

Index

ABSENTEE BALLOT

Help America Vote Act, **2:235**
Voting Accessibility for the Elderly
and Handicapped Act, **2:234**

ABSTENTION

Section 504 protections, abstention
by federal court, **1:230**

ACADEMIC EVALUATIONS

Section 504 protections, postsec-
ondary schools, **1:152**

ACCESS

See more specific index headings

ACCESS BOARD

Federal buildings, enforcement of
standards for design,
construction, and alteration
Enforcement of order, **4:302**
Investigative powers, **4:258**
Judicial review of order, **4:301**
Order of, **4:301, 4:302**
Participation in civil actions, **4:300**

ACCESSIBILITY

REQUIREMENTS

Generally, see **Transportation**
(this index)
Air Carrier Access Act (this
index)
Passenger Vessels (this index)
Railroads and Rail Systems (this
index)

ACCOMMODATIONS

Employment (this index)
Public Accommodations (this
index)
Reasonable Accommodation (this
index)
Section 504 Protections (this
index)

ACCRUAL OF CLAIM

ACCRUAL OF CLAIM—Cont'd

—Cont'd
Enforcement of section 504 protec-
tions, **1:239**

ADDICTION

Section 504 Protections (this
index)

ADMINISTRATION

Genetic Information Nondiscrimi-
nation Act (GINA)
Generally, **7A:1**

ADMINISTRATION AND ADMINISTRATIVE PROCEDURES

Section 504 Protections (this
index)
**State and Local Government
Services** (this index)

ADMINISTRATIVE

ENFORCEMENT OF ADA

Transportation
DOT authority over recipients of
federal financial assistance,
3:303
Passenger vessels, **3:305 to 3:309**

ADMISSIONS

Section 504 protections, postsec-
ondary schools, **1:144 to
1:146**

ADULT EDUCATION BY

ELEMENTARY AND SECONDARY SCHOOLS

Section 504 protections, **1:133**

ADVERSE ACTION

Section 504 protections, **1:264**

ADVOCACY SYSTEMS

Help America Vote Act, **2:238**

AFFIDAVITS

AFFIDAVITS—Cont'd

—Cont'd

- Athlete with learning disability, forms in support of petition for waiver of 19-year-old eligibility rule, **6:20, 6:21**
- Athletic coach in wheelchair precluded from on-field coaching, forms, **6:70, 6:71**
- Bar examination applicant with visual impairment, forms, **6:37, 6:38**

AGENCIES

Section 504 Protections (this index)

State and Local Government Services (this index)

AID, BENEFITS, OR SERVICES

Public Assistance Programs (this index)

State and Local Government Services (this index)

Voting Accessibility for the Elderly and Handicapped Act, **2:232**

AIDS AND HIV

- Firefighter, withdrawal of employment offer, complaint form, **6:2**
- Marriage, class action complaint seeking to invalidate statute against marriage by individuals with AIDS or HIV, form, **6:31**
- Medical center employment of pharmacist with AIDS-related complex, form of agreement for, **6:5**
- Medical treatment denied, forms, **6:23, 6:65, 6:66**
- Placement in school of child with AIDS-related complex, forms, **6:16 to 6:18**
- Section 504 protections
- Otherwise qualified individual with disability, **1:59**
- Physical or mental impairment, Section 504 protections, **1:38**
- Prison, **1:208**

AIDS AND HIV—Cont'd

—Cont'd

- Public assistance benefits, **1:183**
- Teacher excluded from classroom, complaint form, **6:6**

AID TO FAMILIES WITH NEEDY CHILDREN

Section 504 protections, **1:184**

AIR CARRIER ACCESS ACT

- Accessibility requirements. Non-discrimination mandate, below
- Advance notice, prohibition against requiring, **3:335**
- Airport facilities, **3:348 to 3:351**
- Aisle armrests, movable, **3:352**
- Animals, service, **3:361 to 3:367**
- Charges to passenger due to damage done by service animal, **3:366**
- Determination by carrier of acceptable service animal, **3:362**
- Documentation that carrier may require for service animal, **3:363**
- Location of service animal on aircraft, **3:365**
- Refusal by carrier to allow service animal, **3:367**
- Restrictions on check-in not allowed for passenger with service animal, **3:364**
- Service animal must be allowed by carrier under ACAA, **3:361**
- Appearances by persons not parties in hearings on complaints to DOT, **3:424**
- Audio-visual presentations, aircraft accessibility, **3:359**
- Boarding, deplaning, and connecting assistance, **3:372 to 3:379**
- Burden of proof, private enforcement actions, **3:433**
- Cause of action, private enforcement, **3:430**
- Charges, special, prohibited, **3:337**
- Civil penalties, notice by government of intent to assess, **3:416**

INDEX

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Communicable diseases,
discrimination against persons
with, **3:338**

Complaints. Enforcement
procedures, below

Consolidation of proceedings,
complaints to DOT, **3:419**

Contractors, compliance with,
3:343

Damages, private enforcement
actions, **3:430**

Default decision on complaint to
DOT, **3:418**

Dissolution of DOT enforcement
actions, motions, **3:429**

DOT determination of violation in
ACAA enforcement action,
3:428

Enforcement procedures, **3:402 et
seq.**

Complaints to air carriers, **3:402 to
3:407**

Carrier response to written com-
plaint, **3:404**

Complaint Resolution Officer
actions, **3:403**

DOT duty to investigate, pub-
lish, review, and report
complaints, **3:405**

Recordkeeping and reporting
requirements of complaints
received by carriers, **3:406**

Technical assistance provided by
DOT, **3:407**

Complaints to DOT, **3:408 et seq.**

Answer to formal ACAA com-
plaint made to DOT, offer
to satisfy, **3:413**

Appearances by persons not
parties, **3:424**

Civil penalties, notice of intent
to assess, **3:416**

Consolidation of proceedings,
3:419

Default decisions, **3:418**

Dissolution of enforcement
actions, motions, **3:429**

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Complaints to DOT, **3:408 et seq.**

—Cont'd

DOTs action on formal ACAA
complaint, **3:415**

DOTs determination of violation
in ACAA enforcement
action, **3:428**

Evidence of previous violations,
3:425

Hearings, **3:423**

Immediate suspension of operat-
ing authority pendente lite,
motions for, **3:417**

Modification of enforcement
actions, motions, **3:429**

Motions

Generally, **3:429**

To dissolve enforcement
actions, **3:429**

Immediate suspension of
operating authority
pendente lite, **3:417**

To modify enforcement
actions, **3:429**

Notice

Intent to assess civil penalties,
3:416

Prehearing conferences, **3:422**

Reply to respondents answer to
formal ACAA complaint
made to DOT, **3:414**

Requests for admissions, **3:421**

Response to DOT notice of
intent to assess civil penal-
ties, **3:416**

Settlement of proceedings,
3:426

Suspension and revocation of
carriers operating authority,
3:427

Formal ACAA complaint to DOT,
3:409

Amendment of formal com-
plaint, **3:410**

Joinder of complaints or
complainants, **3:411**

Service of complaint, **3:412**

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Private enforcement

Burden of proof, **3:433**

Cause of action, private, **3:430**

Damages, **3:434**

Injunctive relief, **3:432**

Statute of limitations, **3:431**

Equivalent alternative application
of nondiscrimination
mandate, **3:328**

Evidence of previous violations in
hearing on complaint to DOT,
3:425

Facilities, modification of, **3:342**

Flight information, nondiscrimina-
tion mandate, **3:344**

Foreign airports, responsibility of
carriers, nondiscrimination
mandate, **3:379**

Hearing-impaired individuals,
information for, nondiscrimi-
nation mandate, **3:349, 3:382**

Hearings on complaints to DOT,
3:423

Immediate suspension of operating
authority pendente lite,
motions for, **3:417**

Individual with a disability,
defined, **3:349**

Information for passengers, non-
discrimination mandate,
3:289 to 3:293

Injunctive relief, private enforce-
ment actions, **3:432**

Kiosks, nondiscrimination
mandate, **3:351**

Lavatories in aircraft, **3:353**

Maintenance of accessibility
features in aircraft, **3:360**

Medical certificate, prohibition
against requiring, **3:339**

Modification of DOT enforcement
actions, motions, **3:429**

Modification of policies, practices,
and facilities under nondis-
crimination mandate, **3:342**

Motions on complaints to DOT

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Generally, **3:429**

To dissolve enforcement actions,
3:429

Filing of motion to dismiss ACAA
complaint or for summary
judgment, **3:420**

Immediate suspension of operating
authority pendente lite, **3:417**

To modify enforcement actions,
3:429

Nondiscrimination mandate

Advance notice, prohibition
against requiring as condition
of receiving transportation or
service, **3:335**

Air carriers covered, **3:326**

Aircraft accessibility, **3:352 to**
3:360

Aisle armrests, movable, **3:352**

Audio-visual presentations,
3:359

Lavatories, **3:355**

Maintenance of accessibility
features, **3:360**

Replacement or refurbishment
of accessibility features,
3:360

Wheelchairs

Provision of, **3:357**

Stowage of, **3:359**

Airport facilities, **3:348 to 3:351**

Animals, service, **3:361 to 3:367**

Boarding, deplaning, and connect-
ing assistance, **3:372 to 3:379**

Boarding and deplaning assistance
to aircraft passenger, **3:375**

What agreements are required,
3:376

Communicable diseases,
discrimination against persons
with, **3:338**

Contractors, compliance with
ACAA, **3:343**

Equivalent alternative application,
3:328

Facilities, modification of, **3:342**

INDEX

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Flight information, **3:344**

Foreign airports, responsibility of carriers, **3:379**

Hearing-impaired individuals, information for, **3:349, 3:382**

Individual with a disability, defined, **3:349**

Information for passengers, **3:289 to 3:293**

Kiosks, **3:351**

Leaving passenger unattended, **3:378**

Medical certificate, prohibition against requiring, **3:339**

Modification of policies, practices, and facilities, **3:342**

Nondiscrimination under ACAA, **3:323**

Overview of Air Carrier Access Act

Air carriers covered, **3:326**

Equivalent alternative application, **3:328**

Individual with a disability, defined, **3:349**

Preemption of state laws, **3:329**

Waiver for conflict with foreign law, **3:327**

Policies, modification of, **3:342**

Practices, modification of, **3:342**

Preboarding, **3:374**

Preemption of state laws, **3:329**

Prohibitions, **3:332 to 3:341**

Generally, **3:332**

Advance notice, requiring as condition of receiving transportation or service, **3:335**

Charges, special, **3:338**

Communicable diseases, discrimination against persons with, **3:338**

Medical certificate, requiring, **3:339**

Refusal to provide transportation, **3:333**

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Prohibitions, **3:332 to 3:341**

—Cont'd

Restrictions that cannot be imposed, **3:340**

Safety assistants, requiring, **3:336**

Waivers or releases, **3:288**

Refusal to provide transportation, prohibition, **3:333**

Regulations available to passengers, **3:347**

Releases, prohibitions, **3:288**

Requirements generally, **3:342 et seq.**

Reservation services, accessibility, **3:345**

Restrictions that cannot be imposed, **3:340**

Safety assistants, prohibition against requiring to accompany passenger, **3:336**

Safety briefing, on-board, **3:383**

Seating accommodations, **3:368 to 3:371**

Security screening procedures, **3:350**

Service animals, **3:361 to 3:367**

Services on aircraft, **3:380 et seq**

Not required, **3:381**

Safety briefing, **3:383**

Service animals, **3:361 to 3:367**

Vision and hearing-impaired passengers, information for, **3:382**

Special charges prohibited, **3:337**

Terminal, moving within, **3:373**

Training, **3:396, 3:397**

Training of flight attendants, **3:356**

Vision-impaired individuals, information for, **3:349, 3:382**

Waivers, signing, prohibition, **3:288**

Websites, accessibility, **3:346**

Wheelchairs and other devices, **3:384 to 3:395**

Battery-operated mobility aids, **3:387**

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Wheelchairs and other devices,

3:384 to 3:395—Cont'd

Cargo compartment stowage,
3:386

Carriers obligation to rebook
where wheelchair or
scooter cannot be stowed
on aircraft, **3:388**

Disassembly/reassembly
requirements, **3:389**

Handling requirements for
wheelchairs, scooters, and
other mobility aids or assis-
tive devices, **3:390**

Liability for damage or loss of,
3:394

On-board provision of
wheelchairs, **3:357**

Priority cabin stowage, **3:385**

Provision of loaner wheelchair
or scooter, **3:393**

Respiration devices, evaluation
of, **3:395**

Stowage of, **3:359, 3:384 to
3:395**

What can be stowed, **3:384**

Wheelchair or scooter has been
delayed while in carriers
custody, **3:392**

Wheelchair or scooter lost, dam-
aged, or pilfered, **3:391**

When level-entry boarding and
deplaning assistance to
aircraft passenger not
required, **3:377**

Nondiscrimination mandate under
ACAA

ACAAs preemption of state laws,
3:329

Airline passengers with disabilities
Bill of Rights, **3:331**

Application for and determination
of equivalent alternative to
ACAA, **3:328**

Preclusion of other civil rights
claims by ACAA, **3:330**

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Provision of flight information for
disabled passengers

Generally, **3:344-3:347**

Flight-related information must
be provided, **3:344**

Waiver of ACAA provisions due to
conflict with foreign law,
3:327

What air carriers are covered under
ACAA, **3:326**

What is prohibited

Generally, **3:332-3:341**

Limitation of transportation
access under ACAA where
passenger has com-
municable disease, **3:338**

No waivers or releases allowed
to receive services under
ACAA, **3:341**

Refusal of transportation to indi-
vidual with disability,
3:333

Direct threat, **3:334**

Requiring advance notice of
travel, **3:335**

Requiring medical certificate for
travel, **3:339**

Requiring safety assistant, **3:336**

Restrictions that cannot be
imposed on disabled pas-
sengers, **3:340**

Special charges allowed, **3:337**

What is required

Contractors required to comply
with ACAA, **3:343**

Modification of policies, prac-
tices and facilities required,
3:342

Who is individual with disability
under ACAA, **3:324**

Who is qualified individual with
disability, **3:325**

Notice, complaints to DOT

Institution of enforcement proceed-
ing by government, **3:416**

Intent to assess civil penalties,
3:416

INDEX

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Passenger left unattended, **3:378**

Policies, modification of, under
nondiscrimination mandate,
3:342

Practices, modification of, under
nondiscrimination mandate,
3:342

Preboarding, nondiscrimination
mandate, **3:374**

Preemption of state laws, **3:329**

Prehearing conferences on
complaints to DOT, **3:422**

Private enforcement

Burden of proof, **3:433**

Cause of action, private, **3:430**

Damages, **3:434**

Injunctive relief, **3:432**

Statute of limitations, **3:431**

Proceedings, **6:75 to 6:83**

Prohibitions. Nondiscrimination
mandate, above.

Refusal to provide transportation,
prohibition, **3:333**

Regulations, copies available to
passengers, **3:347**

Releases or waivers, signing, pro-
hibition, **3:288**

Replacement or refurbishment of
accessibility features in
aircraft, **3:360**

Requests for admissions on
complaints to DOT, **3:421**

Reservation services, accessibility,
3:345, 3:346

Respiration devices, evaluation of,
3:395

Restrictions that cannot be
imposed, nondiscrimination
mandate, **3:340**

Safety assistants, requiring, prohi-
bition, **3:336**

Safety briefing, on-board, nondis-
crimination mandate, **3:383**

Seating accommodations, **3:368 to
3:371**

Training of flight attendants, **3:356**

AIR CARRIER ACCESS ACT

—Cont'd

—Cont'd

Security screening procedures,
nondiscrimination mandate,
3:350

Service animals, **3:361 to 3:367**

Services on aircraft, nondiscrimi-
nation mandate, **3:380 to
3:383**

Settlement of proceedings on DOT
complaint, **3:426**

Single-aisle aircraft, **3:354**

Special charges prohibited, **3:338**

Statute of limitations, private
enforcement actions, **3:431**

Stowage of wheelchairs and other
devices, nondiscrimination
mandate, **3:359, 3:384 to
3:395**

Suspension and revocation of car-
riers operating authority,
3:427

Timeliness of carriers service
under ACAA, **3:372**

Training, nondiscrimination
mandate, **3:396, 3:397**

Waivers or releases, signing, prohi-
bition, **3:288**

Websites, accessibility, **3:346**

Wheelchairs. Nondiscrimination
mandate, above

AIR CARRIERS AND AIRPORTS

ADAAG or USAS, section 504
protections, **1:193**

Air Carrier Access Act (this
index)

AIRPORTS

Air Carriers and Airports (this
index)

ALCOHOL ADDICTION

Section 504 Protections (this
index)

ALJ

Administrative Law Judges (this
index)

**ALTERATION OR
MODIFICATION**

Facility access, Section 504 protections, **1:99**

Public Accommodations (this index)

Transportation (this index)

**ALTERNATE DISPUTE
RESOLUTION**

State and local government services, private right of action, **2:183**

**ALTERNATIVE MEANS OF
DISPUTE RESOLUTION
ENCOURAGED**

Private enforcement of ADA, **3:310**

ALTERNATIVES

Public Accommodations (this index)

State and Local Government Services (this index)

**AMUSEMENTS AND
EXHIBITIONS**

Public Accommodations (this index)

Recreation (this index)

ANENCEPHALY

Section 504 protections, **1:41**

ANIMALS

Service Animals (this index)

ANSWERS

Enforcement of Section 504 protections, **1:252**

Telecommunications Act, answer to informal complaint, FCC enforcement, **5:102**

Telecommunications relay services, enforcement proceedings under Title VII, **5:75**

APPARATUS

Accessibility requirements, **5:166 et seq.**

APPEAL AND REVIEW

APPEAL AND REVIEW—Cont'd
—Cont'd

Enforcement (this index)

Public Accommodations (this index)

Section 504 protection. **Enforcement of Section 504 Protections** (this index)

State and local government services, review of agency jurisdiction of federal agency's acceptance of complaints, **2:170**

APPEARANCES

Air Carrier Access Act, persons not parties on hearing on complaint to DOT, **3:424**

APPLICATION

Genetic Information Nondiscrimination Act (GINA)

Generally, **7A:1**

APPLICATIONS

Petitions (this index)

Wheelchair users and recreational facilities, forms, **6:69, 6:72**

APPOINTMENT OF COUNSEL

Section 504 protections, **1:255**

ARCHITECTURAL BARRIERS

Public Accommodations (this index)

**ARCHITECTURAL BARRIERS
ACT (ABA) GUIDELINES**

Federal buildings, architectural barriers in

Applicability, **4:239 to 4:241**

Construction and alteration construed, **4:240**

**ASSEMBLY AREAS, NEW
CONSTRUCTION AND
ALTERATIONS OF**

Companion seat requirement, **4:114**

Dispersed seating requirements, **4:114**

INDEX

ASSEMBLY AREAS, NEW CONSTRUCTION AND ALTERATIONS OF—Cont'd

—Cont'd

Wheelchair locations, required
number and accessibility of,
4:114, 4:120

ASSOCIATION

State and local government ser-
vices, burden and elements of
proof, **2:211**

ATHLETICS

Coach in wheelchair precluded
from on-field coaching,
forms, **6:67 to 6:74**

Nonacademic and extracurricular
activities, Section 504 protec-
tions, **1:136**

Waiver of 19-year-old eligibility
rule as to athlete with learning
disability, forms of petition
and supporting affidavits for,
6:19 to 6:21

ATTORNEY GENERAL

Public Accommodations (this
index)

ATTORNEYS

Bar examination applicants, forms
relating to accommodation of,
6:34 to 6:39

Section 504 Protections (this
index)

ATTORNEYS' FEES

Bar examination applicants, peti-
tion for private room and
double time, form, **6:34**

Complaint concerning job assign-
ment by teacher with lifting
limitations, form, **6:7**

Public Accommodations (this
index)

Section 504 protections, **1:287,**
1:288

Transportation (this index)

Voting Accessibility for the Elderly
and Handicapped Act, **2:235**

AUDITS

AUDITS—Cont'd

—Cont'd

Telecommunications Relay Ser-
vices fund (TRS fund), **5:34**

AUXILIARY AIDS AND SERVICES

Definitions, **2:30, 4:96**

Public Accommodations (this
index)

AVAILABILITY OF JURY TRIAL

Section 504 protections, **1:256**

BACK IMPAIRMENT

Nurse terminated for back impair-
ment, form, **6:8**

Section 504 protections, **1:33, 1:56**

BACK PAY

Firefighter with HIV, withdrawal
of employment offer, com-
plaint form, **6:2**

BALLOTS

Voting Facility Accessibility (this
index)

BAR EXAMINATION

APPLICANTS

Complaint by applicant with visual
impairment, form, **6:36**

Injunctions (this index)

Memorandum in support of request
for private room and double
time, form, **6:35**

Petition for private room and
double time, form, **6:34**

BATHROOMS

Toilets and Restrooms (this
index)

BENEFIT

Section 504 protections, obliga-
tions of benefit, **1:81**

BENEFIT PLANS

Section 504 protections, **1:118**

BLINDNESS

Visual Impairments (this index)

BOARDING AND DISEMBARKING

BOARDING AND DISEMBARKING

—Cont'd

—Cont'd

- Air Carrier Access Act, boarding, deplaning, and connecting assistance, **3:372 to 3:379**
- Railroads and rail systems
- Station platforms for intercity, commuter, and high-speed rail, entry-level boarding, **3:98**
- Transportation, nondiscrimination mandate
- Adequate time for, **3:74**
- At any stop, **3:72**
- Preference of rider respected, **3:65**

BOATS

- Passenger Vessels** (this index)

BRIEFS

- Motion to dismiss complaint sought by county school board, form, **6:15**

BUILDING ACCESS

- As to public accommodations, generally. **Public Accommodations** (this index)
- Accessibility mandate. State and local government services, below
- Alternatives for meeting accessibility requirement, state and local government services, **2:132 et seq.**
- Architectural barriers. **Public Accommodations** (this index)
- Compliance methods, federal agency existing facilities, **1:98**
- Existing facilities. State and local government services, below
- Federal agency existing facilities, Section 504 protections, **1:97**
- Fundamental alteration or undue burden defense, accessibility mandate for existing facilities, **2:130**
- Historic Preservation** (this index)

BUILDING ACCESS—Cont'd

—Cont'd

- Maintenance of accessible features, **2:103**
- New construction and Accessibility Section 504 protections, **1:101**
- New construction and alterations
- Historic properties, access alterations, **2:146**
- Standards of accessibility, **2:145, 2:146**
- Nonfederal agency existing facilities, Section 504 protections, **1:100**
- Nonfederal existing facilities, Section 504 protections, **1:100**
- Postsecondary schools classrooms, Section 504 protections, **1:150**
- Prison, Section 504 protections, **1:205**
- Requirement of accessible facility, **1:96**
- Section 504 protections, mandated nondiscrimination, generally, **1:102 to 1:118**
- State and local government services
- Accessibility mandate
 - Generally, **2:128 to 2:130**
 - Fundamental alteration or undue burden defense, **2:130**
 - Obligations of public entity, **2:128 to 2:130**
- Alternatives for meeting accessibility requirement, **2:132 et seq.**
- Historic properties, alterations to access, **2:146**
- Maintenance of accessible features, **2:103**
- New construction and alterations, accessibility standards, **2:138, 2:145**

BUILDINGS AND STRUCTURES

- Building Access** (this index)
- Public Accommodations** (this index)

INDEX

BURDEN OF PROOF

Presumptions and Burden of Proof (this index)

BUSES

Over-the-road buses. **Transportation** (this index)
Paratransit Services (this index)

CALCULATION

State and local government services, private right of action, attorneys' fees, **2:225**

CANCELLATION

Termination or Cancellation (this index)

CARDIOVASCULAR IMPAIRMENTS

Section 504 protections, **1:37**

CASE-BY-CASE

DETERMINATION

Section 504 Protections (this index)

CAUSATION

Section 504 protections, **1:264, 1:269**

CEREBRAL PALSY

Section 504 protections, **1:41**

CERTIFICATES AND CERTIFICATION

Equivalent service exceptions, **6:42**

Paratransit Services (this index)

Public Accommodations (this index)

Section 504 protections, certification of programs, **1:86**

State and local government services

Generally, **2:80, 2:81**

Compliance methods and standards, **2:101**

Discriminatory administration, **2:80, 2:81**

Telecommunications Relay Services (TRS) (this index)

CERTIFICATES AND

CERTIFICATION—Cont'd

—Cont'd

Voting Accessibility for the Elderly and Handicapped Act, **2:234**

CHANGE

Alteration or Modification (this index)

CHARGES

Rates and Charges (this index)

CHECK CASHING

Complaint by one precluded from obtaining driver's license for use as identification, form, **6:64**

CHILDREN AND MINORS

AIDS-related complex, education placement of child with, forms, **6:16 to 6:18**

Aid to families with needy children, Section 504 protections, **1:184**

Section 504 protections, medical care or treatment, **1:172**

CIGARETTES

Smoking (this index)

CIVIL RIGHTS ACT OF 1964

Public accommodations, relationship of other laws to ADA, **4:5**

Title VI (this index)

CLAIM ACCRUAL

Enforcement of section 504 protections, statute of limitations, **1:239**

CLASS ACTIONS

Access to court, state and local government services, **2:188**

Consent decree, architectural changes to school buildings, form, **6:30**

Marriage, class action complaint seeking to invalidate statute against marriage by individuals with AIDS or HIV, form, **6:31**

CLASS ACTIONS—Cont'd

—Cont'd

- Private enforcement of ADA, **3:317**
- Public accommodations, suit brought by member of class, **4:175**
- Section 504 protections, judicial enforcement, **1:248**

CLASSROOM ACCESS

- Postsecondary schools, section 504 protections, **1:150**

CLOSED-CAPTIONING

- Apparatus accessibility, **5:166 et seq.**
- Audio description of video programming, **5:154 to 5:159**
- Emergency information, **5:152 et seq.**
- Internet protocol, video programming using, **5:160 to 5:165**
- Public accommodations, specific requirements, **4:101**
- Public service announcements, **5:137**
- Video programming, **5:138 to 5:151**

COERCION

- Retaliation and Coercion** (this index)

COLLATERAL ESTOPPEL

- Public accommodations, **4:165**
- State and local government services, private right of action, **2:189**

COMMUNICABLE DISEASES

- AIDS and HIV** (this index)
- Air Carrier Access Act, discrimination against persons with, **3:338**
- Passenger vessels, on, **3:280 to 3:282**

COMMUNICATIONS

- Equally effective communication mandate. **State and Local**

COMMUNICATIONS—Cont'd

—Cont'd

- Government Services** (this index)
- Section 504 protections, **1:87 to 1:89**
- State and Local Government Services** (this index)
- Telecommunications** (this index)

COMPENSATORY DAMAGES

- Section 504 protections, judicial enforcement, **1:283**
- State and local government services, private right of action, **2:222**

COMPLAINTS

- Accessibility of airline service, **6:76**
- AIDS patient denied treatment, forms, **6:23, 6:65**
- AIDS-related complex, form relating to educational placement of child with, **6:16**
- Air Carrier Access Act** (this index)
- Bar examination applicant with visual impairment, form, **6:36**
- Blind individual, refusal to permit jury service, form, **6:26, 6:32**
- Check cashing identification, form of complaint by one precluded from obtaining driver's license, **6:64**
- Coach in wheelchair precluded from on-field coaching, forms, **6:67, 6:68**
- Consolidated civil rights complaint form, **6:53**
- Designation of Complaints Resolution Official by
- Passenger vessel owner or operator, **3:306**
- Designation of responsible employee; adoption of
- Complaint procedures, **3:304**
- Disabled student, denied from participating in school activities, **6:33**

INDEX

COMPLAINTS—Cont'd

—Cont'd

Dismissal of complaint against state vocational rehabilitation agency, form, **6:3, 6:4**

Dismissal of complaint sought by county school board, form, **6:14**

Enforcement of Section 504 Protections (this index)

Enforcement (this index)

Firefighter with HIV, withdrawal of employment offer, complaint form, **6:2**

Job assignments, forms, **6:6, 6:7**

Lodging places, form relating to refusal to allow use of motorized mobility device in hotel room, **6:55**

Marriage, class action complaint seeking to invalidate statute against marriage by individuals with AIDS or HIV, form, **6:31**

Medical treatment for AIDS denied, forms, **6:23, 6:65**

Nurse terminated for back impairment, form, **6:8**

Passenger vessels, transportation of individuals with disabilities, **3:305 to 3:309**

Action taken upon complaint, **3:307**

Complaints Resolution Officials, **3:306, 3:307**

Enforcement actions, **3:309**

Response to written complaint by owner or operator, **3:308**

Reasonable accommodation in employment, form for failure to make, **6:9**

Restaurants, form of complaint for removal of architectural barriers, **6:57**

Section 504 protections. **Enforcement** (this index)

Stadium, form relating to accessibility of seating, **6:61**

State and Local Government Services (this index)

COMPLAINTS—Cont'd

—Cont'd

Telecommunications relay services, enforcement proceedings under Title VII, **5:71 et seq.**

Theater, form relating to accessibility of seating, **6:59**

Wheelchairs, forms relating to curb ramps, **6:28, 6:29**

COMPLIANCE OR NONCOMPLIANCE

Section 504 Protections (this index)

State and Local Government Services (this index)

CONDUCT

Section 504 Protections (this index)

CONFIDENTIALITY

Exceptions

Genetic information, **7A:5**

Genetic information, **7A:4**

Privileged and Confidential Matters (this index)

CONFORMITY

Section 504 protections, transportation facilities conforming with ADAAG or USAS, **1:186 to 1:198**

CONSENT DECREE

Class actions, architectural changes to school buildings, form, **6:30**

Stadium, form relating to accessibility of seating, **6:62**

CONSOLIDATION OF PROCEEDINGS

Air Carrier Access Act

Complaints to DOT, **3:419**

CONSTITUTIONAL LAW

Eleventh Amendment immunity, abrogation of states, **2:190**

First Amendment, relation to other ADA titles and laws, **2:45**

Fourteenth Amendment, **2:46**

CONSTRUCTION

Employment of inspector, form of affidavit in support of summary judgment motion, **6:11**

New Construction (this index)

CONTAGIOUS DISEASES

AIDS and HIV (this index)

Communicable Diseases (this index)

Section 504 protections

Generally, **1:38**

Otherwise qualified individual with disability, **1:59**

CONTRACTORS

Air Carrier Access Act, compliance with, **3:343**

Over-the-road buses, lift requirements for buses acquired by contractors, **3:66**

Passenger vessels, requirements, **3:274**

CONTRACTS AND AGREEMENTS

Collective Bargaining Agreements (this index)

Employment (this index)

Medical center employment of pharmacist with AIDS-related complex, form, **6:5**

Section 504 Protections (this index)

CONTRIBUTIONS

Interstate Cost Recovery Plan (TRS fund), **5:33**

COORDINATION BY PUBLIC ENTITIES

State and Local Government Services (this index)

COSTS, FEES, AND EXPENSES

Attorneys' Fees (this index)

Section 504 Protections (this index)

State and local government services, added costs of compliance, **2:97**

COUNSELING

COUNSELING—Cont'd

—Cont'd

Section 504 protections, postsecondary schools, **1:154**

COURSE REQUIREMENTS

Section 504 protections, postsecondary schools, **1:151**

COURTS

State and Local Government Services (this index)

CURB RAMPS

Existing facilities, compliance methods for, **2:137**

New construction and alterations, **2:152**

Sidewalks, wheelchair users' complaint and stipulation of settlement, forms, **6:28, 6:29**

State and Local Government Services (this index)

Wheelchair users' complaint and stipulation of settlement, forms, **6:28, 6:29**

DAMAGES

AIDS patient denied treatment, forms, **6:65, 6:66**

Air Carrier Access Act, private enforcement actions, **3:434**

Enforcement of Section 504 Protections (this index)

Firefighter with HIV, withdrawal of employment offer, complaint form, **6:2**

Lodging places, forms relating to refusal to allow use of motorized mobility device in hotel room, **6:56**

Medical treatment for AIDS denied, form of complaint, **6:23**

Nurse terminated for back impairment, form of complaint, **6:8**

Public Accommodations (this index)

Punitive Damages (this index)

Reasonable accommodation, form of complaint for failure to make, **6:9**

INDEX

DAMAGES—Cont'd

—Cont'd

State and local government services, private right of action, **2:221**

Teacher with lifting limitations, form of complaint concerning job assignment, **6:7**

DATE

Time or Date (this index)

DEAFNESS

Hearing Impairments (this index)

DECLARATORY JUDGMENTS

AIDS-related complex, complaint form concerning educational placement of child with, **6:16**

Blind individual, refusal to permit jury service, form of complaint, **6:26, 6:32**

Check cashing identification, form of complaint by one precluded from obtaining driver's license, **6:64**

Coach in wheelchair precluded from on-field coaching, form of complaint, **6:67**

Firefighter with HIV, withdrawal of employment offer, complaint form, **6:2**

Lodging places, forms relating to refusal to allow use of motorized mobility device in hotel room, **6:55, 6:56**

Marriage, class action complaint seeking to invalidate statute against marriage by individuals with AIDS or HIV, form, **6:31**

Public transit, complaint for declaratory and injunctive relief, failure of transit agency to provide access for mobility impaired, form, **6:52**

DEFAULTS

Air Carrier Access Act

Complaints to DOT, on, **3:418**

DEFENSES

DEFENSES—Cont'd

—Cont'd

Exhaustion of Remedies (this index)

Fundamental alteration or undue burden defense. **State and Local Government Services** (this index)

Privileges and Immunities (this index)

Public Accommodations (this index)

State and Local Government Services (this index)

Waiver and Estoppel (this index)

DEFINITIONS

Words and Phrases (this index)

DELIBERATE INDIFFERENCE

Section 504 protections, **1:261**

DEMAND RESPONSIVE TRANSPORTATION SYSTEMS

Transportation (this index)

DESIGN

Telecommunications, design, development and evaluation of product, accessibility considerations, **5:81, 5:87**

DESIGNATION

State and Local Government Services (this index)

DIABETES

Section 504 Protections (this index)

DIRECT THREAT DEFENSE

Public Accommodations (this index)

DISABILITIES EDUCATION ACT

State and local government services, **2:47**

DISABILITIES IN PRESCHOOL

Section 504 protections, elementary and secondary schools, **1:121**

DISABILITY DEFINED

DISABILITY DEFINED—Cont'd

—Cont'd

- Generally, **2:1 to 2:8**
- Ability to work, effect on person's life, **2:15**
- Current drug user excluded from definition of individual with disability, **2:6**
- Drugs. Illegal use of drug by individual with disability, below
- Episodic impairment as substantially limiting; effect of remission, **2:17**
- Exclusions
 - Generally, **2:3**
 - Current drug user excluded from definition of individual with disability, **2:6**
 - Exemption from exclusion from definition of individual with disability of person no longer using drugs or otherwise entitled, **2:6**
 - Illegal use of drug by individual with disability
 - Generally, **2:6**
 - Exclusion of current user, **2:6**
 - Exemption from exclusion if not using or otherwise entitled, **2:6**
 - Impairment distinguished from substantial limitation, **2:13**
 - Individual with disability
 - Generally, **2:4 to 2:6**
 - Illegal use of drug by individual with disability, above
 - Limitation of major life activities. Physical or mental impairment substantially limiting major life activities, above
 - Mitigating measures, effect of, **2:18**
 - Personal characteristics distinguished, physical or mental impairment, **2:10**
 - Physical or mental impairment substantially limiting major life activities
 - Generally, **2:9 to 2:18**

DISABILITY DEFINED—Cont'd

—Cont'd

- Ability to work, effect on person's life, **2:15**
- Activities covered, **2:12**
- Conditions covered, **2:8**
- Effect of impairment on person's life, **2:12 to 2:15**
- Mitigating measures, effect of, **2:18**
- Personal characteristics distinguished, **2:10**
- Physical or mental impairment, generally, **2:9 to 2:18**
- Substantial limitation
 - Generally, **2:12 to 2:18**
 - Distinguished from impairment, **2:10**
- Temporary impairments, **2:16**
- Record of impairment, **2:19**
- Section 504 Protections** (this index)
- Substantial limitation of major life activities. Physical or mental impairment substantially limiting major life activities, above
- Temporary impairments, **2:16**
- Tests for disability
 - Generally, **2:8 to 2:20**
- Physical or mental impairment substantially limiting major life activities, above
- Record of impairment, **2:19**
- Regarded as having impairment, **2:20**
- Tripartite definition, **2:2**

DISABLED ACCESS TAX CREDIT

- Amount of credit available, **4:226**
- Application for credit, **4:224**
- Application to partnerships and S corporations, **4:226**
- Component of general business credit, **4:227**
- Double benefit will be denied, **4:228**
- Eligible person defined, **4:225**
- Eligible small business, **4:225**

INDEX

DISABLED ACCESS TAX CREDIT **—Cont'd**

- Cont'd
 - IRS standards as to eligible access expenditures must be meant, **4:229**
 - Members of controlled group as one person, treatment of, **4:226**
 - New construction expenses excluded from eligible access expenditure, **4:230**
 - Partnerships, application to, **4:226**
 - S corporations, application to, **4:226**

DISCIPLINE AND DISCIPLINARY ACTIONS

- Section 504 protections, elementary and secondary schools, **1:130**

DISCOVERY

- Public accommodations, discovery of Title III claim, **4:182**
- Section 504 protections, **1:257**
- State and local government services, private right of action, **2:199**

DISCRIMINATORY ACTIONS

- Antidiscrimination prohibition
- Genetic Information Nondiscrimination Act (GINA), **7A:10**
- Apprenticeship
- Genetic Information Nondiscrimination Act (GINA), **7A:9**
- Employment agencies or labor organizations
- Genetic Information Nondiscrimination Act (GINA), **7A:8**

DISCRIMINATORY ACTIONS, PROHIBITED

- Genetic Information Nondiscrimination Act (GINA)
- Generally, **7A:7-7A:10**

DISEASES

- Air Carrier Access Act, discrimination against persons with

DISEASES—Cont'd

- Cont'd
 - communicable diseases, **3:338**
 - Passenger vessels, on, **3:280 to 3:282**
 - Section 504 Protections** (this index)

DISEMBARKING

- Boarding and Disembarking** (this index)

DISMISSAL

- Complaint against state vocational rehabilitation agency, form, **6:3, 6:4**
- Enforcement of Section 504 Protections, motion to dismiss., **1:253**
- Restaurants, form of notice of dismissal of complaint for removal of architectural barriers, **6:58**
- Section 504 protections, motion to dismiss, generally, **1:253**

DISPARATE IMPACT

- Section 504 protections, burden of proof, **1:272**
- State and local government services, private right of action, burden and elements of proof, **2:208**

DISQUALIFICATION

- Qualification and Disqualification** (this index)

DISRUPTIONS

- Section 504 protections, placement and reevaluation of disruptive elementary and secondary schoolchildren, **1:124**

DRIVER'S LICENSE

- Check cashing identification, form of complaint by one precluded from obtaining driver's license, **6:64**

DRUGS, ILLEGAL DRUGS

- Disability defined, **2:6**

DRUGS, ILLEGAL DRUGS

—Cont'd

—Cont'd

- Exclusion of current user from definition of disability, **2:6**
- Exemption from exclusion from definition of disability if not using or otherwise entitled, **2:6**
- Public accommodations, ADA policy of testing for illegal use of drugs, **4:51**

Section 504 Protections (this index)

EDUCATION

- Abatement of actions under state law, **12:21**
- Abstention doctrine, **12:11**
- Academic activities and facilities, forms, **6:16 to 6:18**
- Access to courts, generally, **12:10-12:16**
- Access to information. Privacy of records, *infra*
- Accommodations, **11:128**
- Accountability
- Property acquired with aid money, **11:104**
- Accounting treatment
- Aid payments, separate accounting for, **11:131**
- Excess cost requirement, **11:179**
- Accrual of cause of action, **12:20**
- ADA Amendments Act of 2008 (ADAAA)
- Construction of ADA. Amendments, *supra*
- Corrective measures, mitigation by. Effect of amendments, *infra*
- Disability defined. Definition of disability, *supra*
- Effective date and retroactivity. Effect of amendments, *infra*
- Administrative forms
- Annotated IEP checklist, **13:36**
- Appointment of surrogate parent, **13:35**

EDUCATION—Cont'd

—Cont'd

- IEP (Individualized Education Plan), **13:36, 13:37**
- Scope, **13:33 et seq.**
- Surrogate parent declaration, **13:34**
- Administrative procedure
- Complaints, *infra*
- Exhaustion of remedies, *infra*
- Advancing from grade to grade, **11:70**
- Advisory board on Indian schools aid, **11:64**
- Advisory panel for policy guidance, **11:139-11:141**
- Affidavit forms
- Parent's unilateral private placement, **13:23**
- Transcript of proceedings at government expense, **13:27**
- African-American students
- Complaint form, **13:2**
- Disproportionality, racial, **11:356, 11:357**
- Age limitations on free appropriate public education (FAPE)
- Exception, **11:67**
- Agreements. Contracts and agreements, *infra*
- AIDS-related complex, forms relating to educational placement of child with, **6:16 to 6:18, 13:3, 13:20**
- Aid to states. Assistance for education, etc., *supra*
- Allegations required in pleadings, **12:40 et seq.**
- Allocation of funds
- Indian schools aid, **11:57**
- Infants and toddlers with disabilities, *infra*
- Preschool grants
- Local educational agencies, **11:361**
- State educational agencies, **11:359**
- States, **11:359**
- States, **11:45-11:47**
- Alternate assessments, **11:129**

INDEX

EDUCATION—Cont'd

—Cont'd

Alternative means of participation
in IEP, **11:240**

Private school placements by public agencies, **11:241**

Amendments

ADA Amendments Act of 2008
(ADAAA), *supra*

Pleadings, to, **12:44**

Annotated IEP checklist,
administrative forms, **13:36**

Answers, forms, **13:12 to 13:14**

Appeal and review

Generally, **11:294 et seq.**

Access to courts, **12:10-12:16**

Actions upon determination that
behavior was not manifestation
of disability, **11:288**

Assistance for education of disabled children, **11:330**

Burden of proof, **11:312**

Case or controversy, **11:302**

Civil action, **11:294**

Defendant parties, generally,
11:304

Disciplinary or protective placements, **11:289, 11:290**

Evidence and sufficiency, **11:312**

Exhaustion of administrative remedies, **11:298**

Hearing, due process, review,
11:272

IDEA, relief available under,
11:315

Individualized education program
(IEP), **11:235**

Individuals, decisions affecting,
generally, **11:318**

Jurisdiction, **11:298**

Jurisdiction, effect, **11:299**

Jury trial, **11:297**

Mainstreaming compliance, **11:90**

Mootness, **11:302**

No limitation on actions under
other statutes, **11:295**

Parties to actions, **11:303, 11:304**

Presumptions, **11:312**

EDUCATION—Cont'd

—Cont'd

Private schools and students

Bypass, **11:171**

Procedural safeguards, generally,
11:242 et seq.

Relief

IDEA, **11:315**

IDEA, Compensatory education,
11:316

Other statutes, **11:317**

Scope of review, **11:306**

Secretary of education, approval of
procedures by, **11:162**

Standard of review, **11:306**

Summary judgment, **11:313**

Supplemental evidence, **11:314**

Time for bringing suit, **11:296**

Applications

Coordinated research, etc., *infra*

Coordinated research, training,
support and information
systems, **11:530, 11:537**

Infants and toddlers with disabilities, *infra*

Program improvement grants,
11:509

Appointment of surrogate parent,
administrative forms, **13:35**

Appropriate education. Free
appropriate public education,
infra

Appropriateness as bottom line in
mainstreaming, **11:81**

Assessment and testing

See also Evaluation and reevaluation,
infra

Accommodations, **11:128**

Alternate assessments, **11:129**

Children with disabilities, **11:128-11:130**

Evaluation and reevaluation,
11:217 to 11:219

Free appropriate public education
(FAPE), **11:68**

Goal attainment, **11:127**

Individualized education program
(IEP), **11:234**

EDUCATION—Cont'd

—Cont'd

- Procedures for determination of eligibility, **11:220**
- Reports of assessment participation, **11:130**
- Assistance for education of disabled children
- Generally, **11:41-11:361**
- See also lines throughout this index heading
- Administration of aid funds by states, **11:48-11:54**
- Adoption of standards, access to instructional materials for blind persons, **11:143**
- Allocations to states, **11:45-11:47**
- Appeal, standard of review on, **11:330**
- Attorneys' fees, **11:319 et seq.**
- Blind persons, access to instructional materials for, **11:143, 11:145**
- Change of placement for disciplinary removals, **11:283-11:293**
- Conditions for assistance to states, **11:65-11:186, 11:353-11:357**
- Confidentiality, **11:92, 11:344**
- Coordination of services, plan for, **11:63**
- Costs and expenses
 - Administrative costs allowable, **11:50**
 - Infants and toddlers with disabilities, use of funds for, **11:49**
 - Proceedings, costs of, **11:319 et seq.**
- Disproportionality, **11:146**
- Due process safeguards, **11:242-11:252**
- Education Secretary's powers and duties, generally, **11:37, 11:343**
- Eligibility for aid, *infra*
- Evaluation, **11:91**
- Evaluation and placement of children, **11:203 et seq.**
- Grants to states, **11:41, 11:42**

EDUCATION—Cont'd

—Cont'd

- Independent evaluation, **11:242-11:252**
- Indian children education services payments, **11:57-11:64**
- Individualized education programs, **11:227-11:241**
- Infants and toddlers with disabilities, use of funds for, **11:49**
- Information provided by state, **11:353-11:357**
- Interior Secretary's use of funds, **11:57-11:64**
- Judicial review of decisions affecting individuals, **11:294 et seq.**
- Local educational agencies
 - Eligibility for assistance, **11:173-11:202**
 - Instructional materials for blind, purchase of, **11:184**
 - Prevailing party, **11:325**
 - SEA flexibility in reducing expenditures, **11:202**
 - State agency eligibility, **11:200**
 - Subgrants to, **11:55**
- Mandatory medication, prohibition on, **11:147**
- Mediation of disputes, **11:253-11:256**
- Outlying areas and freely associated states, **11:43**
- Overidentification, **11:146**
- Payments to states, **11:41, 11:42**
- Placement for disciplinary removals, **11:283-11:293**
- Private school students, **11:94-11:111**
- Procedural safeguards, **11:90, 11:91**
- Protections afforded education records under IDEA, **11:343**
- Providing instructional materials for blind persons, **11:145**
- Recoverable fees, **11:327**
- Reservation schools, payments to, **11:57-11:64**

INDEX

EDUCATION—Cont'd

—Cont'd

- Rights and responsibilities of the SEA, **11:144**
- Secretary of Interior, **11:43**
- State educational agency (SEA), **11:325**
- Subgrants by states
 - Reallocation of IDEA funds distributed to LEAs, **11:56**
- Technical assistance, **11:43**
- Assistive technology devices
 - Defined, **11:5**
 - Providing, **11:117**
- Associations as parties, **12:27**
- Athlete with learning disability, forms of petition and supporting affidavits for waiver of 19-year-old eligibility rule, **6:19 to 6:21**
- Athletic teams, form, **13:32**
- Attorneys
 - Fees. Attorneys' fees, *infra*
 - Pro se complaints, **12:43**
 - Right to counsel in forma pauperis proceedings, **12:24**
 - Attorneys' fees
 - Generally, **11:319 et seq.**
 - Generally, **12:55-12:58**
 - Actions or proceedings in which award may be made, **11:323**
 - Allowable, when, **11:322**
 - Appeal, standard of review on, **11:330**
 - Bars to award, **11:321, 11:329**
 - Calculating award, **11:328**
 - Calculation, **12:57**
 - LEA as prevailing party, **11:325**
 - Parties liable, **12:56**
 - Prevailing defendant, award to, **12:58**
 - Prevailing party, defined, **11:324**
 - Prohibition on use of funds, **11:320**
 - Recoverable fees, **11:327**
 - Reduction of fees, **11:329**
 - Reimbursement, complaint form, **13:6**
 - SEA as prevailing party, **11:325**

EDUCATION—Cont'd

—Cont'd

- Settlement or consent decree, effect of, **11:326**
- Audit trail for aid payments, **11:131**
- Autism, defined, **11:8**
- Behavioral supports, **11:535-11:537**
- Behavior review meeting, alternative placements, **11:286-11:288**
- Black children
- Complaint form, **13:2**
- Disproportionality, racial, **11:358**
- Blind or visually impaired students, defined, **11:8**
- Borrowing state law, generally, **12:17**
- Briefs
 - Transcript of proceedings at government expense, forms, **13:26, 13:28**
- Building construction and improvement compliance guidelines, **11:36**
- Burden of proof. Presumptions and burden of proof, *infra*
- Business day, defined, **11:10**
- Busing to private schools, **11:100**
- By-pass for children in private schools. Private schools, *infra*
- Calculating aid. Formulas for calculating aid, *infra*
- Capital improvements compliance guidelines, **11:36**
- Causation, **12:49**
- Change in placement, mainstreaming (LRE), **11:87**
- Change of placement for disciplinary removals, **11:283-11:293**
- Charter school, defined, **11:12**
- Charter schools
- Excess cost requirements, **11:183**
- Checklists
- Infants and toddlers with disabilities, *infra*
- Procedural safeguards, **11:244**
- Child find requirement, **1:122**

EDUCATION—Cont'd

—Cont'd
 Child-find requirements
 Mainstreaming, **11:77, 11:97**
 Private school placements by
 parents, **11:77, 11:97**
 Private schools, **11:97**
 Child with a disability, defined,
 11:6, 11:8
 Civil action authorized, **11:294**
 Civil rights actions
 Generally, **12:1-12:9**
 Accrual, **12:20**
 Americans with Disabilities Act
 (ADA), **12:8**
 Attorneys' fees, **12:55-12:58**
 Causation, **12:49**
 Color of state law requirement,
 12:2-12:4
 Constitutional rights claims, **12:7**
 Counsel fees, **12:55-12:58**
 Damages, **12:51-12:53**
 Defendant's state of mind, **12:48**
 Equitable relief, **12:54**
 Existence of cause of action, gen-
 erally, **12:1**
 Fees of attorneys, **12:55-12:58**
 Forms, **13:30 et seq.**
 Individuals with Disabilities
 Education Act (IDEA), **12:6**
 Injunctions, **12:54**
 Injury, fact of, **12:49**
 Mootness, **12:12**
 Nominal damages, **12:52**
 Presumed damages, **12:52**
 Private conduct as under color of
 state law, **12:4**
 Punitive damages, **12:53**
 Rehabilitation Act of 1973, **12:9**
 Waiver of, enforceability, **12:5**
 Claim notice under state law as
 limiting federal claim, **12:18**
 Class actions, **11:305**
 Complaint form, **13:2**
 Consent decree, architectural
 changes to school buildings,
 form, **6:30**

EDUCATION—Cont'd

—Cont'd
 Color of state law requirement,
 12:2-12:4
 Commingling aid with state funds,
 11:131
 Complaint by individual teacher,
 forms, **6:6, 6:7**
 Complaint forms
 IDEA actions, generally, **13:6,**
 13:9
 Participation in school activities,
 13:11
 Private school placement, **13:9**
 Reimbursement of private tutoring
 costs, **13:10**
 Residential academic placemetn,
 13:5, 13:6
 Residential placement, reimburse-
 ment of educational expenses,
 13:6
 Retardation, placement of young
 adult with, **13:4**
 Complaints
 Generally. Pleadings, *infra*
 Forms. Complaint forms, *supra*
 Private schools, **11:101**
 Compliance reviews and
 mainstreaming, **11:90**
 Confidentiality of information.
 Privacy of records, *infra*
 Congressional findings. ADA
 Amendments Act of 2008
 (ADAAA), *supra*
 Consent
 Defined, **11:9**
 Evaluation and reevaluation,
 11:221
 Consent decree, **11:326**
 Construction and improvement
 compliance guidelines, **11:36**
 Construction of ADA. ADA
 Amendments Act of 2008
 (ADAAA), *supra*
 Continuum of alternative place-
 ment, **11:84**
 Contracts and agreements
 Mainstreaming (LRE) implementa-
 tion, **11:89**

INDEX

EDUCATION—Cont'd

—Cont'd

- Private school placement, **11:89**
- Training, **11:514**
- Coordinated research, training, support and information systems
- Activities supported, **11:534**
- Age ranges, balance among activities and, **11:529**
- Alternate achievement standards, **11:533**
- Applications
 - Generally, **11:537**
 - Goals of program, **11:538**
 - Parent training, **11:541**
 - Technology development and demonstration, **11:550**
 - Training, **11:518**
- Applications, technical assistance
 - Generally, **11:530**
- Appropriations, **11:533**
- Authorized activities, **11:528, 11:535**
- Authorized program, **11:547**
- Behavioral supports, **11:535-11:537**
- Contracts and agreements, **11:514**
- Dissemination of information, generally, **11:512 et seq.**
- Eligible entities, **11:513, 11:537**
- Evaluation of programs, **11:531, 11:532**
- Grants, **11:527**
- Information sources, linking states to, **11:529**
- Interim alternative educational settings, **11:535-11:537**
- Leadership training, **11:517**
- Media services for education, **11:549**
- Model demonstration projects, generally, **11:512 et seq.**
- National assessment, **11:532**
- National Instruction Materials Access Center, **11:551**
- Parent training
 - Generally, **11:539-11:541**
 - Centers for, **11:539-11:541**

EDUCATION—Cont'd

—Cont'd

- Parent training—Cont'd
 - Checklist of required activities, **11:540**
 - Collaboration, **11:545**
 - Funds distribution, **11:541**
 - Optional activities, **11:540**
 - Parent organization, defined, **11:539, 11:544**
 - Program authorization, **11:542, 11:545**
 - Required activities, **11:543**
 - Resource centers, **11:542-11:544**
 - Review, quarterly, **11:541**
 - Technical assistance for parent training, **11:546**
- Preparation, generally, **11:512 et seq.**
- Report, **11:537**
- Required activities, **11:527**
- Studies and evaluations of programs, **11:531, 11:532**
- Systemic school interventions, **11:535-11:537**
- Technical assistance, generally, **11:512 et seq.**
- Technology development and demonstration, **11:547-11:551**
- Training
 - Generally, **11:514-11:526**
 - Applications, **11:518**
 - Authorized activities, **11:516**
 - Beginning special educators, enhanced support for, **11:515**
 - Competitive grants, **11:514**
 - Contracts and agreements, **11:514**
 - Leadership training, **11:517**
 - Low-incidence disabilities, **11:516**
 - Parent training, supra this group
 - Selection of recipients, **11:519**
 - Service obligation
 - Generally, **11:520**
 - Allowable costs, **11:521**

EDUCATION—Cont'd

- Cont'd
 - Training—Cont'd
 - Service obligation—Cont'd
 - Assurances that must be provided by grantee, **11:523**
 - Employment, requirements for scholar, **11:525**
 - Exception or deferral, requirements for scholar, **11:526**
 - Requirements for grantees in disbursing scholarships, **11:522**
 - Scholar, requirements for, **11:524**
 - Coordinated services system
 - Preschool grants and programs, **11:360**
 - Co-payments, **11:119, 11:121**
 - Corrective measures, mitigation by. ADA Amendments Act of 2008 (ADAAA), *supra*
 - Costs
 - Attorneys' fees, *supra*
 - Excess cost requirement, *infra*
 - Private schools and students, **11:102-11:108**
 - Counsel fees. Attorneys' fees, *supra*
 - Covered entities. Genetic Information Nondiscrimination Act (GINA), *infra*
 - Damages
 - Attorneys' fees, **12:55-12:58**
 - Civil rights actions, **12:51-12:53**
 - Exhaustion of administrative remedies, money damages, **12:15**
 - Nominal damages, **12:52**
 - Presumed damages, **12:52**
 - Punitive damages, **12:52**
 - Dangerous children. Disciplinary or protective placements, *infra*
 - Day, defined, **11:10**
 - Deaf-blindness, defined, **11:8**
 - Deafness, defined, **11:8**
 - Declaratory relief complaint forms, **13:2 et seq., 13:4, 13:9, 13:31**

EDUCATION—Cont'd

- Cont'd
 - Defendant parties, **12:29 et seq.**
 - Defendant's state of mind, **12:48**
 - Definitions. Words and phrases, *infra*
 - Disciplinary information on student, reporting, **11:201**
 - Disciplinary or protective placements
 - Generally, **11:283-11:293**
 - Appeal by parents, **11:289, 11:290**
 - Behavior review meeting, **11:286-11:288**
 - Change of placement for disciplinary removals
 - Special circumstances for longer interim setting, **11:284**
 - Change of placement for disciplinary removals, generally, **11:283-11:293**
 - Due process hearing, expedited, **11:291**
 - Follow up, **11:287**
 - Hearing officer authority, **11:292**
 - Manifestation determination review, **11:286-11:288**
 - Non-disabled children subject to discipline, rights of, **11:293**
 - Parents
 - Appeal, **11:289, 11:290**
 - Notice, **11:286**
 - Placement pending appeal, **11:290**
 - Services provided, **11:285**
 - Stay-put requirement, **11:270**
 - Disclosure of evaluations and recommendations, **11:267**
 - Dismissal
 - Complaint sought by county school board, forms, **6:14, 6:15**
 - Forma pauperis proceeding, **12:23**
 - Pleadings, **12:45**
 - Postsecondary schools, **1:156**
 - Disproportionality, racial, **11:356, 11:357**
 - Due process
 - Notice of procedural safeguards, **11:249**

INDEX

EDUCATION—Cont'd

—Cont'd

Notice of procedural safeguards, parents, **11:251**
Procedural safeguards, generally, **11:242-11:252**
Transfer of parental rights at age of majority, **11:252**
Due process complaint Amendments, **11:261**
Filing, **11:257**
Filing, Time limitation, **11:258**
Notice, **11:259**
Sufficiency of, **11:260**
Due process rights, forms, **13:17**
Early intervening services
Indian schools aid, **11:59**
Early intervention services, **11:196, 11:197, 11:370**
Educational service agency, defined, **11:11**
Education forms
Generally, **13:1 et seq.**
Education secretary
Eligibility determinations, **11:152**
Filing requirements, **11:157**
Final and initial decision, **11:161**
Hearing
 Official or panel, **11:154**
 Oral argument, **11:159**
 Prehearing conference, **11:156**
 Presentation of evidence, **11:158**
 Procedures, generally, **11:155-11:160**
 Request for, **11:157**
 Transcript, **11:160**
Initial and final decision, **11:161**
Judicial review, **11:162**
Notice and hearing before eligibility determination, **11:153**
Powers and duties, generally, **11:41, 11:343**
Rules and regulations, duties regarding, **11:343**
EEOC. ADA Amendments Act of 2008 (ADAAA), *supra*
Effective date

EDUCATION—Cont'd

—Cont'd

ADA Amendments Act of 2008 (ADAAA), *supra*
Eleventh Amendment immunity abrogation, **11:35**
Elementary and secondary schools
Generally, **1:119 to 1:156**
Accommodation of parents with disabilities, **1:127**
Additional school programs, placement and reevaluation, **1:135**
Adult education, **1:121**
Adult education by elementary and secondary schools, **1:133**
Annual location and notification requirement, **1:121**
Athletics, nonacademic and extracurricular activities, **1:136**
Cost to student, education without, **1:129**
Disciplinary actions, **1:130**
Disruptive children, placement and reevaluation, **1:125**
Evaluation and reevaluation, **1:124**
Extracurricular activities.
 Nonacademic and extracurricular activities, below this group
Field trips, **1:139**
Free appropriate public education requirement, **1:128, 1:129**
Nonacademic and extracurricular activities
 Generally, **1:136 to 1:138**
 Athletics, **1:136**
 Physical education, **1:137**
 Transportation, **1:138**
Physical education, nonacademic and extracurricular activities, **1:137**
Placement and reevaluation
 Generally, **1:124**
 Additional school programs, **1:135**
 Disruptive children, **1:125**
 Preplacement evaluation, **1:123**
 Special schools, **1:135**

EDUCATION—Cont'd

—Cont'd

Preplacement evaluation, **1:123**
 Preplacement evaluation, **1:123**
 Preschool education, **1:132**
 Private programs, **1:134**
 Procedural safeguards, **1:131**
 Qualified individuals with disabilities, **1:120**
 Reasonable accommodation, **1:126**
 Reevaluation. Placement and reevaluation, above this group
 Special schools, placement and reevaluation, **1:135**
 Transportation
 Field trips, **1:139**
 Nonacademic and extracurricular activities, **1:138**
 Elementary school, defined, **11:12**
 Eleventh Amendment immunity abrogation, **11:34, 11:35**
 Eligibility for aid
 Generally, **11:65-11:252**
 Accountability for results, **11:127**
 Advisory panel for policy guidance, **11:139-11:141**
 Assessments
 Children with disabilities, **11:128-11:130, 11:130**
 Goal attainment, **11:127**
 Availability of free appropriate public education (FAPE), **11:66, 11:67**
 Classification of disabilities, **11:78**
 Commingling aid with state funds, **11:131**
 Consistency with state policies, **11:174**
 Continuity of services, **11:116-11:121**
 Co-payment prohibited, **11:119**
 Curricula for disabled students, generally, **11:75**
 Determinations by education secretary, generally, **11:152**
 Early intervention services, **11:196, 11:197**
 Educational service agencies, **11:195**

EDUCATION—Cont'd

—Cont'd

Employment for qualified individuals with disabilities, **11:138**
 Ensuring continuity of services, **11:116-11:121**
 Exceptions to availability of free appropriate public education (FAPE), **11:67**
 Excess cost requirements, **11:175-11:180**
 Finding disabled children, **11:77**
 Free appropriate public education, **11:66 et seq., 11:116 et seq.**
 Full educational opportunity goal, **11:75**
 Hearing aids, routine checks of, **11:80**
 Indian schools aid, **11:58, 11:62**
 Individualized education program (IEP), **11:79, 11:233**
 Infants and toddlers with disabilities, **11:363**
 Interagency dispute resolution, **11:116**
 Jointly establishing eligibility, **11:193-11:197**
 LEA eligibility, hearings relating to, **11:122**
 Local educational agencies, generally, **11:173-11:202**
 Mainstreaming, **11:81-11:92**
 Maternal and child health benefits affected, **11:149**
 Medicaid, **11:119, 11:121, 11:149**
 Modifications, **11:151**
 Outlying areas and freely associated states, **11:43**
 Performance goals and indicators, **11:127**
 Private schools and students, **11:94-11:111**
 Program improvement grants, **11:509**
 Program options for free appropriate public education (FAPE), **11:76**
 Public participation, **11:136**

INDEX

EDUCATION—Cont'd

—Cont'd

- Reduction of aid for support level reduction, **11:134, 11:135**
- Reimbursement by nonpaying agency, **11:118**
- Responsible agencies, establishing, **11:116-11:121**
- States' sovereign immunity, **11:137**
- Statutory construction, **11:78**
- Supervision by state educational agency (SEA), **11:112**
- Supplantation of funds prohibited, **11:132**
- Support levels, maintaining, **11:134, 11:135**
- Surgically implanted medical devices, routine checks of, **11:80**
- Teacher development and standards, **11:123-11:126, 11:126**
- Use of amounts, **11:175-11:180**
- Waiver
 - Supplantation prohibition, **11:132**
 - Support level requirements, **11:135**
- Emotional disturbance, defined, **11:8**
- Employment
- Disabled persons in programs, **11:37**
- EOC. ADA Amendments Act of 2008 (ADAAA), *supra*
- Genetic Information Nondiscrimination Act (GINA), *infra*
- Enforcement and remedies.
 - Genetic Information Nondiscrimination Act (GINA), *infra*
- English language
- Individualized education program (IEP), **11:235**
- Notice
 - Independent evaluation, **11:248**
 - Procedural safeguards, **11:250**
- Skills evaluation, **11:219**
- Equipment
- Purchase authorization, **11:36**
- Evaluation

EDUCATION—Cont'd

—Cont'd

- Defined, **11:13**
- Elementary and secondary schools,
 - Section 504 protections, **1:124**
- Postsecondary schools, Section 504 protections, **1:152**
- Evaluation and reevaluation
- Generally, **11:211 et seq.**
- See also Assessment and testing, *supra*
- Accountability for students who are held to alternative achievement standards, **11:533**
- Activities supported, **11:534**
- Appropriations, **11:533**
- Assistance for education of disabled children, **11:91**
- Consent of parent, **11:221**
- Coordinated research, training, etc., **11:531, 11:532**
- Determination of learning disability, specific, criteria, **11:223**
- Disclosure, **11:267**
- Eligibility determination, **11:214, 11:224**
- English language skills, **11:219**
- Independent educational evaluation
 - Notice, **11:247, 11:248**
- Initial evaluations, **11:211**
- Learning disability, specific, criteria, **11:222**
- Local educational agency (LEA) responsibility, **11:217 to 11:219**
- Notice, **11:216**
- Notice of determination, **11:214, 11:224**
- Observations of child, **11:225**
- Parental consent for determination of learning disability, specific, criteria, **11:224**
- Parental consent for initial evaluation, **11:204**
- Parental consent for re-evaluations, **11:209**

EDUCATION—Cont'd

—Cont'd

- Parent involvement and consent, **11:221**
- Parents refusal to consent, **11:207**
- Parents refusal to consent, services, **11:210**
- Procedure, **11:216-11:226**
- Procedures for determination of eligibility, **11:220**
- Psychologist involvement, **11:221**
- Reevaluations, generally, **11:213**
- Refusal of parental consent, **11:205**
- Review of evaluation data, **11:215, 11:223**
- Revocation of consent, **11:208**
- Services, parental consent for, **11:206**
- Specific documentation for eligibility determination, **11:226**
- Teacher involvement, **11:221**
- Testing, **11:217 to 11:219**
- Timing of initial evaluation, **11:212**
- Evidence
 - Individuals with Disabilities Education Act, **11:312**
 - Judicial review, **11:312**
 - Presumptions and burden of proof, *infra*
 - Supplemental evidence, **11:314**
 - Excess cost requirement
 - Generally, **11:175-11:180**
 - Accounting treatment, **11:179**
 - Charter schools, **11:183**
 - Defined, **11:14**
 - Elementary and Secondary School Education Act (ESEA), **11:179**
 - Exception, **11:178**
 - Local educational agency eligibility, generally, **11:173-11:202**
 - Teacher development, **11:181**
 - Excusing exhaustion of administrative remedies, **12:14**
 - Exhaustion of administrative remedies
 - Generally, **11:298**

EDUCATION—Cont'd

—Cont'd

- Claim of systemic failure, **11:301**
- Exceptions to exhaustion requirement, **11:300**
- Excusing exhaustion, **12:14**
- Forms, **13:17**
- Individuals with Disabilities Education Act, **12:13**
- Money damages, **12:15**
- Rehabilitation Act, **12:16**
- Existence of cause of action, generally, **12:1**
- Expelling students. Suspension or expulsion of students, *infra*
- Expert costs, **13:24, 13:25**
- Extended school year services, **11:72**
- Extracurricular activities
- Equal opportunity, **11:73**
- Forms, **6:19 to 6:21**
- Mainstreaming, **11:85**
- Extracurricular activities.
 - Elementary and secondary education, *above*
- Facilities construction and improvement compliance, **11:36**
- FAPE. Free appropriate public education, *infra*
- Fees
 - Attorneys' fees, *supra*
- Fictitious names for parties, **12:25**
- Finding children. Child-find requirements, *supra*
- Forma pauperis proceedings
 - Generally, **12:22-12:24**
 - Availability, **12:22**
 - Counsel appointment, **12:24**
 - Dismissal, **12:23**
 - In forma pauperis proceedings.
 - Forma pauperis proceedings, *supra*
- Forms
 - Generally, **6:13 to 6:22**
 - Answer, **13:12 to 13:14**
- Complaints
 - For detailed treatment, see Complaint forms, *supra*

INDEX

EDUCATION—Cont'd

—Cont'd

Complaints—Cont'd

Generally, **13:2 et seq., 13:31, 13:32**

Exhaustion of administrative remedies, failure, **13:17**

Independent psychological evaluation, due process rights, **13:17**

Individuals with Disabilities Act, generally, **13:1 et seq.**

Notice of motion, **13:22**

Scope, **13:1**

Scope, 42 U.S.C.A. § 1983, **13:30**

Section 1983 suits, generally, **13:30 et seq.**

Summary judgment form, cross-motion for summary judgment, failure to exhaust administrative remedies, **13:17**

Transcript of proceedings at government expense, notice, brief, and affidavit forms, **13:28 et seq.**

Formulas for calculating aid

Calculating maximum aid to state, **11:42**

Free appropriate public education (FAPE), **11:67**

Maximum aid to state, **11:42**

Permanent formula, **11:47**

Increase, **11:46**

Fraud on court, form pauperis proceeding as, **12:23**

Free appropriate public education (FAPE)

Generally, **11:66-11:80**

Adults, **11:67**

Advancing from grade to grade, **11:70**

Age limitations, **11:67**

Assessment delays, **11:68**

Assistance under other federal programs, **11:149**

Complaint forms, **13:7 et seq., 13:31**

Defined, **11:15**

EDUCATION—Cont'd

—Cont'd

Eligibility determination, **11:66, 11:70**

Exceptions to FAPE, **11:67**

Extended school year services, **11:72**

Extracurricular activities, equal opportunity, **11:73**

Formula for calculating, **11:67**

Graduation from high school affecting, **11:67**

Hearing aid functioning, **11:71**

Infants and toddlers with disabilities, **11:67, 11:69**

Interpreter, sign language, **11:71**

Mainstreaming in physical education, **11:74**

Payments, **11:68**

Physical education, mainstreaming, **11:74**

Responsibility for FAPE, establishing, **11:116 et seq.**

Sign language interpreter, **11:71**

Special education free of charge, generally, **11:66**

State educational agency (SEA) as local provider, **11:148, 11:149**

Supplantation prohibition waived, **11:132**

Toddlers, **11:67, 11:69**

Free appropriate public education (FAPE) options, **11:76**

Freely associated states, **11:43**

Freely associate state, application for funds by, **11:44**

Full educational opportunity goal, **11:75**

Genetic Information Nondiscrimination Act (GINA)

Definitions. Words and phrases, *infra*

Exceptions

Prohibition, acquisition of genetic information, *infra*

Genetic monitoring. Genetic Information Nondiscrimination Act (GINA), *supra*

Glossary. Words and phrases, *infra*

EDUCATION—Cont'd

—Cont'd

Governing law, generally, **12:17 et seq.**
 Governmental entities or officers as parties, **12:28 et seq.**
 Graduation affecting free appropriate public education, **11:67**
 Grants to states
 Generally, **11:41, 11:42**
 Freely associated state, application for funds by, **11:44**
 Maximum amount, **11:42**
 Program improvement grants, *infra*
 Subgrants to local educational agencies, *infra*
 Group home, complaint form, notice of intent to discharge from home, **13:4**
 Health insurance
 Co-payments, **11:119, 11:121**
 Medicaid, **11:119, 11:121, 11:149**
 Part B funds use absent, **11:121**
 Private insurance benefits, **11:120**
 Hearing aid functioning, **11:71**
 Hearing aids, routine checks, **11:80**
 Hearing impairment, defined, **11:8**
 Hearings
 Adjustments to time period for resolution, **11:264**
 Appeal of decision, **11:279**
 Appeal of due process hearing decision to SEA, **11:278**
 By-pass for children in private schools, **11:166, 11:194**
 Civil actions, right to bring, **11:279**
 Complaint alleging due process violation, **13:31**
 Decisions, **11:273**
 Due process hearing, **11:274**
 Hearing officers order to comply, remedies, **11:277**
 Timeline for reaching final decision, **11:276**
 Who has burden of proof, **11:275**
 Eligibility determinations, **11:194**
 Limitations on, **11:268**

EDUCATION—Cont'd

—Cont'd

Maintenance of current educational placement, **11:280 et seq.**
 Opportunity, **11:265**
 Parental rights, **11:270**
 Parental rights at hearing, **11:270**
 Reduction of aid for local agency noncompliance, **11:190**
 Resolution meeting, **11:262**
 Review of hearings, **11:272**
 Rights at due process hearing, **11:269**
 Stay put requirement, **11:280 et seq.**
 Effect of finding that change of placement is appropriate, **11:282**
 Where complaint involves initial educational placement of child, **11:281**
 Timeliness, **11:272**
 Time period for resolution, **11:263**
 Hiring disabled persons in programs, **11:37**
 HIV complaint form, **13:3**
 Homebound education program, form, **13:3**
 Homeless disabled children, finding, **11:77**
 IEP. Individualized education plan, *infra*
 Immunity from suit
 Generally, **12:37-12:39**
 Absolute immunity, **12:38**
 Eleventh Amendment immunity abrogation, **11:34**
 Pleading qualified immunity, **12:42**
 Qualified immunity, **12:39, 12:42**
 Trial, **12:50**
 Improvements
 Capital improvements compliance guidelines, **11:36**
 Private schools aid prohibited, **11:104**
 Program improvement grants, *infra*
 Indemnity by nonpaying agency, **11:118**

INDEX

EDUCATION—Cont'd

—Cont'd

- Independent educational evaluation. Evaluation, *supra*
- Independent psychological evaluation, forms, **13:17**
- Indian schools aid
 - Generally, **11:57-11:64**
 - Advisory board to be established, **11:64**
 - Allocation of funds by education secretary, **11:57**
 - Early intervening services, **11:59**
 - Eligibility criteria
 - Interior secretary's receiving allocation, **11:58**
 - Tribes, **11:62**
 - Indian, defined, **11:16**
 - Indian tribe, defined, **11:16**
 - Pre-school programs funding, **11:60**
- Reports
 - Biennial report, **11:62**
 - Tribes, **11:62**
- Restriction on fund uses, **11:61, 11:62**
- Indigent persons. *Forma pauperis* proceedings, *supra*
- Individualized education plan (IEP)
 - Generally, **11:227-11:241**
 - Administrative forms, **13:36 et seq.**
 - Adoption of Due Process Procedures, **11:475 to 11:478**
 - Generally, **11:479 to 11:493**
 - Adoption of state complaint procedures, **11:470 to 11:474**
 - Adult prisons, children with disabilities in, **11:240**
 - Agreement to alternative means of participation, **11:230**
 - Alternative means of participation, **11:240**
 - Assessment of benefits, **11:234**
 - Definition, **11:17, 11:227, 11:228**
 - Eligibility for aid, **11:79**
 - Form, **13:14**
 - Implement, failure to, **11:233**

EDUCATION—Cont'd

—Cont'd

- Mediation, **11:467-11:469**
- Meeting attendance, **11:229**
- Meetings, **11:236**
- Modification or reevaluation meetings, **11:237**
- Monitoring and enforcement, **11:494-11:501**
- Parental consent and notice, **11:458**
- Parents' participation in meetings, **11:231**
- Prerequisite for aid, **11:233**
- Prior written notice, **11:459**
- Prisoners, **11:240**
- Review and revision of IEPs, **11:238**
- State dispute resolution options, **11:462-11:466**
- Sufficiency, **11:232**
- Testing, **11:235**
- Transfer students, **11:235**
- Transition services, **11:233**
- Individualized education program (IEP)
 - Multi-year IEP, **11:239**
- Individualized family service plan
 - Generally, **11:434-11:445**
- Accessibility and convenience of meeting, **11:438**
- Annual review, **11:437**
- Evaluation and assessment, services before completion of, **11:435**
- Infants and toddlers with disabilities, *infra*
- Judicial review, **11:446**
- Outcomes and information, **11:441**
- Parental consent, **11:439**
- Participants in meetings, **11:440**
- Periodic review, **11:436**
- Procedural safeguards, **11:447 to 11:457**
- Services
 - Generally, **11:442-11:443**
 - Coordinator, **11:444**
 - Duration of service, **11:443**

EDUCATION—Cont'd

—Cont'd

Transition from infant and toddler early intervention program, **11:445**

Individuals with Disabilities Education Act, **1:10**

Individuals with Disabilities Education Act (IDEA)

Generally, **11:1-11:551**

See also lines throughout this index heading

Appeals

Attorneys' fees and related costs, **11:330**

Attorneys' fees and related costs Appeals, **11:330**

Types of fees and expenses recoverable, **11:327**

Congressional findings, **11:1**

Effect of Americans with Disabilities Act or Rehabilitation Act on IDEA, **11:4**

Enforcement of claims through Section 1983, **12:1-12:58**

Evidence, **11:312**

Infants and toddlers with disabilities, individual family service plan, **11:362 et seq.**

Judicial review

Evidence, **11:312**

Private agencies, applicability, **11:3**

Purposes, **11:2**

Regulations applicability, **11:3**

State and local government agencies, applicability, **11:3**

Infants and toddlers with disabilities

Generally, **11:362 et seq.**

Application to secretary of education

Generally, **11:407 et seq.**

Approval of state application for early intervention services, **11:414**

Description of use of funds, **11:408**

EDUCATION—Cont'd

—Cont'd

Application to secretary of education—Cont'd

Disapproval and reapplication, **11:415 et seq.**

Disapproval of application, **11:415 to 11:426**

Modification of application, **11:413, 11:415 et seq.**

Preschool programs, transition to, **11:409**

Use of funds, description of, **11:408**

Appropriations, **11:364**

Assurance of fiscal responsibility, **11:412**

At-risk infant or toddler, defined, **11:366**

BIE-funded schools, **11:367**

Congressional statements and declarations, **11:362 et seq.**

Consent, **11:369**

Definitions, **11:18, 11:366-11:384**

Disapproval of application, standards for, **11:415 et seq.**

Early intervention services, defined, **11:370**

Educational service agency (ESA) and other public institutions or agencies, **11:372**

EIS program or EIS provider, **11:371**

Eligibility, **11:364**

Evaluations and assessments, **11:427 to 11:433**

Free appropriate public education, **11:67, 11:69**

Free appropriate public education (FAPE), **11:373**

In general, **11:368**

Health services, **11:374**

Individualized family service plan (IFSP), **11:375**

Infant or toddler with a disability, defined, **11:366**

Lead agency, **11:376**

Local educational agency (LEA), **11:377**

INDEX

EDUCATION—Cont'd

—Cont'd

- Native language, **11:378**
- Parent, defined, **11:379**
- Policy, public, **11:363**
- Preschool programs, transition to, **11:93, 11:409**
- Public agency, defined, **11:380**
- Public participation, comments and hearings, **11:411**
- Public policy, **11:363**
- Qualified personnel, **11:381**
- Regulations applicable, **11:365**
- Regulations applicable, **11:364**
- Service coordination services (case management), **11:382**
- State educational agency (SEA), **11:383**
- State interagency coordinating council
 - Generally, **11:502-11:505**
 - Composition, **11:503**
 - Establishment, **11:502**
 - Functions of council; conflict of interest, **11:505**
 - Meetings, use of funds by council, **11:504**
- Statewide system
 - Generally, **11:385 et seq.**
 - Abrogation of state sovereign immunity under early intervention program, **11:388**
 - Acquisition of equipment for early intervention program, **11:389**
 - Central directory, **11:396**
 - Child find system, **11:394**
 - Collect data, **11:404**
 - Eligibility criteria and procedures, **11:386**
 - Evaluation and assessment, **11:392**
 - Minimum components, **11:390-11:406**
 - Natural environments, **11:406**
 - Personnel development, **11:397**
 - Procedural safeguards, **11:403**

EDUCATION—Cont'd

—Cont'd

- Statewide system—Cont'd
 - Public awareness program, **11:395**
 - Qualifications for personnel, **11:398**
 - Regulations regarding use of funds, **11:400**
 - Reimbursement procedure, **11:402**
 - State eligibility requirements for early intervention grant, **11:387**
 - State Interagency Coordinating Council, **11:405**
 - State must ensure compliant IFSP for early intervention program participants, **11:393**
 - State must have policy for contracting, **11:401**
 - State must provide lead agency responsible, **11:399**
- Uses of funds
 - Assurances, **11:412**
- Ward of the state, **11:384**
- Information access. Privacy of records, *infra*
- Injunctions
 - Causes of action, generally, **12:54**
 - Complaint forms, **13:2 et seq., 13:31, 13:32**
 - State court proceeding stay, **12:11**
 - Injunctions, complaint forms, **13:4, 13:9**
 - Injunctive relief, complaint by individual teacher, form, **6:6**
- Institution of higher education, defined, **11:12**
- Insurance. Health insurance, *supra*
- Interim alternative educational settings—coordinated research, training, support and information systems, **11:535-11:537**
- Interpreters, sign language, **11:71, 13:14**
- Itinerant workers' children, finding, **11:77**

EDUCATION—Cont'd

—Cont'd

Judicial review
 Generally. Appeal and review, *supra*
 Transcript of proceedings at government expense, notice, brief, and affidavit forms, **13:28**
 Jurisdiction
 Generally, **12:10**
 Abstention doctrine, **12:11**
 Exhaustion of administrative remedies, *supra*
 Judicial review, **11:298**
 Notice of claim under state law, **12:18**
 Jury trial, **11:297, 12:46**
 Labor unions as parties, **12:27**
 Leadership training, **11:517**
 Learning disabilities complaint forms, **13:4**
 Least restrictive environment, **13:15**
 Least restrictive environment (LRE). Mainstreaming (LRE), *infra*
 Limitation of actions
 Accrual, **12:20**
 Accrual of cause of action, **12:20**
 State law, **12:19, 12:20**
 Summary judgment motion, **13:16**
 Litigation. ADA Amendments Act of 2008 (ADAAA), *supra*
 Local educational agencies (LEAs)
 Assistance for education of disabled children, **11:325**
 Assistance under other federal programs, **11:149**
 Charter schools, **11:183**
 Complaint procedures, **11:190, 11:191**
 Compliance requirements, **11:190, 11:191**
 Coordination of intervention services, **11:197**
 Curricula for disabled students, generally, **11:75**
 Defined, **11:19**

EDUCATION—Cont'd

—Cont'd

Development of early intervention services, **11:197**
 Direct services by state education agency (SEA), **11:198**
 Disciplinary information on student, reporting, **11:201**
 Early intervention services, **11:196, 11:197**
 Eligibility, generally, **11:173-11:202**
 Evaluation procedure, **11:217, 11:218**
 Full education opportunity requirement, **11:75**
 Implementation of early intervention services, **11:197**
 Ineligibility notice, **11:189**
 Information, **11:185**
 Local plans exception, **11:187, 11:188**
 Modification of plans, **11:188**
 Modifications, **11:187**
 Payment amounts, **11:194**
 Preschool grants, **11:358-11:361**
 Private schools and students
 Consultation, **11:98**
 Monitoring, **11:106**
 Records regarding migratory children with disabilities, **11:186**
 Reduction of aid for noncompliance, **11:190**
 Reporting, early intervention services, **11:197**
 State educational agency (SEA) as, **11:148, 11:149**
 Subgrants, *infra*
 Mainstreaming (LRE)
 Generally, **11:81-11:92**
 Agreements implementing appropriate placement, **11:89**
 Alternative placement options continuum, **11:84**
 Appropriateness as bottom line, **11:81**
 Change in placement, **11:87**
 Compliance reviews, **11:90**

INDEX

EDUCATION—Cont'd

—Cont'd

Continuum of alternative placement, requirements, **11:84**
Extracurricular activities opportunities, **11:85**
Funding mechanism, **11:83**
Nonacademic settings, participating in, **11:88**
Physical education, **11:74**
Placement procedure, generally, **11:85-11:89**
Prisoners, **11:81, 11:89**
Private school placement agreement, **11:89**
Residential placement, **11:86**
Reviewing LEA activities, **11:90**
Segregated facility placement requirements, **11:85**
Technical assistance in LRE, **11:90**
Training in LRE, **11:90**
Major life activities. ADA Amendments Act of 2008 (ADAAA), *supra*
Mandated nondiscrimination, generally, **1:119 to 1:156**
Manifestation determination review, **11:286-11:288**
Maternal and child health benefits affected, **11:149**
Maximum amount of aid, **11:42**
Media services for education, **11:549**
Mediation of disputes
Generally, **11:253-11:256**
Encouragement meeting, **11:253**
Impartiality of mediator, **11:255**
Legally binding agreement, **11:256**
Procedures required, **11:254**
Medicaid
Generally, **11:119, 11:121, 11:149**
Medication, prohibition on mandatory, **11:147**
Memorandum of law
Cross-motion for summary judgment, **13:17**
Parent's unilateral private placement, **13:23**
Mental retardation

EDUCATION—Cont'd

—Cont'd

Complaint form, **13:2, 13:3**
Defined, **11:8**
Mental retardation, complaint form, **13:4**
Mental state of defendant, **12:48**
Migratory children, **11:77, 11:186**
Mitigation by corrective measures. ADA Amendments Act of 2008 (ADAAA), *supra*
Mobile populations, finding disabled children in, **11:77**
Modifications, **11:151**
Money damages, exhaustion of administrative remedies, **12:15**
Monitoring, technical assistance and enforcement, **11:331 to 11:342**
Monitoring by LEA, private schools and students, **11:106**
Mootness
Civil rights actions, **12:12**
Mootness of judicial review, **11:302**
Motions, forms, **13:22**
Multiple disabilities, defined, **11:8**
Multi year IEP, **11:239**
Municipal corporations
Parties, **12:28, 12:32-12:34**
Pleading notice, **12:41**
National Instruction Materials Access Center, **11:551**
Native Americans. Indian schools aid, *supra*
Native language, defined, **11:20**
1983 actions. Civil rights actions, *supra*
At no cost, defined
Individual terms, **11:29**
Nominal damages, **12:52**
Nonacademic services
Elementary and secondary schools, *above*
Postsecondary schools, nonacademic services, **1:153, 1:155**
Notice

EDUCATION—Cont'd

—Cont'd

By-pass for children in public schools, **11:166**
 Eligibility determinations, **11:193**
 Evaluation, independent, **11:247, 11:248**
 Evaluation of students, **11:216**
 Form for notice of motion for preliminary injunction, **13:22**
 Independent evaluation, **11:247**
 Ineligibility determination, **11:189**
 Intent to discharge from group home, complaint form, **13:4**
 Preliminary injunction motion notice, **13:22**
 Private schools and students, **11:111**
 Procedural safeguards, **11:249**
 At public expense, **11:248**
 Notice of claim against governmental entity
 Limiting federal claim, **12:18**
 Pleading, **12:18**
 Officials of government as parties, **12:28 et seq.**
 Opportunity to examine records, parents', **11:245**
 Organizations as parties, **12:27**
 Orthopedic impairment, defined, **11:8**
 Other health impairment, defined, **11:8**
 Outlying areas
 Generally. Territories and dependencies, *supra*
 Freely associated states, **11:43**
 Paraprofessionals, **11:124**
 Parents
 Consent to evaluation, **11:221**
 Consent to individualized family service plan, **11:439**
 Defined, **11:22, 11:379**
 Disciplinary or protective placements
 Appeal, **11:289, 11:290**
 Notice, **11:286**
 Evaluation of students, **11:221**
 Examination of records, **11:245**

EDUCATION—Cont'd

—Cont'd

Individualized education plan (IEP), participation in meetings, **11:231**
 Organization, defined, **11:22**
 Surrogate parents in independent evaluations, **11:460**
 Training centers. Coordinated research, training, etc., *supra*
 Part B funds
 Insurance unavailable, **11:121**
 Parties to actions
 Generally, **11:303, 11:304**
 Generally, **12:25 et seq.**
 Associations and organizations, **12:27**
 Class action complaint form, **13:2**
 Class actions, **11:305**
 Defendants, generally, **12:29 et seq.**
 Fictitious names, **12:25**
 Governmental units and officers, **12:28 et seq.**
 Immunity from suit, *supra*
 Individual-capacity suits, defendants in, **12:36**
 Labor unions, **12:27**
 Municipal corporations, **12:28, 12:32-12:34**
 Officials of government, **12:28 et seq.**
 Organizations, **12:27**
 Personal-capacity suits, defendants in, **12:29**
 Plaintiffs, generally, **12:25-12:28**
 Policy or custom of municipality, **12:33**
 Proper parties plaintiff, **12:25**
 Public officers and employees, **12:29 et seq.**
 Qualified immunity, **12:39**
 Standing, generally, **12:26-12:28**
 Standing to sue, **12:26-12:28**
 State governmental units, **12:28, 12:30**
 Territories and officials as defendants, **12:31**
 Unions, labor, **12:27**

INDEX

EDUCATION—Cont'd

—Cont'd

Violations of Individuals with Disabilities Education Act, **12:34**

Payments

Free appropriate public education (FAPE), **11:68**

Joint eligibility, **11:194**

Private schools and students, *infra*

Penalties

Punitive damages, **12:53**

Support reduction, **11:134**

Permanent formula for allocation, **11:46**

Decrease, **11:47**

Personal-capacity suits against public officers, **12:29, 12:35**

Physical education, mainstreaming, **11:74**

Physical handicap, form of complaint by teacher for discrimination based on, **6:6, 6:7**

Physical therapy, forms, **13:22, 13:31**

Placement

See also Assessment and testing; Evaluation

Alternative educational setting, generally, **11:283-11:293**

Answer form, parent's unilateral placement of child, **13:12**

Complaint for declaration approving residential placement, **13:6**

Complaint forms, **13:2 et seq.**

Continuum of options, **11:84**

Disciplinary or protective placement, *supra*

Disciplinary placements, *supra*

Elementary and secondary schools, *above*

Mainstreaming, *supra*

Parent's unilateral private placement of child, forms, **13:12, 13:23**

Postsecondary schools, placement services, **1:154**

EDUCATION—Cont'd

—Cont'd

Private schools and students, **11:108**

Plaintiff parties, generally, **12:25-12:28**

Pleadings

Generally, **12:40 et seq.**

AIDS-related complex complaint form, **13:3**

Allegations required, **12:40 et seq.**

Amendments, **12:44**

Answer, **13:13, 13:14**

Civil rights actions under section 1983, **13:30 et seq.**

Complaint, generally, **12:40 et seq.**

Declaratory relief forms, **13:2 et seq., 13:31**

Dismissal, **12:45**

Hearing, failure to provide, **13:31**

HIV complaint form, **13:3**

Immunity from suit, qualified, **12:42**

Municipal liability allegations, **12:41**

Pro se complaints, **12:43**

Poor persons. *Forma pauperis* proceedings, *supra*

Postsecondary schools

Generally, **1:140 to 1:156**

Academic evaluations, **1:152**

Access to classrooms, **1:150**

Admissions, **1:146**

Auxiliary aids, **1:143**

Classroom access and nondiscriminatory conduct, **1:150**

Conduct as nondiscriminatory, **1:150**

Counseling, vocational, **1:154**

Course requirements, **1:151**

Dismissal, **1:156**

Employment opportunities, **1:148**

Evaluation, academic, **1:152**

Examinations and other academic evaluations, **1:152**

Financial assistance, **1:147**

Guidance, vocational, **1:154**

Inquiries, preadmission, **1:145**

EDUCATION—Cont'd

—Cont'd

- Nonacademic services, **1:153, 1:155**
- Placement services, **1:154**
- Qualified individuals with disabilities, **1:141**
- Suspensions, **1:156**
- Tests, preadmission tests, **1:144**
- Tests for admission, **1:144**
- Vocational counseling, guidance, and placement services, **1:154**
- Preschool grants and programs
- See also Infants and toddlers
- Allocation of funds
 - Local educational agencies, **11:361**
 - State educational agencies, **11:359**
 - States, **11:359**
- Coordinated services system expenses, **11:360**
- Direct service expense, **11:360**
- Duty to provide, **11:358**
- Improvement plan development expense, **11:360**
- Indians, **11:60**
- Local educational agency subgrants, **11:358-11:361**
- Reallocation of funds to local agencies, **11:361**
- Regulations, **11:358**
- Subgrants to local educational agencies (LEAs), **11:358-11:361**
- Support service expense, **11:360**
- Presumptions and burden of proof
 - Generally, **12:47**
 - Appeal and review, **11:312**
 - Damages, presumed, **12:52**
 - Judicial and review, **11:312**
 - Prior laws exception
 - Local plans exception, **11:187, 11:188**
 - Modifications, **11:151, 11:188**
 - State law, **11:150, 11:151**
 - Prior written notice model form, **13:39**
- Prisoners

EDUCATION—Cont'd

—Cont'd

- Individualized education program (IEP), **11:240**
- Mainstreaming, **11:81, 11:89**
- Privacy of records
 - Generally, **11:343 et seq.**
- Assistance for education of disabled children, **11:92, 11:343 et seq.**
- Education records, defined, **11:343**
- Genetic Information Nondiscrimination Act (GINA), *supra*
- Private conduct as under color of state law, **12:4**
- Private schools and students
 - Generally, **11:94-11:111, 11:163-11:172**
- Accounting for acquisitions with public funds, **11:104**
- Adequacy of public facilities, **11:105**
- Administrative complaints of violations, **11:101**
- Appeal and review
 - Bypass, **11:171**
- Busing to private schools, **11:100**
- Bypass decision, **11:170**
- By-pass for children in private schools
 - Generally, **11:163-11:172**
 - Notice and hearing, **11:166**
 - Payments, **11:165**
- Child-find requirement, **11:97**
- Complaint form, **13:9**
- Complaints of violations, governing law, **11:101**
- Consultation with LEA, **11:98**
- Eligibility for aid, **11:98, 11:100**
- Expenditures on children enrolled by their parents, **11:96**
- Filing requirements for show cause hearing, **11:169**
- Improvements, realty, prohibited, **11:104**
- Limitation on money uses, **11:102, 11:111**
- Local educational agency (LEA)
 - Consultation, **11:98**

INDEX

EDUCATION—Cont'd

- Cont'd
 - Local educational agency (LEA)
 - Cont'd
 - Monitoring, **11:106**
 - Mainstreaming agreements, **11:89**
 - Monitoring by LEA, **11:106**
 - Notice, **11:111**
 - Notice of intent to implement bypass, **11:166**
 - Parental enrollment, generally, **11:94-11:104**
 - Parochial schools. Religious schools, *infra* this group
 - Payments
 - By-pass for private school students, **11:165**
 - Referral, **11:107-11:111**
 - Permitted expenses, **11:103**
 - Placement, reimbursement for, **11:108**
 - Prohibited expenditures, **11:102**
 - Property acquired with aid, accounting for, **11:104**
 - Public agency referral
 - Adequacy of public facilities, **11:105**
 - Eligibility of private school, **11:106**
 - Limitation on reimbursement absent, **11:111**
 - Monitoring by LEA, **11:106**
 - Payment without, **11:107-11:111**
 - Regulation applicability, **11:98**
 - Standards, public, meeting, **11:106**
 - Public school teacher use, **11:103**
 - Qualification of teachers, **11:99**
 - Referrals. Public agency referral, *supra* this group
 - Reimbursement for tuition, **11:107-11:111**
 - Religious schools
 - Child-find, **11:97**
 - Eligibility for aid, **11:100**
 - Repairs, realty, prohibited, **11:104**
 - Restriction on use of funds, **11:102, 11:111**

EDUCATION—Cont'd

- Cont'd
 - Role of designee in show cause hearing on why bypass should not be implemented, **11:168**
 - Secretary's determination if bypass is required, **11:164**
 - Separate classes as prohibited, **11:102**
 - Services plans for students, **11:99**
 - Show cause hearing, **11:167, 11:169**
 - Special school designation affecting eligibility, **11:98**
 - Teachers
 - Private school teachers, payments to, **11:103**
 - Public school teacher use, **11:103**
 - Qualification, **11:99**
 - Transportation to private schools, **11:100**
 - Procedural safeguards
 - Generally, **11:242-11:330**
 - Establishment of procedures, **11:243**
 - Procedural safeguards notice model form, **13:40**
 - Program improvement grants
 - Generally, **11:506-11:511**
 - Application procedure, **11:509**
 - Applications, **11:510**
 - Appropriations, **11:506**
 - Collaborative process, **11:508**
 - Congressional findings, **11:506**
 - Elements of state personnel development plan, **11:510**
 - Eligibility, **11:508**
 - Grants, generally, **11:507**
 - Improvement plan and strategies, **11:509**
 - Purpose of grant program, **11:506**
 - State improvement plan and needs, **11:509**
 - Use of funds, **11:511**
 - Prohibition on acquisition of genetic information. Genetic Information Nondiscrimination Act (GINA), *supra*

EDUCATION—Cont'd

—Cont'd

- Promoting disabled persons in programs, **11:37**
- Proper parties plaintiff, **12:25**
- Pro se pleading standards, **12:43**
- Psychologist evaluation, **11:221**
- Public agency, **11:380**
- Defined, **11:23**
- Referrals. Private schools and students, *supra*
- Public officers as parties, **12:29 et seq.**
- Punitive damages, **12:53**
- Qualifications of teachers, **11:99, 11:124**
- Qualified immunity, **12:39, 12:42**
- Questions of law or fact, **12:46**
- Racial disproportionality, **11:356, 11:357**
- Reasonable accommodation. ADA Amendments Act of 2008 (ADAAA), *supra*
- Reasonable accommodation, elementary and secondary schools, **1:126**
- Records
- See also Reports, *infra*
- Privacy. Privacy of records, *supra*
- Records regarding migratory children with disabilities, **11:186**
- Recoverable fees, **11:327**
- Reduction of aid
- Local educational agency noncompliance, **11:190**
- Support levels maintenance failure, **11:134, 11:135**
- Reevaluation. Elementary and secondary schools, *above*
- Reevaluation. Evaluation and reevaluation, *supra*
- Regarded as provision. ADA Amendments Act of 2008 (ADAAA), *supra*
- Regulation adoption procedure
- Correspondence describing interpretations of general provisions, **11:39**

EDUCATION—Cont'd

—Cont'd

- Education Department correspondence, **11:39**
- Education secretary's duties, **11:343**
- Nationally-significant issues, **11:40**
- Policy letters and statements from Secretary of Education, **11:40**
- Preschool grants and programs, **11:358**
- Rehabilitation Act of 1973, **12:9**
- Reimbursement, **11:107-11:111**
- Reimbursement for educational expenses, complaint form, **13:6**
- Related services
- Exceptions, **11:25**
- Related services, defined, **11:24, 11:26**
- Related services personnel, **11:124**
- Religious schools
- Child-find, **11:97**
- Eligibility for aid, **11:100**
- Repairs to private schools prohibited, **11:104**
- Reports
- See also Records, *infra*
- Annual report to secretary of education, **11:353-11:357**
- Coordinated research, training, support and information systems, **11:537**
- Disciplinary information on student, **11:201**
- Early intervention services, **11:197**
- Grants use, **11:54**
- Indian schools aid, **11:62**
- Requirement, 1983 action be under color of law, **12:2**
- Requirements of Secretary of Education for prescribing regulations, **11:38**
- Research. Coordinated research, etc., *supra*
- Residential placement, mainstreaming (LRE), **11:86**
- Review. Appeal and review, *supra*
- Rulemaking

INDEX

EDUCATION—Cont'd

—Cont'd

State administration, **11:172**
Rules of construction. ADA
Amendments Act of 2008
(ADAAA), *supra*
Sanctions. Penalties, *supra*
School day, defined, **11:10**
SEA
Assistance for education of dis-
abled children, **11:144**
Secondary schools
Elementary and secondary schools,
above
Postsecondary schools, above
Secondary schools, defined, **11:12**
Secretary of education. Education
secretary, *supra*
Secretary of Interior, **11:43**
Section 504 protections, Child find
requirement, **1:122**
Section 504 protections, generally,
1:119 to 1:156
Section 1983 suits. Civil rights
actions, *supra*
Segregated facility placement
requirements, **11:85**
Separate classes as prohibited,
11:102
Services plan
Defined, **11:27**
Settlement or consent decree,
11:326
Sign language interpreters, **11:71,**
13:14
Special education
See also lines throughout this
index heading
Assistance to states for, generally,
11:41 et seq.
Complaint form, **13:2**
Defined, **11:28, 11:29**
Free appropriate public education
(FAPE), *supra*
Office of Special Education
Programs, generally, **11:33**
Teachers, qualifications of, **11:124**
Specially-designed instruction,
defined, **11:29**

EDUCATION—Cont'd

—Cont'd

Special school designation of
private school, **11:98**
Specific learning disability,
defined, **11:8, 11:30**
Speech or language impairment,
defined, **11:8**
Speech therapy, parent's unilateral
private placement of child,
forms, **13:23**
Sports teams, form, **13:32**
Standard of educational perfor-
mance, **11:7**
Standard of review by court,
11:306
Standing to sue, **12:26-12:28**
State, defined, **11:31**
State administration
Rulemaking, **11:172**
Support and facilitation, **11:173**
State aid. Assistance for education,
etc., *supra*
State and local government, **2:47,**
2:68
State complaint procedures
Adoption of, **11:113**
Filing a complaint, **11:115**
Minimum procedures, **11:114**
State court proceedings, stay,
12:11
State educational agency (SEA)
Annual report, **11:353**
Annual report of children served,
11:353-11:357
Assistance for education of dis-
abled children, **11:325**
Counting children, criteria for,
11:354
Defined, **11:31**
Flexibility in reducing
expenditures, **11:202**
Local educational agency (LEA)
direct services, **11:198**
Local plans modifications, **11:188**
Manner and location of services
provided directly, **11:199**
Monitoring mainstreaming, **11:90**

EDUCATION—Cont'd

—Cont'd

Report to secretary of education,
11:353-11:357
SEA responsibilities, **11:355**
Supervision of program, **11:112**
Training school personnel in
mainstreaming, **11:89, 11:90**
State governmental units as parties,
12:28, 12:30
State law
Abatement or survival of actions,
12:21
Accrual of cause of action, **12:20**
Borrowing state law, generally,
12:17
Limitation of action, **12:19, 12:20**
Notice of claim as limiting federal
claim, **12:18**
Statement of facts, **13:18 et seq.**
Statutes of limitation. Limitation of
actions, *supra*
Stay of state court proceeding,
12:11
Stay put order, complaint form,
13:4
Stay-put requirement
Generally, **11:280 et seq.**
Subgrants to local educational
agencies (LEAs)
Generally, **11:55-11:64**
Allocations to LEAs, **11:56**
Disbursement, limits on, **11:53**
Limits on disbursements, **11:53**
Local educational agency high cost
fund, **11:51**
Mandatory nature of subgrants,
11:55
Preschool grants, **11:358-11:361**
Reallocation of funds, **11:56**
SEA, development of state plan,
11:52
State plan, development of, **11:52**
State's duty, **11:55**
Substantial limitation of major life
activities. ADA Amendments
Act of 2008 (ADAAA), *supra*
Summary judgment form, cross-
motion for summary judg-

EDUCATION—Cont'd

—Cont'd

ment, failure to exhaust
administrative remedies,
13:17
Supplemental evidence, **11:314**
Supplementary aids and services,
defined, **11:31**
Supplementation of state, local,
and other federal funds,
11:131-11:133
Support level maintenance
Generally, **11:134-11:141**
Penalty for reduction, **11:134**
Preschool programs, **11:360**
Preschool programs, Other state-
level activities, **11:360**
Reduction of aid for lowering sup-
port levels, **11:134**
Reduction prohibited, **11:134**
Waiver for exceptional circum-
stances, **11:135**
Surgically implanted medical
devices, routine checks, **11:80**
Surrogate parents, Qualifications
and responsibilities, **11:461**
Survival of actions under state law,
12:21
Suspension or expulsion of
students
Statistical discrepancies regarding
disabled students, **11:142**
Suspensions, postsecondary
schools, **1:156**
Systemic school interventions,
11:535-11:537
Teachers
Generally, **11:1 et seq.**
Aides or assistants, employing,
11:123
Appropriate professional require-
ments in the state, defined,
11:148
Evaluation of students, **11:221**
Excess cost requirement, **11:181**
Highest requirements in the state,
defined, **11:148**
Paraprofessionals, **11:124**
Private schools and students, *supra*

INDEX

EDUCATION—Cont'd

—Cont'd

Related services personnel, **11:124**
Shortages, plan for filling, **11:126**
Special education teachers,
 qualifications of, **11:125**
Standards for, **11:123**
Training. Coordinated research,
 training, etc., *supra*
Technical assistance
Assistance for education of dis-
 abled children, **11:44**
Coordinated research, training,
 etc., *supra*
Technology development and dem-
 onstration, **11:547-11:551**
Temporary restraining order,
 13:20, 13:21
Territories and dependencies
Officials as defendants, **12:31**
Outlying area, defined, **11:21**
Testing. Assessment and testing,
 supra
Tests and testing
Employment tests, Section 504
 protections, **1:116**
Evaluation, *above*
Postsecondary schools, preadmis-
 sion tests, **1:144**
Toddlers. Infants and toddlers,
 supra
Tolling of limitations, state law,
 12:20
Training
Coordinated research, training,
 etc., *supra*
Transcript of proceedings at
 government expense, notice,
 brief, and affidavit forms,
 13:28 et seq.
Transfer students, **11:234**
Transition services
Defined, **11:32, 11:232**
Individualized education program
 (IEP), **11:232**
Transportation
Elementary and secondary schools,
 above

EDUCATION—Cont'd

—Cont'd

Nonacademic and extracurricular
 activities, Section 504 protec-
 tions, **1:138**
Transportation, private schools,
 11:100
Traumatic brain injury, defined,
 11:8
Travel training, defined, **11:29**
Trial
Generally, **12:46-12:50**
Burden of proof, **12:47**
Immunity, **12:50**
Motions, forms, **13:22**
Presumptions and burden of proof,
 supra
Questions of law or fact, **12:46**
Right to jury trial, **12:47**
Tribe, Indian, defined, **11:16**
Two-prong test to determine IDEA
 compliance, **11:307-11:311**
Unions, labor, as parties, **12:27**
Venue, **12:10**
Visual impairments
Assistance for education of dis-
 abled children
 Adoption of standards, access to
 instructional materials for
 blind persons, **11:143**
 Blind persons, access to
 instructional materials for,
 11:145
 Local educational agencies,
 instructional materials for
 blind, purchase of, **11:184**
Vocational education, defined,
 11:29
Vocational matters, *below*
Volunteer workers authorized,
 11:33
Waiver
Cause of action, **12:5**
Supplantation prohibition, **11:132**
Supplementing and not supplanting
 IDEA funds, procedure for,
 11:133
Support level maintenance require-
 ment, **11:135**

EDUCATION—Cont'd

—Cont'd

What constitutes action under color of law, **12:3**
 Wheelchair access, form, **13:32**
 Words and phrases
 Appropriate professional requirements in the state, **11:148**
 Assistive technology device, **11:5**
 At-risk infant or toddler, **11:366**
 Autism, **11:8**
 Business day, **11:10**
 Charter school, **11:12**
 Child with a disability, **11:6, 11:8**
 Consent, **11:9**
 Day, **11:10**
 Deaf-blindness, **11:8**
 Deafness, **11:8**
 Destruction, **11:343**
 Early intervention services, **11:370**
 Educational service agency, **11:11**
 Education records, **11:343**
 Elementary school, **11:12**
 Emotional disturbance, **11:8**
 Evaluation, **11:13**
 Excess costs, **11:14**
 Free appropriate public education (FAPE), **11:15**
 Hearing impairment, **11:8**
 Highest requirements in the state, **11:148**
 Include, **11:14**
 Indian, **11:16**
 Indian tribe, **11:16**
 Individualized education program, **11:17, 11:227, 11:228**
 Infant or toddler with a disability, **11:18, 11:366**
 Institution of higher education, **11:12**
 Local educational agency (LEA), **11:19**
 Mental retardation, **11:8**
 Multiple disabilities, **11:8**
 Native language, **11:20**
 At no cost, **11:29**
 Orthopedic impairment, **11:8**
 Other health impairment, **11:8**

EDUCATION—Cont'd

—Cont'd

Outlying area, **11:21**
 Parent, **11:22, 11:379**
 Parent organization, **11:22**
 Parent training and information center, **11:22**
 Participating agency, **11:343**
 Public agency, **11:23, 11:380**
 Related services, **11:24, 11:26**
 School day, **11:10**
 Secondary school, **11:12**
 Services plan, **11:27**
 Special education, **11:28, 11:29**
 Specially-designed instruction, **11:29**
 Specific learning disability, **11:8, 11:30**
 Speech or language impairment, **11:8**
 State, **11:31**
 State-approved or recognized certification, licensing, registration, or other comparable requirements, defined, **11:148**
 State educational agency, **11:31**
 Supplementary aids and services, **11:31**
 Toddler with a disability, **11:18**
 Transition services, **11:32**
 Traumatic brain injury, **11:8**
 Travel training, **11:29**
 Tribe, Indian, **11:16**
 Visual impairment including blindness, **11:8**
 Vocational education, **11:29**

EDUCATIONAL ENVIRONMENTS

Section 504 protections, burden of proof, **1:266**

EFFECTIVE DATE

State and Local Government Services (this index)

ELEMENTARY AND SECONDARY SCHOOLS

Education (this index)

ELEVATORS

Generally, **4:148 et seq.**

INDEX

ELEVATORS—Cont'd

—Cont'd

- Attorney General, basis for installation requirement, **4:148**
- Exemption
- Eliminating ground floor, requirements cannot be evaded by, **4:148**
- Facility less than three stories or 3,000 square feet per story, **4:148**
- New construction and alterations, distinction between requirements in, **4:149**
- Other access requirements not limited or obviated, **4:150**
- Malls. Shopping center or mall, below
- Professional office of health care provider
- Definition, **4:148**
- Facility limited to floor level of actual or intended construction, **4:150**
- Installation requirement, **4:150**
- Shopping center or mall
- Facility limited to floor level of actual or intended occupation, **4:148**
- Installation requirement, **4:148**
- Shopping center or mall for alteration purposes, definition of, **4:149**
- Shopping center or mall under new construction, definition of, **4:149**

ELEVENTH AMENDMENT

- Section 504 protections, **1:19**

ELIGIBILITY

- Qualification and Disqualification** (this index)

ELIGIBILITY REQUIREMENTS

- Help America Vote Act, payments to states, **2:237**

EMERGENCY INFORMATION

- Closed-captioning, **5:150**

EMPLOYMENT

EMPLOYMENT—Cont'd

—Cont'd

- Ability to perform essential functions of job
- Qualified individual with disability, **7:103**
- Ability to perform essential functions of job, Section 504 protections, **1:106**
- Access and accessibility
- Appeal, access to court, **8:164-8:173**
- Federal contractors, records, **8:273**
- Reasonable accommodation obligations, **7:143**
- Request for access to case files, Americans with Disabilities Act, form, **10:13**
- Accommodation
- Americans with Disabilities Act
- Complaints, forms, **10:25-10:28, 10:33**
- Jury instruction, forms, **10:71, 10:73**
- NLRA, effect of union agreement on reasonableness, proposed ADA accommodation, **7:27**
- NLRA charge that accommodation violates ADA Title I, **7:318**
- Special interrogatories to jury, forms, **10:72, 10:78**
- Federal government employees, form of complaint alleging failure to accommodate, **10:99, 10:102**
- Good-faith effort to accommodate, effect on damages, **7:439**
- Refusal to hire, form of complaint alleging failure to accommodate, **10:99**
- Accommodation. Reasonable accommodation, below
- Acknowledgment of receipt of complaint, federal government employees, **8:85**
- ADA (Americans with Disabilities Act), generally, **7:1 et seq., 8:223, 8:333, 10:1 et seq.**

EMPLOYMENT—Cont'd

—Cont'd

- Administrative enforcement
 - Generally, **7:269 et seq.**
 - Breach of duty to bargain, NLRA charge, applicability of ADA Title I, **7:315**
- Confidentiality, **7:319**
- Content and format of administrative charge
 - Precision and specificity, **7:284-7:287**
- Coordination of charges subject to National Labor Relations Act and ADA Title I
 - Breach of duty to bargain, NLRA charge, applicability of ADA Title I, **7:315**
 - Information sharing and confidentiality, **7:319**
 - Interpretation by NLRA, ADA Title I charge requiring, **7:314**
 - NLRA charge that accommodation violates ADA Title I, **7:318**
- Coordination of complaints or charges subject to Rehabilitation Act and ADA Titles I and II
 - Purpose, **7:291-7:296**
- Deferral of dual-filed complaint, notice to complainant, **7:308**
- Deferral of processing or complaints or charges
 - EEOC's deferral of complaint, **7:311**
 - Section 504 agency's deferral of complaint, **7:309, 7:310**
 - Special circumstances making deferral inappropriate, effect, **7:313**
- Deferral to state agencies, **7:269-7:449**
- Time limitation on claims, **7:271-7:283**
- Disclosure of EEOC investigation materials disallowed prior to commencement of civil action, **7:328**

EMPLOYMENT—Cont'd

—Cont'd

- Filing of administrative charges, generally, **7:271 et seq.**
- Investigation
 - Retention of complaint by EEOC for investigation, **7:307**
- Manner and place of filing
 - Notice and service of charge on employer, **7:288-7:291**
- Notice
 - Deferral of dual-filed complaint, notice to complainant of, **7:308**
 - Dismissal of EEOC charge, notice of, **7:329**
 - EEOC reasonable cause determination, notice and issuance of, **7:331**
 - Referral to EEOC or agency, notice to complainant of, **7:301**
- Processing charges by EEOC
 - Alternate dispute resolution must be attempted, conciliation process, **7:333**
 - Attorneys' fees, **7:340**
 - Conciliation process
 - Alternate dispute resolution must be attempted, **7:333**
 - Settlement agreements, **7:334**
 - Unsuccessful conciliation, **7:335**
 - Disclosure of EEOC investigation materials disallowed prior to commencement of civil action, **7:328**
- Expenses, **7:340**
- Investigation
 - Duty as to, **7:320**
 - Objections to EEOC subpoena, grounds, **7:323**
 - Rights and powers, **7:321 et seq.**
 - Settlement prior to reasonable cause determination, **7:327**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

Processing charges by EEOC

—Cont'd

Investigation—Cont'd

Statements of parties, **7:326**

Subpoena power of EEOC,
7:322

Reasonable cause determination

Notice and issuance of deter-
mination, **7:331**

Reconsideration, **7:332**

Settlement prior to reasonable
cause determination, **7:327**

Statements of parties, **7:326**

Subpoenas, **7:322**

Withdrawal of charge, **7:327**

Referral to EEOC or agency

Complaints filed with EEOC
referred to § 504 agency,
7:304

Complaints referred to EEOC
originally filed with other
agency, **7:300**

Notice to complainant of
referral, **7:301**

Processing by EEOC, **7:302**

Designated agency and either
§ 504 agency, the EEOC, or
both, referral of complaints
or charges filed with, **7:304**

Referral to Justice Dept. Civil
Rights Division

Complaints filed with agency
other than EEOC, **7:297**

Complaints filed with EEOC,
7:298

Complaints or charges filed with
EEOC and § 504 agency,
7:300

Retention by agency where com-
plaint filed

Designated agency's retention of
complaint for investigation,
7:306

EEOC's retention of complaint
for investigation, **7:307**

Notice to complainant of defer-
ral of dual-filed complaint,
7:308

EMPLOYMENT—Cont'd

—Cont'd

Retention by agency where com-
plaint filed—Cont'd

Section 504 agency's retention
of complaint for investiga-
tion, **7:305**

Right-to-sue notice

Contents, **7:339**

Time of issuance

Following EEOC disposition
of charge, **7:336**

Governing body, respondent
as, **7:338**

Upon request of charging
party, **7:337**

Role and purpose of EEOC
procedures, **7:269**

Time limitations on claims

When to file charge with EEOC;
effect of filing with state
agency, **7:271**

After state agency proceed-
ings, **7:271**

Veterans, administrative complaint
procedures, **9:75-9:78**

Who may bring charge, **7:270**

Withdrawal of administrative
charge, **7:327**

Adverse employment action

Nondiscrimination mandate, **7:185**

Affirmative action

Generally, **8:251 et seq.**

Americans with Disabilities Act,
7:423

Federal contractors

Administrative duties

Maintenance, **8:252**

Personnel, **8:257**

Invitation to applicants and
employees to participate,
8:253

Job qualifications, **8:259**

Mental qualifications, **8:259**

Outreach, **8:261**

Physical qualifications, **8:259**

Policy dissemination, **8:262**

Positive recruitment, **8:261**

Regulations, construction, **8:221**

EMPLOYMENT—Cont'd

—Cont'd

Federal contractors—Cont'd
 Requirement as to, **8:251, 8:255**
 Federal government employees
 Generally, **8:31-8:36**
 Accurate employment data, collection of, **8:36**
 Approval of plan, **8:35**
 Director of EEO, responsibilities of, **8:34**
 Equal employment opportunity program plan, **8:32**
 Implementation of program, **8:33**
 Plan update, **8:35**
 Review of plan, **8:35**
 Voluntary self-identification, **8:36**
 Medical examinations and inquiries, **7:229**
 Veterans, **9:157-9:160**
 Affirmative defenses
 Americans with Disabilities Act
 Administrative discharge, failure to file, **10:35**
 Forms, **10:35, 10:36**
 Age Discrimination in Employment Act
 Back pay, **7:43**
 Definition of employer and related issues, **7:42**
 Safe harbor, employee benefit plans, ADEA interpretation of subterfuge, **7:263**
 AIDS and AIDS-related illnesses
 Forms, **10:53, 10:92**
 Alteration or modification
 Complaint or pleading amendment
 Americans with Disabilities Act, **7:376**
 Federal government employees, **8:84, 8:181**
 Alter ego of nominal employee, agent as, **7:63**
 Americans with Disabilities Act, **1:5**

EMPLOYMENT—Cont'd

—Cont'd

Americans with Disabilities Act (ADA), generally, **7:1 et seq., 8:223**
 Answers
 Veterans' seniority salary increases, form of defenses in answer, **10:114**
 Answers to complaints
 Federal government employees, **8:183**
 Appeal and review
 Access to court, **8:164-8:173**
 Americans with Disabilities Act
 Generally, **7:446 et seq.**
 Attorneys' fees, **7:447**
 Remand after appeal, **7:449**
 Merit Systems Protection Board, **8:120**
 Presidential appointees, judicial review, **8:351**
 Applicants for employment
 Relief available, **8:150**
 Appointment of counsel
 Americans with Disabilities Act
 Generally, **7:384**
 Form of motion for appointment of attorney, **10:37**
 Arbitration
 Americans with Disabilities Act
 Generally, **7:347**
 Collectively bargained agreement, **7:348**
 Evidence regarding arbitration, **7:413-7:420**
 NLRA, procedure, **7:28**
 Assistance
 Obtaining veteran re-employment, **9:74-9:92**
 Association discrimination
 Generally, **7:387-7:396**
 Attendance
 Qualified individual with disability, attendance as essential, **7:106**
 Attorney General

INDEX

EMPLOYMENT—Cont'd

—Cont'd

- Intervention in action under
Americans with Disabilities
Act, **7:368**
- Party in action under Americans
with Disabilities Act, **7:362**
- Attorneys
- Charging process, ADA, form of
notice of charge to employer,
10:12
- Veterans' re-employment rights,
9:83
- Attorneys' fees
- Americans with Disabilities Act
- Appeal, **7:447**
- Forms, **10:83-10:90**
- Congressional employees, **8:307**
- EEOC processing of charges,
7:340
- Presidential appointees, **8:346**
- Audit and reporting system, federal
contractors, **8:264**
- Back pay
- Age Discrimination in Employ-
ment Act, **7:43**
- Americans with Disabilities Act
- Generally, **7:430 et seq.**
- Calculation, **7:432**
- Form, **10:40**
- Grounds for denial, **7:431**
- Postjudgment interest, **7:433**
- Prejudgment interest, **7:433**
- Federal government employees,
8:211
- Reduction by disability benefits
received, **7:41**
- Benefit plans, Section 504 protec-
tions, **1:118**
- Board of Directors of Office of
Compliance, Congressional
employees, **8:326**
- Bona fide private membership
clubs, covered entities, **7:59**
- Breach of duty to bargain, NLRA
charge, **7:315**
- Burden of proof
- Americans with Disabilities Act
- Generally, **7:406**

EMPLOYMENT—Cont'd

—Cont'd

- Americans with Disabilities Act
- Cont'd
- Direct threat, **7:410**
- Disparate impact, **7:412**
- Disparate claim, **7:407**
- Reasonable accommodation,
7:408
- Reassignment, **7:409**
- Retaliation, **7:411**
- Federal government employees,
8:187
- Uniformed Services Employment
and Reemployment Rights
Act, veterans' re-employment
rights, **9:31, 9:79, 9:101-
9:105**
- Burden of proof, Section 504
protections, **1:275, 1:276**
- Adverse action was pretextual,
1:275
- Case-by-case determination, Sec-
tion 504 protections, **1:107**
- Certificates and certification
- Charge under Americans with Dis-
abilities Act, form for certifi-
cation by third person, **10:10**
- Family and Medical Leave Act,
medical certification, **7:19**
- Charges
- Americans with Disabilities Act
- Generally, **7:269 et seq.**
- Discrimination, **10:7-10:9**
- Discrimination charge, **10:8**
- Forms, **10:1-10:19.50**
- Letter form, discrimination
charge, **10:9**
- Notice
- Form, **10:7**
- Jurisdictions, FEP agency,
10:7.50
- Request for withdrawal,
10:19.50
- Civil Rights Act, Title VII
- Americans with Disabilities Act,
relationship
- Case law, applicability, **7:15**

EMPLOYMENT—Cont'd

—Cont'd

Americans with Disabilities Act,
relationship—Cont'd
Enforcement procedures
adopted, **7:14**
Civil Rights Act of 1871 and
Americans with Disabilities
Act, relationship, **7:44**
Class actions
Americans with Disabilities Act
Generally, **7:370**
EEOC's authority, **7:370**
Form of notice to class
members, **10:40**
Notice to class members, form,
10:40
Notice to class members,
Americans with Disabilities
Act, **10:40**
Collective bargaining
Americans with Disabilities Act
Agreement to arbitrate, effect,
7:348
Form, memorandum in support
of summary judgment
motion, **10:61**
NLRA
Breach of duty to bargain,
NLRA charge, **7:315**
Reasonableness of proposed
ADA accommodation,
effect of union agree-
ment on, **7:27**
Federal government employees,
8:50
Commerce, defined, **7:51**
Compensatory damages
Americans with Disabilities Act
Generally, **7:435**
HIV-related illness, form for
settlement with stipula-
tions, **10:93**
HIV-related illness, form for settle-
ment with stipulations, **10:93**
Complaints
Americans with Disabilities Act,
generally
Amendment, **7:376**

EMPLOYMENT—Cont'd

—Cont'd

Americans with Disabilities Act,
generally—Cont'd
Class actions, **7:370**
Content, generally, **7:374**
Forms, **10:21 et seq.**
Statement of claim, **7:375**
Forms
Americans with Disabilities Act,
10:21 et seq.
Veterans' re-employment rights,
10:109, 10:110, 10:113,
10:114
Veterans' re-employment rights
Generally, **9:74-9:92**
Administrative procedures,
9:75-9:78
Federal executive agencies
Complaint adjudication, **9:85-**
9:92
Referral of complaint to
MSPB, **9:82**
Submission of complaint to
MSPB, **9:84, 9:85**
Filing, **9:75**
Forms, **10:109, 10:110, 10:113,**
10:114
Investigations, **9:76-9:78, 9:80**
Judicial enforcement, **9:95**
Representation by counsel, **9:83**
Compliance
Foreign treaty or international
agreement, compliance as
violating, **7:191**
Foreign workplace, compliance
violates laws of, **7:190**
Compulsions, individuals with, **8:8**
Concurrent federal and state court
jurisdiction, Americans with
Disabilities Act, **7:353**
Conduct
Contractual or other arrangements
effecting discrimination,
prohibited conduct, **7:249**
Discrimination based on conduct
caused by disability, **7:183**
Selection criteria which screen out
disabled, prohibited conduct,
7:198

INDEX

EMPLOYMENT—Cont'd

—Cont'd

- Unequal treatment based on relationship or association, prohibited conduct, **7:192**
- Confidentiality of medical records, Section 504 protections, **1:117**
- Congress, employees of instrumentalities of
- ADA protection, availability of, **8:333**
- Covered individuals, **8:333**
- Congressional Accountability Act, relationship with Americans with Disabilities Act, **7:45**
- Congressional employees
- Administrative complaint procedures
 - Confidentiality of hearing decision, **8:324, 8:325**
 - Decisions, **8:324, 8:325**
 - Discovery, **8:323**
 - Subpoena power, **8:323**
- Appeal and review
 - Civil action
 - Expedited review of certain appeals, **8:345**
 - Other judicial review prohibited, **8:340**
 - Continued applicability of discrimination laws, Congressional review of, **8:306**
 - Judicial review
 - Civil action, other judicial review prohibited, **8:340**
- Attorneys' fees, **8:307**
- Civil actions
 - Generally, **8:320 et seq.**
 - Expedited review of certain appeals, **8:345**
 - Waiver, Congressional privileges and immunities, **8:334**
- Confidentiality of administrative hearing decision, **8:324, 8:325**
- Continued applicability of discrimination laws, Congress-

EMPLOYMENT—Cont'd

—Cont'd

- sional review of, **8:306**
- Covered employees, **8:303**
- Decisions, administrative complaint procedures, **8:324, 8:325**
- Disability discrimination prohibited by CAA, **8:302**
- Discovery, administrative complaint procedures, **8:323**
- Exhaustion of remedies
 - Election of proceeding, **8:317**
 - Mediation, **8:315**
- Hearings
 - Confidentiality of decision, **8:324, 8:325**
 - Procedure, generally, **8:324**
- Intimidation or reprisal prohibited by CAA, **8:304**
- Mediation, **8:315**
- Remedies
 - Generally, **8:307**
 - Election of proceeding, **8:317**
- Remote work option during pendency of CAA procedures, **8:305**
- Subpoenas, administrative complaint procedures, **8:323**
- Waiver, Congressional privileges and immunities, civil actions, **8:334**
- Consolidation of complaints, federal government employees, **8:86**
- Constitutionality, Americans with Disabilities Act, **7:8**
- Constructive discharge
 - Generally, **7:186, 7:188**
- Federal government employee, form of complaint for constructive discharge of mentally impaired employee, **10:100**
- Reasonable person standard, **7:187**
- Consultation with employee, flexible interactive process, **7:179**
- Continuing violations

EMPLOYMENT—Cont'd

—Cont'd

Federal government employees,
8:72

Contractor

Enforcement proceedings for
violation, **8:284**

Notice and knowledge
Show cause notices, **8:283**

Violation of conciliation agree-
ment, **8:283**

Contracts and agreements

Discrimination, contractual or
other arrangements effecting
Covered contracts and arrange-
ments, **7:250**

Obligations on employers and
contractors, **7:251**

Prohibited conduct, **7:249**

Fringe benefits, effect of contract-
ing out, **7:256**

Controlling employer, discrimina-
tory practice attributed to,
7:190

Costs, fees and expenses

Americans with Disabilities Act
Generally, **7:441-7:445**

Forms, **10:38, 10:83, 10:84,**
10:87, 10:88

Appeal, award on, **7:447**

Defendant, award to, **7:443**

EEOC processing of charges, costs
and attorneys' fees, **7:340**

Prevailing party, **7:442**

Reasonable accommodation
obligation, undue hardship,
7:139

Counseling

Executive offices, employees of,
8:349

Federal government employees,
8:76 et seq.

Veterans, **9:1, 9:3-9:5**

Covered entities, **7:47-7:111**

Crohn's disease, failure to accom-
modate, **10:26**

Damages

Executive office employees, pay-
ment of awards, **8:355**

EMPLOYMENT—Cont'd

—Cont'd

Federal government employees,
8:148, 8:214

Forms

AIDS, employee with, **10:53**

HIV-related illness, employee
with, **10:93**

Instructions to jury, **10:71,**
10:77

Punitive damages, **10:79**

Special interrogatories to jury,
10:72

Verdict forms, **10:81, 10:82**

Veteran with honorable dis-
charge, form of complaint
for reinstatement by,
10:109

Good-faith effort to accommodate,
effect, **7:439**

Statutory cap, **7:438**

Veterans' reemployment rights,
form of complaint by veteran
with honorable discharge,
10:109

Declaratory relief sought be
federal government employee,
form, **10:101**

Defenses

Generally, **7:397-403**

Post-offer, pre-commencement
stage examination or inquiry,
7:236

Rebuttal, generally, **7:404-7:405**

Veterans' seniority salary
increases, form of defenses in
answer, **10:114**

Deferral

Americans with Disabilities Act,
deferral of complaints or
charges
Form, **10:23, 10:24**

Federal contractors, deferral of
charges to state agency, **8:293**

Department of Transportation,
drug testing, entities subject
to, **7:120**

Diabetes, **8:8**

Direct threat defense

INDEX

EMPLOYMENT—Cont'd

—Cont'd

Generally, **7:205**

ADA, form of memorandum in support of motion for summary judgment, **10:62**

Blanket exclusions, **7:210**

Burden of proof, **7:410**

Cases, **7:213, 7:214**

Communicable disease, **7:209**

Federal contractors, **8:248**

Government regulations, effect of, **7:211**

Individual with disability, health or safety of, **7:206**

Reasonable medical judgment, **7:212**

Relative or associate of employee, threat posed by, **7:207**

What constitutes, **7:208 et seq.**

Disability

Case-by-case determination, **7:81**

Defined, **7:72**

EEOC, other laws providing compensation, **7:33**

Exclusions

Generally, **7:80**

Inconsistent claim under other law, effect, **7:33**

Individual with, definition, **8:1**

Long-term disability plans, **7:259**

Other exclusions from definition of individual with disability, **8:4**

Per se disability, **7:81**

Protected disability, **7:32 et seq.**

Regarded as having impairment, **7:75-7:78**

Right about impairment, wrong about limiting effect, **7:78**

Discharge of employee

Americans with Disabilities Act
Plaintiff regarded as having a disability, **10:31**

Unlawful discharge, form of complaint, **10:29**

Wrongful discharge, form of complaint, **10:25, 10:30**

Disclosure

EMPLOYMENT—Cont'd

—Cont'd

Americans with Disabilities Act, charging process, agreement of nondisclosure, **10:4**

EEOC investigative materials, disclosure disallowed prior to commencement of civil action, **7:328**

Discovery

Americans with Disabilities Act
Forms, **10:44 et seq.**

Congressional employees, **8:323**

Dismissal of complaint against state vocational rehabilitation agency, form, **6:4**

Dismissals

Motion for dismissal, **7:378**

Dismissals

Complaint against state vocational rehabilitation agency, form, **6:3**

Merit Systems Protection Board, **8:119, 8:129**

Motions

Americans with Disabilities Act
Generally, **7:377 et seq.**
Forms, **10:52, 10:53, 10:66-10:69**

Motion for judgment on the pleadings, **7:379**

Summary judgment, **7:380**

Notice of rights, Americans with Disabilities Act, **10:15, 10:70**

Disparate impact or standard

Burden of proof, **7:412**

Discriminatory effect, standards as having, **7:197**

Jury instructions, Americans with Disabilities Act, forms, **10:74**

Dispute resolution

EEOC conciliation process, **7:334**

Drug or alcohol use

Alcoholism, generally, **8:8**

Conduct

Standards of conduct, **7:116 et seq.**

EMPLOYMENT—Cont'd

—Cont'd

- Employer regulation of conduct
 - Applicability of regular job requirements and standards, **7:117**
 - Compliance with other regulations, **7:118**
 - Standards of conduct regarding substance abuse, **7:116**
 - Workplace, use of alcohol or illegal drugs at, **7:115**
- Exclusion of illegal drug users, **7:112**
- Exclusion of illegal users, **7:112**
- Exclusion of individual, drug rehabilitation program, participation or completion, **8:2**
- Federal contractors, **8:249**
- Federal government employees
 - Accommodating alcoholics
 - Extent of duty, **8:51**
 - Termination, **8:51**
 - Termination, **8:51**
- Illegal use of drugs
 - Generally, **7:112, 8:3**
 - What constitutes engaging in, **7:114**
- Job performance or safety of others affected by abuse of alcohol, **8:5**
- Rehabilitation
 - Drug testing to verify rehabilitation, **7:122**
 - Illegal drug use, safe harbor, **7:113**
- Drug testing
- ADA neutrality
 - Generally, **7:119**
 - Department of Transportation, entities subject to, **7:120**
- Confidentiality of medical information, **7:123**
- Department of Transportation, entities subject to, **7:120**
- Federal contractors, veterans' employment and training, **9:133-9:134**

EMPLOYMENT—Cont'd

—Cont'd

- Rehabilitation, testing to verify, **7:122**
- Use of test results, **7:121**
- EEOC
- Extent of deference to, **7:5**
- Forms, generally, **10:1 et seq.**
- Post-offer, pre-commencement stage examination or inquiry, scrutiny, **7:236**
- Protected disability under other laws, **7:33**
- Effective date
- Americans with Disabilities Act, **7:3**
- Uniformed Services Employment and Reemployment Rights Act, **9:8**
- Election of remedies
- Congressional employees, **8:317**
- Election of remedies executive offices, employees of, **8:350**
- Employee benefit plans
- Generally, **7:257-7:263**
- Federal contractors, **8:250**
- Safe harbor
 - Establishment and operation of employee benefit plans, **7:261-7:263**
- Subterfuge
 - ADEA interpretation of subterfuge, arguments for and against adopting, **7:263**
 - Evading nondiscrimination requirements, **7:262**
- Employee defined
- Generally, **7:68-7:70**
- Employees of Executive offices
- Administrative and Judicial Procedures, PEOAA
- Generally, **8:351**
- Expedited review by Supreme Court of certain appeals, **8:353**
- Jurisdiction of court for civil action, **8:352**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

- Administrative and Judicial
 - Procedures, PEOAA—Cont'd
 - Other judicial review of PEOAA claim prohibited, **8:354**
 - Payment of awards or settlements, **8:355**
- Appeal of Judicial decision in CAA action
 - Expedited Supreme Court review of certain CAA appeals, **8:339**
 - Judicial review of CAA regulations, **8:340**
 - Other judicial review not authorized by CAA is prohibited, **8:341**
- Presidential and Executive office accountability Act
 - Generally, **8:344**
- Exhaustion remedies
 - Counseling and mediation under PEOAA, **8:349**
 - Election of proceeding, **8:350**
 - Procedure for consideration of alleged violations of PEOAA, **8:348**
- Implementation of PEOAA, regulations, **8:347**
- Prohibition of disability discrimination by PEOAA, **8:344**
- Prohibition of intimidation or reprisal under PEOAA, **8:345**
- Remedies under PEOAA, attorneys fees, **8:346**
- Employer
- Agents, **7:55**
 - Alter ego of nominal employee, **7:63**
 - Individual liability of employee, **7:56**
- Bona fide private membership clubs, **7:59**
- Definition
 - Commerce, **7:51**
 - Employment relationship, **7:50**

EMPLOYMENT—Cont'd

—Cont'd

- Definition—Cont'd
 - Industry affecting commerce, **7:51**
 - Person, **7:51**
- Foreign employers, **7:66**
- Native American tribes, **7:58**
- Number of employees, **7:52, 7:53**
- Number of work weeks, **7:54**
- State or local government, **7:52**
- Successor liability, **7:67**
- Employment agency, **7:48**
- Employment relationship, defined, **7:50, 7:51**
- Enforcement
- Family and Medical Leave Act, **7:24**
- Epilepsy
- Generally, **8:8**
- Form of complaint for wrongful discharge, **10:25**
- Equipment and services, accommodation of federal government employees, **8:58**
- Equitable tolling of untimely filed Federal government employees, **8:176**
- Essential functions, Section 504 protections, **1:106 to 1:108**
- Establishment of effective written procedures to facilitate the provision of reasonable accommodation, **8:43 et seq.**
- Evidence
- Americans with Disabilities Act
 - Charging process, form, **10:12**
 - Summary judgment for lack of evidence, form, **10:55**
- Qualified individual with disability, essential job functions, **7:108, 7:109**
- Rebuttal, when proof of pretext is proof of discrimination, **7:405**
- Veterans' re-employment rights, **9:110**
- Exclusivity of remedy
- Federal government employees, **8:171**

EMPLOYMENT—Cont'd

—Cont'd

Workers' compensation, **7:40**
 Executive offices, employees of
 Administrative and judicial dispute
 resolution procedures
 Administrative and judicial
 procedures, **8:351 et seq.**
 Appeal and review
 Judicial review, **8:351, 8:354**
 Awards, payment of, **8:355**
 Civil action, **8:352**
 Expedited review of certain
 appeals, **8:353**
 Judicial review, **8:351, 8:354**
 Settlements, payment of, **8:355**
 Attorneys fees
 Generally, **8:346**
 Awards, payment of, **8:355**
 Awards, payment of, **8:355**
 Civil action, **8:352**
 Counseling, **8:349**
 Damage awards, payment of,
8:355
 Election of proceedings, **8:350**
 Exhaustion of remedies
 Generally, **8:348**
 Counseling, **8:349**
 Election of proceedings, **8:350**
 Expedited review of certain
 appeals, **8:353**
 Intimidation, prohibition, **8:345**
 Presidential and Executive Office
 Accountability Act
 Attorneys' fees, **8:346**
 Implementation of Act, **8:347**
 Prohibition of discrimination,
8:344
 Regulations, **8:347**
 Remedies, **8:346**
 Reprisal, prohibition, **8:345**
 Remedies
 Generally, **8:346**
 Election, **8:350**
 Reprisals, prohibition, **8:345**
 Settlements, payment of, **8:355**
 Executive offices, federal agencies

EMPLOYMENT—Cont'd

—Cont'd

Veterans' re-employment rights,
9:80
 Employees, **9:80**
 Enforcement
 Complaint adjudication, **9:85-9:92**
 Referral of complaint to
 MSPB, **9:82**
 Submission of complaint to
 MSPB, **9:84, 9:85**
 Exemptions and exclusions
 Illegal drug users, **7:112**
 Exhaustion of administrative reme-
 dies
 Generally, **8:166**
 Americans with Disabilities Act,
7:342 et seq.
 Failure to file EEOC charge,
 effect, **7:344**
 Scope of EEOC charge, **7:343**
 Expedited review
 Congressional employees, **8:339**
 Executive offices, employees of,
8:353
 Failure to state claim
 Motions for summary judgment,
 form, **10:58, 10:60-10:62,**
10:64
 Motions to dismiss, forms, **10:52,**
10:53
 Fair Employment Practices statute
 of state, supplemental juris-
 diction over, Americans with
 Disabilities Act, form, **10:22**
 Family and Medical Leave Act,
 relationship
 Generally, **7:16 et seq.**
 Confidentiality, **7:20**
 Distinctions in coverage, **7:16**
 Employee benefits during medical
 leave, **7:21**
 Enforcement, **7:24**
 Family leave, **7:23**
 Introduction, **7:16**
 Medical certification, **7:19**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

Reasonable accommodation under
ADA and FMLA leave, **7:17**

Employee leave, reduced work
schedule, and reassign-
ment, **7:18**

Reinstatement upon expiration of
medical leave, **7:22**

Remedies, **7:25**

Federal contractors

Generally, **8:220 et seq.**

Access to records, **8:273**

Alcohol policy, **8:249**

Americans with Disabilities Act,
generally, **8:223**

Ancillary matters, **8:271-8:275**

Failure to preserve records,
8:272

Governing procedures, **8:275**

Appeal and review

Compliance evaluations, **8:276**

Judicial review, **8:300**

Notice of pre-award compliance
evaluation, **8:277**

OFCCP director, actions by,
8:300

Private individuals, actions by,
8:301

Audit and reporting system, **8:264**

Benefit plans, **8:250**

Complaints

Generally, **8:278 et seq.**

ADA

Complaints outside jurisdic-
tion of, **8:278 et seq.**

Complaints within jurisdic-
tion of, **8:289 et seq.**

Exchange of information,
confidentiality, **8:290**

Complaint filed with OFCCP
considered simultaneous
filing with EEOC, **8:292**

Contents, **8:279**

Deferral period, notice of, **8:293**

Effect of OFCCP finding of no
cause, **8:294**

EMPLOYMENT—Cont'd

—Cont'd

Complaints—Cont'd

Effect of OFCCP finding of no
cause, Successful concilia-
tion, **8:295**

Request for right-to-sue letter,
8:297

Unsuccessful conciliation,
8:296

Filing, **8:278**

Final order, issuance of, **8:285**

Hearing, opportunity for, **8:285**

Investigation regarding, **8:280**

Notice

Deferral period, **8:293**

Resolution, **8:280**

Request for reinstatement, **8:287**

Sanctions, **8:286**

Standards to be applied, **8:291**

Transfer of complaint, **8:299**

Transfer of deferral period,
8:293

Compliance evaluations, **8:276**

Compliance with equal opportunity
obligation, **8:234**

Conciliation

Generally, **8:282**

Violation of conciliation agree-
ment, **8:282**

Confidentiality of medical infor-
mation, **8:247**

Contents of equal opportunity
clause, **8:236**

Contracting agency, **8:225**

Contracts and agreements

Applicability of Rehabilitation
Act

Contracts and subcontracts for
indefinite quantities,
8:228

Employment activities within
United States, **8:229**

Contracting agency, **8:225**

Contractor, defined, **8:225**

Equal opportunity and contract
clause, **8:234-8:236**

EMPLOYMENT—Cont'd

—Cont'd

- Contracts and agreements—Cont'd
 - General applicability, contracts with state or local governments, **8:227**
 - Prime contractor, defined, **8:225**
 - Subcontract, defined, **8:225**
 - Subcontractor, defined, **8:225**
 - Termination of waiver, **8:233**
 - Unlawful contractual arrangements, **8:245**
 - Waiver of equal opportunity clause of Rehabilitation, **8:232**
 - Waivers as to specific contracts, **8:230, 8:232**
 - Withdrawal of waiver, **8:231**
- Cooperation with labor unions and recruiting and training agencies, **8:274**
- Data collection analysis of disabled applicants hired under affirmative action program, **8:265**
- Definition of reasonable accommodation, **8:241**
- Definitions relating to disability, **8:226**
- Direct threat defense, **8:248**
- Discrimination, generally, **8:237-8:245**
- Drug policy, **8:249**
- Duties of contracting agencies, **8:235**
- EEOC
 - Processing of charges filed with, **8:298**
- Final order, issuance of, **8:285**
- Government contract, **8:225**
- Hearings
 - Final decision by Agency, **8:285**
 - Opportunity for, **8:285**
- Informal, interactive process, **8:242**
- Insurance plans, **8:250**
- Internal dissemination of policy, **8:262**
- Job qualifications, **8:259**

EMPLOYMENT—Cont'd

—Cont'd

- Jurisdiction of ADA, **8:278 et seq.**
- Labor unions, **8:274**
- Medical examinations and inquiries, **8:246, 8:247**
- Mental qualifications, **8:259**
- Nondiscriminatory employment practices, **8:246-8:250**
- Notice and knowledge
 - Complaints, **8:280, 8:299**
 - Deferral period, notice of, **8:293**
- Outreach, **8:261**
- Personnel processes, review of, **8:258**
- Physical qualifications, **8:259**
- Policy dissemination, **8:262**
- Positive recruitment, **8:261**
- Practices and procedures, **8:251 et seq.**
- Pre-enforcement notice, notice of violation, and show cause notice
 - Complaints, **8:281**
- Prime contractor, defined, **8:225**
- Private right of action, **8:301**
- Prohibited actions, **8:238**
- Prohibited contractual arrangements, **8:245**
- Prohibited discrimination, **8:237-8:245**
- Qualification standards, **8:239, 8:240**
- Reasonable accommodation, **8:240-8:244, 9:112, 9:122**
 - Nondiscrimination mandate, **8:255**
- Reasonable accommodation procedures, **8:243**
- Recordkeeping, **8:271**
- Recruiting, **8:274**
- Rehabilitation Act sec. 503, **8:220**
- Rehabilitation Act sec. 504, **8:222**
- Reinstatement of ineligible contractors, **8:287**
- Relationship to other federal laws, Rehabilitation Act, **8:222**
- Sanctions, **8:286**
- Selection criteria, **8:239, 8:240**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

- Sheltered workshops, contracts with, **8:254**
- State laws, **8:224**
- Subcontractor, defined, **8:225**
- Tests, **8:239, 8:240**
- Training, **8:274**
- Undue hardship, **8:244**
- Use of medical information, **8:247**
- Utilization goal of mandatory affirmative action program, **8:267**
 - Contractors failure to reach affirmative action goal, **8:268**
 - Identification and correction of problem areas, **8:268**
 - Purpose for contractors, **8:266**
- Veterans' training
 - Generally, **9:106-9:155**
 - Administrative procedures
 - Generally, **9:135-9:152**
 - Enforcement procedures, **9:143-9:152**
 - Drug testing, **9:133-9:134**
 - Judicial enforcement, **9:153-9:155**
 - Medical examinations and inquiries, **9:128-9:132**
 - Prohibition of discrimination, **9:117-9:127**
- Voluntary affirmative programs, employees with disabilities
 - Establishment of contractors voluntary affirmative action program, **8:269**
 - Nondiscrimination mandate for contractors voluntary affirmative action program, **8:270**
- Waivers as to specific contracts, **8:230, 8:232**
- Withdrawal, **8:231**
- Federal government employee
- Exhaustion of administrative remedies, **8:166**
- Federal government employees

EMPLOYMENT—Cont'd

—Cont'd

- Employee must establish prima facie case
- Employee regarded as disabled, **8:192**
- Failure to accommodate, **8:195**
- Failure to hire or promote, **8:191**
- Method of proof, **8:194**
- Retaliation, **8:193**
- Federal government employees
- Generally, **8:25 et seq.**
- Access
 - Making facilities accessible, **8:55**
 - Records, federal contractors, **8:273**
- Accommodate, form of complaint alleging failure to, **10:99, 10:102**
- Acknowledgment of receipt of complaint, **8:85**
- ADA employment discrimination standard, application of, **8:69**
- Administrative enforcement
 - Clarification of prior decision, **8:162**
 - Compliance with relief ordered by EEOC, **8:160**
 - Exhaustion of administrative remedies, **8:166**
 - Final decisions
 - Compliance with, **8:163**
 - Enforcement of, **8:161**
 - Full relief, **8:149**
 - Full relief to be provided, **8:149**
 - Settlement agreements, compliance with, **8:163**
- Administrative judges
 - Authority of, **8:92**
 - Findings and conclusions of, **8:98**
 - Pre-hearing review by, **8:107**
- Affirmative relief, generally, **8:213**
- Agency processing
 - Application of ADA employment discrimination standard to Rehabilitation Act, **8:69**

EMPLOYMENT—Cont'd

—Cont'd

- Agency processing—Cont'd
 - Regulations applicable to processing Rehabilitation Act, discrimination complaints, **8:67**
 - Variance from Rehabilitation Act, complaint processing procedure, **8:68**
- Appeal and review
 - Cases subject to appeal, **8:217**
 - Claims within scope of administrative complaint, **8:168**
 - Continuous violations, **8:176**
 - Employees cooperation with investigation, **8:167**
 - Equitable tolling, **8:177**
 - Exclusivity of remedy, **8:171**
 - Exhaustion of administrative remedies, **8:166**
 - Form of notice, **10:97**
 - Jurisdiction, **8:165**
 - Mixed cases, negotiated grievance procedures, **8:169**
 - Plaintiff in Rehabilitation Act action, **8:178**
 - Private right of action, **8:164**
 - Res judicata or collateral estoppel effect of previous decisions, **8:170**
 - Scope of review, **8:173, 8:218**
 - Standard of review, **8:219**
 - Standard of review, **8:173**
 - Statute of limitations
 - Generally, **8:174 et seq.**
 - Commencement of limitations period, **8:175**
 - Equitable tolling of limitations period, **8:177**
 - Venue, **8:172**
- Attorneys
 - Agency employee designated as representative, **8:74**
 - Communication by Agency with representative, **8:74**
 - Official time, **8:75**
 - Preparation, time for, **8:75**

EMPLOYMENT—Cont'd

—Cont'd

- Attorneys—Cont'd
 - Right to representation, **8:74**
- Attorneys' fees
 - Generally, **8:157**
 - Award of, **8:158**
 - Judicial proceedings, **8:205**
- Back pay, **8:211**
- Burden of proof, **8:189**
- Calculation of attorneys fees
 - Judicial proceedings, **8:206**
- Case preparation, obtaining evidence for, **8:110**
- Class actions
 - Consultation with EEO counselor, **8:103**
 - Individual, not class-wide discrimination found, **8:153**
 - Pre-complaint procedures, **8:103-8:106**
 - Proper class, **8:102**
 - Relief, **8:152, 8:153**
 - Representation proper for class, **8:102**
 - Timeliness for processing complaint, **8:106**
- Class complaints
 - Agency, decision by, **8:113**
 - Hearings, **8:112**
 - Notification to class agent and members, **8:113**
 - Procedures, **8:103-8:106**
 - Unfair resolution, response to, **8:111**
 - Unreasonable resolution, response to, **8:111**
- Collective bargaining agreement, consideration of, **8:50**
- Complaints
 - Generally, **8:181**
 - Acknowledgment of receipt, **8:85**
 - Agency employee designated as representative, **8:74**
 - Amendment, **8:84, 8:182**
 - Consolidation of complaints, **8:86**
 - Contents, **8:83**

INDEX

EMPLOYMENT—Cont'd

- Cont'd
 - Complaints—Cont'd
 - Forms, **10:98-10:103**
 - Notice of right to file complaint, **8:80**
 - Promotion, denial of application for, **10:98**
 - Complaints examiner, review by, **8:107**
 - Consolidation of complaints, **8:86**
 - Constructive discharge of mentally impaired employee, form of complaint for, **10:100**
 - Continuing violations, **8:72**
 - Costs, fees and expenses
 - Generally, **8:159**
 - Statement of costs, submission of, **8:159**
 - Witness fees, **8:159**
 - Counseling, **8:75 et seq.**
 - Covered entities, **7:57**
 - Damages, **8:149, 8:214**
 - Declaratory relief, form, **10:101**
 - Defenses employed at pleading stage, **8:184**
 - Discharge
 - Form of complaint by postal worker for discharge after successful complaint, **10:103**
 - Solely on basis of disability, prohibition, **8:64**
 - Discipline of attorneys, **8:76**
 - Disclosure requirements
 - Form of complaint alleging failure to disclose minor infractions on job application, **10:103**
 - Disparate Impact
 - Establishment of prima facie case of disparate impact, **8:204**
 - EEOC
 - Consolidation of complaints, **8:86**
 - Continuing violations, **8:86**
 - Counselor's report, **8:78**

EMPLOYMENT—Cont'd

- Cont'd
 - EEOC—Cont'd
 - Director of EEO, affirmative action responsibilities of, **8:34**
 - Equitable treatment of time limits, **8:70**
 - Forms, **10:97, 10:103**
 - Negotiated grievance procedure, EEOC time limits and, **8:123**
 - Settlements, **8:73**
 - Election of remedy, negotiated grievance procedure, **8:114**
 - Employees not subject to Civil Service Reform Act, **8:115**
 - Equal employment opportunity complaints, federal sector
 - Appealable issues, **8:132**
 - Briefs, **8:134**
 - Complaint file, **8:134**
 - Decision, **8:136**
 - Filing of appeal, **8:134**
 - Negotiated grievances, **8:138**
 - Reconsideration of decision, **8:137**
 - Statements and briefs, **8:134**
 - Time for appeal, **8:133**
 - Equipment and services, **8:58**
 - Equitable tolling precluded, **8:177**
 - Evidence
 - Burden of proof, **8:189**
 - Case preparation, obtaining evidence for, **8:110**
 - Failure to promote, **8:63**
 - Failure to respond to judges order, **8:96**
 - Hearing, evidence at, **8:95**
 - Promote, failure to, **8:63**
 - Reasonable accommodation, **8:199**
 - Trials, evidence at, **8:187**
 - After-acquired evidence, **8:188**
 - Exclusivity of remedy, **8:171**
 - Extension of time
 - Investigation, prehearing process, **8:88**

EMPLOYMENT—Cont'd

- Cont'd
 - Extension of time—Cont'd
 - Precomplaint procedures, time limits, **8:77**
 - Failure to promote
 - Evidence, **8:63**
 - Form of complaint, **10:98**
 - Filing
 - Generally, **8:82**
 - Timeliness, **8:106, 8:177**
 - Final interview, pre-complaint procedures, **8:79**
 - Financial burden, undue hardship, **8:61**
 - Forms, **10:97-10:107**
 - Fraudulent nondisclosure of pre-existing back injury by letter carrier, forms in connection with motion for summary judgment, **10:105-10:107**
 - Front pay, **8:212**
 - Grievances
 - Election of remedy, negotiated grievance procedure, **8:114**
 - Employees not subject to Civil Service Reform Act, **8:115**
 - Equal employment opportunity complaints, federal sector
 - Negotiated grievances, **8:138**
 - Harassment of employee with mental disability, form of complaint, **10:100**
 - Hearings
 - Administrative judge, authority of, **8:92**
 - Class complaints, **8:112, 8:113**
 - Conclusions of administrative judge, **8:98**
 - Consideration of summary judgment by administrative judge, **8:93**
 - Evidence, **8:95**
 - Final action by Agency, **8:99**
 - Findings, **8:98, 8:112**
 - Hearing examiner, authority of, **8:92**
 - Record of hearing, **8:97**

EMPLOYMENT—Cont'd

- Cont'd
 - Hearings—Cont'd
 - Time limit for resolving appealable action, **8:101**
 - Witnesses, **8:95**
 - Hostile Work Environment
 - Establishment of prima facie case of hostile work environment, **8:203**
 - Humiliation of employee with mental disability, form of complaint, **10:100**
 - Identity of aggrieved person, conditions for revealing, **8:80**
 - Injunctions, generally, **8:209**
 - Interim relief
 - Agency's failure to provide interim relief, **8:156**
 - Claim upon agency appeal, **8:154**
 - Notice by agency, **8:155**
 - Job application, form of complaint for failure to disclose minor infractions on, **10:103**
 - On the job injury, form of complaint for dismissal following, **10:102**
 - Judicial proceedings, forms, **10:98-10:103**
 - Jurisdictional issues, appeal, **8:165**
 - Jury trial, right to, **8:186**
 - Known limitations, failure to make reasonable accommodation of, **8:44**
 - Medical examinations and inquires
 - Application of direct threat defense in federal government employment cases, **8:37**
 - During employment, **8:41**
 - Post-offer, pre-commencement, **8:39**
 - Pre-employment inquiry, **8:39**
 - Prohibited and acceptable medical examinations and inquiries under Rehabilitation Act, **8:38**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

- Mental disability, form of complaint by employee with, **10:100**
- Mere pretext in discrimination, **8:197**
 - Courts consideration of evidence, **8:198**
- Mitigation, **8:216**
- Motions, forms, **10:104-10:107**
- Nondiscrimination mandate
 - Generally, **8:25-8:30**
 - Adverse employment action, **8:27**
 - Exclusion from protection, **8:30**
 - Extent of protection, **8:27**
 - Persons subject to mandate, **8:29**
 - Relation to other laws, **8:26**
 - Substance abusers, **8:28**
 - Who is excluded, **8:30**
- Nondiscriminatory practices
 - Legitimate nondiscriminatory reason for action, **8:196**
 - Medical qualifications, pre-employment inquiry into ability to meet, **8:39**
 - Post-offer, pre-commencement medical inquiries, **8:40**
 - Pre-employment inquiry into ability to meet medical qualifications, **8:39**
- Notice and knowledge
 - Appeal, form of notice, **10:97**
 - Class agent and members, notification to, **8:113**
 - Complaint, notice of right to file, **8:80**
- Office of Federal Operations, review by, **8:135**
- Parties to actions
 - Complaints in, **8:181**
 - Defendants, **8:180**
 - Plaintiffs, **8:178**
 - Plaintiffs, Rules applicable to class actions, **8:179**
- Part-time or modified work schedules, **8:57**

EMPLOYMENT—Cont'd

—Cont'd

- Pre-complaint procedures
 - Consultation with EEO Counselor, **8:76, 8:103**
 - Extension of time limits, **8:77**
 - Final interview, **8:79**
 - Identity of aggrieved person, conditions for revealing, **8:81**
 - Initial counseling session, **8:78**
 - Notice of right to file complaint, **8:80**
 - Report of EEO counselor, **8:78**
 - Time limit for dispute resolution period, **8:77**
- Pre-employment inquiry
 - Ability to meet medical qualifications, **8:39**
 - Discriminatory practices, **8:38**
- Pre-existing back injury, letter carrier's fraudulent failure to disclose, forms in connection with motion for summary judgment, **10:105-10:107**
- Pre-hearing process
 - Administrative judge, review by, **8:107**
 - Case preparation, obtaining evidence for, **8:110**
 - Class acceptance, notice of, **8:109**
 - Complaints examiner, review by, **8:107**
 - Conclusions, **8:98**
 - Discovery, **8:94**
 - Dismissals, **8:90, 8:108**
 - Findings, **8:98**
 - Investigations, **8:87**
 - Offer of resolution of complaint to federal agency under Rehabilitation Act, **8:91**
 - Request for hearing, time, **8:89**
 - Resolution process, **8:111**
- Prejudgment interest, **8:215**
- Prima facie case, **8:190 et seq.**
- Privileged and confidential matters
 - Medical records, reasonable accommodation to maintain

EMPLOYMENT—Cont'd

- Cont'd
 - Privileged and confidential matters
 - Cont'd
 - confidentiality, **8:52**
 - Procedural overview of Rehabilitation Act, complaint processing, **8:66**
 - Proper party to file MSPB appeal on Rehabilitation Act
 - Merit Systems Protection Board, **8:121**
 - Reasonable accommodation
 - obligation
 - Burden of proof, **8:199 et seq.**
 - Collective bargaining agreement, consideration of, **8:50**
 - Confidentiality of individual's medical records, **8:52**
 - Engagement in interactive process by federal employer and employee, **8:47**
 - Request for medical documentation, **8:48**
 - Equipment, **8:58**
 - Federal employees burden to suggest reasonable accommodation, **8:200**
 - Federal employees rebuttal supporting suggested accommodation, **8:202**
 - Federal employers defense to suggested accommodation, **8:201**
 - Form of allegation in complaint, withdrawal of reasonable accommodation, **10:101**
 - Input of employee, consideration of, **8:46**
 - Job restructuring, **8:56**
 - Known limitations, **8:44**
 - Part-time or modified work schedules, **8:57**
 - Reasonable inquiry, obligation to conduct, **8:43 et seq.**
 - Reasonable time, obligation to respond in, **8:49**
 - Reassignment, **8:59**
 - Services, **8:58**

EMPLOYMENT—Cont'd

- Cont'd
 - Reasonable accommodation
 - obligation—Cont'd
 - Silence of employee, consideration of, **8:46**
 - Types of accommodation, **8:54-8:59**
 - Reasonable inquiry, obligation to conduct, **8:43 et seq.**
 - Reassignment of employees as reasonable accommodation, **8:59**
 - Record of hearing, **8:97**
 - Refusal to hire, injunctive relief, **10:99**
 - Reinstatement
 - Generally, **8:210**
 - Form of complaint, **10:100, 10:101**
 - Remedies
 - Generally, **8:151**
 - Affirmative relief, generally, **8:213**
 - Applicants for employment, **8:150**
 - Availability of equitable relief for claim, **8:208**
 - Back pay, **8:211**
 - Damages, **8:214**
 - Front pay, **8:212**
 - Incorporation of Title VII remedies, **8:207**
 - Injunctions, **8:209**
 - Interest on back pay, **8:211**
 - Mitigation, **8:216**
 - Prejudgment interest, **8:215**
 - Reinstatement, **8:210**
 - Retaliation
 - Generally, **8:65**
 - Forms of allegations in complaint, **10:101, 10:103**
 - Screening effect, use of selection criteria having
 - Manual skills impaired, **8:42 et seq.**
 - Prohibited conduct, **8:42**
 - Sensory skills impaired, **8:42 et seq.**

INDEX

EMPLOYMENT—Cont'd

- Cont'd
 - Screening effect, use of selection criteria having—Cont'd
 - Speaking skills impaired, **8:42 et seq.**
 - Sensory skills impaired, **8:42 et seq.**
 - Service of process
 - Special panel practices and procedures, **8:145**
 - Settlements, **8:73, 8:111, 8:163**
 - Silence of employee, consideration of, **8:46**
 - Speaking skills impaired, **8:42 et seq.**
 - Standards
 - Application of ADA employment discrimination standard, **8:69**
 - Review, standard of, **8:219**
 - Summary judgment
 - Generally, **8:185**
 - Motions, forms for, **10:104-10:107**
 - Suspension, form, **10:101**
 - Termination, accommodation of alcoholics, **8:51**
 - Time or date
 - Class complaints, **8:106**
 - Computation of time, **8:70**
 - Filing, timeliness of, **8:70**
 - Filing, timeliness of, action subject to waiver, estoppel, and equitable tolling, **8:71**
 - Official time, **8:73**
 - Trials, **8:186 et seq.**
 - Undue hardship limitation
 - Administrative burden, **8:61**
 - Financial burden, **8:61**
 - Fundamental alteration of position, **8:61**
 - Illustrations, **8:62**
 - Nature of inquiry, **8:60**
 - Venue, **8:172**
 - Veterans' re-employment rights
 - Entitlement of right and duties, **9:36-9:53**
 - Escalator positions, **9:61**

EMPLOYMENT—Cont'd

- Cont'd
 - Veterans' re-employment rights
 - Cont'd
 - Procedures
 - Generally, **9:69-9:73**
 - Placement of employee, **9:72**
 - Re-employment by federal agencies, **9:71**
 - Promotion plans, **9:73**
 - Seniority status, **9:73**
 - Types of service covered, **9:20**
 - Wages, salaries and other compensation
 - Back pay, **8:225**
 - Front pay, **8:212**
 - Witnesses
 - Fees, **8:159**
 - Hearings, **8:95**
 - Writing
 - Putting reasonable accommodation denials in, **8:53**
 - Federal political employees
 - Generally, **8:302 et seq.**
 - Appeal and review
 - Presidential appointees, judicial review, **8:351**
 - Attorneys' fees
 - Congressional employees, **8:307**
 - Presidential appointees, **8:346**
 - Prior law, discrimination prohibited under, **8:302**
 - Federal safety and health requirements, conflicting, **7:10**
 - Filing
 - Applications, **9:54-9:57**
 - Charges
 - Forms, **10:2**
 - Veterans' complaints, **9:75**
 - Final order, issuance of, federal contractors, **8:285**
 - Financial resources
 - Undue hardship
 - Federal government employees, **8:61**
 - Reasonable accommodation obligation, generally, **7:140**

EMPLOYMENT—Cont'd

—Cont'd

Fine for failure to post notice,
Americans with Disabilities
Act, **7:440**

Firefighter with HIV, withdrawal
of employment offer, com-
plaint form, **6:2**

Fitness examinations and inquiries,
veterans entitled to
re-employment rights, **9:19**

Fitness tests

Americans with Disabilities Act,
form for memorandum in sup-
port of motion for summary
judgment, **10:63**

Physical agility or fitness tests,
7:220

Flexible interactive process

Generally, **7:164 et seq.**

Breakdown in interactive process,
7:170

Employee's request

Form of request, **7:172**

Illustrations, **7:175**

Responsibility of employee,
7:171

Timing of request, **7:174**

Who may make request, **7:173**

Employer's response

Consultation with employee,
7:179

Job analysis, **7:178**

Obligation to investigate, **7:176**

Request for information, **7:177**

Technical assistance, **7:180**

Good faith participation, **7:169,**
7:170

Joint responsibility of employer
and employee, **7:168**

Optional or mandatory?, **7:167**

Request

Employer's response, request
for information, **7:177**

Timing, **7:166, 7:174**

Food handlers

Infectious and communicable
diseases

Restrictions on persons having,
7:248

EMPLOYMENT—Cont'd

—Cont'd

Foreign employers or workplaces,
7:66, 7:190 et seq., 9:21

Forms

Dismissal of complaint against
state vocational rehabilitation
agency, **6:3, 6:4**

Failure to accommodate, **6:9**

Firefighter with HIV, withdrawal
of employment offer, com-
plaint, **6:2**

Hiring, **6:2 to 6:5**

Job assignments, **6:6, 6:7**

Lifting limitation, complaint by
teacher with, **6:7**

Medical center employment of
pharmacist with AIDS-related
complex, form of agreement
for, **6:5**

Memoranda in support of summary
judgment motion, **6:11**

Nurse terminated for back impair-
ment, form of complaint, **6:8**

Teacher with AIDS excluded from
classroom, complaint, **6:6**

Termination of employment, **6:8 to**
6:12

Fraud, letter carrier's pre-existing
back injury, fraudulent failure
to disclose, forms in connec-
tion with motion for summary
judgment, **10:105-10:107**

Fringe benefits

Applicability, **7:254**

Contracting out, effect, **7:256**

Equal access, **7:255**

Health care coverage, **7:258**

Leave policies, **7:257**

Long-term disability plans, **7:259**

Pension and retirement plans,
7:260

Front pay

Americans with Disabilities Act,
7:428

Federal government employees,
8:212

Good faith

INDEX

EMPLOYMENT—Cont'd

—Cont'd

- Americans with Disabilities Act
 - Summary judgment
 - Form, motion for, **10:57**
- Damages, effect of good-faith effort to accommodate, **7:439**
- Flexible interactive process, good faith participation, **7:169, 7:170**
- Grievances
 - NLRA, grievance procedure, **7:28**
- Harassment
 - Federal government employee with mental disability, form of complaint, **10:100**
 - Mental disability, harassment of federal government employee with mental disability—form of complaint, **10:100**
- Health
 - Conflicting federal safety and health requirements, **7:10**
 - Smoking regulation, **7:11**
 - Health and safety concerns, Section 504 protections, **1:108**
 - Health care coverage
 - Americans with Disabilities Act
 - Form, motion to dismiss complaint for failure to state claim, **10:53**
 - Forms, motions for preliminary relief to reinstate coverage, **10:41**
 - Forms connected to reinstatement, **10:41**
- Fringe benefits, **7:258**
- Hiring, forms, **6:2 to 6:5**
- HIV or HIV-related illness, forms for settlement with employee, **10:93, 10:94**
- Home, work at, reasonable accommodation obligation, **7:150**
- Hostile work environment
 - Harassment, **7:264-7:265**
 - Hostile work environment
 - Americans with Disabilities Act
 - Forms, **10:27, 10:75**

EMPLOYMENT—Cont'd

—Cont'd

- Humiliation of federal government employee with mental disability, form of complaint, **10:100**
- Identity of aggrieved person, conditions for revealing, federal government employees, **8:81**
- Improper disclosure, **7:226**
- Imputed knowledge, reasonable accommodation, **7:129**
- Income taxes, Americans with Disabilities Act, **7:434**
- Industry affecting commerce, defined, **7:51**
- Information sheet
 - Americans with Disabilities Act, forms for enclosure, **10:18**
- Charges of discrimination, Americans with Disabilities Act, form, **10:6**
- In limine motion, Americans with Disabilities Act, **7:377**
- Injunctions
 - Americans with Disabilities Act, generally, **7:424-7:426**
- Federal government employees
 - Generally, **8:209**
 - Forms, **10:98-10:100**
- Forms
 - Federal government employees, **10:98-10:100**
 - Preliminary relief, ADA, **10:43**
- Instructions to jury
 - Americans with Disabilities Act
 - Generally, **7:421**
 - Forms, **10:71-10:82**
 - Instructions to jury, Americans with Disabilities Act, forms, **10:71-10:82**
- Insurance
 - Federal contractors, insurance plans, **8:250**
- Interest
 - Americans with Disabilities Act, **7:433**
- Prejudgment and postjudgment interest, Americans with Dis-

EMPLOYMENT—Cont'd

- Cont'd
 - abilities Act, forms, **10:89, 10:90**
 - Interference with protected activities
 - Federal contractors, **8:288**
 - Internal dissemination of policy, federal contractors, **8:262**
 - Interrogatories
 - Americans with Disabilities Act, forms, **10:44 et seq., 10:72, 10:78, 10:79**
 - Discrimination on the basis of disability
 - Generally, **10:45 et seq.**
 - Hiring, discrimination on the basis of disability, **10:47**
 - Veterans' action seeking re-employment vacation benefits, form, **10:111**
 - Intervention
 - Americans with Disabilities Act
 - Generally, **7:368**
 - Attorney General, by, **7:368**
 - EEOC, by, **7:368**
 - Form, **10:39**
 - Individual, **7:369**
 - Intimidation
 - Executive offices, employees of, **8:345**
 - Investigations
 - Flexible interactive process, employer's obligation to investigate, **7:176**
 - Veterans' complaints, **9:76-9:78**
 - Job analysis, flexible interactive process, **7:178**
 - Job assignments, forms, **6:6, 6:7**
 - Job restructuring
 - Elimination of job functions, **7:147**
 - Federal government employees, accommodation of, **8:56**
 - Home, work at, reasonable accommodation, **7:150**
 - Job creation not required, reasonable accommodation, **7:149**
 - Part-time or modified work schedules, reasonable accom-

EMPLOYMENT—Cont'd

- Cont'd
 - modation, **7:148**
 - Reallocation of job functions, **7:147**
 - Joint responsibility of employer and employee, flexible interactive process, **7:168**
 - Judgment on the pleadings motion, Americans with Disabilities Act, **7:382**
 - Judicial estoppel
 - Americans with Disabilities Act
 - Generally, **7:358**
 - Judicial proceedings
 - Americans with Disabilities Act, **7:341 et seq., 10:20 et seq.**
 - Uniformed Services Employment and Reemployment Rights Act, **9:93-9:105**
 - Jurisdiction
 - Americans with Disabilities Act
 - Generally, **7:341 et seq.**
 - Administrative determinations, **7:357**
 - Concurrent federal and state court jurisdiction, **7:353**
 - Fair Employment Practices statute of state, supplemental jurisdiction over, form, **10:22**
 - Fulfillment of jurisdictional prerequisites to action, form, **10:23**
 - Preclusion of claims, generally, **7:356 et seq.**
 - Removal of action, **7:354**
 - Right-to-sue notice, entitlement as pre-requisite, **7:345**
 - Settlement agreement, effect, **7:346**
 - Supplemental jurisdiction over state law claims, **7:355**
 - Time for filing complaint, **7:349 et seq.**
 - Federal contractors, **8:278 et seq.**
 - Federal government employees, appeal, **8:165**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

Merit Systems Protection Board,
8:120, 8:129

Jury trial

Generally, **8:186**

Americans with Disabilities Act

Generally, **7:385**

Instructions to jury, forms,

10:71-10:82

Special interrogatories to jury,

forms, **10:72, 10:78, 10:79**

Verdict forms, **10:80-10:82**

Instructions to jury, forms, **10:71-**
10:82

Special interrogatories to jury,
Americans with Disabilities

Act, forms, **10:72, 10:78,**

10:79

Special interrogatories to jury,
forms, **10:72**

Verdict forms, Americans with
Disabilities Act, **10:80-10:82**

Known limitations or impairments,
8:44

Reasonableness of accommoda-
tion, **8:45**

Labor unions

Affirmative action, federal contrac-
tors, **8:274**

Covered entities, **7:49**

Labor unions as parties, Americans
with Disabilities Act

Generally, **7:366**

Laches, affirmative defenses under
Americans with Disabilities
Act, **10:35**

Leave

Fringe benefits, leave policies,
7:257

Reasonable accommodation

Additional leave, request for,
7:161

Appropriate length of leave,
7:162

Employer's policy, effect on,
7:160

Medical leave of absence, **7:163**

Limitation of actions

EMPLOYMENT—Cont'd

—Cont'd

Americans with Disabilities Act

Generally, **7:350**

Form, **10:52**

Tolling of limitation period,
7:350, 7:351

Limitations and restrictions

Americans with Disabilities Act

Contractual provision concern-
ing limitations, **7:352**

Lodestar method of calculation of
attorneys' fees, Americans
with Disabilities Act, forms,
10:87, 10:88

Long-term disability plans, **7:259**

Major life activities

Form, memorandum, motion for
summary judgments,
Americans with Disabilities
Act, **10:65**

Form of motion for summary judg-
ment for failure to state claim,
Americans with Disabilities
Act, **10:58**

Reassignment barred by collective
bargaining agreement, motion
for summary judgments,
10:61

Social Security disability insur-
ance, **10:65**

Mandated nondiscrimination, Sec-
tion 504 protections, gener-
ally, **1:102 to 1:118**

Manual skills, testing to measure,
7:201

Mediation

Americans with Disabilities Act,
form of invitation to engage
in mediation, **10:95**

Congressional employees, **8:315**

Executive offices, employees of,
8:348

Medical center employment of
pharmacist with AIDS-related
complex, form of agreement
for, **6:5**

Medical examinations, Section 504
protections, **1:113 to 1:115**

EMPLOYMENT—Cont'd

—Cont'd

- Medical examinations and inquiries
- Affirmative action requirements, satisfaction, **7:229**
- Americans with Disabilities Act
 - Form of complaints, pre-employment examinations, **10:34**
 - Form of memorandum in support of motion for summary judgment, pre-employment examinations, **10:59**
- Occupational Safety and Health Act, relationship, **7:31**
- Collection and maintenance of medical information obtained
 - Confidentiality, affirmative duty of, **7:223**
 - Segregation, affirmative duty of, **7:225**
- Confidentiality
 - Collection and maintenance of medical information, **7:223**
 - Federal employees, confidentiality of medical information, **8:52**
- Defenses, post-offer, pre-commencement stage examination or inquiry, **7:236**
- Disability-related inquiry, what constitutes, **7:219**
- EEOC scrutiny, post-offer, pre-commencement stage examinations or inquiries, **7:236**
- During employment
 - Generally, **7:237-7:246**
- Federal contractors, **8:246, 8:247**
- General rule against discrimination, **7:216**
- Occupational Safety and Health Act, monitoring of exposure to toxic and hazardous substances, **7:31**
- Permitted examinations, **7:220, 7:221**
- Physical agility or fitness tests, **7:220**

EMPLOYMENT—Cont'd

—Cont'd

- Post-offer, pre-commencement stage examination or inquiry
 - Generally, **7:233**
 - Defenses, **7:236**
 - EEOC scrutiny, **7:236**
 - Information required for accommodations, **7:235**
 - When offer may be conditioned upon results of medical examination, **7:234**
- Pre-offer stage examination or inquiry
 - Ability to perform job-related functions
 - Generally, **7:231**
 - Description or demonstration, **7:232**
 - Affirmative action requirements, satisfaction, **7:229**
 - Description or demonstration of job-performance ability, **7:232**
 - Disability-directed examinations or inquiries prohibited, **7:227**
 - Prohibited inquiries, generally, **7:230**
 - Volunteering of information by applicant, **7:228**
- What constitutes medical examination, **7:218**
- Medical records, confidentiality of, **1:117**
- Memorandum in support of motion for dismissal or summary judgment, Americans with Disabilities Act, forms, **10:53, 10:57-10:67, 10:67, 10:68**
- Mental
 - Qualifications, federal contractors, **8:259**
- Merit Systems Protection Board
 - Appeal, time for filing, **8:124**
- Briefs, **8:147**
- Certification to Special Panel, **8:144-8:148**
- Decisions, **8:139-8:143**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

Development and closing of record, **8:127**

Discrimination allegations not previously raised, **8:126**

Dismissals, **8:119, 8:129**

EEOC

Action taken by Merit Board on EEOC decision, **8:143**

Contents of petition for EEOC consideration, **8:140**

Decision by, **8:141**

Petition for EEOC consideration, **8:139**

Procedures followed, **8:118**

Election of remedy, **8:116**

Enforcement of Special Panel decision, **8:148**

Final decision

Notice, **8:131**

Time limits for, **8:130**

Handling of discrimination allegations, **8:126**

Jurisdiction, **8:120, 8:129**

Mixed case complaint, **8:120 et seq.**

Under negotiated grievance procedure, **8:123, 8:125**

Notice

Election requirement and notice of election in mixed case, **8:117**

Final decision, **8:131**

Mixed case complaints and appeals under Rehabilitation Act, **8:116**

Oral argument, **8:147**

Petition, **8:122**

Pleadings

Filing and service of, **8:146**

Responsive pleadings, **8:147**

Referral of reaffirmed cases to special panel, **8:144**

Review of arbitrators decision, **8:127**

Right to MSPB appeal hearing on Rehabilitation Act, **8:128**

EMPLOYMENT—Cont'd

—Cont'd

Special panel, certification to, **8:144-8:148**

Veterans' re-employment complaints

Generally, **9:82-9:92**

Referral by Secretary of Labor, **9:82**

Submission of complaint

Generally, **9:84**

Exhaustion requirement, **9:85**

Mitigation

Americans with Disabilities Act Form, **10:60**

Damages, federal government employees, **8:216**

Motions

Americans with Disabilities Act Generally, **7:377-7:382**

Forms, **10:37-10:43, 10:83-10:90**

New trial, **7:382**

Americans with Disabilities Act unresolved issues, **7:381**

Federal government employees, forms, **10:104-10:107**

National Labor Relations Act Grievance and arbitration procedure, **7:28**

Introduction, **7:26**

Union agreement, effect on reasonableness of proposed ADA accommodation, **7:27**

National security, federal contractors, **8:230**

Native American tribes, covered entities, **7:58**

New trial motion, Americans with Disabilities Act, **7:382**

Nominal employer

Agent as alter ego, **7:62**

Entities functioning as single employer, **7:64**

Nondiscrimination mandate

Generally, **7:35-7:40**

Americans with Disabilities Act, forms

Motion for summary judgment, **10:55**

EMPLOYMENT—Cont'd

—Cont'd

- Americans with Disabilities Act, forms—motion for summary judgment, **10:56**
- Conditions on return to work, imposing, **7:38**
- Fear of increased risk or cost, **7:35**
- Inquiries, **7:36**
- Reasonable accommodation, **7:39**
- Terms, conditions, and privileges of employment covered, **7:184**
- Workers' compensation history information, use of, **7:37**
- Nondiscrimination mandate in employment, Section 504 protections, **1:102**
- Nondiscrimination on basis of disability, state and local government services, **2:123, 2:124**
- Notice and knowledge
 - Americans with Disabilities Act
 - Charges
 - Form, **10:7**
 - Jurisdictions, FEP agency, **10:7.50**
 - Class actions
 - Form, notice to members of pendency, **10:40**
 - Pendency of class actions, notice to members, **10:40**
 - Nurse terminated for back impairment, form of complaint, **6:8**
 - Obesity, **8:8**
 - Occupational Safety and Health Act, relationship
 - Americans with Disabilities Act, **7:36**
 - Comparison with ADA statutory scheme, **7:29**
 - Environment and ADA direct threat standard, **7:39**
 - Exposure to toxic and hazardous substances, ADA medical examinations
 - Generally, **7:31**
 - OSHA removal of over-exposed employees, **7:38**

EMPLOYMENT—Cont'd

—Cont'd

- Office of Federal Operations, review by, **8:135**
- Office of Personnel Management responsibilities, veterans' employment and training, **9:161**
- Outreach, federal contracts, **8:261**
- Parking, reasonable accommodation obligations, **7:144**
- Parkinson's disease, **8:8**
- Parties to actions
 - Attorney General, **7:362**
- Defendants, Americans with Disabilities Act
 - Generally, **7:371**
 - State governments, **7:372**
- EEOC
 - Judicial proceedings, generally, **7:361**
 - Statements of parties, EEOC investigation, **7:326**
- Individuals, suits brought by, **7:363**
- Judicial proceedings, Americans with Disabilities Act, **7:361-7:373**
- Part-time or modified work schedules
- Federal government employees, reasonable accommodation, **8:57**
- Reasonable accommodation, generally, **7:148**
- Payroll method, covered entities, **7:53**
- Pension and retirement plans, **7:260**
- Performance ability of applicant, Section 504 protections, **1:114**
- Physical or mental impairment
 - Generally, **7:82**
 - Alcoholism, **8:8**
 - Crohn's disease, failure to accommodate, **10:26**
- Defined, **8:8**
- Diabetes, **8:8**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

- Failure to accommodate, **10:26-10:28**
- Federal government employee with mental disability, form of complaint by, **10:100, 10:101**
- Forms, **10:25-10:28, 10:100**
- Hostile work environment, failure to accommodate, **10:27**
- Illustrations, **7:85, 8:8**
- Major life activity, **8:12-8:16**
 - Condition, manner, duration of performance of major life activity as compared to general population, **8:13**
 - Effects of mitigating measures, **8:14**
 - Particular applications, **8:16**
 - Predictable assessments, **8:15**
- Obesity, **8:8**
- Paraplegia, failure to accommodate, **10:28**
- Parkinson's disease, **8:8**
- Particular applications, **8:9**
- Personal characteristics distinguished, **7:83**
- Pregnancy and other physiological disorders affecting reproductive system, **7:84**
- Substantial limitation on major life activity, **8:12-8:16**
- Temporary impairments, **8:10**
- Temporary impairments, **8:10**
- Test to determine if employee is actually disabled, **8:8**
- What is major life activity, **8:11**
- Physical qualifications, federal contractors, **8:259**
- Policy dissemination, federal contractors, **8:262**
- Assessment of activities, **8:263**
- Positive recruitment, federal contractors, **8:261**
- Postal worker
- Form of brief in support of motion for summary judgment, letter carrier's nondisclosure of

EMPLOYMENT—Cont'd

—Cont'd

- pre-existing back injury, **10:105**
- Form of complaint alleging volatile behavior by, **10:103**
- Form of declaration in support of motion for summary judgment, letter carrier's nondisclosure of pre-existing back injury, **10:106, 10:107**
- Posting of Americans with Disabilities Act notices
- Generally, **7:6**
- Fine for failure, **7:440**
- Postjudgment interest, back pay, Americans with Disabilities Act, **7:433**
- Postsecondary schools, employment opportunities, **1:148**
- Preclusion of claims, Americans with Disabilities Act, **7:356 et seq.**
- Preemployment inquiries
- Americans with Disabilities Act, forms of complaints as to, **10:34**
- Preemployment inquiries, Section 504 protections, **1:113 to 1:115**
- Pre-existing injury, letter carrier's pre-existing back injury, fraudulent failure to disclose, forms in connection with motion for summary judgment, **10:105-10:107**
- Pregnancy and other physiological disorders affecting reproductive system, **7:84**
- Prejudgment interest
- Federal government employees, **8:215**
- Prejudgment interest, back pay, Americans with Disabilities Act, **7:433**
- Preliminary injunctions
- Americans with Disabilities Act
- Generally, **7:425**
- Form of motion and supporting affidavit for, **10:42**

EMPLOYMENT—Cont'd

- Cont'd
 - Americans with Disabilities Act
 - Cont'd
 - Form of order for preliminary injunction, **10:43**
 - Preliminary relief
 - Form of motion and supporting affidavit for, **10:42**
 - Form of order for preliminary injunction, **10:43**
 - Health care coverage, forms for motions for preliminary relief to reinstate coverage, **10:41**
 - Preliminary notices and nondispositive motions and orders, Americans with Disabilities Act, **10:26-10:28, 10:33**
 - Presidential and Executive Office Accountability Act, overview, **8:344 et seq.**
 - Presidential appointees
 - Attorneys' fees, **8:346**
 - Discrimination prohibited, **8:344**
 - Judicial review, **8:351**
 - Protected persons, **8:344**
 - Pretext
 - Federal government employees, **8:197**
 - Prevailing party, award of costs, **7:442**
 - Prima facie case
 - Americans with Disabilities Act
 - Generally, **7:387**
 - Disparate treatment, **7:387**
 - Protected activity, retaliation, **7:393**
 - Federal government employees, **8:190 et seq.**
 - Employee must establish prima facie case, **8:190**
 - Prime contractor, defined, **8:225**
 - Privacy Act statement, form, **10:3**
 - Private organizations as parties, Americans with Disabilities Act
 - Testers organizations sending, **7:367**

EMPLOYMENT—Cont'd

- Cont'd
 - Private right of action
 - Federal contractors, **8:301**
 - Privileged and confidential matters
 - Congressional employee,
 - confidentiality of hearing decision, **8:324, 8:325**
 - Coordination of complaints or charges, administrative enforcement, confidentiality, **7:319**
 - Drug tests, medical information, **7:123**
 - Federal contractors, confidentiality of medical information, **8:247**
 - Medical examinations and inquiries, **8:247**
 - Privileges and immunities
 - Congressional privileges and immunities not waived, **8:334**
 - Nondiscrimination mandate, privileges of employment covered by, **7:184-7:188**
 - Unequal treatment based on relationship or association, protected privileges of employment, **7:194**
 - Procreation and reproduction,
 - physical impairment, pregnancy or physiological disorders affecting reproductive system, **7:84**
 - Production of and request for documents, Americans with Disabilities Act, **10:51**
 - Production standards
 - Qualified individual with disability, **7:110**
 - Prohibition against discrimination
 - Generally, **7:181 et seq.**
 - Veterans' re-employment rights, **9:117-9:127**
 - Prohibition of contractors intimidation
 - Federal contractors, **8:288**
 - Protecting individuals, disabilities in employment, **7:9**
 - Punitive damages

INDEX

EMPLOYMENT—Cont'd

—Cont'd

Americans with Disabilities Act
Generally, **7:436**
Special interrogatories to jury, form, **10:79**
Vicarious liability, **7:437**
Qualification and disqualification
Americans with Disabilities Act, form of complaint, **10:21**
Federal contractors, **8:239, 8:240, 8:259**
Qualified individual with disability
Attendance as essential, **7:106**
Definition, **7:100, 7:105**
Essential job functions
Generally, **7:107**
Two-step analysis, ability to perform functions, **7:103**
Evidence of essentiality, **7:108**
Written job descriptions, **7:109**
Factors tending to negate qualified status, **7:101**
Illustrations, essential functions, **7:111**
Production standards, **7:110**
Reasonable accommodation
Duty only owed to, **7:130**
Relevant time frame, **7:104**
Scope, **7:100**
Two-step analysis
Ability to perform essential functions of job, **7:103**
Satisfaction of job requirements, **7:102**
Questionnaire, ADA charges, form, **10:5**
Questions of law and fact
Jury questions, generally, **7:386**
Railway Labor Act and Americans with Disabilities Act, relationship, **7:46**
Reasonable accommodation obligation
Accessible facility, **7:143**
Americans with Disabilities Act
Generally, **7:124 et seq.**
Special interrogatories to jury, **10:78**

EMPLOYMENT—Cont'd

—Cont'd

Burden of proof, **7:408, 7:409**
Case-by-case determination, **7:126**
Complaint form, **6:9**
Cost of accommodation, undue hardship, **7:139**
Court-approved accommodations, illustrations, **7:145**
Discrimination, failure to provide reasonable accommodation, **7:124**
Essential job functions
Qualified individual with disability, ability to be performed with or without reasonable accommodation, **8:21 et seq.**
Federal contractors, **8:240-8:244, 8:255, 8:260, 9:112**
Form, **10:67**
Home, work at, **7:150**
Illustrations, **7:134, 7:135, 7:175**
Job creation not required, **7:149**
Limitations
Illustrations of accommodations, **7:134, 7:135**
Individual's preference not employer mandate, **7:132**
Known to employer, disability as, **7:128**
Imputed knowledge, **7:129**
Must be reasonable accommodations, **7:127**
Qualified individual with disability, duty owed only to, **7:130**
Rejection of accommodation by employee, **7:133**
Parking, **7:144**
Psychiatric disabilities, illustrations of accommodations, **7:146**
Rejection of accommodation by employee, **7:133**
Section 504 protections, **1:109 to 1:112**
Summary judgment motion, form of affidavit in support of, **6:11**

EMPLOYMENT—Cont'd

—Cont'd

Types of accommodation, **7:142 et seq.**

Undue hardship

Accommodation obligation
when undue hardship is
shown, **7:141**

Cost of accommodation, **7:139**

Factors to be considered, **7:138-7:141**

Federal contractors, **8:244**

Impact on other employees,
7:140

Introduction, **7:136**

What is, **7:137**

Unequal treatment based on relationship or association, reasonable accommodation not required, **7:195**

Veterans' re-employment rights,
9:112, 9:122

Reasonable inquiry, obligation to conduct, federal government employees, **8:43 et seq.**

Reassignment of employees
Americans with Disabilities Act,
burden of proof, **7:409**

Equivalent position, **7:159**

Family and Medical Leave Act,
ADA's relationship, **7:18**

Federal government employees,
8:59

Limitations on reassignment
obligation

Generally, **7:152**

Eligibility of employee

Generally, **7:156**

Seniority policy, **7:158**

Employer's policy, **7:153**

Vacant position requirement

Generally, **7:154**

Temporary vacancy, effect,
7:155

Reasonable accommodation
obligation, generally, **7:151 et seq.**

Records and reports

EMPLOYMENT—Cont'd

—Cont'd

American with Disabilities Act,
generally, **7:7**

Charging process, form, **10:12**

Classification of impairment, **8:17**

Federal contractors, affirmative
action, **8:271, 8:273**

Federal government employees,
record of hearing, **8:97**

History of physical or mental
impairment, **8:17**

Impairment, record of

Generally, **7:73, 8:18**

Employer or treated as though
having impairment, **8:18**

Exception, prong for transitory
and minor impairments,
8:19

Particular applications of
regarded as provision, **8:20**

Reliance on record, **7:74**

Recruitment

Americans with Disabilities Act,
interrogatory forms, **10:46,**
10:49

Federal contractors, **8:274**

Referral

Federal contractors

Generally, **8:299**

Veterans undergoing training,
referral of complaint to
MSPB, **9:80**

Merit Systems Protection Board

Referral of reaffirmed cases to
special panel, **8:144**

Veterans' re-employment
complaints, **9:82-9:92**

Rehabilitation Act

Americans with Disabilities Act,
relationship

Generally, **7:12**

Background, **7:12**

Case law, applicability, **7:13**

Federal contractors, sec. 503, of
Act, **8:220**

Federal contractors, sec. 504 of
Act, **8:222**

Reinstatement

INDEX

EMPLOYMENT—Cont'd

—Cont'd

Americans with Disabilities Act
Generally, **7:427**
Health care coverage, forms
connected to reinstatement,
10:41
Federal contractors, **8:287**
Medical leave, reinstatement after
expiration, **7:22**
Relationship to other laws, **1:5**
Religious entities, employment
preferences
Individuals satisfying religious
criteria, **7:253**
Work must be connected with
religious activity, **7:252**
Remand, **7:449**
Remedial action by employer, Sec-
tion 504 protections, **1:115**
Remedies or relief
Americans with Disabilities Act,
generally, **7:422 et seq.**
Family and Medical Leave Act,
7:25
Reduction of backpay for disability
benefits received, **7:41**
Workers' compensation, exclusive
remedy, **7:40**
Removal of action, Americans with
Disabilities Act, **7:354**
Removal of employee
OSHA, employee over-exposed to
toxic or hazardous substance,
7:38
Veterans, federal employees
Burden of proof, **9:32**
Reprisals
Executive offices, prohibition of
reprisals, **8:345**
Request for accommodation;
interactive process, **1:110**
Requests
Access to case files, Americans
with Disabilities Act, form of
request, **10:13**
Right to sue notice, Americans
with Disabilities Act
Conciliation failure, **10:16**

EMPLOYMENT—Cont'd

—Cont'd

Right to sue notice, Americans
with Disabilities Act—Cont'd
Continued processing of case
after issuance of right-to-
sue notice, form of request,
10:19
Form of request, **10:14**
Issuance on request of charging
party, **7:337**
Issued on request, **10:17**
Withdrawal of charge of
discrimination, **10:19.50**
Retaliation
Americans with Disabilities Act
Burden of proof, **7:411**
Charging process, form, **10:12**
Complaint for failure to accom-
modate, form, **10:33**
Instructions to jury, forms,
10:71, 10:76
Special interrogatories to jury,
form, **10:72**
Verdict forms, **10:82**
Executive offices, prohibition of
reprisals, **8:345**
Uniformed Services Employment
and Reemployment Rights
Act, employer prohibition,
9:23
Unlawful retaliation, method of
proof, **7:266:7:268**
Retirement plans, **7:260**
Retroactive application, Americans
with Disabilities Act, **7:3**
Revocation or modification of
EEOC subpoena, Americans
with Disabilities Act, form,
10:11
Right-to-sue notice
Americans with Disabilities Act
Conciliation failure, **10:16**
Forms, **10:14, 10:16, 10:17**
Issued on request, **10:17**
Pre-requisite, entitlement to
right-to-sue notice as,
7:345
Safe harbor

EMPLOYMENT—Cont'd

—Cont'd

Illegal use of drugs, rehabilitation safe harbor, **7:113**

Safety

Alcohol abuse, job performance or safety of others affected by, **8:5**

Conflicting federal safety and health requirements, **7:10**

Contagious condition, job performance or safety of others affected by, **8:5**

Safety and health concerns, Section 504 protections, **1:108**

Sanctions

Federal contractors, **8:286**

Screening effect, selection criteria having

EEOC guidelines, **7:199**

Prohibited conduct, **7:198**

Section 504 agency

Deferral of complaint by agency, **7:309, 7:310**

Referral to § 504 agency of complaints filed with EEOC, **7:304**

Referral to Dept. of Justice Civil Rights Division of complaints or charges filed with both EEOC and § 504 agency, **7:299**

Referral to EEOC, complaints or charges filed with designated agency and § 504 agency, **7:304**

Retention of complaint filed with agency for investigation, **7:305**

Segregation or classifying applicants or employees

Generally, **7:247 et seq.**

Adverse effect on opportunities or status, **7:247**

Selection criteria

Federal contractors, **8:239, 8:240**

Seniority

NLRA, effect of union agreement on reasonableness of

EMPLOYMENT—Cont'd

—Cont'd

proposed ADA accommodation, **7:27**

Reassignment of employees, reasonable accommodation, **7:158**

Veterans, form of complaint for enforcement of rights to seniority salary increases, **10:113, 10:114**

Veterans' re-employment rights

Pay rate, **9:60**

Seniority status, **9:60**

Sensory skills

Federal government employee, **8:42 et seq.**

Testing to measure, **7:201, 8:42 et seq.**

Service of process

Americans with Disabilities Act, **7:360**

Settlement

Americans with Disabilities Act Forms, **10:91-10:95**

Settlement agreement, effect, **7:346**

EEOC conciliation process, settlement agreements, **7:334**

EEOC investigation, settlement prior to reasonable cause determination, **7:327**

Federal government employees, **8:73, 8:111, 8:163**

Sheltered workshops, contracts with federal contractors, **8:254**

Show cause notices, contractor, **8:283**

Silence of employee, consideration of, federal government employees, **8:46**

Skills

Generally, **8:42 et seq.**

Smoking regulation, **7:11**

Social Security

Disability insurance

Americans with Disabilities Act, form of motion for sum-

INDEX

EMPLOYMENT—Cont'd

- Cont'd
 - Disability insurance—Cont'd
 - mary judgment, **10:65**
 - Protected disability, what constitutes, **7:34**
 - Speaking skills
 - Federal government employees, **8:42 et seq.**
 - Testing to measure, **7:201, 8:42 et seq.**
 - Special interrogatories to jury, Americans with Disabilities Act, forms, **10:72, 10:78, 10:79**
 - Standards
 - Generally, **7:448**
 - Alcohol and drug use, standards of conduct, **7:116 et seq.**
 - Discriminatory effect, standards as having
 - Disparate impact standard, incorporation, **7:197**
 - Review, standards of, **7:448**
 - State
 - Statutes, federal contractors, **8:224**
 - State and Local Government Services** (this index)
 - State or local government
 - contracts, veterans' employment and training, **9:115**
 - State or local government employees
 - Generally, **7:52**
 - Stipulations
 - Americans with Disabilities Act, employee with HIV-related illness, forms for settlement with stipulations, **10:93, 10:94**
 - Veterans' re-employment rights, form of complaint in action to recover vacation benefits, **10:112**
 - Subcontractor, defined, **8:225**
 - Subpoenas
 - Congressional employees, **8:323**
 - EEOC, processing administrative charges, **7:322**

EMPLOYMENT—Cont'd

- Cont'd
 - Revocation or modification petition, Americans with Disabilities Act, form, **10:11**
 - Substantial limitation in major life activity of working, Section 504 protections, **1:103 to 1:105**
 - Substantial limitation on major life activity
 - Generally, **7:86, 7:87**
 - Average person, comparison to, **7:90**
 - Duration of symptoms
 - Generally, **7:92 et seq.**
 - Intermittent, episodic symptoms, **7:95**
 - Measurement, generally, **7:91 et seq.**
 - Method of determination, **7:91**
 - Nature and severity of symptoms, **7:92 et seq.**
 - Permanent or long-term impact, **7:92 et seq.**
 - Tests for disability, **8:12-8:16**
 - Walk, ability to, **7:99**
 - Successor liability, coverage, **7:67**
 - Summary judgment
 - Americans with Disabilities Act
 - Generally, **7:380 et seq.**
 - Affidavits in support of motions, forms of, **6:11, 10:56, 10:69**
 - Failure to timely file action, **10:54**
 - Impairments affecting major life activity of working, **10:58**
 - Individual defendant not subject to ADA Title I, memorandum in support of motions, **10:68**
 - Memorandum in support of motions, forms, **10:57-10:65, 10:67, 10:68**
 - Mitigating measures, **10:60**
 - Motions, forms of, generally, **10:54, 10:55, 10:66 et seq.**

EMPLOYMENT—Cont'd

- Cont'd
 - Americans with Disabilities Act
 - Cont'd
 - Pre-employment medical inquiry or examination, **10:59**
 - Form of affidavit in support of, **6:11, 10:56, 10:69**
 - Supplemental jurisdiction Americans with Disabilities Act Generally, **7:355**
 - Form, **10:22**
 - Supplemental matters, Americans with Disabilities Act, attorneys' fees, award of supplemental, forms, **10:85, 10:86**
 - Symptoms
 - Discrimination based on disability symptom, **7:183**
 - Substantial limitation on major life activity, **7:92 et seq.**
 - Taxes, Americans with Disabilities Act, **7:434**
 - Technical assistance, flexible interactive process, **7:180**
 - Technical Assistance Manual and plan, Americans with Disabilities Act, **7:4**
 - Temporary impairments, **8:10**
 - Termination or cancellation
 - Alcoholics, accommodation of, federal government employees, **8:51**
 - Americans with Disabilities Act Forms
 - Interrogatories, **10:50, 10:51**
 - Prejudgment or postjudgment interest, **10:90**
 - Tests
 - Administration of tests not reflecting factor sought to be measured, **7:200-7:207**
 - Alternative tests
 - Administration of tests not reflecting factor sought to be measured, alternate or accessible formats and

EMPLOYMENT—Cont'd

- Cont'd
 - Alternative tests—Cont'd conditions, **7:204**
 - Duty of individual discovering impairment at time of test, **7:203**
 - Federal contractors, **8:239, 8:240**
 - Known impairments, employer's duty extends only to, **7:202**
 - Manual skills, **7:201, 8:42 et seq.**
 - Physical agility or fitness tests, **7:220**
 - Sensory skills, **7:201, 8:42 et seq.**
 - Skills only, tests should measure, **7:200, 7:201**
 - Speaking skills, **7:201, 8:42 et seq.**
 - Veterans' re-employment rights, escalator position promotions, **9:62**
 - Tests for disability
 - Generally, **8:6-8:20**
 - Individualized inquiry, **8:6**
 - Third persons or parties
 - ADA charge, certification by third party, form, **10:10**
 - Time or date
 - Americans with Disabilities Act
 - Complaint, time for filing, **7:349 et seq.**
 - Effective date, **7:3**
 - Investigation, time for, **8:88**
 - Time to request hearing, **8:89**
 - Flexible interactive process, timing, **7:166**
 - Qualified individual with disability, relevant time frame, **7:104**
 - Uniformed Services Employment and Reemployment Rights Act, effective date, **9:8**
 - Title I
 - Coverage, scope, **7:47**
 - Tolling of limitations period Americans with Disabilities Act
 - Form, affidavit in support of motion for dismissal or summary judgment, **10:69**
 - Training
 - Federal contractors, **8:274**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

Veterans, **9:106-9:155**

Transportation, reasonable accommodation obligations, **7:144**

Transportation Department, drug testing, entities subject to, **7:120**

Trial

Federal government employees, **8:185 et seq.**

New trial, Americans with Disabilities Act, **7:382**

Trial, Section 504 protections, **1:276**

Types of reasonable accommodations, Section 504 protections, **1:111**

Types of service covered

USERRA, **9:17-9:18**

Undue hardship

Federal contractors, **8:244**

Summary judgment motion, form, **10:57**

Undue hardship defense, Section 504 protections, **1:112**

Unequal treatment based on relationship or association

Covered relationships or associations, **7:193**

Prohibited conduct, **7:192**

Protected privileges of employment, **7:194**

Reasonable accommodation not required, **7:195**

Uniformed Services Employment and Reemployment Rights Act

Burden of proof, **9:79**

Effective date, **9:8**

Employer prohibition on retaliation, **9:23**

Judicial proceedings, **9:93-9:105**

Medical examinations and inquiries, drug testing, **9:133-9:134**

USERRA (Uniformed Services Employment and Reemployment Rights Act), **9:7-9:35**

EMPLOYMENT—Cont'd

—Cont'd

Vacant position requirement, reassignment of employees, **7:154, 7:155**

Vacation benefits, veterans, form of complaint for enforcement of rights as to, **10:109-10:114**

Venue, **7:359, 8:165**

Verdict forms, Americans with Disabilities Act, **10:80-10:82**

Veterans

Generally, **9:1-9:162**

Administrative complaint procedures, **9:75-9:78**

Affirmative action plans, **9:157-9:160**

Definitions, **9:11-9:16, 9:109-9:113**

Disability, persons with, **9:66**

Filing complaints, **9:75**

Forms

Generally, **10:108 et seq.**

Scope of division, **10:108**

Seniority salary increases, complaint for enforcement of rights as to, **10:113, 10:114**

Vacation benefits, **10:110**

Government contractors, employment and training by, **9:106-9:155**

Government training, generally, **9:106-9:116**

Investigation, **9:76-9:78**

Job counseling, **9:1, 9:3-9:5**

Judicial enforcement

Generally, **9:93-9:105**

Labor Department

Federal executive agencies, enforcement

Generally, **9:82-9:92**

Judicial enforcement, **9:93-9:105**

Priority of service for veterans in DOL job training programs, **9:6**

Programs for job counseling, training, and placement, **9:3-9:5**

EMPLOYMENT—Cont'd

—Cont'd

Labor Department—Cont'd

Resolution of veteran's complaint by, **9:80**

Placement services, **9:3-9:5**

Private right of action, **9:154-9:155**

Resolution of complaint by Labor Department, **9:80**

Seniority salary increases, forms in connection with complaint for enforcement of rights as to, **10:113, 10:114**

Training, **9:106-9:155**

Vacation benefits for honorably discharged veteran, form of complaint for enforcement of rights as to, **10:110**

Veterans' re-employment rights

Generally, **9:7-9:105**

Application for re-employment

Generally, **9:54-9:57**

Documentation required, **9:56**

Employment with non-preservice employer, **9:57**

Format of application, **9:54-9:73**

Submission of application, **9:55**

Assistance in obtaining re-employment, **9:74-9:92**

Burden of proof, **9:33-9:35, 9:79**

Complaint

Generally, **9:75-9:105**

Forms, **10:109, 10:110, 10:113, 10:114**

Damages, form of complaint for, **10:109**

Defenses in answer, action to enforce seniority salary increases, **10:114**

Definitions

Covered veterans, employment and training, **9:109**

Employee, **9:11, 9:12**

Employer, **9:13-9:16**

Reasonable accommodation, employment and training, **9:112**

EMPLOYMENT—Cont'd

—Cont'd

Disability, persons with, priority for re-employment, **9:66**

Employee

Definition, **9:11, 9:12**

Guaranteed rights, **9:26-9:34**

Layoff, strike, or leave of absence, **9:12**

Employer

Complaint and investigation procedures, **9:80**

Definition, **9:13-9:16**

Duty to reemploy, **9:24, 9:25**

Employee qualification requirements, **9:68**

Employment with non-preservice, **9:57**

Guaranteed employee rights, **9:26-9:35**

Prohibition of discrimination, **9:22**

Retaliation, **9:23**

Employment and training, government contractors

Generally, **9:106-9:155**

Administrative procedures

Generally, **9:135-9:152**

Compliance evaluation, **9:135**

Enforcement procedures, **9:143-9:152**

Confidentiality, **9:132**

Contracts with state or local governments, **9:115**

Covered employment activities, **9:116**

Definition of covered veterans, **9:109**

Definition of essential functions, **9:110, 9:111**

Drug testing, **9:133-9:134**

Employment activities within United States, **9:114**

Enforcement procedures

Petition for review, **9:152**

Reinstatement of ineligible contractors, **9:151**

Sanctions and penalties, **9:150-9:152**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

- Employment and training, government contractors—Cont'd
- Judicial enforcement
 - Generally, **9:153-9:155**
 - Department of Labor, by, **9:153**
 - Private right of action, **9:154-9:155**
- Medical examinations and inquiries
 - Generally, **9:128-9:132**
 - Confidentiality, **9:132**
- Employment entrance examinations, **9:130**
- Examination of employees, **9:131**
- Permissible preemployment inquiries, **9:129-9:131**
- Prohibition of discrimination
 - Generally, **9:117-9:127**
 - Compensation, **9:125**
 - Contractual and other arrangements, **9:119**
 - Disparate treatment, **9:117**
 - Failure to make reasonable accommodation, **9:122**
 - Insurance accessibility, **9:126**
 - Intimidation and interference, **9:127**
 - Limiting, segregating, and classifying, **9:118**
 - Qualification standards, tests, and selection criteria, **9:123**
 - Relationship or association with veteran, **9:121**
 - Standards, criteria, or methods of administration, **9:120**
 - Test administration, **9:124**
- Reasonable accommodation, **9:112, 9:122**
- Employment and training, within federal government
 - Generally, **9:156-9:162**
 - Affirmative action plans
 - Generally, **9:157-9:159**

EMPLOYMENT—Cont'd

—Cont'd

- Employment and training, within federal government—Cont'd
- Affirmative action plans
 - Cont'd
 - Agency plans, **9:159-9:160**
 - Agency programs, **9:158**
- Office of Personnel Management responsibilities, **9:160**
- Private cause of action, **9:161**
- Sovereign immunity, **9:162**
- Enforcement
 - Generally, **9:74-9:93**
 - Burden of proof, **9:79**
 - Complaint procedures
 - Generally, **9:75-9:78**
 - Investigation, **9:76-9:78**
 - Federal, executive agencies, submission of complaint to MSPB
 - Generally, **9:84, 9:85**
 - Exhaustion requirement, **9:85**
 - Federal executive agencies, referral of complaint to MSPB by Secretary of Labor
 - Generally, **9:82**
 - Exhaustion requirement, **9:81**
 - Representation by special counsel, **9:83**
 - Investigation procedures
 - Generally, **9:75-9:78**
 - Conduct, **9:77**
 - Subpoenas, **9:78**
 - Private employer, **9:80**
 - Resolution of complaint, **9:80**
 - State employer, **9:80**
- Escalator positions
 - Generally, **9:59-9:63**
 - Adverse consequences, **9:63**
 - Federal employees, **9:61**
 - Pay rate, **9:60**
 - Promotion based on testing, **9:62**
 - Seniority status, **9:60**
- Executive branch employees, **9:80**

EMPLOYMENT—Cont'd

—Cont'd

Federal employees

Escalator positions, **9:61**

Executive branch employees,
9:80

Procedures

Generally, **9:69-9:73**

Placement of employee, **9:72**

Preservice agency, nonexis-
tent, **9:70**

Re-employment by federal
agencies, **9:71**

Forms

Damages, **10:109**

Reinstatement, **10:109**

Seniority salary rights, **10:113,**
10:114

Vacation benefits, **10:111,**
10:112

Interrogatories, action seeking
vacation benefits, form,
10:111

Investigation, **9:74-9:93**

Judicial enforcement

Generally, **9:93-9:105**

Parties

Generally, **9:98-9:100**

Referral of complaint to U.S.
Attorney General, **9:95**

Qualification and disqualification

Disqualification

Restoration of rights, **9:53**

Intent to return

Generally, **9:47-9:51**

Illness or injury recovery,
9:51

Service between 31-181 days,
9:49

Service less than 31 days,
9:48

Service more than 180 days,
9:50

Reasonable accommodation,
9:112, 9:122

Reinstatement, form of complaint
for, **10:109**

Stipulations, form of complaint in
action to recover vacation

EMPLOYMENT—Cont'd

—Cont'd

benefits, **10:112**

Time or date

Priority of re-employment ser-
vices

Service for less than 91 days,
9:64

Service for more than 90
days, **9:65**

Vacation benefits, form of com-
plaint for, **10:111, 10:112**

Vicarious liability

Punitive damages, **7:437**

Wages, salaries and other
compensation

Veterans, seniority salary
increases, form of complaint
for enforcement of rights as
to, **10:113, 10:114**

Veterans' re-employment rights,
escalator positions, **9:60**

Waiver and estoppel

Congressional employees, waivers
as to Congressional privileges
and immunities, **8:334**

Federal contractors, waivers as to
specific contracts, **8:230,**
8:232

Walk, ability to, substantial limita-
tion, **7:99**

Withdrawal

Administrative charge, **7:327**

Federal contractors, **8:231**

Words and phrases

Alcohol, job performance or safety
of others affected by abuse,
8:5

Commerce, **7:51**

Compulsions, **8:8**

Contagious condition, job perfor-
mance or safety of others
affected by abuse of, **8:5**

Contracting agency, **8:225**

Contractor, **8:225**

Disability, **7:72**

Drug rehabilitation program, **8:2**

Employer, **7:42**

INDEX

EMPLOYMENT—Cont'd

—Cont'd

- Employment relationship, **7:50, 7:51**
- Government contract, **8:225**
- Illegal use of drugs, **8:3**
- Individual with disability, **8:1**
- Industry affecting commerce, **7:51**
- Major life activity, **8:11**
- Non-disabled individual, **8:3**
- Person, **7:51, 8:225**
- Prime contractor, **8:225**
- Reasonable accommodation, **8:241**
- Subcontract, **8:225**
- Subcontractor, **8:225**
- Substantial limitation, **8:12**
- Workers' compensation
 - Exclusive remedy provision, **7:40**
- Nondiscrimination mandate, use of workers' compensation history information, **7:37**
- Written job description
- Qualified individual with disability, evidence of essentiality, **7:109**
- Wrongful discharge, Americans with Disabilities Act
- Complaint by employee, **10:29, 10:30**
- Forms of complaint, **10:25**

ENFORCEMENT

- Air Carrier Access Act** (this index)
- Telecommunications Relay Services (TRS)** (this index)
- Transportation
 - Administrative enforcement of ADA. **Transportation** (this index)
 - Private enforcement of ADA. **Transportation** (this index)
- Voting Facilities** (this index)

ENFORCEMENT OF SECTION 504 PROTECTIONS

- Generally, **1:209 et seq.**
- Accrual of claim, statute of limitations, **1:239**

ENFORCEMENT OF SECTION 504 PROTECTIONS—Cont'd

—Cont'd

- Administrative procedures, **1:210 to 1:219**
- Financial recipients, **1:223**
- Methods of resolving noncompliance, **1:223**
- Admissibility of evidence, **1:279**
- Amendments, **1:251**
- Answer, **1:252**
- Appeal and review
- Judicial enforcement, below
- Notice of appeal, filing of, **1:216**
- Petition for review, filing of, **1:218**
- Veterans' benefits, judicial review of denial of, **1:225**
- Claim accrual, statute of limitations, **1:239**
- Complaints
 - Administrative procedures, **1:222 et seq.**
 - Amendments, **1:251**
 - Confidentiality of complainant, **1:212**
 - Motion to dismiss, **1:253**
- Damages. Judicial enforcement, below
- Dismissal motion, **1:253**
- Evidence
- Expert and opinion evidence, **1:280**
- Judicial enforcement, **1:279**
- Exception to initial decision, hearing procedure, **1:218**
- Exhaustion of remedies
- Judicial enforcement, **1:231 to 1:233**
- Expert and opinion evidence, **1:280**
- Filing
 - Appeal and review, above
 - Complaint, **1:222**
 - Hearing procedure, **1:217, 1:218**
 - Incorporation of Title VI remedies and procedures, **1:209**
 - Initial decisions, hearing procedure, **1:217, 1:218**

**ENFORCEMENT OF SECTION 504
PROTECTIONS—Cont'd**

- Cont'd
 - Initial handling of complaints by agency, administrative procedures, **1:213**
 - Interlocutory appeals, **1:290**
 - Investigation results, notice of, **1:214**
 - Judicial enforcement
 - Generally, **1:221 to 1:290**
 - Abstention by federal court, **1:230**
 - Accrual of claim, statute of limitations, **1:239**
 - Admissibility of evidence, **1:279**
 - Amendments, **1:251**
 - Answer, **1:252**
 - Appeals, generally, **1:289, 1:290**
 - Attorneys' fees, **1:287, 1:288**
 - Claim accrual, statute of limitations, **1:239**
 - Class actions, **1:248**
 - Compensatory damages, **1:283**
 - Costs, **1:286**
 - Damages
 - Compensatory damages, **1:283**
 - Emotional suffering, compensatory damages for, **1:283**
 - Mental suffering, compensatory damages for, **1:283**
 - Punitive damages, **1:284**
 - Defenses, waiver of, **1:246**
 - Dismissal, motion for, **1:253**
 - Effect of collective bargaining and other agreements, exhaustion of remedies, **1:233**
 - Emotional suffering, compensatory damages for, **1:283**
 - Equitable relief, **1:282**
 - Evidence, admissibility, **1:279**
 - Exhaustion of remedies, **1:231 to 1:233**
 - Interest, **1:285**
 - Interlocutory appeals, **1:290**
 - Jurisdiction, **1:228**
 - Jury instructions, **1:278**
 - Jury issues, **1:277, 1:278**
 - Mental suffering, compensatory damages for, **1:283**

**ENFORCEMENT OF SECTION 504
PROTECTIONS—Cont'd**

- Cont'd
 - Mootness, **1:236**
 - Motions. Pleadings and motions, below this group
 - Native American tribal immunity, waiver of, **1:246**
 - Parties
 - Generally, **1:227 et seq.**
 - Class actions, **1:248**
 - Defendants, **1:243**
 - Vicarious liability and respondeat superior, **1:244**
 - Native American tribal immunity, waiver of, **1:246**
 - Qualified immunity of government officials, **1:245**
 - Standing, **1:241**
 - Theories of discrimination, **1:227**
 - Waiver of Native American tribal immunity, **1:246**
 - Pleadings and motions
 - Dismissal, motion, **1:253**
 - Sufficiency of complaint, **1:250**
 - Summary judgment motion, **1:254**
 - Preclusion of claim or issue, **1:237**
 - Preliminary matters
 - Generally, **1:226 to 1:240**
 - Abstention by federal court, **1:230**
 - Accrual of claim, statute of limitations, **1:239**
 - Claim accrual, statute of limitations, **1:239**
 - Continuing violation, **1:240**
 - Effect of collective bargaining and other agreements, exhaustion of remedies, **1:233**
 - Exhaustion of remedies, **1:231 to 1:233**
 - Exhaustion remedies required, **1:232**
 - Jurisdiction, **1:228**
 - Mootness, **1:236**

INDEX

ENFORCEMENT OF SECTION 504 PROTECTIONS—Cont'd

—Cont'd

Preliminary matters—Cont'd

Preclusion of claim or issue,
1:237

Private right of action, **1:226**

Ripeness, **1:235**

Settlement agreement, effect of,
1:234

Statute of limitations, **1:238 to 1:240**

Trial. **Section 504 Protections**
(this index)

Venue, **1:229**

Private right of action, **1:226**

Punitive damages, **1:284**

Qualified immunity of government
officials, **1:245**

Remedies, generally, **1:281 to 1:288**

Required joinder of parties, **1:247**

Ripeness, **1:235**

Scope of review, **1:289**

Settlement agreement, effect of,
1:234

Standard of review, **1:289**

Standing, **1:241**

Statute of limitations, **1:238 to 1:240**

Sufficiency of complaint, **1:250**

Summary judgment motion, **1:254**

Trial. **Section 504 Protections**
(this index)

Venue, **1:229**

Waiver of defenses, **1:246**

Waiver of Native American tribal
immunity, **1:246**

Judicial review

Federally conducted program or
program, **1:224**

Recipient of federal financial assis-
tance, **1:224**

Jury instructions, **1:278**

Jury issues, **1:277**

Motions. Judicial enforcement,
above

Notice, **1:214, 1:216**

ENFORCEMENT OF SECTION 504 PROTECTIONS—Cont'd

—Cont'd

Parties. Judicial enforcement,
above

Petition for review, filing of, **1:218**

Preliminary matters. Judicial
enforcement, above

Records. Filing, above

Required joinder of parties, **1:247**

Right to file complaint against
federal agency, **1:211**

Section 504 protections, generally,
1:209 et seq.

Summary judgment, **1:254**

Trial. **Section 504 Protections**
(this index)

Veterans' benefits, judicial review
of denial of, **1:225**

Waiver and estoppel. Judicial
enforcement, above

E911 SERVICE, EMERGENCY CALLING REQUIREMENTS

IP CTS, **5:20**

VRS and IP relay, **5:19**

EPILEPSY

Section 504 Protections (this
index)

EQUITABLE RELIEF

Injunctions (this index)

ESSENTIAL FUNCTIONS IN EMPLOYMENT

Section 504 protections, **1:109 to 1:112**

ESTOPPEL

Waiver and Estoppel (this index)

EVALUATION

Education (this index)

Self-Evaluation (this index)

EVIDENCE

Air Carrier Access Act, evidence
of previous violations in hear-
ing on complaint to DOT,
3:425

EVIDENCE—Cont'd

—Cont'd

Burden of proof. **Presumptions and Burden of Proof** (this index)

Discovery (this index)

Housing and Urban Development (this index)

Presumptions and Burden of Proof (this index)

Privileged and Confidential Matters (this index)

Public Accommodations (this index)

Transportation, private enforcement of ADA, attorneys' fees, **3:320**

Witnesses (this index)

EXAMINATIONS AND COURSES

Public Accommodations (this index)

EXCEPTIONS

Exemptions and Exclusions (this index)

EXEMPLARY DAMAGES

Punitive Damages (this index)

EXEMPTIONS AND EXCLUSIONS

Disability defined, **2:2, 2:3**

Elevators (this index)

Public Accommodations (this index)

Section 504 protections, exception to initial decision, **1:218**

State and local government services, exclusion of individuals with disabilities from facility site or location, **2:78**

EXHAUSTION OF REMEDIES

Consideration, alleged violations, procedure, **8:348**

Enforcement of Section 504 Protections (this index)

Prison Litigation Reform Act, **2:53**

State and local government services, administrative remedies, **2:184**

EXHAUSTION OF REMEDIES

—Cont'd

—Cont'd

Transportation, private enforcement of ADA, exhaustion of administrative remedies not required, **3:311**

EXHIBITIONS

Amusements and Exhibitions (this index)

EXISTING FACILITIES

State and Local Government Services (this index)

EXPENSES

Costs, Fees, and Expenses (this index)

EXPERT AND OPINION

EVIDENCE

Enforcement of Section 504 protections, **1:280**

Public accommodations, **4:193**

EXTRACURRICULAR

ACTIVITIES

Education (this index)

FACILITIES

Building Access (this index)

Nonfederal existing facilities, Section 504 protections, **1:100**

FAIR HOUSING ACT

State and local government services, **2:49**

FAMILY AND MEDICAL LEAVE ACT

Section 504 protections, relationship of ADA to Family and Medical Leave Act, **1:15**

FEDERAL AGENCIES

Public Accommodations (this index)

Section 504 Protections (this index)

State and Local Government Services (this index)

INDEX

FEDERAL BUILDINGS, ARCHITECTURAL BARRIERS IN

Access Board. Enforcement of standards for design, construction, and alteration, below

ALJ, enforcement responsibilities and duties

Authority, **4:281**

Disqualification, **4:282**

Who presides, **4:280**

Answers. Enforcement of standards for design, construction, and alteration, below

Architectural Barriers Act (ABA) guidelines

Generally, **4:238**

Applicability, **4:239 to 4:241**

Construction and alteration construed, **4:240**

Inapplicable guidelines, **4:241**

Citations and answers. Enforcement of standards for design, construction, and alteration, below

Complaints. Enforcement of standards for design, construction, and alteration, below

Enforcement of standards for design, construction, and alteration

Generally, **4:243 to 4:302**

Access Board

Enforcement of order, **4:301, 4:302**

Investigative powers, **4:258**

Judicial review of order, **4:301**

Order, **4:301, 4:302**

Participation in civil actions, **4:300**

Admission of authenticity of exhibits, **4:268**

Affidavits, filing and serving of, **4:273**

ALJ, responsibilities and duties of

Authority, **4:281**

Disqualification, **4:282**

Who presides, **4:280**

FEDERAL BUILDINGS, ARCHITECTURAL BARRIERS IN—Cont'd

—Cont'd

Amendment of citation or answer, **4:267**

Amicable resolution, policy of, **4:244**

Answers. citations and answers, below

Appearance of parties and participants, **4:254**

Briefs, submission of, **4:272**

Citations and answers

Amendment of citation or answer, **4:267**

Answer to citation, **4:266**

Contents of citation, **4:265**

Determination not to issue citation, **4:262**

Issuance of citation, **4:264**

Provisional expedited relief, below

Request to issue citation or determination not to proceed, **4:263**

Service of citation, **4:264**

Time for issuing citation, **4:261**

Complaints

Form and content, **4:256**

What is, **4:255**

Who may submit, **4:255**

Determination not to issue citation, **4:262**

Discovery, **4:271**

Evidence at hearings

Affidavits, **4:292**

Exceptions, **4:290**

Objections, **4:290**

Offer of proof, **4:290**

Rules applied and evidence excluded, **4:289**

Testimony, **4:291**

Exchange of exhibits, **4:268**

Exhibits, exchange and admission of authenticity of, **4:268**

Ex parte communications, **4:247**

Extension of time, **4:249**

Filing of documents, **4:251**

**FEDERAL BUILDINGS,
ARCHITECTURAL
BARRIERS IN—Cont'd**

- Cont'd
 - Form, execution, service, and filing of documents, generally
 - Filing, **4:251**
 - Form of documents to be filed, **4:250**
 - Service, **4:251**
 - Signature, effect of signature on document, **4:250**
 - Hearing procedures
 - Consolidated or joint hearing, **4:288**
 - Evidence at hearings, above
 - Official notice, **4:293**
 - Public documents, official notice, **4:294**
 - Request for hearing, **4:286**
 - Request to question propriety of taking notice, **4:293**
 - When hearing may be held, **4:287**
 - Hearing rules
 - Modification or waiver, **4:246**
 - Scope and interpretation of, **4:245**
 - Informal resolution of complaint
 - Compliance, assuring, **4:259**
 - Investigative powers of Access Board, **4:258**
 - Time allowed for informal resolution, **4:257**
 - When complaint is informally resolved, **4:260**
 - Investigative powers of Access Board, **4:258**
 - Judicial proceedings
 - Access Board, participation in civil actions, **4:300**
 - Judicial review of order of Access Board, **4:301**
 - Order of Access Board, **4:301**
 - Motions and petitions
 - Content and form, **4:283**
 - Disposition, **4:285**
 - Reply to response, **4:284**
 - Response, **4:284**

**FEDERAL BUILDINGS,
ARCHITECTURAL
BARRIERS IN—Cont'd**

- Cont'd
 - Motion to vacate compliance order
 - Generally, **4:299**
 - Official transcript, **4:296**
 - Order of Access Board
 - Generally, **4:301**
 - Enforcement of, **4:302**
 - Parties and participants
 - Appearance, **4:254**
 - Parties, **4:252**
 - Petition to participate, **4:253**
 - Petition to participate, **4:253**
 - Posthearing procedures
 - Briefs and proposed findings, posthearing, **4:297**
 - Decision of ALJ, **4:298**
 - Motion to vacate compliance order, above
 - Postponement, **4:249**
 - Prehearing matters
 - Admission of authenticity of exhibits, **4:269**
 - Affidavits, **4:273**
 - Briefs, submission, **4:272**
 - Discovery, **4:271**
 - Exchange of exhibits, **4:269**
 - Exhibits, admission of authenticity of, **4:269**
 - Prehearing conference, **4:268**
 - Prehearing order, **4:270**
 - Provisional expedited relief
 - Amendment of citation or answer, **4:276**
 - Answer to citation, **4:275**
 - Citation requesting relief, **4:274**
 - Conduct of proceedings, **4:277**
 - Decision on relief, **4:279**
 - Posthearing briefs and statements, **4:278**
 - Record, **4:295**
 - Reply to response to motions and petitions, **4:284**
 - Request to issue citation or determination not to proceed, **4:263**

INDEX

FEDERAL BUILDINGS, ARCHITECTURAL BARRIERS IN—Cont'd

- Cont'd
 - Response to motions and petitions, **4:284**
 - Scope of Access Board's authority, **4:243**
 - Service of citation, **4:264**
 - Service of documents, **4:251**
 - Signature, effect of signature on document, **4:250**
 - Time, computation of, **4:248**
 - Witness fees, **4:271**
 - Evidence at hearings. Enforcement of standards for design, construction, and alteration, above
 - Hearings. Enforcement of standards for design, construction, and alteration, above
 - Informal resolution of complaint. Enforcement of standards for design, construction, and alteration, above
 - Judicial proceeding. Enforcement of standards for design, construction, and alteration, above
 - Motions and petitions. Enforcement of standards for design, construction, and alteration, above
 - Parties and participants. Enforcement of standards for design, construction, and alteration, above
 - Posthearing procedures. Enforcement of standards for design, construction, and alteration, above
 - Prehearing matters. Enforcement of standards for design, construction, and alteration, above
 - Provisional expedited relief. Enforcement of standards for design, construction, and alteration, above
 - Standards for design, construction, and alteration

FEDERAL BUILDINGS, ARCHITECTURAL BARRIERS IN—Cont'd

- Cont'd
 - Architectural Barriers Act (ABA) guidelines
 - Generally, **4:238**
 - Applicability, **4:239 to 4:241**
 - Construction and alteration construed, **4:240**
 - Inapplicable guidelines, **4:241**
 - Waiver and modification of standards, **4:242**

FEDERAL CERTIFICATION OF STATE LAWS OR LOCAL BUILDING CODES **State Laws or Local Building Codes, Federal Certification of (this index)**

FEDERAL COMMUNICATIONS COMMISSION (FCC) Informal complaint, **6:81** Request for dispute assistance, **6:83** Section 208 formal complaint intake form, **6:82** **Telecommunications Relay Services (TRS) (this index)** **Telecommunications (this index)**

FEDERAL FINANCIAL ASSISTANCE For correlative topic. **Public Assistance Programs (this index)** Communications, Section 504 protections, **1:89** Contractual payments, Section 504 protections, **1:73** Indirect funding, Section 504 protections, **1:71** Individuals as recipients, Section 504 protections, **1:79** Licensing, federal, Section 504 protections, **1:76** Limitations on discrimination mandate Contractual payments, **1:73** Indirect funding, **1:71** Individuals as recipients, **1:79**

FEDERAL FINANCIAL

ASSISTANCE—Cont'd

—Cont'd

Licensing, federal, **1:76**

Loans from government, **1:75**

Medicaid funding, **1:74**

Medicare funding, **1:74**

Nonmonetary aid, **1:72**

Section 504 protections, generally, **1:70**

Tax benefits, **1:77**

Time of payment, **1:71**

Unit of larger recipient, **1:74**

Loans from government, Section 504 protections, **1:75**

Medicaid funding, Section 504 protections, **1:74, 1:182**

Medicare funding, Section 504 protections, **1:74, 1:182**

Nonmonetary aid, Section 504 protections, **1:72**

Tax benefits, Section 504 protections, **1:77**

Time of payment, Section 504 protections, **1:71**

Unit of larger recipient, Section 504 protections, **1:79**

Who is recipient of federal financial assistance

Rehabilitation Act section 504, generally, **1:78**

FEES

Costs, Fees, and Expenses (this index)

FIELD TRIPS, ELEMENTARY AND SECONDARY SCHOOLS

Section 504 protections, **1:139**

FILING

Enforcement of Section 504 Protections (this index)

Federal agencies, complaints to. **State and Local Government Services** (this index)

State and Local Government Services (this index)

Telecommunications relay services, TRS fund, **5:44**

FINANCES AND FUNDS

Assistance. **Financial Assistance** (this index)

Section 504 Protections (this index)

FINANCIAL ASSISTANCE

Federal Financial Assistance (this index)

Public Assistance Programs (this index)

FIXED ROUTE SYSTEMS

Railroads and Rail Systems (this index)

Transportation (this index)

FORMAL COMPLAINTS

Telecommunications Act, FCC enforcement of, **5:105 et seq.**

FORMS

Accessible facilities, discrimination by public entities, **6:28, 6:29**

ADA programs, services, and accommodations, generally, **6:27 to 6:83**

Affidavits (this index)

AIDS and HIV (this index)

Athletics

Coach in wheelchair precluded from on-field coaching, forms, **6:67 to 6:74**

Waiver of 19-year-old eligibility rule as to athlete with learning disability, forms of petition and supporting affidavits for, **6:19 to 6:21**

Bar examination applicants, forms relating to accommodation of, **6:34 to 6:39**

Briefs, motion to dismiss complaint sought by county school board, **6:15**

Certification by provider of demand responsive service of equivalent service, **6:42**

Complaints (this index)

Complaint with declaratory and injunctive relief, disabled student denied from

INDEX

FORMS—Cont'd

—Cont'd

- participating in school activity, **6:33**
- Consolidated civil rights complaint, **6:53**
- Curb ramps, wheelchair users' complaint and stipulation of settlement, **6:28, 6:29**
- Declaratory Judgments** (this index)
- Dismissal of complaint against state vocational rehabilitation agency, **6:3, 6:4**
- Dismissal of complaint sought by county school board, forms, **6:14, 6:15**
- Education, **6:13 to 6:22**
- Employment** (this index)
- Entertainment places, **6:59 to 6:63**
- Equivalent transportation service, **6:36**
- Exercise establishments, **6:67 to 6:74**
- Exhibition places, **6:59 to 6:63**
- Hiring, **6:2 to 6:5**
- Hotels, **6:55, 6:56**
- Injunctions** (this index)
- Internet service providers, complaint for injunctive relief, failure of Internet service providers to remove communications barriers for blind persons, **6:63**
- Job assignments, **6:6, 6:7**
- Judicial proceedings under § 504, **6:1 to 6:26**
- Jury trial, complaint relating to jury service by blind individual, **6:26, 6:32**
- Learning disabilities
- Athlete with learning disability, petition and supporting affidavits for waiver of 19-year-old eligibility rule, **6:19 to 6:21**
- Bar examination applicants, accommodation of, **6:34, 6:35**
- Lodging places, **6:55, 6:56**

FORMS—Cont'd

—Cont'd

- Marriage, class action complaint seeking to invalidate statute against marriage by individuals with AIDS or HIV, form, **6:31**
- Medical center employment of pharmacist with AIDS-related complex, agreement for, **6:5**
- Medical facilities, **6:22 to 6:24**
- Memoranda in support of summary judgment motion, **6:11**
- Motions** (this index)
- Nurse terminated for back impairment, complaint, **6:8**
- Orders, **6:39, 6:73**
- Paratransit services, **6:44 to 6:52**
- Participation denied, discrimination by public entities, **6:34, 6:35**
- Petitions
- Athlete with learning disability, waiver of 19-year-old eligibility rule, **6:19**
- Bar examination applicants, **6:34**
- Public accommodations
- Generally, **6:54 to 6:83**
- Disabled access tax credit, **6:85**
- General business tax credit, **6:88**
- Pre-screening notice and certification request, **6:86**
- Work opportunity credit, **6:87**
- Public entities, discrimination by, **6:27 to 6:39**
- Public transit, complaint for declaratory and injunctive relief, failure of transit agency to provide access for mobility impaired, **6:52**
- Reasonable accommodation, complaint for failure to make, **6:9**
- Recreational establishments, **6:67 to 6:74**
- Rental establishments, **6:64**
- Restaurants, **6:57, 6:58**
- Sales or rental establishments, **6:64**
- Schools, class action consent decree, architectural changes

FORMS—Cont'd

—Cont'd

- to school buildings, **6:30**
- Service establishments, **6:65, 6:66**
- Show cause orders, **6:39, 6:73**
- Stadiums, **6:61, 6:62**
- Stipulation of settlement by wheelchair users concerning curb ramps, **6:29**
- Summary judgment
- Memorandum in support of motion, discharge not discriminatory, typist not otherwise qualified for position, **6:12**
- Notice of motion, discharge not discriminatory, typist not otherwise qualified for position, **6:10**
- Tax credit for eligible access expenditures, **6:84 to 6:88**
- Termination of employment, **6:8 to 6:12**
- Theaters, **6:59, 6:60**
- Transportation rights, **6:41 to 6:53**
- Verification of complaint by coach in wheelchair precluded from on-field coaching, **6:68**
- Wheelchairs
- Curb ramps, **6:28, 6:29**
- Entertainment or exhibition places, **6:59 to 6:63**
- Lodging places, refusal to allow use of motorized mobility device in hotel room, **6:55, 6:56**

42 USCA §§ 1983 AND 1985

- Public accommodations, relationship of ADA to other laws, **4:12**
- Section 504 protections, relationship of ADA to 42 USCA §§ 1983 and 1985, **1:13**

FOSTER CARE

- Section 504 protections, residential foster care, **1:180**

FOURTEENTH AMENDMENT

FOURTEENTH AMENDMENT

—Cont'd

—Cont'd

State and Local Government Services (this index)

FREE ABSENTEE BALLOT POSTAGE PROGRAM

Help America Vote Act, **2:235**

FREE EDUCATION

- Section 504 protections, free appropriate elementary and secondary education requirement, **1:128, 1:129**

FUNDAMENTAL ALTERATION OR UNDUE BURDEN DEFENSE

- Section 504 protections, burden of proof, **1:274**

State and Local Government Services (this index)

GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

- Generally, **7A:1-7A:16**
- Application administration and purpose
- Generally, **7A:1-7A:6**
- Discriminatory actions, prohibited
- Generally, **7A:7-7A:10**
- Genetic information
- Generally, **7A:11-7A:16**
- Exception, inadvertent requests, **7A:12**
- Family and medical leave laws, **7A:16**
- Health or genetic services, **7A:14**
- Inducement for participation, **7A:15**
- Law enforcement purposes, **7A:16**
- Requests for medical information, **7A:13**

GETTING ON AND OFF

Boarding and Disembarking (this index)

GOVERNMENT OFFICIALS

INDEX

GOVERNMENT OFFICIALS

—Cont'd

—Cont'd

Section 504 protections, qualified immunity of government officials, **1:245**

GOVERNMENT SERVICES

Private right of action, representation, **2:194**

GUIDANCE

Section 504 protections, postsecondary school vocational guidance, **1:154**

HABEAS CORPUS

Remedies, state and local government services, **2:226**

HEALTH AND SAFETY

Public Health and Safety (this index)

HEALTH INSURANCE

Section 504 protections, **1:169**

HEARING AID COMPATIBLE TELEPHONES

Generally, **5:124 et seq.**

HEARING IMPAIRMENTS

Relay services for hearing-impaired persons. **Telecommunications Relay Services (TRS)** (this index)

Section 504 Protections (this index)

HEARINGS

Air Carrier Access Act, **3:423**

Air Carrier Access Act, hearings on complaints to DOT, **3:423**

Paratransit services

Development of plans, public hearings, **3:248**

Suspension of paratransit service for chronic no-shows

Informal hearing, **3:241**

Waiver of hearing, **3:241**

Section 504 protections, hearing procedure, **1:217, 1:218**

HELP AMERICA VOTE ACT

HELP AMERICA VOTE ACT

—Cont'd

—Cont'd

Voting Facility Accessibility (this index)

HERNIA

Section 504 protections, **1:41**

HIGHWAYS AND STREETS

Curb ramps, wheelchair users' complaint and stipulation of settlement, forms, **6:28, 6:29**

Over-the-road buses, NHTSA and FHWA safety rules, **3:181**

HIRING

Forms, **6:2 to 6:5**

HISTORIC PRESERVATION

Building access

Preservation programs, **2:134**

State and local government, compliance methods for existing facilities, **2:146**

Public Accommodations (this index)

State and Local Government Services (this index)

HIV

AIDS and HIV (this index)

HOME CARE SERVICES

Section 504 protections, residential home care services, **1:179**

HORSES

Miniature Horses (this index)

Public accommodations, miniature horses as service animals, **4:85**

HOSPITALS

Forms, **6:22 to 6:24**

HOSTILE HOUSING ENVIRONMENT

Section 504 protections, burden of proof, **1:267**

HOSTILE LEARNING ENVIRONMENT

HOSTILE LEARNING

ENVIRONMENT—Cont'd

—Cont'd

Section 504 protections, burden of proof, **1:267**

HOSTILE WORK ENVIRONMENT

Section 504 protections, burden of proof, **1:265**

HOUSING

Absence of petition for review, enforcement in, **14:168**

Abstention doctrine, applicability of, **14:186**

Access

Uniform Federal Accessibility Standards, *infra*

What multifamily dwellings are covered, **14:57**

Access ramps, **14:23**

Accommodation in rental housing, companion animal as, forms, **15:30, 15:31**

Accommodator's duty to bear reasonable costs of accommodation, **14:52**

Actual damages, **14:205**

Additional respondent to complaint, **14:76**

Administrative complaints.

Complaints, administrative, *infra*

Administrative enforcement. HUD administrative enforcement, *infra*

Administrative law judges, **14:115-14:117**

Administrative Procedure Act, administrative law hearings, **14:143**

Administrative proceedings, generally, **14:104 et seq.**

Administrative subpoenas, enforcement by Attorney General in federal district court, **14:212**

Admissions, request for, **14:130**

Adverse action, dismissal of administrative hearing on notice of proposed, **14:155**

HOUSING—Cont'd

—Cont'd

Adversely affected party, petition by, **14:163**

Advertisements, statements, and notices, discriminatory, **14:25**

Affirmative defenses, answer and, form, **15:8**

Age, old age

Defined as handicap, **14:17**

Aggrieved person, definition of, **14:185**

Aggrieved persons, civil actions by Generally, **14:182**

Abstention doctrine, applicability of, **14:186**

Aggrieved person, definition of, **14:185**

Attorney General, intervention in private civil actions by, **14:189**

Attorneys' fees and costs

Generally, **14:207**

Determination of amount of, **14:208**

Class actions, **14:188**

Contribution claims, **14:187**

Counsel, appointment of, **14:202**

Damages, right to jury trial on claims for, **14:199**

Fair Housing Act, relation of to other federal and state civil rights statutes, **14:195**

Fees, costs and securities, waiver of, **14:207**

Government officials, qualified immunity defense, **14:184**

Indemnification and contribution claims, **14:187**

Indemnification claims, **14:187**

Individual defendants, **14:183**

Intervention as of right, **14:189**

Intervention as of right by aggrieved person, **14:192**

Jury trial, right to on claims for damages, **14:199**

Mootness, **14:197**

Pleadings, **14:201**

Pleadings, **14:201**

INDEX

HOUSING—Cont'd

—Cont'd

- Private enforcement actions,
 - limitation on actions for Administrative proceeding, effect of pending, **14:195**
- Continuing violations, **14:199**
- Relief which may be granted
 - Generally, **14:204-14:206**
 - Actual damages, **14:205**
 - Equitable relief, **14:200**
 - Punitive damages, **14:206**
- Ripeness, **14:190**
- Standing
 - Generally, **14:188-14:191**
 - Aggrieved person, definition of, **14:188**
 - Associational standing, **14:190**
 - Testers, **14:187**
 - Third parties, **14:189**
- Time, computation of, **14:198**
- Waiver of fees, costs and security, **14:207**
- Agreements. Contracts and agreements, *infra*
- AIDS
 - Defined as handicap, **14:14**
- HIV infection defined as handicap, **14:14**
- Alcoholism defined as handicap, **14:15**
- Amendment, alteration, or modification
- Answer, **14:77**
- Answer to charge, **14:108**
- Charge, answer to, **14:108**
- Complaints, **14:74**
- Discovery requests, supplementation of response, **14:131**
- Pleadings, generally, **14:112**
- Reasonable modification of housing
 - Existing premises, **14:44**
 - Rental property, **14:44**
- Amicus curiae, petition to participate as, **14:121**
- Amount of attorneys' fees and court costs, **14:208**

HOUSING—Cont'd

—Cont'd

- Animals, reasonable accommodations and
 - Pets, **14:50**
 - Service animals, **14:50**
- Answer
 - Affirmative complaint and, single family zoning discriminatory against group home, municipal fire district defendant, form, **15:10**
- Affirmative defenses and, defendant's response to plaintiff's complaint, form, **15:8**
- Amendment, **14:77**
- Discriminatory tenancy criteria in independent living complex for persons with severe physical disabilities constructive eviction, form, **15:15**
- Motions, **14:114**
- Appeal and review
 - Absence of petition for review, enforcement in, **14:168**
- Administrative decisions, generally, **14:169-14:172**
- Attorneys' fees and costs, **14:167**
- Companion animal as accommodation in rental housing, form, **15:31**
- Conciliation agreement, **14:96**
- Consideration of objections, **14:169**
- Intervention rights, **14:173**
- Jurisdiction and venue, **14:168**
- Petition to enforce administrative order, **14:169**
- Right to intervene, consideration of objections, **14:173**
- Standard of judicial review of HUD's enforcement orders, **14:174**
- What relief may be granted, **14:175**
- Applicant, inquiries regarding, **14:21**
- Appointment of counsel in private civil actions, **14:202**

HOUSING—Cont'd

—Cont'd

Architectural barriers, standards for removing
Generally, **14:244-14:249**
Architectural Barriers Act (ABA), basis for accessibility standards under, **14:244**
Building, definition of, **14:247**
Modification standards, waiver and, **14:248**
Private right of action, **14:249**
Residential structure, definition of, **14:246**
Uniform Federal Accessibility Standards (UFAS), applicability of, **14:245**
Waiver and modification standards, **14:248**
Arguments at hearing, **14:153**
Assistance in preparation of complaint, **14:69**
Assistance programs, fair housing assistance programs, **14:83**
Associations or clubs
Allowed to give preference to members, **14:6**
Standing of association suing on behalf of itself and members, **14:186**
Attorney General
Administrative subpoenas, enforcement of in federal district court, **14:212**
Cases involving breach of conciliation agreement, **14:211**
Civil actions by
Generally, **14:214-14:217**
Administrative subpoenas, enforcement of in federal district court, **14:212**
Conciliation agreement, initiation of civil action on breach of, **14:211**
Discriminatory housing practice, initiation of civil action on referral of, **14:210**
Initiation of, **14:209-14:213**

HOUSING—Cont'd

—Cont'd

Civil actions by—Cont'd
Intervention by private person, **14:213**
Complaints referred to, **14:100**
Conciliation agreement, initiation of civil action on breach of, **14:211**
Damages available in action commenced by Attorney General, **14:220**
Discriminatory housing practice, initiation of civil action on referral of, **14:210**
Equitable relief available in action commenced by Attorney General, **14:219**
Intervention by private person in action brought by Attorney General, **14:213**
Intervention in private civil actions, **14:189**
Notice of final decision to, **14:167**
Pattern or practice cases, *infra*
Relief generally available in action commenced by Attorney General, **14:218**
Attorneys
Appointment of counsel in private civil actions, **14:202**
Attorney General, *supra*
Fees, **14:167, 14:207, 14:222**
Misconduct of attorney or party, sanctions, **14:122**
Privileged communications, **14:145**
Representation of parties, generally, **14:118**
Withdrawal, **14:119**
Attorneys' fees and costs
Generally, **14:207**
ALJ, attorneys' fees and costs assessed by, **14:167**
Attorney General, actions commenced by, **14:222**
Determination of amount of, **14:208**

INDEX

HOUSING—Cont'd

—Cont'd

Automobiles, parking spaces.
 Parking spaces, *infra*
Availability, false representations
 as to, **14:26**
Bathrooms in new dwellings,
 14:65
Blockbusting, **14:27**
Briefs, **14:153, 15:16, 15:22,**
 15:24
Brokerage services, **14:39**
Building standards. Standards,
 infra
Caption on pleadings, **14:112**
Certification of substantially equiv-
 alent state or local laws,
 14:77, 14:78
Cessation of action on complaints
 by HUD, **14:84**
Change. Amendment, alteration, or
 modification, *supra*
Changes to state or local law,
 14:82
Chief financial officer of
 comprehensive living com-
 munities—conditional use
 approval case by plaintiff,
 form, **15:19**
City's motion to dismiss, form,
 15:26
City's reply memorandum of law,
 form, **15:28**
Civil action
 Attorney General, notice to,
 14:179
 Authorization to commence action,
 14:179
 Election of, **14:172**
 Election of civil action, **14:176**
 Exhaustion of administrative reme-
 dies not required, **14:177**
 Notice of election of civil action,
 filing and service of, **14:174**
 Relief available, **14:181**
 Class actions, **14:188**
 Coercion, **14:40**
 Collateral estoppel effect of
 administrative findings on

HOUSING—Cont'd

—Cont'd

 civil action, **14:180**
Collection action by power
 company against disabled
 person, by plaintiff complaint
 and demand for jury trial,
 form, **15:29**
Commencement of actions, **14:179**
Common use areas or facilities
New dwellings, design, **14:60**
Companion animal as accommoda-
 tion in rental housing, forms,
 15:30, 15:31
Complaints
Conciliation, *infra*
Forms, *infra*
Investigation of complaints, *infra*
Pleadings, *infra*
Complaints, administrative
 Generally, **14:69 et seq.**
 Alternative course of action by
 HUD, **14:102**
 Amendments, **14:74, 14:77**
 Answer, **14:77**
 Assistance in preparing, **14:69**
 Assistance in preparing a com-
 plaint, how to file a com-
 plaint, **14:72**
Certification of state or local agen-
 cies as substantially equiva-
 lent, **14:80**
Certification of substantially equiv-
 alent state or local laws,
 14:77, 14:78
Cessation of action by HUD, **14:84**
Charge, issuance of, **14:101**
Charge may not be issued, circum-
 stances under which, **14:104**
Criteria for certification of
 substantially equivalent state
 or local fair housing laws,
 14:81
Date of filing, **14:70**
Dismissal of complaint, **14:99**
Filing requirements, **14:69, 14:70**
Form and content, **14:68**
Form and content of complaint,
 14:71

HOUSING—Cont'd

—Cont'd

- Funding fair housing enforcement programs, **14:106**
- HUD's own initiative, complaint on, **14:70**
- Identification of complaint for systemic processing, **14:73**
- Joinder of additional respondent, **14:76**
- No reasonable cause determination, **14:99**
- Notice and knowledge
 - Potential buyer, notice of charge to, **14:103**
 - Referral of complaint to state and local agencies, **14:76, 14:78**
 - Service of charge, **14:102**
 - Service of notice, **14:75**
- Notice of HUDs reactivation of complaint, **14:86**
- Notice to parties of referral of complaint to state or local agency, **14:79**
- Other actions that HUD may take, **14:105**
- Potential buyer, notice of charge to, **14:103**
- Precomplaint investigation by HUD Secretary, **14:69**
- Reactivation of referred complaints, **14:85**
- Reasonable cause determination, **14:97**
- Reasonable cause found, **14:98**
- Referral to state and local agencies, **14:78-14:86, 14:100**
- Service of notice, **14:75**
- Conciliation
 - Generally, **14:91-14:96**
 - Agreement; requirement of approval of HUD, **14:92**
 - What relief may be obtained, **14:93**
 - Conciliation agreement, generally, **14:88**
 - Conciliation agreement, HUD approval requirement, **14:89**

HOUSING—Cont'd

—Cont'd

- Disclosure of conciliation agreement, **14:95**
- Evidence, conciliation negotiations inadmissible as, **14:95**
- Initial effort to conciliate complaint, **14:91**
- Negotiations inadmissible as evidence, **14:95**
- Relief, available, **14:90**
- Review of conciliation agreement, **14:96**
- Termination of efforts, **14:94**
- Conciliation agreement, initiation of civil action by Attorney General on breach of, **14:211**
- Conditional use approval case by plaintiff—partial expert testimony in deposition, chief financial officer of comprehensive living communities, form, **15:19**
- Conference, prehearing, **14:140**
- Congregate living arrangements. Group homes, *infra*
- Construction. Design and construction of new dwellings, *infra*
- Construction or interpretation, Fair Housing Amendments Act, **14:2**
- Constructive eviction, forms, **15:15**
- Continuing violations, **14:199**
- Contracts and agreements
- Conciliation agreement. Conciliation, *supra*
- Resolution of charge, **14:155**
- Contribution claims, **14:187**
- Costs, fees, and expenses
 - Attorneys' fees and costs, **14:167, 14:207, 14:222**
- Waiver of fees in private civil actions, **14:202**
- Witness fees and mileage, **14:136**
- Counsel, appointment of, **14:202**
- Counsel, memorandum of law in opposition to defendant's motion to dismiss and

INDEX

HOUSING—Cont'd

- Cont'd
 - disqualify counsel, forms, **15:27**
 - Covered dwelling or dwelling unit, **14:3**
 - Cross motion for partial summary judgment by defendant, brief in opposition to plaintiff's Unified Development Plan regulating single family homes, form, **15:22**
 - Damages
 - Actions commenced by Attorney General, **14:220**
 - Actual damages, **14:205**
 - Jury trial, right to on claims for damages, **14:203**
 - Date. Time or date, *infra*
 - Decrees. Judgments, orders, and decrees, *infra*
 - Default for failure to appear at hearing, **14:144**
 - Defenses
 - Conduct contrary to HUD handbooks not a defense to discrimination claim, **14:225**
 - Unclean hands defense not applicable to discrimination claim, **14:224**
 - Undue burden or fundamental alteration defense, **14:53**
 - Definitions. Words and phrases, *infra*
 - Depositions
 - Conduct of, **14:125**
 - Evidence, objections to the admissibility of depositions as, **14:147**
 - Evidence, use of deposition as, **14:146**
 - Design and construction of new dwellings
 - Generally, **14:55-14:57**
 - Bathrooms, **14:65**
 - Building standards, **14:56**
 - Doors, **14:61**
 - Entrance on accessible route, **14:58**

HOUSING—Cont'd

- Cont'd
 - HUD guidelines, **14:56**
 - Kitchens, **14:64**
 - Light switches, electrical outlets, thermostats, and other environmental controls, **14:63**
 - Multifamily dwellings covered, generally, **14:55**
 - Public use and common use facilities, **14:60**
 - Requirement that new multifamily dwellings be accessible to persons who are handicapped, **14:55**
 - Routes into and through units, **14:62**
 - State review of newly constructed multifamily dwellings, **14:68**
 - Unusual terrain or site exceptions, **14:59**
 - Direct threat exception, **14:13**
 - Disclosure of conciliation agreement, **14:95**
 - Discovery
 - Admissions, request for, **14:130**
 - Compelling response or inspection, **14:133**
 - Depositions, **14:125, 14:146, 14:147**
 - Methods of, **14:124**
 - Objections, **14:125**
 - Penalty for noncompliance with administrative discovery order, **14:138**
 - Physical or mental examination, **14:128**
 - Production of documents and other evidence, **14:127-14:130**
 - Protective discovery orders, **14:132**
 - Response to request for admissions, **14:130**
 - Scope of, **14:123**
 - Supplementation of response to discovery requests, **14:131**
 - Work product doctrine, **14:129**
 - Written interrogatories, **14:126**
 - Discrimination

HOUSING—Cont'd

—Cont'd

- Conduct contrary to HUD handbooks not applicable to claim of discrimination, **14:225**
- Criminal prosecution, **14:243**
- Disparate impact, cause of action for
 - Discriminatory effect of facially neutral policies or practices, **14:234**
 - Facially neutral policies or practices, discriminatory effect of, **14:234**
 - Prima facie case, rebuttal of, **14:233**
 - Rebuttal of prima facie case, **14:233**
 - Statistical evidence, use of, **14:235**
- Disparate treatment, cause of action for
 - Advertisements, statements, and notices, discrimination in, **14:230**
 - Coercion in disparate treatment case, **14:232**
 - Facially discriminatory zoning and other land use regulations, **14:229**
 - Financing, brokering, or other residential real estate-related transactions, discrimination in, **14:231**
 - Intent, proof of, **14:228**
 - Interference in disparate treatment case, **14:232**
 - Intimidation in disparate treatment case, **14:232**
 - Pretext, showing of, **14:233**
 - Prima facie case
 - Establishing, **14:227**
 - Rebuttal, **14:233**
 - Retaliation in disparate treatment case, **14:232**
 - Zoning, facially discriminatory and other land use regulations, **14:229**

HOUSING—Cont'd

—Cont'd

- Evidence and burden of proof, generally, **14:223-14:242**
- Fines and/or imprisonment, **14:243**
- Reasonable accommodation, cause of action for
 - Generally, **14:227-14:233**
 - Accommodation request, delay in response to, **14:230**
 - Burden of proof, **14:231**
 - Delay in response to accommodation request, **14:230**
- Elements
 - Equal opportunity, **14:240**
 - Necessity, **14:239**
 - Reasonableness, **14:227**
 - Housing provider's duty, initiation of, **14:230**
 - Initiation of housing provider's duty, **14:230**
 - Prima facie case, establishing, **14:237**
- Summary judgment motions, **14:226**
- Theories of discrimination, generally, **14:223**
- Unclean hands defense not applicable, **14:224**
- Discrimination, what constitutes, **14:19**
- Discriminatory housing practice, initiation of civil action by Attorney General on referral of, **14:210**
- Discriminatory housing practices
 - Generally, **14:19-14:41**
 - Access ramps, **14:23**
 - Advertisements, statements, and notices, discriminatory, **14:25**
 - Applicant, inquiries regarding, **14:21**
 - Availability, false representations as to, **14:26**
 - Blockbusting, **14:27**
 - Brokerage services, **14:39**
 - Coercion, **14:40, 14:42**
 - Eviction, **14:33**

INDEX

HOUSING—Cont'd

—Cont'd

- False representations as to availability, **14:26**
- Financial assistance, providing, **14:34, 14:35**
 - Terms and conditions, **14:36**
- Financing, brokering, or other residential real estate-related transactions
 - Generally, **14:34-14:40**
- Financial assistance, providing, **14:35**
- Listing service or real estate broker's organization, access to or membership in, **14:39**
- Loans, making of, **14:35**
- Loans, purchasing of, **14:37**
- Purchasing loans, **14:37**
- Self-testing and self-correction for compliance with FHA, **14:40**
- Selling, brokering, or appraising, **14:38**
 - Terms and conditions, **14:35**
- Handicap, discrimination in terms or conditions of sale or rental because of, **14:22, 14:23**
- Handicap parking spaces, **14:23**
- Inquiries regarding applicant, **14:21**
- Interference, **14:41, 14:42**
- Intimidation, **14:41**
- Land use restrictions
 - Generally, **14:28-14:33**
 - Occupancy limits, exceptions for maximum, **14:30**
 - Regulation, **14:31**
 - Restrictive covenants, **14:32**
- Listing service or real estate broker's organization, access to or membership in, **14:39**
- Loans, purchasing of, **14:37**
- Making housing unavailable
 - Generally, **14:28-14:33**
 - Eviction, **14:33**
 - Land use restrictions
 - Generally, **14:28-14:33**

HOUSING—Cont'd

—Cont'd

- Making housing unavailable
 - Cont'd
 - Land use restrictions—Cont'd
 - Occupancy limits, exceptions for maximum, **14:30**
 - Regulation, **14:31**
 - Restrictive covenants, **14:32**
- Zoning
 - Generally, **14:28-14:33**
 - Occupancy limits, exceptions for maximum, **14:30**
- Parking spaces, handicap, **14:23**
- Perpetuation of segregated housing patterns, **14:24**
- Purchasing loans, **14:37**
- Residential real estate-related transactions, **14:34**
- Sale or rental of dwelling
 - Generally, **14:19-14:27**
 - Access ramps, **14:23**
 - Advertisements, statements, and notices, discriminatory, **14:25**
 - Applicant, inquiries regarding, **14:21**
 - Availability, false representations as to, **14:26**
 - Blockbusting, **14:27**
 - False representations as to availability, **14:26**
 - Handicap, discrimination in terms or conditions of sale or rental because of, **14:22, 14:23**
 - Handicap parking spaces, **14:23**
 - Inquiries regarding applicant, **14:21**
 - Parking space, handicap, **14:23**
 - Perpetuation of segregated housing patterns, **14:24**
 - Segregated housing patterns, perpetuation of, **14:24**
 - Selection criteria, discriminatory, **14:20, 14:21**
 - Steering, **14:24**
 - Terms or conditions of sale or rental, discrimination in

HOUSING—Cont'd

—Cont'd

- Sale or rental of dwelling—Cont'd
 - because of handicap, **14:22, 14:23**
- Segregated housing patterns, perpetuation of, **14:24**
- Selection criteria, discriminatory, **14:20**
- Self-testing and self-correction for compliance with FHA, **14:38**
- Selling, brokering, or appraising, **14:38**
- Steering, **14:24**
- Terms or conditions of sale or rental, discrimination in because of handicap, **14:22, 14:23**
- What constitutes discrimination, **14:20**
- Zoning
 - Generally, **14:28-14:33**
 - Land use restrictions, **14:29**
 - Occupancy limits, exceptions for maximum, **14:30**
 - Permits and licenses, **14:31**
 - Regulation, **14:31**
- Discriminatory no transfer policy in public housing for existing tenant with worsening disability, form, **15:32**
- Discriminatory tenancy criteria in independent living complex for persons with severe physical disabilities, constructive eviction, forms, **15:15**
- Dismissal
 - Adverse action, notice of proposed, **14:155**
 - Civil action, dismissal upon election of, **14:156**
 - HUD's dismissal of complaint, **14:102**
 - Disobedience of administrative subpoena, penalty for, **14:138**
 - Disparate impact, cause of action for
 - Discriminatory effect of facially neutral policies or practices, **14:234**

HOUSING—Cont'd

—Cont'd

- Facially neutral policies or practices, discriminatory effect of, **14:234**
- Prima facie case, rebuttal of, **14:236**
- Rebuttal of prima facie case, **14:236**
- Statistical evidence, use of, **14:235**
- Disparate treatment, cause of action for
- Advertisements, statements, and notices, discrimination in, **14:230**
- Coercion in disparate treatment case, **14:232**
- Facially discriminatory zoning and other land use regulations, **14:230**
- Financing, brokering, or other residential real estate-related transactions, discrimination in, **14:231**
- Intent, proof of, **14:228**
- Interference in disparate treatment case, **14:232**
- Intimidation in disparate treatment case, **14:232**
- Pretext, showing of, **14:233**
- Prima facie case
 - Establishing, **14:227**
 - Rebuttal, **14:236**
- Retaliation in disparate treatment case, **14:232**
- Zoning, facially discriminatory and other land use regulations, **14:230**
- Disqualification of ALJ, **14:116**
- Doors in new dwellings, **14:61**
- Drug and/or alcohol addiction, recovery houses for persons recovering from reasonable accommodation in the application of zoning laws, forms, **15:7**
- Drug use or addiction defined as handicap, **14:16**
- Effect of pending administrative proceeding, **14:200**

INDEX

HOUSING—Cont'd

—Cont'd

Electrical outlets in new dwellings, **14:63**
Enforcement. Judicial enforcement, *infra*
Enforcement programs, fair housing enforcement programs, **14:106**
Entrances to new dwellings on accessible route, **14:58**
Environmental controls in new dwellings, **14:63**
Equal opportunity element, **14:240**
Equitable relief in private civil actions, **14:204**
Equivalent state or local laws, certification of, **14:77, 14:78**
Estoppel. Waiver and estoppel, *infra*
Eviction
Because of disability, **14:33**
Constructive, forms, **15:13, 15:15**
Discrimination, wrongful eviction due to, **14:33**
Evidence
Administrative law hearings, Federal Rules of Evidence, **14:143**
Burden of proof, *supra*
Depositions
Objections to the admissibility of, **14:147**
Use of deposition evidence, **14:146**
Discovery, *supra*
Exhibits, **14:148**
Notice of public documents, **14:149**
Privileged communications, **14:145**
Receipt after end of hearing, **14:155**
Stipulations, **14:150**
Witnesses, **14:151**
Exceptions. Objections and exceptions, *infra*
Exhaustion of remedies, **14:173**

HOUSING—Cont'd

—Cont'd

Exhibits at administrative hearing, **14:148**
Exhibits offered into evidence, **14:148**
Existing tenant with worsening disability, discriminatory no transfer policy in public housing, form, **15:32**
Ex parte communications by ALJ, **14:117**
Expenses. Costs, fees, and expenses, *supra*
Extension of Fair Housing Act coverage to people with disabilities, **14:1**
Failure to appear at hearing, default for, **14:144**
Failure to design and construct accessible multifamily dwellings, retrofitting
Remedial order by HUD Office of Administrative Law Judges, form, **15:4**
Failure to design covered multifamily dwelling built for first occupancy, initial decision and consent order, HUD Office of Administrative Law Judges, form, **15:5**
Fair Employment and Housing Commission's opening brief companion animal as accommodation in rental housing, by appellant, form, **15:30**
Fair Housing Act, relation of to other federal and state civil rights statutes, **14:195**
Fair housing assistance programs, **14:83**
Fair housing enforcement programs, **14:106**
Fair housing initiatives program, cooperative agreements between HUD and state or local governments, **14:7**
False representations as to availability, **14:26**
Families

HOUSING—Cont'd

—Cont'd

- Multifamily dwellings, *infra*
- Nonfamilies. Group homes, *infra*
- Single family homes, exemptions for, **14:4**
- Federal civil rights statutes, relation of Fair Housing Act to, **14:195**
- Federal Fair Housing Act, recovery houses for persons recovering from drug and/or alcohol addiction reasonable accommodation in the application of zoning laws, form, **15:7**
- Federal Rules of Evidence, administrative law hearings, **14:143**
- Fees. Costs, fees, and expenses, *supra*
- Fees, costs and securities, waiver of, **14:202**
- Filing
- Complaints, **14:69, 14:70**
- Pleadings, **14:111**
- Prehearing statements, filing of, **14:139**
- Preliminary matters, filing of documents, **14:111**
- Final decision by HUD, **14:164**
- Final decision of HUD Secretary, **14:162-14:166**
- Final investigative report of complaints, **14:90**
- Financial assistance, providing, **14:35**
- First occupancy, failure to design covered multifamily dwelling built for, initial decision and consent order, HUD Office of Administrative Law Judges, form, **15:5**
- Forms
- Generally, **15:1-15:32**
- Accommodation in rental housing, companion animal as, **15:30, 15:31**
- Affirmative complaint, single family zoning discriminatory against group home, municipi-

HOUSING—Cont'd

—Cont'd

- pal fire district defendant answer and, **15:10**
- Affirmative defenses, answer and, defendant's response to plaintiff's complaint, **15:8**
- Answer and affirmative complaint, single family zoning discriminatory against group home, municipal fire district defendant, **15:10**
- Briefs
- Opposition to plaintiff's cross motion for partial summary judgment by defendant Unified Development Plan regulating single family homes, **15:22**
- Plaintiff Office of Protection and Advocacy in support of it's motion for preliminary injunction, post-hearing, **15:16**
- Support of motion for summary judgment by defendant, **15:24**
- Chief financial officer of comprehensive living communities—conditional use approval case by plaintiff, **15:19**
- City's motion to dismiss, by defendant, **15:26**
- City's reply memorandum of law, by defendant, **15:28**
- Collection action by power company against disabled person, by plaintiff complaint and demand for jury trial, **15:29**
- Companion animal as accommodation in rental housing
- Appellant's opening brief, **15:31**
- Fair Employment and Housing Commission's opening brief, **15:30**
- Complaint forms
- Complaint and demand for jury trial collection action by

INDEX

HOUSING—Cont'd

—Cont'd

Complaint forms—Cont'd

power company against disabled person, by plaintiff, **15:29**

Constructive eviction

discriminatory tenancy criteria in independent living complex for persons with severe physical disabilities, **15:13**

Discriminatory no transfer policy in public housing for existing tenant with worsening disability, **15:32**

Discriminatory tenancy criteria in independent living complex for persons with severe physical disabilities constructive eviction, **15:13**

Drug and/or alcohol addiction, recovery houses for persons recovering from—reasonable accommodation in the application of zoning laws, **15:7**

Federal Fair Housing Act, recovery houses for persons recovering from drug and/or alcohol addiction—reasonable accommodation in the application of zoning laws, **15:7**

HUD form 903, Online Complaint, **15:2**

Municipal fire district defendant answer and affirmative complaint, single family zoning discriminatory against group home, **15:10**

Online Complaint, HUD form 903, **15:2**

State agency employee complaint form, **15:1**

Verified complaint and petition for injunctive relief section 8 reasonable accommodation in termination rights, **15:12**

HOUSING—Cont'd

—Cont'd

Constructive eviction

Answer, discriminatory tenancy criteria, independent living complex for persons with severe physical disabilities, **15:15**

Discriminatory tenancy criteria in independent living complex for persons with severe physical disabilities, **15:13**

Counsel, memorandum of law in opposition to defendant's motion to dismiss and disqualify counsel, by plaintiff, **15:27**

Cross motion for partial summary judgment by defendant, brief in opposition to plaintiff's Unified Development Plan regulating single family homes, **15:22**

Discriminatory tenancy criteria, independent living complex for persons with severe physical disabilities

Constructive eviction, **15:13**

Eviction, constructive

Discriminatory tenancy criteria in independent living complex for persons with severe physical disabilities, **15:13**

Failure to design and construct accessible multifamily dwellings, retrofitting

Remedial order by HUD Office of Administrative Law Judges, form, **15:4**

Failure to design covered multifamily dwelling built for first occupancy, initial decision and consent order, HUD Office of Administrative Law Judges, **15:5**

Fair Employment and Housing Commission's opening brief companion animal as accommodation in rental housing,

HOUSING—Cont'd

—Cont'd

- by appellant, **15:30**
- First occupancy, failure to design covered multifamily dwelling built for, initial decision and consent order, HUD Office of Administrative Law Judges, **15:5**
- Group homes
 - Defendant's motion for summary judgment, single family zoning discriminatory against group home, **15:9**
 - Order adopting report, group home denied tax-exempt status, **15:25**
- HUD financed group home denied tax-exempt status, order adopting report, **15:25**
- HUD form 903, Online Complaint, **15:2**
- HUD Office of Administrative Law Judges
 - Failure to design and construct accessible multifamily dwellings, retrofitting
 - Remedial order by HUD Office of Administrative Law Judges, form, **15:4**
- Initial decision and consent order
 - Refusal to provide parking space as reasonable accommodation permanent injunction, training, **15:6**
- Injunctive relief, verified complaint and petition for section 8 reasonable accommodation in termination rights, **15:12**
- Joint report, parties' planning meeting pursuant to Fed. R. Civ. P. 26(f), **15:18**
- Jury trial, complaint and demand for collection action by power company against disabled person, by plaintiff, **15:29**
- Medical records, defendant's motion to compel plaintiff's production, **15:17**

HOUSING—Cont'd

—Cont'd

- Memorandum of law
 - City's reply, by defendant, **15:28**
- Opposition to defendant's motion for summary judgment by plaintiff, **15:23**
- Opposition to defendant's motion to dismiss and disqualify counsel, by plaintiff, **15:27**
- Support of motion for partial summary judgment by plaintiff, **15:21**
- Support of plaintiff's motion for preliminary injunction, State Office of Protection and Advocacy for Persons with Disabilities, **15:14**
- Motion for partial summary judgment
 - Plaintiff, memorandum of law in support, **15:21**
- Motion for preliminary injunction
 - Post-hearing brief of plaintiff Office of Protection and Advocacy, **15:16**
 - State Office of Protection and Advocacy for Persons with Disabilities memorandum of law in support of plaintiff's, **15:14**
- Motion for summary judgment
 - Defendant, brief in support, **15:24**
 - Municipal fire department defendant, **15:11**
 - Plaintiff, defendant's memorandum of law in opposition, **15:23**
- Motion for summary judgment, single family zoning discriminatory against group home, **15:9**
- Motion to compel plaintiff's production of medical records, **15:17**
- Motion to dismiss, **15:26**

INDEX

HOUSING—Cont'd

—Cont'd

- Motion to dismiss and disqualify counsel, **15:27**
- Multifamily dwellings
 - Failure to design and construct accessible multifamily dwellings, retrofitting
 - Remedial order by HUD Office of Administrative Law Judges, form, **15:4**
- Municipal fire district defendants
 - Motion for summary judgment, **15:11**
- Office of Protection and Advocacy in support of it's motion for preliminary injunction, post-hearing brief of plaintiff, **15:16**
- Online Complaint, HUD form 903, **15:2**
- Opening brief
 - Appellant's companion animal as accommodation in rental housing, by tenants, **15:31**
- Parking space, refusal to provide as reasonable accommodation, initial decision and consent order, permanent injunction, training, **15:6**
- Partial expert testimony in deposition
 - Chief financial officer of comprehensive living communities—conditional use approval case by plaintiff, **15:19**
 - Regarding staffing of residences by plaintiff, **15:20**
- Parties' planning meeting pursuant to Fed. R. Civ. P. 26(f), joint report, **15:18**
- Permanent injunction, training, initial decision and training, refusal to provide parking space as reasonable accommodation, **15:6**
- Plaintiff's production of medical records, defendant's motion to compel, **15:17**

HOUSING—Cont'd

—Cont'd

- Planning meeting pursuant to Fed. R. Civ. P. 26(f), joint report, **15:18**
- Post-hearing brief of plaintiff Office of Protection and Advocacy in support of it's motion for preliminary injunction, **15:16**
- Reasonable accommodation
 - Refusal to provide parking space as, initial decision and consent order, permanent injunction, training, **15:6**
 - Termination rights, section 8 verified complaint and petition for injunctive relief, **15:12**
- Rental housing, companion animal as accommodation in
 - Appellant's opening brief, **15:31**
 - Fair Employment and Housing Commission's opening brief, **15:30**
- Report, order adopting, HUD financed group home denied tax-exempt status, **15:25**
- Single family zoning discriminatory against group home
 - Defendant's motion for summary judgment, **15:9**
- Staffing of residences by plaintiff, partial expert testimony in deposition, **15:20**
- State agency employee complaint form, **15:1**
- State Office of Protection and Advocacy for Persons with Disabilities memorandum of law in support of plaintiff's motion for preliminary injunction, **15:14**
- Unified Development Plan regulating single family homes brief in opposition to plaintiff's cross motion for partial summary judgment by defendant, **15:22**
- Zoning
 - Defendant's motion for sum-

HOUSING—Cont'd

—Cont'd

Zoning—Cont'd

 mary judgment, single family zoning discriminatory against group home, **15:9**

 Reasonable accommodation recovery houses for persons recovering from drug and/or alcohol addiction, **15:7**

 Funding of fair housing enforcement programs, **14:103**

 General public importance, issues of, **14:217**

 Governmental agency, notice of final decision to, **14:167**

 Grab bars in bathrooms of new dwellings, reinforced walls for, **14:65**

 Group homes

 Forms, *supra*

 Handicap, discrimination in terms or conditions of sale or rental because of, **14:22, 14:23**

 Handicap defined, **14:8**

 Handicap parking spaces, **14:23**

 Hearings

 Generally, **14:107, 14:142-14:155**

 Administrative Procedure Act, **14:143**

 Arguments and briefs, **14:153**

 Closing of administrative hearing record, **14:154**

 Receipt of evidence after hearing ends, **14:155**

 Default for failure to appear, **14:144**

 Evidence, *supra*

 Failure to appear, default for, **14:144**

 Federal Rules of Evidence, **14:143**

 Oral hearing, **14:152**

 Prehearing conferences, **14:140**

 Prehearing statements, filing of, **14:139**

 Privileged communications, protection of, **14:145**

 Record of oral hearing, **14:152**

HOUSING—Cont'd

—Cont'd

 Right to appear, waiver of, **14:144**

 Scheduling of, **14:142**

 Waiver of right to appear, **14:144**

 HIV infection. AIDS, *supra*

 HUD administrative enforcement

 Generally, **14:69 et seq.**

 HUD financed group home denied tax-exempt status, order adopting report

 Forms, **15:25**

 HUD form 903, Online Complaint, **15:2**

 HUD guidelines in design and construction of new dwellings, **14:56**

 HUD housing rights consumer pamphlet, **15:3**

 HUD Office of Administrative Law Judges. Forms, *supra*

 Identification of complaint for systemic processing, **14:73**

 Indemnification claims, **14:187**

 Initial decision, action on by HUD, **14:156**

 Initial decision and consent orders. Forms, *supra*

 Initial decision of ALJ, **14:158, 14:162**

 Initiation of civil action by Attorney General, **14:209-14:213**

 Injunctions, damages, civil penalties, and other remedies

 Generally, **14:218-14:222**

 Attorneys' fees and costs, **14:222**

 Civil penalties to vindicate public interest, **14:221**

 Damages available in action commenced by Attorney General, **14:220**

 Equitable relief available in action commenced by Attorney General, **14:219**

 Public interest, civil penalties to vindicate, **14:221**

 Relief, verified complaint and petition for section 8 reasonable

INDEX

HOUSING—Cont'd

—Cont'd

- accommodation in termination rights, form, **15:12**
- Relief generally available in action commenced by Attorney General, **14:218**
- Inquiries regarding applicant, **14:21**
- Inspection, availability for, **14:111**
- Interference, **14:41, 14:42**
- Interrogatories, **14:126**
- Intervention
 - Attorney General's intervention in private civil actions, **14:189**
- Party, request for intervention as, **14:120**
- Review proceedings, intervention rights in, **14:173**
- As of right by aggrieved person, **14:189**
- Intervention by private person in action brought by Attorney General, **14:213**
- Intimidation, **14:41**
- Investigation of complaints
 - Generally, **14:87-14:90**
 - Conduct of investigation, **14:88**
 - Final investigative report, **14:90**
 - Precomplaint investigation by HUD Secretary, **14:69**
 - Subpoenas, issuance of, **14:88**
 - Time limit on, **14:89**
 - When investigation required, **14:91**
- Issues of general public importance, **14:217**
- Joinder of additional respondent to complaint, **14:76**
- Joint report, parties' planning meeting pursuant to Fed. R. Civ. P. 26(f), form, **15:18**
- Judgments, orders, and decrees
 - Collateral estoppel or res judicata effect of administrative findings on civil action, **14:180**
- Injunctions, *supra*
- Petition to enforce administrative order, **14:167, 14:168**

HOUSING—Cont'd

—Cont'd

- Protective discovery orders, **14:132**
- Review of administrative order, consideration of objections, **14:169**
- Summary judgment, *infra*
- Judicial enforcement
 - Abstention doctrine, applicability of, **14:186**
 - Association suing on behalf of itself and members, **14:186**
- Class actions, **14:188**
- Mootness, **14:197**
- Ripeness, **14:196**
- Testers, standing of, **14:191**
- Third party, standing of, **14:189**
- Judicial review. Appeal and review, *supra*
- Jurisdiction on judicial review, **14:168**
- Jury trial, **14:203**
- Kitchens in new dwellings, **14:64**
- Knowledge. Notice and knowledge, *infra*
- Landlords
 - Reasonable accommodation requirement. Reasonable accommodation, *infra*
- Land use regulations
 - Reasonable accommodation, **14:46**
- Land use restrictions
 - Occupancy limits, exceptions for maximum, **14:30**
- Permits and licenses, **14:32**
- Regulation, **14:31**
- Restrictive covenants, **14:32**
- Light switches in new dwellings, **14:63**
- Limitations and restrictions
 - Administrative subpoenas, motion to limit, **14:137**
- Congregate living arrangements restricted. Group homes, *supra*
- Listing service or real estate broker's organization, access to or membership in, **14:39**

HOUSING—Cont'd

—Cont'd

Loans, purchasing of, **14:37**
 Major life activities defined, **14:8**
 Medical records, defendant's
 motion to compel plaintiff's
 production, form, **15:17**
 Memoranda of law. Forms, *supra*
 Mileage fees for witnesses, **14:136**
 Misconduct of attorney or party in
 administrative proceeding,
 sanctions, **14:122**
 Modification. Amendment, altera-
 tion, or modification, *supra*
 Modification of housing. amend-
 ment, alteration, or modifica-
 tion, *supra*
 Mootness, **14:197**
 Motions
 Generally, **14:114**
 Forms, *supra*
 Quashing or limiting administra-
 tive subpoenas, **14:137**
 Summary judgment, *infra*
 Multifamily dwellings
 Design and construction of new
 dwellings, *supra*
 Exemption for multi-unit dwellings
 up to four families, of which
 one unit is occupied by
 owner, **14:5**
 Forms, *supra*
 Municipal fire districts. Forms,
 supra
 Narcotics use or addiction defined
 as handicap, **14:16**
 New dwellings. Design and
 construction of new dwell-
 ings, *supra*
 Notice and knowledge
 Adverse action, dismissal of
 administrative hearing on
 notice of proposed, **14:155**
 Attorney General
 Civil action, notice to United
 States Attorney General of
 election of, **14:179**
 Notice of final decision to,
 14:167

HOUSING—Cont'd

—Cont'd

Civil action, filing and service of
 notice of election of, **14:179**
 Complaints, *supra*
 Governmental agency, notice of
 final decision to, **14:167**
 Process and service of process or
 papers, *infra*
 Referral of complaint to state and
 local agencies, **14:76, 14:78**
 Notice to governmental agency,
 14:165
 Notice to United States Attorney
 General, **14:166**
 No transfer policy in public hous-
 ing for existing tenant with
 worsening disability, form,
 15:32
 Objections and exceptions
 Accessibility standards for unusual
 terrain or site, **14:59**
 Controlled substances, exclusion
 for current use of, **14:16**
 Depositions, objections to, **14:125**
 Depositions, objections to admis-
 sibility, **14:147**
 Illegal drugs, exclusion for current
 use of, **14:16**
 Parties or representatives, **14:120**
 Religious organizations and non-
 profit associations as allowed
 to give preference to
 members, **14:6**
 Review of administrative order,
 consideration of objections,
 14:169
 Old age
 Defined as handicap, **14:17**
 Online Complaint, HUD form 903,
 form, **15:2**
 Opening briefs. Forms, *supra*
 Oral hearing, **14:152**
 Order adopting report, HUD
 financed group home denied
 tax-exempt status
 Forms, **15:25**
 Orders. Judgments, orders, and
 decrees, *supra*

INDEX

HOUSING—Cont'd

—Cont'd

- Parking spaces
 - Handicapped parking spaces,
14:23, 14:51
 - Reserved handicapped parking
spaces, **14:51**
- Partial expert testimony in deposi-
tion. Forms, *supra*
- Parties
 - Generally, **14:118-14:122**
- Amicus curiae, petition to partici-
pate as, **14:121**
- Intervention, *supra*
- Joinder, **14:76**
- Misconduct of attorney or party,
sanctions, **14:120**
- Planning meeting pursuant to Fed.
R. Civ. P. 26(f), joint report,
form, **15:18**
- Resolution of charge, **14:155**
- Pattern or practice cases
 - Generally, **14:214-14:217**
- General public importance, issues
of, **14:217**
- Initiation by Attorney General,
14:214
- Issues of general public
importance, **14:217**
- Pattern or practice of resistances,
establishment of, **14:216**
- Reasonable cause, requirement to
bring pattern or practice case,
14:212
- Requirement of reasonable cause,
14:215
- Pattern or practice of resistances,
establishment of, **14:216**
- Penalties
 - Administrative law judge, civil
penalty assessed by
Generally, **14:160**
Amount, factors considered,
14:161
- Disobedience of administrative
subpoena or discovery order,
14:138
- Public interest, civil penalties to
vindicate, **14:221**

HOUSING—Cont'd

—Cont'd

- Perpetuation of segregated housing
patterns, **14:24**
- Petition by adversely affected
party, **14:162**
- Petitions, **15:12**
- Pets, reasonable accommodations
and, **14:50**
- Physical or mental examination,
discovery, **14:128**
- Physical or mental impairment
defined, **14:9**
- Pleadings
 - Generally, **14:201**
- Amendments, **14:109**
- Amendments and supplemental
pleadings, **14:109**
- Answer, *supra*
- Answer to charge, **14:108**
- Caption, **14:112**
- Charge, answer to, **14:108**
- Complaints, *supra*
- Filing and service of charge,
14:112
- Form, signature, and timely filing,
14:112
- Inspection, availability for, **14:111**
- Intervention as party, request for,
14:120
- Motions and responses to motions,
14:114
- Service of charge, **14:106**
- Service of documents, **14:113**
- Power company, collection action
against disabled person com-
plaint and demand for jury
trial, forms, **15:29**
- Preliminary acts or matters
 - Administrative remedy, election of,
14:107
- Computation of time periods,
14:110
- Discovery, *supra*
- Election of administrative remedy,
14:107
- Filing of documents, **14:111**
- Hearing opportunity, **14:107**

HOUSING—Cont'd

—Cont'd

Precomplaint investigation by
HUD Secretary, **14:69**

Prehearing conferences, **14:140**

Prehearing statements, filing of,
14:140

Service of documents, **14:107**

Settlement judge, appointment of,
14:141

Settlement negotiations, **14:141**

Presiding ALJ, powers of, **14:115**

Private clubs as allowed to give
preference to members, **14:6**

Private enforcement actions,
limitation on actions for
Generally, **14:193-14:195**

Administrative proceeding, effect
of pending, **14:195**

Class actions, **14:194**

Continuing violations, **14:199**

Intervention as of right by
aggrieved person, **14:192**

Intervention in private civil action
by United States Attorney
General, **14:193**

Private enforcement actions by
aggrieved parties. Judicial
enforcement, *supra*

Privileged communications,
14:145

Process and service of process or
papers

Administrative proceedings, ser-
vice of documents, **14:107**

Administrative subpoenas, **14:134-
14:138**

Charge, Issuance of, **14:101**

Charge, service of, **14:102**

Complaints, **14:75**

Initial decision of ALJ, **14:158**

Pleadings, filing and service of
charge, **14:107**

Production of documents and other
evidence, **14:127-14:130**

Pro se representation, **14:119**

Protective discovery orders,
14:132

HOUSING—Cont'd

—Cont'd

Public documents, notice, hearing,
14:149

Public housing, discriminatory no
transfer policy for existing
tenant with worsening disabil-
ity, form, **15:32**

Public use areas or facilities

New dwellings, design, **14:60**

Punitive damages, **14:206**

Purchasing loans, **14:37**

Quashing administrative
subpoenas, motions for,
14:137

Reactivation of referred
complaints, **14:89**

Reasonable accommodation

Forms, *supra*

Reasonable accommodations

Generally, **14:45-14:54, 14:227-
14:233**

Accommodation, what constitutes
reasonable

Generally, **14:48-14:54**

Animals

Pets, **14:50**

Service animals, **14:50**

Handicapped parking spaces,
reserved, **14:51**

Parking spaces, reserved handi-
capped, **14:51**

Pets, waiver of rules against,
14:49

Prohibition against imposing
undue burden or requiring
fundamental alteration,
14:54

Service animals

Generally, **14:50**

Training, evidence of, **14:50**

Waiver of no pet rule, **14:49**

Accommodator's duty to bear rea-
sonable costs of accommoda-
tion, **14:52**

Animals

Pets, **14:50**

Service animals, **14:50**

INDEX

HOUSING—Cont'd

—Cont'd

- Discrimination, cause of action for
 - Generally, **14:227-14:233**
 - Accommodation request, delay in response to, **14:230**
 - Burden of proof, **14:231**
 - Burden of proof, **14:242**
 - Delay in response to accommodation request, **14:230**
- Elements
 - Equal opportunity, **14:240**
 - Necessity, **14:239**
 - Reasonableness, **14:227**
- Housing provider's duty, initiation of, **14:241**
- Initiation of housing provider's duty, **14:241**
- Prima facie case, establishing, **14:238**
- Handicapped parking spaces, reserved, **14:51**
- Land use regulations, **14:47**
- Parking spaces, reserved handicapped, **14:51**
- Pets, waiver of rules against, **14:49**
- Purpose of reasonable accommodation requirement, **14:46**
- Reasonable costs of accommodation, accommodator's duty to bear, **14:52**
- Service animals
 - Generally, **14:50**
 - Training, evidence of, **14:50**
- Undue burden or fundamental alteration defense, **14:54**
- Unreasonable accommodation, **14:52**
- Waiver of no pet rule, **14:50**
- Zoning, **14:47**
- Reasonable cause, requirement to bring pattern or practice case, **14:212**
- Reasonable costs of accommodation, accommodator's duty to bear, **14:52**
- Reasonable modification of existing premises, **14:43**

HOUSING—Cont'd

—Cont'd

- Reasonable modification of housing
 - Existing premises, **14:44**
 - Rental property, **14:44**
- Receipt of evidence after end of hearing, **14:155**
- Records and reports
 - Filing, *supra*
 - Final investigative report, **14:90**
 - Oral hearings, **14:152**
 - Record of impairment defined, **14:10**
- Referral of cases to Attorney General, **14:209 et seq.**
- Referral of complaints, **14:78-14:86, 14:100**
- Reinforced walls for grab bars in bathrooms of new dwellings, **14:65**
- Relief which may be granted
 - Generally, **14:204-14:206**
 - Actual damages, **14:205**
 - Equitable relief, **14:204**
 - Punitive damages, **14:206**
 - Relief which may be granted by ALJ, **14:159**
- Religious organizations as allowed to give preference to members, **14:6**
- Rental housing. Forms, *supra*
- Reports. Records and reports, *supra*
- Representation of parties, **14:119**
- Request for admissions, response to, **14:130**
- Reserved handicapped parking spaces. Parking spaces, *supra*
- Res judicata effect of administrative findings on civil action, **14:180**
- Resolution of charge or notice of proposed adverse action, **14:157**
- Restrictions. Limitations and restrictions, *supra*
- Review. Appeal and review, *supra*
- Right to appear, waiver of, **14:144**

HOUSING—Cont'd

—Cont'd

- Ripeness, **14:196**
- Routes into and through new dwelling units, **14:58, 14:62**
- Sanctions for misconduct of attorney or party in administrative proceeding, **14:122**
- Segregated housing patterns, perpetuation of, **14:24**
- Selection criteria, discriminatory, **14:21**
- Self representation, **14:119**
- Self-testing and self-correction for compliance with FHA, **14:38**
- Selling, brokering, or appraising, **14:38**
- Service animals, reasonable accommodations and, **14:50**
- Service of process. Process and service of process or papers, *supra*
- Settlement, **14:141**
- Settlement judge, appointment of, **14:141**
- Signature on pleadings, **14:111**
- Single family homes. Forms, *supra*
- Staffing of residences by plaintiff, partial expert testimony, form, **15:20**
- Standards
 - Design and construction of new dwellings, **14:56**
 - State law, validity of stricter standards, **14:67**
 - Uniform Federal Accessibility Standards (UFAS), *infra*
- Standing
 - Generally, **14:188-14:191**
 - Aggrieved person, definition of, **14:188**
 - Associational standing, **14:188**
 - Testers, **14:191**
 - Third parties, **14:189**
 - State agency employee complaint form, **15:1**
 - State civil rights statutes, relation of Fair Housing Act to, **14:195**

HOUSING—Cont'd

—Cont'd

- State law, validity of stricter standards, **14:67**
- State Office of Protection and Advocacy for Persons with Disabilities memorandum of law in support of plaintiff's motion for preliminary injunction, form, **15:14**
- State review of newly constructed multifamily dwellings, **14:68**
- Statute of limitations, **14:193-14:195**
- Steering, **14:24**
- Stipulations, **14:150**
- Subpoenas
 - Administrative subpoenas, **14:134-14:138**
 - Discriminatory housing practices investigations, **14:88**
 - Substance abuse defined as handicap, **14:16**
 - Substantial limitation, defined, **14:12**
 - Summary judgment
 - Discrimination claims, **14:226**
 - Forms, *supra*
 - Supplementation of response to discovery requests, **14:131**
 - Termination of efforts to conciliate complaints, **14:94**
 - Terms or conditions of sale or rental, discrimination in because of handicap, **14:22, 14:23, 14:36**
 - Testers, standing of, **14:191**
 - Thermostats in new dwellings, **14:63**
 - Third parties, standing of, **14:189**
 - Time, computation of, **14:195**
 - Time or date
 - Administrative subpoenas, submission of, **14:135**
 - Closing of administrative hearing record, **14:155**
 - Commencement of actions, **14:178**
 - Complaints, date of filing, **14:67**

INDEX

HOUSING—Cont'd

—Cont'd

- Computation of time periods, **14:110**
- Hearings, **14:140**
- Initial decision of ALJ, **14:156, 14:162**
- Investigation of complaints, **14:89**
- Preliminary acts or matters, *supra*
- Statute of limitations, **14:193-14:195**
- Transvestism defined as handicap, **14:18**
- Trial by jury, **14:199**
- UFAS. Uniform Federal Accessibility Standards, *infra*
- Undue burden or fundamental alteration defense, **14:54**
- Unified Development Plan regulating single family homes brief in opposition to plaintiff's cross motion for partial summary judgment by defendant, form, **15:22**
- Unreasonable accommodation, **14:52**
- Unusual terrain or site, accessibility exceptions for, **14:59**
- Venue, **14:168**
- Waiver and estoppel
- Collateral estoppel effect of administrative findings on civil action, **14:180**
- Fees in private civil actions, **14:202**
- Hearing, right to appear, **14:144**
- Waiver of fees, costs and security, **14:202**
- Walls in bathrooms of new dwellings reinforced for grab bars, **14:65**
- What constitutes discrimination, **14:20**
- Witnesses, administrative hearing, **14:151**
- Witness fees and mileage, **14:136**
- Words and phrases
- Aggrieved person, **14:191**
- Building, **14:247**

HOUSING—Cont'd

—Cont'd

- Direct threat exception, **14:13**
- Dwelling, **14:3**
- Dwelling unit, **14:4**
- Handicap, **14:8**
- Major life activities, **14:8**
- Persons regarded as having impairment, **14:12**
- Physical or mental impairment, **14:9**
- Physical or mental impairment, **14:9**
- Record of impairment, **14:10**
- Residential structure, **14:246**
- Tester, **14:191**
- Work product doctrine, applicability to physical or mental examinations, **14:129**
- Worsening disability, discriminatory no transfer policy in public housing for existing tenant with, form, **15:32**
- Written interrogatories, **14:126**
- Zoning, **15:10**
- Occupancy limits, exceptions for maximum, **14:30**
- Permits and licenses, **14:31**
- Reasonable accommodation, **14:47**
- Regulation, **14:31**

IDENTIFICATION CARDS

- Check cashing, form of complaint by one precluded from obtaining driver's license for use as identification, **6:64**

IMMUNITY

- Privileges and Immunities** (this index)

IMPAIRMENT

- Disability defined, substantial limitation distinguished from, **2:10**

INDIRECT FUNDING

- Section 504 protections, federal financial assistance, **1:71**

**INDIVIDUALS WITH
DISABILITIES EDUCATION
ACT**

Section 504 protections, **1:10**

**INDIVIDUAL WITH DISABILITY
Section 504 Protections** (this
index)

**INDIVIDUAL WITH DISABILITY
DEFINED**

Definition, **2:5**

Illegal use of drugs

Exclusion of current user from
definition, **2:6**

Exemption from exclusion from
definition if not using or
otherwise entitled, **2:7**

INFECTIOUS DISEASES

Contagious Diseases (this index)

INFERTILITY

Section 504 protections, **1:41**

INFORMAL COMPLAINTS

Telecommunications Act, FCC
enforcement of, **5:101 et seq.**

INITIAL DECISIONS

Section 504 protections, hearing
procedure, **1:213, 1:218**

INJUNCTIONS

AIDS patient denied treatment,
forms, **6:65, 6:66**

AIDS-related complex, forms for
educational placement of
child with, **6:16 to 6:18**

Air Carrier Access Act

Damages available, **3:434**

Athlete with learning disability,
forms of petition and support-
ing affidavits for waiver of
19-year-old eligibility rule,
6:19 to 6:21

Bar examination applicants

Petition and supporting memoran-
dum seeking private room and
double time, forms, **6:34,
6:35**

Visual impairment, forms, **6:36 to
6:39**

INJUNCTIONS—Cont'd

—Cont'd

Blind individual, refusal to permit
jury service, form of com-
plaint, **6:26, 6:32**

Check cashing identification, form
of complaint by one
precluded from obtaining
driver's license, **6:64**

Coach in wheelchair precluded
from on-field coaching,
forms, **6:67 et seq.**

Complaint by individual teacher,
form, **6:6**

Disabled student, denied from
participating in school activi-
ties, **6:33**

Dismissal of complaint against
state vocational rehabilitation
agency, form, **6:3, 6:4**

Firefighter with HIV, withdrawal
of employment offer, com-
plaint form, **6:2**

Internet service providers, com-
plaint for injunctive relief,
failure of Internet service
providers to remove com-
munications barriers for blind
persons, form, **6:63**

Irreparable harm, state and local
government services, **2:216**

Lodging places, forms relating to
refusal to allow use of motor-
ized mobility device in hotel
room, **6:55, 6:56**

Marriage, class action complaint
seeking to invalidate statute
against marriage by individu-
als with AIDS or HIV, form,
6:31

Medical treatment for AIDS
denied, form of complaint,
6:23

Merits, likelihood of success on,
state and local government
services, **2:217**

Nursing facility patient discharge,
form of memorandum oppos-
ing motion for preliminary
injunction, **6:24**

INDEX

INJUNCTIONS—Cont'd

—Cont'd

Private enforcement of ADA,
3:318

Public Accommodations (this
index)

Public transit, complaint for
declaratory and injunctive
relief, failure of transit agency
to provide access for mobility
impaired, form, **6:52**

Reasonable accommodation, form
of complaint for failure to
make, **6:9**

Restaurants, form of complaint for
removal of architectural barriers,
6:57

Section 504 protections, judicial
enforcement, **1:282**

State and local government ser-
vices

Generally, **2:215 to 2:226**

Balance of hardships, **2:218**

Irreparable harm, **2:216**

Merits, likelihood of success on,
2:217

Sufficiently serious questions,
2:217

Visual impairments

Bar examination applicant, forms
relating to accommodation of,
6:36 to 6:39

Refusal to permit jury service by
blind individual, form of com-
plaint, **6:26, 6:32**

Voting facility accessibility, **2:229**

INMATES

Prison (this index)

INQUIRIES FOR ADMISSION

Section 504 protections, preadmis-
sion into postsecondary
schools, **1:145**

INSURANCE

Section 504 protections, insurance
coverage, **1:169**

INTEGRATED SETTINGS

INTEGRATED SETTINGS—Cont'd

—Cont'd

Public Accommodations (this
index)

Section 504 protections, integrated
setting requirement, **1:82**

INTENT TO DISCRIMINATE

Section 504 protections, burden of
proof, **1:261**

INTERACTIVE MENUS

Telecommunications, voice mail
and interactive menu services,
access to, **5:84 et seq.**

INTEREST

Section 504 protections, judicial
enforcement, **1:285**

INTERLOCUTORY APPEALS

Enforcement of Section 504
protections, **1:290**

Public accommodations, **4:214**

INTERNET-BASED TRS PROVIDERS AND PROGRAM CERTIFICATION

Generally, **5:5**

Telecommunications, **5:48 et seq.**

INTERNET PROTOCOL CAPTIONED TELEPHONE SERVICE (IP CTS)

E911 service, emergency calling
requirements, **5:20**

Unauthorized and unnecessary use
of, **5:30**

INTERNET SERVICE PROVIDERS

Complaint for injunctive relief,
failure of Internet service
providers to remove com-
munications barriers for blind
persons, form, **6:63**

INTERPRETERS

Public accommodations, auxiliary
aids and services, specific
requirements, **4:98**

State and local government ser-
vices

Qualification of interpreter, **2:30**

INTERPRETERS—Cont'd

—Cont'd

- Reliance upon person accompanying disabled individual, **2:154**
- Video remote interpreting (VRI) services, **2:155**
- Video remote interpreting (VRI) services, **2:155**

INTERSTATE COST RECOVERY FUND (TRS FUND)

Generally, **5:31 to 5:45**

Administrator

Audits, conduct of, **5:44**

Information filed with, **5:43**

Reporting, monitoring, and filing requirements, **5:44**

Audits

Administrator conduct of, **5:44**

TRS providers, data collection from and, **5:34**

Compensable claims, establishing, **5:37**

Contributions to fund, **5:33**

Costs, recovery and separation of, **5:32**

Data collection from and audits of TRS providers, **5:34**

Distribution, formula for, **5:38**

Eligible providers, **5:35**

Enforcement of TRS fund provisions, **5:45**

Equivalent rates for voice communication services, **5:31**

Information filed with administrator, **5:43**

Notice of intent to participate in TRS fund, **5:35**

Payments to TRS providers

Generally, **5:37 to 5:45**

Administrator

Audits, conduct of, **5:44**

Information filed with, **5:43**

Reporting, monitoring, and filing requirements, **5:44**

Audits, administrator conduct of, **5:44**

Compensable claims, establishing, **5:37**

INTERSTATE COST RECOVERY FUND (TRS FUND)—Cont'd

—Cont'd

Distribution, formula for, **5:38**

Enforcement of TRS fund provisions, **5:45**

Information filed with administrator, **5:43**

Remote training session calls, noncompensable, **5:41**

Reporting, monitoring, and filing requirements, **5:44**

Suspension or withholding of payment, procedures for, **5:39, 5:40**

VRS speed-of-answer requirement, waiver for, **5:40**

Waiver for VRS speed-of-answer requirement, **5:40**

Recovery of costs, **5:32**

Remote training session calls, noncompensable, **5:41**

Reporting, monitoring, and filing requirements, **5:44**

Separation of costs, **5:32**

Suspension or withholding of payment, procedures for, **5:39, 5:40**

VRS speed-of-answer requirement, waiver for, **5:40**

Waiver for VRS speed-of-answer requirement, **5:40**

Whistleblower protections, **5:36**

INVESTIGATION

Section 504 protections, informal resolution, **1:214**

INVESTIGATIONS

Federal agency investigation of complaint, **2:173**

Section 504 protections, notification of investigation results, **1:214**

State and local government services

Disability-related questions and investigations, **2:86**

Federal agency investigation of complaint, **2:173**

INDEX

JOB ASSIGNMENTS

Complaints, forms, **6:6, 6:7**

JOINDER OF PARTIES

Enforcement of section 504 protections, **1:247**

JURISDICTION

Public Accommodations (this index)

Section 504 protections, judicial enforcement, **1:228**

State and local government services

Federal agency's acceptance of complaints, review of agency jurisdiction, **2:170**

Private right of action, **2:179**

Telecommunications relay services, enforcement proceedings under Title VII, **5:69 et seq.**

Transportation

Paratransit services, jurisdictional boundaries, **3:199**

Private enforcement of ADA, applicability of primary jurisdiction doctrine, **3:312**

JURY AND JURY TRIAL

Blind individual, refusal to permit jury service, form of complaint, **6:26, 6:32**

Section 504 Protections (this index)

State and local government services, availability of jury trial in private right of action, **2:193**

JURY SERVICE

Section 504 protections, **1:92**

JUSTICE DEPARTMENT

Attorney General (this index)

KNOWLEDGE

Notice and Knowledge (this index)

LAW ENFORCEMENT

Activities, **2:192 et seq.**

LAW ENFORCEMENT—Cont'd

—Cont'd

Applicability of Rehabilitation Act, **2:199**

State and local government services, nondiscrimination on basis of disability, **2:22**

LICENSES AND PERMITS

Certificates and Certification (this index)

Section 504 Protections (this index)

State and Local Government Services (this index)

LIFTING

Lifting limitation, form of complaint concerning job assignment, **6:7**

LIMITATION OF ACTIONS

Air Carrier Access Act private enforcement actions, **3:431**

Brief in support of motion by county school board to dismiss complaint, form, **6:15**

Public Accommodations (this index)

Section 504 protections, **1:238 to 1:240**

LIMITATIONS AND RESTRICTIONS

As to specific physical or mental limitations on individuals, see more specific topics

Federal Financial Assistance (this index)

Public accommodations, limitation on barrier removal obligations, **4:110**

Section 504 Protections (this index)

State and local government services, enjoyment of right, privilege, advantage or opportunity, **2:74**

Statute of limitations. **Limitation of Actions** (this index)

LISTS

LISTS—Cont'd

—Cont'd

Section 504 protections, list of federal agencies implementing, **1:4**

LIVING ACCOMMODATIONS

Section 504 protections, postsecondary schools, **1:149**

LOANS

Section 504 protections, loans from government, **1:75**

LOCAL GOVERNMENT SERVICES

State and Local Government Services (this index)

LOCATION

Place or Location (this index)

LODGING

Public Accommodations (this index)

MAINTENANCE AND REPAIR

Accessibility features
State and local government services, **2:103**

MAJOR LIFE ACTIVITIES

Disability defined
Generally, **2:9 to 2:18**
Ability to work, effect on person's life, **2:15**
Activities covered, **2:12**
Conditions covered, **2:8**
Effect of impairment on person's life, **2:12 to 2:15**
Impairment distinguished from substantial limitation, **2:10**
Mitigating measures, effect of, **2:18**
Personal characteristics distinguished, **2:10**
Physical or mental impairment, generally, **2:9 to 2:18**
Section 504 protections, generally, **1:48**
Substantial limitation
Generally, **2:12 to 2:18**

MAJOR LIFE ACTIVITIES

—Cont'd

—Cont'd

Substantial limitation—Cont'd
Distinguished from impairment, **2:10**

Temporary impairments, **2:16**

Regulatory list nonexhaustive, section 504 protections, **1:49**

Section 504 protections, generally, **1:48**

MALLS

Elevators (this index)

MANDATED

NONDISCRIMINATION

Section 504 Protections (this index)

Transportation (this index)

MANDATES

State and Local Government Services (this index)

MANUAL SKILLS

Postsecondary schools, auxiliary aids for students with manual skill impairments, **1:143**

MANUFACTURERS

Telecommunications, manufacturers' obligations as to accessibility for people with disabilities, generally, **5:79 et seq., 5:84**

MARRIAGE

AIDS or HIV, class action complaint seeking to invalidate statute against marriage by individuals with, **6:31**

MEANINGFUL ACCESS

Section 504 protections, **1:93**

MEDICAID AND MEDICAID FUNDING

Section 504 protections, **1:74, 1:182**

MEDICAL CARE AND TREATMENT

INDEX

MEDICAL CARE AND TREATMENT—Cont'd

- Cont'd
- AIDS patient denied treatment, forms, **6:23, 6:65, 6:66**
- Employment** (this index)
- Forms, **6:22 to 6:24, 6:65, 6:66**
- Section 504 Protections** (this index)

MEDICAL EXAMINATIONS

- Section 504 protections, **1:113 to 1:115**

MEDICAL RECORDS

- Section 504 protections, confidentiality of medical records, **1:117**

MEDICARE FUNDING

- Section 504 protections, **1:74, 1:182**

MEMORANDA

- Athletic coach in wheelchair precluded from on-field coaching, forms, **6:74**
- Bar examination applicants, form of memorandum in support of request for private room and double time, **6:35**
- Complaint against state vocational rehabilitation agency, form of memorandum in support of dismissal motion, **6:4**
- Nursing facility patient discharge, form of memorandum opposing motion for preliminary injunction, **6:24**
- Summary judgment motion, form, **6:11**

MENTAL IMPAIRMENTS

- Disability defined
- Generally, **2:9 to 2:18**
- Ability to work, effect on person's life, **2:15**
- Activities covered, **2:12**
- Conditions covered, **2:8**
- Disability defined, see lines throughout this group

MENTAL IMPAIRMENTS—Cont'd

- Cont'd
- Effect of impairment on person's life, **2:12 to 2:15**
- Examples of physical or mental impairments, **2:11**
- Impairment distinguished from substantial limitation, **2:10**
- Mitigating measures, effect of, **2:18**
- Personal characteristics distinguished, **2:10**
- Physical or mental impairment, generally, **2:9 to 2:18**
- Substantial limitation
- Generally, **2:12 to 2:18**
- Distinguished from impairment, **2:13**
- Temporary impairments, **2:16**
- Section 504 Protections** (this index)

MINIATURE HORSES

- Compliance methods and standards, state and local governments, **2:111**
- Public accommodations, service animals, **4:85**

MINORS

- Children and Minors** (this index)

MITIGATORS

- Section 504 protections, **1:47**

MOBILITY DEVICES

- Compliance methods and standards, state and local governments, **2:112 to 2:115**
- Public Accommodations** (this index)

MODEL CODES

- Public Accommodations** (this index)

MODIFICATION

- Alteration or Modification** (this index)

MOOTNESS

- Public accommodations, civil actions, **4:164**

MOOTNESS—Cont'd

—Cont'd

Section 504 protections, judicial enforcement, **1:236**

MORBID OBESITY

Section 504 protections, **1:40**

MOTIONS

AIDS-related complex, educational placement of child with, forms, **6:17, 6:18**

Air Carrier Access Act (this index)

Dismissal of complaint against state vocational rehabilitation agency, form, **6:3, 6:4**

Dismissal of complaint sought by county school board, form, **6:14, 6:15**

Enforcement of Section 504 Protections (this index)

Public Accommodations (this index)

MOVIE THEATERS

Public accommodations, auxiliary aids and services, specific requirements, access to television and movie theaters, **4:101**

MULTIPLE FACTORS

Section 504 protections, limitations on discrimination mandate, **1:67**

MULTIPLE SCLEROSIS

Section 504 protections, **1:41**

MUNICIPALITIES

Section 504 protections, access to programs or activities, **1:91**

State and Local Government Services (this index)

Summary judgment motion, form of affidavit in support of city's, **6:11**

NARCOTICS

Drugs and Narcotics (this index)

NATIONAL DEAF-BLIND

EQUIPMENT DISTRIBUTION PROGRAM

Generally, **5:11**

NATIVE AMERICAN TRIBES

Public accommodations, compliance with ADA, **4:39**

NEW CONSTRUCTION

Building Access (this index)

Curb ramps, state and local government services, **2:152**

Employment of construction inspector, form of affidavit in support of summary judgment motion, **6:11**

Historic properties, alterations to, state and local government services, **2:146**

Public Accommodations (this index)

Section 504 protections, **1:101**

State and local government services

Generally, **2:138 to 2:153**

Accessibility standards, **2:145, 2:146**

Curb ramps, **2:152**

Historic properties, alterations to, **2:146**

Requirements, **2:138**

Undue burden defense not available, **2:147**

NONACADEMIC AND EXTRACURRICULAR ACTIVITIES

Education (this index)

NONDISCRIMINATION

MANDATE

Generally. **Section 504 Protections** (this index)

Air Carrier Access Act (this index)

Transportation (this index)

NONMONETARY AID

Section 504 protections, **1:72**

NONSEPARATE PROGRAMS

INDEX

NONSEPARATE PROGRAMS

—Cont'd

—Cont'd

State and Local Government Services (this index)

NOTICE AND KNOWLEDGE

Air Carrier Access Act (this index)

Enforcement of section 504 protections, **1:214, 1:216**

Passenger vessels, advance notice of travel by disabled passenger, **3:283**

Process and Service of Process or Papers (this index)

Public Accommodations (this index)

Restaurants, form of notice of dismissal of complaint for removal of architectural barriers, **6:58**

Section 504 Protections (this index)

State and Local Government Services (this index)

Telecommunications Relay Services (TRS) (this index)

NURSES

Termination for back impairment, form of complaint, **6:8**

NURSING FACILITY

Discharge of patient, form of memorandum opposing motion for preliminary injunction, **6:24**

OBESITY

Section 504 protections, morbid obesity, **1:40**

OPERATIONAL STANDARDS

Telecommunications relay services (TRS), **5:13 et seq.**

ORDERS

Bar examination applicant with visual impairments, form of show cause order, **6:39**

Recreational facilities, form of show cause order, **6:73**

ORDERS—Cont'd

—Cont'd

Show Cause Orders (this index)

OSTEOARTHRITIS

Section 504 protections, **1:41**

OVER-THE-ROAD BUSES

Transportation (this index)

PARATRANSIT SERVICES

Area to be served

Bus service corridor and cap, **3:200, 3:201**

Corridor overlapping political boundary, **3:201**

Jurisdictional boundaries, **3:199**

Rail service circle, **3:202**

Certificates and certification

ADA Paratransit Eligibility, sample request for certification of, **6:44**

Metropolitan planning organization certification, form, **6:46**

Plans, forms for certification, **6:46, 6:49 to 6:52**

State certification, form, **6:51**

Surveys, form for certification, **6:47**

Eligibility

ADA paratransit-eligible individuals

Category 1: unable to independently use accessible vehicle, **3:213**

Category 2: designated accessible public transportation not available on user's route, **3:212 to 3:219**

Generally, **3:214**

Boarding or disembarking precluded, **3:215**

Inaccessible rail system, **3:217**

Wheelchair cannot be accommodated, **3:216**

Category 3: inability to travel to location for boarding or disembarking, **3:218**

Other persons, **3:219**

PARATRANSIT SERVICES

—Cont'd

—Cont'd

Determination of eligibility

Administrative appeals, **3:235**

Application, **3:231**

Determination requirements,
3:232

Documentation, **3:233**

Duty to establish paratransit
eligibility process, **3:229**

Functional criteria, **3:230**

Paratransit service not required
pending determination,
3:236

Recertification, **3:234**

Individuals accompanying ADA
paratransit individuals

Personal care attendants, **3:220**

Travel companions, **3:220 to**
3:226

Limitations on eligibility

Eligible for trips when criteria
are met, **3:227**

Permanent or temporary eligibil-
ity, **3:228**

Permanent or temporary eligibility,
3:228

Suspension of paratransit service
for chronic no-shows, below

Visitors

Definition, **3:224**

Eligibility, **3:225**

Limitation to 21 days of service,
3:226

Requirement of service, **3:224**

Fares imposed for paratransit

Complementary service, who must
provide, **3:212**

Higher fare permitted for agency
trips, **3:207**

Limitations, **3:206**

Method of calculation, **3:208**

Fixed route service public entity

Public entity must provide
paratransit, special transporta-
tion services, **3:189**

Comparable services, **3:190**

Forms, **6:44 to 6:52**

PARATRANSIT SERVICES

—Cont'd

—Cont'd

Joint plans, form for certification,
6:49, 6:50

Over-the-road bus service request
form, **6:43**

Plans

Contents

Identification of entity submit-
ting plan required, **3:250**

Overview, **3:250 to 3:261**

Development

Ongoing participation require-
ment, **3:249**

Public comment, **3:248**

Public hearing, **3:248**

Public participation require-
ments, **3:247**

Survey requirements, **3:246**

Discrimination occurs if plan not
developed and submitted,
3:244

Endorsements, declarations, or
certifications required

Joint plans, declarations and
certifications, **3:255**

MPO certification and review,
3:252

Survey conducted, **3:253**

FTA review of

Disapproved plans, **3:258**

Factors considered, **3:257**

Identification of entity submitting
plan required, **3:250**

Implementation of, **3:261**

Joint plan may be submitted, **3:245**

Overview, **3:244, 3:245**

State comment

Obligations of states receiving
paratransit plans, **3:256**

Submission

Annual updates, **3:260**

Modified plans, **3:259**

Waivers and releases cannot be
required of disabled passenger
on vessel, **3:288**

Plans contents

INDEX

PARATRANSIT SERVICES

—Cont'd

—Cont'd

- Endorsements, Declarations, or Certifications, **3:251-3:255**
- Certification of paratransit service provided by other entities, **3:254**
- Certification of paratransit survey conducted, **3:253**
- Declarations and certifications required in joint paratransit plan, **3:255**
- MPO certification and review of paratransit plan, **3:252**
- Paratransit plan resolution, **3:251**
- Implementation of Paratransit Plan, when, **3:261**
- Professional verification of ability to use services, sample request form, **6:45**
- Service requirements
- Area to be served
 - Bus service corridor and cap, **3:200, 3:201**
 - Corridor overlapping political boundary, **3:201**
 - Jurisdictional boundaries, **3:199**
 - Rail service circle, **3:202**
- Fares imposed for paratransit
 - Complementary service, who must provide, **3:212**
 - Higher fare permitted for agency trips, **3:207**
 - Limitations, **3:206**
 - Method of calculation, **3:208**
- Limitations on paratransit service prohibited
 - Pattern or practice limiting availability of services, **3:210**
 - What limitations are precluded, **3:209**
 - When a pattern or practice does not exist, **3:211**
- Time of providing paratransit services
 - Comparable response time, **3:203**

PARATRANSIT SERVICES

—Cont'd

—Cont'd

- Time of providing paratransit services—Cont'd
 - Reservation service, **3:205**
 - Scheduling requirements, **3:204**
- Types of paratransit service, below
- Waiver for undue financial burdens
 - Circumstances justifying request, **3:191**
 - FTA consideration of request, **3:192**
 - Limited or specified time, waiver granted for, **3:193**
 - Requirements if waiver granted, **3:194**
- Surveys required for plan, **6:47**
- Suspension of paratransit service for chronic no-shows
- Default finding, **3:241**
- Due process required, **3:239**
- Informal hearing, **3:241**
- Missed trip not basis for pattern or practice, **3:238**
- Notice of decision, **3:242**
- Notice of proposed suspension, **3:240**
- Pattern or practice of missing scheduled trips, **3:237**
- Right of appeal, **3:243**
- Service must continue while matter is pending, **3:243**
- Stay of suspension pending appeal, **3:243**
- Types of paratransit service
 - Additional service may be provided, **3:198**
 - On-call bus service and paratransit feeder service, **3:196**
 - Origin-to-destination service, **3:195**
 - Subscription service, **3:197**
- Waiver for undue financial burdens
 - Circumstances justifying request, **3:191**
 - FTA consideration of request, **3:192**

PARATRANSIT SERVICES

—Cont'd

—Cont'd

Limited or specified time, waiver granted for, **3:193**

Requirements if waiver granted, **3:194**

PARTIES TO ACTIONS

Enforcement of Section 504

Protections (this index)

Public Accommodations (this index)

Standing (this index)

State and local government services, pleading and trial matters, **2:193**

PASSENGER VESSELS

Generally, **3:272 et seq.**

Accessible cabins, **3:284**

Prevention of fraud, **3:285**

Accessible cabins on passenger vessels, **3:284**

Prevention of fraud, **3:285**

Administrative enforcement, **3:305 to 3:309**

Advance notice of travel by disabled passenger, **3:283**

Advance notice of travel on passenger vessel generally not required, **3:283**

Applicability of provisions, **3:272**

Assistance and services for disabled passengers, **3:294 to 3:302**

Communicable disease, **3:280 to 3:282**

Medical certificate, **3:281**

Written explanation; effect of action, **3:282**

Complaints, **3:305 to 3:309**

Action taken upon complaint, **3:307**

Complaints Resolution Officials, **3:306, 3:307**

Enforcement actions, **3:309**

Regulations, assistance obtaining, **3:304**

PASSENGER VESSELS—Cont'd

—Cont'd

Response to written complaint by owner or operator, **3:308**

Contractors, **3:274**

Embarking or disembarking vessels, **3:397**

Foreign law prohibiting compliance, **3:275**

Information for passengers, **3:289 to 3:293**

Accessibility of information and reservation services, **3:293**

Auxiliary aids and services, provision of, **3:291**

Regulatory information, **3:289**

Required information for passengers with disabilities, **3:290**

Landside facilities, accessibility, **3:294**

Modifications and auxiliary aids and services required, **3:325**

Legitimate safety concerns, **3:279**

Nondiscrimination and access to services, **3:276 to 3:288**

On-board safety briefings, information, and drills, **3:299**

Reasonable modifications, **3:277**

Refusal to provide transportation, **3:278**

Restrictions cannot be imposed on disabled passenger on vessel, **3:287**

Restrictions on disabled passengers, **3:287**

Service animals, **3:300**

Services provided on board vessel, **3:298**

Special charges, **3:286**

Special charges cannot be assessed to disabled passenger on vessel, **3:286**

Transfer services, accessibility, **3:296**

Waivers and releases, **3:288**

Wheelchairs and other assistive devices, **3:301**

PATH OF TRAVEL

INDEX

PATH OF TRAVEL—Cont'd

—Cont'd

Public Accommodations (this index)

Section 504 protections, pedestrian walkways, **1:192**

PATIENT PROTECTION AND AFFORDABLE CARE ACT

Generally, **1:20**

PATIENT PROTECTION AND AFFORDABLE CARE ACT (ACA)

Section 504 protections

Supremacy of Rehabilitation Act, severability of invalid regulation, **1:21**

Section 504 protections, relationship of ADA to state law, **1:20**

PENALTIES

Air Carrier Access Act, notice by government of intent to assess, **3:416**

Fines and Penalties (this index)

PERFORMANCE

Section 504 protections, employment performance, **1:114**

PERMITS

Licenses and Permits (this index)

PETITIONS

Athlete with learning disability, waiver of 19-year-old eligibility rule, **6:19**

Bar examination applicants

Form, **6:34**

Forms (this index)

Section 504 protections, filing of petition for review, **1:218**

PHARMACISTS

Medical center employment of pharmacist with AIDS-related complex, form of agreement for, **6:5**

PHYSICAL EDUCATION

PHYSICAL EDUCATION—Cont'd

—Cont'd

Section 504 protections, elementary and secondary schools, **1:137**

PHYSICAL OR MENTAL IMPAIRMENT

Section 504 Protections (this index)

PHYSICIAN'S REFUSAL TO PROVIDE TREATMENT

Section 504 protections, **1:170**

PLACEMENT

Education (this index)

Section 504 Protections (this index)

PLACE OR LOCATION

Public Accommodations (this index)

Section 504 Protections (this index)

State or local government services

Exclusion of individuals with disabilities from facility location, **2:78**

Federal agency, place for filing complaint with, **2:167**

PLEADINGS

Complaints (this index)

State and Local Government Services (this index)

Telecommunications relay services, enforcement proceedings under Title VII, **5:71 et seq.**

POLICE INVESTIGATION

Generally, **1:200-1:202**

Applicability, **1:202**

Applicability, use of force by law enforcement, **1:202**

Applicability of Rehabilitation Act to police and criminal prosecution programs

Services or activities, generally, **1:200**

Arrest or detention, **1:195**

POLICE INVESTIGATION—Cont'd

—Cont'd

When use of force is at issue,
1:201

POLLING

Voting Facility Accessibility (this index)

POSTAGE

Help America Vote Act, free absentee ballots postage program, **2:235**

POSTAL SERVICE

Section 504 protections, implementation by Postal Service, **1:3**

POSTSECONDARY SCHOOLS

Education (this index)

PREADMISSION

Section 504 protections, preadmission into postsecondary schools, **1:145**

PRECLUSION

Section 504 protections, preclusion of claim or issue, **1:237**
Telecommunications Act, preclusion of private action to enforce, **5:123**

PREEMPLOYMENT INQUIRIES

Section 504 protections, **1:113 to 1:115**

PREEMPTION

ADA, preemption of conflicting laws, **3:15**
Air Carrier Access Act, preemption of state laws, **3:329**

PREHEARING CONFERENCES

Air Carrier Access Act, complaints to DOT, **3:422**

PRELIMINARY MATTERS

Enforcement of Section 504 Protections (this index)
Section 504 Protections (this index)

PREPLACEMENT

PREPLACEMENT—Cont'd

—Cont'd

Section 504 protections, elementary and secondary school preplacement evaluation, **1:130**

PRESCHOOL EDUCATION

Section 504 protections, **1:132**

PRESUMPTIONS AND BURDEN OF PROOF

Air Carrier Access Act private enforcement actions, **3:433**

Public Accommodations (this index)

Section 504 Protections (this index)

State and local government services, private right of action, **2:195, 2:199, 2:200, 2:204, 2:208**

PRETRIAL MATTERS

Public Accommodations (this index)

PREVAILING PLAINTIFF

State and local government services, private right of action, attorneys' fees, **2:223**

PRIMA FACIE CASE

Public accommodations, **4:183 et seq.**

Section 504 protections, burden of proof, **1:258 to 1:272**

State and local governments, private right of action, **2:195 to 2:203**

PRISON

Accessibility of prison activities, **1:206**

Accessible facilities, **1:205, 2:126**

Activities, **1:200**

AIDS/HIV, Section 504 protections, **1:208**

Facilities accessibility, **2:103**

Mandated nondiscrimination, generally, **1:203 to 1:208**

INDEX

PRISON—Cont'd

—Cont'd

- Medical programs and medical treatment, **1:207**
- Reasonable accommodation of prisoners, **1:204**
- Section 504 protections, generally, **1:203 to 1:208**

PRISON LITIGATION REFORM ACT

- Section 504 protections, relationship of ADA to Prison Litigation Reform Act, **1:18**
- State and local government services, relation to other ADA titles and laws, **2:52, 2:53**

PRIVATE ACTION

- Telecommunications Act, preclusion of private action to enforce, **5:123**

PRIVATE HOUSING

- Section 504 protections, **1:178**

PRIVATE PROGRAMS

- Section 504 protections, elementary and secondary schools, **1:134**

PRIVATE RIGHT OF ACTION

- Apparatus accessibility requirements, **5:181**
- Internet protocol, video programming using, **5:159**
- Section 504 protections, judicial enforcement, **1:226**
- State and Local Government Services** (this index)
- Video description of video programming, **5:165**
- Video programming, **5:151**

PRIVILEGED AND CONFIDENTIAL MATTERS

- Section 504 protections, confidentiality of medical records, employment, **1:117**
- Telecommunications relay services, confidentiality of conversations conducted through communications

PRIVILEGED AND CONFIDENTIAL MATTERS

—Cont'd

- Cont'd
- assistants, **5:14**

PRIVILEGES AND IMMUNITIES

Section 504 Protections (this index)

State and Local Government Services (this index)

PROCESS AND SERVICE OF PROCESS OR PAPERS

- Telecommunications relay services, enforcement proceedings under Title VII, **5:74**

PRODUCT DESIGN

- Telecommunications, product design, development and evaluation, accessibility considerations, **5:81, 5:87**

PROFESSIONAL OFFICE OF HEALTH CARE PROVIDER

Elevators (this index)

PROTECTION SYSTEMS

- Help America Vote Act, **2:238**

PROVISION OF PUBLIC SERVICES

- Section 504 protections, **1:7**

PUBLIC ACCOMMODATIONS

- For correlative topic see **Building Access** (this index)
- Access from public sidewalks, parking, or public transportation, first priority for removal of barriers, **4:115**
- Accessible and usable facilities requirement. New construction and alterations, below
- Accessible checkout aisles in stores, modification in policies, practices, and procedures, **4:93**
- Activities, requirements as to
- Administration of benefit plans, **4:54 et seq.**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

- Health services, right to participation in, **4:58**
- Insurance contracts as covered for purpose of administration of benefit plans, **4:56**
- Insurance contracts as not covered for purpose of administration of benefit plans, **4:57**
- Participation may not be denied, **4:53**
- ADA. Americans with Disabilities Act, below
- Administration of benefit plans
- General requirements, **4:54 et seq.**
- Insurance contracts as covered, **4:56**
- Insurance contracts as not covered, **4:57**
- Safe harbor provision, **4:54**
- Subterfuge, **4:55**
- Administrative methods, discrimination not to be effected or perpetuated, **4:50**
- Agency interpretations, deference to agency interpretations, **4:2**
- Alterations
- Modification in policies, practices, and procedures, below
- New construction and alterations, below
- Alternatives to barrier removal
- Illustrations of alternative, **4:121**
- When alternatives must be provided, **4:121**
- Americans with Disabilities Act
- Forms, **6:54 to 6:83**
- Title III, **2:43**
- Appeals
- Claims or defenses waived on appeal, **4:212**
- Interlocutory appeals, **4:214**
- Scope of review, **4:213**
- Architects, builders, and planners who design and construct facilities, as required to comply with ADA, **4:46**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

- Architectural barriers, see specific entries throughout this topic
- Architectural Barriers Act Accessibility Guidelines, **4:10**
- Assembly areas, new construction and alteration
- Companion seat requirement, **4:114**
- Dispersed seating requirements, **4:114**
- New construction and alterations, below
- Wheelchair seating barriers, **4:114, 4:120**
- Association, discrimination to exclude or deny based on association, **4:62**
- ATMs, modification in policies, practices, and procedures, **4:93**
- Attempt to unnecessarily identify disability as prohibited eligibility requirement, **4:71**
- Attorney General investigations. Enforcement, below
- Attorneys' fees. Civil actions, below
- Auxiliary aids and services, specific requirements
- Access to television and movie theaters, **4:101**
- Closed caption, **4:101**
- Definitions, **4:96**
- Effective communication must be ensured, **4:97 et seq.**
- Factors to consider in determination of undue burden, **4:103**
- Fundamental alteration and undue burden defense, **4:102, 4:103**
- Interpreters, **4:98**
- Movie theaters, access to, **4:101**
- Receiving meaningful access through auxiliary aids and services, **4:95**
- Telecommunication devices for individuals who are deaf, **4:100**

INDEX

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Television, access to, **4:101**

Undue burden defense,
fundamental alteration and,
4:102, 4:103

Video remote interpreting (VRI)
services, **4:99**

Burden of proof. Civil actions,
below

Business operating in personal
residence, removal of
structural barriers, **4:107**

Certificates and certification

Civil actions, evidence, **4:192**

Federal certification of state laws
or local building codes, below

Checkout aisles in stores,
modification in policies, prac-
tices, and procedures, **4:93**

Civil actions

Affirmative defense, burden of
proof, **4:191**

Alternative means of dispute reso-
lution, **4:155**

Attorney, appointment of, **4:156**

Attorneys' fees

Generally, **4:206 et seq.**

Calculation of award, how
award is calculated, **4:209**

Expenditures covered by fee
award, **4:210**

Prevailing defendant, **4:208**

Prevailing plaintiff, **4:207**

Who may recover, **4:206**

Balance of harms, **4:198**

Burden of proof, generally, **4:188**

Collateral estoppel, **4:165**

Concurrent federal and state court
jurisdiction, **4:176**

Costs and securities, **4:156**

Damages

Attorney General, available in
suit brought by, **4:198,**
4:203

Private party, not available in
suit brought by, **4:202**

Defenses, burden of proof, **4:191**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Discovery of Title III claim, **4:181,**
4:182

Disparate treatment cases, evi-
dence in, **4:192**

Elements of claim to be stated at
trial, **4:186**

Evidence

Generally, **4:192**

Architectural barriers, **4:194**

Certification, **4:192**

Disparate treatment cases, evi-
dence in, **4:192**

Expert testimony, **4:193**

Pattern or practice of
discrimination, **4:196**

Reasonable accommodation
cases, evidence in, **4:192**

Retaliation, **4:195**

Exhaustion of administrative reme-
dies, **4:158**

Expenses and costs of litigation,
4:211

Expert testimony, **4:193**

Failure to accommodate claim,
stating, **4:184**

Futile gesture not required, **4:170**

Injunctions

Balance of harms, **4:198**

Irreparable harm, illustrations
of, **4:200**

Orders for preventive relief,
4:199

Remedy for private party or
Attorney General, **4:198**

Showing required, **4:200, 4:201**

Inspections, **4:182**

Judicial district where suit may be
brought, **4:176**

Jurisdiction

Collateral estoppel, **4:165**

Continuing violation, running of
limitations period, **4:162**

Exhaustion of administrative
remedies, **4:158**

Limitations period, running of,
4:162, 4:163

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Jurisdiction—Cont'd

Mootness, **4:164**

Prior notice to state or local authorities, **4:159**

Res judicata, **4:165**

Ripeness, **4:164**

State court decisions, no authority to review, **4:176**

Statute of limitations, most appropriate, **4:160**

Tolling of limitations period, **4:163**

Jury trial, **4:197**

Member of class, suit brought by, **4:175**

Mootness, **4:164**

Motions

Dismissal of Title III claim, motions to, **4:179**

Summary judgment of Title III claim, motion for, **4:180**

Orders for preventive relief, **4:199**

Parties

Association representing its members, suit brought by, **4:195**

Member of class, suit brought by, **4:175**

Proper defendant, **4:168**

Standing to sue, **4:169**

State on behalf of its citizens in *parens patriae*, suit brought by, **4:167**

United States Attorney General as initiator or intervenor, **4:166**

Pattern or practice claim, **4:187, 4:196**

Pleadings. Pre-trial matters, below in this group

Pretrial matters

Motions to dismiss Title III claim, **4:179**

Pleadings, generally, **4:178**

Summary judgment of Title III claim, motion for, **4:180**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Prior notice to state or local authorities, **4:159**

Reasonable accommodation cases, evidence in, **4:192**

Remedies

Additional relief sought by Attorney General, **4:204, 4:205**

Attorneys' fees, above this group

Damages, above this group

Expenses and costs of litigation, **4:211**

Injunctions, above

Penalty amount, good faith effort will be considered in determining, **4:205**

Removal to federal court, **4:176**

Res judicata, **4:165**

Retaliation claim, **4:186, 4:195**

Ripeness, **4:164**

Standing to sue

Generally, **4:169 et seq.**

Futile gesture, **4:170**

Individual associational standing, **4:173**

Individual standing, illustrations, **4:172**

Intention to return to place of public accommodation, requirement of, **4:171**

Knowledge of barrier, **4:170**

Members of class, suit brought by, **4:175**

Organizational standing, **4:174**

Representational standing, **4:174**

State on behalf of its citizens in *parens patriae*, suit brought by, **4:167**

Stating an architectural barrier claim, **4:185**

Statute of limitations

Accrual of limitations period, **4:161**

Continuing violation, running of limitations period, **4:162**

INDEX

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Statute of limitations—Cont'd

Most appropriate statute of limitations, **4:160**

Running of limitations period, **4:162**

Summary judgment of Title III claim, motion for, **4:180**

Transfer of venue, **4:177**

Trial

Burden of proof

Generally, **4:188 et seq.**

Affirmative defense, **4:191**

Architectural barriers claim, **4:190**

Disparate treatment or retaliation, **4:188**

Failure to accommodate claim, **4:189**

Elements of claim to be stated, **4:186**

Evidence, above in this group

Failure to accommodate claim, stating, **4:184**

Jury trial, **4:197**

Prima facie case, **4:183 et seq.**

Retaliation claim, stating a, **4:186**

Stating an architectural barrier claim, **4:185**

Title III disparate treatment or association claim, stating a, **4:183**

United States Attorney General as initiator or intervenor, **4:166**

Venue

Concurrent federal and state court jurisdiction, **4:176**

Judicial district where suit may be brought, **4:176**

Removal to federal court, **4:176**

Transfer of venue, **4:177**

Waiver of fees, **4:156**

Civil Rights Act of 1964, relationship of ADA to, **4:5**

Coercion. Retaliation and coercion, below

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Commercial facilities as places of public accommodation

Definition of commerce, **4:34**

Definition of commercial facility, **4:33**

Facilities whose operations affect commerce, **4:35**

Communications barriers, removal, **4:112**

Conference, leased space for, **4:45**

Congressional entities, as required to comply with ADA, **4:47**

Continuing obligation of structural to barriers removal, **4:106**

Damages. Civil actions, above

Defenses

Civil actions, burden of proof, affirmative defense, **4:191**

Direct threat defense

Evidence, what evidence will be discovered, **4:68**

Health or safety of others, direct threat to, **4:66**

Individualized assessment of risk, **4:67**

Fundamental alteration defense, **4:80**

Structural barriers, removal not readily achievable

Flight of steps, as situation where removal not readily achievable, **4:119**

Historic structure, threat to historic structure as situation where removal not readily achievable, **4:119**

Loss of selling or serving space, as situation where removal not readily achievable, **4:119**

Situations where removal not readily achievable, **4:119**, **4:120**

Undue burden defense, fundamental alteration and, **4:102**, **4:103**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Denial, preliminary determination to deny certification. Federal certification of state laws or local building codes, below

Direct threat defense

Evidence, what evidence will be discovered, **4:68**

Health or safety of others, direct threat to, **4:66**

Individualized assessment of risk, **4:67**

Disabled access tax credit

Amount of credit available, **4:226, 4:227**

Application for credit, **4:224**

Application to partnerships and S corporations, **4:226**

Component of general business credit, **4:227**

Double benefit will be denied, **4:228**

Eligible access expenditure, **4:229**

Eligible person defined, **4:225**

Eligible small business defined, **4:225**

IRS standards as to eligible access expenditures must be meant, **4:229**

Members of controlled group as one person, treatment of, **4:226**

New construction expenses excluded from eligible access expenditure, **4:230**

Partnerships, application to, **4:226**

S corporations, application to, **4:226**

Discovery of Title III claim, **4:182**

Discrimination must not be effected or perpetuated, **4:50**

Discrimination to exclude or deny based on association, **4:62**

Due process clause, relationship of ADA to other laws, **4:4**

Education laws, application to private schools, **4:9**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Elevators (this index)

Eligibility criteria

Permitted, what is permitted

Refundable deposits, **4:74**

Safety requirements, legitimate, **4:73**

Prohibitions, what is prohibited

Attempt to unnecessarily identify disability, **4:71**

Screening out participation, **4:69**

Surcharges prohibited, **4:70**

Unnecessary imposition of requirements, **4:72**

Enforcement

Alternative means of dispute resolution, **4:155**

Attorney General investigations

DOJ complaint, filing, **4:153**

Duty to investigate, **4:153**

Individual request to investigate, **4:153**

Periodic compliance reviews, **4:154**

Civil actions, above

Entertainment or exhibition places, forms, **6:59 to 6:63**

Equivalency, preliminary determination of equivalency. Federal certification of state laws or local building codes, below

Evidence. Civil actions, above

Examinations and courses, specific requirements as to

Accessible place and manner

Alternative accessible arrangements when offer not in accessible place and manner, **4:129**

Offer of examination in accessible place and manner, **4:123**

Alternative accessible arrangements, offer not in accessible place and manner, **4:129**

Assurances that test offeror must make, **4:124**

INDEX

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Auxiliary aids, required provision of appropriate, **4:126**

Defenses, fundamental alteration of exam or course, **4:130**

Examination duties

Accessible place and manner, offer of examination in, **4:123**

Assurances that test offeror must make, **4:124**

Inquiry into and documentation of applicant's disability, **4:125**

Fundamental alteration defense, **4:130**

Modifications must be made to assure access, **4:127, 4:128**

Undue burden, fundamental alteration defense, **4:130**

What must be provided

Auxiliary aids, appropriate, **4:126**

Illustrative list of modifications, **4:128**

Modifications must be made to assure access, **4:127, 4:128**

Exemptions

Private clubs or associations, **4:48**

Religious entities, **4:49**

Exercise establishments, forms, **6:67 to 6:74**

Exhibition places, forms, **6:59 to 6:63**

Expert testimony, **4:193**

Federal Buildings, Architectural Barriers In (this index)

Federal certification of state laws or local building codes

Attorney General may issue certification of authority, **4:215**

Denial, preliminary determination to deny certification

Attorney General's decision and notice, **4:219**

Opposition to preliminary denial of certification, **4:220**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Effect of certification, **4:216**

Equivalency, preliminary determination of equivalency

Decision of Attorney General, **4:217**

Informal hearing will be held, **4:218**

Notice of decision of Attorney General, **4:217**

Final determination, decision to grant or deny certificate and notice, **4:221**

Issuance of certification of equivalency, **4:215**

Who may request certification, **4:215**

Forms

Generally, **6:54 to 6:83**

Disabled access tax credit, **6:85**

General business tax credit, **6:88**

Pre-screening notice and certification request, **6:86**

Work opportunity credit, **6:87**

42 USCA §§ 1983 and 1985, relationship of ADA to, **4:12**

Fundamental alteration defense, modification in policies, practices, and procedures, **4:80**

Goods, services, and facilities.

Places of public accommodation, below

Health services, right to participate in, **4:58**

Historic preservation exception, compliance required to maximum extent feasible, **4:135**

Horses, miniature horses as service animals, **4:85**

Indian tribes, compliance with ADA, **4:39**

Individuals, as required to comply with ADA, **4:38**

Injunctions. Civil actions, above

Inspections, civil actions, **4:182**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

- Integrated settings, general requirements
- Most appropriate setting required, **4:59**
- Opportunity to participate in integrated program, **4:61**
- Option to refuse accommodation, **4:61**
- Separate programs appropriate in limited circumstances, **4:60, 4:61**
- Interactive process, reasonable modifications required, **4:76**
- Interlocutory appeals, **4:214**
- Inventory and special orders, modification in policies, practices, and procedures, **4:92**
- Jurisdiction
 - Civil actions, above
 - Supplemental jurisdiction over state law clients, **4:157**
- Landlord and tenant, as required to comply with ADA, **4:44, 4:45**
- Lessee trade association or performing artist, as required to comply with ADA, **4:45**
- Limitation on barrier removal obligations, **4:110**
- Lodging
 - Forms, **6:55, 6:56**
 - Reservations made by places of, **4:94**
- Maintenance of accessible features, **4:52**
- Methods of administration, prohibition on discriminatory standards, **4:50**
- Miniature horses as service animals, **4:85**
- Mobility devices
 - Inquiry about disability or use of mobility device, **4:105**
 - Permitted devices, **4:104**
- Model codes, guidance concerning Informal review by Attorney General, **4:222**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

- Nonbinding, guidance is, **4:223**
- Modification in policies, practices, and procedures
- Accessible services, **4:93**
- ATMs, **4:93**
- Checkout aisles in stores, **4:93**
- Examples of reasonable modifications required, **4:77**
- Exceptions to service animal accommodation requirement, **4:84**
- Fundamental alteration defenses, **4:80**
- Inquiries about disability or service animal, **4:82**
- Interactive process, reasonable modifications required, **4:76**
- Inventory and special orders, **4:92**
- Miniature horses as service animals, **4:85**
- Personal devices and services, **4:91**
- Reasonable modifications required, **4:75, 4:76**
- Referrals must be nondiscriminatory, **4:79**
- Reservations made by places of lodging, **4:94**
- Service animals, accommodation of
 - Generally, **4:81, 4:81 et seq.**
 - Exceptions to requirement, **4:84**
 - Inquiries about service animal, **4:82**
 - Miniature horses as service animals, **4:85**
 - Where animals are allowed to go, **4:83**
- Ticketing
 - Generally, **4:86 et seq.**
 - Fraud prevention in purchasing accessible seating, **4:90**
 - Hold and release of tickets for accessible seating, **4:88**
 - Multiple tickets, purchase of, **4:87**
 - Obligations, **4:86**

INDEX

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Ticketing—Cont'd

Prices, **4:86**

Purchase of multiple tickets,
4:87

Purchasing accessible seating,
fraud prevention in, **4:90**

Secondary ticket market, **4:89**

Transfers, **4:89**

Unreasonable modifications, **4:78**

Where service animals are allowed
to go, **4:83**

Motions. Civil actions, above

New construction and alterations

Accessible and usable facilities
requirement

Access from street or parking
lot, **4:133**

Discriminatory design and
construction, what consti-
tutes, **4:131**

Readily accessible and usable
facility, what is, **4:132**

ADAAG, compliance with, **4:151**

Alterations

Historic preservation exception,
below this group

Maximum extent feasible, what
constitutes accessibility to,
4:139

Path of travel to altered area,
below

Readily accessible and usable,
facilities must be, **4:137**

What constitutes, **4:138**

Assembly areas

Companion seat requirement,
4:114

Dispersed seating requirements,
4:114

Wheelchair locations, required
number and accessibility
of, **4:114**

Companion seat requirement for
assembly areas, **4:114**

Discriminatory design and
construction, what constitutes,
4:131

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Dispersed seating requirements for
assembly areas, **4:114**

Historic preservation exception,
4:135

Maximum extent feasible, what
constitutes accessibility to,
4:139

Path of travel to altered area

Accessible path of travel, **4:143**

Disproportionality defense,
4:145 to 4:147

Duty to provide access to extent
possible, **4:147**

Effect of alteration on area
creating primary function,
4:140 et seq.

Primary function, what consti-
tutes, **4:141**

Priorities for providing access,
4:147

Tenant's alterations, effect on
landlord, **4:144**

What alterations affect area
containing primary func-
tion, **4:142**

Standards

Accessibility standards for,
4:152

ADAAG, compliance with,
4:151

Structural barriers, relationship
between alterations and
removal of structural barriers,
4:108

Structural impracticability

Compliance required to extent
practicable, **4:136**

Exception to access require-
ment, **4:134**

Historic preservation exception,
4:135

Nondiscrimination mandate, **4:1**

Notice or knowledge

Attorney General's decision,
4:217, 4:219

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

- Final determination, decision to grant or deny certificate and notice, **4:221**
- Jurisdiction, prior notice to state or local authorities, **4:159**
- Operators, as required to comply with ADA
- Franchisors as operators, **4:43**
- Physicians as operators, **4:42**
- Who is operator, **4:41 to 4:43**
- Parking, access from as first priority for removal of structural barriers, **4:115**
- Participation may not be denied, **4:53**
- Parties. Civil actions, above
- Path of travel to altered area
- Accessible path of travel, **4:143**
- Costs counted as expenditures, disproportionality defense, **4:146**
- Disproportionality defense, **4:145 to 4:147**
- Duty to provide access to extent possible, **4:147**
- Effect of alteration on area creating primary function, **4:140 et seq.**
- Primary function, what constitutes, **4:141**
- Priorities for providing access, **4:147**
- Tenant's alterations, effect on landlord, **4:144**
- What alterations affect area containing primary function, **4:142**
- Pattern or practice of discrimination claim, **4:187, 4:196**
- Personal devices and services, **4:91**
- Person or private entity who owns, leases, or operates place of public accommodation, as required to comply with ADA, **4:36**
- Places of public accommodation

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

- Commercial facilities
- Definition of commerce, **4:34**
- Definition of commercial facility, **4:33**
- Facilities whose operations affect commerce, **4:35**
- Education, place of education as category of facility, **4:28**
- Exercise, place of exercise or recreation as category of facility, **4:30**
- Exhibition, place of exhibition or entertainment as category of facility, **4:21**
- Food or drink, establishment serving food or drink as category of facility, **4:20**
- Goods, services, and facilities
- Education, **4:28**
- Entertainment, place of exhibition or entertainment as category of facility, **4:21**
- Establishment serving food or drink, as category, **4:20**
- Exercise or recreation, **4:30**
- Exhibition or entertainment, **4:21**
- Facility requirement, **4:15 to 4:18**
- Facility within one of 12 categories, **4:16**
- Internet services, **4:18**
- Lodging, **4:19**
- Mixed residential use and application of Fair Housing Act, **4:19**
- Mixed use of private home, **4:31**
- Physical structure requirement, **4:17**
- Public display or collection, **4:26**
- Public gathering, **4:22**
- Public tour of commercial facility, **4:32**
- Recreation, **4:27**

INDEX

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Goods, services, and facilities

—Cont'd

Sales or rental establishments,
4:23

Service establishments, **4:24**

Social service center establishments, **4:29**

Stations used for specific public transportation, **4:25**

What constitutes goods and services, **4:14**

Recreation, place of exercise or,
4:30

Sales or rental establishments as category of facility, **4:23**

Service establishments as category of facility, **4:24**

Stations used for specific public transportation as category of facility, **4:25**

Pleadings. Civil actions, above

Policies and procedures

Maintenance of accessible features, **4:52**

Testing for illegal use of drugs,
4:51

Portable ramps, limitations on use of, **4:116**

Pre-trial matters. Civil actions, above

Priorities, establishing. Structural barriers, removal of, below

Private clubs or associations, exemptions, **4:48**

Private entity, as required to comply with ADA, **4:37, 4:38**

Prohibitions, what is prohibited eligibility requirements

Attempt to unnecessarily identify disability, **4:71**

Screening out participation, **4:69**

Unnecessary imposition of requirements, **4:72**

Public sidewalks, removal of structural barriers from as first priority, **4:115**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Public transportation, removal of structural barriers as first priority, **4:115**

Reasonable modifications required, **4:75, 4:76**

Recreational establishments, forms, **6:67 to 6:74**

Referrals must be nondiscriminatory, **4:79**

Refundable deposits, as permitted, **4:74**

Rehabilitation Act of 1973, relationship of ADA to other laws, **4:6, 4:7**

Relationship of ADA to other laws Architectural Barriers Act, generally, **1:16**

Architectural Barriers Act (ABA) guidelines, **4:10**

Civil Rights Act of 1964, **4:5**

Due process clause of United States Constitution, **4:4**

Education laws, application to private schools, **4:9**

42 USCA §§ 1983 and 1985, **4:12**

Preemption of other laws, **4:13**

Rehabilitation Act of 1973, **4:6, 4:7**

Smoking restrictions, **4:8**

Wilderness Act, **4:11**

Remedies. Civil actions, above

Rental establishments, forms, **6:64**

Reservations made by places of lodging, **4:94**

Restaurants, forms, **6:57, 6:58**

Restroom access, removal of structural barriers as third priority, **4:115**

Retaliation and coercion

Coercion as prohibited conduct, **4:64**

Evidence, retaliation of, **4:195**

Retaliation as prohibited conduct, **4:63**

Scope of protection, **4:65**

Stating a claim, **4:186**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Safe harbor

Administration of benefit plans,
4:54

1991 and 2010 design standards,
4:109

Safety requirements, legitimate
safety requirements as permitted,
4:73

Sales establishments, form, **6:64**

Screening out participation, as
prohibited eligibility requirement,
4:69

Service animals, accommodation
of. Modification in policies,
practices, and procedures,
above

Service establishments, forms,
6:65, 6:66

Smoking restrictions, **4:8**

Specific and general requirements,
interaction between, **4:3**

Stadiums, forms, **6:61, 6:62**

Standing to sue. Civil actions,
above

State laws or local building codes,
federal certification. Federal
certification of state laws or
local building codes, above

State professional exam board, as
required to comply with
ADA, **4:40**

Stating an architectural barrier
claim, **4:185**

Statute of limitations. Civil
actions, above

Structural barriers, removal of
Access from public sidewalks,
parking, or public transportation,
as first priority of
removal, **4:115**

Alterations requirements, relationship to, **4:108**

Alternatives to barrier removal
Illustrations of alternative, **4:121**
When alternatives must be
provided, **4:121**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Architectural barriers, as barriers
that must be removed, **4:111, 4:115**

Business operating in personal
residence, **4:107**

Communications barriers, as barriers
that must be removed,
4:112

Compliance required to extent
practicable, **4:136**

Defense that barrier not readily
removable

Factors to be considered, **4:122**

Flight of steps, as situation
where removal not readily
achievable, **4:119**

Historic structure, threat to
historic structure as situation
where removal not
readily achievable, **4:119**

Loss of selling or serving space,
as situation where removal
not readily achievable,
4:119

Removal only required if readily
achievable, **4:122**

Situations where removal not
readily achievable, **4:119, 4:120**

Employee work areas, barrier
removal not required in, **4:113**

Goods and services, access to as
second priority, **4:116**

Limitation on barrier removal
obligations, **4:110**

Overview

Alterations requirements, relationship to, **4:108**

Business operating in personal
residence, **4:107**

Limitation on barrier removal
obligations, **4:110**

Requirements not to exceed
standards for alterations or
new construction, **4:110**

Scope of obligation, **4:106**

INDEX

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Parking, access from as first priority of removal, **4:115**

Portable ramps, limitations on use of, **4:116**

Priorities, establishing

Compliance required to extent practicable, **4:136**

First priority: access from public sidewalks, parking, or public transportation, **4:115**

Second priority: access to goods and services, **4:116**

Third priority: access to restrooms, **4:115**

Public sidewalks, access from as first priority of removal, **4:115**

Public transportation, access from as first priority of removal, **4:115**

Readily achievable

Generally, **4:117 et seq.**

Factors to be considered, **4:122**

Flight of steps, as situation where removal not readily achievable, **4:119**

Historic structure, threat to historic structure as situation where removal not readily achievable, **4:119**

Loss of selling or serving space, as situation where removal not readily achievable, **4:119**

Removal only required if, **4:117, 4:122**

Situations where removal is readily achievable, **4:118**

Situations where removal not readily achievable, **4:119, 4:120**

Removal, steps of removal

Illustrative list from regulations, **4:115**

Portable ramps, limitations on use of, **4:116**

Requirements not to exceed standards for alterations or new

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

construction, **4:110**

Restroom, access to restrooms as third priority, **4:115**

Safe harbor, 1991 and 2010 design standards, **4:109**

Scope of obligation, **4:106**

What barriers need be removed

Architectural barriers, **4:111, 4:115**

Communications barriers, **4:112**

Employee work areas, barrier removal not required in, **4:113**

Wheelchair seating barriers in assembly areas, **4:114**

Wheelchair seating barriers in assembly areas, as barriers that must be removed, **4:114**

Structural impracticability. New construction and alterations, above

Subterfuge, administration of benefit plans, **4:55**

Supplemental jurisdiction over state law clients, **4:157**

Surcharges, as prohibited eligibility requirement, **4:70**

Tax incentives

Disabled access credit

Amount of credit available, **4:226, 4:227**

Application for credit, **4:224**

Application to partnerships and S corporations, **4:226**

Component of general business credit, **4:227**

Double benefit will be denied, **4:228**

Eligible access expenditure, **4:229**

Eligible person defined, **4:225**

Eligible small business defined, **4:225**

IRS standards as to eligible access expenditures must be meant, **4:229**

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Disabled access credit—Cont'd

Members of controlled group as one person, treatment of, **4:226**

New construction expenses excluded from eligible access expenditure, **4:230**

Partnerships, application to, **4:226**

S corporations, application to, **4:26**

Eligible access expenditures, **6:84 to 6:88**

Forms for eligible access expenditures, **6:85, 6:88**

Pre-screening notice and certification request, **6:86**

Tax deductions

Deductible expenses and amount allowed, **4:233**

Election, how to make, **4:234**

Handicapped individual, who is a qualified, **4:237**

Qualified architectural and transportation barrier removal expenses, **4:229**

Valid expense for deduction, what constitutes, **4:235, 4:236**

Work opportunity credit, **6:87**

Testing for illegal use of drugs, **4:51**

Theaters, forms, **6:59, 6:60**

Ticketing. Modification in policies, practices, and procedures, above

Title III

Americans with Disabilities Act, **2:43**

Discovery, **4:181, 4:182**

Dismissal of Title III claim, motions to, **4:179**

Disparate treatment or association claim, stating a, **4:183**

Summary judgment motion, **4:180**

Trial. Civil actions, above

PUBLIC ACCOMMODATIONS

—Cont'd

—Cont'd

Unnecessary imposition of requirements as prohibited, **4:72**

Vagueness, due process clause of United States Constitution, **4:4**

Venue. Civil actions, above
Wheelchair seating barriers in assembly areas, **4:114**

Who must comply with ADA

Architects, builders, and planners who design and construct facilities, **4:46**

Conference, leased space for, **4:45**

Congressional entities, **4:47**

Exemptions, above

Franchisors as operators, **4:43**

Individuals, **4:38**

Landlord and tenant, **4:44, 4:45**

Lessee trade association or performing artist, **4:45**

Operator, who is operator, **4:41 to 4:43**

Person or private entity who owns, leases, or operates place of public accommodation, **4:36**

Physicians as operators, **4:42**

Private entity, **4:37, 4:38**

State board of law examiners, **4:40**

Wilderness Act, relationship of ADA to other laws, **4:11**

PUBLIC ASSISTANCE PROGRAMS

Federal Financial Assistance (this index)

Section 504 Protections (this index)

PUBLIC HEALTH AND SAFETY

State and local government services, individual may not be direct threat to health or safety of others, **2:38 to 2:40**

Summary judgment motion, form of affidavit in support of, **6:11**

PUBLIC HOUSING

Section 504 protections, **1:177**

INDEX

PUBLIC SERVICE

ANNOUNCEMENTS

Closed-captioning, **5:137**

PUBLIC SERVICES

Section 504 protections, **1:7**

PUNITIVE DAMAGES

Reasonable accommodation, form of complaint for failure to make, **6:9**

Section 504 protections, judicial enforcement, **1:284**

PURPOSE

Genetic Information Nondiscrimination Act (GINA)

Generally, **7A:1**

QUALIFICATION AND DISQUALIFICATION

Section 504 Protections (this index)

State and Local Government Services (this index)

Telecommunications relay services (TRS), communications assistants, **5:13**

QUESTIONS OF LAW OR FACT

Private right of action, **2:202**

RADIO AND TELEVISION

Telecommunications (this index)

RAILROADS AND RAIL SYSTEMS

Applicability of nondiscrimination mandate, **3:24**

Commuter rail transportation

Applicability of nondiscrimination mandate, **3:25, 3:31**

Station platforms. Station platforms for intercity, commuter, and high-speed rail, accessibility requirements, below

Stations. Stations for rapid and light rail and intercity commuter rail systems, accessibility requirements, below

High-speed rail transportation

Operated by public entities, applicability of nondiscrimi-

RAILROADS AND RAIL SYSTEMS

—Cont'd

—Cont'd

nation mandate, **3:58**

Station platforms. Station platforms for intercity, commuter, and high-speed rail, accessibility requirements, below

Intercity rail transportation

Applicability of nondiscrimination mandate, **3:27**

Station platforms. Station platforms for intercity, commuter, and high-speed rail, accessibility requirements, below

Stations. Stations for rapid and light rail and intercity commuter rail systems, accessibility requirements, below

Light and rapid rail

Applicability of nondiscrimination mandate, **3:26**

Stations. Stations for rapid and light rail and intercity commuter rail systems, accessibility requirements, below

Paratransit Services (this index)

Passenger rail cars, applicability of nondiscrimination mandate, **3:30**

Private rail systems providing fixed route or specified public transportation services, applicability of nondiscrimination mandate, **3:59**

Special transportation services.

Paratransit (this index)

Station platforms for intercity, commuter, and high-speed rail, accessibility requirements, **3:97 to 3:101**

Access to all accessible cars required, **3:97**

Entry-level boarding, where required, **3:98**

Notification to personnel of need for access, **3:101**

Pedestrian traffic through narrow areas, prevention, **3:100**

RAILROADS AND RAIL SYSTEMS

—Cont'd

—Cont'd

- Track shared with freight rail operations, compliance, **3:99**
- Stations for rapid and light rail and intercity commuter rail systems, accessibility requirements
- Generally, **3:104 to 3:110**
- Completion dates
 - Timeline for making stations accessible, **3:114 to 3:116**
- Cooperation required by owner or person in control of station, **3:110**
- Extension of access completion date
 - FTA administrator, decision, **3:116**
 - Request for extension, **3:115**
- Key stations
 - ADAAG, compliance with, **3:107**
 - Alterations before specified date, **3:106**
 - Designation of responsible persons, **3:109**
 - Exceptions for New York and Philadelphia, **3:108**
 - Identifying, **3:105**
- Plans and milestones
 - Exceptions for New York and Philadelphia, **3:112**
 - How plans are to be developed, **3:111**
 - Milestones must be established, **3:113**
- Service must be made accessible, **3:104**
- When accessibility must be achieved
 - Generally, **3:114**
 - Timeline for making stations accessible, **3:114**
- Supplemented rail transportation, applicability of nondiscrimination mandate, **3:53**
- Vehicle accessibility requirements

RAILROADS AND RAIL SYSTEMS

—Cont'd

—Cont'd

- Fixed route and demand responsive systems operated by public entities
- New and used vehicles for rapid or light rail system, purchase or lease of
 - Generally, **3:132**
- Intercity and commuter rail systems operated by public entities
 - Generally, **3:138**
- General accessibility requirements
 - Bi-level dining cars, **3:136**
 - Food service requirements, **3:135, 3:136**
 - One-car-per-train rule, **3:132**
 - Restroom and boarding requirement, **3:134**
 - Wheelchair locations and food service cars, **3:134 to 3:136**
- New vehicles, purchase or lease of
 - Wheelchair accessibility requirements for dining cars, **3:140**
 - Wheelchair accessibility requirements for intercity and commuter rail passenger cars, **3:139**
- Remanufactured vehicles
 - Generally, **3:147**
 - When accessibility considered feasible, **3:148**
- Used vehicles, purchase or lease of
 - Generally, **3:143**
 - Good-faith effort exception, **3:144**
- Private entities providing transportation, requirements for
 - Entities primarily in business of transporting people
 - New passenger rail cars, **3:157**

INDEX

RAILROADS AND RAIL SYSTEMS

—Cont'd

—Cont'd

Private entities providing
transportation, requirements
for—Cont'd

Entities primarily in business of
transporting people

—Cont'd

Passenger rail cars, **3:157 to
3:159**

Rapid or light rail systems oper-
ated by public entities

General accessibility require-
ments, **3:137**

Remanufactured vehicles

Generally, **3:145**

Historic vehicle exception,
3:146

Used vehicles, purchase or lease
of

Generally, **3:141**

RAMPS

Curb Ramps (this index)

**State and Local Government
Services** (this index)

RATES

Telecommunications relay services
(TRS), **5:31 to 5:36**

REASONABLE

ACCOMMODATION

Complaint form, **6:9**

Compliance methods and stan-
dards, **2:95 to 2:107**

Education, elementary and second-
ary schools, **1:126**

Evidence in reasonable accom-
modation cases, **4:192**

Forms, **6:9, 6:11**

Section 504 Protections (this
index)

Summary judgment motion, form
of affidavit in support of, **6:11**

Transportation entities required to
provide

Private entities, by, **3:10**

RECORD OF IMPAIRMENT

RECORD OF IMPAIRMENT

—Cont'd

—Cont'd

Disability defined, **2:19**

RECORDS AND REPORTS

Air Carrier Access Act

DOT duty to report complaints,
3:406

Recordkeeping and reporting of
complaints by carriers, **3:406**

Certificates and Certification
(this index)

**Enforcement of Section 504
Protections** (this index)

Medical record confidentiality,
Section 504 protections,
1:117

Record of Impairment (this
index)

Section 504 Protections (this
index)

RECREATION

Public accommodations, forms,
6:67 to 6:74

Transportation services, nondis-
crimination mandate
applicable to, **3:56**

REEVALUATION

Education (this index)

REFORM

Prison Litigation Reform Act
(this index)

REGISTRATION

Voting Accessibility for the Elderly
and Handicapped Act, **2:232**

REGULATORY LIST

NONEXHAUSTIVE

Section 504 protections, major life
activity, **1:49**

REHABILITATION ACT OF 1973

Public accommodations, relation-
ship of ADA to other laws,
4:6, 4:7

Section 504 protections, relation-
ship of ADA to, **1:17**

REHABILITATION ACT OF 1973

—**Cont'd**

—**Cont'd**

State and local government services

Lesser standard, construed consistently and not to, **2:47**

Protection extended, **2:47**

Transportation, relationship of ADA to, **3:16**

REINSTATEMENT

Nurse terminated for back impairment, form of complaint, **6:8**

RELATION TO OTHER ADA

TITLES AND LAWS

State and Local Government Services (this index)

RELEASE

AIDS patient denied treatment, form, **6:66**

RELIGIOUS ENTITIES

Public accommodations, exemptions, **4:49**

Transportation systems operated by, applicability of nondiscrimination mandate, **3:54**

RENTAL ESTABLISHMENTS

Public accommodations, form, **6:64**

REPLIES

Telecommunications relay services, enforcement proceedings under Title VII, **5:75**

REPRESENTATION

State and local government services, private right of action, **2:194**

REQUIRED JOINDER OF PARTIES

Enforcement of section 504 protections, **1:247**

RESIDENTIAL

Section 504 Protections (this index)

RES JUDICATA

State and local government services, private right of action, **2:189**

RESOLUTION

State and Local Government Services (this index)

RESPIRATORY CONDITIONS

Section 504 protections, **1:36**

REST-AREA WALKWAYS

Section 504 protections, facilities conforming with ADAAG or USAS, **1:192**

RESTAURANTS

Architectural barriers, forms, **6:57, 6:58**

RESTRICTIONS

Limitations and Restrictions (this index)

RESTROOMS

Toilets and Restrooms (this index)

REST STOPS AND RESTROOMS

Over-the-road buses, **3:162 to 3:165**

RETALIATION AND COERCION

Public Accommodations (this index)

Section 504 protections, burden of proof, **1:268**

State and local government services

Private right of action, burden and elements of proof, **2:212**

Remedies, **2:94**

REVIEW

Appeal and Review (this index)

RIPENESS

Public accommodations, civil actions, **4:164**

Section 504 protections, judicial enforcement, **1:235**

SAFE HARBOR

INDEX

SAFE HARBOR—Cont'd

—Cont'd

Facilities accessibility, **2:135**

Public Accommodations (this index)

SAFETY

Air Carrier Access Act (this index)

Legitimate safety concerns, **2:85**

Over-the-road buses, requirements, **3:180, 3:181**

Public Health or Safety (this index)

Screening necessary for safe operation of program, state and local government services, **2:84**

Section 504 protections, safety and health concerns in employment, **1:108**

SALES OR RENTAL

ESTABLISHMENTS

Public accommodations, form, **6:64**

S CORPORATIONS

Disabled access tax credit, **4:226**

SEATING ACCOMMODATIONS

Air Carrier Access Act, nondiscrimination mandate, **3:368 to 3:371**

Mechanisms for making seating accommodation on aircraft, **3:369**

Seating on aircraft as impacted by safety and other carrier requirements, **3:371**

Seating on aircraft for passengers with other disabilities not listed in regulations, **3:370**

For whom seating accommodation on aircraft is to be made, **3:368**

Transportation, nondiscrimination mandate

Priority seating, requesting other passengers to vacate, **3:75**

Seats, use of designated priority, **3:3**

SEATING ACCOMMODATIONS

—Cont'd

—Cont'd

Wheelchairs, transfer of users to vehicle seat, **3:63**

SECONDARY SCHOOLS

Education (this index)

SECTION 1983

Fourteenth Amendment, state and local government services, **2:50**

SECTION 1985

Fourteenth Amendment, state and local government services, **2:51**

SECTION 504 PROTECTIONS

Generally, **1:1 to 1:4**

Abstention by federal court, **1:230**

Academic evaluations, postsecondary schools, **1:152**

Access to programs or activities

Generally, **1:90 to 1:95**

Facility access. **Building Access** (this index)

Jury service, **1:92**

Mandated nondiscrimination, generally, **1:90 to 1:95**

Meaningful access, **1:93**

Municipality, **1:90**

Reasonable accommodation, below
Accommodations

Access to programs or activities, **1:94**

Elementary and secondary schools, accommodation of parents with disabilities, **1:127**

Employment, **1:109 to 1:112**

Living accommodations, postsecondary schools, **1:149**

Otherwise qualified individual with disability, **1:55**

Postsecondary schools, **1:150**

Tests for admission, postsecondary schools, **1:144**

Addiction

Alcohol addiction, below

Drugs and drug addiction, below

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

- Additional school programs, placement and reevaluation, **1:135**
- Administration and administrative procedures
- Enforcement of administrative procedures, **1:210 to 1:219**
- Mandated nondiscrimination, administration criteria or methods, **1:84**
- Admissions, postsecondary schools, **1:144 to 1:146**
- Adoption of complaint procedures, federal financial assistance, **1:194**
- Adult education by elementary and secondary schools, **1:133**
- Adverse action, burden of proof, **1:264**
- Agencies
- Communications, mandated nondiscrimination, **1:87, 1:88**
- Compliance or noncompliance, below
- Electronic and information technology standards for federal agencies, **1:88**
- Facility access, federal agency existing facilities, **1:97**
- Federal agencies, below
- Initial handling of complaints by agency, administrative procedures, **1:213**
- List of federal agencies implementing Section 504, **1:4**
- Title VI of Civil Rights Act of 1964, below
- Aid or assistance
- Obligations of aid, **1:81**
- Public assistance, below
- AIDS and HIV** (this index)
- Aid to families with needy children, **1:184**
- Airports, facilities conforming with ADAAG or USAS, **1:193**
- Alcohol addiction

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

- Generally, **1:43**
- Otherwise qualified individual with disability, **1:65**
- Alterations, facility access, **1:99**
- Anencephaly, **1:41**
- Appeals, generally, **1:289, 1:290**
- Appointment of counsel, **1:255**
- Architectural Barriers Act, relationship of ADA to, **1:16**
- Athletics, nonacademic and extracurricular activities, **1:137**
- Attorneys
- Appointment of counsel, preliminary matters, **1:255**
- Fees, **1:287, 1:288**
- Attorneys' fees, **1:287, 1:288**
- Auxiliary aids, postsecondary schools, **1:143**
- Availability of jury trial, **1:256**
- Aviation and Transportation Security Act, **1:14**
- Back impairments
- Generally, **1:33**
- Otherwise qualified individual with disability, **1:56**
- Benefit, obligations of, **1:81**
- Benefit plans, **1:118**
- Building Access** (this index)
- Burden of proof
- Adverse action, **1:264**
- Causal connection, retaliation, **1:269**
- Causal nexus, **1:264**
- Consideration of disability by employer, **1:276**
- Defendant's burden, **1:273, 1:274**
- Deliberate indifference, **1:261**
- Disparate impact, **1:272**
- Failure to accommodate, **1:270**
- Fundamental alteration defense, defendant's burden of proof, **1:274**
- Hostile housing environment, **1:267**

INDEX

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Hostile learning environment,
1:267

Hostile work environment, **1:264**

Intent to discriminate, **1:261**

Knowledge of disability, **1:263**

Notice of disability, **1:263**

Prima facie case, establishment of,
1:259 et seq.

Retaliation, **1:268, 1:269**

Timing of determination, **1:264**

Undue hardship defense,
defendant's burden of proof,
1:274

Cardiovascular impairments, **1:37**

Case-by-case determination

Employment, **1:107**

Substantially limits, **1:45**

Causal connection, retaliation,
burden of proof, **1:269**

Causal nexus, burden of proof,
1:264

Cerebral palsy, **1:41**

Certification of programs, **1:86**

Civil Rights Act of 1964

Title VII, relationship of ADA to,
1:12

Title VI of Civil Rights Act of
1964, below

Class actions, judicial enforce-
ment, **1:248**

Classroom access, postsecondary
schools, **1:150**

Communications, **1:87 to 1:89**

Compensatory damages, judicial
enforcement, **1:283**

Complaints. **Enforcement of Sec-
tion 504 Protections** (this
index)

Compliance by agency, **1:219**

Compliance or noncompliance

Federal agency existing facilities,
compliance methods, **1:98**

Title VI of Civil Rights Act of
1964, guidelines satisfied by
agency's enforcement system,
1:219

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Conduct

Limitations on discrimination
mandate, **1:69**

Postsecondary schools, **1:150**

Confidentiality of medical records,
employment, **1:117**

Conformity, transportation facili-
ties conforming with ADAAG
or USAS, **1:186 to 1:198**

Contagious Diseases (this index)

Contractor selection, mandated
nondiscrimination, **1:85**

Contracts and agreements

Federal financial assistance,
contractual payments, **1:71**

Selection of contractor, **1:85**

Contractual payments, **1:73**

Costs and expenses

Attorneys' fees, **1:287, 1:288**

Elementary and secondary schools,
education without cost to
student, **1:128**

Costs of litigation

Awarded under Rehabilitation Act,
1:286

Counseling, postsecondary
schools, vocational counsel-
ing, **1:154**

Course requirements, postsecond-
ary schools, **1:151**

Defendant's burden of proof,
1:273, 1:274

Deliberate indifference, burden of
proof, **1:261**

Diabetes

Generally, **1:41**

Otherwise qualified individual with
disability, **1:60**

Disability defined

Individual with disability, below

Major Life Activity (this index)

Mental impairment. Physical or
mental impairment, below

Otherwise qualified individual with
disability, **1:50 to 1:65, 1:52**

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Physical or mental impairment,
below

Substantially limits, below

Disciplinary actions, elementary
and secondary schools, **1:130**

Discovery, **1:257**

Diseases

AIDS and HIV (this index)

Contagious Diseases (this index)

HIV. **AIDS and HIV** (this index)

Dismissals, motion to dismiss,
generally, **1:253**

Disparate impact

Burden of proof, **1:272**

Disruptive elementary and second-
ary schoolchildren, placement
and reevaluation, **1:132**

Drugs and drug addiction

Individual with disability, **1:24**

Otherwise qualified individual with
disability, **1:64**

Physical or mental impairment,
1:43

Education (this index)

Eleventh Amendment, relationship
of ADA to, **1:19**

Emotional suffering, compensatory
damages for, **1:283**

Employment

Parties, **1:249**

Employment cases, **1:260, 1:271**

Employment (this index)

**Enforcement of Section 504
Protections** (this index)

Epilepsy

Generally, **1:39**

Otherwise qualified individual with
disability, **1:61**

Equitable relief, judicial enforce-
ment, **1:282**

Essential functions in employment,
1:109 to 1:112

Establishing prima facie case
under disparate treatment,
1:258

Evaluation. **Education** (this index)

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Evidence

Generally. **Enforcement of Sec-
tion 504 Protections** (this
index)

Burden of proof, above

Exclusion of current drug use and
current alcohol use, **1:24**

Exemplary damages, judicial
enforcement, **1:284**

Exemptions and exclusions, hear-
ing procedure, exception to
initial decision, **1:218**

Exhaustion of remedies. **Enforce-
ment of Section 504 Protec-
tions** (this index)

Expenses. Costs and expenses,
above

Expert witnesses, judicial enforce-
ment, **1:280**

Extracurricular activities. **Educa-
tion** (this index)

Failure to accommodate, burden of
proof, **1:270**

Fair Housing Act, **1:9**

Family and Medical Leave Act,
relationship of ADA to, **1:15**

Federal agencies

Communications, mandated non-
discrimination, **1:87, 1:88**

Compliance methods, federal
agency existing facilities,
1:98

Facility access, federal agency
existing facilities, **1:97**

Implementation by, **1:3, 1:4**

List of federal agencies
implementing Section 504,
1:4

Federal Financial Assistance (this
index)

Federally Assisted Programs or
Activities

Administrative enforcement
procedures, **1:220**

Fees of attorneys, **1:288**

Awarded under Rehabilitation Act,
1:287

INDEX

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Field trips, elementary and secondary schools, **1:139**

Finances and funds

Federal Financial Assistance (this index)

Limitations on discrimination mandate. **Federal Financial Assistance** (this index)

Postsecondary schools, financial assistance, **1:147**

42 USCA §§ 1983 and 1985, relationship of ADA to, **1:13**

Foster care, residential, **1:180**

Free appropriate public education requirement, elementary and secondary schools, **1:128, 1:129**

Fundamental alteration defense, defendant's burden of proof, **1:274**

Funds. Finances and funds, above
Government officials, qualified immunity of, **1:245**

Guidance, postsecondary school vocational guidance, **1:154**

Health. Physical or mental impairment, below

Health insurance coverage, **1:169**

Hearing impairment

Generally, **1:35**

Otherwise qualified individual with disability, **1:58**

Hearing procedure, **1:217, 1:218**

Hernia, **1:41**

Home care services, residential, **1:179**

Hostile housing environment, burden of proof, **1:267**

Hostile learning environment, burden of proof, **1:267**

Hostile work environment, burden of proof, **1:264**

Immunity

Qualified immunity of government officials, **1:245**

Implementation by, **1:3, 1:4**

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Incorporation of Title VI remedies and procedures, **1:209**

Indirect funding, federal financial assistance, **1:71**

Individuals with Disabilities Education Act, **1:10**

Individual with disability

Generally, **1:23 to 1:27**

Disability defined, generally, **1:23 to 1:27**

Drug use, **1:24**

Education, Individuals with Disabilities Education Act, **1:10**

Effect of ADA Amendments Act of 2008

Definition of disability in Rehabilitation Act, **1:28**

Federal financial assistance, recipients, **1:74**

Other excluded conditions, **1:25**

Recipients, generally, **1:74**

Statutory construction, strict, **1:27**

Strict statutory construction, **1:27**

Time of determination, **1:26**

Time of determination of disability, **1:26**

When plaintiff claims both IDEA, Rehabilitation Act violations, **1:11**

Infants, medical care or treatment, **1:172**

Infectious diseases. **Contagious Diseases** (this index)

Infertility, **1:41**

Initial decisions, hearing procedure, **1:218**

Initial handling of complaints by agency, administrative procedures, **1:213**

Inquiries, preadmission to postsecondary schools, **1:145**

Inquiries for admission into postsecondary schools, **1:145**

Insurance coverage, **1:169**

Integrated setting requirement, **1:82**

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Intent to discriminate, burden of proof, **1:261**

Interest, judicial enforcement, **1:285**

Investigations, notification of investigation results, **1:214**

Joinder of parties, required, **1:247**

Jurisdiction, judicial enforcement of, **1:228**

Jury and jury trial

Access to programs or activities, jury service, **1:92**

Jury instructions, **1:278**

Jury instructions, jury issues, **1:278**

Preliminary matters, availability of jury trial, **1:256**

Jury instructions, **1:278**

Knowledge. Notice or knowledge, below

Licensing

Federal financial assistance, **1:76**

Mandated nondiscrimination, licensing of programs, **1:86**

Limitations

Discrimination mandate. Limitations on discrimination mandate, below

Substantially limits, below

Limitations on discrimination mandate

Conduct or misconduct, solely by reason of disability, **1:69**

Discrimination among disabled, solely by reason of disability, **1:68**

Federal Financial Assistance (this index)

Multiple factors, solely by reason of disability, **1:67**

Solely by reason of disability, **1:66 to 1:69**

List of federal agencies implementing Section 504, **1:4**

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Living accommodations, postsecondary schools, **1:149**

Loans from government, **1:75**

Major Life Activities (this index)

Mandated nondiscrimination

Generally, **1:80 to 1:89**

Access to programs or activities, above

Administration criteria or methods, **1:84**

Aid, obligations of, **1:81**

Benefit, obligations of, **1:81**

Certification of programs, **1:86**

Communications, **1:87 to 1:89**

Contractor selection, **1:85**

Education (this index)

Electronic and information technology standards for federal agencies, **1:88**

Employment (this index)

Facility access. **Building Access** (this index)

Federal agencies, communications, **1:87**

Integrated setting requirement, **1:83**

Licensing of programs, **1:86**

Medical care or treatment, below

Prison (this index)

Public assistance, below

Recipients of federal financial assistance, communications, **1:89**

Residential, below

Service providers, obligations of, **1:81**

Site selection, **1:85**

Telecommunications, below

Transportation (this index)

Types of disabilities, discrimination between, **1:83**

Meaningful access, **1:93**

Medicaid and Medicaid funding, **1:74, 1:182**

Medical care or treatment

Generally, **1:157 to 1:172**

INDEX

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

- Accessibility of information and communication technology, **1:165**
- Accessibility of medical diagnostic equipment, **1:167**
- Accessibility standards for buildings and facilities, **1:166**
- Effective communications, **1:164**
- Family and Medical Leave Act, relationship of ADA to, **1:15**
- Health insurance coverage, **1:169**
- Health insurance coverage required, **1:168**
- Infants, **1:172**
- Interpreters, auxiliary aids, **1:163**
- Mandated nondiscrimination, generally, **1:157 to 1:172**
- Nondiscrimination in health care under ACA, **1:159**
 - Assurance of health providers compliance, **1:160**
 - Patient care decision support tools, **1:161**
- Otherwise qualified, generally, **1:158**
- Patient's refusal to accept treatment, **1:171**
- Physician's refusal to provide treatment, **1:170**
- Provision of auxiliary aids and interpreters, **1:163**
- Requirement to make reasonable modifications under ACA, **1:162**
- Scope of Rehabilitation Act, **1:157**
- Medical examinations, employment, **1:113 to 1:115**
- Medical records, confidentiality of, **1:117**
- Medicare funding, **1:74, 1:182**
- Meeting program requirements, otherwise qualified individual with disability, **1:54**
- Mental impairments. Physical or mental impairment, below

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

- Mental suffering, compensatory damages for, **1:283**
- Mitigators, effect of, **1:47**
- Mootness, judicial enforcement, **1:236**
- Morbid obesity, **1:40**
- Multiple factors, limitations on discrimination mandate, **1:67**
- Multiple sclerosis, **1:41**
- Municipality, access to programs or activities, **1:91**
- New construction or alterations, facility access, **1:101**
- No health or safety dangers, otherwise qualified individual with disability, **1:53**
- Nonacademic services. **Education** (this index)
- Noncompliance. Compliance or noncompliance, above
- Nonfederal existing facilities, access, **1:100**
- Nonmonetary aid, **1:72**
- Notice or knowledge
 - Appeal, filing of notice of, discrimination by agency, **1:216**
 - Burden of proof, notice or knowledge of disability, **1:263**
 - Enforcement, **1:214, 1:216**
 - Investigation results, notification of, **1:214**
 - Procedures when information resolution not reached, **1:215**
- Obesity, morbid, **1:40**
- Osteoarthritis, **1:41**
- Other excluded conditions, individual with disability, **1:25**
- Other physiological impairments, **1:62**
- Otherwise qualified, generally, **1:158**
- Patient Protection and Affordable Care Act (ACA), **1:20**
- Patient's refusal to accept treatment, **1:171**

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Pedestrian walkways, facilities
conforming with ADAAG or
USAS, **1:192**

Performance

Employment, **1:114**

Otherwise qualified individual with
disability, performance of
essential functions without
endangering health or safety
dangers, **1:53**

Petition for review, filing of, **1:218**

Physical education, elementary and
secondary schools, **1:137**

Physical or mental impairment

Generally, **1:28 to 1:43**

Addictions, drug and alcohol, **1:43**

AIDS and HIV (this index)

Alcohol addiction, **1:43**

Anencephaly, **1:41**

Back impairments, **1:33**

Cardiovascular impairments, **1:37**

Cerebral palsy, **1:41**

Compensatory damages for emo-
tional suffering, **1:283**

Contagious Diseases (this index)

Diabetes, **1:41**

Disability defined, generally, **1:28**
to 1:43

Diseases, above

Drug addiction, **1:43**

Employment (this index)

Epilepsy, **1:39**

Hearing impairment, above

Hernia, **1:41**

HIV. **AIDS and HIV** (this index)

Individual with disability, above

Infertility, **1:41**

Insurance coverage, **1:169**

Medical care or treatment, above

Mental illness, generally, **1:42**

Mental impairments, otherwise
qualified individual with dis-
ability, **1:63**

Morbid obesity, **1:40**

Multiple sclerosis, **1:41**

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Obesity, morbid, **1:40**

Osteoarthritis, **1:41**

Record of impairment, **1:29**

Regarded as having impairment,
1:30

Respiratory conditions, **1:36**

Safety concerns, **1:108**

Spina bifida, **1:41**

Temporary impairment, **1:32**

Vision impairments, below

Physician's refusal to provide
treatment, **1:170**

Placement

Education (this index)

Place or location

Placement, above

Site selection, mandated nondis-
crimination, **1:85**

Postal Service, implementation by,
1:3

Postsecondary schools

Generally, **1:140 to 1:156**

Academic evaluations, **1:152**

Access to classrooms, **1:150**

Admissions, **1:146**

Auxiliary aids, **1:143**

Classroom access and
nondiscriminatory conduct,
1:150

Conduct as nondiscriminatory,
1:150

Counseling, vocational, **1:154**

Course requirements, **1:151**

Education (this index)

Employment opportunities, **1:148**

Evaluation, academic, **1:152**

Examinations and other academic
evaluations, **1:152**

Financial assistance, **1:147**

Guidance, vocational, **1:154**

Inquiries, preadmission, **1:145**

Inquiries for admission, **1:145**

Living accommodations, **1:149**

Nonacademic services, **1:153,**
1:155

INDEX

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Placement services, **1:154**

Preadmission, **1:145**

Tests, preadmission tests, **1:144**

Vocational counseling, guidance,
and placement services, **1:154**

Postsecondary students

Reasonable accommodation, **1:142**

Preadmission into postsecondary
schools, **1:145**

Preclusion of claim or issue, **1:237**

Preemployment inquiries, **1:113 to**
1:115

Preliminary matters

Appointment of counsel, **1:255**

Availability of jury trial, **1:256**

Jury trial, availability of, **1:256**

Trial, below

Preplacement evaluation,
elementary and secondary
schools, **1:123**

Preschool education, **1:132**

Prima facie case, burden of proof,
1:259 et seq.

Prison Litigation Reform Act, rela-
tionship of ADA to, **1:18**

Prison (this index)

Private housing, **1:178**

Private programs, elementary and
secondary schools, **1:134**

Private right of action, judicial
enforcement, **1:226**

Privileges. Immunity, above

Procedural safeguards, elementary
and secondary schools, **1:131**

Provision of public services, rela-
tionship to other laws, **1:7**

Public assistance

Generally, **1:182 to 1:185**

AIDS or HIV persons, benefits for,
1:183

Aid to families with needy chil-
dren, **1:184**

Mandated nondiscrimination, gen-
erally, **1:182 to 1:185**

Medicaid, **1:182**

Public housing, **1:177**

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Public services, relationship to
other laws, **1:7**

Punitive damages, judicial enforce-
ment, **1:284**

Purpose of Rehabilitation Act, **1:2**

Qualification

Elementary and secondary schools,
qualified individuals with
disabilities, **1:120**

Government officials, qualified
immunity of, **1:245**

Postsecondary schools, qualified
individuals with disabilities,
1:141

Typist not otherwise qualified for
position, summary judgment
motion, discharge not
discriminatory, **6:10, 6:12**

Reasonable accommodation

Generally, **1:94**

Employment, **1:109 to 1:112**

Service animals, **1:95**

Records

Enforcement of Section 504
Protections (this index)

Impairment, records of, **1:29**

Reevaluation, elementary and sec-
ondary schools. **Education**
(this index)

Regarded as disabled, **1:104**

Regarded as having impairment,
1:30

Illustrations, **1:31**

Regulatory list nonexhaustive,
major life activity, **1:49**

Rehabilitation Act Section 501,
relationship of ADA to, **1:17**

Relationship between Rehabilita-
tion Act 0167 504

Americans with Disabilities Act,
1:5

Relationship to other laws, **1:5 to**
1:20

Remedies, generally, **1:281 to**
1:288

Required joinder of parties, **1:247**

SECTION 504 PROTECTIONS

—Cont'd

- Cont'd
 - Residential
 - Generally, **1:173 to 1:181**
 - Foster care, **1:180**
 - Home care services, **1:179**
 - Homeless and emergency shelter, **1:181**
 - Mandated nondiscrimination, generally, **1:173 to 1:181**
 - Private housing, **1:178**
 - Public housing, **1:177**
 - Segregated services, **1:176**
 - Zoning of group homes, **1:174**
 - Respiratory conditions, **1:36**
 - Rest-area walkways, facilities conforming with ADAAG or USAS, **1:192**
 - Retaliation, burden of proof, **1:268, 1:269**
 - Ripeness, judicial enforcement, **1:235**
 - Safety and health concerns in employment, **1:108**
 - Schools. **Education** (this index)
 - Scope of review, judicial enforcement, **1:289**
 - Secondary schools. **Education** (this index)
 - Segregated services, residential, **1:176**
 - Selection of contractor, **1:85**
 - Service providers, obligations of, **1:81**
 - Settlement agreement, effect of, **1:234**
 - Site selection, mandated nondiscrimination, **1:85**
 - Solely by reason of disability, limitations on discrimination mandate, **1:66 to 1:69**
 - Special schools, placement and reevaluation, **1:135**
 - Spina bifida, **1:41**
 - Standard of review, judicial enforcement, **1:289**
 - State and local government services, self-evaluation relation

SECTION 504 PROTECTIONS

—Cont'd

- Cont'd
 - to Section 504 evaluation, **2:62**
 - Statute of limitations, **1:238 to 1:240**
 - Statutory construction, strict, **1:27**
 - Strict statutory construction, **1:27**
 - Substantially limits
 - Generally, **1:44 to 1:47**
 - Case-by-case determination, **1:45**
 - Disability defined, generally, **1:44 to 1:47**
 - Employment, substantial limitation in major life activity of working, **1:103 to 1:105**
 - Examples of impairments, **1:105**
 - Factors, **1:46**
 - Mitigators, effect of, **1:47**
 - Regarded as disabled, **1:104**
 - Sufficiency of complaint, **1:250**
 - Summary judgment motion, **1:254**
 - Tax benefits, federal financial assistance, **1:77**
 - Telecommunications
 - Generally, **1:199**
 - Federal agencies, electronic and information technology standards for, **1:88**
 - Mandated nondiscrimination, generally, **1:199**
 - Television stations, **1:199**
 - Television stations, **1:199**
 - Temporary physical or mental impairment, **1:32**
 - Tests and testing. **Education** (this index)
 - Time
 - Burden of proof, timing of determination, **1:264**
 - Federal financial assistance, time of payment, **1:71**
 - Individual with disability, time of determination, **1:26, 1:27**
 - Otherwise qualified individual with disability, time of determination, **1:51**

INDEX

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Statute of limitations, **1:238 to 1:240**

Title VII of Civil Rights Act of 1964, relationship of ADA to, **1:12**

Title VI of Civil Rights Act of 1964

Compliance or noncompliance, Title VI guidelines satisfied by agency's enforcement system, **1:219**

Incorporation of Title VI remedies and procedures, enforcement of, **1:209**

Relationship of ADA to, **1:12**

Transportation (this index)

Trial

Adverse action, **1:264**

Appointment of counsel, **1:255**

Availability of jury trial, **1:256**

Bad faith or gross misconduct in education setting, **1:262**

Burden of proof, above

Causal connection, retaliation, **1:269**

Causal nexus, **1:264**

Defendant's burden of proof, **1:273, 1:274**

Deliberate indifference, **1:261**

Discovery, **1:257**

Disparate impact, **1:272**

Failure to accommodate, **1:270**

Fundamental alteration defense, defendant's burden of proof, **1:274**

Hostile housing environment, **1:267**

Hostile learning environment, **1:267**

Hostile work environment, **1:267**

Intent to discriminate, **1:261**

Jury and jury trial, above

Notice of disability, **1:263**

Preliminary matters

Appointment of counsel, **1:255**

Discovery, **1:257**

SECTION 504 PROTECTIONS

—Cont'd

—Cont'd

Preliminary matters—Cont'd

Jury trial, availability of, **1:256**

Prima facie case, establishment of, **1:265 et seq.**

Retaliation, **1:268, 1:269**

Timing of determination, **1:264**

Undue hardship defense, defendant's burden of proof, **1:274**

Undue hardship defense
Defendant's burden of proof, **1:274**

Employment, **1:112**

Unit of larger recipient, federal financial assistance, **1:79**

Venue, **1:229**

Veterans' benefits, judicial review of denial of, **1:225**

Visual impairments

Generally, **1:34**

Otherwise qualified individual with disability, **1:57**

Vocational matters

Postsecondary schools, vocational counseling, **1:154**

Waiver and estoppel. **Enforcement of Section 504 Protections** (this index)

Walkways, facilities conforming with ADAAG or USAS, **1:192**

Zoning of residential group homes, **1:175**

SEGREGATED SERVICES

Section 504 protections, segregated residential services, **1:176**

SELECTION

State and Local Government Services (this index)

SELF-EVALUATION

State and local government services

Generally, **2:58 to 2:62**

SELF-EVALUATION—Cont'd

—Cont'd

Interested persons, participation by, **2:60**

Public inspection requirement, state and local government services, **2:61**

Section 504 evaluation, relation to, state and local government services, **2:62**

Services, policies, and practices, evaluation of, **2:58**

SEPARATION OF COSTS

Telecommunications relay services (TRS), **5:32**

SERVICE ANIMALS

Air Carrier Access Act, nondiscrimination mandate, **3:361 to 3:367**

Compliance methods and standards, state and local governments, **2:108 to 2:111**

Passenger vessels, on, **3:300**

Public Accommodations (this index)

SERVICE ESTABLISHMENTS

Public accommodations

Forms, **6:65, 6:66**

SERVICE OF PROCESS

Process and Service of Process or Papers (this index)

SERVICE PROVIDERS

Section 504 protections, obligations of service providers, **1:81**

SETTLEMENTS

Curb ramps, wheelchair users' stipulation of settlement, form, **6:29**

Lodging places, form relating to refusal to allow use of motorized mobility device in hotel room, **6:56**

Section 504 protection, effect of settlement agreement, **1:234**

Theater, form relating to accessibility of seating, **6:60**

711

Access to, telecommunications relay services (TRS), **5:6**

SHIPS

Passenger Vessels (this index)

SHOPPING CENTER OR MALL

Elevators (this index)

SHOW CAUSE ORDERS

Bar examination applicant with visual impairments, form, **6:39**

Recreational facilities, form, **6:73**

SIDEWALKS

Curb ramps, wheelchair users' complaint and stipulation of settlement, forms, **6:28, 6:29**

SPECIAL SCHOOLS

Section 504 protections, placement and reevaluation, **1:135**

SPECIAL TRANSPORTATION SERVICES

Paratransit Services (this index)

SPEECH-IMPAIRED PERSONS

Relay services for. **Telecommunications Relay Services (TRS)** (this index)

SPINA BIFIDA

Section 504 protections, **1:41**

STANDARDS

Section 504 protections, standard of review, **1:289**

STANDING

Nondisabled parties

Section 504 protections, **1:242**

Private enforcement of ADA, **3:314**

Public Accommodations (this index)

Section 504 protections, **1:241**

STATE AND LOCAL GOVERNMENT SERVICES

Abrogation of states' Eleventh Amendment immunity, **2:190**

INDEX

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

Abstention of federal court, private right of action, **2:181**

Acceptance by federal agency of complaints. Federal agencies, complaints to, below

Accessibility mandate for existing facilities

Generally, **2:128 to 2:130**

Fundamental alteration or undue burden defense, **2:130**

Obligations of public entity, **2:138 to 2:144**

Accessibility of program

Existing facilities, below

Inaccessible facility and nondiscrimination requirement, **2:125**

New construction and alterations, below

Accessibility standards for new construction and alterations, **2:138, 2:145**

Accessible features, maintenance of, **2:103**

Access to court. Private right of action, below

Administration methods or criteria
Generally, **2:77**

Discriminatory effect, **2:77**

Licensing or certification
programs, discriminatory
administration, **2:82**

Perpetuation of discrimination of public entity, **2:78**

Administrative duties of public entities

Generally, **2:58 to 2:65**

Complaint procedures, adoption, **2:65**

Designation of responsible employee, **2:64**

Notice

Methods for providing, **2:63**

Regulatory provisions, **2:63**

Self-evaluations, below

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

Adoption of complaint procedures, administrative duty of public entities, **2:65**

Agencies

Acceptance of complaints. Federal agencies, complaints to, below

Responsibility, technical assistance, **2:24**

Aid, benefits, or services, discrimination in

Generally, **2:66 to 2:76**

Different or separate aid, benefit or service than that provided to others, **2:71**

Education setting, **2:47, 2:68**

Legitimate safety requirements, **2:85**

Less effective aid, benefit or service, provision of, **2:70**

Limiting enjoyment of right, privilege, advantage or opportunity, **2:74**

Opportunity to participate or benefit, denial of, **2:66, 2:69**

Planning or advisory boards, denial of participation as member of, **2:73**

Safety requirements, **2:85**

Significant assistance to discriminatory agency, organization or person, **2:74**

Unequal opportunity to participate or benefit, **2:69**

Alterations

New construction and alterations, below

Alternate dispute resolution, private right of action, **2:177**

Alternatives

Carrying not permitted as alternative to structural alterations for existing facilities, **2:133**

Existing facilities, alternatives for meeting accessibility requirement, **2:132 et seq.**

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

Amendments

Constitutional Amendments, below
Americans with Disabilities Act

Indirect affect, activities with, **2:43**

Public Accommodations, Title III,
2:43

Application and weight of regula-
tions, **2:208**

Appointment of counsel, **2:196**

Association, burden and elements
of proof, **2:211**

Attorneys' fees, private right of
action, **2:223 to 2:226**

Auxiliary aids and services, **2:30**

Awarding of grants and contracts,
2:28

Benefit discrimination. Aid,
benefits, or services,
discrimination in, above

Burden and elements of proof,
prima facie case, private right
of action, **2:195, 2:200, 2:208**

Calculation, attorneys' fees, **2:225**

Carrying as alternative to structural
alterations for existing facili-
ties not permitted, **2:133**

Categories of programs covered,
2:24

Categories of programs provided
by state and local govern-
ments covered by ADA, **2:24**

Categories of services and actions,
2:30

Certification. Licensing or certi-
fication programs, below

Class actions, **2:188**

Coercion, remedies, **2:94**

Collateral estoppel, private right of
action, **2:189**

Communications with individuals
with disabilities

Generally, **2:154 to 2:161**

Equally effective communication
mandate, below

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

Telecommunications

Generally, **2:159 to 2:161**

Equally effective systems
required, **2:159**

Separate seven-digit number,
use of, **2:164**

Telephone emergency services,
2:162, 2:164

Complaints

Adoption of procedures,
administrative duties of public
entities, **2:65**

Federal agencies, complaints to,
below

Complete complaint to federal
agency, what constitutes and
acceptance, **2:170**

Complexity of communication,
equally effective communica-
tion mandate, **2:152, 2:156**

Compliance methods and standards
Generally, **2:95 et seq.**

Accessible features, maintenance
of, **2:103**

Deinstitutionalization, state plan
for, integrated settings
requirement, **2:91**

Existing facilities, below

Fees for added costs of compli-
ance, **2:97**

Fundamental alteration defense
Integrated settings requirement,
2:92

Illustrations, **2:106**

Integrated settings requirement,
2:88, 2:89, 2:91, 2:92

Licensing examinations, **2:92**

Mobility devices, **2:112 to 2:115**

Modifications in policies, prac-
tices, and procedures

Generally, **2:95**

Criminal suspects and arrestees,
2:102

Educational settings, **2:100**

INDEX

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

Modifications in policies, practices, and procedures—Cont'd

Practices, and procedures affecting prisoners, **2:103**

Notice required, **2:104**

Personal devices and services, provision of, **2:96**

Program accessibility requirement, relationship of integrated settings requirement to, **2:90**

Regarded as discrimination, **2:94**

Separate programs, provision of, **2:102**

Service animals, **2:108 to 2:111**

State plan for deinstitutionalization, integrated settings requirement, **2:91**

Ticketing, **2:116 to 2:122**

Voluntary compliance agreements, resolution of complaint to federal agency, **2:174**

Constitutional law and amendments

Generally, **2:45 et seq**

Eleventh Amendment immunity, abrogation of states, **2:190**

First Amendment, relation to other ADA titles and laws, **2:45**

Fourteenth Amendment, **2:46**

Contractors, selection of procurement contractors, **2:79**

Coordination by public entities

Adoption of complaint procedures, **2:65**

Designation of responsible employee, **2:64**

Courts

Access to. Private right of action, below

Equally effective communication mandate, state and local court proceedings, **2:157**

Curb ramps

Existing facilities, compliance methods for, **2:137**

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

New construction and alterations, **2:152**

Wheelchair users' complaint and stipulation of settlement, forms, **6:28, 6:29**

Damages, private right of action, **2:221**

Date. Time or date, below

Defenses. Fundamental alteration or undue burden defense, below

Designation

Federal agencies, complaints to, below

Responsible employee, **2:64**

Different aid, benefit or service than that provided to others, **2:71**

Disabilities Education Act, **2:46**

Discovery, private right of action, **2:199**

Disparate impact, burden of proof, **2:199**

Education setting, **2:46, 2:68**

Effective date of ADA Title II, Subtitle A, **2:26**

Eleventh Amendment immunity, abrogation of states, **2:190**

Eligibility criteria, discrimination by

Questions and investigations related to disability, **2:86**

Screening out individuals with disabilities

Generally, **2:82, 2:85**

Jury service, **2:85**

Employment, nondiscrimination in

Prohibition of discrimination, **2:123**

Requirements, applicability, **2:124**

Enjoyment of right, privilege, advantage or opportunity, limitation of, **2:76**

Equally effective communication mandate

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

Generally, **2:154 to 2:161**

Complexity of communication,
2:152, 2:156

Fundamental alteration or undue
burden defense, **2:158**

Information and signage, **2:156**

Obligation of public entity, gener-
ally, **2:154**

Primary consideration to individu-
al's request, **2:156**

Selecting appropriate service or
device, **2:152, 2:155**

State and local court proceedings,
2:157

Equally effective telecommunica-
tions systems required, **2:159**

Estoppel. Waiver and estoppel,
below

Evidence, expert, **2:214**

Examples of covered and
noncovered
services, programs, and activi-
ties, **2:25**

Examples of persons who are not
qualified individuals with
disabilities, **2:42**

Examples of persons who are
qualified individuals with
disabilities, **2:41**

Exclusion from facility site or
location of individuals with
disabilities, **2:78**

Exhaustion of administrative reme-
dies, **2:184**

Existing facilities

Generally, **2:128 to 2:130**

Accessibility mandate for existing
facilities, above

Compliance methods

Generally, **2:131 to 2:137**

Alternatives for meeting acces-
sibility requirement, **2:132**
et seq.

Carrying not permitted as
alternative to structural
alterations, **2:133**

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

Compliance methods—Cont'd

Curb ramps, **2:137**

Historic preservation programs,
2:134

Time for compliance with
required structural changes,
2:136

Transition plans, **2:136**

Expert evidence, **2:214**

Failure to make reasonable accom-
modation, burden of proof,
2:200

Fair Housing Act, **2:49**

Federal agencies, complaints to

Generally, **2:165 to 2:167**

Acceptance of complaints

Generally, **2:170 to 2:172**

Complete complaint, **2:170**

Incomplete complaint,
procedures, **2:172**

Review of agency jurisdiction,
2:170

Designated federal agencies

Designated agency system, use
of, **2:168**

Responsibility, particular agen-
cies' area of, **2:169**

Filing requirements

Generally, **2:165 to 2:167**

Time for filing, **2:166**

Where to file, **2:167**

Who may file, **2:165**

Resolution of complaint

Generally, **2:173 to 2:175**

Investigation and resolution,
2:173

Termination of federal funding,
2:175

Voluntary compliance agree-
ments, **2:174**

Federal funding, termination as
resolution of complaint to
federal agency, **2:175**

Fees for added costs of compli-
ance, **2:97**

INDEX

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

Filing requirements. Federal agencies, complaints to, above

First Amendment, relation to other ADA titles and laws, **2:45**

Fourteenth Amendment, generally, **2:46**

Fundamental alteration or undue burden defense

Accessibility mandate for existing facilities, **2:130**

Compliance methods and standards
Integrated settings requirement, **2:92**

Equally effective communication mandate, **2:159**

Grants and contracts, awarding, **2:28**

Habeas corpus, **2:226**

Historic properties

Access alterations, **2:146**

Preservation programs, compliance methods for existing facilities, **2:134**

Illustrations, nondiscrimination on basis of disability, compliance methods and standards, **2:106**

Illustrations of activities with indirect effect, **2:44**

Immunity

Eleventh Amendment immunity, abrogation of states, **2:190**

Liability of public officials, **2:191**

Qualified immunity of public officials, **2:192**

Incomplete complaint to federal agency, **2:172**

Incorporation of Rehabilitation Act remedies, procedures and rights, **2:176**

Individualized assessment, determination to be based on, **2:39**

Information and signage, equally effective communication mandate, **2:156**

Injunctive relief

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

Irreparable harm, **2:216**

Merits, likelihood of success on, **2:217**

Sufficiently serious questions, **2:217**

Inquiries related to disability, **2:86**

Inspection, public inspection requirement for self-evaluations, **2:61**

Insurance regulation, relation to other ADA titles and laws, **2:55**

Integrated settings requirement, methods and standards for compliance, **2:88, 2:90 to 2:92**

Interpreter, reliance upon individual accompanying disabled person as, **2:154**

Intervention, **2:195**

Investigations

Disability-related questions and investigations, **2:86**

Federal agency investigation of complaint, **2:173**

Irreparable harm, injunctive relief, **2:216**

Jurisdiction, private right of action, **2:179**

Jury service, screening out individuals with disabilities, **2:85**

Jury trial, availability, private right of action, **2:193**

Lack of technical assistance no excuse for failure to comply, **2:29**

Law enforcement, applicability to, **2:22**

Less effective aid, benefit or service, provision of, **2:70**

Liability of public officials, private right of action, **2:191**

Licensing examinations, nondiscrimination on basis of disability, compliance methods

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

and standards, **2:101**

Licensing or certification programs

Generally, **2:82**

Discriminatory administration,
2:81, 2:82

Specific types of examinations
covered, **2:83**

Limiting enjoyment of right, privilege, advantage or
opportunity, **2:76**

Location. Place or location, below

Maintenance of accessible
features, **2:103**

Mandates

Accessibility mandate, above

Equally effective communication
mandate, above

Medical decisions; medical mal-
practice, **2:23**

Merits, likelihood of injunctive
relief on, **2:217**

Modification of policies, practices,
and procedures

Nondiscrimination on basis of dis-
ability, compliance methods
and standards, **2:95**

When required, **2:58**

New construction and alterations,
2:148

Generally, **2:138 to 2:153**

Accessibility standards, **2:145,**
2:146

Assembly areas, **2:150**

Curb ramps, **2:152**

Disproportionality, **2:143**

Historic properties, alterations to,
2:146

Housing at place of education,
2:149

Impracticality, **2:139**

Medical care facilities, **2:151**

Path of travel, **2:141 to 2:144**

Requirements, **2:145**

Safe harbor, **2:142**

Series of smaller alterations, **2:144**

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

Social service center establish-
ments, **2:148**

Undue burden defense not avail-
able, **2:147**

Nondiscrimination on basis of dis-
ability, generally, **2:21 et seq.**

Nonseparate programs

Generally, **2:75**

Participation, **2:75**

Notice and knowledge

Methods for providing, **2:63**

Regulatory provisions, notice of,
2:63

Obligations of public entity, **2:138**
to 2:144, 2:154

Opportunity to participate or bene-
fit, denial of, **2:66, 2:69, 2:73**

Other federal and state laws, gener-
ally, **2:45 to 2:57**

Paratransit service for Category 3:
Inability to travel to location
for boarding or disembarking,
2:218

Parties, pleading and trial matters,
2:193

Permanent injunctive relief, **2:220**

Perpetuation of discrimination of
public entity, **2:78**

Personal devices and services, pro-
vision of, **2:96**

Person who meets essential
eligibility requirements, **2:35**

Place or location

Exclusion of individuals with dis-
abilities from facility location,
2:78

Federal agency, place for filing
complaint with, **2:167**

Planning or advisory board
member, denial of participa-
tion as, **2:73**

Pleading and trial matters. Private
right of action, below

Prevailing plaintiff, attorneys' fees,
2:223

INDEX

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

Primary consideration to individual's request, equally effective communication mandate, **2:155**

Prison Litigation Reform Act
Generally, **2:52**

Exhaustion of remedies, **2:53**

Private right of action

Generally, **2:176 to 2:227**

Access to court

Abstention of federal court, **2:181**

Collateral estoppel, **2:189**

Exhaustion of administrative remedies, **2:184**

Jurisdiction, **2:179**

Res judicata, **2:189**

Ripe but not moot claim, **2:182**

Standing

Generally, **2:185**

Association, by, **2:186**

Entity, by, **2:186**

Time for filing action, **2:183**

Alternate dispute resolution, **2:177**

Association, **2:211**

Association, burden and elements of proof, **2:211**

Calculation, attorneys' fees, **2:225**

Disparate impact, burden and elements of proof, **2:208**

Failure to make reasonable accommodation, burden and elements of proof, **2:200**

Immunity

Eleventh Amendment immunity, abrogation of states, **2:190**

Liability of public officials, **2:191**

Qualified immunity of public officials, **2:192**

Incorporation of Rehabilitation Act remedies, procedures and rights, **2:176**

Injunctive relief

Irreparable harm, **2:216**

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

Injunctive relief—Cont'd

Merits, likelihood of success on, **2:217**

Sufficiently serious questions, **2:217**

Pleading and trial matters

Generally, **2:194 to 2:203**

Applicability of regulations, **2:203**

Association, burden and elements of proof, **2:211**

Availability of jury trial, **2:201**

Burden and elements of proof, prima facie case

Generally, **2:195**

Association, **2:211**

Disparate impact, **2:208**

Failure to make reasonable accommodation, **2:200**

Relevance and admissibility of evidence, **2:213**

Retaliation, **2:212**

Discovery, **2:199**

Disparate impact, burden and elements of proof, **2:208**

Failure to make reasonable accommodation, **2:210**

Failure to make reasonable accommodation, burden and elements of proof, **2:200**

Jury trial, availability, **2:193**

Parties, **2:194**

Pleadings, **2:198**

Questions of fact or law, **2:202**

Retaliation, burden and elements of proof, **2:212**

Summary judgment, **2:200**

Theories of discrimination, **2:194**

When summary judgment is appropriate, **2:200**

Prevailing plaintiff, attorneys' fees, **2:223**

Prima facie case, **2:195 to 2:203**

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

Remedies

Attorneys' fees

Generally, **2:223 to 2:226**

Calculation, **2:225**

Prevailing plaintiff, **2:223**

Scope, **2:223**

Calculation, attorneys' fees,
2:225

Damages

Generally, **2:216**

Compensatory damages,
2:221

Injunctive relief, above this
group

Prevailing plaintiff, attorneys'
fees, **2:223**

Representation, **2:194**

Retaliation, **2:212**

Retaliation, burden and elements
of proof, **2:212**

Privileges. Immunity, above

Procurement contractors, selection
of, **2:79**

Public Accommodations, Title III,
Americans with Disabilities
Act, **2:43**

Public entities, **2:32 to 2:34**

Public entity's fundamental altera-
tion defense to requirement of
integrated setting, **2:92**

Public inspection requirement,
self-evaluations, **2:61**

Public interest, **2:219**

Qualifications of interpreter, **2:30**

Qualified immunity of public
officials, private right of
action, **2:192**

Questions related to disability,
2:86

Ramps. Curb ramps, above

Reasonable Accommodation by
Public Entity

Generally, **2:98 to 2:107**

Regulatory provisions, notice of,
2:63

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

Rehabilitation Act of 1973

Lesser standard, construed consis-
tently and not to, **2:47**

Protection extended, **2:47**

Relationship to or association with
individual with disability,
2:93

Relation to other ADA titles and
laws

Generally, **2:45 to 2:57**

Americans with Disabilities Act,
above

Disabilities Education Act, **2:46**

Fair Housing Act, **2:49**

First Amendment, **2:45**

Fourteenth Amendment, **2:46**

Prison Litigation Reform Act,
2:52, 2:53

Rehabilitation Act, **2:48**

Section 1983, **2:50**

Section 1985, **2:51**

Validity of state laws, **2:54, 2:55**

Remedies

Coercion, **2:94**

Exhaustion of administrative reme-
dies, **2:184**

Incorporation of Rehabilitation Act
remedies, procedures and
rights, **2:176**

Private right of action, above

Retaliation, **2:94**

Requirement of public entity to
integrate jail, detention, and
correctional facilities, **2:90**

Requirement that public entity
provide integrated setting,
2:88

Res judicata, private right of
action, **2:189**

Resolution of complaint. Federal
agencies, complaints to,
above

Responsible employee, designa-
tion, **2:64**

Retaliation

INDEX

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

- Burden and elements of proof, **2:212**
- Remedies, **2:94**
- Review, scope of, **2:227**
- Review of agency jurisdiction, acceptance by federal agency of complaints, **2:170**
- Ripe but not moot claim, private right of action, **2:182**
- Rules of court, **2:57**
- Rules of court, relation to other ADA titles and laws, **2:57**
- Scope of review, **2:227**
- Screening out individuals with disabilities
- Generally, **2:84**
- Jury service, **2:85**
- Section 1983, Fourteenth Amendment, **2:50**
- Section 1985, Fourteenth Amendment, **2:51**
- Section 504 evaluation, relation to, **2:62**
- Selection
- Appropriate service or device, equally effective communication mandate, **2:155**
- Procurement contractors, **2:79**
- Self-evaluations
- Generally, **2:58 to 2:62**
- Interested persons, participation by, **2:60**
- Public inspection requirement, **2:61**
- Section 504 evaluation, relation to, **2:62**
- Services, policies, and practices, evaluation of
- Generally, **2:58**
- Modifications or remedial actions, when required, **2:59**
- Separate aid, benefit or service than that provided to others, **2:71**

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

- Separate programs, provision of, methods and standards of compliance, **2:102**
- Separate seven-digit number, use in telecommunications, **2:164**
- Services discrimination. Aid, benefits, or services, discrimination in, above
- Signage and information, equally effective communication mandate, **2:156**
- Significant assistance to discriminatory agency, organization or person, **2:74**
- Site of facility, exclusion of individuals with disabilities, **2:78**
- Standing, private right of action
- Generally, **2:185**
- Association, by, **2:187**
- Entity, by, **2:187**
- State and local court proceedings, equally effective communication mandate, **2:157**
- State plan for deinstitutionalization, **2:91**
- Sufficiently serious questions, injunctive relief, **2:217**
- Summary judgment, private right of action, **2:200**
- Technical assistance, **2:27 to 2:29**
- Telecommunications
- Generally, **2:159 to 2:161**
- Equally effective systems required, **2:159**
- Separate seven-digit number, use of, **2:164**
- Telephone emergency services, **2:162, 2:164**
- Telephone emergency services, **2:162, 2:164**
- Termination of federal funding, resolution of complaint to federal agency, **2:175**
- Theories of discrimination, **2:197**

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

- Theories of discrimination, private right of action, **2:194**
- Threat to health or safety of others, individual may not be, **2:38 to 2:40**
- Time or date
- Complaints to federal agencies, filing of, **2:166**
- Effective date, action not to be brought before, **2:183**
- Filing action, **2:183**
- Structural changes to existing facilities, time for compliance, **2:136**
- Transition plans, compliance methods for existing facilities, **2:136, 2:137**
- Transportation activities, exclusion, **2:202**
- Types of discrimination prohibited
- Generally, **2:66 to 2:87**
- Administration methods or criteria, above
- Aid, benefits, or services, discrimination in, above
- Association with or relationship to individual with disability, **2:93**
- Coercion, remedies, **2:94**
- Eligibility criteria, discrimination by, above
- Exclusion from facility site or location, **2:78**
- Licensing or certification programs, above
- Nonseparate programs, above
- Procurement contractors, selection of, **2:79**
- Retaliation, remedies, **2:94**
- Undue burden defense.
 - Fundamental alteration or undue burden defense, above
- Unequal opportunity to participate or benefit, **2:69**

**STATE AND LOCAL
GOVERNMENT SERVICES**

—Cont'd

—Cont'd

- Validity of state laws, relation to other ADA titles and laws, **2:54, 2:55, 2:57**
- Video remote interpreting (VRI) services, **2:155**
- Voluntary compliance agreements, resolution of complaint to federal agency, **2:174**
- Waiver and estoppel
- Collateral estoppel, private right of action, **2:189**
- When individual with mental disability is eligible for integrated placement by public entity, **2:89**
- When public entity may impose legitimate safety requirements, **2:87**
- Where public entity denies opportunity to participate as member of planning or advisory board, **2:75**
- Who is qualified individual with disability; essential eligibility requirements, **2:35**
- Words and phrases
- Auxiliary aids and services, **2:30**
- Categories of services and actions, **2:30**
- Determination must be based on individualized assessment, **2:39**
- Individual may not be direct threat to health or safety of others, **2:35**
- Individual need not be directly involved in program, **2:35**
- Person who meets essential eligibility requirements, **2:35**
- Public entities, **2:32 to 2:34**
- Qualifications of interpreter, **2:30**
- Qualified individual need not be directly involved in program, **2:36**
- Qualified individual with a disability, **2:34 to 2:38**

INDEX

STATE AND LOCAL GOVERNMENT SERVICES

—Cont'd

—Cont'd

State licensing requirements, relation to, **2:37**

STATE IDENTIFICATION CARDS

Check cashing identification, form of complaint by one precluded from obtaining driver's license, **6:64**

STATE LAW

Section 504 protections, individual with disability, **1:22**

STATE LAWS

Preemption (this index)

Relation to ADA, **2:54 to 2:57**

STATUTE OF LIMITATIONS

Limitation of Actions (this index)

STATUTORY CONSTRUCTION

Section 504 protections, **1:27**

STIPULATIONS

Curb ramps, wheelchair users' stipulation of settlement, form, **6:29**

STREETS AND HIGHWAYS

Curb ramps, wheelchair users' complaint and stipulation of settlement, forms, **6:28, 6:29**

STRICT STATUTORY CONSTRUCTION

Section 504 protections, **1:27**

STRUCTURAL BARRIERS, REMOVAL OF

Public Accommodations (this index)

SUBSTANTIAL LIMITATION

Comparison to general population, **2:14**

Disability defined, impairment distinguished from, **2:13**

SUBSTANTIALLY LIMITS

Section 504 Protections (this index)

SUBTERFUGE

Public accommodations, administration of benefit plans, **4:55**

SUFFICIENCY OF COMPLAINT

Section 504 protections, **1:250**

SUMMARY JUDGMENT

Notice of motion and memorandum in support, discharge not discriminatory, typist not otherwise qualified for position, forms, **6:10, 6:12**

SUMMARY JUDGMENT MOTION

Section 504 protections, **1:254**

SUPPLEMENTAL JURISDICTION

Public accommodations, supplemental jurisdiction over state law clients, **4:157**

SUSPENSION OR REVOCATION

Education, postsecondary schools, **1:156**

Telecommunications relay services, FCC certification, **5:47**

TAXATION

Credits, forms for eligible access expenditures, **6:85, 6:88**

Disabled Access Tax Credit (this index)

Public Accommodations (this index)

Section 504 protections, federal financial assistance, **1:77**

TAXI SERVICE, NONDISCRIMINATION MANDATE APPLICABLE TO

Accessibility, **3:47**

Applicable regulations, **3:45**

Nondiscrimination mandate, **3:46**

Private entities providing taxi service, **3:46**

TECHNICAL ASSISTANCE

State and local government services, **2:27 to 2:29**

TECHNOLOGY

TECHNOLOGY—Cont'd

—Cont'd

Communications, Section 504
protections re electronic and
information technology stan-
dards for federal agencies,
1:88

TELECOMMUNICATIONS

Generally, **5:1 et seq.**

Accessibility requirements, gener-
ally, **5:79 et seq.**

Access to, **6:80 to 6:83**

Answer to informal complaint,
FCC enforcement of
Telecommunications Act,
5:102

Auxiliary aids and services,
specific requirements. Public
accommodations, below

Closed Captioning (this index)

Compliance with Hearing Aid
Compatibility Act, **5:124 et
seq.**

Definitions

Accessible, **5:86**

Readily achievable, **5:86**

Design, development and evalua-
tion of product, accessibility
considerations, **5:81, 5:87**

FCC enforcement of Telecom-
munications Act

Generally, **5:98 et seq.**

Answer to informal complaint,
5:102

Formal complaints, **5:105 et seq.**

Forwarding of informal complaint
by FCC, **5:102**

Informal complaints, **5:101 et seq.**

Private civil action, preclusion of,
5:123

Reply to informal complaint, **5:103**

Review and disposition of informal
complaint, **5:104**

Formal complaints, FCC enforce-
ment of Telecommunications
Act, **5:105 et seq.**

Forwarding of informal complaint,
FCC enforcement of

TELECOMMUNICATIONS

—Cont'd

—Cont'd

Telecommunications Act,
5:102

Hearing aid compatible telephones,
5:124 et seq.

Hearing-impaired persons, relay
services for. **Telecommunica-
tions Relay Services (TRS)**
(this index)

Informal complaints, FCC enforce-
ment of Telecommunications
Act, **5:101 et seq.**

Information, documentation, and
training for customers, duty to
provide access to, **5:82, 5:88**

Interactive menu services, access
to, **5:84 et seq.**

Internet-based TRS providers and
program certification, **5:48 et
seq.**

Manufacturers' obligations as to
accessibility for people with
disabilities, generally, **5:79 et
seq., 5:84**

Private civil action to enforce
Telecommunications Act,
preclusion of, **5:123**

Product design, development and
evaluation, accessibility
considerations, **5:81, 5:87**

Public accommodations

Auxiliary aids and services,
specific requirements

Access to television and movie
theaters, **4:101**

Telecommunication devices for
individuals who are deaf,
4:100

Public service announcements,
closed-captioning, **5:137**

Relay services for hearing-
impaired or speech-impaired
persons. **Telecommunica-
tions Relay Services (TRS)**
(this index)

Reply to informal complaint, FCC
enforcement of Telecom-
munications Act, **5:103**

INDEX

TELECOMMUNICATIONS

—Cont'd

—Cont'd

Request for dispute assistance,
6:83

Review and disposition of informal
complaint, FCC enforcement
of Telecommunications Act,
5:104

Section 208 formal complaint
intake form, **6:82**

Section 504 Protections (this
index)

Service providers and carriers,
obligations as to accessibility
for people with disabilities,
generally, **5:80, 5:85**

Speech-impaired persons, relay
services for. **Telecommunica-
tions Relay Services (TRS)**
(this index)

State and local government ser-
vices

Generally, **2:159 to 2:161**

Equally effective systems required,
2:159

Separate seven-digit number, use
of, **2:164**

Telephone emergency services,
2:162, 2:164

Twenty-First Century Communica-
tions and Video Accessibility
Act, **5:89 to 5:97**

Voice mail and interactive menu
services, access to, **5:84 et
seq.**

TELECOMMUNICATIONS RELAY SERVICES (TRS)

Generally, **5:1 et seq.**

Answers, enforcement proceedings
under Title VII, **5:75**

At-home VRS call handling, **5:25**

Audits, TRS fund, **5:34**

Caller ID, technical standards,
5:24

Certification. FCC certification,
below

Common carrier under Title VII of
ADA, **5:2**

TELECOMMUNICATIONS RELAY SERVICES (TRS)—Cont'd

—Cont'd

Complaints, enforcement proceed-
ings under Title VII, **5:71 et
seq.**

Compliance by common carrier
with TRS regulations, **5:7**

Confidentiality of conversations
conducted through com-
munications assistants, **5:14**

Consumer complaint logs,
functional standards, **5:26**

Contact persons, functional stan-
dards, **5:27**

Continuous operation, **5:9**

Contributions to TRS Fund, **5:33**

Customer information, treatment
of, **5:12**

Data collection from service
providers on usage and
expenses, **5:34**

Definitions, **5:3 et seq.**

Disposition of complaints, enforce-
ment proceedings under Title
VII, **5:76**

Documentation for FCC certifica-
tion, **5:46**

Duty of common carriers to
provide TRS, **5:6**

Emergency calling requirements
Generally, **5:17 et seq.**

E911 service for IP CTS, **5:20**

E911 service for VRS and IP relay,
5:19

Internet-based TRS providers, **5:18**

TTY-based TRS providers, **5:17**

Violations, **5:21**

Enforcement of TRS fund provi-
sions, **5:45**

Enforcement proceedings under
Title IV

Complaints, **5:69 et seq.**

Enforcement proceedings under
Title VII

Generally, **5:69 et seq.**

Answers, **5:75**

Disposition of complaints, issu-
ance, **5:76**

TELECOMMUNICATIONS RELAY SERVICES (TRS)—Cont'd

- Cont'd
 - FCC enforcement authority, **5:69 et seq.**
 - Jurisdiction, **5:69 et seq.**
 - Pleadings, **5:71 et seq.**
 - Referral to states, **5:70**
 - Replies, **5:75**
 - Service requirements, **5:74**
 - Equivalent rates for TRS and voice communications services, **5:31**
 - E911 service, emergency calling requirements
 - IP CTS, **5:20**
 - VRS and IP relay, **5:19**
 - FCC certification
 - Generally, **5:46, 5:47**
 - Documentation, submission by state, **5:46**
 - Notice of filing documentation, **5:46**
 - Suspension or revocation of certification, **5:47**
 - FCC enforcement authority, **5:69 et seq.**
 - Functional equivalence, requirement of, **5:3 et seq.**
 - Functional standards, **5:26, 5:27**
 - Internet based, generally, **5:5**
 - Internet-based TRS providers, emergency calling requirements, **5:18**
 - Internet Protocol Captioned Telephone Service (IP CTS)
 - E911 service, emergency calling requirements, **5:20**
 - Unauthorized and unnecessary use of, **5:30**
 - Interstate Cost Recovery Fund (TRS fund)** (this index)
 - Introduction, **5:1**
 - Jurisdiction, enforcement proceedings under Title VII, **5:69 et seq.**
 - Mandatory minimum standards, **5:13 to 5:45**

TELECOMMUNICATIONS RELAY SERVICES (TRS)—Cont'd

- Cont'd
 - Mandatory minimum standards, other regulations considered as, **5:28**
 - Miscellaneous standards, **5:28 to 5:30**
 - Multiple communications assistants, calls requiring, **5:16**
 - National Deaf-Blind Equipment Distribution Program, **5:11**
 - Nondiscrimination requirement of VRS providers, **5:29**
 - Notice of filing documentation, FCC certification, **5:46**
 - Notice of intent to participate in TRS fund, **5:35**
 - Operational standards, **5:13 et seq.**
 - Payments by TRS fund to service providers, **5:37 et seq.**
 - Pleadings, enforcement proceedings under Title VII, **5:71 et seq.**
 - Publicizing availability of TRS, common carrier's duty, **5:8**
 - Qualifications of communications assistants, **5:13**
 - Rates
 - Generally, **5:31 to 5:36**
 - Audits of TRS providers, data collection from and, **5:34**
 - Costs, recovery and separation of, **5:32**
 - Data collection from and audits of TRS providers, **5:34**
 - Equivalent rates for voice communication services, **5:31**
 - Interstate Cost Recovery Plan (TRS fund), **5:33**
 - Notice of intent to participate in TRS fund, **5:35**
 - Recovery of costs, **5:32**
 - Separation of costs, **5:32**
 - Whistleblower protections, **5:36**
 - Recovery of costs from all subscribers, **5:32**

INDEX

TELECOMMUNICATIONS RELAY SERVICES (TRS)—Cont'd

—Cont'd

- Referral to states, enforcement proceedings under Title VII, **5:70**
- Related equipment, furnishing, **5:10**
- Replies, enforcement proceedings under Title VII, **5:75**
- Reporting, monitoring, and filing requirements, TRS fund, **5:44**
- Revocation of FCC certification, **5:47**
- Separation of costs, **5:32**
- Service of process, enforcement proceedings under Title VII, **5:74**
- 711, access to, **5:6**
- Speed of communication and answer, **5:22**
- Suspension or revocation of FCC certification, **5:47**
- Technical standards
 - Generally, **5:22 to 5:25**
 - At-home VRS call handling, **5:25**
 - Caller ID, **5:24**
 - Speed of communication and answer, **5:22**
 - Technology requirements, **5:24**
 - Video relay service providers (VRS), restrictions on, **5:23**
- TRS fund. **Interstate Cost Recovery Plan (TRS fund)** (this index)
- TTY-based TRS providers, emergency calling requirements, **5:17**
- Types of calls handled by communications assistants, **5:15**
- Video relay service providers (VRS)
 - At-home VRS call handling, **5:25**
 - E911 service, emergency calling requirements, **5:19**
 - Restrictions on, **5:23**
 - Unauthorized and unnecessary use of, **5:30**

TELECOMMUNICATIONS RELAY SERVICES (TRS)—Cont'd

—Cont'd

- Video relay service providers (VRS), restrictions on, **5:23**
- Violations of emergency calling requirements, **5:21**
- VRS or IP CTS, unauthorized and unnecessary use of, **5:30**

TELEPHONES

- Telecommunications** (this index)

TELEVISION

- Telecommunications** (this index)

TELEVISION STATIONS

- Section 504 protections, **1:199**

TEMPORARY PHYSICAL OR MENTAL IMPAIRMENT

- Section 504 protections, **1:32**

TERMINATION OR CANCELLATION

- State and local government services, termination of federal funding as resolution of complaint to federal agency, **2:175**
- Typist not otherwise qualified for position, summary judgment motion, discharge not discriminatory, forms, **6:10, 6:12**

TESTS AND TESTING

- Bar examination applicants, forms relating to accommodation of, **6:34 to 6:39**
- Disability Defined** (this index)
- Education** (this index)
- Employment** (this index)
- Self-Evaluation** (this index)

TICKETING

- Compliance methods and standards, state and local governments, **2:116 to 2:122**
- Public Accommodations** (this index)

TIME OR DATE

TIME OR DATE—Cont'd

—Cont'd

Housing and Urban Development (this index)

Section 504 Protections (this index)

State and Local Government Services (this index)

TITLE III

Public Accommodations (this index)

State and local government services, **2:43**

TITLE VI

Section 504 Protections (this index)

TITLE VII

Section 504 protections, **1:12**

TOILETS AND RESTROOMS

Aircraft accessibility, **3:355**

Over-the-road buses, **3:162 to 3:165**

TRAINING

Air Carrier Access Act, nondiscrimination mandate requirements, **3:397**

Handling of wheelchairs or scooters, **3:399**

Employees or contractors who provide physical assistance, **3:398**

Training for aircraft personnel where carrier operates aircraft with fewer than 19 passenger seats, **3:401**

Training of CRO, **3:400**

Over-the-road buses, training and safety requirements, **3:180 to 3:181**

Transportation entity personnel, under ADA

Appropriate to duties, **3:270**

Purpose and scope of training requirements, **3:269**

Technical tasks and human relations training, **3:271**

TRANSPORTATION

Access, complaint for declaratory and injunctive relief, failure of transit agency to provide access for mobility impaired, form, **6:52**

Accessibility

Accessibility requirements for transportation facilities, below

Vehicle accessibility requirements, below

Accessibility requirements for transportation facilities

Generally, **3:77**

Accessible and usable facilities requirement for new construction, **3:83, 3:84**

ADAAG, compliance with, **3:77**

Alterations by private entities.
Construction and alteration by private entities, below this group

Alterations by public entities

Generally, **3:85 to 3:93**

Maximum extent feasible, **3:87**

Path of travel to altered area

Accessible path of travel, what constitutes, **3:90**

Disproportionality defense, **3:91 to 3:93**

Path of travel, what is included, **3:90**

Primary function, what constitutes, **3:89**

Primary function area, access to, **3:88**

What constitutes an alteration, **3:85**

When do alteration requirements apply, **3:86**

Alternative designs and technologies, use of

Determination of, **3:82**

Public participation, **3:81**

Request for, **3:80**

When departure from requirement permitted, **3:79**

Construction and alteration by private entities

Compliance with public accom-

INDEX

TRANSPORTATION—Cont'd

—Cont'd

- Construction and alteration by private entities—Cont'd
moderation regulations, **3:102**
- Elevator requirements, **3:103**
- DOT regulations, compliance with, **3:76**
- Equivalent facilitation. Alternative designs and technologies, use of, above this group
- New construction by private entities, **3:102 to 3:103**
- New construction by public entities
 - Accessible and usable facilities requirement, **3:83, 3:84**
 - When full compliance not required, **3:84**
- Rest stops, over-the-road buses, **3:162 to 3:165**
- Wheelchairs, structural changes for, **3:78**
- Wheelchair users, when services not required, **3:79**
- Administrative enforcement of ADA
- DOT authority over recipients of federal financial assistance, **3:303**
- Passenger vessels, **3:305 to 3:309**
- Agency guidance
- Failure to receive technical assistance not a defense, **3:20**
- Issuance of interpretations and guidance, **3:19**
- Air Carrier Access Act, **6:75 to 6:83**
- Air Carrier Access Act** (this index)
- Air Carriers and Airports** (this index)
- Alterations. Accessibility requirements for transportation facilities, above
- Animals, provision of services by transportation entities, **3:69**
- Assistance by transportation entity personnel, **3:64**

TRANSPORTATION—Cont'd

—Cont'd

- Attendants, accompanying attendant requirement, **3:6**
- Attorneys' fees, private enforcement of ADA
- Generally, **3:320**
- Calculation, **3:321**
- Evidence, **3:322**
- Boarding
 - Adequate time for, **3:74**
 - Preference of rider respected, **3:65**
- Buses
 - Applicability of nondiscrimination mandate, **3:29**
 - OTRB. Over-the-road buses, below
 - Certification of equivalent service exception, **6:42**
 - Charges, special, prohibited, **3:4**
 - Commuter authority, applicability of nondiscrimination mandate, **3:34**
 - Conflicting laws, preemption of, **3:15**
 - Consolidated civil rights complaint form, **6:53**
 - Demand responsive systems
 - Applicability of nondiscrimination mandate, **3:21**
 - Certification of equivalent service by provider of, form, **6:42**
 - Over-the-road buses, service requirements, **3:168 to 3:171**
 - Private entities not primarily in business of transporting people, **3:169**
 - Public entities operating, accessibility requirements
 - New nonrail vehicles, purchase or lease of, **3:124 to 3:127**
 - Remanufactured vehicles, **3:130**
 - Designated public transportation, applicability of nondiscrimination mandate, **3:23**
- Disembarking
 - Adequate time for, provision by transportation entities, **3:74**
- At any stop, **3:72**

TRANSPORTATION—Cont'd

—Cont'd

- Education transportation systems, nondiscrimination mandate applicable to
 - Private school exemption, **3:43**
 - Public school exemption, **3:42**
 - Universities, obligations of public and private, **3:44**
- Employer, transportation services provided by, applicability of nondiscrimination mandate, **3:57**
- Equivalent service certification, form, **6:42**
- Evidence, attorneys' fees, private enforcement of ADA, **3:322**
- Federal Transit and Federal-Aid Highway statutes, relationship of ADA to, **3:17**
- Fixed route systems
 - Applicability of nondiscrimination mandate, **3:22**
- Over-the-road buses, accessibility requirements. Over-the-road buses, below
- Forms, **6:41 to 6:53**
- Guidance and interpretations, agency, **3:19**
- Identification, means to identify proper vehicle provided by transportation entities, **3:68**
- Information on transportation services, provision by transportation entities, **3:71**
- Interpretations and guidance, agency, **3:19**
- Labor-management agreements, relationship of ADA to, **3:18**
- Maintenance of accessible features
- Operative condition must be maintained, **3:262**
- Public entity obligation to keep nonrail vehicle lifts operative
 - Alternative transportation must be promptly provided, **3:268**
 - Immediate report of lift failure, **3:265**

TRANSPORTATION—Cont'd

—Cont'd

- Public entity obligation to keep nonrail vehicle lifts operative
 - Cont'd
 - Limited extension when no spare vehicle available, **3:267**
 - Regular and frequent maintenance checks, **3:264**
 - Timeline for repair, **3:266**
- Repairs, **3:263**
- Mandate of nondiscrimination. Nondiscrimination mandate, below
- Nondiscrimination mandate
 - Accompanying attendant requirement, **3:6**
- Air Carrier Access Act** (this index)
- Applicability of nondiscrimination mandate. services and entities, applicability of nondiscrimination mandate to transportation, below
- Behavior is violent, disruptive, illegal, or direct threat, service not required, **3:7**
- Charges, special, prohibited, **3:4**
- Fear or misinformation, no refusal of service based on, **3:8**
- Insurance conditions or rates, no refusal of service because of, **3:5**
- Integrated settings, priority for methods offering, **3:9**
- No refusal of service because of insurance conditions or rates, **3:5**
- Opportunity to use services, **3:1**
- Private entities providing private transport, applicability to, **3:10**
- Private entity for public transport, **3:2**
- Reasonable accommodation provided
 - Private entities, by, **3:10**
 - Public entities, by
 - Consideration of request, **3:13**

INDEX

TRANSPORTATION—Cont'd

—Cont'd

- Reasonable accommodation provided—Cont'd
- Public entities, by—Cont'd
 - Denial of request, **3:14**
 - Process and time for making request, **3:12**
- Seats, use of designated priority, **3:3**
- Services and entities, applicability of nondiscrimination mandate to transportation, below
- Notice
- Over-the-road buses
 - Advance notice requirement, demand-responsive systems, **3:170**
 - Request for accessible bus, 48 hours notice, **3:182, 3:184**
- Passenger vessels, advance notice of travel by disabled passenger, **3:283**
- Over-the-road buses
- Accessible buses acquired by OTRB operators to DOT, **3:187**
- Advance notice requirement, demand-responsive systems, **3:170**
- Applicability of regulations, **3:162**
- Demand-responsive systems, service requirement, **3:168 to 3:171**
- Discriminatory practices prohibited, **3:163**
- DOT, transmission of information to, **3:184 to 3:188**
- DOT address for submissions by OTRB operators, **3:188**
- Exceed securement locations, passengers, **3:165**
- Interline service
 - Accessible bus, operator's duty to provide, **3:166**
 - Communications, operator's duty to receive, **3:167**
- Intermediate and rest stops, **3:162 to 3:165**

TRANSPORTATION—Cont'd

—Cont'd

- Large operators
 - Fleet accessibility requirement for OTRB fixed route systems
 - Percentage of buses required to be accessible, **3:173**
 - Request for time extension, **3:173**
- New OTRBs, purchase or lease for fixed route systems, **3:172**
- Lift maintenance, **3:164**
- Lift requirements for over-the-road buses acquired by public entities or contractors, **3:66**
- NHTSA and FHWA safety rules, **3:181**
- Private entities operating
 - Demand-responsive systems, **3:168, 3:169**
- Purchase or lease of new OTRBs by operators of fixed route systems, **3:172 to 3:176**
- Non-passenger transport entity, **3:176**
- Remanufactured buses, **3:177 to 3:179**
- Request for accessible bus
 - 48 hours notice, **3:182, 3:184**
 - Small fixed route operators, equivalent service, **3:183, 3:185**
- Safety requirements, **3:180 to 3:181**
- Service requirements to individuals with disabilities, generally, **3:162 to 3:181**
- Small operators
 - Equivalent service, request for, **3:183**
 - Fleet accessibility requirement for OTRB fixed route systems
 - Percentage of buses required to be accessible, **3:174**
 - Information collection requirements, **3:183, 3:185**

TRANSPORTATION—Cont'd

—Cont'd

Small operators—Cont'd

Interim service requirements,
3:175

Lift requests by fixed route
operators to DOT, **3:186**

Mixed-service operator service
requirement, **3:171**

Training and safety requirements,
3:180 to 3:181

Over-the-road bus service request
form, **6:43**

Oxygen, traveling with respirator
or portable oxygen supply,
provision of services by
transportation entities, **3:73**

Paratransit Services (this index)

Passenger Vessels (this index)

Preemption of conflicting laws,
3:15

Priority seating, requesting other
passengers to vacate, **3:75**

Private clubs, transportation
systems operated by,
applicability of nondiscrimi-
nation mandate, **3:54**

Private enforcement, **3:310 to**
3:322

Private enforcement of ADA

Alternative means of dispute reso-
lution encouraged, **3:310**

Attorneys' fees

Generally, **3:320**

Calculation, **3:321**

Evidence, **3:322**

Attorneys fees available for claim
of discrimination in provision
or transportation services,
3:320

Attorney fees available for
claim of discrimination in
provision or transportation
services

Calculation of fee, **3:321**

Evidence of fees, **3:322**

Class action requirements for
discrimination claim in provi-
sion of transportation ser-
vices, **3:317**

TRANSPORTATION—Cont'd

—Cont'd

Class actions, **3:317**

Exhaustion of administrative reme-
dies not required, **3:311**

Injunctive relief, **3:318**

Injunctive relief for discrimination
in provision of transportation
services, **3:318**

Monetary relief on claim of
discrimination in provision of
public transportation services,
3:319

Pleading prima facie case of
discrimination in provision of
transportation services, **3:315**

Pleading prima facie case of retali-
ation or coercion in provision
of transportation services,
3:316

Primary jurisdiction doctrine,
applicability, **3:312**

Private right of action available for
claim of discrimination in
provision of transportation
services, **3:313**

Standing, **3:314**

Standing to assert claim of
discrimination in provision of
transportation services, **3:314**

Private entities, applicability of
nondiscrimination mandate

Clubs, transportation systems oper-
ated by, **3:54**

Contracts between, **3:39**

Private transport, providing, **3:10**

Reasonable accommodation
provided, **3:10**

Taxi service, providing, **3:46**

Types of transportation, **3:33**

Vehicle as applied to, **3:28**

Provision of services by
transportation entities

Accessibility-related equipment or
features, **3:70**

Animals, service, **3:69**

Assistance by entity personnel
required, **3:64**

Boarding

Adequate time for, **3:74**

INDEX

TRANSPORTATION—Cont'd

—Cont'd

Boarding—Cont'd

Preference of rider respected,
3:65

Demand responsive service operated by private entities not primarily in business of transporting people, **3:169**

Disembarking

Adequate time for, **3:74**

At any stop, **3:72**

Identification, means to identify proper vehicle, **3:68**

Information, adequate transportation services information, **3:71**

Lift and securement use by public and private entities

Assistance by entity personnel required, **3:64**

Boarding preference of rider respected, **3:65**

Securing wheelchairs, requirements for, **3:62**

Standees with disabilities, use of lift or ramp by, **3:66**

Transfer of wheelchair users to vehicle seat, **3:63**

Transporting wheelchairs, **3:61**

Oxygen, traveling with respirator or portable oxygen supply, **3:73**

Priority seating, requesting other passengers to vacate, **3:75**

Respirator, traveling with respirator or portable oxygen supply, **3:73**

Standees with disabilities, use of lift or ramp by, **3:66**

Stop announcements, **3:67**

Transfer of wheelchair users to vehicle seat, **3:63**

Transporting wheelchairs, **3:61**

Wheelchairs, securing, **3:62**

Public and private entities, services under contract between

Applicability of nondiscrimination mandate

Generally, **3:40**

TRANSPORTATION—Cont'd

—Cont'd

Applicability of nondiscrimination mandate—Cont'd

Obligations of private entities to acquire accessible vehicles, **3:42**

Percentage of accessible vehicles in public entity fleet, **3:41**

Public entities, applicability of nondiscrimination mandate, **3:32**

Railroads and Rail Systems (this index)

Rehabilitation Act of 1973, relationship of ADA to, **3:16**

Relationship of ADA to other laws Federal Transit and Federal-Aid Highway statutes, **3:17**

Labor-management agreements, **3:18**

Preemption of conflicting laws, **3:15**

Rehabilitation Act of 1973, **3:16**

Religious entities, transportation systems operated by, applicability of nondiscrimination mandate, **3:54**

Respirator, traveling with respirator or portable oxygen supply, provision of services by transportation entities, **3:73**

Section 504 protections

Generally, **1:186-1:198**

Generally, **1:186 et seq.**

Accessibility of transportation facilities, **1:191**

Airports, facilities conforming with ADAAG or USAS, **1:193**

Conduct of investigation; intimidating and retaliatory acts, confidentiality, **1:195**

Conformity, facilities conforming with ADAAG or USAS, **1:186 to 1:198**

Discrimination prohibited by DOT federal financial recipient, **1:186**

Determining site or location of

TRANSPORTATION—Cont'd

—Cont'd

- Discrimination prohibited by DOT federal financial recipient, **1:186—Cont'd**
 - facility, **1:188**
 - Method of administration, **1:187**
- DOT federal financial recipients communications with others, **1:189**
- Elementary and secondary schools. **Education** (this index)
- Facilities conforming with ADAAG or USAS, **1:186 to 1:188**
- Hearing by DOT under Rehabilitation Act, **1:197**
- Hearing on violation of disability nondiscrimination provisions, waiver, **1:198**
- Mandated nondiscrimination, generally, **1:186 to 1:198**
- Paratransit services, **1:186**
- Pedestrian walkways, facilities conforming with ADAAG or USAS, **1:192**
- Post-hearing decision on violation of disability nondiscrimination provisions
 - Subsequent proceedings, **1:198**
- Reasonable accommodations provided by DOT recipient of federal financial assistance, **1:190**
- Recommendation and order for adverse action to enforce disability nondiscrimination provisions, **1:196**
- Relationship to other laws, **1:8**
- Rest-area walkways, facilities conforming with ADAAG or USAS, **1:192**
- Walkways, facilities conforming with ADAAG or USAS, **1:192**
- Services and entities, applicability of nondiscrimination mandate to transportation
 - Air transportation systems
 - Private jitney or shuttle services, **3:52**

TRANSPORTATION—Cont'd

—Cont'd

- Air transportation systems
 - Cont'd
 - Shuttle service to destinations beyond airport, **3:51**
 - Shuttle service to parking lots and terminals, **3:50**
- Applicable regulations, **3:35 to 3:38**
- Behavior is violent, disruptive, illegal, or direct threat, service not required, **3:7**
- Contract, services under
 - Private entities, contracts between, **3:39**
 - Public and private entities, services under contract between, below
- Demand responsive service, **3:21**
- Designated public transportation, **3:23**
- DOJ regulations, applicability, **3:36**
- DOT regulations, applicability, **3:35**
- Education transportation systems
 - Private school exemption, **3:43**
 - Public school exemption, **3:42**
 - Universities, obligations of public and private, **3:44**
- Employer, transportation services provided by, **3:57**
- Entities, types of transportation
 - Commuter authority, **3:34**
 - Private entities, **3:33**
 - Public entities, **3:32**
- Entities subject to both DOT and DOJ regulations, **3:37**
- Fear or misinformation, no refusal of service based on, **3:8**
- Fixed route service, **3:22**
- Insurance conditions or rates, no refusal of service because of, **3:5**
- Integrated settings, priority for methods offering, **3:9**
- Obligations of private entity under contract with public entity to

INDEX

TRANSPORTATION—Cont'd

- Cont'd
 - acquire accessible vehicles, **3:42**
 - Opportunity to use services, **3:1**
 - Private entities
 - Clubs, transportation systems operated by, **3:54**
 - Contracts between, **3:39**
 - Private transport, providing, **3:10**
 - Reasonable accommodation provided, **3:10**
 - Taxi service, providing, **3:46**
 - Types of transportation, **3:33**
 - Vehicle as applied to, **3:28**
 - Private school exemption, **3:43**
 - Public accommodations, shuttle systems and other transportation services operated by, **3:55**
 - Public and private entities, services under contract between
 - Generally, **3:40**
 - Obligations of private entity to acquire accessible vehicles, **3:42**
 - Percentage of accessible vehicles in public entity fleet, **3:41**
 - Public school exemption, **3:42**
 - Reasonable accommodation provided
 - Private entities, by, **3:10**
 - Public entities, by, **3:11**
 - Consideration of request, **3:13**
 - Denial of request, **3:14**
 - Process and time for making request, **3:12**
 - Recreational purposes, conveyances used primarily for, **3:56**
 - Religious entities, transportation systems operated by, **3:54**
 - Services, types of transportation
 - Demand responsive system, **3:21**
 - Designated public transportation, **3:23**
 - Fixed route system, **3:22**

TRANSPORTATION—Cont'd

- Cont'd
 - Subsidiary company, transportation services by, **3:38**
 - Taxi service
 - Accessibility, **3:47**
 - Applicable regulations, **3:45**
 - Nondiscrimination mandate, **3:46**
 - Private entities providing taxi service, **3:46**
 - Universities, obligations of public and private, **3:44**
 - Vanpools
 - Private vanpool systems, **3:49**
 - Public vanpool systems, **3:48**
 - Vehicles, types of
 - Buses, **3:29**
 - Private entity, vehicle as applied to, **3:28**
 - Services by transportation entities.
 - Provision of services by transportation entities, above
 - Shuttle systems and other transportation services operated by public, applicability of nondiscrimination mandate, **3:55**
 - Special transportation services.
 - Paratransit Services** (this index)
 - Standeers with disabilities, use of lift or ramp by, **3:66**
 - Stop announcements, provision of services by transportation entities, **3:67**
 - Taxi service, nondiscrimination mandate applicable to
 - Accessibility, **3:47**
 - Applicable regulations, **3:45**
 - Nondiscrimination mandate, **3:46**
 - Private entities providing taxi service, **3:46**
 - Technical assistance, failure to receive not a defense, **3:20**
 - Time for boarding or disembarking, **3:74**
 - Training of transportation entity personnel under ADA

TRANSPORTATION—Cont'd

—Cont'd

- Appropriate to duties, **3:270**
- Purpose and scope of training requirements, **3:269**
- Technical tasks and human relations training, **3:271**
- Vanpools, nondiscrimination mandate applicable to
 - Private vanpool systems, **3:49**
 - Public vanpool systems, **3:48**
- Vehicle accessibility requirements
 - Generally, **3:117 to 3:123**
 - Alternative designs and technologies, use of
 - Determination of compliance, **3:123**
 - Public participation, **3:121**
 - Request for approval, **3:120**
 - When equivalent facilitation permitted, **3:122**
- Fixed route and demand responsive systems operated by public entities
 - New nonrail vehicles, purchase or lease of
 - Accessibility required, **3:124 to 3:127**
 - Equivalent service exception for demand responsive system, **3:125 to 3:127**
- Remanufactured vehicles
 - Generally, **3:130**
 - Historic vehicle exception, **3:131**
- Used nonrail vehicles, purchase or lease of for fixed route systems
 - Donated vehicles, **3:128**
 - Exception, good-faith effort exception, **3:129**
 - Used vehicle accessibility requirements, **3:128**
- New and used vehicles, **3:117**
- Private entities providing transportation, requirements for
 - Entities not primarily in business of transporting people
 - Applicability, **3:149**

TRANSPORTATION—Cont'd

—Cont'd

- Private entities providing transportation, requirements for—Cont'd
 - Entities not primarily in business of transporting people
 - Cont'd
 - Demand responsive system, **3:151**
 - Fixed route system, **3:150**
 - Over-the-road buses, **3:152**
 - Vehicles operated by public accommodations, **3:153**
 - Entities primarily in business of transporting people
 - Fixed route system, new nonrail vehicles, **3:154**
 - Historic vehicle exception, **3:159**
 - New nonrail vehicles, **3:154 to 3:156**
 - Remanufactured vehicles, **3:158**
 - Van with capacity of fewer than eight persons, **3:156**
- Equivalent service standard
 - Most integrated setting appropriate required, **3:160**
 - Service characteristics which deem service as equivalent, **3:161**
- Remanufactured vehicles, **3:118**
- Solicitation; purchase or lease, **3:117**
- When vehicle readily accessible to, and usable by, individuals with disabilities, **3:119**
- Wheelchairs
 - Accessibility requirements for transportation facilities
 - Services not required for wheelchair users, **3:79**
 - Structural changes for, **3:78**
- Aircraft accessibility
 - On-board wheelchairs, provision of, **3:357**
 - Stowage of, **3:359**

INDEX

TRANSPORTATION—Cont'd

—Cont'd

Passenger vessels, assistance and services, **3:301**

Securing wheelchairs, requirements for provision of services by transportation entities, **3:62**

Transfer of wheelchair users to vehicle seat, provision of services by transportation entities, **3:63**

Transporting, provision of services by transportation entities, **3:61**

TRAVEL

Path of Travel (this index)

TRIAL

Public Accommodations (this index)

Section 504 Protections (this index)

TRIPARTITE DEFINITION

Disability defined, **2:2**

TRS FUND

Interstate Cost Recovery Plan (TRS fund) (this index)

TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT

Telecommunications, **5:89 to 5:97**

UNDUE HARDSHIP DEFENSE

Section 504 Protections (this index)

UNIT OF LARGER RECIPIENT

Section 504 protections, federal financial assistance, **1:79**

URBAN MASS TRANSPORTATION ADMINISTRATION

Federal Transit Administration (this index)

VANPOOLS,

NONDISCRIMINATION MANDATE APPLICABLE TO
Generally, **3:48 to 3:49**

VEHICLE ACCESSIBILITY

Transportation (this index)

VENUE

Public Accommodations (this index)

Section 504 protections, **1:229**

VERIFICATION

Complaint by coach in wheelchair precluded from on-field coaching, form, **6:68**

VETERANS' BENEFITS, JUDICIAL REVIEW OF DENIAL OF

Section 504 protections, **1:225**

VIDEO PROGRAMMING

Closed-captioning, **5:138 to 5:151**

VIDEO RELAY SERVICE PROVIDERS (VRS)

At-home VRS call handling, **5:25**

E911 service, emergency calling requirements, **5:19**

Restrictions on, **5:23**

Unauthorized and unnecessary use of, **5:30**

VIDEO REMOTE INTERPRETING (VRI) SERVICES

Specific requirements, **4:99**

VISUAL IMPAIRMENTS

Bar examination applicants, forms relating to accommodation of, **6:36 to 6:39**

Injunctions (this index)

Internet service providers, complaint for injunctive relief, failure of Internet service providers to remove communications barriers for blind persons, form, **6:63**

Jury service, form of complaint, **6:26, 6:32**

Section 504 Protections (this index)

VOCATIONAL REHABILITATION

Dismissal of complaint against state vocational rehabilitation

VOCATIONAL REHABILITATION

—Cont'd

—Cont'd

agency, forms, **6:3, 6:4**

Section 504 Protections (this index)

VOCATIONAL SERVICES

Section 504 protections, **1:185**

VOICE MAIL

Telecommunications, voice mail and interactive menu services, access to, **5:84 et seq.**

VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT

Voting Facility Accessibility (this index)

VOTING FACILITY

ACCESSIBILITY

Generally, **2:228 to 2:235**

Absentee ballot

Help America Vote Act, **2:235**

Generally, **2:236 to 2:240**

Protections for state government appointees

Generally, **2:241 to 2:244**

Administrative procedures, **2:243**

Discriminatory practices prohibited, **2:242**

Employees covered, **2:241**

Judicial review, **2:244**

Voting Accessibility for the Elderly and Handicapped Act, **2:234**

ADA checklist, **6:40**

Advocacy systems, Help America Vote Act, **2:238**

Aids, voting, Voting Accessibility for the Elderly and Handicapped Act, **2:231**

Applicability of ADA, **2:228**

Attorneys' fees, Voting Accessibility for the Elderly and Handicapped Act, **2:235**

Ballot, absentee

Help America Vote Act, **2:234**

VOTING FACILITY

ACCESSIBILITY—Cont'd

—Cont'd

Voting Accessibility for the Elderly and Handicapped Act, **2:234**

Eligibility requirements, Help America Vote Act, **2:237**

Enforcement actions, Voting Accessibility for the Elderly and Handicapped Act, **2:235**

Free absentee ballot postage program, Help America Vote Act, **2:235**

Help America Vote Act

Absentee ballots, free absentee ballots postage program, **2:235**

Advocacy systems, payments to states, **2:238**

Eligibility requirements, payments to states, **2:237**

Free absentee ballot postage program, **2:235**

Payments to states

Generally, **2:236**

Advocacy systems, **2:238**

Eligibility requirements, **2:237**

Protection systems, **2:238**

Postage, free absentee ballots postage program, **2:235**

Protection systems, payments to states, **2:238**

Voting system standards, **2:240**

Medical certification requirements, Voting Accessibility for the Elderly and Handicapped Act, **2:234**

Polling facilities, Voting Accessibility for the Elderly and Handicapped Act, **2:231**

Postage, free absentee ballots postage program, Help America Vote Act, **2:235**

Preliminary injunction under ADA, **2:229**

Protection systems, Help America Vote Act, **2:238**

Registration, Voting Accessibility for the Elderly and Handicapped Act, **2:230, 2:232**

INDEX

VOTING FACILITY

ACCESSIBILITY—Cont'd

—Cont'd

Voting Accessibility for the Elderly and Handicapped Act

Absentee ballot, **2:234**

Aids, voting, **2:231**

Attorneys' fees, **2:235**

Ballot, absentee, **2:234**

Enforcement actions, accessibility
Generally, **2:235**

Attorneys' fees, **2:235**

Medical certification requirements,
2:234

Polling facilities, **2:231**

Registration, **2:230, 2:232**

Voting system standards, Help
America Vote Act, **2:240**

WAIVER AND ESTOPPEL

Air Carrier Access Act, signing
waivers or releases, prohibition,
3:288

Collateral estoppel, private right of
action, state and local government
services, **2:189**

Passenger vessels, waivers and
releases, **3:288**

Res judicata, private right of
action, state and local government
services, **2:184**

Section 504 Protections. **Enforcement of Section 504 Protections** (this index)

State and local government services

Collateral estoppel, private right of
action, **2:189**

WALKWAYS

Section 504 protections, facilities
conforming with ADAAG or
USAS, **1:192**

WELFARE

Public Assistance Programs (this
index)

WHEELCHAIRS

Affidavits, athletic coach in
wheelchair precluded from

WHEELCHAIRS—Cont'd

—Cont'd

on-field coaching, forms,
6:70, 6:71

Aircraft accessibility

Provision of wheelchairs on board,
3:357

Space for stowage of passengers
wheelchairs, **3:358**

Stowage of, **3:359, 3:384 to 3:395**

Applications, wheelchair users and
recreational facilities, forms,
6:69, 6:72

Assembly areas, new construction
and alterations of, required
number and accessibility of
wheelchair locations, **4:114**

Athletics

Coach in wheelchair precluded
from on-field coaching,
forms, **6:67 to 6:74**

Complaints

Coach in wheelchair precluded
from on-field coaching,
forms, **6:67, 6:68**

Forms relating to curb ramps, **6:28, 6:29**

Curb ramps

Sidewalks, wheelchair users' complaint and stipulation of
settlement, forms, **6:28, 6:29**

Wheelchair users' complaint and
stipulation of settlement,
forms, **6:28, 6:29**

Declaratory judgments

Coach in wheelchair precluded
from on-field coaching, form
of complaint, **6:67**

Entertainment or exhibition places,
forms, **6:59 to 6:63**

Forms

Athletics, coach in wheelchair
precluded from on-field
coaching, forms, **6:67 to 6:74**

Curb ramps, wheelchair users'
complaint and stipulation of
settlement, **6:28, 6:29**

Entertainment or exhibition places,
6:59 to 6:63

WHEELCHAIRS—Cont'd

—Cont'd

- Lodging places, refusal to allow use of motorized mobility device in hotel room, **6:55, 6:56**
- Stipulation of settlement by wheelchair users concerning curb ramps, **6:29**
- Verification of complaint by coach in wheelchair precluded from on-field coaching, **6:68**
- Injunctions
 - Coach in wheelchair precluded from on-field coaching, forms, **6:67 et seq.**
- Intercity and commuter rail systems operated by public entities
- General accessibility requirements
 - Wheelchair locations and food service cars, **3:134 to 3:136**
- New vehicles, purchase or lease of
 - Wheelchair accessibility requirements for intercity and commuter rail passenger cars, **3:139**
- Used vehicles, purchase or lease of
 - Wheelchair accessibility requirements for dining cars, **3:140**
- Lodging places, forms relating to refusal to allow use of motorized mobility device in hotel room, **6:55, 6:56**
- Memoranda, athletic coach in wheelchair precluded from on-field coaching, forms, **6:74**
- New construction and alterations, required number and accessibility of assembly areas, **4:114**
- Paratransit services
 - Category 2: designated accessible public transportation not available on user's route
 - Wheelchair cannot be accommodated, **3:216**
- Passenger vessels, assistance and services, **3:301**

WHEELCHAIRS—Cont'd

—Cont'd

- Public accommodations, wheelchair seating barriers in assembly areas, **4:114**
- Securing wheelchairs, requirements for provision of services by transportation entities, **3:62**
- Settlements
 - Curb ramps, wheelchair users' stipulation of settlement, form, **6:29**
- Sidewalks
 - Curb ramps, wheelchair users' complaint and stipulation of settlement, forms, **6:28, 6:29**
- Stipulations
 - Curb ramps, wheelchair users' stipulation of settlement, form, **6:29**
- Structural barriers, removal of
 - Wheelchair seating barriers in assembly areas, as barriers that must be removed, **4:114**
- Transfer of wheelchair users to vehicle seat, provision of services by transportation entities, **3:63**
- Transportation entities, provision of services by
 - Generally, **3:60 et seq.**
- Accessibility requirements for transportation facilities
 - Services not required for wheelchair users, **3:79**
 - Structural changes, **3:78**
- Securing wheelchairs, requirements for, **3:62**
- Transfer of wheelchair users to vehicle seat, **3:63**
- Transporting common wheelchairs and their users, requirements for, **3:62**
- Transportation** (this index)
- Verification, complaint by coach in wheelchair precluded from on-field coaching, form, **6:68**
- Wheelchair seating barriers in assembly areas, as barriers

INDEX

WHEELCHAIRS—Cont'd

- Cont'd
 - that must be removed, **4:114**

WILDERNESS ACT

- Public accommodations, relationship of ADA to other laws, **4:11**

WORDS AND PHRASES

- Auxiliary aids and services, **2:30**
- Categories of services and actions, **2:30**
- Determination must be based on individualized assessment, **2:47**
- Individual may not be direct threat to health or safety of others, **2:35**
- Individual need not be directly involved in program, **2:35**
- Person who meets essential eligibility requirements, **2:35**

WORDS AND PHRASES—Cont'd

- Cont'd
 - Public entities, **2:32 to 2:34**
 - Qualifications of interpreter, **2:31**
 - Qualified individual with a disability, **2:34 to 2:38**
 - State and Local Government Services** (this index)
 - State licensing requirements, relation to, **2:37**
 - Telecommunications relay services (TRS), **5:3 et seq.**
 - Telecommunications** (this index)

WORKERS' COMPENSATION

- Relation to ADA, **2:56**

ZONING

- Section 504 protections, zoning of residential group homes, **1:175**