UT School Law Conference 2017

Reasonable Accommodations:

A Discussion of Logistics and Practical Implications

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The Law – A Refresher

- ADA prohibits discrimination against qualified individuals with a disability
- Requires school districts to make reasonable accommodations for disabled individuals as long as there is no undue hardship to the school district; no direct threat of harm to the individual or others; or no fundamental alteration of the school district's program
- Goal is to create level playing field for "disabled" employees or applicants
- Emphasis on what individuals can do, not on limitations



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The Law – A Refresher

- Requires schools to consider individual's ability to perform essential job functions
- Focus on accommodations, not disability
- Broad coverage
- More accommodation requests
- More EEOC scrutiny
- Process is key: schools who bury their head in the sand or drop the ball - **LOSE**



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A Point About Cooperative Relationships

- These are situations in which employees can be very sensitive and emotional.
- Building a positive and trusting relationship with employees can go a long ways toward making the accommodation process easier.



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Definition of "Disability"

- Any individual with a **present** physical or mental impairment that substantially limits one or more major life activities
  - Impairments are covered even if they are episodic or in remission
- Any individual with a **history** of an impairment
- Any individual **regarded as having** a disability



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Major Life Activity

- Walking
- Talking
- Breathing
- Hearing
- Lifting
- Working
- Reproduction
- Bending
- Learning
- Thinking
- Concentrating
- Seeing



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