

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 complaint, **3:404**
 - Complaint Resolution Officer actions, **3:403**
 - DOT duty to investigate, publish, 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 complaint 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 operating 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 penalties, **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 complaint, **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, nondiscrimination mandate, **3:344**
 - Foreign airports, responsibility of carriers, nondiscrimination mandate, **3:379**
 - Hearing-impaired individuals, information for, nondiscrimination 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, nondiscrimination mandate, **3:289 to 3:293**
 - Injunctive relief, private enforcement 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 nondiscrimination 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 connecting 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 assistive 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, damaged, or pilfered, **3:391**
 - When level-entry boarding and deplaning assistance to aircraft passenger not required, **3:377**
 - Nondiscrimination mandate under ACAA
 - ACAA's 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 communicable disease, **3:338**
 - No waivers or releases allowed to receive services under ACAA, **3:341**
 - Refusal of transportation to individual 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 passengers, **3:340**
 - Special charges allowed, **3:337**
 - What is required
 - Contractors required to comply with ACAA, **3:343**
 - Modification of policies, practices 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 proceeding 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, prohibition, **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, prohibition, **3:336**
 - Safety briefing, on-board, nondiscrimination 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, nondiscrimination 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 carriers operating authority, **3:427**
 - Timeliness of carriers service under ACAA, **3:372**
 - Training, nondiscrimination mandate, **3:396, 3:397**
 - Waivers or releases, signing, prohibition, **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 services, 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 protections, **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, petition for private room and double time, form, **6:34**
Complaint concerning job assignment 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 Services 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 impairment, form, **6:8**
Section 504 protections, **1:33, 1:56**

BACK PAY
Firefighter with HIV, withdrawal of employment offer, complaint 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, obligations 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**

DEFUALTS

- 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, generally, **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 placemtn, **13:5, 13:6**
Residential placement, reimbursement 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 placement, **11:84**
Contracts and agreements
Mainstreaming (LRE) implementation, **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**
 EEOC. 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 disabled 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 performance, **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 disabled 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-
 - 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 support levels, **11:134**
 - Reduction prohibited, **11:134**
 - Waiver for exceptional circumstances, **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 requirements 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 administra-
 tive 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 accommoda-
 tion violates ADA Title I,
 7:318
 Coordination of complaints or
 charges subject to Rehabilita-
 tion 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 deter-
 mination, notice and issu-
 ance of, **7:331**
 Referral to EEOC or agency,
 notice to complainant of,
 7:301
 Processing charges by EEOC
 Alternate dispute resolution
 must be attempted, concili-
 ation 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 investiga-
 tion 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 determination, **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 complaint filed
 - Designated agency's retention of complaint for investigation, **7:306**
 - EEOC's retention of complaint for investigation, **7:307**
 - Notice to complainant of deferral of dual-filed complaint, **7:308**

EMPLOYMENT—Cont'd

- Cont'd
 - Retention by agency where complaint filed—Cont'd
 - Section 504 agency's retention of complaint for investigation, **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 proceedings, **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 Employment 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 protections, **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, Section 504 protections, **1:107**
 - Certificates and certification
 - Charge under Americans with Disabilities Act, form for certification 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 agreement 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 stipulations, **10:93**
 - HIV-related illness, form for settlement 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 agreement, **8:283**
 Contracts and agreements
 Discrimination, contractual or other arrangements effecting
 Covered contracts and arrangements, **7:250**
 Obligations on employers and contractors, **7:251**
 Prohibited conduct, **7:249**
 Fringe benefits, effect of contracting out, **7:256**
 Controlling employer, discriminatory 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 accommodate, **10:26**
 Damages
 Executive office employees, payment 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 discharge, 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 settle-
ments, **8:355**
Appeal of Judicial decision in
CAA action
Expedited Supreme Court
review of certain CAA
appeals, **8:339**
Judicial review of CAA regula-
tions, **8:340**
Other judicial review not autho-
rized 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, accom-
modation of federal govern-
ment 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 disabil-
ity, 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 reassignment, **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 jurisdiction of, **8:278 et seq.**
Complaints within jurisdiction 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 conciliation, **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 agreement, **8:282**
Confidentiality of medical information, **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
 - Agencys 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 inquiries
 - 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, complaint 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 support 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, complaint, **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 impairment, 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 connection 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
 Harrassment, **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 accommodation, **8:45**
 - Labor unions
 - Affirmative action, federal contractors, **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 concerning 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 judgment 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 insurance, **10:65**
 - Mandated nondiscrimination, Section 504 protections, generally, **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 cased 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
 - 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
 - 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, nonexistent, **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 services
 Service for less than 91 days, **9:64**
 Service for more than 90 days, **9:65**
 Vacation benefits, form of complaint 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 limitation, **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 performance 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**

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

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 reso-
 lution, 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 state-
 ments, 4:278
Record, 4:295
Reply to response to motions and
petitions, 4:284
Request to issue citation or deter-
mination 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 or 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**
 - 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
 - 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 posi-
 tion, 6:12
 Notice of motion, discharge not
 discriminatory, typist not
 otherwise qualified for posi-
 tion, 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, relation-
 ship of ADA to other laws,
 4:12
 Section 504 protections, relation-
 ship 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 require-
 ment, 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 sever 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 equivalent 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 communities—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 remedies 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 accommodation 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 complaint, how to file a complaint, **14:72**
Certification of state or local agencies as substantially equivalent, **14:80**
Certification of substantially equivalent 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, circumstances 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**

HOUSING—Cont'd

- Cont'd
 - 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**
- 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-
 - 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**
 - 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, alteration, or modification, *supra*
 Modification of housing. amendment, alteration, or modification, *supra*
 Mootness, **14:197**
 Motions
 Generally, **14:114**
 Forms, *supra*
 Quashing or limiting administrative 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 dwellings, *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 housing 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 admissibility, **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*
Joiner, **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 accom-
modation request, **14:230**
Elements
Equal opportunity, **14:240**
Necessity, **14:239**
Reasonableness, **14:227**
Housing provider's duty, initia-
tion 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 handi-
capped, **14:51**
Pets, waiver of rules against, **14:49**
Purpose of reasonable accom-
modation requirement, **14:46**
Reasonable costs of accommo-
dation, 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 accommo-
dation, accommodator's duty to
bear, **14:52**
Reasonable modification of exist-
ing premises, **14:43**

HOUSING—Cont'd

—Cont'd
Reasonable modification of hous-
ing
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 Gen-
eral, **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 administra-
tive 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 supporting affidavits for waiver of 19-year-old eligibility rule, **6:19 to 6:21**
Bar examination applicants
Petition and supporting memorandum 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 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, forms, **6:67 et seq.**
Complaint by individual teacher, form, **6:6**
Disabled student, denied from participating in school activities, **6:33**
Dismissal of complaint against state vocational rehabilitation agency, form, **6:3, 6:4**
Firefighter with HIV, withdrawal of employment offer, complaint form, **6:2**
Internet service providers, complaint for injunctive relief, failure of Internet service providers to remove communications 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 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**
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 opposing 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 services

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 complaint, 6:26, 6:32

Voting facility accessibility, 2:229

INMATES

Prison (this index)

INQUIRIES FOR ADMISSION

Section 504 protections, preadmission 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 communications barriers for blind persons, form, 6:63

INTERPRETERS

Public accommodations, auxiliary aids and services, specific requirements, 4:98

State and local government services

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

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 eligibility, **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 transportation 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 submitting plan required, **3:250**
- Overview, **3:250 to 3:261**
- Development
- Ongoing participation requirement, **3:249**
- Public comment, **3:248**
- Public hearing, **3:248**
- Public participation requirements, **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	PREPLACEMENT—Cont'd
—Cont'd	—Cont'd
When use of force is at issue, 1:201	Section 504 protections, elementary and secondary school preplacement evalua- tion, 1:130
POLLING	PRESCHOOL EDUCATION
Voting Facility Accessibility (this index)	Section 504 protections, 1:132
POSTAGE	PRESUMPTIONS AND BURDEN OF PROOF
Help America Vote Act, free absentee ballots postage program, 2:235	Air Carrier Access Act private enforcement actions, 3:433
POSTAL SERVICE	Public Accommodations (this index)
Section 504 protections, implementation by Postal Service, 1:3	Section 504 Protections (this index)
POSTSECONDARY SCHOOLS	State and local government ser- vices, private right of action, 2:195, 2:199, 2:200, 2:204, 2:208
Education (this index)	
PREADMISSION	PRETRIAL MATTERS
Section 504 protections, preadmis- sion into postsecondary schools, 1:145	Public Accommodations (this index)
PRECLUSION	PREVAILING PLAINTIFF
Section 504 protections, preclusion of claim or issue, 1:237	State and local government ser- vices, private right of action, attorneys' fees, 2:223
Telecommunications Act, preclu- sion of private action to enforce, 5:123	
PREEMPLOYMENT INQUIRIES	PRIMA FACIE CASE
Section 504 protections, 1:113 to 1:115	Public accommodations, 4:183 et seq.
PREEMPTION	Section 504 protections, burden of proof, 1:258 to 1:272
ADA, preemption of conflicting laws, 3:15	State and local governments, private right of action, 2:195 to 2:203
Air Carrier Access Act, preemption of state laws, 3:329	
PREHEARING CONFERENCES	PRISON
Air Carrier Access Act, complaints to DOT, 3:422	Accessibility of prison activities, 1:206
PRELIMINARY MATTERS	Accessible facilities, 1:205, 2:126
Enforcement of Section 504 Protections (this index)	Activities, 1:200
Section 504 Protections (this index)	AIDS/HIV, Section 504 protec- tions, 1:208
PREPLACEMENT	Facilities accessibility, 2:103
	Mandated nondiscrimination, gen- erally, 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
 - 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, practices, and procedures, **4:93**
 - Civil actions
 - Affirmative defense, burden of proof, **4:191**
 - Alternative means of dispute resolution, **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, evidence 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, evidence 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 remedies, **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 constitutes, 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 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
 - 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 requirement, 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 establish-
 ments, **4:29**
 Stations used for specific public
 transportation, **4:25**
 What constitutes goods and ser-
 vices, **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, **4:16**
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 require-
 ments, **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 nondiscrimina-
 tory, **4:79**
 Refundable deposits, as permitted,
 4:74
 Rehabilitation Act of 1973, rela-
 tionship of ADA to other
 laws, **4:6, 4:7**
 Relationship of ADA to other laws
 Architectural Barriers Act, gener-
 ally, **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 operated by public entities
- General accessibility requirements, **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 standards, **2:95 to 2:107**
- Education, elementary and secondary schools, **1:126**
- Evidence in reasonable accommodation 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

- 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, nondiscrimination 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, relationship of ADA to other laws, **4:6, 4:7**
- Section 504 protections, relationship 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 enforcement, **1:248**
 - Classroom access, postsecondary schools, **1:150**
 - Communications, **1:87 to 1:89**
 - Compensatory damages, judicial enforcement, **1:283**
 - Complaints. **Enforcement of Section 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 facilities 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 counseling, **1:154**
- Course requirements, postsecondary 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 secondary 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 enforcement, **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 Section 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, hearing procedure, exception to initial decision, **1:218**
 - Exhaustion of remedies. **Enforcement of Section 504 Protections** (this index)
 - Expenses. Costs and expenses, above
 - Expert witnesses, judicial enforcement, **1:280**
 - Extracurricular activities. **Education** (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 emotional 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 disability, **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 nondiscrimination, **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, relationship 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, relationship 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 children, **1:184**
 - Mandated nondiscrimination, generally, **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 enforcement, **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 secondary 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 Rehabilitation 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 regulations, **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 facilities not permitted, **2:133**
Categories of programs covered, **2:24**
Categories of programs provided by state and local governments covered by ADA, **2:24**
Categories of services and actions, **2:30**
Certification. Licensing or certification 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 communication 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 compliance, **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, practices, 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, generally, **2:154**
 Primary consideration to individual's request, **2:156**
 Selecting appropriate service or device, **2:152, 2:155**
 State and local court proceedings, **2:157**
 Equally effective telecommunications systems required, **2:159**
 Estoppel. Waiver and estoppel, below
 Evidence, expert, **2:214**
 Examples of covered and noncovered services, programs, and activities, **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 remedies, **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 accessibility 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 accommodation, 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 agencies' 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 agreements, **2:174**
 Federal funding, termination as resolution of complaint to federal agency, **2:175**
 Fees for added costs of compliance, **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 malpractice, **2:23**
 - Merits, likelihood of injunctive relief on, **2:217**
 - Modification of policies, practices, and procedures
 - Nondiscrimination on basis of disability, 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 establishments, **2:148**
 - Undue burden defense not available, **2:147**
 - Nondiscrimination on basis of disability, 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 benefit, denial of, **2:66, 2:69, 2:73**
 - Other federal and state laws, generally, **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, provision of, **2:96**
 - Person who meets essential eligibility requirements, **2:35**
 - Place or location
 - Exclusion of individuals with disabilities from facility location, **2:78**
 - Federal agency, place for filing complaint with, **2:167**
 - Planning or advisory board member, denial of participation 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 alteration 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 consistently 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 remedies, **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, designation, **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. **Telecommuni-
cations 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. **Telecommuni-
cations 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, **Telecommunications Relay Services (TRS)** (this index)
- State and local government services
- 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 Communications 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 proceedings under Title VII, **5:71 et seq.**
- Compliance by common carrier with TRS regulations, **5:7**
- Confidentiality of conversations conducted through communications assistants, **5:14**
- Consumer complaint logs, functional standards, **5:26**
- Contact persons, functional standards, **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, enforcement proceedings under Title VII, **5:76**
- Documentation for FCC certification, **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 provisions, **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, issuance, **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 Funch (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
 - modation 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 nondiscrimination mandate, **3:54**
Private enforcement, **3:310 to 3:322**
Private enforcement of ADA
Alternative means of dispute resolution 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**
Attorney8217s 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 provision of transportation services, **3:317**

TRANSPORTATION—Cont'd

—Cont'd
 Class actions, **3:317**
 Exhaustion of administrative remedies 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 retaliation 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 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**
 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)
 - Standees 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 HARSHIP 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, forms, **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**