office for Civil Rights**

400 Maryland Ave SW  
Washington, DC 20202  
[www.ed.gov](http://www.ed.gov)

**800.872.5327 V**  
**800.437.0833 TTY**

**U.S. Department of Transportation**

1200 New Jersey Ave SE  
Washington, DC 20590  
[www.dot.gov](http://www.dot.gov)

**202.366.4000**

**Web Accessibility In Mind (WebAIM)**

Center for Persons with Disabilities  
6800 Old Main Hill  
Utah State University  
Logan, UT 84322-6800

**435.797.7024 V**  
**435.797.1981 TTY**

**Workplace RERC**

RERC on Workplace Accommodations  
CATEA, Georgia Institute of Technology  
490 Tenth St. NW  
Atlanta GA 30318  
[www.workrerc.org](http://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**

9 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

# National DBTAC Initiatives

## Information & Outreach

### ADA Case Law Database

[www.adacaselaw.org](http://www.adacaselaw.org)



A comprehensive search tool that provides information pertaining to significant rulings under the Employment (Title I), Local and State Government (Title II) and Places of Public Accommodations (Title III) provisions of the Americans with Disabilities Act (ADA).

### Disability Law Lowdown Podcast Series

<http://dll.ada-podcast.org/>



Brought to you by nationally recognized leaders in the field of disability law, the Disability Law Lowdown Podcast delivers the latest in disability rights information twice a month. There are also podcasts in Spanish and in ASL. You can subscribe for free and have shows automatically delivered, or you can listen to the show and read the transcripts from this site.

### ADA Document Center

[www.adata.org/adaportal/](http://www.adata.org/adaportal/)

A comprehensive one stop web resource with more than 7,400 documents on the Americans with Disabilities Act (ADA) and other disability related laws.

### The ADA and Hospitality

[www.adainfo.org/hospitality/](http://www.adainfo.org/hospitality/)



This initiative promotes accessibility and opportunity for people with disabilities within the hospitality industry. Visit this website to obtain materials and resources targeted to the hospitality industry.

### Accessible Parking Public Service Announcement

<http://www.dbtacnorthwest.org/about-us/staff/psa>

This is a 60-second audio PSA with Robert David Hall on accessible parking that you can link to or download. It is also available in MP3 format from your DBTAC.

### Customized News Feeds

[http://onlineconferencingsystems.com/sedbtac\\_1/customized\\_newsfeeds\\_by\\_state.htm](http://onlineconferencingsystems.com/sedbtac_1/customized_newsfeeds_by_state.htm)

Visit this site for late-breaking news. Stories are received several times a day from major news sources and are available by state.

They are also organized by both law and topic, which include the ADA, Section 504 and 508 of the Rehabilitation Act, the Family and Medical Leave Act (FMLA), the Workforce Investment Act (WIA), universal design, service animals and assistive technology.

### **ADA Kit for Media**

[www.adata.org/media/index.html](http://www.adata.org/media/index.html)

Thus is a one-stop shop for information, assistance and resources to help you with accurate and timely reporting on ADA issues.

Employing People with Disabilities: National Network of DBTACs Speak Out

[www.sedbtac.org/about/video/SEDisability\\_256k.asx](http://www.sedbtac.org/about/video/SEDisability_256k.asx)

This is an eight minute video highlighting the value of ADA compliance and focusing on employment of persons with disabilities. It can be used in training programs.

### **Training**

#### **Accessible Technology for All**

<http://www.accessibletech.org/>

The purpose of AccessibleTech.org is to build a partnership between the disability and business communities to promote full and unrestricted participation in society for persons with disabilities through the promotion of technology that is accessible to all. The website contains a wealth of resources on the ADA and Accessible Information Technology.

#### **Architectural Accessibility Series**

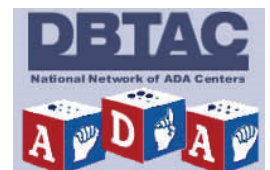
[www.accessibilityonline.org](http://www.accessibilityonline.org)

A series of monthly free webinars and audio conferences co-sponsored by the National Network of ADA Centers and the US Access Board. Sessions addressing a variety of topics concerning accessibility of the built environment, information and communication technologies, and transportation. Sessions cover Board guidelines and standards, including its updated ADA and ABA Accessibility Guidelines and Section 508 Standards, as well as the rulemaking, such as accessible outdoor developed areas and public rights-of-ways. CEU's provided for a fee.

#### **ADA Basic Building Blocks**

[www.adabasics.org](http://www.adabasics.org)

An introductory web course that explores the legal requirements and the spirit of the ADA. Two versions are available: 1) a FREE self-paced course organized into 12 topics that have been designed to be studied in order; and 2) an 8-week, moderated course (cost: \$295/person) that emphasizes the thought process required to answer questions about the ADA.



Both versions cover the basic principles and core concepts contained in the ADA with interactive application exercises provided throughout the course to help participants apply newly learned concepts. Participants report increased knowledge about ADA-related issues important to their jobs. The moderated version has been approved for 14 CRCC credit hours and 1.5 CEU Credits. (Available in English and Spanish).

### **ADA Training Resource Center**

[www.adacourse.org](http://www.adacourse.org)

Your one-stop website for courses, events and tools developed by the DBTAC: National Network of ADA Centers on the Americans with Disabilities Act.

### **ADA Audio and Webinar Conference Series**

[www.ada-audio.org/](http://www.ada-audio.org/)



These series provide continuing education on regulations and trends under the ADA and Accessible Information Technology. A combination of teleconferencing and web-based technology is used to deliver cost-effective continuing education. The sessions are 90 minutes with opportunities for question and answers. Supplemental materials are posted on the website for participants to review and prepare for each session. Organizations can support the professional development of an individual, an entire department or an entire agency for less than it costs to send one staff member to a comparable training event. Previous session transcripts can be accessed on the web at [www.ada-audio.org](http://www.ada-audio.org)

### **National ADA Symposium**

[www.adasymposium.org](http://www.adasymposium.org)



An annual three day conference on the ADA designed for professionals who are involved in implementing the ADA, as well as individuals with disabilities and their family members. For the past decade, the ADA Symposium has brought representatives from key federal agencies responsible for implementing the ADA, the U.S. Department of Justice, the U.S. Access Board and the Equal Employment Opportunity Commission to provide training and updates. The extensive workshops on a wide array of topics, coupled with the expertise of nationally recognized presenters, have earned the National ADA Symposium the reputation as the most comprehensive conference on the Americans with Disabilities Act. Hallmarks of the Symposium are the ample opportunities for networking and problem solving among participants. Many participants report that one of the most important benefits of attending the Symposium was the opportunity to meet peers in their fields who became a source of ongoing professional support.

## **Title II of the ADA for ADA Coordinators**

[www.adacourse.org/title2/index.php](http://www.adacourse.org/title2/index.php)

This FREE online tutorial is designed to orient ADA coordinators to their roles and how to address key ADA-related requirements applicable to state and local government under Title II of the Americans with Disabilities Act (ADA). This tutorial is approved for 0.3 CEU and 3 CRCC clock hours.

## **At Your Service: Welcoming Customers with Disabilities**

[www.wiawebcourse.org](http://www.wiawebcourse.org)



This FREE online, self-paced web course is designed primarily for frontline staff and others interested in learning about ways to create an accessible and welcoming environment for customers with disabilities. Participants will increase their understanding of the needs and experiences of people with disabilities, learn how to adjust general customer service standards to meet the needs of customers with disabilities, and develop basic etiquette for interacting with customers who have disabilities. At Your Service has been approved by the University College at Syracuse University for 0.5 continuing education units (CEU) which equates to 5 contact hours and approved by the Commission on Rehabilitation Counselor Certification (CRCC) for 5 CRCC clock hours.

## **National DBTAC Publication Portal**

<http://adaresources.org/>

This site features publications developed by the DBTACs on the ADA and other disability related topics that address specific topics or target certain audiences. Posted publications include news articles, fact sheets, legal reviews, resource sheets, executive summaries of research papers with a link to the full paper, handbooks, and booklets.



National Network of ADA Centers

1-800-949-4232 (V/TTY)

[www.adata.org](http://www.adata.org)

[www.adacourse.org](http://www.adacourse.org)

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