

NJ Council for the Social Studies

Resources prepared by Hank Bitten

Teaching the NJ LGBTQ/Disabilities Mandate Through the Lens of the U.S. Supreme Court

An Act concerning instruction and instructional materials in public schools and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

C.18A:35-4.35 History of disabled and LGBT persons included in middle and high school curriculum.

1. A board of education shall include instruction on the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people, in an appropriate place in the curriculum of middle school and high school students as part of the district's implementation of the New Jersey Student Learning Standards.

C.18A:35-4.36 Policies, procedures pertaining to inclusive instructional materials.

2. A board of education shall have policies and procedures in place pertaining to the selection of instructional materials to implement the requirements of section 1 of this act. When adopting instructional materials for use in the schools of the district, a board of education shall adopt inclusive instructional materials that portray the cultural and economic diversity of society including the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people, where appropriate.

3. This act shall take effect immediately and shall first apply to the 2020-2021 school year.

Approved January 31, 2019.

6.1.12.HistorySE.14.a: Explore the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have [met] contributed to the American economy, politics and society.

6.1.12.CivicsCM.14.a: Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual and evaluate the impact on public policies.

6.1.12.CivicsPI.14.c: Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.

History of Discrimination

Economic Discrimination

According to the [American Psychology Association](#), around 64% of transgender people have annual incomes of less than \$25,000. Another study found that transgender individuals are nearly four times more likely to make less than \$10,000 annually when compared to the general population; on the other end of the spectrum, only 14% of transgender respondents reported making more than \$100,000 annually compared to 25% of the general population. In addition, transgender women reported their wages decreasing by nearly one-third following their gender transitions but transgender men reported their wages increasing slightly (about 1.5%), according to one study.

Social life

Since many public spaces, including schools, are highly gendered with features such as gendered bathrooms and locker rooms, transgender people often face violence in these gendered areas. Transgender people are often asked to present their ID or other invasive question when using a public restroom designated for the gender they

identify as and can often face discrimination and violence if their ID has not been correct or if they do not "pass" as the gender they identify as. One study found that 71% of transgender respondents made efforts to hide their gender or gender transition to avoid discrimination, while 57% reported delaying their gender transition to avoid discrimination.

Transgender individuals also face discrimination within the LGBT+ community, especially from cisgender gay men and lesbians. As a result, they often do not receive the same social support from the community that other individuals do.

Education

One study found that 78% of transgender individuals interviewed reported harassment in primary or secondary school, 35% reported physical assault, 12% reported sexual violence, and 6% reported being expelled. According to the study, the effect of this harassment was so severe that 15% of the respondents were forced to leave school at either the primary, secondary, or tertiary level.

Supreme Court Cases

Timeline of U.S. Supreme Court Cases: (1958-Present)

(<https://time.com/5694518/lgbtq-supreme-court-cases/>)

One, Inc. v. Olesen (1958)

Baker v. Nelson (1972)

Bowers v. Hardwick (1986)

Romer v. Evans (1996)

Boy Scouts of America v. Dale (1996) (NJ Supreme Court link)

Lawrence v. Texas (2003)

United States v. Windsor (2013)

Obergefell v. Hodges (2015)

Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission (2018)

[One, Inc. v. Olesen \(1958\)](#)

One of the first Supreme Court cases to consider LGBTQ rights concerned freedom of speech.

In 1953, a publisher associated with the Los Angeles chapter of the [Mattachine Society](#), one of the country's first "homophile" groups, released something unique for its time: *ONE: The Homosexual Magazine*. The magazine, which is considered by [One Archives Foundation](#) to be America's first widely-distributed magazine for gay readers, included articles, editorials, short stories and other content. Not long after publication began, its August and October editions were seized by the Los Angeles postal authorities. Authorities [argued](#) that the publication violated obscenity laws.

[In its decision](#), the Supreme Court tossed out a lower court's ruling, and established that material aimed at a gay audience was not inherently obscene. [The decision validated that people had the right to publish LGBTQ media.](#)

[Loving v. Virginia \(1967\)](#) (Related to marriage and not specifically to LGBTQ)

Mildred Jeter and her new husband, Richard Loving, returned to their home in Caroline County, Virginia. The newlyweds had recently taken their vows in nearby Washington, D.C. and were happy to begin their new life together as married couple. But there was a big obstacle to their marital bliss. The year was 1958, and [Virginia was one of sixteen states that prohibited and punished interracial marriages](#). Mildred was African American and her husband Richard was Caucasian. Four months into their married life they were indicted by a grand jury.

The following January, the Lovings pleaded guilty to the charge and were sentenced to one year in jail. The trial judge agreed to suspend the sentence if the Lovings would leave the state for twenty-five years. The judge told Mr. and Mrs. Loving: "Almighty God created the races...and he placed them on separate continents.... The fact he separated the races shows that He did not intend for the races to mix."

The Lovings moved to Washington, D.C. and appealed their conviction on the grounds that Virginia law, The Racial Integrity Law of 1924, violated their rights to equal protection of the law and due process under the Fourteenth Amendment.

The Supreme Court ruled unanimously to overturn their conviction and strike down the Virginia law. The Court held, "There can be no doubt that restricting the freedom to marry solely because of racial classifications violates the central meaning of the Equal Protection Clause." The Court also found that the Virginia law deprived the Lovings of liberty without due process of law. "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men.... To deny this fundamental freedom on so unsupportable a basis as the racial classifications ...is surely to deprive all the State's citizens of liberty without due process of law." From [Bill of Rights Institute](#)

[Baker v. Nelson \(1972\)](#) (See [Obergefell v. Hodges, 2015](#))

The Supreme Court considered the issue of marriage equality for the first time in 1972.

The case was sparked when a young Minneapolis couple, Richard John Baker and James Michael McConnell, wanted to get married. The couple was reportedly so determined that Baker enrolled in law school to figure out a way how the two could legally wed, according to the [New York Times](#). However, the couple's effort seemed to fail when the Supreme Court decided to dismiss the case "for want of a substantial federal question." The case did not end up changing much for people in Baker and McConnell's situation.

Ultimately, the couple got married anyway by obtaining a marriage license in a different Minnesota county in 1971. Baker changed his name to Pat Lyn McConnell to obtain the certificate.

The pastor who married them, Roger Lynn, told the [Times](#) in 2015 that he considers them to be "one of my more successful marriages" because they were still happy and love each other. A [Minnesota judge ruled](#) that the couple's marriage is valid in 2018.

[Bowers v. Hardwick \(1986\)](#) (See [Lawrence v. Texas, 2003](#), below)

The LGBTQ rights movement was dealt a major blow when the court decided to uphold a Georgia sodomy law in 1986. The subject of the case, Michael Hardwick, had been caught by a Georgia police officer in 1982 having oral sex with another man.

The Supreme Court held in a 5-4 ruling, with an opinion by Justice Byron White, that the 14th Amendment's promise of due process doesn't prevent states from criminalizing private, consensual sex between people of the same sex.

"Against a background in which many states have criminalized sodomy and still do," White said in the opinion, "to claim that a right to engage in such conduct is 'deeply rooted in this Nation's history and tradition' or 'implicit in the concept of ordered liberty' is, at best, facetious."

Karen Loewy, senior counsel Lambda Legal, which fights for LGBTQ legal rights, tells *TIME* that Court made a special effort to make clear that the case applied to LGBTQ people, despite the fact that the law didn't refer to the genders of the people involved.

"The court went out of its way to make clear that gay people could be criminalized under these provisions, and there was nothing wrong with that. The court actually turned it into an inquiry about same-sex intimacy where the statute wasn't even that specific," Loewy said.

"It really labeled LGBTQ people as criminals in every sense. Employers would fire people and say, well... it has nothing to do with who you are. It has to do with the fact that you're a criminal."

Robin Maril, associate legal director of the Human Rights Campaign, notes that the conversation about LGBTQ people during that period was shaped by the AIDS epidemic. Many people who feared the then-mysterious disease were "hyper-focused" on the idea that gay men were promiscuous and saw HIV-positive people as "sort of getting what they deserved," says Maril. "I think AIDs brought out the worst in America."

Hardwick died from complications from AIDS in 1991, and one of his attorneys, Kathleen Wilde said that he had been "very bitter" about the case's outcome, according to the [New York Times](#).

[Romer v. Evans \(1996\)](#) (See *Boy Scouts of America v. Dale*, below for second case in 1996)

In this decision, the Supreme Court ruled that laws couldn't single out LGBTQ people to take away their rights. The case revolved around an amendment to a Colorado law, which banned cities from passing anti-discrimination laws that would protect gay and bisexual people.

In a 6-3 decision, Court ruled that the law didn't adhere to the 14th Amendment's equal protection clause, because of how it singled out a certain group. "Even if, as the state contends, homosexuals can find protection in laws and policies of general application," Justice Anthony Kennedy said in the majority opinion, "[the Colorado law] goes well beyond merely depriving them of special rights. It imposes a broad disability upon those persons alone, forbidding them, but no others, to seek specific legal protection."

As Loewy explains, "In *Romer*, the Supreme Court recognized for the first time that carving LGBTQ people out of protections that everybody else could have access to violated equal protection."

[Boy Scouts of America v. Dale \(1996\)](#) (See *Romer v. Evans*, 1996, above)

The same year the court found that laws couldn't single out LGBTQ people, the Supreme Court also considered whether a private organization could single them out with specific rules — and found in favor of that organization. In 1990, the Boy Scouts of America decided to expel James Dale, an assistant scoutmaster and Eagle Scout, after he was **identified** in a newspaper as a leader of Rutgers University's Lesbian/Gay Alliance.

The New Jersey Supreme Court initially found for Dale on the grounds that the Scouts had violated the state's anti-discrimination law, but that decision was overruled in a 5-4 decision by the Supreme Court. The Court found that forcing the Scouts to readmit Dale would violate their **First Amendment right to freedom of association**.

"The Boy Scouts asserts that homosexual conduct is inconsistent with the values embodied in the Scout Oath and Law, particularly those represented by the terms 'morally straight' and 'clean,' and that the organization does not want to promote homosexual conduct as a legitimate form of behavior. The Court gives deference to the Boy Scouts' assertions regarding the nature of its expression," Justice William Rehnquist said in the Court's opinion.

“It wasn’t until 2013 that the group decided to end its ban on gay children as members, but still continued its ban on gay adult leaders,” Dale wrote in a [2015 opinion piece in TIME](#). “This initiative was wrong in many ways: It was great that they weren’t excluding young members, but it was wrong to tell someone that you can be gay when you’re a child, but you’re immoral as an adult. That’s a horrifyingly destructive and damaging thing to say to anyone, especially a young person.”

[Lawrence v. Texas \(2003\)](#) (See *Bowers v. Hardwick*, 1986 above)

The Court ultimately eliminated sodomy laws in 2003, overruling *Bowers v. Hardwick* with a vote of 6-3.

Justice Kennedy delivered the opinion, saying that the due process clause of the fourteenth amendment gave the petitioners “the full right to engage in private conduct without government intervention... The Texas statute furthers no legitimate state interest which can justify its intrusion into the individual’s personal and private life.”

Loewy notes that her organization fought for this decision, and helped to popularize the idea that “public ideas about morality cannot justify infringing people’s constitutional rights.” Loewy says that this was an essential case because “the court really recognized that LGBTQ people are entitled to constitutional protections for intimate conduct. For private, consensual, intimate conduct.”

[United States v. Windsor \(2013\)](#)

This case was one of the major precursors to marriage equality. The Court decided to eliminate the portion of the [Defense of Marriage Act](#) (DOMA) of 1996 that defined marriage as a “legal union between one man and one woman as husband and wife.”

The case considered the situation of Edith Windsor and Thea Spyer, who were married in Canada before moving to New York, a state that recognized their marriage. After Spyer passed away, Windsor’s attempted to claim a tax exemption for surviving spouses — only to be blocked by DOMA.

In a 5-4 vote, Supreme Court ruled that DOMA violates due process and equal protection principles, and ordered the United States to refund Windsor’s taxes.

“DOMA’s principal effect is to identify a subset of state-sanctioned marriages and make them unequal. The principal purpose is to impose inequality, not for other reasons like governmental efficiency,” said Justice Kennedy in the opinion.

[Obergefell v Hodges \(2015\)](#) (See *Baker v. Nelson*, 1972)

A group of 14 same-sex couples and two men whose partners were deceased joined together and won one of the LGBTQ rights movement’s biggest victories: marriage.

In a 5-4 vote, the Supreme Court found for the petitioners, who argued that state officials violated the 14th amendment’s equal protection clause by prohibiting them from marrying or not recognizing marriages performed in other states.

“It is demeaning to lock same-sex couples out of a central institution of the Nation’s society, for they too may aspire to the transcendent purposes of marriage,” Justice Kennedy said in the Court’s opinion.

The court also extended them the [benefits](#) guaranteed to opposite-sex married couples. Maril argues that while she personally values the emotional aspect of matrimony, getting married in the United States is considered to be a legal status.

“At the end of the day, it’s social security benefits, it’s survivor benefits. It’s healthcare. It’s super unromantic,” Maril says.

Loewy argues that this decision also had a profound cultural impact, because it gave LGBTQ people a “common language” with straight people.

[Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission \(2018\)](#)

Although by 2018 LGBTQ people could marry, the Supreme Court found that a baker was not required to make wedding cakes for same-sex marriages.

In a 7-2 decision, the Supreme Court found for Colorado baker Jack Phillips, who had refused to make a gay couple a wedding cake on religious grounds.

Phillips argued that baking cakes requires his “artistic skills” and being forced to bake the cake would have infringed upon his freedom of speech and his rights to practice his religion.

However, the Court’s argument in favor of Phillips **hinged** upon the state’s “impermissible hostility toward his sincere religious beliefs.,” noting that a commissioner compared Phillips’ religious beliefs to defending slavery or the Holocaust.

“The government cannot pass judgment upon or presuppose the illegitimacy of religious beliefs and practices. The state’s interest could have been weighed against Phillips’ sincere religious objections in a way consistent with the requisite religious neutrality,” Justice Kennedy said in the opinion.

History of Disabilities History of Discrimination

(<https://www.nps.gov/articles/disabilityhistoryrightsmovement.htm>)

Disability History: The Disability Rights Movement ([Article is From National Parks Service](#))

"Some people may have thought it was undignified for people in wheelchairs to crawl in that manner, but I felt that it was necessary to show the country what kinds of things people with disabilities have to face on a day-to-day basis. We had to be willing to fight for what we believed in." - Michael Winter, Former Director of the Center for Independent Living, Hawaii and Berkeley, California^[1]

Treatment and perceptions of disability have undergone transformation since the 1900s. This has happened largely because people with disabilities have demanded and created those changes. Like other civil rights movements, the disability rights movement has a long history. Examples of activism can be found among various disability groups dating back to the 1800s. Many events, laws, and people have shaped this development. To date, the 1990 Americans with Disabilities Act (ADA) and the subsequent ADA Amendments Act (2008) are the movement's greatest legal achievements. The ADA is a major civil rights law that prohibits discrimination of people with disabilities in many aspects of public life. The disability rights movement continues to work hard for equal rights.

Organizations by and for people with disabilities have existed since the 1800s. However, they exploded in popularity in the 1900s. The League of the Physically Handicapped organized in the 1930s, fighting for employment during the Great Depression. In the 1940s a group of psychiatric patients came together to form We Are Not Alone.^[2] They supported patients in the transition from hospital to community. In 1950, several local groups came together and formed the National Association for Retarded Children (NARC). By 1960, NARC had tens of thousands of members, most of whom were parents. They were dedicated to finding alternative forms of care and education for their children.^[3] Meanwhile, people with disabilities received assistance through the leadership of various presidents in the 1900s. President Truman formed the National Institute of Mental Health in 1948. Between the years 1960 and 1963, President Kennedy organized several planning committees to treat and research disability.^[3]

The US Congress has passed many laws that support disability rights either directly or by recognizing and enforcing civil rights. Civil rights laws such as *Brown v. Board of Education* and its decision that school segregation is unconstitutional laid the groundwork for recognizing the rights of people with disabilities. Several sections of the 1973 Rehabilitation Act, which specifically address disability discrimination, are especially important to the disability rights movement. Section 501 supports people with disabilities in the federal workplace and in any organization receiving federal tax dollars. Section 503 requires affirmative action, which supports employment and education for members of traditionally disadvantaged minority groups. Section 504 prohibits discrimination against individuals with disabilities in the workplace and in their programs and activities. Section 508 guarantees equal or comparable access to technological information and data for people with disabilities. The regulations for Section 504 of the Rehabilitation Act of 1973 were written but not implemented. In 1977, the disability rights community was tired of waiting, and demanded that President Carter sign the regulations. Instead, a task force was appointed to review them. Afraid that the review would weaken the protections of the Act, the American Coalition of Citizens with Disabilities (ACCD) insisted they be enacted as written by 5 April 1977, or the coalition would take action. When the date arrived and the regulations remained unsigned, people across the country protested by sitting-in at federal offices of Health, Education, and Welfare (the agency responsible for the review). In San Francisco, the sit-in at the **Federal Building** lasted until April 28, when the regulations were finally signed, unchanged. This was, according to organizer Kitty Cone, the first time that "disability really was looked at as an issue of civil rights rather than an issue of charity and rehabilitation at best, pity at worst."^[4]

The 1975 Education of All Handicapped Children Act guaranteed children with disabilities the right to public school education. These laws have occurred largely due to the concerted efforts of disability activists protesting for their rights and working with federal government. In all, the United States Congress passed more than 50 pieces of legislation between the 1960s and the passage of the ADA in 1990.

Self-advocacy groups have also shaped the national conversation around disability. Self-advocacy means representing one's own interests. Such groups include DREDF (Disability Rights Education and Defense Fund), ADAPT (Americans Disabled for Accessible Public Transportation, later changed to Americans Disabled Attendant Programs Today), and the CIL (Center for Independent Living). The CIL provides services for people with disabilities in the community. The CIL began in the early 1960s at **Cowell Memorial Hospital**. Located in California, Cowell Memorial Hospital was once listed on the National Register of Historic Places. The building is now demolished, but its legacy remains. The hospital supported the "Rolling Quads" and the "Disabled Students Program" at University of California Berkeley. Students **Ed Roberts** and John Hessler founded both organizations. Both men lived with physical disabilities and needed to find housing options after their acceptance to the university. University dormitories could not manage Roberts' iron lung, an assistive breathing device for people with polio, or Hessler's physical needs. Hessler and Roberts instead lived at Cowell Memorial Hospital when they arrived at college in the early 1960s. With the assistance of College of San Mateo counselor Jean Wirth, they demanded access to the school and encouraged other students with physical disabilities to attend UC Berkeley. They also influenced school architecture and planning. UC Berkeley eventually created housing accommodations for these students. It was there that the students planted the seed of the independent living movement. The independent living movement supports the idea that people with disabilities can make their own decisions about living, working, and interacting with the surrounding community. This movement is a reaction to centuries of assisted living, psychiatric hospitals, and doctors and parents who had made decisions for individuals with disabilities.

Roberts, Hessler, Wirth and others established the Disabled Students Program at UC Berkeley. Although this was not the first program of its kind-- Illinois offered similar services beginning in the 1940s-- the UC Berkeley Program was groundbreaking. They promoted inclusion for all kinds of students on campus. The program inspired universities across the country to create similar organizations. Many of these organizations are still active today.

The Rolling Quads and CIL are among two groups from the disability rights movement. Disability activists also work with other communities to attain their goals. People form communities based on shared values, ideas, and identity. The strength and activism of a community can help change attitudes across society at large. Perceptions of disability and resulting treatment often intersect with other groups advocating for their civil and human rights. One example of this change is the treatment of the the Lesbian Gay Bisexual Transgender Queer (LGBTQ) community. Doctors regarded homosexuality as a disease well into the 20th century. They could send men and women to psychiatric hospitals for their sexual preference. It was not until the 1970s that this "diagnosis" changed.

The **Dr. Franklin Kameny Residence** is part of this important history. Kameny had served as an astronomer and worked with the U.S. Army Map Service. In the 1950s, he refused to reveal his sexual orientation to the government. In response, the US government fired Kameny from his job. Kameny spent the rest of his life working as an activist and advocate for LGBTQ rights. His home provided the space for people to safely express and identify themselves. In 1973, Kameny successfully led the fight to abolish homosexuality from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM). The DSM is the official handbook used by healthcare professionals to diagnose psychiatric issues and disabilities. This decision legally removed the status of homosexuality as a disorder. It also helped shift perceptions of homosexuality. More and more people began to understand it was not wrong or defective. The Kameny Residence continues to help us recognize and embrace the work of the gay civil rights community.

Other activists also took to the streets and demonstrated for disability rights. Some of these protests occurred at locations that are today listed on the National Register of Historic Places. In 1988, students at **Gallaudet University**, the only American university specifically for deaf students, led the "Deaf President Now" protest. Students made several demands, calling for a Deaf president and majority Deaf population on the Board of Trustees. This week-long protest resulted successfully in the appointment of deaf president, Dr. I. King Jordan. Their protest inspired inclusion and integration across communities.^[5]

Two years later in 1990, protesters gathered on the steps of the **United States Capitol** building. They were anxiously awaiting the passage of the ADA, which had stalled due to issues around transportation. Public transit companies fought against the strict regulations for accessibility, and their lobbying efforts slowed the entire process. In

response, a group of individuals with disabilities headed for the Capitol. They tossed aside their wheelchairs, walkers, and crutches and ascended the steps. This event has since become known as the "Capitol Crawl." By dragging themselves up the stairs, these protesters expressed their daily struggles due to physical barriers. In so doing, they highlighted the need for accessibility. Iconic images of this event spread across the country. The Americans with Disabilities Act ultimately passed in July of 1990 and was signed by President George H.W. Bush. The ADA and other civil rights legislation have transformed opportunities for people with disabilities. However, over 25 years later, there is still much work to be done. Article by Perri Meldon.

Timeline of U.S. Supreme Court Cases Relating to Individuals with Disabilities

Bragdon v. Abbott (1998)
Wright v. Universal Maritime Service Corp. (1998)
Cleveland v. Policy Management Systems Corp. (1999)
Murphy v. United Parcel Service, Inc. (1999)
Sutton v. United Airlines, Inc. (1999)
Board of Trustees of University of Alabama v. Garrett (2001)
Toyota Motor Manufacturing, Kentucky Inc. v. Williams (2002)
Raytheon Co. v. Hernandez (2003)
Spector v. Norwegian Cruise Line Ltd. (2005)
Fry v. Napoleon Community Schools (2017)

Bragdon v. Abbott (1998)

The Court holds that HIV infection qualifies as a disability under the [Americans with Disabilities Act](#) (ADA).

Wright v. Universal Maritime Service Corp. (1998)

In this case, the Supreme Court revisits the issue of whether a collective bargaining agreement requiring arbitration can prohibit the party from taking their EEO claim to federal court. The Court held that the collective bargaining agreement at issue did not contain a clear and unmistakable waiver. Therefore, the charging party could pursue his employment discrimination claim in court.

Cleveland v. Policy Management Systems Corp. (1999)

The Supreme Court agrees with [Equal Employment Opportunity Commission's](#) (EEOC) position that a plaintiff can go forward with his or her Americans with Disabilities Act case despite having filed an earlier claim for disability under the Social Security Act alleging he or she is unable to work.

Murphy v. United Parcel Service, Inc. (1999)

In this case, the Court explains how to determine whether an impairment "substantially limits" a major life activity under the Americans with Disabilities Act (ADA).

Sutton v. United Airlines, Inc. (1999)

The Court clarifies the definition of "disabled" under the Americans with Disabilities Act (ADA).

Board of Trustees of University of Alabama v. Garrett (2001)

The Court denied the right of employees to sue their employers for money damages for violations of Title I of the Americans with Disabilities Act (ADA), which prohibits discrimination against people with disabilities.

Toyota Motor Manufacturing, Kentucky Inc. v. Williams (2002)

The Court holds that a person is substantially limited in a major life activity, within the meaning of the ADA, if he or she has "an impairment that prevents or significantly restricts the individual from doing activities that are of central importance to most people's daily lives." (super seded by The Americans with Disabilities Act Amendments Act (ADAAA)).

Raytheon Co. v. Hernandez (2003)

The Court finds that under the Americans with Disabilities Act (ADA), a neutral no-rehire policy is a legitimate, non-discriminatory reason for refusing to hire an employee who had a record of drug addiction.

Spector v. Norwegian Cruise Line Ltd. (2005)

The Court determined that the Americans with Disabilities Act (ADA) applied to foreign cruise ships in American waters.

Fry v. Napolean Community Schools (2017)

The Court clarifies the definition of "disabled" under the Americans with Disabilities Act (ADA) and allows students to bring lawsuits directly under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) without requesting an administrative hearing under the Individuals with Disabilities Education Act (IDEA) when their claim is not related to the adequacy of their education.