



The Council of Parent Attorneys and Advocates, Inc.
A national voice for special education rights and advocacy

June 20, 2008

The Honorable George Miller
Chairman, Committee on Education and Labor
US House of Representatives
Washington, DC 20510

Re: Support for H.R. 3195, the ADA Amendments Act of 2008

Dear Chairman Miller,

Thank you for your very hard work on H.R. 3195, the ADA Amendments Act of 2008. As an organization dedicated to protecting the civil and educational rights of children with disabilities, the Council of Parent Attorneys and Advocates (COPAA) is proud to support the bill. H.R.3195 will amend the ADA and Section 504 of the Rehabilitation Act to ensure that adults and children with disabilities are protected from wrongful discrimination.

When Congress passed the ADA in 1990, it intended to protect people with disabilities from discrimination. But several court decisions wrongly narrowed the act, holding that people with epilepsy, diabetes, intellectual and developmental disabilities, muscular dystrophy, and cancer (among many others) are not eligible for the ADA's protections. H.R. 3195 will override these decisions and re-establish the protection against discrimination that Congress intended. H.R. 3195 will ensure that people with disabilities do not lose ADA eligibility simply because their condition can be addressed with assistive technology or helped by medication. H.R. 3195 will make clear that the ADA protects people whose disabilities prevent or severely restrict them from doing activities of central importance to most people's lives. It will ensure that employees are not discriminated against because of their actual or perceived impairments. These are important rights for youth and young adults with disabilities transitioning into the world of employment. Thank you for your work to make them a reality.

H.R. 3195 will also protect the rights of children and students with disabilities under Section 504 of the Rehabilitation Act. No child should have the door to 504 shut because of old, outdated ADA case law that a bipartisan consensus agrees should be changed. H.R. 3195 represents a thoughtful compromise between the interests of school districts and of parents. Unlike the situation with employment, most school districts have appropriately applied the law to 504 eligibility questions, and accommodated a range of students with disabilities. Thus, H.R. 3195 will not make any substantial changes in what most districts already do. But it will remedy the situation for the relatively small number of children who have been denied 504 eligibility under ADA-like theories. H.R. 3195 will make clear that these children have the same rights to be free from discrimination and to be eligible for the accommodations they need to learn.

The ADA Amendments of 2008 will protect the rights of children and adults with disabilities while also balancing the interests of employers and school districts. The House Education and Labor and Judiciary Committees have worked hard to balance these rights and we support your work in doing so.

Thank you again for your leadership in ensuring that all Americans with disabilities have the right to be free from discrimination.

Sincerely,

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