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Email: Supreme Court Decisions Could Limit Suits Disabled People Against Colleges

Commission for Blacks

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Date: Wed, 23 Jun 1999 10:32:33 -0700
Reply-To: Affirmative Action Officers mailing list <AFFIRMNET@CCVM.SUNYSB.EDU>
Sender: Affirmative Action Officers mailing list <AFFIRMNET@CCVM.SUNYSB.EDU>
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From: Joe Torres <jtorres@sfsu.edu>
Subject: Forwarded Message: Disabled Rights
X-To: COM <AAAA@HOME.EASE.LSOFT>, AFFIRMNET@CCVM.SUNYSB.EDU
To: Multiple recipients of list AFFNET <AFFIRMNET@CCVM.SUNYSB.EDU>

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>Wednesday, June 23, 1999
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>Supreme Court Decisions Could Limit Suits
>Disabled People Against Colleges
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>By SARA HEBEL
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>The U.S. Supreme Court issued three decisions
>Tuesday that
>limit the scope of a federal law prohibiting
>discrimination against
>people with disabilities. The cases do not
>directly affect
>colleges, but the rulings could make it harder
>for some students
>and employees to sue their institutions.
>
>The three separate cases involved two
>near-sighted pilots, a
>truck driver who was almost blind in one eye, and
>a mechanic
>with high blood pressure -- all of whom claimed
>protections
>under the Americans With Disabilities Act after
>they were either
>fired or denied employment. The Court ruled -- 7
>to 2 in the
>cases of the pilots and the mechanic, and 9 to 0
>in the truck
>driver's case -- that the plaintiffs could not
>seek damages under
>the A.D.A. because the law does not cover people
>whose
>conditions can be "mitigated" with medication,
>eyeglasses,
>hearing aids, or similar corrective measures.
>
>Those decisions could make it harder for
>learning-disabled
>students who have benefited from medications or
>study methods
>to seek remedies under A.D.A., and they might
>discourage the
>growth of A.D.A. lawsuits against institutions,
>according to
>lawyers who specialize in disability law.
>
>"They may have some significance for some
>students who have
>a learning disability and have developed coping
>strategies
>because they may no longer be regarded as
>students with
>disabilities," said Michael R. Masinter, an
>A.D.A. lawyer and
>law professor at Nova Southeastern University in

>Florida. The
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>effects on
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>courts "fill in the
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>said.
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>clients include
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>job-related
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>will help
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>challenging task of
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>applicants and
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>Abraham, president
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>people who are
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>defined."
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>down the
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>college students with
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>said the rulings
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>would mostly
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>hiring practices.
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>Rights
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>requirements for
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>any of the
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>protections from a
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>circumstances," he said.
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>a fourth
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>could have a
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>that case,
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>states may
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>disabilities in home-like
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>state hospitals.
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decisions "establish new ground rules," and their
higher education will depend on how the lower
details" of the ramifications of the rulings, he
Officials at United Educators Insurance, whose
higher-education institutions, said the number of
disability claims against its members more than
1992 to 1997. Tuesday's Supreme Court decisions
limit who can file new lawsuits, they said.
"Colleges and universities still face the
making individualized determinations about
employees with disabilities," said Janice M.
of United Educators Insurance. "But the pool of
considered legally disabled is now more logically
On Tuesday, some disability-rights lawyers played
decisions' possible impact on the rights of
disabilities to claim A.D.A. protections. They
were "a very specific application of the law" and
affect future lawsuits involving institutions'
Sid Wolinsky, litigation director for Disability
Advocates, said the decisions would not alter
institutions to accommodate the needs of students
disabilities. "It doesn't really so much affect
substantial legal rights as it does remove
subset of some people under certain
Meanwhile, Mr. Masinter of Nova Southeastern said
A.D.A.-related decision the Court issued Tuesday
"remote" impact on colleges and universities. In
Olmstead v. L.C., the Court ruled, 6 to 3, that
have to place some people with mental
settings if they can do just as well there as in
Some of the language in the Court's decision

>"seems to put cost
>
>whether there is back into play" as a factor in determining
>"undue burden" on entities required to provide
>"reasonable accommodation" to disabled people, Mr. Masinter
>said. That
>may be able to be used down the road as a reason
>for colleges and universities to limit how much they
>accommodate disabled students, he said.
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