

SYLLABUS
AMERICANS WITH DISABILITIES LAW COURSE
SPRING, 2010

The University of Texas at Austin

Instructor: Norma V. Cantú, Professor of Law and Education, Room 3.118M, Townes Hall.

E-mail address: metrocan2@aol.com

Phone: (512) 232-5942 or cell (210) 380-6380.

Office Hours: Thursdays 12:30 to 2:30 p.m. and by appointment other times.

Required Materials:

Texts: Colker, *The Law of Disability Discrimination* (most recent edition)

Colker, *The Law of Disability Discrimination Handbook: Statutes and Regulatory Guidance* (most recent edition)

If you have an 5th or earlier edition of this textbook, you may be missing out on close to 1/3 of the reading materials.

Course Objectives:

Welcome to the semester-long course covering all five sections of the Americans with Disabilities Act of 1990. This class is organized around the assumptions that law and other graduate students need a course that will prepare them to identify legal issues unique to persons with disabilities. While this course does not provide an in-depth content related to medicine or developments in health care, the student will be exposed to federal law, regulations, major cases and agency policies essential to helping a client avoid disability-related litigation in the areas of employment, housing, insurance, education, and transportation. By the end of the course, the students will be expected to be familiar with court rulings defining a person with a disability, which public and private entities are covered by the ADA, exceptions to the laws, and examples of reasonable accommodations, major defenses and typical remedies.

During the semester, students will research and collect information about how the laws are applied, and will be able to array their observations according to templates and criteria offered by various federal agencies. By the end of the semester, students should be aware of areas in which courts have not exactly agreed on the coverage or application of the federal laws related to disability discrimination.

Attendance and Class Work:

This course is open to law students and graduate students in the fields of education and public policy.

The class grade consists of class participation, written assignments and a final take-home exam. The final exam is worth 60% of the total class grade, while the class assignments and class participation account for 20% each.

After completing the first 3 chapters, students will take a non-graded mid-term exam which will involve short essay questions based on our class discussions and readings. As close as possible, we will approximate testing conditions anticipated for the final exam. After the exam, the professor will offer individualized feedback to the students, based on reading the answers to the mid-term, so that the students can better prepare for the final exam. The open-book take-home final exam will focus on the second half of the course, except that one of the questions will be comprehensive and will ask for application of the legal concepts covered in the entire semester.

Your grade will reflect your thoughtful and collaborative participation in class and our small group discussions. Thus, student participation is essential to getting the most out of the course. I deduct points from the students' grades for unexcused absences, starting with the second absence. No student need notify me of the first absence; however, any other absences will be excused only if the student provides advance notice to the professor by phone or e-mail message.

Our class meets on Thursdays from 9:30 to 12:30. I will offer office hours in Townes Hall, Room 3.118M, immediately after the class and by appointment. To be more inclusive, I also encourage course-related questions from student be sent to me by e-mail. If the question about school appears to be interest to the whole class, I will respond via e-mail and send a copy to the rest of the class by e-mail so that everyone will have the benefit of the discussion.

Any students who require reasonable accommodations for their disabilities or who wish to observe religious holidays should observe university policy and make arrangements through the office of student services.

As you probably know, I am Acting Department Chair for Curriculum and Instruction at the UT College of Education. I can be reached at the Sanchez Building, Room 406H, for appointments, on days I am not teaching at the Law School. My office assistant at the law school is Anthony Nichols.

READING ASSIGNMENTS

The following pages are from the Colker casebook:

January

21 Class discussion of legal authorities relied upon the U.S. Supreme Court prior to the passage of ADA in 1990.

28 Chapters 1 and 2 of casebook. Important: In Handbook, read the definitions in Section 504 of the Rehabilitation Act of 1973. In Chapter 2 of casebook, focus on notes and problems for discussion and be prepared to discuss during class. In Handbook, class should read pages definitions and exceptions in 29 CFR 1630.1 through 1630.3. Also, read the Handbook portions related to the definitions of prong 2 (a record of an impairment) and prong 3 (regarded as having an impairment). Pick up Assignment #1 hand-out with instructions for two-page report on identifying a company or an employer with model recruitment and job application practices. Two-page report is due February 11th.

February

4 Chapter 3. Read up to the section on Defenses. In Handbook, focus on definitions of Qualified Individuals with a Disability, and read guidance on prohibited employment practices.

11 Turn in 2-page report. Continue discussing Chapter 3, starting with section on Defenses. Read pertinent sections of the Handbook. Pick up hand-out for Assignment #2 with instructions for two-page report on identifying an employer or company with flawed recruitment and application practices. The two-page report is due February 18th.

18 Be prepared to discuss both reports in class. Turn in Assignment #2. Review for non-graded mid-term exam.

25 Take non-graded mid-term exam during class period.

March

4 Chapter 4. Read pages 305-342 on elementary and secondary education law and save the section on Postsecondary Education for next week. In the Handbook, read relevant guidance.

11 Chapter 4. Continue with Postsecondary Education. Pick up hand-out for Assignment #3 with instructions for 2-page report on safety issues related to students with disabilities. Report is due March 25th.

18 **Spring Break. No classes.**

25 Chapter 5. Focus on Reasonable Modifications, but read the entire chapter. In the Handbook, read portions dealing with Title III of the ADA. Turn in Assignment #3. Pick up in class your Assignment #4 to review a private entity offering programs or activities available to the public. The 2-page description and analysis of the private entity is due next week.

April

1 Chapter 6. In the Handbook, read portions dealing with Title II. Turn in Assignment # 4.

8 Chapter 7. Read entire chapter on housing. In the Handbook, read ADA sections on housing as well information on Fair Housing Act. Pick up Written Assignment #5 on Title III, due next week.

15 Chapter 8. Read entire chapter on insurance. In the Handbook, read relevant sections, as well as Title V of the ADA. Turn in written assignment regarding Title III.

22 Chapter 9. Read entire chapter on newborns with disabilities.

29 On the **last class day**, we will review for final exam and complete the student surveys evaluating the course. Law exam is a rolling exam, with exam period beginning May 5th, and ending May 18.

May

3 **Monday. Last Day for all classes in Spring Semester at Law School**

4 **Reading Day**

5 **First Day of Law Exams**

18 **Last Day for Final Exams**

22 **Graduation Day**