

Basic Principles of the ADA

As They Apply to Colleges and Universities

Below are 8 basic principles summarizing some of the essential underlying values of the ADA.

1. ***The ADA is a civil rights law intended to provide equal access and opportunity for people with disabilities.*** It is not intended to afford special privileges.
2. ***Disability = Impairment + Functional Limitation/s + Major Life Activity.*** Determining impairments and major life activities is relatively straightforward. Measuring the impact of a "functional limitation" is the complex aspect of determining disability. Anyone with an impairment that causes functional limitations to a major life activity is protected from discrimination; however, only those whose impairments cause functional limitations, in comparison to the average person, may be eligible for services and reasonable accommodations.
3. ***The individual must be otherwise qualified.*** In education this means the individual meets the academic and technical standards for admission or participation. However, if the qualification for attending a specific event, such as a lecture or performance, is having a ticket, then an individual with a disability possessing a ticket is qualified.
4. ***Institutions must provide reasonable accommodations to qualified individuals with disabilities.*** In addition to auxiliary aids and services, reasonable accommodations include modifications to policies, practices or environments that allow an individual with a disability equal access or opportunity.
5. ***Institutions do not need to provide a reasonable accommodation if it fundamentally alters the nature of the program or activity.*** For example, a student, who because of their disability will miss several weeks of classes, asks for permission to work from home and not attend classes. This may be reasonable but the request can be denied if the

instructor/college believes attending class is fundamental. Attendance may be fundamental in a foreign language class and not be fundamental in math (*e.g. all the math assignments can be done at home and class participation may not be an essential requirement*).

6. ***Students must self-identify, provide documentation of disability and request services and accommodations.*** Accommodations requested after the fact are not appropriate and generally need not be provided.
7. ***The institution can decide on the type of accommodation to be provided and need not always provide what is requested.*** The institution should consider specific requests and provide them whenever reasonable and feasible. The primary issue is that accommodations need to be 'effective'.
8. ***Only individuals who currently have a "disability" are entitled to accommodations.*** An individual with a "history" of a disability is protected from discrimination but is not disabled for the purposes of receiving services and accommodations. Additionally, an individual may currently have an impairment constituting a disability and thus is protected from discrimination, but may not have any functional limitations requiring accommodations. For example, an individual acquires the substantially limiting impairment of cancer. For two years, the student requests and receives a reduced course load, a campus disability parking permit, a note-taker when they are unable to attend classes and additional time on examinations (due to the effects of the chemotherapy). Three years after being diagnosed the student is fully recovered. The student no longer is disabled. However, they are protected against discrimination related to their prior history of having cancer. For example, it would be discriminatory if a graduate program took the cancer into consideration for admission purposes.

There are many principles underlying the ADA, these are but a few of the basic, fundamental guidelines.

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