

University of La Verne College of Law
Summer 2008

DISABILITY RIGHTS LAW

Professor Heather McGunigle
Disability Rights Legal Center Clinic
Phone: (909) 460-2034
Heather.mcgunigle@lls.edu
Office Hours: Mon 3-5, Wed 3-5 or
by appointment or just stop by

Class times: Monday and Wednesday Evenings, 6:30-8:20
Class location: Room 203

Course Description

This course examines federal and state law prohibiting discrimination on the basis of disability and the federal and state requirements for the provision of special education services. Laws addressed include the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, and California's disabilities civil rights statutes.

Course Requirements

Grades will be based on an in-class exam with several essay questions.

Punctual class attendance and participation is required.

Although preparation for class is expected of all students, a student will be designated the "Expert" for each class and will be expected to have thoroughly read and understood the assigned reading and to be prepared to assist in leading the discussion. If you miss more than 2 unexcused class meetings, you may receive a failing grade in the course.

Recording Policy

We permit recording by video or audio tape of classes for students who must miss class due to illness or other excused absence.

Course Materials

Peter Blanck, Eve Hill, Charles Siegal, and Michael Waterstone, DISABILITY CIVIL RIGHTS LAW AND POLICY: CASES AND MATERIALS

Peter Blanck, Eve Hill, Charles Siegal, and Michael Waterstone, 2006 Supplement

SYLLABUS

Conceptions of Disability

Class 1 (6/2/08)- Intro and Class Exercises

- Handout (Tiny Tims, Supercrrips, and the End of Pity; Unspeakable Conversations)
- Pages 1-6

Constitutional and Statutory Background

Class 2 (6/4/08)- The origins of disability prejudice and discrimination (“My Country”); Constitutional Background; Passage of ADA

- Pages 6-46; 61-66

ADA – Definition of Disability

Class 3 (6/9/08) - Physical or Mental Impairment; Substantially Limits; Major Life Activity; Regarded As

- Pages 67-69; 77-132

ADA – Title I

Class 4 (6/11/08) - Covered Entities; Examinations and Inquiries; Reasonable Accommodation

- Pages 157-67; 200-241

Class 5 (6/16/08)- Defenses Based on Undue Hardship, Qualification Standards; Genetic Discrimination

- Pages 252-254; 264-288; 1058-1067

ADA - Title II

Class 6 (6/18/08)- Statutory and Regulatory Scheme; Federalism & Title II; Coverage

- Pages 168-187; 289-311; 312-22
- Supplement 23-29

Class 8 (6/23/08) - Modifications to Policies; Integration; Voting; Facilities Modification; Natural Disasters

- Pages 344-374; 401-410
- Supplement 32-33

ADA - Title III

Class 8 (6/25/08)– Covered Entities: Places of Public Accommodation; Internet

- Pages 415-417; 426 – 446; 447-455; 1073-1094;

Class 9 (6/30/08)– Prohibited Conduct; Reasonable Accommodation; Effective Communication; Architectural Barriers

- Pages 460-461; 469-508

Discrimination in Education – IDEA

Class 10 (7/2/08)- Special Education: Background; Persons Protected, Free Appropriate Public Education

- Pages 1195-1196; Supplement 81-83; 1200-1201; Supplement 83-86; 1206-1223

Class 11 (7/7/08) - Least Restrictive Environment; Related Services, Special Situations

- Pages 1224 – 1250; Supplement 104-131; Supplement 89-91.

Looking Forward

Class 12 (7/9/08) – Statutory Developments; State law

- Readings TBA

Class 13 (7/14/08) – Panel of ADA and IDEA litigators

- No reading

Globalizing the Issues

Class 14 (7/16/08)– International Disability Law

- Readings TBA

Class 15 (7/21/08)-Review Session