UNDERSTANDING DISABILITY LAW
Second Edition
LexisNexis Law School Publishing
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DEDICATION

This book is dedicated to the students who assisted me on the project:
Kim Brown, Curtis Gonzalez, Ben Johnson, Elizabeth Powell, and Rachel Milos.
PREFACE

People with disabilities are the largest minority in the United States. In the past forty years, American law has responded vigorously to the problem of discrimination against this group of people. The Rehabilitation Act of 1973 forbade disability discrimination in federally funded activities, and the Americans with Disabilities Act of 1990 outlawed disability discrimination in employment, government services, public accommodations, and telecommunications. In the 1970s, Congress established enforceable rights to special education for children with disabilities. Disability discrimination cases are now an important part of the dockets of the courts, and law schools offer courses on Disability Law and similar topics.

This book discusses the major statutory and constitutional issues relating to disability discrimination. It is designed to help students in Disability Law courses synthesize and apply the materials they are learning. It is also designed to function as a compact treatise for practicing lawyers and others looking for an analysis of the Fourteenth Amendment, the Americans with Disabilities Act, section 504 of the Rehabilitation Act, the Individuals with Disabilities Education Act, the Fair Housing Act Amendments, and other laws, as they relate to legal controversies over disability rights. The book discusses leading cases on the major topics of disability law, and suggests ways of thinking about unresolved questions and debates over legal policy.

The book covers a range of disability discrimination issues: (1) constitutional law bearing on disability discrimination; (2) the controversy over who is a person with a disability for purposes of federal statutes; (3) employment discrimination rights and remedies; (4) educational discrimination, including special education law and higher education for students with disabilities; (5) discrimination in public accommodations; (6) discrimination by federal, state, and local governments; and (7) other topics, including disability discrimination related to housing, transportation, and telecommunications.

Throughout the book, “people-first” terminology is used. That is, the book uses the term “person with disabilities” or “child with disabilities,” rather than “disabled person” or “disabled child.” This usage follows that of the Americans with Disabilities Act and other recent statutes and is employed to emphasize that a person who has a disability is a human being first, rather than a manifestation of some disabling condition. The book also uses the word “disability” rather than “handicap” because many people consider the latter term stigmatizing. This usage also follows that of recent federal statutes.

Many thanks to those who assisted in this project, notably Kim Brown, Curtis Gonzalez, and Ben Johnson, who provided outstanding research assistance for the original edition and Rachel Milos and Elizabeth Powell for the second edition, and DePaul University College of Law Deans Glen Weissenberger and Gregory Mark, who enthusiastically supported the effort. The project received support from the research fund of the College of Law. Thanks to Keith Moore for his thoughtful editorial work and to Lexis-Nexis for its dedication to the project.

The author would be grateful to readers for advice about how to improve the book. Please direct comments to mweber@depaul.edu.
# TABLE OF CONTENTS

## Chapter 1  INTRODUCTION AND CONSTITUTIONAL ISSUES  . . . . 1

- § 1.01 OVERVIEW OF DISABILITY LAW ............................. 1  
  - [A] Medical Models and Civil Rights Models ....................... 1  
  - [B] Discrimination, Torts, Public Benefits, and Other Legal Topics ........ 2  

- § 1.02 OVERVIEW OF DISABILITY DISCRIMINATION ................ 3  
  - [A] Forms of Discrimination ................................... 3  
  - [B] Sources of Law ......................................... 4  

- § 1.03 OVERVIEW OF CONSTITUTIONAL ISSUES ..................... 5  
  - [A] Equal Protection ......................................... 5  
  - [B] Due Process ............................................ 9  
  - [C] Eighth Amendment ...................................... 10  

## Chapter 2  STATUTORY COVERAGE  . . . . 13

- § 2.01 DEFINITIONS OF DISABILITY ............................... 13  
  - [B] Alternative Definitions ................................... 14  
  - [C] Role of Mitigating Measures: The *Sutton* Trilogy and the ADA Amendments Act of 2008 ............................. 17  
  - [D] Contagious Diseases ..................................... 22  
  - [E] Exclusion for Current Users of Illegal Drugs .................... 24  
  - [F] Other Exclusions ....................................... 26  

- § 2.02 ACTUALLY IMPAIRED ................................... 26  
  - [A] Physical or Mental Impairment ............................. 26  
  - [B] Substantially Limits ..................................... 27  
  - [C] Major Life Activities .................................... 31  
  - [D] Major Life Activity of Working ............................. 33  

- § 2.03 RECORD OF AN IMPAIRMENT ................................. 35  

- § 2.04 REGARDED AS HAVING AN IMPAIRMENT .......................... 36  

- § 2.05 QUALIFIED INDIVIDUAL ................................. 39  

- § 2.06 ENTITIES AND INDIVIDUALS BOUND BY THE DISABILITY DISCRIMINATION LAWS ................................. 41  
  - [A] ADA Coverage ............................................ 41  
  - [B] Coverage of Section 504 .................................. 42  
  - [C] Coverage of Other Provisions ................................ 42
## Table of Contents

### Chapter 3  EMPLOYMENT DISCRIMINATION  .......... 45

<table>
<thead>
<tr>
<th>§ 3.01</th>
<th>OVERVIEW OF EMPLOYMENT DISCRIMINATION  .......... 45</th>
</tr>
</thead>
<tbody>
<tr>
<td>[B]</td>
<td>Covered Entities Under the ADA  .......... 48</td>
</tr>
<tr>
<td>§ 3.02</td>
<td>QUALIFIED INDIVIDUAL  .......... 49</td>
</tr>
<tr>
<td>[A]</td>
<td>Relation of “Qualified Individual” to “Reasonable Accommodation”  .......... 50</td>
</tr>
<tr>
<td>[B]</td>
<td>Essential Functions  .......... 50</td>
</tr>
<tr>
<td>[C]</td>
<td>Judicial Estoppel  .......... 52</td>
</tr>
<tr>
<td>§ 3.03</td>
<td>DISPARATE TREATMENT AND LIMITING, SEGREGATING, AND CLASSIFYING  .......... 54</td>
</tr>
<tr>
<td>§ 3.04</td>
<td>STANDARDS, CRITERIA, AND METHODS OF OPERATION WITH DISPARATE IMPACTS; TESTS AND SELECTION CRITERIA  .......... 57</td>
</tr>
<tr>
<td>§ 3.05</td>
<td>FAILING TO PROVIDE REASONABLE ACCOMMODATIONS  .......... 62</td>
</tr>
<tr>
<td>[A]</td>
<td>Burdens  .......... 63</td>
</tr>
<tr>
<td>[B]</td>
<td>Reasonable Accommodation and Undue Hardship Standards  .......... 66</td>
</tr>
<tr>
<td>[C]</td>
<td>Job Restructuring and Reassignment to a Vacant Position  .......... 68</td>
</tr>
<tr>
<td>[D]</td>
<td>Interactive Process  .......... 71</td>
</tr>
<tr>
<td>[E]</td>
<td>Alcoholism and Use of Illegal Drugs  .......... 73</td>
</tr>
<tr>
<td>[F]</td>
<td>Accommodations for Persons Regarded as Disabled  .......... 74</td>
</tr>
<tr>
<td>§ 3.06</td>
<td>MEDICAL EXAMINATIONS AND INQUIRIES  .......... 75</td>
</tr>
<tr>
<td>[A]</td>
<td>Pre-Employment Inquiries  .......... 75</td>
</tr>
<tr>
<td>[B]</td>
<td>Medical Examinations After Conditional Offer  .......... 77</td>
</tr>
<tr>
<td>[C]</td>
<td>Inquiries and Examinations of Current Employees  .......... 78</td>
</tr>
<tr>
<td>[D]</td>
<td>Drug Testing and Related Issues  .......... 80</td>
</tr>
<tr>
<td>§ 3.07</td>
<td>DISCRIMINATION BY CONTRACTUAL ARRANGEMENT  .......... 80</td>
</tr>
<tr>
<td>§ 3.08</td>
<td>ASSOCIATIONAL DISCRIMINATION  .......... 81</td>
</tr>
<tr>
<td>§ 3.09</td>
<td>ADDITIONAL DEFENSES  .......... 83</td>
</tr>
<tr>
<td>[A]</td>
<td>Limitations  .......... 83</td>
</tr>
<tr>
<td>[B]</td>
<td>Exhaustion of Administrative Remedies  .......... 85</td>
</tr>
<tr>
<td>[C]</td>
<td>Direct Threat  .......... 86</td>
</tr>
<tr>
<td>[D]</td>
<td>Mandatory Arbitration  .......... 90</td>
</tr>
<tr>
<td>§ 3.10</td>
<td>REMEDIES  .......... 92</td>
</tr>
<tr>
<td>[A]</td>
<td>Compensatory and Punitive Damages  .......... 92</td>
</tr>
<tr>
<td>[B]</td>
<td>Backpay, Reinstatement, Injunctions, and Other Equitable Relief  .......... 94</td>
</tr>
<tr>
<td>[C]</td>
<td>Attorneys’ Fees  .......... 95</td>
</tr>
</tbody>
</table>

### Chapter 4  EDUCATIONAL DISCRIMINATION  .......... 97

<table>
<thead>
<tr>
<th>§ 4.01</th>
<th>PRIMARY AND SECONDARY EDUCATION  .......... 97</th>
</tr>
</thead>
<tbody>
<tr>
<td>[A]</td>
<td>Overview of the Individuals with Disabilities Education Act  .......... 97</td>
</tr>
<tr>
<td>[B]</td>
<td>Eligibility and Evaluation  .......... 100</td>
</tr>
<tr>
<td>[C]</td>
<td>Appropriate Education  .......... 105</td>
</tr>
</tbody>
</table>
### Table of Contents

[D] Least Restrictive Environment ........................................ 109
[E] Procedures and Remedies ............................................. 112
[F] Student Discipline .................................................. 116

§ 4.02 POST-SECONDARY EDUCATION .................................. 119
[A] Overview of Higher Education Discrimination ................. 120
[B] Qualifications and Reasonable Accommodation ................. 120
[C] Academic Deference .................................................. 124
[D] Specific Issues Regarding Learning Disabilities ................. 127
[E] Courses and Examinations ........................................... 130

Chapter 5 PUBLIC ACCOMMODATIONS DISCRIMINATION ........... 133

§ 5.01 OVERVIEW OF PUBLIC ACCOMMODATIONS DISCRIMINATION .................................................. 133
§ 5.02 DEFINING PUBLIC ACCOMMODATIONS ........................... 136
§ 5.03 REASONABLE MODIFICATIONS AND AUXILIARY AIDS AND SERVICES ............................................. 139
[A] Reasonable Modifications and Fundamental Alteration ........... 139
[B] Auxiliary Aids and Services and Undue Burden .................... 143

§ 5.04 ACCESSIBILITY STANDARDS AND BARRIER REMOVAL ........ 144
§ 5.05 PLACES OF PUBLIC EXHIBITION OR ENTERTAINMENT .... 149
§ 5.06 INSURANCE ISSUES .................................................. 152
§ 5.07 REMEDIES .......................................................... 154

Chapter 6 DISCRIMINATION IN GOVERNMENT SERVICES AND FEDERALLY FUNDED PROGRAMS ............. 159

§ 6.01 OVERVIEW OF DISCRIMINATION IN GOVERNMENT AND FEDERALLY FUNDED PROGRAMS ............................. 159
§ 6.02 DISCRIMINATION BY FEDERAL AGENCIES ....................... 160
§ 6.03 STATE AND LOCAL GOVERNMENT AND FEDERALLY FUNDED PROGRAMS: DISPARATE IMPACT DISCRIMINATION ............. 163
§ 6.04 STATE AND LOCAL GOVERNMENT AND FEDERALLY FUNDED PROGRAMS: MODIFICATIONS OF POLICIES .................. 166
§ 6.05 STATE AND LOCAL GOVERNMENT AND FEDERALLY FUNDED PROGRAMS: INTEGRATED SERVICES ....................... 169
§ 6.06 STATE AND LOCAL GOVERNMENT AND FEDERALLY FUNDED PROGRAMS: SPECIFIC ISSUES AND GENERAL ACCESSIBILITY DUTY .................................................. 171
[A] Employment .......................................................... 171
[B] Voting ............................................................. 173
[C] Courts .............................................................. 174
[D] Prisons ............................................................. 175
[E] Public Benefits and Welfare ......................................... 176
Table of Contents

[F] Recreation ........................................... 177  
[G] Accessibility Requirements in General ....................... 178  
§ 6.07 STATE AND LOCAL GOVERNMENT AND FEDERALLY FUNDED PROGRAMS: REMEDIES ................................. 181  
[A] Exhaustion Issues ...................................... 181  
[B] Injunctive Relief ....................................... 181  
[C] Damages Relief ....................................... 182  
[D] Eleventh Amendment Immunity ............................ 183  

Chapter 7 HOUSING, TRANSPORTATION, TELECOMMUNICATIONS, AND ADDITIONAL DISCRIMINATION TOPICS ............. 187  
§ 7.01 HOUSING DISCRIMINATION ............................. 187  
[A] Overview of the FHAA .................................. 188  
[B] Facial Discrimination and Disparate Treatment ............. 189  
[C] Reasonable Accommodation and Disparate Impact ........... 192  
[D] Defenses and Exemptions ................................ 197  
[E] Remedies ............................................ 199  
§ 7.02 TRANSPORTATION .................................... 200  
[A] Ground Transportation .................................. 200  
[B] Air Transportation ..................................... 207  
§ 7.03 TELECOMMUNICATIONS ............................... 210  
[A] Telecommunications Relay Systems ......................... 210  
[B] Internet Sites and Other Means of Telecommunication ........ 211  
§ 7.04 ADDITIONAL DISCRIMINATION ISSUES ............... 213  
[A] Retaliation ........................................... 213  
[B] Disability Harassment ................................... 215  
[C] International and Comparative Law Issues ................. 218  
Table of Cases ................................................ TC-1  
Table of Statutes ............................................... TS-1  
Index ........................................................ I-1