



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
2004 Volume I: The Supreme Court in American Political History

The ADA, the Supreme Court, and Self-Advocacy

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The Americans with Disabilities Act (ADA) is a landmark federal law that protects persons with physical or mental disabilities from discrimination. Due to the passage of this law, for the first time, people with disabilities are protected from discrimination based solely on their disability and assured access to all programs and services provided by state and government agencies.

Signed into law on July 26, 1990, the ADA prohibits physical barriers in employment, public accommodations, transportation, housing, telecommunications, recreation, health services, voting, and government services. This civil rights statute guarantees that Americans with disabilities will have the same protection against discrimination that is provided to other individuals on the basis of race, color, national origin, sex and religion. The ADA helps to ensure that persons with disabilities receive “full and equal enjoyment of goods, services, facilities, privileges and advantages in public accommodations.”¹

The ADA has been litigated numerous times since it became law. Many of the decisions in these court cases have limited or weakened the protections afforded to individuals with disabilities. In 1999, for instance, the U.S. Supreme Court ruled that correctable conditions, such as the ability to improve vision with eyeglasses, do not qualify under the guidelines of the ADA. And recently the Supreme Court ruled on a case that pertains directly to the ADA. This case, which dealt with the failure of some states to provide access to state buildings, will be a powerful starting point for curriculum development, discussion and examination of the rights guaranteed by the Constitution.²

This curriculum allows students the opportunity to understand the role the Supreme Court plays in laws and decisions that affect individuals with disabilities and to examine the policies of the American with Disabilities Act. The students will be able to draw parallels between policies enacted by the ADA and the ways in which these policies affect their everyday lives.

This topic will allow students the opportunity to focus on a subject that is important to their community and will allow them the opportunity to gain skills necessary for self-advocacy. The students will gain an understanding of the laws that pertain to their disabilities and the way these rights are enforced by the Supreme Court. This will give the students a better understanding of the Constitution, branches of government and social and judicial policies.

The Curriculum

This curriculum unit will:

1. provide background information on the ADA
2. familiarize students with the protection provided by the ADA and the penalties and remedies for violations.
3. promote self-advocacy by providing students with a solid understanding of their rights as spelled out in the ADA
4. examine Supreme Court cases to help students gain an understanding of the issues that face and challenge the ADA
5. allow students to participate in a mock court proceeding to debate issues of the ADA
6. define ADA and terminology
7. develop skills in self-advocacy

This curriculum unit will be taught in the course “Life Skills for the Blind and Partially Sighted.” In addition, the unit will be used in the summer school program and Extended Day Academy for visually impaired and blind students at Wilbur Cross High School. However, this unit will be of interest not only to visually impaired students but also their sighted peers, people with other disabilities or anyone who wishes to improve the quality of life for disabled individuals.

To derive maximum benefit from the curriculum visually impaired students should be presented with multi-sensory approach that allows students to acquire information from other sources of sensory input to compensate for reduced vision. Students will do research using translations of textbooks, accessible websites, journal articles, supplementary reading materials, and handouts in Braille, large print, or audiotapes.

Section I of this curriculum describes the ADA. Section II provides information on how students can use this information in their everyday lives. It will also provide information on how to become on self-advocacy. Section III will discuss the ADA and the Supreme Court. Section IV will provide lesson plans and resources.

Protecting the Rights of the Disabled

There are an estimated 43 million people in the U.S. who are disabled³ and, under the ADA; they have rights that are protected by three important federal laws:

1. The Individuals with Disabilities Education Act (IDEA) is an education law that guarantees special education and related services to eligible children with disabilities.
2. Section 504 of the Rehabilitation Act is a civil rights law prohibits discrimination on the basis of a disability in programs that receive federal funds.
3. The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination on the basis of disability in education, employment, public services, and accommodations

Part I: The ADA: An Overview

The purpose of the ADA is to provide “a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” The basic mandate of the ADA is that: “no qualified individual with a disability shall be excluded from participation in, or denied access to, programs or activities; denied benefits or services; or be subjected to discrimination by any public entity.”⁴ In an effort to ensure that this is accomplished the ADA provides “clear, strong, consistent, enforceable standards.”⁵

The ADA was derived from two previous laws, the Civil Right Act of 1964 and the Rehabilitation Act of 1973. Sec.504 of the Rehabilitation Act, however, prohibits discrimination on the basis of handicaps only where federal funds are received.

The ADA, on the other hand, applies to all aspects of society and attempts to ensure that discrimination of individuals with a disability will be addressed on a much wider basis. And for the first time, civil rights for disabled persons has become part of public policy.

Also, the ADA has provided a sense of empowerment for individuals with disabilities

and has energized them to fight for access and rights in the community.

The ADA does not supersede state and local laws that address discrimination on the basis of disability if they provide greater protection or broader coverage. Therefore, it is important for students to learn state, local and ADA coverage on any issue.

Who Is Covered By The ADA?

The ADA defines an individual as disabled if the person:

1. has a physical or mental impairment that substantially limits one or more major life activities

such as walking, hearing, seeing, speaking and breathing

2. has a record of such impairment such as recovered cancer patients or those who are disfigured to such an extent that they having a substantially limiting impairment.

3. is regarded as having such impairment.⁶

Sections of the ADA:

There are five sections of the ADA:

Title I: Employment

Effective: July 26, 1992 (Employers with 25+ employees)

Revised: July 26, 1994 (Employers with 15+ employees)

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, employment agencies, labor unions and state and local governments from discriminating against qualified individuals with disabilities in job applications, hiring, job training, advancement, firing, compensation, and privileges of employment. Federal employees, on the other hand, are protected from discrimination under section 501 of the Rehabilitation Act.

Title I states that “no covered entity shall discriminate against a qualified individual on the basis of a disability.”⁷ In fact, Title I prohibits discrimination in all aspects of employment including recruitment, advertising, the application process, job classifications, position description, testing, interviewing, hiring assignments, evaluation, discipline, medical examination, compensation, promotion, on-the-job training, leave, tenure, seniority, lines of progression, benefits (such as health insurance), social and recreational programs, layoff/recall, and termination.

Title I is enforced by the Equal Employment Opportunity Commission. However, employees with a complaint may also file a suit in federal court. The remedies provided include: an injunction, reinstatement and back pay. Also, when a case involves intentional discrimination the remedy may be a monetary award. This compensation, depending on the size of the employer, and can be up to \$300,000.⁸

Qualified Employee

Under the guidelines of the ADA, employees or applicants must be qualified for the positions despite their disability. “Qualified” individuals are defined in this act as persons who can perform the “essential functions of the job with or without reasonable accommodation” despite their disability.⁹

Reasonable accommodations:

Employers are required to make a reasonable accommodation for qualified applicants or employees with a known disability, unless the employer can prove that providing the accommodation would result in an undue hardship.

Reasonable Accommodations are changes or modifications in the work environment or adjustments in the way jobs are done that result in allowing the employee to perform the essential function of the job. The accommodations provided must be effective and must allow the applicant or employee an equal employment opportunity in the workplace.

Reasonable accommodations are determined on a case-by-case basis and depend on the needs of the individual. The employer, however, has the right to choose the accommodation even if it is the least expensive accommodation as long as it provides an even playing field for the individual and is effective in allowing this person the opportunity to complete his job successfully . 10

Undue hardship:

The definition of an “undue hardship” under the ADA, is an action that causes a significant difficulty or expense to an employer when factors such as an employer’s size, financial resources, and the nature and structure of its operation are taken into consideration

Under certain conditions, proof of an undue hardship exempts an employer from the requirement of providing reasonable accommodations. Several factors are considered when making this determination such as the size of the employer, number of work sites involved or the number of employees.

Also, under this provision, employers are not required to lower their quality or production standards. In addition, the employer is not required to provide personal use aids such as glasses or hearing aids.¹¹

Direct threat:

Disabled applicants or employees, who possess a “direct threat” to the health or safety of himself or others, are not protected by the ADA. Determined on a case-to-case basis, the use of competent medical or other evidence helps to determine whether this concept applies to an individual. Employers, however, are prevented from using stereotypes, fear or ignorance to use the defense of “direct threat.”¹²

Employer Reasonability

Job applicants or employees must be qualified, that is, they must have appropriate education and experience and must be able to perform the job. On the other hand, the employer must be certain that the employee is provided with an equal employment opportunity. For instance, if necessary, modifications to the job, work environment or equipment must be provided that will allow workers to perform the essential functions of the job and be able to perform the job satisfactorily. 13

Typical Accommodations

Reasonable accommodations are determined by the needs of the individual and are determined on a case-by-case basis. There are a wide variety of accommodations that can be provided to ensure the employee is able to perform his job in a satisfactory manner.

Determining and selecting accommodations is the responsibility of the employer. The only stipulation in selecting the modifications is that the accommodation must allow the employee to perform the essential

functions of the job. In addition, if production standards are required for all other employees uniformly they also can be required of the disabled worker.

Ideally the disabled employee should be part of the process in determining if accommodations are necessary and it would be logical that this individual assist in selecting the modifications that they are most comfortable using.

Accommodations for Blind and Visually Impaired Individuals

Blind and visually impaired individuals are capable of working in many types of jobs depending on their interests, skills, and education. Matching their capabilities with the accommodations necessary to be successful is an important and often complex task for employees and employers.

There are variety of eye disorders and conditions resulting in a variety of degrees of blindness. The majority of visually impaired individuals have at least some useful vision. Therefore, there are a variety of adaptations that may aid these persons. The modifications required will depend on the needs of the individual. In some cases, the person may need many accommodations and in some cases no modifications will be necessary.

Typical job-related auxiliary aids, services or accommodations for the blind or visually impaired:

1. tape recorder or audio translations of text or materials
2. Braille, large print or audio transcripts of text
3. tactile marking on equipment
4. qualified readers or typists
5. modifying work schedules to allow use public transportation
6. job sharing or job restructuring
7. altering examinations, training materials, or policies
8. supplying new devices or modifying existing equipment including screen readers, Braille embossers, portable electric note takers, scanners, magnifiers or high intensity lamps, and close-circuit televisions (CCTV) that enlarge text

Title II: State / Local Government Services and Public Transportation

Effective: January 26, 1992; effective dates for transportation provisions vary.

The Rehabilitation Act of 1973, Sec. 504, prohibits public entities that receive federal funding from

discriminating on the basis of a disability. However, Title II, of the ADA, prohibits all public entities from discriminating against people with disabilities, whether or not they receive federal funds. Administered by the U.S. Department of Justice and the U.S. Department of Transportation, Title II provides protection against discrimination in all services, programs, and activities of state and local government entities. 14

Public transportation including intercity bus and rail transportation are covered by Title II. Airlines are not covered by Title II. 15 Instead airlines are covered by Sec.504 of the Rehabilitation Act.

Individuals can file complaints with the Department of Justice or Department of Transportation or eight other administrative agencies. It is also possible to file complaints directly in federal court. Violations of Title II are patterned after the obligations and remedies under Sec.504 of the Rehabilitation Act and may include damage for intentional discrimination and injunctive.

Title III: Public Accommodations

Effective: January 26, 1992

Public accommodations are defined to include almost any entity with which one does business or visits (such as retail stores, banks, stadiums, theaters, offices or hospitals.)

Title III guarantees that individuals cannot be discriminated against on the basis of their disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations in any place of public accommodation by any person who owns, leases, or operates a place of public accommodation. 16

Commercial Facilities

Commercial facilities are defined as mercantile establishments that affect commerce such as office buildings, warehouses, and factories. Title III applies to commercial facilities that are newly constructed or altered.

Under the ADA, a place of public accommodation must:

1. prevent the screening of individuals with disabilities using eligibility criteria (Example: An establishment that wants someone to accompany an individual who is visually impaired even though they are capable of being on their own. This is illegal unless there is proof that the person with the visual impairment would be in jeopardy of direct threat of harm or injury.
2. provide auxiliary aids or services (Example : failing to assist a person who is blind by verbalizing a menu if there is no large print or Braille translation available. Also, when complex and significant financial stakes or health-care decisions are at stake, individuals who are deaf-blind, must be provided with qualified interpreters.
3. prevent exclusion, segregation, or different treatment (Example: isolating an individual to a certain seating section or preventing an individual from being part of an activity along with sighted peers.)
4. remove architectural and structural communication barriers when it is “readily achievable” to

- remove such barriers. (Example, not posting Braille markings in elevators or on signs in existing facilities. However, there is an exemption if this would be overly difficult or expensive.)
5. modify the practices or procedures that result in a denial of services. (Example, a blind person cannot be required to use a driver's license as the sole means of identification.)
 6. provide alternative methods when barriers cannot be removed. (Example: provide delivery service to a wheelchair user when the store's existing premises are not accessible.)¹⁷

Title IV: Telecommunications

Title IV ensures that interstate and intrastate telecommunications relay services are available to allow individuals with hearing or speech impairments access to reliable communication. This may include telecommunication relay services that assist hearing impaired, speech impaired or deaf-blind individuals.¹⁸

Title IV requires that telephone companies ensure that people with disabilities will have the ability to communicate by wire or radio. Title IV establishes guidelines and functional requirements for these services. These services must be available 24 hours on a daily basis. In addition, the rates for use cannot be greater than the rate paid for equivalent voice communication.

Also, carriers are required to provide Telecommunications Devices for the Deaf (TDD). This machine produces graphic communication of signals through wire or radio communication systems. The guideline prohibits operators from intentionally altering a relayed conversation, keeping record of conversations, or disclosing the content of conversations.

Title IV also covers television stations and provides close-captioning of verbal content for public service announcements that are produced or funded by or for the Federal Government.¹⁹

Title V: Miscellaneous provisions

Title V insures that any provisions of the ADA will not invalidate or limit the remedies, rights and procedures of any Federal law or law of any State or jurisdiction that provides greater or equal protection for the rights of disabilities individuals.

Title V also guarantees that there will not be restriction to insurers, hospitals or medical services, health maintenance organizations or agents or entities that administer benefit plans from underwriting risks,

classifying risks, or administering such risks.

Most importantly it guarantees that individuals with a disability do not have to accept an accommodations, aid, services, opportunities or benefits which the individual chooses not accept.²⁰

Part II: The Supreme and the ADA

The ADA has been challenged in the courts numerous times since this civil rights act was passed by Congress in 1990. Some lower court decisions concerning the ADA have been appealed to the Supreme Court. According to some experts these decisions have weakened the ADA and threatened the rights and protections granted disabled individuals in the United States.

Several of the ADA cases brought before the Supreme Court dealt specifically with blind and visually impaired issues including:

1. E. Sutton v. United Airlines, 527 U.S. 471 (1999)

G. Albertson's Inc. v. Kirkingburg, 527 U.S. 555 (1999).

These cases will be read by students to assist students in understanding the issues that are being debated and the rights that are at stake.

II. SYNOPSES OF THE CASES

OVERVIEW OF ISSUES ADDRESSED BY THE COURT IN ADA CASES

Sutton v. United Airlines, 527 U.S. 471 (1999).

Issues: In this lawsuit two job applicants with severe nearsightedness (myopia) challenged United Airlines' minimum vision requirement for global pilots. In addition, this case considers the issue of whether individuals who uses corrective lenses and other measures to improve their vision can be considered disabled and therefore covered under the ADA.

In 1992, two sisters applied for jobs with United Airlines as commercial airline pilots. Both women met the basic conditions and experience requirements for these jobs. Both women are severely myopic (nearsightedness) and have acuity of 20/200 or worse in the right eye and 20/400 or worse in the left eye without correction. Thus without their glasses or contact lenses they would not be able to drive a car. With corrective lenses, however, their visual acuity is 20/20 or better.

During their interviews, they were informed that they did not meet the minimum vision requirements set by United Airlines which requires a visual acuity of 20/100 or better without correction

The women filed a complaint with the Equal Employment Opportunity Commission (EEOC) and later filed a lawsuit in federal court against United Airlines. This lawsuit alleged that United Airlines discriminated against them on the basis of their disability and thus violated the ADA. In addition, they alleged that United Airlines discriminated against them because they regarded them as having a disability even though they are able to

correct the problem with corrective lenses.

The federal court dismissed their complaints on the ground that the plaintiffs did not prove they had a disability protected by the ADA and thus there was no claim upon which relief could be granted. This judgment was affirmed by the Court of Appeals for the Tenth Circuit. *Sutton v. United Airlines*, 130 F.3d 893 (10th Cir. 1997).

Both courts ruled that these individuals were not substantially limited in any major life activity because their vision was correctable. The courts also ruled that the plaintiffs did not prove their allegation that United Airlines regarded them as having an impairment that substantially limits a major life activity. However, the courts did find that United regarded them as unable to satisfy requirements for a particular job that of a global airline pilot.

The Supreme Court agreed to take this case to determine whether the Tenth Circuit's ruling that a disability should take mitigating measures into account was "in tension with the decisions of other Courts of Appeals." *Sutton*, 527 U.S. at 477. 21

Issues: Whether monocular vision constitutes a disability under ADA. Also, there is the question of whether a DOT safety regulation can allow an employer to use visual acuity as a job qualification when the DOT regulation contains a waiver which would allow this standard to be waived.

Albertson's Inc., a grocery store chain, hired Hallie Kirkingburg as a truck driver. Mr. Kirkingburg had more than ten years experience as a driver and he performed well on a road test given by Albertson's transportation manager.

He was required to be examined by a doctor before he started working to see if he met federal standard for commercial truck drivers. The doctor failed to note that he had uncorrectable vision condition (amblyopia) that involves weakened vision in one eye. His left eye had a visual acuity of -20/200 which meant he is able to see clearly in one eye (monocular vision). The doctor certified erroneously that he met DOT basic vision standard which requires a basic vision requirement that is corrected for distance to at least 20/40.

Kirkingburg later had to take a leave of absence due to an injury on the job. Before he could return he was required to undergo a physical examination. At this exam the physician again assessed his vision and this time correctly reported that his eyesight did not meet basic DOT standards. He applied for a waiver as the DOT regulations allow but in the meantime was fired by Albertson's for not meeting vision standard of DOT.

District court granted summary judgment for Albertson's. They ruled the company reasonably conclude he was not qualified without accommodation

The Court of Appeal for Ninth Circuit court reversed the district court's decision. The court held that Albertson's could not use the DOT vision standard as the justification for its vision requirement and yet disregard the waiver program which was a legitimate part of the DOT program. Albertson's argued that Kirkingburg did not have a disability within the mandate of the ADA. The Court of Appeals rejected this contention and concluded that Kirkingburg had presented evidence his vision differs significantly from the manner most people see.

In a unanimous ruling, the Court reversed the judgment of the Ninth Circuit. The Court ruled that Kirkingburg was not "qualified" under ADA and, therefore, the Court did not have to resolve the other issue of whether he

was an individual with a disability.22

Part III: Empowering Students / Developing Self-Advocacy Skills

Self-advocacy is an important skill that disabled students need to learn in order to protect their rights and ensure equal opportunities in their school, work, and community. This skill requires individuals to understand their rights and their needs and be able to communicate this information to others.

The following considerations are important to individuals learning to self-advocate:

1. awareness of their disabilities and its implications
2. knowledge of personal strengths, needs and responsibilities
3. ability to be assertive and tenacious
4. ability to communicate effectively
5. knowledge of laws and rights as a citizen
6. knowledge of available resources
7. use of available remedies when rights are denied
8. ability to educate others about issues
9. develop goals and objectives for short and long-term action plans
10. know their rights and how to express them
11. be clear with requests and prepared with explanations
12. learn to identify supporters

Developing Self-Advocacy Skills

It is essential for disabled students to develop the skills necessary to advocate for themselves. Self-advocacy skills are important and useful skills necessary for success throughout life. They are skills that will allow individuals with disabilities to deal with the obstacles they surely will encounter. It is important, therefore, for them to learn to listen carefully, ask meaningful questions, discuss issues, gather and organize information,

document, negotiate and become problem solvers.

Individuals with disabilities should be encouraged to develop strategies that will assist them in their everyday lives as well as focus on long-term goals. In addition, they should develop strategies that will assist them in their journey.

Self-Evaluation

The first step to self-advocacy is developing a sense of self. Self-advocacy requires an understanding of an individual's strengths, limitations and needs. Individuals must learn to identify personal goals, know their legal rights and responsibilities, and communicating these to others. They must also use the modifications and specialized materials and equipment necessary without fear or reluctance.

This curriculum will include activities that will encourage students to regularly reflect on the positive and negative situations in their life. They will be asked to take an honest look at their skills, their talents, what strategies work for them as well as what is not working for them. These exercises will help them put things into perspective and help them to develop an action plan to improve their skills.

Students must understand their strengths and limitations and what accommodations are needed to overcome their limitations. To determine what individuals need to improve their skills or compensate for their weaknesses they should be taught to investigate the accommodations, modifications, assistance or instruction they require accomplishing a task.

Learning to Communicate

It is important for students to practice the skill of communication. The annual Planning and Placement (PPT) meeting, required by school systems for students under 21, can be an excellent testing ground for students to learn these skills. Students should prepare before these meeting by organizing their thoughts, inventorying their needs, strengths, interests, talents and planning and practicing how they will present this information to the team.

Role playing

Role playing provides a great opportunity to practice communication skills. Role-playing allows students the opportunity to think and react to a variety of situations, help them raise their level of confidence and be able to communicate effectively with other people in a relatively comfortable and non-threatening atmosphere.

For instance, role playing a job interview will allow students the opportunity to practice answers to questions that they may encounter in a future job interview. It will also allow them to practice answers to questions that they might not anticipate, or questions that they legally do not have to answer. Practicing such questions beforehand will allow them to keep their composure, and reply appropriately.

Educating the Community

Students with disabilities often encounter situations where they are required to educate others about their disability or issues of importance to individuals with disabilities. Peers, teachers, administrators, employers and community members may be unfamiliar with the needs of disabled individuals. The consequence of this

ignorance is that students face uncomfortable, awkward, or discriminatory situations. Students, therefore, need to learn how to handle each of these situations to maintain their dignity and protect their rights.

Plans for the Future

Most high school students are focused on the present. However, in order to become independent, self-sufficient members of the community, individuals with disabilities need to develop a plan of action for the future. This transition plan needs to include a realistic evaluation of what services and supports they require to achieve their objectives. This plan will allow students to move smoothly from high school to work or higher education.

Lesson Plan: "Self-Advocacy in a Planning and Placement Meeting"

Background:

Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) requires public schools to make available to all eligible children with disabilities a free, appropriate public education in the least restrictive environment appropriate to their individual needs.

IDEA requires public school systems to develop appropriate Individualized Education Programs (IEP) for each child. The IEP is designed to reflect the individual educational needs of each student. The team consists of parents, teachers, counselors, mentors, tutors, administrators, and the student.

Goal:

To improve the transition from parent advocacy to self-advocacy by providing students with practice assuming responsibility for planning and decision making

Materials:

1. PPT handbook
2. visits to colleges
3. job shadowing experiences in the community
4. Copies of ADA, P.L. 94-142, Rehabilitation Act 504

Teaching Procedures

Phase I :

The teacher completes each of the following steps with students:

1. Inform the student about the nature and purpose of the strategy
2. Describe and provide a rationale for each step of the strategy
4. Provide information on how a PPT meeting is conducted
5. Provide examples of how the steps of the strategy can be used before or during the conference
6. Model the steps of the strategy for the student

7. Students should complete an inventory sheet that includes their strengths, weaknesses, goals, and modifications

Phase II:

1. Students verbally rehearse the strategy steps
2. Students role-play a simulated IEP conference to apply the strategies
3. Review and discuss tape recording of simulated IEP conference

Objective:

Students will gain experience in self-advocacy through a variety of experiences.

Students will:

- A. meet with guidance counselor or resource teacher for assistance
- B. obtain information concerning legislation that protect individuals with disabilities (IDEA, Rehabilitation Act 504 and ADA)
- C. review goals and objectives suggested by teachers prior to meeting
- D. submit additional goals and objectives as necessary
- E. actively participate in PPT by listening intently, asking questions, supplying suggestions

Objective:

Students will develop an "Inventory of Needs"

Students will:

1. develop a list of their strengths and weaknesses and likes and dislikes
2. discuss their learning styles and present strategies
3. reflect on how they solve problems and approach difficult situations

Inventory Skills

Each student will complete an inventory sheet of his/her learning strengths, areas that need to be improved, careers interests, and learning styles.

Students will keep journals that consist of personal observations on their classroom and homework activities and experiences. The student will note what strategies that have been successful and what needs to improve.

The exercises will also help develop the student's self-awareness and help them to gain explicit knowledge of their cognitive resources.

Objective:

Student will develop an "Action Plan"

Students will meet periodically in conferences with teachers to discuss:

1. possible adjustments or modifications to classroom procedures
2. how they are doing in class and what needs to improve
3. modifications and adjustments that are needed in their study and work habits

Students will write personal goals and objectives including the steps that are needed to accomplish these tasks and a timeline for completion

Looking To The Future

Students will:

1. visit colleges, places of employment, and other training facilities
2. meet with support personnel and college students receiving support services.
3. participate in a career awareness seminar with other students
4. participate in career exploration tasks such as taking vocational interest inventories and

job shadowing.

5. plan for the future by looking at planned courses, extracurricular activities, and summer employment that relate to career information

Evaluation:

Open-ended interviews with students, teachers, parents

Notes to Teacher

Stress the following strategies:

The student should be encouraged to speak up and actively participate; listen carefully; be aware and show interest in the discussion; and demonstrate acceptance or non-acceptance with simple agreement or disagreement statements.

Developing Communication Skills

The student should be encouraged to questions and request clarification or additional information when talking to teachers or attending meetings. Students should be encouraged to use a pleasant tone of voice, show interest in what others are saying and to allow the person to respond before asking another question. Students need to respond to questions using full sentences. They should take notes, if necessary.

Summarize your IEP goals

They should check their understanding of what is being discussed in meetings about them by asking questions or re-stating important issues in their own words. This will allow students and other conference participants to express agreement or disagreement with issues or with goals that are being set for the student.

Probe Questions

1. What do you think are your strongest and weakest learning areas?
2. What skills do want learn or improve over the next year that will help you do better in school?
3. What activities or materials in the past that have helped you learn your school subjects?
4. What school activities (sports, clubs, and jobs) do you want to become involved?
5. What careers or jobs would you like to pursue after graduation from high school?
6. What types of study or learning activities work best for you?
8. What size study group works best for you?

9. What type of assignments, tests or evaluations do you like?
10. Is there anything that has been overlooked or something you'd like to say about school, or any other area you are concerned about?

Part IV: Lesson Plans

“The Americans with Disabilities Act and the Supreme Court”

Grades:9-12 Subjects:Civil Rights, Civics, Language, History, Resource/ Disabled

Overview of Lesson Plan: Students will examine the *Americans with Disabilities Act* and the rights that it grants to individuals who have disabilities

Goal: Students will create a magazine or newspaper dealing with ADA and the issues that surrounds this law.

Lesson I: In this lesson, students will work in small groups to examine and present each section of the Americans with Disabilities Act.

Divide students into small groups and distribute copies of the ADA to each student. Assign each group one area to read. Each group will interpret and summarize the rights guaranteed to people that are disabled. Representatives will present their section of the ADA to the class. They will choose an editor. Reporters will be assigned to write a summary of each section.

Lesson II: In this lesson, students will work in small groups to examine the Supreme Court cases that deal with issues of the ADA.

1. E. Sutton v. United Airlines, 527 U.S. 471 (1999)
2. G. Albertson’s Inc. v. Kirkingburg, 527 U.S. 555 (1999).

Divide students into small groups and assign each group one case to read. Each group will also research articles on the case assigned to them. Representatives will present their section of the ADA to the class in a mock court that summarizes the majority and minority reports of each case. Reporters will be assigned to write a summary of the proceedings.

Lesson III: Students will tour their school and other places in their community to take an inventory of areas or situations that might present problems for individuals with disabilities. They will look for situations such as wheelchair accessibility, large print or Braille signs, etc.

Reporters will be assigned to interview students, faculty, and community members that have handicapping conditions. They will investigate how people with disabilities feel about the ADA and what problems or concerns they have about the community access, etc.

Lesson IV: Students will be divided into panels for discussion on the following issues:

How has the ADA assisted people with disabilities in the past three decades? What problems are there with ADA?

Do the Supreme Court cases studied show a trend toward weakening the rights of Americans with disabilities?

Lesson V: Students will create a magazine using the articles written from Lesson 1-4. Also, additional background articles will be obtained by having students visiting websites and reading background information:

1. Read the history of the Americans with Disabilities Act. What obstacles were faced in trying to create this law?
2. What changed due to the creation of this law?
3. Define terms and found in the ADA

Evaluation / Assessment : Students will be evaluated based on participation in class discussions, participation in interpretation and panel discussions, and analysis of cases and articles written.

Resources

To obtain copy of ADA

dol.gov/esa

Civil Right Laws

Summary of federal civil rights laws that ensure equal opportunity for people with disabilities.

<http://www.ncd.gov/newsroom/publications/disabilityrights.html>

For Information or to File Complaints

ADA Title I: Employment Discrimination based on Disability

File at EEOC field office located in 50 cities throughout the U.S.

(800) 669-4000 (voice) (800) 669-6820 (text telephone) <http://www.eeoc.gov/>

ADA Title II: State and Local Government Activities

Disability Rights Section Civil Rights Division U.S. Department of Justice P.O. Box 66738 Washington, DC 20035-6738 (800) 514-0301 (voice) (800) 514-0383 (text telephone)
<http://www.usdoj.gov/crt/ada/adahom1.htm>

ADA Title II: Public Transportation

Federal Transit Administration U.S. Department of Transportation 400 Seventh Street, SW Washington, DC 20590 (888) 446-4511 (voice/relay) (202) 366-2285 (voice) <http://www.fta.dot.gov/office/civ.htm>

ADA Title III: Public Accommodations

Disability Rights Section Civil Rights Division U.S. Department of Justice P.O. Box 66738 Washington, DC 20035-6738 (800) 514-0301 (voice) (800) 514-0383 (text telephone)
<http://www.usdoj.gov/crt/ada/adahom1.htm>

ADA Title IV: Telecommunications Relay Services

Federal Communications Commission 445 12th Street, SW Washington, DC 20554 (888) 225-5322 (voice/relay) <http://www.fcc.gov/cib/dro>

TELECOMMUNICATIONS ACT

Federal Communications Commission 445 12th Street, SW Washington, DC 20554 (888) 225-5322 (voice/relay) <http://www.fcc.gov/cib/dro>

AIR CARRIER ACCESS ACT

The Air Carrier Access Act prohibits discrimination in air transportation by domestic and foreign air carriers against qualified individuals with physical or mental impairments.

To file a complaint contact the U.S. Department of Transportation.

Aviation Consumer Protection Division U.S. Department of Transportation 400 Seventh Street, SW Room 4107, C-75 Washington, DC 20590 (202) 366-2220 (voice) (202) 755-7687 (text telephone)
<http://www.dot.gov/airconsumer>

VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT

The Voting Accessibility for the Elderly and Handicapped Act of 1984 requires polling places to be physically accessible to people with disabilities for federal elections

Voting Section Civil Rights Division U.S. Department of Justice P.O. Box 66128 Washington, DC 20035-6128 (800) 253-3931 (voice/relay) <http://www.usdoj.gov/crt/voting>

Office of Special Education Programs U.S. Department of Education 330 C Street, SW, Room 3086
Washington, DC 20202 (202) 205-8824 (voice/relay) <http://www.ed.gov/offices/OSERS/OSEP/index.html>

Section 504

Section 504 states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives federal financial assistance or is conducted by any agency of the executive branch or the U.S. Postal Service.

For information on how to file section 504 complaints with the appropriate agency, contact:

Disability Rights Section Civil Rights Division U.S. Department of Justice P.O. Box 66738 Washington, DC 20035-6738 (800) 514-0301 (voice) (800) 514-0383 (text telephone)
<http://www.usdoj.gov/crt/ada/adahom1.htm>

Section 508

Section 508 requires federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public. For more information on section 508, contact:

GSA Office of Government wide Policy Center for IT Accommodation (CITA) 1800 F Street, NW Room 1234, MC:MKC Washington, DC 20405-0001 (202) 501-4906 (voice) (202) 501-2010 (text telephone)
<http://www.itpolicy.gsa.gov/cita>

ARCHITECTURAL BARRIERS ACT (ABA)

The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed, or altered with federal funds, or leased by a federal agency, comply with federal standards for physical accessibility:

U.S. Architectural and Transportation Barriers Compliance Board 1331 F Street, NW, Suite 1000
Washington, DC 20004-1111 (800) 872-2253 (voice) (800) 993-2822 (text telephone)
<http://www.access-board.gov/>

GENERAL SOURCES OF DISABILITY RIGHTS INFORMATION

National Council on Disability 1331 F Street, NW, Suite 1050 Washington, DC 20004 (202) 272-2004 (202) 272-2074 (text telephone) (202) 272-2022 (fax) <http://www.ncd.gov/>

<http://www.usdoj.gov/crt/ada/> Website on the ADA by the U.S. Department of Justice. Homepage. It covers all areas of the ADA including enforcement issues, Information Line, ADA design standards, mediation program,

assistance programs, new or proposed regulations, publications. Information is provided in Spanish and English.

ADA Information Line

The Department of Justice operates a toll-free ADA Information Line. It provides information and publications to the public about the requirements of the ADA. Information is provided in Spanish and English.

To obtain general ADA information, get answers to technical questions, order free ADA materials, or ask about filing a complaint, call: (800) 514-0301 (voice) (800) 514-0383 (text telephone)
<http://www.usdoj.gov/crt/ada/adahom1.htm>

Publications and Documents

Copies of the Department's ADA regulations and publications can be obtained by calling the ADA Information Line, visiting the ADA Home Page, or writing to Disability Rights Section Civil Rights Division, U.S. Department of Justice, P. O. Box 66738, Washington, D.C. 20035-6738

Materials are available in standard print, large print, Braille, audiotape, or computer disk.

Sources of ADA Information

The *Equal Employment Opportunity Commission* offers technical assistance to the public concerning the employment provisions of title I of the ADA.

ADA questions 800-669-4000 (voice) 800-669-6820 (TTY)

The *Federal Communications Commission* offers technical assistance to the public concerning the communication provisions of title IV of the ADA.

ADA documents and questions 888-225-5322 (voice) 888-835-5322 (TTY)

The *U.S. Department of Transportation* through the *Federal Transit Administration* offers technical assistance concerning the transportation provisions of title II and title III of the ADA.

ADA Assistance Line for information, questions, or complaints 888-446-4511 (voice/relay) 202-366-2285 (voice) 202-366-0153 (TTY)

www.dredf.org

The *Disability and Business Technical Assistance Centers* to provide resources and technical assistance on the ADA.

ADA technical assistance 800-949-4232 (voice & TTY)

www.adata.org

Project ACTION is funded by the U.S. Department of Transportation to provide ADA information and publications on making transportation accessible.

Information on accessible transportation 800-659-6428 (voice/relay) 202-347-3066 (voice) 202-347-7385 (TTY)

www.projectaction.org

The Job Accommodation Network provides information and advice to employers and people with disabilities on reasonable accommodation in the workplace.

Information on workplace accommodation 800-526-7234 (voice & TTY) <http://janweb.icdi.wvu.edu/english>

Reading List

"The Americans with Disabilities Act: Making the ADA Work for You," Michael J. Lotto, with Craig Jones, and Richard Pimentel, with Louise Baker. Milt Wright and Associates, Inc., Northridge, CA, 1990, Recording for the Blind is in the process of recording this book. (Recording for the Blind, 20 Roswel Road, Princeton, NJ 08540, 609-452-0606 and 800-221-4792.

This is a very useful video that describes how the ADA can protect blind and visually impaired individuals. This two-part video provides very useful information and suggestions. A good resource for students, parents, educators, employers, etc.

"The American with Disabilities Act: From Policy to Practice" edited by Jane West. Millbank Memorial Fund, 1 East 75th Street, New York, NY 10021, 1991. Also available from Recording for the Blind, Princeton, NJ.

Helpful and informative. A great resource.

"Disability Rights Guide:" Charles Goldman. Westport Publishing, Lincoln, NB, 1991.

Also available from Recording for the Blind, Princeton, NJ.

This is a great reference to the rights for individuals with disabilities.

"ADA Compliance Guide." Thompson Publishing Group, Salisbury, MD. (Supplemented monthly)

Provides current information and issues on ADA.

Burt, Robert A., "The Constitution in Conflict," President and Fellows of Harvard College, 1995.

This is an interesting book that provides the reader with a new way to look at the Supreme Court and its influence on our legal system.

Colker, Ruth and Tucker, Bonnie Poitras, "The Law of Disability Discrimination,"

Anderson Publishing, Cincinnati, Ohio, 2000

Provides information that will allow individuals a greater understanding of the law that assists individuals with disabilities.

Joffe, Elga, A Practical Guide to the ADA and Visual Impairment, 1999, AFB Press, American Foundation for the Blind, New York, N.Y., 10001.

This is indeed a practical guide for visually impaired who need to understand their rights under the ADA. It is clearly written and provides information that will be useful in all aspects of life. Also, useful for those who need information on the rights of persons with disabilities.

"The Americans with Disabilities Act, P.L. 101-336." Publication #869-010-000-961W. Government Printing Office Bookstore, Central Office, 710 North Capitol Street, N.W., Washington, DC 20401,202-783-3238.

This is an important resource for those wishing to understand the details of this law.

Student Reading

"Visual Impairment: Access to Education for Children and Young People" by Heather Mason (Editor), Stephen McCall (Editor), Christine Arter (Editor), Mike McLinden (Editor), Juliet Stone (Editor), Julie Stone (Editor), Heather Mason (Editor)

Provides information that is useful and informative concerning students with visual impairments and their right to education.

Stir It Up: Lessons in Community Organizing and Advocacy, Sen, Rinku, Klein, Kim, Jossey-Bass Publishing, 2003.

Written by social activist Sen Rinku, this book provides a framework and process for creating change. Also, supplies a detailed list of organizations and networks that specialized in the tools for creating change.

New Voices: Self-Advocacy by People with Disabilities, Dybwad, , Gunner, Bersani Jr., Hank, Williams, Bob, and Bersani, Hank A., Brookline Books, Boston, MA, 1996.

Provides a background of the history of the self-advocacy movement for people with disabilities. Provides a collection of original papers that provide first hand insight into this movement.

Teachers Reading List

The Job Placement-ADA Connection: Limiting Liabilities and Maximizing Opportunities for Training and Placement of Persons with Disabilities, Pimental, Richard K., Bell, Christopher G., Lotto, Michael J., M. Wright & Associates, 1993. Written for individuals placing workers with disabilities into jobs.

Discusses the obligations of employers. Also, an excellent chapter for job seekers "Talking about Your Disability in the Interview: A Question and Answer Study Guide."

Bruvere, Susanne M., Golden, Thomas, P., "The Job Developer's Guide to the ADA: Using the ADA to Promote Job Opportunities for People with Disabilities," Training Resource Network, Inc., 1996.

Provides valuable information for those assisting people with disabilities with employment issues.

American With Disabilities, Francis, Leslie Pickering, Silvers, Anita, editors, Routledge, 2000.

A thought provoking collection which helps individuals to understand the consequences and issues raised by passage of the ADA.

Endnotes

1. American with Disabilities Act of 1990 (S.933)
2. : "Job Accommodation Network, "ADA Related Supreme Court Rulings," May 22, 2004.
3. ADA, 1990, Sect 2, "Findings and Purpose"
4. ADA, 1990, Sec.101, 8."Definitions."
5. ADA, 1990, Sec.2".Findings and Purposes." a.
6. ADA 1990, Sec.3, "Definitions."
7. Ibid, 1990, Title I-Employment
8. Ibid
9. ADA, Sec.101, 8,"Definitions."
10. ADA, Sec. 101, 9, "Definitions"
11. ADA, Sec.101.10 "Undo Hardship"
12. ADA, Sec.101.3 "Direct Threat"
13. ADA, Sec.102, "Discrimination"
14. Ibid.
15. ADA, Part II, Sec. 242.
16. ADA, Sec.302.
17. ADA, Title III, Sec. 302 "Public Accommodations"
18. ADA, Title IV, Sec. 401
19. ADA, Title IV, Sec. 402
20. ADA, Title V
21. . Sutton v. United Airlines, 130 F.3d 893 (10th Cir. 1997)., www.ncd.gov/newsrrom/publication/supreme_court_ada.html#G
22. Albertson's, Inc. v. Kirkingburg, 527 U.S. 555 (1999), www.ncd.gov/newsrrom/publication/supreme_court_ada.html#G

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