

Several significant laws specifically affect people with disabilities and their families. A general understanding of these laws and where to go for more information will empower you and help you and your child advocate for his or her rights.

These are brief overviews. Please contact the organizations listed for more detailed information and assistance.

Americans with Disabilities Act (ADA)

The ADA is a comprehensive civil rights law that prohibits discrimination against people with disabilities in employment, transportation, state and local government services, telecommunications, and public accommodations. Public accommodations include things like restaurants, hotels, theaters, doctors' offices, stores, museums, libraries, parks, private schools, and day care centers. Private clubs and religious organizations are exempt.

The law was passed in 1990 and most provisions have taken effect. Some are being phased in more slowly.

A person is considered disabled if he or she:

1. has a physical or mental impairment that substantially limits one or more major activities (such as walking, seeing, hearing, learning, social interaction and self care);
2. has a record of such impairment; or
3. is regarded as having such an impairment.

Employment

An employer must make reasonable accommodations for a qualified individual with a disability.

Reasonable accommodations include, but are not limited to:

- Making the workplace readily accessible to and usable by people with disabilities;
- Providing or modifying equipment or devices; adjusting or modifying examinations, training materials or policies; providing readers and interpreters; and
- Job restructuring or modifying work schedules

An employer is required to make an accommodation for a qualified applicant or employee with a disability unless the employer can show the accommodation would require significant difficulty or expense ("undue hardship").

Public Accommodations

Public accommodations must remove architectural barriers that limit access and must make "reasonable modifications" that are easily accomplishable and able to be carried out without much difficulty or expense to the business. This includes modifications in policies, practices and procedures. The ADA does not require modifications that would fundamentally alter the nature of the services provided.

State and Local Governments

State and local governments must eliminate any eligibility criteria for participation in programs, activities, and services that screen out people with disabilities and reasonably modify policies, practices and procedures to avoid discrimination. Some exceptions exist.

The ADA also prohibits state and local governments from discriminating in employment based on disability and requires them to make services, programs and activities readily accessible.

Transportation

Among other provisions, the ADA requires that all new fixed-route public buses and facilities be accessible and that supplementary paratransit services be provided for people with disabilities who cannot use fixed-route bus service.

Telecommunications

The ADA required the establishment of telephone relay services for people who use TTYs or similar devices. In Maryland it is “Maryland Relay.”

For more information contact: the organizations listed under “Americans with Disabilities Act” in Appendix B.

Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act is the federal law that mandates that a free, appropriate public education be provided to all children, regardless of the level or severity of their disability. This includes special education and related services. “Related services” are supportive services that are required to assist a child with a disability to benefit from special education. Related Services may include, but are not limited to:

- Audiology and speech therapy
- Physical and occupational therapy
- Psychological services
- Medical services for diagnosis or evaluation
- School health services
- Transportation
- Parent training

The IDEA governs early intervention services to infants and toddlers (age birth to three), as well as special educational services for children ages 3 through 21. Under the IDEA, states receive federal funds to assist in the education of infants and toddlers, preschoolers, and children in elementary and secondary schools who have disabilities. As a condition of receiving these funds states must ensure, among other things, that:

- A complete and individual assessment of the unique needs of each child is done;
- An Individualized Family Support Plan (for early intervention services) or an Individualized Education Plan (for educational services) is developed for every child determined eligible, stipulating the specific services needed;
- To the maximum extent possible, all children with disabilities are educated in the regular education environment with their non-disabled peers. They must be placed in the “least restrictive environment;”

- Children in special education receive related services that are necessary for them to benefit from their education; and
- Parents have the right to participate in every decision related to their child’s educational services.

IDEA is an amended version of the Education of All Handicapped Children Act (P.L.94-142) which was originally enacted in 1975.

For more information contact:

Maryland Coalition for Inclusive Education, 410-712-4837 or 800-899-8837
 Parents Place of Maryland, 410-712-0900 or 800-394-5694
 National Information Center for Children and Youth with Disabilities, 800-695-0285

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities by organizations that receive federal funds. The law states that no otherwise qualified individual with a disability shall, solely by reason of a disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Section 504 covers only people with disabilities who would otherwise qualify for the program or activity receiving federal funding.

A person is considered disabled if he or she:

1. has a physical or mental impairment that substantially limits one or more major activities (such as walking, seeing, hearing, learning, social interaction and self care);
2. has a record of such impairment; or
3. is regarded as having such an impairment.

For more information contact: organizations listed under “Education,” “Housing,” or “Disability Information/Education/Advocacy” in Appendix B.

Fair Housing Amendments Act (FHAA)

The Fair Housing Amendments Act of 1988 forbids housing discrimination against people with mental and physical disabilities. Its intent was to end the unnecessary exclusion of people with disabilities from the mainstream of society.

This federal law defines disability to mean a physical or mental impairment which substantially limits one or more of a person’s major life activities (such as walking, seeing, hearing, learning, social interaction and self care). You are also protected if you have a record of having a mental or physical disability or if you are regarded as having such an impairment.

The Act makes it unlawful to discriminate in the sale or rental of housing because of a person’s disability. Actions based on a person’s disability that are illegal include:

- Refusing to rent or sell housing if otherwise qualified
- Refusing to negotiate for housing
- Making housing unavailable or denying that it is available
- Setting different terms, conditions, or privileges for sale or rental
- Advertising that housing is available only to people without disabilities

- Refusing to permit reasonable modification. Tenants with disabilities must be allowed to make reasonable modifications to their housing or common use areas at their own expense, if necessary for them to use and enjoy the housing. The landlord may require the dwelling be returned to its original condition at the end of the lease, but only if the modifications would interfere in future tenants' use and enjoyment of the dwelling.
- Refusing to make reasonable accommodations in rules, policies, practices, or services when the accommodations are necessary for the person with a disability to use the housing.
- Threatening, coercing or intimidating anyone exercising a fair housing right

Property owners, landlords, housing managers, real estate agents, brokers agencies and banks must comply with the Fair Housing Act. The FHA does not cover individual owners who sell their own homes without advertising and without a Realtor.

The Act also requires that buildings that are ready for first occupancy after March 13, 1991, and have an elevator and four or more units, must have public and common areas accessible to people with disabilities and doors and hallways wide enough for wheelchairs. In addition, all units must have:

- An accessible route into and through the unit
- Accessible light switches, electrical outlets, thermostats and other controls
- Reinforced bathroom walls to allow later installation of grab bars, and
- Kitchens and bathrooms that can be used by people in wheelchairs

For buildings without an elevator, these standards apply only to ground floor units.

For more information contact:

Baltimore Neighborhoods, 410-243-6007 or 800-487-6007

Fair Housing Information Clearinghouse, 800-343-3442 or 800-483-2209 (TTY)