

Index

ACCESS AND ACCESSIBILITY

Generally, § 3:6
See also Barrier Removal, this index
Alteration standards, § 7:1, § 7:8
Alternative accessibility, § 7:8
Architectural Barriers, this index
Building codes, compliance with, § 7:1
Certifications of state laws, § 10:1
Communications Barriers, this index
Convenient access, § 7:1
Course sites, § 5:7
Courthouses, § 12:8
Deposition site, § 5:3
Due process rights violations, § 12:8
Examinations, § 5:7
Federal certifications of state laws, § 10:1
Good faith compliance with ADAAG guidelines, § 2:6
Guidelines (ADAAG), § 2:6
Hotel reservation policies, § 3:8
Injunctions, § 12:4
Judicial deference to ADAAG guidelines, § 2:6
Justice Department Standards for Accessible Design (JDSAD), § 7:3
Multi-level restaurants, § 3:6
New construction, § 7:1
Path of travel alterations, § 7:10
Physical or nonphysical barrier, § 5:2
Policies affecting accessibility, § 3:6
Readily accessible defined, § 7:2
Rights-of-way, guideline revisions, § 2:6
State laws, federal certifications, § 10:1
Structural impracticability, § 7:5
Technology, Workforce Investment Act, § 1:7
Wheelchair Access, this index

ACCESS BOARD

Accessibility Guidelines (ADAAG), § 2:6
Advisory committee, § 2:6
Guideline adoption procedures, § 2:6
Rule adoptions, § 2:6

ACCESSIBILITY GUIDELINES

Generally, App. C

ACCOMMODATIONS, PUBLIC

See Public Accommodations, this index

ACCOMMODATIONS OF CONDITIONS

Educational Accommodations, this index
Examinations, this index
Reasonable Accommodations, this index

ACCOUNTANT OFFICES

Public accommodation status, § 5:2

ADAAG GUIDELINES

Alterations definition, § 6:2, § 7:7
Dormitories as transient lodging, § 5:8
Sight lines, § 7:3

ADDITIONS TO BUILDINGS

Alterations and new construction distinguished, § 7:4

ADMINISTRATIVE BURDENS

See Undue Burdens, this index

ADOPTION AGENCIES

Public accommodation status, § 5:2

AFFIRMATIVE DEFENSES

Burden of proof, shifting, § 3:20

AIDS TO DISABLED PERSONS

Auxiliary Aids and Services, this index

AIDS TO DISABLED PERSONS
—Cont'd

Companion Persons, this index

AIDS VIRUS

See HIV-AIDS, this index

AIRPORTS

Commercial facility treatment, § 5:4

Elevators, § 7:4, § 7:11

ALCOHOL USE

Disabilities protected, § 4:9, § 4:11

Health and safety concerns, § 4:9

Health condition mimicking indications of intoxication, § 3:7

Leave of absence to obtain treatment, § 4:9

Rehabilitation program participation, effect of, § 4:11

Undue burden to accommodate, § 4:9

ALTERATIONS

Generally, § 7:7 et seq.

See also New Construction, this index

Accessibility standards, § 7:1, § 7:8

ADAAG definition, § 6:2

ADAAG standards, § 7:7

Additions, § 7:4

Alternative accessibility, § 7:8

Definition, § 6:2, § 7:7

Elevator requirements, § 7:11

Fundamental alterations, modifications requiring, § 3:8

Historic buildings, § 7:9

Maintenance distinguished, § 7:7

Mall elevators, § 7:12

New construction distinguished, § 7:4

Path of travel, § 7:10

Primary function areas, § 7:10

Private civil suits for prospective discrimination, § 12:3

Remodeling, § 7:10

Shopping center elevators, § 7:12

20 percent rule, § 7:10

Usability affects, § 7:10

**ALTERNATIVE DISPUTE
RESOLUTION**

Generally, § 12:10

**AMERICAN NATIONAL
STANDARD SPECIFICATIONS
(ANSI)**

Architectural standards, § 1:1

AMUSEMENT PARKS

Public accommodation status, § 5:2

ANENCEPHALY

Generally, § 4:3

ANIMALS

See Service Animals, this index

ARBITRATION

Generally, § 12:10

**ARCHITECTURAL AND
TRANSPORTATION
BARRIERS COMPLIANCE
BOARD (ATBCB)**

Generally, App. A, § 2:6

See also Access Board, this index

ARCHITECTURAL BARRIERS

Generally, § 6:5

See also Access and Accessibility, this index; Barrier Removal, this index; Communications Barriers, this index

Adverse effects of barrier removal, § 6:2

Alternatives to barrier removal, § 6:4

ANSI standards, § 1:1

Check-out aisles, § 6:6

Cruise ships, § 5:2

Curb cuts, readily achievable standards, § 6:2

Doorknobs, § 6:5

Door widening as readily achievable, § 6:2

Elevators, readily achievable modifications, § 6:2

Gas stations, § 6:4

Good faith compliance, § 6:1

Grocery stores, § 6:4

Integration principle, § 3:3

Model building plan, App. A

INDEX

ARCHITECTURAL BARRIERS

—Cont'd

- Modifications of Architectural Barriers Act standards, § 1:6
- New Construction, this index
- Priorities for barrier removal, § 6:3
- Prisons, § 12:8
- Ramps, § 6:2
- Readily achievable standard
 - Generally, § 6:2
 - Alternatives, consideration of, § 6:4
 - Cost concerns, § 6:1
 - Curb cuts, § 6:2
 - Landlord-tenant allocations, § 6:7
 - Ramps, § 6:2
 - Undue burden standard compared, § 6:1
- Structural impracticability of removal, § 7:2, § 7:5
- Temporary access restrictions, § 6:2
- Towel dispensers, § 6:5
- Waivers of ABA standards, § 1:6

ARCHITECTURAL BARRIERS

ACT (ABA)

- Generally, § 1:6
- ADA, relationship to, § 1:6
- Modifications of standards, § 1:6
- Readily accessible defined, § 7:2
- Waivers of standards, § 1:6

ARENAS

- Public accommodation status, § 5:2

ART GALLERIES

- Public accommodation status, § 5:2

ASSOCIATIONAL

DISCRIMINATION

- Generally, § 3:4, § 12:2
- Fair Housing Act, § 3:5
- Familial association, § 3:4
- Families, § 3:4
- Health care facilities, § 3:4
- Health insurance denial, § 3:4
- Injunctions, § 3:4
- Standing questions, § 3:4

ASSOCIATIONAL STANDING

- Generally, § 12:4

ASTHMA

- Disabilities protected, § 4:9
- Reasonable accommodations, § 3:8

ATHLETIC PROGRAMS

- See also Educational Facilities, this index
- Golf Tournaments, this index
- Public accommodation status of collegiate athletics programs, § 5:2
- Redshirt policies, § 3:7

ATTENTION DEFICIT

HYPERACTIVITY DISORDER (ADHD)

- Burden of proof, § 5:6
- Conduct codes, § 3:9
- Currency testing requirement, § 5:6
- Modifications of policies to accommodate, § 3:9
- Student misbehavior, § 5:7

ATTITUDES

- See Regarded as Disabled, this index

ATTORNEY GENERAL

- Generally, § 12:5
- Accessibility Guidelines (ADAAG), § 2:6
- Compliance reviews, § 12:1
- Damages, § 12:1, § 12:5
- Governmental immunity, § 12:8
- Injunctions, this index
- Intervention in private civil actions, § 12:5
- Limitation of actions, § 12:6
- Past vs continuing violations, § 12:1
- Pattern or practice of discrimination, § 12:1
- Penalties, § 12:5
- Regulatory authority, § 2:6
- Rule adoptions, § 2:6
- Standards and guidelines, § 2:6
- State law certifications, § 10:1
- Technical Assistance Manual (TAM), App. A

ATTORNEYS

- Counsel, this index
- Right to Counsel, this index

PUBLIC ACCOMMODATIONS UNDER THE ADA

AUDITORIUMS

Public accommodation status, § 5:2

AUXILIARY AIDS AND SERVICES

Generally, § 8:1 et seq.

See also Reasonable Accommodations, this index

Barrier removal distinguished, § 8:1

Brailled materials, § 8:2

Brailled menus, § 8:1, § 8:6

Closed caption decoders, § 8:2

Communications barriers, § 8:1

Costs, § 8:1

Day care facilities, § 8:4

Direct threat, persons posing, § 8:5

Educational institutions, § 8:4

Effectiveness, § 8:6

Forms of, § 8:2

Fundamental alterations, § 8:4

Health care facilities, § 8:1

Health or safety concerns

Direct threats, § 8:5

Undue burdens, § 8:3

Injunctions to provide auxiliary services, § 12:4

Interpreters provision of, § 8:1

Reliability, § 8:6

TDD devices, § 8:2

Undue burdens

Generally, § 8:2

Fundamental alterations, § 8:4

Health or safety concerns, § 8:3

Limitation, § 8:1

Validity, § 8:6

BACK INJURIES

Disabilities protected, § 4:9

BANKS

Public accommodation status, § 5:2

BARBER SHOPS

Public accommodation status, § 5:2

BAR EXAMS

See Examinations, this index

BARRIER REMOVAL

Generally, § 6:1 et seq.

Adverse effects, § 6:2

Alternatives, § 6:4

BARRIER REMOVAL—Cont'd

Architectural Barriers, this index

Auxiliary services distinguished, § 8:1

Communications Barriers, this index

Continuing nature of obligation, § 6:1

Costs concerns, § 6:1

Curb cuts, readily achievable standards, § 6:2

Door widening as readily achievable, § 6:2

Elevators, readily achievable modifications, § 6:2

Gas stations, § 6:4

Good faith compliance, § 6:1

Grocery stores, § 6:4

Leased property, § 6:7

Model building plan, App. A

New Construction, this index

Priorities for barrier removal, § 6:3

Ramps, § 6:2

Readily achievable standard

Generally, § 6:2

Alternatives, consideration of, § 6:4

Cost concerns, § 6:1

Landlord-tenant allocations, § 6:7

Undue burden standard compared, § 6:1

Rest rooms, § 6:2

Structural impracticability, § 7:2, § 7:5

Tax credits and deductions, § 11:1, § 11:2

Temporary access restrictions, § 6:2

BARS

See also Restaurants, this index

Public accommodation status, § 5:2

BASEBALL

Wheelchair-bound coaches, § 9:2

BATHROOMS

See Rest Rooms, this index

BEAUTY SHOPS

Public accommodation status, § 5:2

INDEX

BED AND BREAKFAST ESTABLISHMENTS

See also Hotels and Motels, this
index
Public accommodation status, § 5:2

BENEVOLENT PROTECTION STANDARD

Generally, § 1:1

BICYCLE ROAD TOURS

Public accommodation status, § 5:2

BIPOLAR DISORDER

Disabilities protected, § 4:6
Insurance discrimination, § 3:18

BISEXUALITY

See Sexual Orientation, this index

BLINDNESS

See Visual Impairments, this index

BOARD CERTIFICATIONS

See Examinations, this index

BOOKSTORES

Stocking practices, § 3:16

BOWLING ALLEYS

Public accommodation status, § 5:2

BRAILLE

Generally, § 8:2
Bookstore stocking practices, § 3:16
Restaurant menus, § 8:1, § 8:6

BREWERIES

Service animal restrictions
Generally, § 3:13
Burden of proof, § 3:21

BRIDGE TOURNAMENTS

Visually impaired persons, § 3:8

BUILDING CODES

Federal certifications, § 10:1
Intimidation of protected persons
through, § 3:5
Model building plan, App. A

BURDEN OF PROOF

Generally, § 3:21

BURDEN OF PROOF—Cont'd

Affirmative defenses affecting,
§ 3:21
Exempt entities, § 5:9
Exempt private clubs status, § 5:10
Readily achievable standards, § 3:21
Shifting of, § 3:21
Waivers of remedies, § 12:10

BURDENS OF COMPLIANCE

See Undue Burdens, this index

BUSES

Equivalent service requirements,
§ 5:2

CARDIOVASCULAR DISORDERS

Generally, § 4:3

CARPAL TUNNEL SYNDROME

Major life activities, § 4:5

CARPETS

Readily achievable barrier removals,
§ 6:2

CERTIFICATION COURSES

Educational institution status tests,
§ 5:7

CERTIFICATIONS

State laws, federal certifications,
§ 10:1

CHECK-OUT AISLES

Generally, § 3:14, § 6:6

CHEMICAL HYPERSENSITIVITY SYNDROME

See Multiple Chemical Sensitivity
Syndrome, this index
Reasonable accommodation, § 3:16

CHILD CARE

See Day Care Facilities, this index

CHILDREN'S SPORTS ORGANIZATIONS

Public accommodation status, § 5:2

CHRONIC CONDITIONS

Disabilities protected, § 4:9

CIGARETTES

See Smoke Sensitivity, this index

CIVIL ACTIONS

See Private Civil Suits, this index

CIVIL RIGHTS ACT

ADA, relationship to, § 1:5
ADA compared, § 1:1
Personal liability standards, § 5:3
Private club exclusions, § 5:10
Purpose, § 1:1

CLUBS

See Private Clubs, this index

COERCION

Title III rights infringements, § 3:5

COLLEGES

See Educational Facilities, this index

COMMERCE CLAUSE

Facilities affecting commerce, § 5:4

COMMERCIAL FACILITIES

See Public Accommodations, this index
Alterations, this index
Auxiliary aids and services, § 8:1 et seq.
Educational Facilities, this index
Exempt Entities, this index
Lawn areas, § 7:6
New Construction, this index
Primary functions, alterations to, § 7:10
Priorities for barrier removal, § 6:3
Private clubs operating, § 5:10
Religious organizations, commercial activities by, § 5:11
Residences attached to, § 7:1
Structural impracticability of barrier removal, § 7:5

COMMUNICATIONS BARRIERS

Generally, § 6:6
See also Access and Accessibility, this index; Architectural Barriers, this index; Barrier Removal, this index
Adverse effects of barrier removal, § 6:2
Alternatives to barrier removal, § 6:4

COMMUNICATIONS BARRIERS

—Cont'd

Auxiliary services
Generally, § 8:1
Effectiveness, § 8:6
Building access buzzers, § 6:6
Closed caption decoders, § 8:2
Effectiveness of auxiliary services, § 8:6
FCC regulatory authority, § 2:4
Good faith compliance, § 6:1
New Construction, this index
Priorities for barrier removal, § 6:3
Readily achievable standard
Generally, § 6:2
Alternatives, consideration of, § 6:4
Cost concerns, § 6:1
Telephone availability in retail establishments, § 6:2
Undue burden standard compared, § 6:1
Security systems, § 6:6
Sports telecast blackout rules, § 5:2, § 8:1
Structural and nonstructural, § 6:6
TDD devices, § 8:2
Telephone availability in retail establishments, § 6:2

COMMUNITY FACILITIES

Elevators, § 7:11

COMPANION REQUIREMENTS

See also Auxiliary Aids and Services, this index
Cruise ships, § 3:7
Notetakers, § 5:7
Personal care attendants (PCA), § 9:3
Theaters, wheelchair companion seating request, § 3:8

COMPUTERS

Communications Barriers, this index
Internet, this index
Workforce Investment Act, access requirements, § 1:7

INDEX

CONCENTRATION IMPAIRMENTS

Disabilities protected by Title III,
§ 4:4

CONCERT HALLS

Public accommodation status, § 5:2

CONDUCT CODES

Attention deficit hyperactivity disorder (ADHD) students, accommodation, § 3:9

CONSTITUTIONAL RIGHTS

Equal protection standards, § 1:1
Prisoners, § 12:8
Public accommodation rights generally, § 1:1

CONSTRUCTION AND INTERPRETATION

Generally, § 2:6
ABA standards, § 1:6
Attorney General standards and guidelines, § 2:6
Dormitories as transient lodging,
§ 5:8
Exempt status, § 5:10, § 5:11
Fair Housing Act intimidation proscriptions, § 3:5
Intimidation, Fair Housing Act proscriptions, § 3:5
Personal liability, Title VII standards,
§ 5:3
Plain meaning construction
Generally, § 4:4
Public accommodation, § 5:2
Private club status, § 5:10
Public accommodation, § 5:2
Readily achievable standard, § 1:6
Rehabilitation Act construction, § 1:3
Religious organization, § 5:11
Title I vs Title III, § 3:2
Title VII (Civil Rights Act) standards of personal liability, § 5:3
Transient lodging, § 5:8
Undue burden standard, § 1:7

CONSTRUCTION OF BUILDINGS

See New Construction, this index

CONTAGIOUS DISEASES

Direct threat determinations, § 9:2
HIV-AIDS, this index

CONTROL

Operator status determinations, § 5:3

CONVENTION CENTERS

Public accommodation status, § 5:2

CORPORATE SHAREHOLDERS

Operator status, § 5:3

CORRECTIVE MEASURES

Disabilities, correctable, § 4:2

COSTS

See also Undue Burdens, this index
Auxiliary aids and services, § 8:1
Interpreters, § 8:1
Litigation fee awards, § 12:9
Path of travel alterations, § 7:10
Tax credits and deductions, § 11:1,
§ 11:2

COUNSEL

Appointments
Generally, § 12:2
Fee awards, § 12:9
Depositions, access barrier at site of,
§ 5:3
Offices, public accommodation status, § 5:2
Operator status, § 5:3
Right to Counsel, this index
Vexatious litigation, § 12:11

COURSES RELATED TO APPLICATIONS

Educational institution status tests,
§ 5:7

COURTHOUSES

Accessibility, § 12:8
Chemical hypersensitivity syndrome, accommodation, § 3:16
Depositions, access barrier at site of,
§ 5:3
Guideline revisions, § 2:6

CREDENTIALING COURSES

Educational institution status tests,
§ 5:7

PUBLIC ACCOMMODATIONS UNDER THE ADA

CREDIT APPLICATIONS

Health information requests, § 3:7

CRUISE SHIPS

Barrier removal regulations, § 5:2
Companion requirements, § 3:7
Foreign flag ships in US waters, § 5:2
Guideline revisions, § 2:6
Public accommodation status, § 5:2
Sleep apnea, modification of schedule to accommodate, § 3:8
Wheelchairs restrictions, § 3:7

CURB RAMPS

Path of travel alterations, § 7:10

CURRENCY TESTING

Generally, § 5:6

CYSTIC FIBROSIS

Disabilities protected, § 4:9

DAMAGES

Generally, § 12:1
Attorney General actions, § 12:5
Rehabilitation Act, § 1:7
Vexatious litigants, § 12:11
Workforce Investment Act, § 1:7

DAY CARE FACILITIES

Auxiliary aids and services, § 8:4
HIV discrimination, § 3:4
Public accommodation status, § 5:2
Religious entity operated, § 5:2, § 5:11
Undue burdens, § 8:4

DEFINITIONS

Access and accessibility, § 3:6
Affecting commerce, § 5:4
Alteration, § 6:2, § 7:7
Architectural barrier, § 6:5
Auxiliary service, § 8:1
Barrier, § 6:5
Commerce, affecting, § 5:4
Commercial facilities, § 5:4
Communications barrier, § 6:6
Currency testing, § 5:6
Disability, § 4:1 et seq.
Educational institution, § 5:7
Eligibility criteria, § 5:6

DEFINITIONS—Cont'd

Facility, § 5:2
Ground floor, § 7:12
Individual, § 3:2
Major life activity, § 4:4
Mall, § 7:12
Operates, § 5:2, § 5:3
Path of travel, § 7:10
Primary function, § 7:10
Private club, § 5:10
Public accommodation, § 5:2
Qualified individual, § 3:2
Readily accessible, § 7:2
Religious organization, § 5:11
Second story, § 7:12
Shopping center, § 7:12
Story of building, § 7:11
Subterfuge, § 3:18
TDD, § 8:2

DENTISTS

See also Health Care Facilities, this index
AIDS-HIV patients, § 3:3
Direct threats and refusals to treat, § 9:2
HIV-AIDS patients, § 9:2
Operator status, § 5:3

DEPARTMENT OF JUSTICE

See Attorney General, this index

DEPOSITIONS

Access barrier at site of, § 5:3

DEPOTS

Public accommodation status, § 5:2

DEPRESSION

Disabilities protected, § 4:6

DIAGNOSTIC EQUIPMENT

Requirements for ADA compliance, § 3:17

DIGESTIVE SKIN DISORDERS

Generally, § 4:3

DIRECT THREATS

Generally, § 8:5, § 9:1
See also Health and Safety Concerns, this index

INDEX

DIRECT THREATS—Cont'd

- Airline factors, § 9:2
- Auxiliary aids and services requirements, § 8:5
- Contagious diseases, § 9:2
- Determinations, § 9:2
- Good faith determinations, § 9:2
- HIV-AIDS, § 9:2
- Needlestick injuries, § 9:2
- Theaters, disruptive behavior, § 3:3

DISABILITIES PROTECTED

- Generally, § 4:1 et seq.
- See also Eligibility Criteria, this index
- ADHD, § 5:6
- Age-associated medical conditions, § 4:10
- Alcoholism, § 4:9
- Alcohol use, § 4:11
- Anencephaly, § 4:3
- Asthma, § 4:9
- Back injuries, § 4:9
- Burden of proof, § 5:6
- Cardiovascular disorders, § 4:3
- Carpal tunnel syndrome, § 4:5
- Chronic conditions, § 4:9
- Concentration, § 4:4
- Conditions or characteristics excluded, § 4:10
- Corrective measures, effect of, § 4:2
- Cultural characteristics, § 4:10
- Cystic fibrosis, § 4:9
- Depression, § 4:6
- Digestive skin disorders, § 4:3
- Disfigurement, § 4:3
- Documentation requirements, § 5:6
- Drug addition, § 4:2
- Drug use, § 4:11
- Duration of impairment, § 4:6
- Dwarfism, § 4:10
- Dyslexia, § 4:5
- Endocrine disorders, § 4:3
- Essential functions test for examination accommodations, § 5:7
- Excluded conditions or characteristics, § 4:10
- Exhibitionism, § 4:12

DISABILITIES PROTECTED —Cont'd

- Eye color, § 4:10
- Factual nature of inquiry, § 4:9
- Gambling, compulsive, § 4:12
- Gender identity disorders, § 4:12
- Genitourinary disorders, § 4:3
- Hair color, § 4:10
- Hearing impairments, § 4:9
- Height, § 4:10
- Hemic disorders, § 4:3
- HIV-AIDS
 - Generally, § 4:9
 - Regarded as disabled, § 4:8
- Individuals and qualified individuals distinguished, § 3:2
- Infertility, § 4:4
- Law and fact questions, § 4:9
- Learning Disabilities, this index
- Left handedness, § 4:10
- Lymphatic disorders, § 4:3
- Major Life Activities, this index
- Multiple chemical sensitivity syndrome (MCS), § 4:9
- Musculoskeletal disorders, § 4:3
- Neurological disorders, § 4:3
- Obesity, § 4:9
- Obsessive compulsive disorder, § 5:7
- Osteoporosis, § 4:10
- Pedophilia, § 4:12
- Perceived and unperceived disabilities, § 4:1
- Permanent and stationary, § 4:1
- Physical or mental impairment, § 4:3
- Post-recovery protection, § 4:7
- Pregnancy, § 4:6, § 4:10
- Qualified individuals and individuals distinguished, § 3:2
- Record of Impairment, this index
- Redocumentation requirements, § 5:6
- Regarded as Disabled, this index
- Rehabilitation Act criteria, § 4:3
- Repetitive work, § 4:5
- Reproductive disorders, § 4:3, § 4:4
- Respiratory disorders, § 4:3, § 4:9
- Sense organ disorders, § 4:3
- Severity of disability, discrimination based on, § 3:3

DISABILITIES PROTECTED

—Cont'd

Sexual activity as major life activity,
§ 4:4

Sexual disorders, § 4:12

Sexual orientation, § 4:12

Skin disorders, § 4:3

Sleep, § 4:4

Smoke sensitivity, § 4:9

Social disorders, § 4:12

Speech organ disorders, § 4:3

Standing, impaired, § 4:5

Substantial limitation of major life
activity, § 4:1, § 4:5

Transsexualism, § 4:12

Transvestitism, § 4:12

Visual impairment corrective
measures, effect of, § 4:2

Voyeurism, § 4:12

Walking, impaired, § 4:5

Weight

Generally, § 4:10

See also Obesity, this index

DISCRIMINATION

Associational Discrimination, this
index

Emergency services, § 5:3

Insurers, § 3:18

Pattern or practice, § 12:1

Prospective, § 12:3

Proving Discrimination, this index

Public Accommodations, this index

Rehabilitation programs, § 4:11

Restaurant seating policies, § 3:7

Telecommunications Discrimination,
this index

DISFIGUREMENT

Generally, § 4:3

DOCTORS

See Physicians, this index

DOGS

See Service Animals, this index

DOJ

See Attorney General, this index

DOORS

Widening as readily achievable, § 6:2

DORMITORIES

Generally, § 5:8

Public accommodation status, § 5:8

DRINKING FOUNTAINS

Path of travel alterations, § 7:10

DRUG USE

Disabilities exclusions, § 4:11

Disabilities protected by Title III,
§ 4:2

Health condition mimicking indica-
tions of intoxication, § 3:7

Health facility services, denial of,
§ 4:11

Rehabilitation program participation,
effect of, § 4:11

Testing policies, § 4:11

DRY-CLEANERS

Public accommodation status, § 5:2

DURATION OF IMPAIRMENT

Major life activities, § 4:6

DWARFISM

Disabilities protected, § 4:10

DYSLEXIA

Currency testing requirement, § 5:6

Disabilities protected by Title III,
§ 4:5

Multiple-choice exams, § 5:7

ECONOMIC IMPACTS

Costs, this index

Undue Burdens, this index

EDUCATIONAL

ACCOMMODATIONS

Generally, § 5:6 et seq.

See also Educational Facilities, this
index; Reasonable Accommoda-
tions, this index

Academic decisions, judicial defer-
ence to, § 5:7

Accessible course sites, § 5:7

Additional time to take examinations,
§ 5:7

Behavioral problems, § 5:7

INDEX

EDUCATIONAL

ACCOMMODATIONS—Cont'd

- Counseling, § 5:7
- Course accommodations, § 5:7
- Discipline of ADHD students, § 5:7
- Essential functions test for examination accommodations, § 5:7
- Examinations, this index
- Extra time to complete course, § 5:7
- Fundamental alterations
 - Generally, § 9:3
 - Undue burdens, § 5:7
- Incompletes, § 5:7
- Judicial deference to academic decisions, § 5:7
- Notetakers, § 5:7
- Obsessive compulsive disorder, § 5:7
- Professional licensing examinations, § 5:7
- Reasonableness of process for obtaining, § 5:6
- Taped lectures, § 5:7
- Tutors, § 5:7
- Undue burdens, § 5:7
- Visual impairments, § 5:7

EDUCATIONAL FACILITIES

- Generally, § 5:5 et seq.
- See also Educational Accommodations, this index; Learning Disabilities, this index
- ADHD
 - Behavior problems, § 5:7
 - Burden of proof, § 5:6
 - Conduct codes, § 3:9
- Applications, courses related to, § 5:7
- Athletic programs
 - Academic requirements, § 9:3
 - Fundamental alterations, § 9:3
 - Modifications of GPA requirements, § 3:9
 - Public accommodation status, § 5:2
 - Redshirt policies, § 3:7
 - Safety requirements, § 3:7
 - Scholarships, § 5:2
- Auxiliary aids and services, § 8:4
- Certification courses, status tests, § 5:7

EDUCATIONAL FACILITIES

—Cont'd

- Chancellors, operator status, § 5:3
- Conduct standards, ADHD students, § 3:9, § 5:7
- Counseling accommodations, § 5:7
- Credentialing course status tests, § 5:7
- Day Care Facilities, this index
- Dormitories, § 5:8
- Elementary schools, public accommodation status, § 5:2
- Elevators, § 7:11
- Examinations, this index
- Exempt Entities, this index
- Free appropriate public education rights, § 1:4
- Fundamental alterations, athletics
 - academic requirements, § 9:3
- Governmental immunity, § 12:8
- HIV-AIDS students, § 9:2
- Immunity, § 12:8
- Individuals with Disabilities Education Act, this index
- Interpreters, undue burdens, § 8:4
- Judicial deference to academic accommodation decisions, § 5:7
- Licensing course status tests, § 5:7
- Modifications of GPA requirements, athletic programs, § 3:9
- Notetaker accommodations, § 5:7
- Operator status, § 5:3
- Personal care attendants (PCA), § 9:3
- Public accommodation status
 - Generally, § 5:2
 - Athletic programs, § 5:2
 - Athletic scholarship programs, § 5:2
 - Collegiate athletic programs, § 5:2
- Reasonableness of process for obtaining accommodations, § 5:6
- Rehabilitation Act coverage, § 5:7
- Safety requirements, athletic programs, § 3:7
- Specific requirements, § 5:5
- Status tests, § 5:7
- Taped lecture accommodations, § 5:7
- Tutor accommodations, § 5:7

PUBLIC ACCOMMODATIONS UNDER THE ADA

EDUCATIONAL FACILITIES

—Cont'd

Undue burdens, interpreters as, § 8:4
Whistleblowers, retaliation provisions, § 3:5

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Generally, § 1:4

EFFECTIVE DATES

Generally, § 12:7

ELEVATORS

Generally, § 7:11
Airports, § 7:4
Alterations and new construction distinguished, § 7:4
Health care facilities, § 7:13
Health care providers, § 7:11
Locked, § 3:6
Lofts, § 7:11
Malls, § 7:12
Mezzanines, § 7:11
Nightclubs, § 7:12
Professional offices, § 7:13
Readily achievable modifications, § 6:2
Restricted use, § 3:6
Shopping centers, § 7:12
Story defined for regulatory purposes, § 7:11

ELIGIBILITY CRITERIA

See also Disabilities Protected, this index
Strength requirements for volunteer camp counselors, § 3:7, § 9:2
Title III violations, § 3:7

EMPLOYEES

Operator status, § 5:3
Transportation systems for, Title III applicability, § 5:2
Workforce Investment Act, this index

EMPLOYMENT

DISCRIMINATION

Generally, § 2:2
EEOC jurisdiction, § 2:2

EMPLOYMENT

DISCRIMINATION—Cont'd

Group insurance group, § 3:18
Hospital staff privilege claims as Title I or Title III, § 3:2
Insurance benefits, employee, § 3:18
Organization of ADA, § 2:1
Otherwise qualified individuals, § 2:2
Public accommodation provisions distinguished, § 3:2
Reasonable accommodations, § 2:2
Volunteer worker claims as Title I or Title III, § 3:2

ENACTMENT OF ADA

Generally, § 1:1
Effective dates, § 12:7

ENDOCRINE DISORDERS

Generally, § 4:3

ENFORCEMENT

Generally, § 12:1 et seq.
Alternative dispute resolution, § 12:10
Associational standing, § 12:4
Attorney General, this index
Compliance reviews, § 12:1
Damages, § 12:1
Exhaustion of administrative remedies, § 12:4
Fee awards, § 12:9
Governmental immunity, § 12:8
Injunctions, this index
Judicial deference
Academic decisions, judicial deference to, § 5:7
ADAAG guidelines, § 2:6
Limitation of actions, § 12:6
Mootness defense, § 12:4
Past vs continuing violations, § 12:1
Pattern or practice of discrimination, § 12:1
Prima Facie Case, this index
Private Civil Suits, this index
Speculative future harm, § 12:4
Tester standing, § 12:4
Vexatious litigants, § 12:11

INDEX

EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION (EEOC)

- Benefit plans, disability-based distinctions, § 3:18
- Jurisdiction, § 2:2
- Regulatory authority, § 2:2

EQUAL PARTICIPATION RIGHTS

- Generally, § 3:3

EQUAL PROTECTION RIGHTS

- Generally, § 1:1

EQUIVALENCY

DETERMINATIONS

- Generally, § 10:1

EQUIVALENT FACILITATION

- Generally, § 7:6
- Local code certifications, § 10:1

EQUIVALENT SERVICE

- See also Auxiliary Aids and Services, this index; Reasonable Accommodations, this index
- Transportation systems, § 5:2
- Wheelchair access, § 5:2

ESSENTIAL FUNCTIONS TEST

- Examination accommodations, § 5:7

EVIDENCE

- See Proving Discrimination, this index

EXAMINATIONS

- Accessibility standards applicable to, § 5:7
- Access requirements, § 5:7
- Accommodations
 - Essential functions test for, § 5:7
 - Extra time accommodations, § 5:7
 - Multiple choice format, § 5:7
 - Rehabilitation Act, § 5:7
 - Unfair advantage objections, § 5:7
 - Visual impairments, § 5:7
- Additional time, § 5:7
- Additional time accommodations, § 5:7
- Anxiety, test-taking, § 4:5
- Bar exams, visually impaired, § 2:2

EXAMINATIONS—Cont'd

- Defined, § 5:7
- Distraction-free environment accommodations, § 5:7
- Dyslexics. reasonable accommodation, § 4:5
- Educational institution status tests, § 5:7
- Essential functions test, § 5:7
- Extra time accommodations, § 5:7
- Fundamental alterations of rules, § 9:3
- Judicial deference to academic accommodation decisions, § 5:7
- Major life activity, test taking as, § 4:5
- Multiple choice format accommodations, § 5:7
- Rehabilitation Act accommodations, § 5:7
- Status tests, § 5:7
- Test taking as major life activity, § 4:5
- Undue burdens, § 5:7

EXEMPT ENTITIES

- Generally, § 5:9 *et seq.*
- See also Governmental Immunity, this index
- Burden of proof as to status, § 5:9, § 5:10
- Private Clubs, this index
- Religious Organizations, this index
- Small businesses, § 5:12

EXERCISE FACILITIES

- Public accommodation status, § 5:2

EXHIBITIONISM

- Disabilities protected, § 4:12

EYE COLOR

- Disabilities protected, § 4:10

FACILITATION

- Equivalent facilitation, § 7:6

FAIR HOUSING ACT

- Associational rights, § 3:5
- Commercial facilities, complementary coverage of Title III, § 5:4

FAIR HOUSING ACT—Cont'd

Intimidation proscriptions, § 3:5
Readily accessible defined, § 7:2
Title III and commercial facilities,
complementary coverage of
Title III, § 5:4

FAMILIES

Associational discrimination claims,
§ 3:4

FEDERAL CERTIFICATIONS

Generally, § 10:1

**FEDERAL COMMUNICATIONS
COMMISSION (FCC)**

Regulatory authority, § 2:4

FEDERAL GOVERNMENT

Application of ADA to, § 2:3

FINANCIAL BURDENS

See also Undue Burdens, this index
Individuals with Disabilities Educa-
tion Act (IDEA), § 1:4
Rehabilitation Act, § 1:4

**FOOD, DRUG, AND COSMETIC
ACT**

Service animal requirements, § 3:13

FOOD BANKS

Public accommodation status, § 5:2

**FOOD PREPARATION
FACILITIES**

Service animal restrictions
Generally, § 3:13
Burden of proof, § 3:21

FRANCHISORS

Operator status, § 5:3

**FREE APPROPRIATE PUBLIC
EDUCATION (FAPE)**

Generally, § 1:4

FRIVOLOUS LITIGATION

Generally, § 12:11

FUNDAMENTAL ALTERATIONS

Generally, § 9:1, § 9:3
See also Alterations, this index

**FUNDAMENTAL ALTERATIONS
—Cont'd**

Academic requirements for athletes,
§ 9:3
Auxiliary services as undue burdens,
§ 8:4
Educational accommodations, § 5:7,
§ 9:3
Examination rules, § 9:3
Golf tournament, § 3:10, § 9:3
Modifications requiring, § 3:8
Personal care attendants (PCA), § 9:3
Rehabilitation Act, § 9:3
Undue burdens
Generally, § 5:7
Auxiliary services, § 8:4
Wheelchair basketball player, § 9:3

FURNITURE

Readily achievable modifications,
§ 6:2

GALLERIES

Public accommodation status, § 5:2

GAMBLING, COMPULSIVE

Disabilities protected, § 4:12

GAS STATIONS

Barrier removal alternatives, § 6:4
Standing of private citizen to seek
injunctive relief, § 12:4

GENDER IDENTITY DISORDERS

Disabilities protected, § 4:12

GENITOURINARY DISORDERS

Generally, § 4:3

GOLF COURSES

Private club exclusions, § 5:10
Public accommodation status, § 5:2

GOLF TOURNAMENTS

Fundamental alterations, § 3:10
Public accommodation status, § 5:2
Reasonable accommodation, § 3:10,
§ 9:3

GOOD FAITH

ADAAG guidelines compliance,
§ 2:6
Barrier removal compliance, § 6:1

INDEX

GOOD FAITH—Cont'd

Direct threat determinations, § 9:2

GOVERNMENTAL IMMUNITY

Generally, § 12:8

Federal government, application of
ADA to, § 2:3

Leased government property, § 6:7

Public Services and Transportation,
this index

GOVERNMENT SERVICES

See Public Services and Transportation,
this index

GROCERY STORES

Barrier removal, § 6:4

GUIDE DOGS

See Service Animals, this index

GYMNASIUMS

Public accommodation status, § 5:2

HAIR COLOR

Disabilities protected, § 4:10

HEALTH AND SAFETY CONCERNS

See also Direct Threats, this index

Alcoholism accommodation, § 4:9

Auxiliary aids and services present-
ing undue burdens, § 8:3

Contagious diseases, § 9:2

Direct threat, persons posing, § 8:5

Direct threat determinations, § 9:2

Service animal quarantine restric-
tions, § 9:3

Strength requirements for volunteer
camp counselors, § 3:7, § 9:2

Undue burdens, § 8:3

Wheelchair seating accommodations,
§ 9:2

HEALTH CARE FACILITIES

Amusement parks, § 5:2

Art galleries, § 5:2

Associational discrimination, § 3:4

Auxiliary aids and services, § 8:1

Counseling services, hearing
impaired persons, § 3:5

Dentists, this index

HEALTH CARE FACILITIES

—Cont'd

Direct threats and refusals to treat,
§ 9:2

Drug users, denial of services to,
§ 4:11

Elevators, § 7:11, § 7:13

Emergency room services discrimina-
tion, § 5:3

Galleries, § 5:2

Hearing impaired persons

Counseling services, § 3:5

Screening, § 3:7

HIV-AIDS, this index

Hospices, § 5:2

Individuals as operators, § 5:3

Libraries, § 5:2

Museums, § 5:2

Operators, § 5:3

Orthopedic surgery, refusal to
perform on AIDS patient, § 3:3

Parks, § 5:2

Physicians, this index

Public accommodation status, § 5:2

Referrals to accommodate a special
need, § 3:12

Religious hospitals, § 5:11

Screening, hearing impaired persons,
§ 3:7

Staff privileges claim as Title I or
Title III matter, § 3:2

Surgery, refusal to perform on AIDS
patient, § 3:3

Zoos, § 5:2

HEALTH CLUBS

Public accommodation status, § 5:2

Reasonable accommodation, § 3:3

HEALTH INSURANCE

Associational discrimination, § 3:4

HEARING IMPAIRMENTS

Generally, § 2:4

See also Interpreters, this index;

Communications Barriers, this
index

Costs of interpreters, § 8:1

Disabilities protected, § 4:9

Health counseling services, § 3:5

PUBLIC ACCOMMODATIONS UNDER THE ADA

HEARING IMPAIRMENTS

—Cont'd

- Screening by health care facilities,
§ 3:7
- Service animals, § 3:13
- Sports telecast blackout rules, § 5:2,
§ 8:1

HEIGHT

- Disabilities protected, § 4:10

HEMIC DISORDERS

- Generally, § 4:3

HIGH DOSED CHEMOTHERAPY (HDCT)

- Insurance restrictions, § 3:18

HISTORIC BUILDINGS

- Alterations and historical integrity,
§ 7:9

HISTORY OF ADA

- Generally, § 1:1

HIV-AIDS

- Bodily fluid contacts, § 9:2
- Child care facilities, § 3:4
- Dental care, § 3:3
- Dentist refusal to treat, § 9:2
- Direct threats, § 9:2
- Disabilities protected, § 4:9
- Insurance benefit caps, § 3:18
- Insurance premium calculations,
§ 3:18
- Needlestick injuries, § 9:2
- Orthopedic surgery, refusal to
perform, § 3:3
- Regarded as disabled, § 4:8
- Surgery, refusal to perform, § 3:3

HOMELESS SHELTERS

- Public accommodation status, § 5:2

HOMES

- Commercial facilities, residences
attached to, § 7:1
- Model homes, § 5:2
- Public accommodation status, § 5:2
- Residential facilities, § 5:8

HOMOSEXUALITY

- See Sexual Orientation, this index

HOSPICES

- Public accommodation status, § 5:2

HOSPITALS

- See also Health Care Facilities, this
index
- Interpreters in emergency rooms,
§ 8:4
- Public accommodation status, § 5:2
- Religious organization operated,
§ 5:11

HOSTILE LEARNING ENVIRONMENT

- Proving, § 3:23

HOTELS AND MOTELS

- Public accommodation status, § 5:2,
§ 5:8
- Reasonable accommodations,
reservation policies, § 3:8
- Residential facilities distinguished,
§ 5:8
- Standing of private citizen to seek
injunctive relief, § 12:4

HOUSING LAWS

- Intimidation of protected persons
through, § 3:5

IMMUNITY

- See Governmental Immunity, this
index

IMPAIRMENTS

- See Disabilities Protected, this index

IMPRACTICABILITY

- Structural, § 7:2, § 7:5

INDEPENDENT CONTRACTORS

- Operator status, § 5:3

INDIVIDUALS

- Operator status, § 5:3
- Qualified individuals distinguished,
§ 3:2

INDIVIDUALS PROTECTED BY ADA

- See Disabilities Protected, this index

INDEX

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

- ADA, relationship to, § 1:4
- Financial burdens on local government, § 1:4
- Free appropriate public education rights, § 1:4

INFERTILITY

- Disabilities protected by Title III, § 4:4

INJUNCTIONS

- Accessibility orders, § 12:4
- Associational discrimination, § 3:4
- Associational discrimination claims, § 3:4
- Auxiliary service orders, § 12:4
- Mootness defense, § 12:4
- Rehabilitation Act, § 1:7
- Smoking policies, § 3:8
- Standing, § 12:4
- Vexatious litigation, § 12:11
- Workforce Investment Act, § 1:7

INSURANCE

- Actuarial soundness standard, § 3:18
- AIDS benefit caps, § 3:18
- AIDS premium calculations, § 3:18
- Bipolar disorder, mortgage insurance denial based on, § 3:18
- Differential charges justification of, § 3:18
- Discriminatory policies, § 3:18
- Employee group plans, § 3:18
- Experimental treatment restrictions, § 3:18
- High dosed chemotherapy (HDCT), § 3:18
- Justification of differential charges, § 3:18
- Long-term disability plans, § 3:18
- McCarran-Ferguson Act, § 3:18
- Mental disability benefits discrimination, § 3:18
- Pre-existing restrictions, § 3:18
- Pretext for discrimination, liability policy requirements as, § 3:18
- Safe harbor, § 3:18

INSURANCE—Cont'd

- Scope of ADA coverage, § 3:18
- State laws, § 3:18
- Subterfuges to evade ADA requirements, § 3:18

INSURANCE OFFICES

- Public accommodation status, § 5:2

INTEGRATION PRINCIPLE

- Generally, § 3:3
- Architectural barriers, § 3:3
- Internet use, § 3:3

INTENT

- Discriminatory, § 3:20
- Pretext claims, § 3:21
- Rehabilitation Act, § 3:21

INTERFERENCE

- Title III rights interference with, § 3:5

INTERNET

- See also Communications Barriers, this index
- Integration principle, § 3:3
- Public accommodations, websites as, § 5:2
- Technology access requirements, § 1:7
- Workforce Investment Act, § 1:7

INTERPRETATION OF ADA

- See Construction and Interpretation, this index

INTERPRETERS

- See also Hearing Impairments, this index
- Auxiliary aids and services, § 8:1
- Costs, § 8:1
- Hospital emergency rooms, § 8:4
- Undue burdens, § 8:4

INTERSCHOLASTIC ATHLETIC PROGRAMS

- Public accommodations, § 5:2

INTIMIDATION

- Title III rights, interference through, § 3:5

INTOXICATION

- Alcohol Use, this index
- Drug Use, this index
- Health condition mimicking, § 3:7

JUDICIAL DEFERENCE

- Academic decisions, judicial deference to, § 5:7
- ADAAG guidelines, § 2:6

JUSTICE DEPARTMENT

- See Attorney General, this index

**JUSTICE DEPARTMENT
STANDARDS FOR
ACCESSIBLE DESIGN
(JDSAD)**

- Generally, § 7:3

KLEPTOMANIA

- Disabilities protected, § 4:12

LANDLORD AND TENANT

- Barrier removal responsibilities on leased property, § 6:7
- Exempt landlords, § 6:7
- Public accommodations, leased and leasing of, § 5:2, § 5:3

LAUNDROMATS

- Public accommodation status, § 5:2

LAVATORIES

- See Rest Rooms, this index

LAWN AREAS

- Wheelchair access, § 7:6

LAWYER OFFICES

- Public accommodation status, § 5:2

LAWYERS

- See Counsel, this index

LEAGUES

- Public accommodation status, § 5:2

LEARNING DISABILITIES

- See also Individuals With Disabilities Education Act, this index
- Age-base criteria, § 3:7
- Athletic program safety requirements, § 3:7
- Athletic scholarships, § 5:2

LEARNING DISABILITIES

—Cont'd

- Burden of proof, § 5:6
- Course requirements, § 5:7
- Currency testing requirement, § 5:6
- Documentation requirements, § 5:6
- Eligibility criteria, § 5:6
- Medical school accommodation, § 3:9
- Reasonable accommodation, § 3:7
- Redocumentation requirements, § 5:6

LEASED PROPERTY

- See also Landlord and Tenant, this index
- Barrier removal responsibilities, § 6:7

LECTURE HALLS

- Public accommodation status, § 5:2

LEFT HANDEDNESS

- Disabilities protected, § 4:10

LEGISLATIVE HISTORY OF ADA

- Generally, § 1:1

LIBRARIES

- Elevators, § 7:11
- Public accommodation status, § 5:2

LICENSING COURSES

- Educational institution status tests, § 5:7

LIFTS

- See Elevators, this index

LIMITATION OF ACTIONS

- Generally, § 12:6

LITIGATION

- Generally, § 12:1 et seq.
- Alternative dispute resolution, § 12:10
- Associational standing, § 12:4
- Attorney General, this index
- Courthouses, this index
- Damages, § 12:1
- Depositions, access barrier at site of, § 5:3
- Exhaustion of administrative remedies, § 12:4

INDEX

LITIGATION—Cont'd

- Fee awards, § 12:9
- Governmental immunity, § 12:8
- Injunctions, this index
- Limitation of actions, § 12:6
- Mootness defense, § 12:4
- Past vs continuing violations, § 12:1
- Prima Facie Case, this index
- Private Civil Suits, this index
- Tester standing, § 12:4
- Vexatious litigants, § 12:11

LOBBIES

- Path of travel alterations, § 7:10

LOCAL GOVERNMENTS

- Federal certifications of local codes, § 10:1
- Public Services and Transportation, this index

LODGINGS

- Public accommodation status, § 5:2

LOFTS

- Elevator requirements, § 7:11

LONG-TERM DISABILITY BENEFITS

- Mental impairments, § 5:2

LYMPHATIC DISORDERS

- Generally, § 4:3

MAINTENANCE

- Alterations distinguished, § 7:7

MAJOR LIFE ACTIVITIES

- Generally, § 4:4
- See also Disabilities Protected, this index
- Asthma as interfering with, § 4:9
- Bipolar syndrome, § 4:6
- Carpal tunnel syndrome, § 4:5
- Definition, § 4:4
- Duration of impairment, § 4:6
- Hearing impairments, § 4:9
- Pregnancy, § 4:6
- Record of impairment, § 4:7
- Regarded as disabled, § 4:8
- Repetitive work, § 4:5
- Studying, § 4:5

MAJOR LIFE ACTIVITIES

—Cont'd

- Substantial limitation of, § 4:1, § 4:5
- Test taking, § 4:5
- Working, § 4:5
- Writing, § 4:5

MALLS

- Definition, § 7:12
- Elevators, § 7:11, § 7:12
- Public accommodation status, § 5:2

MANAGEMENT

- Operator status determinations, § 5:3

MARITAL ARTS SCHOOL

- HIV-AIDS student, § 9:2

MCCARRAN-FERGUSON ACT

- Generally, § 3:18
- See also Insurance, this index

MEDICAL DIAGNOSTIC EQUIPMENT

- Requirements for ADA compliance, § 3:17

MEDICAL OFFICES

- See Health Care Facilities, this index

MEDICAL SCHOOLS

- Learning disabilities, accommodation, § 3:9

MENTAL IMPAIRMENTS

- Generally, § 4:3
- See also Disabilities Protected, this index
- Credit applications, health information requests, § 3:7
- Insurance benefits discrimination, § 3:18
- Long-term disability benefits, § 5:2

MEZZANINES

- Elevator requirements, § 7:11

MOBILITY DEVICES

- Reasonable accommodations, § 3:15

MOBILITY IMPAIRMENTS

- See also Wheelchair Access, this index

MOBILITY IMPAIRMENTS

—Cont'd

Golf tournaments, reasonable accommodation, § 3:10, § 9:3

Service animals, § 3:13

MODEL HOMES

Public accommodation status, § 5:2

MODIFICATIONS OF BUILDINGS

Fundamental alterations, § 3:8

MODIFICATIONS OF POLICIES

ADHD students, § 3:9

Athletic program requirements, § 3:9

Blanket modifications, § 3:10

Bridge tournaments, § 3:8

Burden of proof, § 3:21

Check-out facilities, § 3:14

Cruise ships' schedules, § 3:8

Extent of modification required, § 3:9

Golf tournament, § 3:10, § 9:3

Hotel reservations, § 3:8

Individual inquiries as to need, § 3:10

Necessity of, § 3:8

Reasonable accommodation through

Generally, § 3:8

Blanket modifications, § 3:10

Burden of proof, § 3:21

Check-out facilities, § 3:14

Extent of modification required,
§ 3:9

Individual inquiries, § 3:10

Reasonable time to effect, § 3:22

Requests for modifications, § 3:21

Service animal policies, § 3:13

Reasonable time to effect, § 3:22

Requests for modifications, § 3:21

Service animal policies, § 3:13

Smoking and tobacco use, § 3:8

Theaters, § 3:8

Undue Burdens, this index

Wheelchair companion seating, § 3:8

MOTELS

See Hotels and Motels, this index

MOTOR VEHICLES

Parking, this index

MOTOR VEHICLES—Cont'd

Readily achievable barrier removals,
§ 6:2

MOVIE THEATERS

See Theaters, this index

**MULTIPLE CHEMICAL
SENSITIVITY SYNDROME
(MCS)**

Disabilities protected, § 4:9

Reasonable accommodation, § 3:16

MULTIPLE SCLEROSIS

Examinations, extra time accommodations, § 5:7

MUNICIPALITIES

Governmental Immunity, this index
Public Services and Transportation,
this index

MUSCULAR DYSTROPHY

Strength criteria for volunteer camp
counselors, § 3:7, § 9:2

**MUSCULOSKELETAL
DISORDERS**

Generally, § 4:3

MUSEUMS

Elevators, § 7:11

Public accommodation status, § 5:2

**NATIONAL HISTORIC
PRESERVATION ACT**

Alterations affecting historical integrity, § 7:9

NEGLIGENCE

ADA violations to prove, § 12:4

NEUROLOGICAL DISORDERS

Generally, § 4:3

NEW CONSTRUCTION

Generally, § 7:1 *et seq.*

See also Alterations, this index

Accessibility standards, § 7:1

Additions as, § 7:4

Alterations distinguished, § 7:4

Building codes, compliance with,
§ 7:1

Elevator requirements, § 7:11

INDEX

NEW CONSTRUCTION—Cont'd

- Equivalent facilitation, § 7:6
- General standards, § 7:2
- Innocent owner defense, § 7:2
- Lines of sight, § 7:3
- Mall elevators, § 7:12
- Model building plan, App. A
- Private civil suits for prospective discrimination, § 12:3
- Rest rooms, § 7:4
- Shopping center elevators, § 7:12
- Sight lines, § 7:3
- Structural impracticability, § 7:2, § 7:5
- Subsequent owners of noncompliant construction, § 7:2

NEWSPAPERS

- Public accommodation status, § 5:2

NIGHTCLUBS

- Elevators, § 7:12

NONGOVERNMENTAL ORGANIZATIONS

- Public accommodation status, § 5:2
- Standing, associational, § 12:4

NURSERY SCHOOLS

- Public accommodation status, § 5:2

NURSES

- Operator status, § 5:3

OBESITY

- Disabilities protected, § 4:9
- Weight within normal range, § 4:10

OBSESSIVE COMPULSIVE DISORDER

- Disabilities protected, § 5:7

OPERATORS

- Public accommodation, § 5:3

ORGANIZATION OF ADA

- Generally, § 1:1, § 2:1

ORGANIZATIONS

- Public accommodation status, § 5:2
- Standing, associational, § 12:4

OSTEOPOROSIS

- Disabilities protected, § 4:10

OTHERWISE QUALIFIED INDIVIDUALS

- Employment discrimination, § 2:2

OVERSIGHT

- Operator status determinations, § 5:3

PARKING

- Readily achievable barrier removals, § 6:2
- Vans, discrimination against, § 3:7

PARKS

- Public accommodation status, § 5:2

PARTIES

- See also Standing to Sue, this index
- Landlord and tenant defendants, § 6:7

PASSENGER SHIPS

- See Cruise Ships, this index

PAST VS CONTINUING VIOLATIONS

- Generally, § 12:1

PATH OF TRAVEL

- Alterations, § 7:10

PATTERN OR PRACTICE DISCRIMINATION

- Generally, § 12:1

PEDOPHILIA

- Disabilities protected, § 4:12

PENALTIES

- Attorney General actions, § 12:5

PERCEIVED DISABILITY

- See Regarded as Disabled, this index

PERSONAL CARE ATTENDANTS (PCA)

- Fundamental alterations, § 9:3

PERSONS PROTECTED BY ADA

- See Disabilities Protected, this index

PHARMACIES

- Public accommodation status, § 5:2

PHYSICAL OR MENTAL IMPAIRMENT

- Generally, § 4:3

**PHYSICAL OR MENTAL
IMPAIRMENT—Cont'd**

See also Disabilities Protected, this
index

PHYSICIANS

See also Health Care Facilities, this
index

Operator status, § 5:3

Staff privileges claim as Title I or
Title III matter, § 3:2

PLATFORM LIFTS

Alterations and new construction
distinguished, § 7:4

POSTGRADUATE SCHOOLS

Public accommodation status, § 5:2

PREGNANCY

Disabilities protected, § 4:6, § 4:10

PRESUMPTIONS

See Proving Discrimination, this
index

PRETEXT

Discriminatory intent, § 3:21

Insurance requirements, § 3:18

PRIMA FACIE CASE

Generally, § 3:20

Burden of proof, shifting of, § 3:21

Hostile learning environment claims,
§ 7:10

PRISONS

Architectural barriers, § 12:8

PRIVATE CIVIL SUITS

Generally, § 12:2

Actual notice of noncompliance,
§ 12:3

Affirmative defenses, § 3:21

Alternative dispute resolution,
§ 12:10

Appointed counsel

Generally, § 12:2

Fee awards, § 12:9

Associational discrimination, § 12:2

Associational standing, § 12:4

Damages, § 12:1

Elements of action, § 12:2

PRIVATE CIVIL SUITS—Cont'd

Exhaustion of administrative remedies, § 12:4

Fee awards, § 12:9

Governmental immunity, § 12:8

Intervention by Attorney General,
§ 12:5

Limitation of actions, § 12:6

Mootness defense, § 12:4

Negligence claims, ADA violations to
prove, § 12:4

Notice of noncompliance, § 12:3

Past vs continuing violations, § 12:1

Prospective discrimination, § 12:3

Remedies

Generally, § 12:1

Injunctions, this index

Right to counsel

Generally, § 12:2

Fee awards, § 12:9

Speculative future harm, § 12:4

Standing to sue, § 12:2, § 12:4

Testers, § 12:4

Vexatious litigants, § 12:11

PRIVATE CLUBS

Generally, § 5:10

Burden of proof as to status, § 5:10

Criteria, membership, § 5:10

Public accommodations exemption,
§ 5:10

Selective membership, § 5:10

PRIVATE HOMES

Public accommodation status, § 5:2

PRIVATE SCHOOLS

Public accommodation status, § 5:2

PROFESSIONAL CORPORATIONS

Operator status, § 5:3

PROFESSIONAL OFFICES

Elevators, § 7:13

Public accommodation status, § 5:2

PROTECTED ACTIVITY

Whistleblowers, retaliation, § 3:5

PROVING DISCRIMINATION

Generally, § 3:19 et seq.

INDEX

PROVING DISCRIMINATION

—Cont'd

- Burden of proof, § 3:21
- Constructive denial of request for accommodation, § 3:22
- Denial of request for accommodation, constructive, § 3:22
- Harassment claims, § 3:23
- Hostile learning environment claims, § 3:23
- Intent, § 3:20, § 3:21
- Modification, reasonableness, § 3:21
- Prima facie case
 - Generally, § 3:20
 - Burden of proof, shifting of, § 3:21
- Request for accommodation, constructive denial of, § 3:22
- Sexual harassment claims, § 3:23

PUBLIC ACCOMMODATIONS

- Generally, § 5:1 et seq.
- Accountant offices, § 5:2
- Adoption agencies, § 5:2
- Affect on commerce, § 5:4
- Aircraft, commercial facility treatment, § 5:4
- Alterations, § 7:7 et seq.
- Arenas, § 5:2
- Athletic scholarship programs, § 5:2
- Attorney offices, § 5:2
- Attorneys as operators, § 5:3
- Auditorium, § 5:2
- Auxiliary aids and services, § 8:1 et seq.
- Banks, § 5:2
- Barber shops, § 5:2
- Bars, § 5:2
- Beauty shops, § 5:2
- Bed and breakfast establishments, § 5:2
- Bicycle road tours, § 5:2
- Bowling alleys, § 5:2
- Children's sports organizations, § 5:2
- Collegiate athletic programs, § 5:2
- Commercial facilities, § 5:1, § 5:4
- Concert halls, § 5:2
- Constitutional rights generally, § 1:1
- Construction of term, § 5:2

PUBLIC ACCOMMODATIONS

—Cont'd

- Contractual relationships to places of, § 5:2
- Control and operator status, § 5:3
- Convention centers, § 5:2
- Corporate shareholders, operator status, § 5:3
- Cruise ships, § 5:2
- Day care centers, § 5:2
- Dentist, operator status, § 5:3
- Deposition site, § 5:3
- Dormitories, § 5:8
- Dry-cleaners, § 5:2
- Educational facilities, § 5:2
- Elementary schools, § 5:2
- Employees as operators, § 5:3
- ER physician as operator, § 5:3
- Exempt Entities, this index
- Exercise facilities, § 5:2
- Facility defined, § 5:2
- Fair Housing Act complementary coverage, § 5:4
- Food banks, § 5:2
- Franchisors as operator, § 5:3
- Golf courses and tournaments, § 5:2
- Government property leased for movie theater, § 6:7
- Gymnasiums, § 5:2
- Health care facilities, § 5:2
- Health spas, § 5:2
- Homeless shelters, § 5:2
- Homes, § 5:2
- Hospices, § 5:2
- Hospitals
 - Generally, § 5:2
 - Staff privilege claims as Title I or Title III, § 3:2
- Hotels, § 5:2, § 5:8
- Independent contractors as operators, § 5:3
- Individuals as operators, § 5:3
- Insurance offices, § 5:2
- Interscholastic athletic programs, § 5:2
- Invitation-only facilities, § 5:2
- Laundromats, § 5:2
- Lawyer offices, § 5:2

PUBLIC ACCOMMODATIONS UNDER THE ADA

PUBLIC ACCOMMODATIONS

—Cont'd

Leagues, § 5:2
Leased and leasing of, § 5:2, § 5:3, § 6:7
Lecture halls, § 5:2
Lodgings, § 5:2
Malls, § 5:2
Management and operator status, § 5:3
Manufacturing site tours, § 5:2
Mixed use facilities, § 5:2
Model homes, § 5:2
Motels, § 5:2, § 5:8
Motion picture houses, § 5:2
New Construction, this index
Newspapers, § 5:2
Nursery schools, § 5:2
Nurses as operators, § 5:3
Office noticed as deposition site, § 5:3
Open to the public, what constitutes, § 5:2
Operate defined, § 5:2
Operators of, § 5:3
Organization of ADA, § 2:1
Organizations, § 5:2
Oversight and operator status, § 5:3
Ownership, § 5:2
Path of travel alterations, § 7:10
Permitted services within, § 5:2
Pharmacies, § 5:2
Physical space as element, § 5:2
Physicians as operators, § 5:3
Plain meaning construction, § 5:2
Postgraduate schools, § 5:2
Primary functions, alterations to, § 7:10
Priorities for barrier removal, § 6:3
Private club exemption, § 5:10
Private enclaves within public spaces, § 5:2
Private homes, § 5:2
Private schools, § 5:2
Professional corporation, operator status, § 5:3
Professional offices, § 5:2
Publications, § 5:2

PUBLIC ACCOMMODATIONS

—Cont'd

Purpose of ADA, § 1:1
Purpose of Title III, § 5:1
Railroads, commercial facility treatment, § 5:4
Recreation facilities, § 5:2
Residential facilities, § 5:8
Restaurants, § 5:2
Restricted access facilities, § 5:2
Retail stores, § 5:2
Rooming houses, commercial facility treatment, § 5:4
Schools, § 5:2
Secondary schools, § 5:2
Senior citizen centers, § 5:2
Service establishments, § 5:2
Service providers, § 5:2
Shopping centers, § 5:2
Ski resorts, § 5:2
Social service establishments, § 5:2
Sports arenas, § 5:2
Stadiums, § 5:2
Theaters, § 5:2
Tours of manufacturing site, § 5:2
Trade associations, § 5:2
Transient lodging, § 5:8
Travel agents, § 5:2
Undergraduate schools, § 5:2
University chancellor as operator, § 5:3
Volunteer worker claims as Title I or Title III, § 3:2
Websites, § 5:2
Wedding facilities, § 5:2
Wholesale businesses, § 5:2
Youth sports organizations, § 5:2

PUBLICATIONS

Public accommodation status, § 5:2

PUBLIC RIGHTS-OF-WAY

Guideline revisions, § 2:6

PUBLIC SERVICES AND TRANSPORTATION

Generally, § 2:3
Integration principle, § 3:3
Organization of ADA, § 2:1

INDEX

PUBLIC SERVICES AND TRANSPORTATION—Cont'd

Participation in evaluation process,
§ 2:3

PURPOSE OF ADA

Generally, § 1:1, § 5:1

PYROMANIA

Disabilities protected, § 4:12

QUALIFIED INDIVIDUALS

Individuals distinguished, § 3:2

RAILROADS

Commercial facility treatment, § 5:4

READILY ACHIEVABLE

See also Barrier Removal, this index
ABA modifications and waivers,
§ 1:6

Burden of proof, § 3:21

Construction and interpretation, § 1:6

Modifications, ABA, § 1:6

Undue burden standard compared,
§ 6:1

Waivers, ABA, § 1:6

REASONABLE

ACCOMMODATIONS

See also Educational Accommoda-
tions, this index

Asthmatics, § 3:8

Athletic programs, § 3:7

Behavioral problems, educational
accommodations, § 5:7

Chemical hypersensitivity syndrome,
§ 3:16

Constructive denial of request for,
§ 3:22

Denial of request for, constructive,
§ 3:22

Direct threat exception, § 9:1

Dyslexics, § 4:5

Educational accommodations

Generally, § 5:6 *et seq.*

See also Educational Accommoda-
tions, this index

Elective nature, § 3:1

Employment, § 2:2

Equal participation rights, § 3:3

REASONABLE

ACCOMMODATIONS—Cont'd

Equivalent service obligations,
transportation systems, § 5:2

Fundamental alterations

Generally, § 9:3

Exceptions, § 9:1

Undue burdens, § 5:7

Golf tournament, § 3:10, § 9:3

Health clubs, § 3:3

Hotel reservation policies, § 3:8

Integration principle, § 3:3

Learning disabled persons, § 3:7

Mobility devices, § 3:15

Modifications of policies to provide

Generally, § 3:8

Blanket modifications, § 3:10

Burden of proof, § 3:21

Check-out facilities, § 3:14

Extent of modification required,
§ 3:9

Individual inquiries, § 3:10

Reasonable time to effect, § 3:22

Requests for modifications, § 3:21

Service animal policies, § 3:13

Obsessive compulsive disorder, § 5:7

Option to accept, § 3:1

Professional licensing examinations,
§ 5:7

Reasonableness of process for obtain-
ing education accommodations,
§ 5:6

Referral to accommodate a special
need, § 3:12

Request for, constructive denial,
§ 3:22

Requests for modifications to accom-
modate, § 3:21

Second hand smoke, § 4:9

Separate, option to accept, § 3:1

Smoke sensitivity, § 4:9

Smoking policies, § 3:8

Transportation systems, equivalent
service obligations, § 5:2

Visually impaired persons, § 3:8

RECORD OF IMPAIRMENT

Generally, § 4:7

Major life activities, § 4:7

PUBLIC ACCOMMODATIONS UNDER THE ADA

RECORD OF IMPAIRMENT

—Cont'd

Post-recovery protection, § 4:7

RECREATION FACILITIES

Public accommodation status, § 5:2

REFERRALS

Reasonable accommodation, referral to obtain, § 3:12

REGARDED AS DISABLED

Generally, § 4:8

Attitudes of others, § 4:8

Drug use, suspected, § 4:11

HIV-AIDS, § 4:8

Perceived disability, § 4:9

Rehabilitation Act, § 4:8

REGULATORY AUTHORITY

DOJ, § 2:6

EEOC, § 2:2

FCC, § 2:4

REHABILITATION ACT

ADA, relationship to, § 1:3

Alcoholism, § 4:9

Back injuries, § 4:9

Construction and interpretation, § 1:3

Contagious diseases, § 9:2

Damages, § 1:7

Disabilities protected, § 4:3

Dwarfism, § 4:10

Educational institutions, § 5:7

Enactment, § 1:3

Equal protection standards, § 1:1

Examinations accommodations, § 5:7

Financial burdens on local governments, § 1:4

Fundamental alterations, § 9:3

Injunctions, § 1:7

Intent, § 3:21

Obesity, § 4:9

Perceived disability, § 4:9

Purpose, § 1:3

Readily accessible defined, § 7:2

Regarded as disabled, § 4:8

Remedies, § 1:7

Scope of Act, § 1:3

RELIGIOUS ORGANIZATIONS

Generally, § 5:11

Commercial activities by, § 5:11

Day care centers operated by, § 5:2

Day care facilities, § 5:11

Hospitals, § 5:11

Public accommodation activities of, § 5:11

REMEDIES

See also Enforcement, this index

Equal Employment Opportunity Commission (EEOC) jurisdiction, § 2:2

Intent to discriminate, § 3:20

Prima facie case, § 3:20

Rehabilitation Act, § 1:7

Workforce Investment Act, § 1:7

REMODELLING

Generally, § 7:10

See also Alterations, this index

REPETITIVE WORK

Major life activities, § 4:5

REPRODUCTIVE DISORDERS

Generally, § 4:3

Major life activities, § 4:4

RESIDENCES

See Homes, this index

RESIDENTIAL FACILITIES

See also Hotels and Motels, this index

Public accommodation status, § 5:8

RESPIRATORY DISORDERS

Generally, § 4:3

Disabilities protected, § 4:9

RESPONDEAT SUPERIOR

Franchisors as operator, § 5:3

RESTAURANTS

Alterations and new construction distinguished, § 7:4

Associational discrimination, § 12:2

Brailled menus, § 8:1, § 8:6

Franchisors, operator status, § 5:3

Multi-level, § 3:6

INDEX

RESTAURANTS—Cont'd

- Public accommodation status, § 5:2
- Readily achievable modifications, § 6:2
- Seating policies, discriminatory, § 3:7
- Service animals, § 3:13
- Standing of private citizen to seek injunctive relief, § 12:4
- Vexatious litigants, § 12:11

REST ROOMS

- Alterations and new construction distinguished, § 7:4
- Hand dryers, § 6:5
- Path of travel alterations, § 7:10
- Priorities for barrier removal, § 6:3
- Readily achievable barrier removals, § 6:2
- Towel dispensers, § 6:5

RETAIL STORES

- Assistants, accommodative, § 3:16
- Bookstore stocking practices, § 3:16
- Check-Out Aisles, this index
- Dressing room assistance, request for, § 3:22
- Franchisors, operator status, § 5:3
- Priorities for barrier removal, § 6:3
- Public accommodation status, § 5:2
- Readily achievable modifications, § 6:2
- Service Animals, this index
- Special accessible goods and services, § 3:16
- Standing of private citizen to seek injunctive relief, § 12:4

RETALIATION

- Generally, § 3:5

RIGHTS-OF-WAY

- Guideline revisions, § 2:6

RIGHT TO COUNSEL

- Generally, § 12:2
- Fee awards, § 12:9
- Vexatious litigation, § 12:11

RISKS

- See also Insurance, this index

RISKS—Cont'd

- Arline factors, § 9:2
- Direct threat determinations, § 9:2

ROOMING HOUSES

- Commercial facility treatment, § 5:4

SAFE HARBORS

- Insurers, § 3:18

SAFETY REQUIREMENTS

- Athletic programs, § 3:7
- Service animal accommodations, § 3:13
- Service animal restrictions, § 3:21
- Whitewater rafting, participation, § 3:7

SCHOOLS

- See Educational Facilities, this index

SCOPE OF ADA

- Generally, § 3:1 et seq.
- Access and accessibility, § 3:6
- Associational discrimination, § 3:4
- Employment vs public accommodation provisions, § 3:2
- Individuals and qualified individuals distinguished, § 3:2
- Individuals protected. Disabilities Protected, this index
- Insurance, § 3:18
- Qualified individuals and individuals distinguished, § 3:2
- Retaliation provisions, § 3:5
- Volunteer worker claims as Title I or Title III, § 3:2
- Whistleblowers, retaliation provisions, § 3:5

SCREENING

- Hearing impaired persons, § 3:7

SECONDARY SCHOOLS

- Public accommodation status, § 5:2

SECURITY SYSTEMS

- Communications barriers, § 6:6

SENIOR CITIZEN CENTERS

- Public accommodation status, § 5:2

SENSE ORGAN DISORDERS

Generally, § 4:3

SEPARATE ACCOMMODATION

Option to accept, § 3:1

SERVICE ANIMALS

Generally, § 3:13

Care of service animals, responsibilities for, § 3:13

Damages caused by, § 3:13

Food, Drug, and Cosmetic Act conflicts, § 3:13

Food preparation facility restrictions

Generally, § 3:13, § 5:2

Manufacturing site tours, § 5:2

Quarantine restrictions, § 9:3

Restaurants, § 3:13

Safety concerns, § 3:13, § 3:21

Uses of, § 3:13

SERVICE ANIMALS FOOD PREPARATION FACILITY RESTRICTIONS

Burden of proof, § 3:21

SERVICES

Auxiliary Aids and Services, this index

Public accommodation status of service providers, § 5:2

Public Services and Transportation, this index

SERVICE STATIONS

See Gas Stations, this index

SEVERITY OF DISABILITY

Discrimination based on, § 3:3

SEXUAL ACTIVITY

Major life activities, § 4:4

SEXUAL DISORDERS

Disabilities protected, § 4:12

SEXUAL HARASSMENT CLAIMS

Proving, § 3:23

SEXUAL ORIENTATION

Disabilities protected, § 4:12

SHIPS

See Cruise Ships, this index

SHOPPING CENTERS

Definition, § 7:12

Elevators, § 7:11, § 7:12

Public accommodation status, § 5:2

SHUTTLE BUSES

Equivalent service requirements, § 5:2

SIDEWALKS

Curb cuts, readily achievable standards, § 6:2

Path of travel alterations, § 7:10

SIGN LANGUAGE INTERPRETERS

See Interpreters, this index

SKIN DISORDERS

Generally, § 4:3

SKI RESORTS

Public accommodation status, § 5:2

SLEEP

Disabilities protected by Title III, § 4:4

SLEEP APNEA

Cruise ship accommodation, § 3:8

SMALL BUSINESSES

Generally, § 5:12

Tax credits and deductions, § 11:1, § 11:2

SMOKE SENSITIVITY

Disabilities protected, § 4:9

Injunctions, § 3:8

Reasonable accommodation of asthmatics, § 3:8

Second hand smoke, § 4:9

SOCIAL DISORDERS

Disabilities protected, § 4:12

SOCIAL SERVICE FACILITIES

Elevators, § 7:11

Public accommodation status, § 5:2

SOFTWARE

Technology access requirements, Workforce Investment Act, § 1:7

INDEX

SOVEREIGN IMMUNITY

See Governmental Immunity, this index

SPECIALIZATION REQUIREMENTS

Referrals to accommodate a special need, § 3:12

Service animals, § 3:13

SPECIFIC ADA REQUIREMENTS

Generally, § 3:11 et seq.

SPEECH IMPAIRED PERSONS

Generally, § 2:4

See also Telecommunications
Discrimination, this index

SPEECH ORGAN DISORDERS

Generally, § 4:3

SPORTS

Fundamental alterations of rules to accommodate, § 9:3

Television blackout rules, hearing impaired person challenges, § 5:2, § 8:1

Wheelchair-bound baseball coaches, § 9:2

STADIUMS

Lines of sight, § 7:3

Public accommodation status, § 5:2

STAIRWAYS

Readily achievable barrier removals, § 6:2

STANDING ERECT

Disabilities protected by Title III, § 4:5

STANDING TO SUE

Generally, § 12:2

Associational discrimination claims, § 3:4

Injunctions, § 12:4

STATE IMMUNITY

See Governmental Immunity, this index

STATE LAW

Generally, App. E

STATE LAW—Cont'd

Building Codes, this index

Disabilities, permanent and stationary, § 4:1

Federal certifications, § 10:1

Insurance regulations, § 3:18

Permanent and stationary disabilities, § 4:1

STATE SERVICES

See Public Services and Transportation, this index

STATUTORY CONSTRUCTION

See Construction and Interpretation, this index

STEPS

Readily achievable barrier removals, § 6:2

STEREOTYPES

Direct threat determinations, § 9:2

STREETS

Curb cuts, readily achievable standards, § 6:2

STRUCTURAL IMPRACTICABILITY

Generally, § 7:2, § 7:5

STUDYING

Major life activities, § 4:5

SUBJECTIVE IMPAIRMENT

See Regarded as Disabled, this index

SUBSTANTIAL LIMITATIONS

Generally, § 4:1, § 4:5

See also Major Life Activities, this index

SUBTERFUGES

Insurers, § 3:18

SURGEONS

Health Care Facilities, this index

Physicians, this index

Staff privileges claim as Title I or Title III matter, § 3:2

TAX CREDITS

Generally, § 11:1

PUBLIC ACCOMMODATIONS UNDER THE ADA

TAX DEDUCTIONS

Generally, § 11:2

TECHNICAL ASSISTANCE MANUAL (TAM)

Generally, App. A

TECHNOLOGY ACCESS REQUIREMENTS

Workforce Investment Act, § 1:7

TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD)

Generally, § 2:4

TELECOMMUNICATIONS DISCRIMINATION

Generally, § 2:4

Federal Communications Commission jurisdiction, § 2:4

Hearing impaired persons, § 2:4

Organization of ADA, § 2:1

Speech impaired persons, § 2:4

TDD devices, § 2:4

TELEPHONES

Path of travel alterations, § 7:10

TDD devices, § 2:4

TELEVISION

See also Communications Barriers,
this index

Closed caption decoders, § 8:2

TERMINALS

Elevators, § 7:11

Public accommodation status, § 5:2

TEST TAKING

See also Examinations, this index

Major life activities, § 4:5

THEATERS

See Theaters, this index

Captioning, § 8:2

Disruptive behavior, § 3:3

New construction sight lines, § 7:3

Public accommodation status, § 5:2

Sight lines, § 7:3

Wheelchair companion seat request,
§ 3:8

Wheel chair seating, § 6:7

TITLE I

Generally, § 2:2

See also Employment Discrimination,
this index

TITLE II

Generally, § 2:3

See also Public Services and
Transportation, this index

TITLE III

Effective dates, § 12:7

Enactment, § 2:1

Title IX (Education) discrimination
compared, § 3:23

TITLE IV

Generally, § 2:4

See also Telecommunications
Discrimination, this index

TITLE V

Generally, § 2:1, § 2:5

TITLE VII (EMPLOYMENT DISCRIMINATION LAW)

See Civil Rights Act, this index

TITLE IX (EDUCATION LAW)

Educational Accommodations, this
index

Educational Facilities, this index

Title III compared, § 3:23

TOBACCO

See Smoke Sensitivity, this index

TOILETS

See Rest Rooms, this index

TORT CLAIMS

See also Private Civil Suits, this
index

Negligence, ADA violations to prove,
§ 12:4

TRADE ASSOCIATIONS

Public accommodation status, § 5:2

TRANSIENT LODGING

Dormitories as, § 5:8

Public accommodation status, § 5:8

INDEX

TRANSPORTATION

- Employee systems, § 5:2
- Equivalent service obligations, § 5:2
- Public Services and Transportation, this index
- Purpose of ADA, § 1:1

TRANSSEXUALISM

- Disabilities protected, § 4:12

TRANSESTITISM

- Disabilities protected, § 4:12

TRAVEL AGENTS

- Public accommodation status, § 5:2

UNDERGRADUATE SCHOOLS

- Public accommodation status, § 5:2

UNDUE BURDENS

- Alcoholism, accommodation of, § 4:9
- Auxiliary services
 - Generally, § 8:1, § 8:2
 - Fundamental alterations, § 8:4
 - Health or safety concerns, § 8:3
- Construction and interpretation, § 1:7
- Costs creating, § 8:1
- Day care facilities, § 8:4
- Difficulty and, § 8:1
- Educational accommodations, § 5:7
- Examination accommodations, § 5:7
- Fundamental alterations
 - Generally, § 5:7
 - Auxiliary services, § 8:4
- Health and safety concerns, § 8:3
- Interpreters, § 8:4
- Movie theaters, closed captioning services, § 8:2
- Personal care attendants (PCA), § 9:3
- Readily achievable standard compared, § 6:1
- Workforce Investment Act, § 1:7

UNIFORM FEDERAL ACCESSIBILITY STANDARDS

- Generally, App. D

UNIVERSITIES

- See Educational Facilities, this index

URINALS

- See Rest Rooms, this index

VANS

- Parking discrimination, § 3:7

VESSELS

- See Cruise Ships, this index

VEXATIOUS LITIGANTS

- Generally, § 12:11

VIOLATIONS OF TITLE III

- Past vs continuing, § 12:1

VISUAL IMPAIRMENTS

- Bar exams, § 2:2
- Bridge tournament participation, § 3:8
- Corrective measures, effect of, § 4:2
- Dressing room assistance in retail store, request for, § 3:22
- Examination accommodations, § 5:7
- Reasonable accommodation, § 3:8
- Service animals, § 3:13

VOLUNTEER WORKERS

- Title I vs Title III claims, § 3:2

VOYEURISM

- Disabilities protected, § 4:12

WALKING

- Disabilities protected by Title III, § 4:5

WEBSITES

- See Internet, this index

WEDDING FACILITIES

- Public accommodation status, § 5:2

WEIGHT

- See also Obesity, this index
- Disabilities protected, § 4:10

WHEELCHAIR ACCESS

- See also Barrier Removal, this index
- Architectural Barriers, this index
- Baseball coaches, wheelchair-bound, § 9:2
- Basketball player, fundamental alterations of rules, § 9:3
- Cruise ship restrictions, § 3:7

PUBLIC ACCOMMODATIONS UNDER THE ADA

WHEELCHAIR ACCESS—Cont'd

- Elevators, this index
- Equivalent service requirements,
§ 5:2
- Historic buildings, § 7:9
- Lawn areas of entertainment facilities, § 7:6
- Lifts, restricted use, § 3:6
- Lines of sight, § 7:3
- Movie theaters, § 6:7
- Path of travel alterations, § 7:10
- Safety concerns, § 9:2
- Sight lines, § 7:3
- Structural impracticability, § 7:5
- Theater, companion seat request,
§ 3:8
- Vans, discrimination against, § 3:7

WHITEWATER RAFTING

- Safety requirements restricting
participation, § 3:7

WHOLESALE BUSINESSES

- Public accommodation status, § 5:2

WORDS AND PHRASES

- See Definitions, this index

WORKFORCE INVESTMENT ACT

- ADA, relationship to, § 1:7
- Damages, § 1:7
- Injunctions, § 1:7
- Internet access, § 1:7
- Remedies, § 1:7
- Technology access requirements,
§ 1:7
- Undue burden standards, § 1:7

WORKING

- Major life activities, § 4:5

WRITING

- Major life activities, § 4:5

YOUTH SPORTS

ORGANIZATIONS

- Public accommodation status, § 5:2

ZONING LAWS

- Intimidation of protected persons
through, § 3:5

ZOOS

- Public accommodation status, § 5:2