

DISABILITY RIGHTS

AN OVERVIEW OF THE LAWS AFFECTING PEOPLE WITH DISABILITIES



DISABILITY DEFINED – Federal Law

- Any person who has a physical or mental impairment that substantially limits one or more major life activities;
- Record of such impairment; or
- Regarded as having such an impairment, or
- Relationship with a PWD

DISABILITY RIGHTS LAWS

□ American with Disabilities Act



□ Rehabilitation Act of 1973



□ Fair Housing Act



□ I.D.E.A.



□ Air Carrier Access Act



AMERICANS WITH DISABILITIES ACT (ADA)

- **July 25, 2011 – 21st Anniversary of the ADA**
- **USA – 1st country to comprehensively declare equality for citizens with disabilities**
- **ADA gives civil rights protections**
- **Guarantees equal opportunity in employment, State/local government services, public accommodations, transportation, and telecommunications**

AMERICANS WITH DISABILITIES ACT (ADA)

- **Title I** **Employment**
- **Title II** **State and Local Government**
- **Title III** **Public Accommodations**
- **Title IV** **Telecommunications**
- **Title II & III** **Transportation**



ADA

Title I - EMPLOYMENT

- ❑ Prohibits employers with 15 or more employees from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.



ADA

Title I – EMPLOYMENT

- **Reasonable accommodation is:**
 - **Modification or adjustment to a**
 - **Job or the work environment to**
 - **Enable a qualified Applicant or**
 - **Employee with a disability to**
 - **Participate in the application process or to**
 - **Perform essential job functions.**
 - **Rights and privileges equal to those w/out disabilities**

ADA

Title II - STATE/LOCAL GOVERNMENT

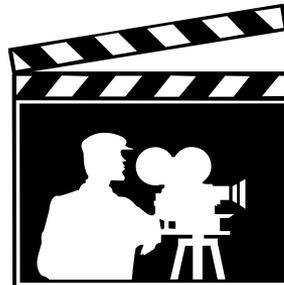
- **Prohibits discrimination on the basis of disability in:**
 - **all services, programs, and activities**
 - **provided to the public**
 - **by State and local governments**
 - **except public transportation services.**



ADA

Title III - PUBLIC ACCOMMODATIONS

- ❑ Guarantees full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation.
- ❑ Public accommodations are private entities open to the public (businesses, non-profits that serve the public) and "commercial facilities" (other businesses).



ADA

Title III - PUBLIC ACCOMMODATIONS

- **Examples:**
- **A day care center may not refuse admission to a child with a disability**
- **A store must allow some form of I.D. other than a driver's license for a customer to write a check**
- **At restaurant may not refuse to allow person with a service animal**
- **College required to provide blind student with alternatives to printed exam**
- **Auxiliary aids and services**

ADA - SERVICE ANIMALS

- ❑ Any dog
- ❑ Individually trained
- ❑ Work or perform tasks
- ❑ Benefit of a PWD
- ❑ Directly related to handler's disability
- ❑ Other species of animals are NOT service animals

- ❑ Miniature horses under specific conditions.



ADA

Title IV - TELECOMMUNICATIONS

- Nationwide communication service
- Telecommunications relay services
- Speech and hearing impairments
- TV public service announcement (federal government)
 - closed captioning of the verbal content of such announcement.



ADA

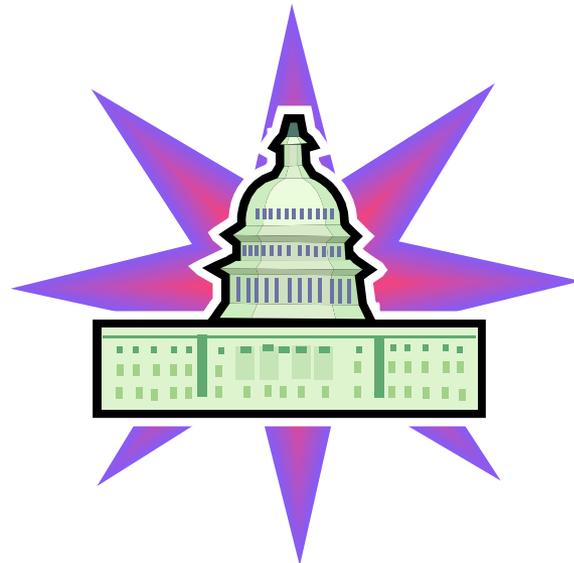
Title II & III - TRANSPORTATION

- **Transit provider**
 - public transportation accessible
 - Buses accessible for wheelchairs
 - Drivers announce stops out loud
 - Accessible telephones, drinking fountains, and restrooms inside the terminal
- **Paratransit Services**
 - complementary and comparative
 - curb to curb, or door to door



REHABILITATION ACT

- ❑ **Prohibits discrimination in Federal programs**
- ❑ **Same standards for determining employment discrimination as in Title I of the ADA.**



FAIR HOUSING ACT

- ❑ **Title VIII of the Civil Rights Act of 1968, as amended**
- ❑ **Discrimination prohibited in housing: race or color, national origin, religion, sex, handicap, or familial status.**
- ❑ **Local ordinances may extend to age, marital status, sexual orientation, etc.**
- ❑ **Covers most housing, real property, mobile homes, vacant land offered for sale or lease for construction of home.**
- ❑ **Exempt: building with less than 4 units, single family housing sold or rented without broker or advertising, private membership organizations.**

FAIR HOUSING ACT - Prohibitions

- **Sale or Rental of Housing - You may not:**
 - Refuse to rent or sell housing
 - Refuse to negotiate for housing
 - Make housing unavailable
 - Deny a dwelling
 - Set different terms, conditions or privileges for sale or rental of a dwelling
 - Provide different housing services or facilities
 - Falsely deny that housing is available for inspection, sale or rental
 - For profit, persuade owners to sell or rent (blockbusting) or
 - Deny anyone access to or membership in a facility or service related to the sale or rental of housing.

FAIR HOUSING ACT – PWD

If you, or someone associated with you:

- **Have a physical or mental disability,**
- **Have a record of such a disability, or**
- **Are regarded as having such a disability**

Your landlord may not:

- **Refuse to let you make reasonable modifications to your home or common use areas, at your expense**
- **Refuse to make reasonable accommodations in rules, policies, practices or services**
- **if necessary for you to use the housing.**

FAIR HOUSING ACT – Examples

□ Reasonable Modifications

- Tenant wants to install a ramp into their unit
- Tenant wants to install grab bars in shower

□ Reasonable Accommodations

- Tenant lives in “no-pet” community but wants an emotional support animal or service animal
- Tenant wants an assigned parking space close to her unit even though all parking is unassigned.

FAIR HOUSING ACT

- **Ask**
 - **Is it Reasonable and Necessary?**

- **Reasonable**
 - **no undue financial or administrative burden**

- **Necessary**
 - **Based on individual's disability**



INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- Ages 3-22
- 13 identified disabilities
- Disability must adversely affect educational performance
- Child Find
- Free Appropriate Public Education
- Least Restrictive Environment
- Individual Education Plan
- Evaluations
- Due Process



IDEA

- **Free Appropriate Public Education (FAPE)**
 - Education at public expense
 - Not the best, just appropriate (Chevrolet, not Cadillac)

- **Evaluation**
 - Initial evaluation w/in 60 days of receiving parent's consent

- **Least Restrictive Environment (LRE)**
 - Depends on child's needs

- **Transition Plan**

- **Due Process**
 - Mediation, hearing, civil court



AIR CARRIER ACCESS ACT

- ❑ **Prohibits disability discrimination in air travel.**
- ❑ **Air carriers must accommodate PWD**



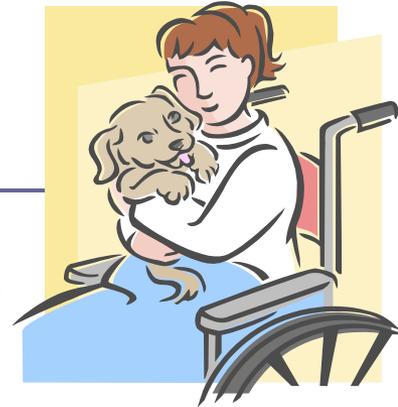
SCENARIOS

- ❑ Martin is going on vacation. He's blind and has a guide dog. At the airport, he stops at TGIF for lunch before boarding the plane. The server tells him he can't bring the dog in. He asks for a Braille menu. They don't have one.
- ❑ He goes to the boarding gate and he's told that all pets must be in a crate.



SCENARIOS

□ Linda is looking for an apartment. She uses a wheelchair. She goes to the rental office of the rental community to fill out an application. She asks to use the restroom but finds that the stall isn't big enough for her wheelchair. The agent in the office tells her she'd be happier in a different community because most of the renters here are young and active. He says all the units have at least one step at the front door and no alterations are permitted.



RESOURCES

□ Air Carrier Access Act

- <http://www.dotcr.ost.dot.gov/asp/airacc.asp>

□ Americans With Disability Act

- <http://www.ada.gov/>
- ADA Information Line
(800) 514-0301 (voice)
(800) 514-0383 (TTY)

□ Fair Housing Act

- www.hud.gov/offices/ftheo
- (800) 669-9777 (voice)
(800) 927-9275 (TTY)

□ Individuals with Disabilities Education Act

- <http://idea.ed.gov>

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- **Coalition for Independent Living Options, Inc.**
 - **6800 Forest Hill Boulevard**
 - **West Palm Beach, FL 33413**

 - **Tel. (561) 966-4288**
 - **TTY (561) 641-6638**
 - **FL Toll Free: 1-800-683-7337**

 - **www.cilo.org**
 - **Facebook: <http://companies.to/cilo/>**

 - ***Palm Beach, Martin, St.Lucie & Okeechobee Counties***