Implementing the Americans with Disabilities Act

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Presentation Overview

● Purpose of the ADA
  - Guarantees equal opportunity for individuals with disabilities in public
    and private sector services and employment - generally bans
    discrimination on the basis of disability

● Disability defined, as amended in the ADA Amendments Act of 2008
  someone who has:
  1) a physical or mental impairment that substantially limits one or
     more major life activities, or
  2) a record of such an impairment, or
  3) is regarded as having such an impairment.

"Disability" shall be construed in favor of broad coverage

"Major life activities" include major bodily functions as well as life tasks
such as working, thinking, interacting with others and concentrating

Positive effects of mitigating measures, such as medication, are ignored in
determining whether impairment is substantially limiting

An impairment that is episodic or in remission is a disability if it would
substantially limit a major life activity when active

Disability does not include sexual behavior disorders, compulsive
gambling, kleptomania, pyromania, or substance use disorders resulting
from current use of illegal drugs
Structure of the ADA

> Title One - Employment

Qualified individual
- Can perform the "essential functions" of the job
- basic job duties employee must be able to perform with or without a reasonable accommodation
  - position exist to perform the function
  - limited number of employees are available to perform the function
  - position highly specialized requiring expertise

Reasonable accommodation
- Requested by person with disability - considered on an individual case by case basis
  - purpose is to allow individual to enjoy equal benefits and privileges of employment
- required unless creates "undo hardship" - significant difficulty or expense - fundamentally alters the nature or operation of the business

Direct Threat

Employer may require individual not pose a direct threat
- significant risk of substantial harm to health and safety of employer or others
- cannot be based on stereotypes or stigma
- cannot be significantly reduced by reasonable accommodation

> Title Two - State and Local Government

- may not deny qualified individual with a disability participation in or benefit from any aid benefit or service

"qualified" means meets the essential eligibility requirements for the services or participation in programs or activities with or without a reasonable accommodation
Title Three - Private sector public accommodations

"Public accommodation" includes all private businesses that offer goods and services to the public.

Public accommodations must:
- provide goods and services in an integrated setting unless separate or different measures are necessary to ensure equal opportunity,
- make reasonable modifications in policies, practices and procedures that deny equal access unless doing so would fundamentally alter the nature of the goods and services provided.

Disclosure of disability
- Always voluntary
- Necessary in order to request an accommodation
- When accommodation is requested school can request documentation of disability and need for accommodation
- Schools may set reasonable standards for documentation

Examples of reasonable accommodations in postsecondary school
- Auxiliary aids
- Modifications of academic requirements
- Priority registration
- Reduced course load
- Course substitution
- Note takers
- Extended time for testing - recording devices

Schools are not required to lower or effect substantial modification to essential requirements nor to fundamentally alter the nature of a service, program or activity, nor make modifications that create undue financial or administrative burdens.

Process of determining accommodation should be interactive.
Next Steps to Support Implementation of the Americans with Disabilities Act

1. Infuse ADA information into orientation meetings with incoming BASW and MSW students

2. Share ADA principles and implementation strategies with faculty and administrators

3. Develop training materials around implementation of the ADA for Field Instructors

4. Generate and support studies and research literature about social work services provided by individuals with lived mental health experience

5. Support study and research redefining the role of mentoring

6. Develop university wide and school wide projects to address stigma reduction, attention to human rights issues, development of anti-stigma campaigns, and normalizing the university environment

7. Identify and share effective strategies to engage faculty in embracing recovery and MHSA principles and integrating the principles into their teaching

8. Collaborate with community agencies and partners and tribal organizations around implementation of the Americans with Disabilities Act