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

Commission for Blacks

Follow this and additional works at: http://trace.tennessee.edu/utk_blackmisccommunications

Recommended Citation
The U.S. Supreme Court issued three decisions limit the scope of a federal law prohibiting people with disabilities. The cases do not colleges, but the rulings could make it harder and employees to sue their institutions.

The three separate cases involved two truck driver who was almost blind in one eye, and with high blood pressure -- all of whom claimed under the Americans With Disabilities Act after 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 the A.D.A. because the law does not cover people conditions can be "mitigated" with medication, hearing aids, or similar corrective measures.

Those decisions could make it harder for students who have benefited from medications or to seek remedies under A.D.A., and they might growth of A.D.A. lawsuits against institutions, lawyers who specialize in disability law.

"They may have some significance for some a learning disability and have developed coping because they may no longer be regarded as disabilities," said Michael R. Masinter, an law professor at Nova Southeastern University in
Florida. The effects on courts "fill in the said. clients include job-related tripled from will help challenging task of applicants and Abraham, president people who are defined." down the college students with said the rulings would mostly hiring practices. Rights requirements for with any of the protections from a circumstances," he said. a fourth could have a that case, states may disabilities in home-like state hospitals.

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 Wolinksky, 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 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.

*********************************************

Joe Torres  
Director of Affirmative Action & EEO Programs  
San Francisco State University 
1600 Holloway Ave.-Ec House 
San Francisco, CA. 94132-4048 

Office: (415) 338-2364  
Fax: (415) 338-0937  
E-mail: jtorres@sfsu.edu  

One Hundred Years of Opportunity--SFSU 1899-1999  
http://www.sfsu.edu/~100 years/  
(centennial website--take a look)  
*********************************************