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## *The 32<sup>nd</sup> Anniversary of the Americans with Disabilities Act*

This month marks the 32<sup>nd</sup> anniversary of the Americans with Disabilities Act (“ADA”). The ADA is an equal opportunity law for people with disabilities signed into law by President George H. W. Bush in 1990. The ADA is modeled after the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 and provides comprehensive protections to individuals with disabilities in the areas of employment, state and local government services, public accommodations, transportation and telecommunications.

### **WHO IT PROTECTS**

The ADA protects those qualified individuals with a disability. Interestingly enough, there is no enumerated list of impairments. Whether a given condition constitutes disability is determined on a case-by-case basis. Instead, the law inclusively defines disability as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history of record of such impairment, or a person who is perceived by others as having such impairment. A qualified individual is a person with a disability who also meets the eligibility requirements for receipt of services or participation in programs or activities.

### **WHY IT PROTECTS**

Prior to the ADA and the Rehabilitation Act of 1973 the outright exclusion and segregation of people with disabilities was the prevailing and accepted view of our society. The disability rights movement over the last several decades has served to bring light to the injustices faced by people with disabilities. The movement caused a shift in thinking, which challenged the previously prevailing notion that people with disabilities should be

## **ADA COMPONENTS: A QUICK GUIDE**

**TITLE I:** protects the rights of both employees and job seekers and requires covered employers to provide reasonable accommodations for applicants and employees with disabilities and prohibits discrimination.

**TITLE II:** prohibits discrimination on the basis of their disability in public entities and services, such as public transit buses. must be accessible to individuals with disabilities.

**TITLE III:** mandates accessibility in public spaces. Public accommodations apply to facilities such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems.

institutionalized or isolated from society. Now, the prevailing notion, which serves as the spirit of the act, is that a disabled person should be provided services that allow that person to live and participate in society. Before the movement it had been presumed that the common problems faced by disabled individuals such as unemployment and lack of education were the inevitable consequences of the physical or mental limitations of the disability itself. Thirty-two years later, and thanks to the work of the activists who pushed the disability rights movement forward, Congress has enacted laws, and we have seen that much of these problems were actually the cause of societal barriers and discriminatory policies and practices that needed to be removed.

### ***HOW IT CAME TO BE***

Much like the civil rights movement before it, activists in the disability rights movement staged demonstrations to bring awareness to their cause. People with disabilities staged sit-ins in federal buildings, obstructed the operation of inaccessible buses, and marched through the streets to protest injustice.

A massive shift and victory for the movement occurred with the passage of Section 504 of the Rehabilitation Act of 1973. Section 504 banned discrimination on the basis of disability by recipients of federal funds. It marked the first time that the exclusion and segregation of people with disabilities was viewed as discrimination. It also marked the first time that disabled people were legally recognized as a class or protected minority group.

Where Section 504 established the fundamental right of non-discrimination, the ADA, expanded these protections. Most private businesses, employers, healthcare providers, telecommunications, and many forms of transportation were not within the purview of Section 504 either because they did not receive federal funding or they were exempt by a small business provider exception.

While they're ubiquitous now, prior to the ADA, sidewalks did not have sloped access for wheelchairs, ramps into buildings were unheard of, and the sole access point for the US Courthouse in New Orleans was an almost two-story flight of stairs. There were no special hearing devices for the hearing impaired, there were no signs in braille. The ADA has quite literally changed the world for more than 61 million otherwise-abled Americans.

**TITLE IV:** requires telephone and Internet companies to provide a nationwide system of telecommunications relay services that allow people with hearing and speech disabilities to communicate over the telephone. It also requires closed captioning of federally funded public service announcements.

**TITLE V:** includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against individuals with disabilities or those attempting to aid people with disabilities in asserting their rights under the ADA.



*President George H.W. Bush signing the Americans with Disabilities Act into law on July 26, 1990.*