

SYLLABUS

Description:

This course surveys federal law as it relates to people with disabilities. Primary focus is on discrimination in employment, education, government services, public accommodations run by private entities, and housing. A majority of the class will focus on the Americans with Disabilities Act (ADA).

Learning Outcomes:

- Students will demonstrate knowledge of the fundamental legal concepts underlying U.S. disability law.
- Students will understand how the law seeks to protect people with disabilities from discrimination, and will be able to analyze and critique its effectiveness in accomplishing that goal.
- Students will be able to apply established disability law concepts to current events and novel topics.

Required Text:

MARK C. WEBER, UNDERSTANDING DISABILITY LAW, THIRD EDITION (Lexis Nexis 2019)

Be certain to sign up on TWEN to receive announcements, updates, links, and other materials. In addition to the textbook reading assignments, supplemental reading assignments will be put up on TWEN throughout the semester.

The reading assignments are meant to be manageable and are designed to stimulate discussion. Unless otherwise noted, all reading assignments are mandatory.

Course Grading:

Your grade will be based on (1) a research paper (50% of final grade); (2) class participation (25% of final grade); and (3) three class assignments (25% of final grade together, 8.33% each).

Class Participation: Class participation is mandatory and accounts for 25% of your final grade. The best seminar classes are the ones where there is lively discussion and debate. I encourage everyone to share their opinions and points of view, but remind you to do so in a polite and professional manner, especially when discussing sensitive topics such as disabilities.

Because I recognize that in-person participation may be difficult for some individuals, I am offering the opportunity to complete up to three OPTIONAL written assignments to supplement (not in lieu of) your class participation grade. For each optional assignment, please select a current news article that addresses a disability law topic (published any time during the course of this semester) and write a 1-2 page, single-spaced discussion of it including (1) a brief summary of the article; (2) a brief analysis of how the topic relates to disability law; and (3) if the article is an opinion piece, whether you agree with it from a legal standpoint, or if it is not, any opinion you have of the content based on your understanding of disability law. Please attach a .pdf of the article with your assignment. Please make sure to include a legal analysis citing relevant disability law; don't just summarize the article.

Any optional assignment(s) you choose to complete must be submitted no later than midnight the last day of class (April 25). If you have any questions about the optional assignments, feel free to contact me.

Research Paper: Students will complete a research paper on a disability law issue of their choice. Your paper should not just discuss an area of disability law, but also a proposal for a solution to a problem, a resolution to a Circuit split, a change you think should be made to the law, etc. The length of the research paper must be between 15-20 pages. The paper should be double-spaced, with one-inch margins on all sides, and numbered at the bottom of the page. Please use Times New Roman font, size 12, on both the body of the paper and your footnotes. Please also use proper citations, grammar, and spelling. Please properly attribute all directly quoted and paraphrased material in your paper. The research paper is due by midnight on the last day of exams: Tuesday, May 10.

Please note that in addition to your research paper topic and outline being due as one of your assignments (see below), I am happy to discuss paper topics and/or review drafts at any point prior to the last day of class. Please feel free to reach out if you have any questions regarding paper content.

Assignment #1: A proposed topic and outline for your research paper is due by midnight on Sunday, March 6. I will review and discuss your proposed topic with you within the following two weeks at a mutually convenient time. An example topic and outline are posted on TWEN.

Assignment #2: If you could make one statutory change to the ADA, what would it be and why? Please describe the change, with supporting statutory, regulatory, or case law citations. Assignment should be between 1-2 pages long, single spaced. Assignment due by midnight on Sunday March 27.

Assignment #3: Presentation on your research paper topic will be given during the last day class on April 25. Presentations will be between 5-10 minutes, depending upon the number of students enrolled in the class. You may include a PowerPoint as part of your presentation if you choose, but it is not required. Please note that although your paper will not be due until May 10, you will need to be far enough along in your research/writing in order to present a summary of your research and proposal on this date.

Computers and Other Electronic Devices:

Please use your computers during class only for attending class and to take notes. I can tell when you are not focused on class because you are checking emails, chatting, or doing other multitasking, and it will affect your participation grade! Please also be sure that all phones are on silent and put away during class. Please note that lecture PowerPoints will be posted on TWEN after each class, so you do not need to worry about copying down information on the slides.

Office Hours:

I do not hold regular office hours, but am available by appointment. I answer all emails within 24 hours. Email is the preferred method of communication outside the classroom, but I am available to speak to students via telephone on request. My email address is: mstephanie.berger@gmail.com.

Reading & Assignment Schedule:

The following assignments may change as the semester progresses. I will notify you of any changes in advance.

Class	Date	Topic	Assignments
1	Jan. 24	Introduction; Overview of ADA, Section 504, and IDEA; Statutory Coverage	<ul style="list-style-type: none"> • Weber 1-43 (Chapters 1-2) • Supplemental Reading (TWEN)
2	Jan. 31	Employment Discrimination	<ul style="list-style-type: none"> • Weber 45-74 (Chapter 3) • Supplemental Reading (TWEN)
3	Feb. 7	Employment Discrimination	<ul style="list-style-type: none"> • Weber 74-95 (Chapter 3 cont.) • Supplemental Reading (TWEN)
4	Feb. 14	Educational Discrimination: Primary & Secondary Education	<ul style="list-style-type: none"> • Weber 97-119 (Chapter 4) • Supplemental Reading (TWEN)
5	Feb. 21	Educational Discrimination: Post-Secondary Education	<ul style="list-style-type: none"> • Weber 119-131 (Chapter 4 cont.) • Supplemental Reading (TWEN)
6	Feb. 28	Public Accommodations Discrimination	<ul style="list-style-type: none"> • Weber 133-142 (Chapter 5) • Supplemental Reading (TWEN) • Paper Topic and Outline due Mar. 6 (Assignment #1)
7	Mar. 7	Public Accommodations Discrimination	<ul style="list-style-type: none"> • Weber 143-158 (Chapter 5 cont.) • Supplemental Reading (TWEN)
	Mar. 14	NO CLASS – SPRING RECESS	
8	Mar. 21	Discrimination in Government Services and Federally Funded Programs	<ul style="list-style-type: none"> • Weber 159-187 (Chapter 6) • Supplemental Reading (TWEN)
9	Mar. 28	Discrimination in Government Services cont.: Olmstead & the Integration Mandate	<ul style="list-style-type: none"> • Supplemental Reading (TWEN) • Assignment #2 due Mar. 27
10	Apr. 4	Housing, Transportation & Additional Topics	<ul style="list-style-type: none"> • Weber 189-219 (Chapter 7) • Supplemental Reading (TWEN)
11	Apr. 11	Additional Disability Topics	<ul style="list-style-type: none"> • Supplemental Reading (TWEN)
12	Apr. 18	COVID-19 and Disability	<ul style="list-style-type: none"> • Supplemental Reading (TWEN)
13	Apr. 25	Presentations	<ul style="list-style-type: none"> • In-Class Presentations on Paper Topic due (Assignment #3) • Last day to submit up to three optional participation paper(s)
	May 10	Last Day of Exams	<ul style="list-style-type: none"> • Final Paper Due