

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. Yellow highlighting indicates 2012 updates.

I. STATUTES AND REGULATIONS

Americans with Disabilities Act (as amended by the ADA Amendments Act, effective January 1, 2009; and text of ADA before 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>

Department of Justice 2010 regulations for title II and title III of the ADA, effective March 15, 2011, including ADA Standards for Accessible Design:

<http://www.ada.gov/regs2010/ADAregs2010.htm>

Technical amendments, <http://www.gpo.gov/fdsys/pkg/FR-2011-03-11/html/2011-5580.htm> and <http://www.gpo.gov/fdsys/pkg/FR-2011-03-11/html/2011-5581.htm>

Extension of deadline for compliance as to swimming pools and similar facilities, http://www.ada.gov/regs2010/ADAregs2012/finalrule_existingpools_FR_may21.htm

2010 Standards for Accessible Design (**DOJ's compilation of all related materials**):

http://www.ada.gov/2010ADASTandards_index.htm

1991/1994 regulation for title III of the ADA including ADA Standards for Accessible Design, revised July 1, 1994. (Changes per 2010 regulation, in entry above, are effective March 15, 2011.)

<http://www.ada.gov/reg3a.html>

Standards: <http://www.ada.gov/stdspdf.htm>

Title II regulation, without 2010 revisions, 28 C.F.R. Part 35. (Changes per 2010 regulation, in entry above, are effective March 15, 2011.)

<http://www.ada.gov/reg2.html>

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ADA Standards for Accessible Design, 1991/1994. (Changes per 2010 regulation, in entry above, are effective March 15, 2011, and 2010 Standards must be followed beginning March 15, 2012.)
www.ada.gov/stdspdf.htm

Uniform Federal Accessibility Standards:
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

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.]

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

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
Notice of interpretation as to standards, issued March 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-03-14/pdf/2012-6122.pdf>

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

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>

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FAIR HOUSING AMENDMENTS ACT

Summaries and accessibility guidelines:

www.fairhousingfirst.org

II. DEPARTMENT OF JUSTICE (see generally www.ada.gov, DOJ's ADA web site)

A. 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>

Numerous technical assistance materials on 2010 regulations at www.ada.gov (e.g., swimming pools, effective date and compliance date)

C. Settlement agreements and consent decrees

McNeese State University, September 10, 2010:

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

Intellitec Colleges (proprietary school), December 12, 2009:

http://www.ada.gov/intellitec_coll.htm

Chatham University, December 9, 2008:

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

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EDMC (proprietary school, leasing), July 23, 2008:

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

University of Michigan, March 10, 2008:

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

Swarthmore College, November 19, 2007:

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

University of Chicago, July 17, 2006:

www.ada.gov/unichicagosa.htm

Colorado College, August 3, 2006:

www.ada.gov/colocoll.htm

Millikin University, March 14, 2002:

www.ada.gov/millikin.htm

Duke University, February 3, 2000:

www.ada.gov/duke.htm

Washington Hospital Center (medical facilities and equipment), November 2, 2009:

www.ada.gov/whc.htm

Fact sheet:

www.ada.gov/whcfactsheet.htm

Beth Israel Deaconess Medical Center, September 22, 2009:

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

D. Policy letters

Fraternities and sororities:

www.usdoj.gov/crt/foia/cltr129.txt

Campus transportation:

www.usdoj.gov/crt/foia/cltr106.txt

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E. **Other**

Amicus brief in [Barker v. Emory University \(2002\)](#):

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

III. DEPARTMENT OF EDUCATION

OCR Case Processing Manual, revised January 2010:

<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

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://](http://www.nfpa.org/assets/files/PDF/Forms/EvacuationGuide.pdf)

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.

<http://www.ncd.gov/newsroom/publications/2009/>

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

National Organization on Disability emergency preparedness materials:

http://www.ncd.gov/newsroom/publications/2005/saving_lives.htm

Comprehensive Preparedness Guide 301: Special Needs Planning (FEMA) <http://>

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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>

From Swarthmore College:

<http://www.swarthmore.edu/x17268.xml>

<http://www.swarthmore.edu/x18462.xml>

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:

<http://www.mcneeselawsuit.com/cases.html> (web site of attorney in private litigation)

CONTACT:

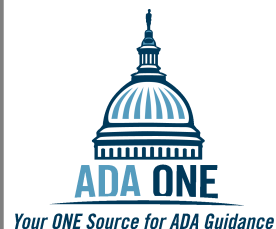
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