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

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The U.S. Supreme Court issued three decisions 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 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 they were either fired or denied employment. The Court ruled -- 7 cases of the pilots and the mechanic, and 9 to 0 driver's case -- that the plaintiffs could not seek damages under the Americans With Disabilities Act after whose eyeglasses, conditions can be "mitigated" with medication, hearing aids, or similar corrective measures. Those decisions could make it harder for learning-disabled students who have benefited from medications or to seek remedies under A.D.A., and they might discourage the growth of A.D.A. lawsuits against institutions, lawyers who specialize in disability law.

"They may have some significance for some students who have developed coping strategies because they may no longer be regarded as A.D.A. lawyer and disabilities," said Michael R. Masinter, an law professor at Nova Southeastern University in
Joe Torres, 10:32 AM 6/23/99 , Forwarded Message: Disabled Ri

>Florida. The decisions "establish new ground rules," and their
>effects on higher education will depend on how the lower
courts "fill in the details" of the ramifications of the rulings, he
>said.
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>clients include Officials at United Educators Insurance, whose
>job-related higher-education institutions, said the number of
tripled from disability claims against its members more than
>will help 1992 to 1997. Tuesday's Supreme Court decisions
>challenging task of limit who can file new lawsuits, they said.
>applicants and "Colleges and universities still face the
>Abraham, president making individualized determinations about
>people who are employees with disabilities," said Janice M.
defined." of United Educators Insurance. "But the pool of
>down the considered legally disabled is now more logically
>college students with On Tuesday, some disability-rights lawyers played
said the rulings decisions' possible impact on the rights of
disabilities would mostly disabilities to claim A.D.A. protections. They
>hiring practices. were "a very specific application of the law" and
Rights affect future lawsuits involving institutions'
>requirements for
>with
>any of the
>protections from a subset of some people under certain
>circumstances," he said.
>a fourth a remote" impact on colleges and universities. In
>could have a that case, have to place some people with mental
>that case, have disabilities in home-like
>states may settings if they can do just as well there as in
>disabilities in home-like
>state hospitals.
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"seems to put cost back into play" as a factor in determining
whether there is "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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