

Disability Law: An Overview

Disability Services at CCC&TI intends to comply with the requirements of the ADA, the Americans with Disabilities Amendment Act (ADAAA) and all other federal and state laws and regulations prohibiting discrimination based on disability. The ADA, Section 504 of the Rehabilitation Act of 1973, and the newer ADAAA were designed to extend and broaden civil rights protection to people with disabilities. Title 1 of the ADA mandates government agencies make programs and services accessible to, and usable by, persons with disabilities. Long before the ADA and ADAAA, Sections 503 and 504 of the Rehabilitation Act of 1973 mandated programs and services be accessible to people with disabilities. The Office of Civil Rights (OCR) of the U.S. Department of Education enforces the current disability laws with respect to the rights of college students.

Under the newer law, the definition of disability has been broadened and in order to qualify as a person with a disability, an individual must establish he or she has (1) a physical or mental impairment that substantially limits one or more major bodily functions or major life activities (2) a record of such impairment or (3) is regarded as having this type of impairment.

The new law extends the definition of disability to include bodily functions. Examples of major bodily functions qualifying a person for services include functions of cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, immune system, and reproductive functions.

Examples of disabilities limiting a major life activity covered by law include, but are not limited to, AIDS, ADD/ADHD, blindness, cancer, cerebral palsy, diabetes, leaning disabilities, loss of limb(s), multiple sclerosis, muscular dystrophy, emotional and psychological disabilities, speech disabilities, and spinal cord injuries.

Examples of “major life activities” that only have to pertain to one major life activity and do not have to be “of central importance to most people’s daily lives” include walking, talking, hearing, seeing, driving, eating, standing, lifting, bending, breathing, learning, reading, concentrating, thinking, communicating, working, interacting with others, writing, engaging in sexual activities, drinking, chewing, swallowing, reaching, and using fine motor coordination.

The new law also broadens the way the term “substantially limits” was interpreted by the Supreme Court and make qualifying as a person with a disability easier. The law was, and is, meant to include as many people as possible and not serve as a way to exclude individuals from qualifying for services.

After a person identifies and qualifies as a person with a disability, the college is obligated to provide services, reasonable accommodations, and assistive devices in order to place the person with the disability on as level a playing field as possible with others who do not have disabilities. Failing to do so is discriminatory and unlawful.

Laws applying to post-secondary education differ substantially from laws governing K-12 education. In post-secondary education, the goal is to provide access, not to guarantee success. Colleges are not required to modify rules, policies, or practices to the extent that the modifications would fundamentally alter the essential nature of the programs. The Supreme Court has ruled that institutions of higher learning do not have to compromise essential academic and technical requirements for any students. Additionally, colleges are not required to make fundamental changes to core degree requirements.

