

## RESOURCES:

### Physical Accessibility in Higher Education

Prepared by Irene Bowen, J.D. Email: IreneBowen@ADA-One.com

---

*This document sets out a variety of resources for those interested in enhancing physical access to places of higher education. All references are to links that are available to the public without charge or subscription.*

#### I. STATUTES AND REGULATIONS

Americans with Disabilities Act (as amended by the ADA Amendments Act, effective January 1, 2009; and ADA pre-amendments):

<http://www.ada.gov/pubs/ada.htm>

Overview and text:

<http://www.access-board.gov/about/laws/ada.htm#Text>

ADA Amendments Act resources:

<http://www.law.georgetown.edu/archiveada/#News>

Title II regulation (Department of Justice), 28 C.F.R. Part 35:

<http://www.ed.gov/policy/rights/reg/ocr/edlite-28cfr35.html>

Title III regulation (Department of Justice), 28 CFR Part 36:

[www.ada.gov/reg3a.html](http://www.ada.gov/reg3a.html)

ADA Standards for Accessible Design:

[www.ada.gov/stdspdf.htm](http://www.ada.gov/stdspdf.htm)

Uniform Federal Accessibility Standards:

[www.access-board.gov/ufas/ufas-html/ufas.htm](http://www.access-board.gov/ufas/ufas-html/ufas.htm)

DOT's ADA regulations, 49 C.F.R. Part 37:

[http://www.access.gpo.gov/nara/cfr/waisidx\\_03/49cfr37\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/49cfr37_03.html)

Section 504 of the Rehabilitation Act of 1973, as amended

Section 504 is part of title V of the Act:

<http://www.access-board.gov/enforcement/Rehab-Act-text/intro.htm>

[Note: this version does not include amendments made by the ADA Amendments Act, effective January 1, 2009.]

## RESOURCES:

### Physical Accessibility in Higher Education

Prepared by Irene Bowen, J.D. Email: [IreneBowen@ADA-One.com](mailto:IreneBowen@ADA-One.com)

---

Section 504 regulations of the Department of Justice for federally assisted programs, 28 C.F.R. Part 41:

[http://www.access.gpo.gov/nara/cfr/waisidx\\_03/28cfr41\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/28cfr41_03.html)

Section 504 regulations of the Department of Education for federally assisted programs, 34 C.F.R. Part 104:

[http://www.access.gpo.gov/nara/cfr/waisidx\\_99/34cfr104\\_99.html](http://www.access.gpo.gov/nara/cfr/waisidx_99/34cfr104_99.html)

American Recovery and Reinvestment Act (ARRA) of 2009

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h1enr.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1enr.pdf)

ARRA summaries, timelines, and implementation information:

<http://www.recovery.gov/>

ARRA statement by the Access Board:

<http://www.access-board.gov/recovery>

ARRA statement by the Department of Justice:

<http://www.ada.gov/reinvestact.htm>

## FAIR HOUSING AMENDMENTS ACT

Summaries and accessibility guidelines:

[www.fairhousingfirst.org](http://www.fairhousingfirst.org)

**II. DEPARTMENT OF JUSTICE** (see generally [www.ada.gov](http://www.ada.gov), DOJ's ADA web site)

### **A. DOJ's proposed ADA regulations**

Notices of proposed rulemaking:

73 Fed Reg 34465-34557 and 36964-37055 (June 17 and 30, 2008)

At [www.ada.gov](http://www.ada.gov):

- Proposed rules for title II and title III
- Proposed standards (2004 ADA Accessibility Guidelines (ADAAG) from Access Board) (also at [www.access-board.gov](http://www.access-board.gov))
- Public hearing (webcast) July 15, 2008

## RESOURCES:

### Physical Accessibility in Higher Education

Prepared by Irene Bowen, J.D. Email: IreneBowen@ADA-One.com

---

- Appendix A: DOJ's analysis of comments on Advanced Notice of Proposed Rulemaking (2004) and ADAAG provisions
- Appendix B: Regulatory impact analysis (RIA) (methodology, costs/benefits)

Public comments submitted on DOJ's proposed regulations:  
Go to [www.regulations.gov](http://www.regulations.gov) and search for ADA, then click on DOJ

Side-by-side comparison of 2004 ADAAG, the original ADA Standards, and the International Building Code (2003 edition):  
<http://www.access-board.gov/ada-aba/comparison/index.htm>

#### **B. Technical assistance materials**

Title II Technical Assistance Manual and supplement:  
<http://www.ada.gov/taman2.html>  
<http://www.ada.gov/taman2up.html>

Title III Technical Assistance Manual and supplement:  
<http://www.ada.gov/taman3.html>  
<http://www.ada.gov/taman3up.html>

ADA Best Practices Tool Kit for State and Local Governments:  
<http://www.ada.gov/pcatoolkit/toolkitmain.htm>

An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities:  
<http://www.ada.gov/emergencyprepguide.htm>

#### **C. Settlement agreements and consent decrees**

University of Michigan:  
<http://www.ada.gov/umichstadium.htm>

University of Chicago:  
[www.ada.gov/unichicagosa.htm](http://www.ada.gov/unichicagosa.htm)

EDMC (proprietary school):  
<http://www.ada.gov/edmc.htm>

## RESOURCES:

### Physical Accessibility in Higher Education

Prepared by Irene Bowen, J.D. Email: IreneBowen@ADA-One.com

---

Swarthmore College:

<http://www.ada.gov/swarthmore.htm>

Colorado College:

[www.ada.gov/colocoll.htm](http://www.ada.gov/colocoll.htm)

Chatham University:

<http://www.ada.gov/chatham/chathamsa.htm>

Duke University:

[www.ada.gov/duke.htm](http://www.ada.gov/duke.htm)

Millikin University:

[www.ada.gov/millikin.htm](http://www.ada.gov/millikin.htm)

Washington Hospital Center (medical facilities and equipment):

[www.ada.gov/whc.htm](http://www.ada.gov/whc.htm)

Fact sheet:

[www.ada.gov/whcfactsheet.htm](http://www.ada.gov/whcfactsheet.htm)

Beth Israel Deaconess Medical Center (settlement agreement announced 10/22/09, to be posted on [www.ada.gov](http://www.ada.gov))

#### D. Policy letters

Fraternities and sororities:

[www.usdoj.gov/crt/foia/cltr129.txt](http://www.usdoj.gov/crt/foia/cltr129.txt)

Campus transportation:

[www.usdoj.gov/crt/foia/cltr106.txt](http://www.usdoj.gov/crt/foia/cltr106.txt)

#### E. Other

Sample letter opening investigation/compliance review (September 2008):

<http://www.mcneeselawsuit.com/DOJletter.pdf>

Amicus brief in Barker v. Emory University (2002):

<http://www.ada.gov/briefs/barkopbr.pdf>

## RESOURCES:

### Physical Accessibility in Higher Education

Prepared by Irene Bowen, J.D. Email: IreneBowen@ADA-One.com

---

#### III. DEPARTMENT OF EDUCATION

Section 504 regulations for federally assisted programs, 34 C.F.R. Part 104:

<http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html>

OCR Case Processing Manual (2008):

<http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>

“Dear Colleague” letter re: title II, section 504, returning veterans (July 25, 2008):

<http://www.ed.gov/about/offices/list/ocr/letters/colleague-20080725.html>

#### IV. EMERGENCY PREPAREDNESS

[www.disabilitypreparedness.gov](http://www.disabilitypreparedness.gov)

[www.access-board.gov](http://www.access-board.gov)

<http://www.disabilityinfo.gov/digov-public/public/DisplayPage.do?parentFolderId=213>

<http://www.espfocus.org/> (individual preparedness)

NFPA’s Emergency Evacuation Planning Guide for People with Disabilities

<http://www.nfpa.org/assets/files/PDF/Forms/EvacuationGuide.pdf>

National Council on Disability:

Report and recommendations from the National Council on Disability, August 12, 2009.  
From NCD, (202) 272-2004 (v) or (202) 272-2074 (tty).

[http://www.ncd.gov/newsroom/publications/2009/NCD\\_EmergencyManagement\\_HTML/EffectiveEmergencyManagement.html](http://www.ncd.gov/newsroom/publications/2009/NCD_EmergencyManagement_HTML/EffectiveEmergencyManagement.html)

Including People with Disabilities in Emergency Planning

[http://www.ncd.gov/newsroom/publications/2005/saving\\_lives.htm](http://www.ncd.gov/newsroom/publications/2005/saving_lives.htm)

Adapting Emergency Procedures on Campus for Individuals with Disabilities, Mary Farrell, Ed. ,  
book available from Association on Higher Education and Disability

## RESOURCES:

### Physical Accessibility in Higher Education

Prepared by Irene Bowen, J.D. Email: [IreneBowen@ADA-One.com](mailto:IreneBowen@ADA-One.com)

---

Comprehensive Preparedness Guide 301: Special Needs Planning (FEMA)

<http://www.fema.gov/news/newsrelease.fema?id=45436>

From the University of Chicago:

<http://provost.uchicago.edu/initiatives/disabilities.shtml>

<http://emergency.uchicago.edu/emp/evacuation/disabled.shtml>

#### V. PRIVATE LITIGATION

Settlement agreement: Gufstason v. U.C. Berkeley (2005):

<http://www.dralegal.org/downloads/cases/gustafson/settlement.pdf>

Settlement agreement: Cherry v. The City College of San Francisco (2006):

<http://www.schneiderwallace.com/News/Fully%20Executed%20Stipulated%20Judgment%20and%20Order.pdf>

Settlement agreement: Jackson et al. v. California State University San Bernardino, EDCV 05-1110-VAP (JCRx) (12/19/2007):

<https://www.disabilityrightslegalcenter.org/announce/CSUSBSettlementAgreement.cfm>

Federal District Court decision: Kuchmas v. Towson University et al., No. RDB 06-3281 (D. Md. May 15, 2008) (denial of Defendants' motion for partial summary judgment concerning statute of limitations for design and construction claims under the ADA, FHA, section 504):

<http://www.mdd.uscourts.gov/Opinions/Opinions/KuchmasMemoOp.pdf>

Decision concerning captioning at stadium: Feldman v. Pro Football, Inc., No. AW-06-2266 (D. Md. Sept. 30, 2008) (Fed Ex Field):

<http://www.mdd.uscourts.gov/opinions/opinions/feldman093008.pdf>

Covington v. McNeese State University:

[www.Mcneeselawsuit.com](http://www.Mcneeselawsuit.com) (web site of plaintiff's attorney, with links to all documents)

#### CONTACT:

Irene Bowen, J.D.

ADA One, LLC

9 Montvale Court

Silver Spring, MD 20904

<http://ADA-One.com>

Email: [IreneBowen@ADA-One.com](mailto:IreneBowen@ADA-One.com)

Phone: 301 879 4542

Fax: 301 236 0754