CHAPTER 1. INTRODUCTION

§ 1:1	People with disabilities in American society
§ 1:2	Historical overview of disabilities and the law—
	Statutory developments
§ 1:3	—Supreme Court interpretations—Special education
§ 1:4	— —Employment
§ 1:5	——Placement in the community/housing
§ 1:6	— —Higher education
§ 1:7	— Entities subject to the statutes
§ 1:8	——Immunity and other remedial issues
§ 1:9	— — Other issues
§ 1:10	Definition issues—What is a disability?
§ 1:11	Basic principles of laws relating to disabilities
§ 1:12	Americans with Disabilities Act—Overview
§ 1:13	——Employment
§ 1:14	——Public services
§ 1:15	——Public accommodations
§ 1:16	— — Other provisions
§ 1:17	Rehabilitation Act of 1973—General provisions and
_	major amendments
§ 1:18	—Who is protected
§ 1:19	—Federal employers and federal contractors—Sections 501 and 503
§ 1:20	—Recipients of federal financial assistance—Section 504
§ 1:21	—Remedies under Section 504
§ 1:22	Genetic Information Nondiscrimination Act
§ 1:23	Section 1983 actions
§ 1:24	Individuals with Disabilities Education Act
§ 1:25	Architectural Barriers Act
§ 1:26	Fair Housing Act
§ 1:27	Urban Mass Transportation Act
§ 1:28	Federal Aid Highway Act
§ 1:29	Air Carrier Access Act
§ 1:30	Vocational Rehabilitation Act
§ 1:31	Veterans with disabilities
§ 1:32	Voting Accessibility for the Elderly and Handicapped
	Act and Help America Vote Act
§ 1:33	Telecommunications for the Disabled Act and the Communications Act

§ 1:34 Telecommunications Act of 1996

§ 1:35	Financial benefits statutes: Social security, supplemental security, and workers' compensation
§ 1:36	Tax incentives
§ 1:37	Sheltered workshops
§ 1:38	Blind vendors
§ 1:39	Civil Rights Act of 1991
§ 1:40	Family and Medical Leave Act
§ 1:41	Employee Retirement Income Security Act
§ 1:42	Mental Health Parity and Addiction Equity Act
§ 1:43	Constitutional protections
§ 1:44	COVID and disability discrimination issues

CHAPTER 2. ELEMENTARY AND SECONDARY EDUCATION

I. CONSTITUTIONAL BASIS FOR SPECIAL EDUCATION

§ 2:1 In general

II. HISTORICAL OVERVIEW

- § 2:2 Section 504 of Rehabilitation Act§ 2:3 Education for All Handicapped Children Act
- § 2:4 Handicapped Children's Protection Act
- § 2:5 Individuals with Disabilities Education Act
- § 2:6 Americans with Disabilities Act

III. INDIVIDUALS WITH DISABILITIES IN EDUCATION ACT

§ 2:7	General overview
§ 2:8	Who is protected
§ 2:9	—HIV and infectious diseases
§ 2:10	—Substance use and abuse
§ 2:11	—Learning disabilities and related disabilities
§ 2:12	—Gifted students
§ 2:13	—Infants and toddlers
§ 2:14	—Incarcerated juveniles
§ 2:15	—Uneducable children
§ 2:16	—Maximum age issues
$\S 2:17$	Free appropriate public education—Generally
§ 2:18	— —Least restrictive environment or mainstreaming
§ 2:19	 — Individualized educational program
§ 2:20	——Appropriate
§ 2:21	——Free
§ 2:22	Related services and transition services

§ 2:23	Related services—Auxiliary aids
§ 2:24	—Health services
§ 2:25	—Psychological counseling
§ 2:26	—Transportation
§ 2:27	Residential placements
§ 2:28	Private school placements
§ 2:29	Parochial schools
§ 2:30	School records: access and accuracy
§ 2:31	Procedural safeguards—Generally
§ 2:32	——Identification and evaluation
§ 2:33	 — Individualized educational program
§ 2:34	Impartial due process hearing
§ 2:35	—Hearing officer
§ 2:36	—Right to representation
§ 2:37	—Format and evidentiary matters
§ 2:38	—Notice requirements
§ 2:39	—Review by state administrative agency
§ 2:40	—Civil action
§ 2:41	—Deadlines
§ 2:42	—Status of child during due process procedures and change of placement
§ 2:43	Mediation
§ 2:44	Discipline
§ 2:45	Mootness
§ 2:46	Exhaustion of administrative remedies
§ 2:47	Termination of funds and injunctive relief
§ 2:48	Damages
§ 2:49	Reimbursement
§ 2:50	Compensatory education
§ 2:51	Attorney's fees
§ 2:52	Immunity

IV. SECTION 504 OF THE REHABILITATION ACT AND THE AMERICANS WITH DISABILITIES ACT

- § 2:53 Section 504 and the ADA—Who is protected§ 2:54 —Nondiscrimination and reasonable accommodation
- § 2:55 —Procedural issues

V. OTHER THEORIES OF ACTION

- § 2:56 Civil Rights Act of 1871 (42 U.S.C.A. § 1983)
- § 2:57 Special education malpractice

CHAPTER 3. HIGHER EDUCATION

§ 3:1 Rehabilitation Act, Section 504, and Americans with

	Disabilities Act: general application to higher education
§ 3:2	Who is protected
§ 3:3	Otherwise qualified
§ 3:4	Admissions and readmissions
§ 3:5	Admissions and recruitment—Preadmission inquiries
§ 3:6	—Use of standardized tests
§ 3:7	—Affirmative action
§ 3:8	Programs and services
§ 3:9	—Academic modifications
§ 3:10	—Auxiliary services
§ 3:11	—Athletics
§ 3:12	—Counseling and placement
§ 3:13	—Financial aid
§ 3:14	—Health and insurance services
§ 3:15	—Campus organizations
§ 3:16	Physical facilities and access to technology
§ 3:17	Physical facilities—Campus buildings
§ 3:18	—Housing
§ 3:19	—Transportation and parking
§ 3:20	—Off campus programs
§ 3:21	Academic records and confidentiality issues
§ 3:22	Students with learning disabilities
§ 3:23	Substance use and abuse
§ 3:24	Mental impairments
§ 3:25	Health impairments and HIV on campus
§ 3:26	Faculty and staff issues
§ 3:27	Procedural and remedial issues under Section 504 and the ADA

CHAPTER 4. EMPLOYMENT

§ 4:1	Introduction
§ 4:2	Constitutional
8 4.3	Federal emplo

§ 4:3 Federal employers: Section 501 of the Rehabilitation Act

protection

- § 4:5 Federal financial assistance recipients: Section 504 of the Rehabilitation Act
- § 4:6 Americans with Disabilities Act
- § 4:7 State laws
- § 4:8 Definition of disability
- § 4:9 —Application to special situations
- § 4:10 Otherwise qualified
- § 4:11 —Fundamental and essential functions
- § 4:12 —Direct threat
- § 4:13 —Future risk and predisposition

§ 4:14	—Customer and coworker preference
§ 4:15	—Attendance
§ 4:16	—Disruptive or dishonest behavior
§ 4:17	Employee selection
§ 4:18	Medical examinations
§ 4:19	Discrimination
§ 4:20	Reasonable accommodation
§ 4:21	Defenses
§ 4:22	Procedural issues
§ 4:23	—Burden of proof
§ 4:24	—Individual liability
$\S 4:25$	—Judicial estoppel—Disability benefits
§ 4:26	Enforcement and remedies
§ 4:27	Miscellaneous employment provisions of the ADA
§ 4:28	Other employment statutes
§ 4:29	Genetic Information Nondiscrimination Act
§ 4:30	Family and Medical Leave Act

CHAPTER 5. PUBLIC ACCOMMODATIONS AND PUBLIC SERVICES

§ 5:1	Introduction
§ 5:2	Public accommodations defined
§ 5:3	Public services defined
§ 5:4	Nondiscrimination
§ 5:5	Reasonable modification of business practices, rules and policies
§ 5:6	Auxiliary aids and services
§ 5:7	Examinations and courses
§ 5:8	Professional licensing
§ 5:9	Self-evaluation
§ 5:10	State and local laws

CHAPTER 6. ARCHITECTURAL BARRIERS

§ 6:1	Introduction
§ 6:2	Architectural Barriers Act
§ 6:3	—Scope and applicability
§ 6:4	—Design standards
§ 6:5	—Waivers
§ 6:6	—Enforcement
§ 6:7	Section 504 of the Rehabilitation Act
§ 6:8	—Applicability and program accessibility
§ 6:9	—Design standards
§ 6:10	—Enforcement
§ 6:11	Section 503 of the Rehabilitation Act
§ 6:12	Americans with Disabilities Act: Barrier issues generally

- § 6:13 —Covered entities
- § 6:14 —New construction requirements
- § 6:15 —Alterations
- § 6:16 —Existing facilities
- § 6:17 —Enforcement and remedies
- § 6:18 Barrier removal incentives

CHAPTER 7. HOUSING

- § 7:1 Introduction
- § 7:2 Section 504 of the Rehabilitation Act
- § 7:3 —Government subsidized housing
- § 7:4 —Government provided housing
- § 7:5 The Americans with Disabilities Act
- § 7:6 Fair Housing Act
- § 7:7 —Covered housing
- § 7:8 —Nondiscrimination and reasonable accommodation
- § 7:9 —Design standards
- § 7:10 —Enforcement
- § 7:11 Housing discrimination—Remedies
- § 7:12 Community living
- § 7:13 Group homes
- § 7:14 Contagious and infectious diseases
- § 7:15 Substance abuse

CHAPTER 8. TRANSPORTATION

I. AIR TRAVEL

- § 8:1 Section 504 of the Rehabilitation Act
- § 8:2 Air Carrier Access Act
- § 8:3 Access to air carrier fixed facilities

II. MASS TRANSIT AND RELATED TRANSPORTATION

- § 8:4 Mass transit: An overview
- § 8:5 Urban Mass Transportation Act
- § 8:6 Section 504 of the Rehabilitation Act and mass transit
- § 8:7 Federal Aid Highway Act
- § 8:8 Americans with Disabilities Act: Overview
- § 8:9 Vehicle accessibility
- § 8:10 Station and boarding facilities
- § 8:11 Fixed route system requirements
- § 8:12 Paratransit systems
- § 8:13 Demand responsive systems
- § 8:14 Intercity and commuter rail systems
- § 8:15 Over-the-road buses

- § 8:16 Taxicabs
- § 8:17 Enforcement

III. AUTOMOBILE TRAVEL AND TRUCKING

- § 8:18 Highway facilities
- § 8:19 Drivers' licensing
- § 8:20 Parking
- § 8:21 Rental cars

IV. CRUISE SHIP TRAVEL/WATER TRANSPORTATION

§ 8:22 Cruise ships

CHAPTER 9. PURSUIT OF HAPPINESS

- § 9:1 Right to family
- § 9:2 Independent living
- § 9:3 Television programming
- § 9:4 Telephone communications
- § 9:5 Internet and web access
- § 9:6 Government benefits
- § 9:7 Consumer issues
- § 9:8 Voting access
- § 9:9 Access in the courts
- § 9:10 —Access to legal services
- § 9:11 —Individuals with disabilities in the criminal justice system
- § 9:12 The client with a disability
- § 9:13 Frequent litigants

CHAPTER 10. HEALTH CARE

- § 10:1 Access to health care: Statutory overview
- § 10:2 —Discriminatory treatment
- § 10:3 —Reasonable accommodation
- § 10:4 —Design barriers: Physical facilities and equipment
- § 10:5 —Enforcement issues
- § 10:6 Insurance and related benefits
- § 10:7 Health care professionals with disabilities
- § 10:8 Vocational rehabilitation and vocational education

APPENDICES

- Appendix A. Definitions
- Appendix B. Table of Major Statutes and Regulations

Table of Laws and Rules

Table of Cases Index