

THE LAW



Rehabilitation Act of 1973, the ADA and the ADAAA

The Rehabilitation Act, the Americans with Disability Act (“ADA”), and the Americans with Disabilities Amendments Act (“ADAAA”) are civil rights statutes which prohibit discrimination on the basis of disability. The Rehabilitation Act applies only to government service providers or private service providers who receive federal funding. The ADA and ADAAA apply to all service providers.

Definition of Disability

These laws define someone with a disability as an individual who (a) has a physical or mental impairment that substantially limits one or more major life activities; (b) has a record of such impairment; or (c) is regarded as having such impairment. To fall under (a) or (b), a youth must have a physical or mental impairment that substantially limits at least one major life activity (i.e., walking, seeing, hearing, speaking, breathing, reading, writing, performing math calculations, working, caring for oneself, performing manual tasks, and other activities.) To fall under (c), a participant does not need to make this second showing, so long as the regarded impairment is not expected to last six months or shorter in duration.

Definition example

A youth has depression. Depression is a cognitive impairment. The depression if unmanaged by medication or other measures, it impacts the youth’s major life activity to focus on tasks. If the participant is on medication, they do have the ability to focus.

Duty to Provide Reasonable Accommodation

These acts also require service providers to make reasonable accommodations in policies, practices, or procedures, unless such accommodations would fundamentally alter the nature of the service, program, or activity. This duty to reasonably accommodate does not apply to persons who are regarded as having a disability. If ISU Extension and Outreach determines several reasonable accommodations, then it gets to choose which is extended to the participant.

Non-Segregation Principle

The ADA mandates, “No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” ADA requires public entities to provide people with disabilities an equal opportunity to participate in programs, services, or activities. It further states that public entities must administer services, programs, and activities in the most integrated setting appropriate to the needs of individuals with disabilities. Finally, public entities must not impose or apply eligibility criteria that screen out or tend to screen out any individual with a disability from fully and equally enjoying any service, program, or activity.

Non-Segregation Principle examples

Separate but Equal?

County X has a 4H-Youth Development event scheduled for the second floor of its building. The second floor can only be reached using stairs. Three participants with mobility impairments have registered for the class. County X staff decides that it will prepare a small room on the first floor for the participants with a disability to participate.

This is a violation of the non-segregation principle because these participants are not being given “the most integrated setting appropriate to the needs of individuals with disabilities.” County X is creating a separate classroom which will be attended only by persons with a disability.

Uneven Rings?

County Y has a county fair coming up. The county has two rings. One ring is large and is gravel. The other ring is small and is cement. Due to Covid19, the county extension council has decided that all events will be held on the larger gravel ring. One participant has a mobility impairment that makes it difficult for them to navigate through the gravel in the larger ring. County Y decides that it will split the events for the show into the two different rings, in order to accommodate the participant and maximize social distancing of its audience. The participant with a mobility impairment will present in the cement ring with her class and other classes will perform in the larger gravel ring.

This is not a violation because this participant is performing the activity with participants who do not have disabilities. In this context, County Y’s decision is giving her the “the most integrated setting.”

Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) ensures that children with a disability receive a free, appropriate public education in primary and secondary schools. The IDEA does not apply to Extension and Outreach activities because it is not the educational context contemplated by the IDEA.

This institution is an equal opportunity provider. For the full non-discrimination statement or accommodation inquiries, go to www.extension.iastate.edu/diversity/ext.



IOWA STATE UNIVERSITY
Extension and Outreach