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Educators and the Americans with Disabilities Act

Like any other professionals, educators are affected by medical issues at times, ranging from the relatively minor to the serious. The Americans with Disabilities Act was created to protect and assist those with disabilities on the job and in other aspects of life.

The Americans with Disabilities Act of 1990 (ADA) is a federal law that prohibits discrimination against an individual with a disability in several areas of society, including (but not limited to) employment, housing, public accommodations and education. Under the Act, an “individual with a disability” is defined as one with a physical or mental impairment that substantially limits one or more major life activities (e.g., walking, seeing, standing, etc.), having a record of such impairment or being regarded as having such an impairment (even if it doesn’t necessarily limit a major life activity).

Under the ADA, an employer must provide a reasonable accommodation to a qualified individual (one who can perform the essential functions of the job) with a disability. Deference is usually given to the employer as to what functions of the job are essential. A written job description may be considered evidence of what duties the employer considers essential. While an employee with a disability is entitled to a reasonable accommodation, the ADA does not allow one to dictate the circumstances of his employment. As long as the accommodation that is provided is reasonable, the employer

will have satisfied its mandate under the law—even if it’s not the employee’s preferred option.

For the educator who believes he has a disability and needs a reasonable accommodation to perform his duties, your first step should be to notify your direct supervisor. Next, visit your system’s human resources department and inform them that you are requesting a reasonable accommodation under the ADA. Usually, there will be some paperwork you and your doctor(s) will have to complete and submit. Your system may also seek a second opinion from a medical professional of its choosing.

Keep in mind that not every physical or mental impairment will be considered a disability under the law. If you believe that you’re entitled to a reasonable accommodation under the ADA, but your employer is refusing to provide one, you may need to file a grievance or other such complaint according to local board policy or, ultimately, a complaint with the Equal Employment Opportunity Commission for illegal employment discrimination based on a disability.

The ADA can be quite helpful to an educator who may need a minor modification to his work environment or feels discriminated against due to a disability. As always, if you have any questions, concerns or need more information, please call us at the PAGE Legal Department for assistance. ♦