

# ADA MINI-UNIT FOR HIGH SCHOOL EDUCATORS

## RIGHTS, RESPONSIBILITIES, AND THE REASONS THEY MATTER

### ADA MINI-UNIT OVERVIEW

It might be surprising to many people to find out how common disability is. People with disabilities are everywhere, in all walks of life and in every age group. In fact, in the United States, one in five children has a disability. For adults, the number increases to one in four. Across the country, people with disabilities work, live, and thrive in their communities. A growing number of disability cultural centers on college campuses and disability pride parades in major cities celebrate disability identities and communities. Actors and actresses with disabilities in major television and movie roles show people with disabilities doing everyday things, living their lives. The experience of disability can fuel creativity, leading to everything from artistic masterpieces to engineering innovations. Disability awareness and inclusion are indeed on the rise. But it wasn't always like this.

Throughout much of American history, disability-based discrimination was common. While lessened, thanks in part to the Americans with Disabilities Act (ADA), discrimination continues today. We assume people with disabilities can't do the same things as people without disabilities. We use slang and offensive words, like "neurotic" or "crazy," that originate from negative attitudes toward intellectual and mental disabilities. Many disabilities are invisible or non-apparent, but for people with disabilities that can be seen, we often ignore their needs and treat them like they are less than others because of their disabilities. As our youth wrestle with questions about equity and equality, it is important we continue to increase awareness about disability issues and how the ADA advances the rights of people with disabilities.

This ADA mini-unit is an editable PowerPoint presentation and a small collection of other resources, including this instructor guide, covering the basics of the ADA and a brief history of the disability rights movement. This mini-unit gives educators tools to teach youth about disability issues and create disability awareness. The extension activities support several common core standards; specific ones are listed later in this instructor guide.

There are several ways this mini-unit could be incorporated into a high school curriculum.

- Educators working with general education high school youth could include this mini-unit in a history or health class. It could also be woven into a social studies curriculum on social justice issues or civil rights.
- High school students receiving transition services through their IEPs could benefit from the presentation as it prepares them to enter postsecondary education or employment settings.

## TABLE OF CONTENTS

PRESENTATION OBJECTIVES .....	<a href="#">3</a>
Essential questions .....	<a href="#">3</a>
A NOTE ABOUT THE CONTENT OF THIS MINI-UNIT .....	<a href="#">3</a>
EXTENSION ACTIVITIES.....	<a href="#">3</a>
Presentation warm-up .....	<a href="#">4</a>
Class discussion questions after the PowerPoint Presentation .....	<a href="#">5</a>
Scenarios for small group discussion .....	<a href="#">5</a>
Short quiz: test your understanding.....	<a href="#">6</a>
True/false quiz: the ADA in employment .....	<a href="#">8</a>
Homework: accessibility in the community .....	<a href="#">10</a>
Class/group activity: school accessibility observations and reflections .....	<a href="#">11</a>
Writing prompts .....	<a href="#">12</a>
PRESENTATION CONTEXT .....	<a href="#">14</a>
Disability rights history.....	<a href="#">14</a>
The Americans with Disabilities Act .....	<a href="#">14</a>
Definition of disability and who has one under the ADA.....	<a href="#">16</a>
Title I: employment.....	<a href="#">18</a>
Title II: state and local governments .....	<a href="#">19</a>
Title III: public accommodations and commercial facilities .....	<a href="#">22</a>
Title IV: telecommunications.....	<a href="#">23</a>
Title V: miscellaneous provisions .....	<a href="#">23</a>
Key ADA terms .....	<a href="#">24</a>
Other ADA or disability-related concepts.....	<a href="#">26</a>
Other disability laws.....	<a href="#">29</a>
Enforcement of the ADA .....	<a href="#">31</a>
RESOURCES AND MATERIALS .....	<a href="#">32</a>
Journal articles about the ADA.....	<a href="#">32</a>
Media articles .....	<a href="#">32</a>
YouTube and TED Talk videos .....	<a href="#">32</a>
Websites.....	<a href="#">32</a>

## PRESENTATION OBJECTIVES

After completing this presentation, students will be able to:

- Briefly describe key moments of the disability rights movement in the U.S.
- Name who has responsibilities under the ADA and what some of the responsibilities are.
- Understand the rights people with disabilities have under the ADA.

## ESSENTIAL QUESTIONS

- What is disability? How common are disabilities? What are some examples?
- What is the ADA? Where did it come from?
- Who has responsibilities? What are they?
- Who has rights? What are they?
- How can a person with disabilities ask for a reasonable accommodation at work?
- How does the ADA help people who don't currently have a disability?
- What should a person with disabilities do if their rights are not being recognized or respected?

## A NOTE ABOUT THE CONTENT OF THIS MINI-UNIT

Some of the content of the PowerPoint, including the section on disability rights history and the prevalence of disabilities in the United States, and the extension activities included in this instructor guide, may challenge the identities of students. This is especially true for students with non-apparent disabilities. Remember: you can't always "see" a student with a disability. Approach instruction in the same way you might approach discussions about racism, sexism, and other systems of oppression. In particular, prepare in advance for how you will respond to microaggressions—subtle statements or actions that have a harmful effect even though that might not be the intent. See the "[Other ADA or disability-related concepts](#)" section of this instructor guide for more information on [disability microaggressions](#) and [ableism](#).

## EXTENSION ACTIVITIES

This unit is meant to be a framework. The included activities create an opportunity to interact with material in engaging ways in many different styles and at many different levels of difficulty. Having different ways to engage with the material is important as it supports different learning styles.

The extension activities support the following Common Core Standards:

- CCSS.W.11–12.1: Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

- CCSS.W.11–12.2: Write informative/explanatory texts to examine and convey complex ideas, concepts, and information clearly and accurately through the effective selection, organization, and analysis of content.
- CCSS.W.11–12.4: Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.
- CCSS.W.11–12.10: Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of tasks, purposes, and audiences.
- CCSS.SL.11–12.1: Initiate and participate effectively in a range of collaborative discussions (one on-one, in groups, and teacher-led) with diverse partners building on others’ ideas and expressing their own clearly and persuasively.
- CCSS.L.11–12.1: Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.
- CCSS.L.11–12.2: Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.
- CCSS.RH.11–12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
- CCSS.RH.11–12.7: Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

## PRESENTATION WARM-UP

Have students think about the following questions and briefly write down their thoughts or share with a partner. There are no right or wrong answers; this is just to get students thinking.

**Prompt:** I’d like you to think for a minute about people with disabilities. Maybe you or someone you know identifies as having a disability. Maybe there is a character with a disability portrayed in a book or a show you like. Maybe there is a celebrity with a disability who you find interesting. Think about what you know or what you imagine about disability in everyday life. What barriers might your community, school, or workplace pose for someone with a visible disability, often a physical disability? What about for an “invisible” disability? Maybe someone has a complex medical condition, like diabetes, or a mental health or learning disability. What barriers would someone with these “invisible” disabilities have in your community?

Now, think about some of the barriers you have experienced in your own life. These barriers may not be disability-related and maybe you are still experiencing them. How has dealing with those helped your ability to learn, communicate, problem solve, or to be creative? In other words, what are the positive outcomes of working to overcome your barriers? People with disabilities often have barriers

they overcome every day. With that in mind, what positive perspectives can people with disabilities bring to friendships and social interactions, jobs, or their communities?

## CLASS DISCUSSION QUESTIONS AFTER THE POWERPOINT PRESENTATION

Think about your school, grocery store, home, workplace, or even a concert or sporting event you attended. Can you identify any physical, sensory, cognitive, or communication access barriers that existed? What solutions could have addressed those barriers? Who would you talk to so that those solutions are implemented?

What are some examples of physical accommodations we see in our school and community today that resulted from the Americans with Disabilities Act? (*Examples that might be shared: accessible parking spots; designated seating on public transportation for people with disabilities and seniors; ramp entrances to buildings; elevators; accessible seating options in gyms, theaters, and auditoriums; lowered sinks and accessible bathroom stalls; and widened doorways.*)

Think about the last time you visited a healthcare professional. How might your experience differ if you had a disability?

How might the experiences of people with visible or “apparent” disabilities differ from those of people with non-apparent disabilities?

## SCENARIOS FOR SMALL GROUP DISCUSSION

Note: These scenarios and accompanying discussion questions could be used at the end of the PowerPoint presentation or woven into the presentation to break up the lecture. Slide notes in the PowerPoint presentation indicate where a scenario could be discussed after the slide and it has also been noted below.

### Scenario:

On a nearby state college campus, there is a very old building without elevators between three stories. A student who uses a wheelchair has been admitted to a program housed in this building. There are classrooms on both the first and second floors; professors’ offices are on the third floor.

### Discussion Questions:

What are the student’s rights in this situation? How could the college create equal access for this student? Is there more than one solution?

### Scenario:

Tom was born deaf and has lived most of his life in the Deaf community using American Sign Language (ASL) to communicate. He recently developed severe pneumonia and was admitted to a private hospital. Through the exchange of handwritten notes, Tom has been requesting an ASL medical interpreter, but the hospital keeps telling him that he’ll be charged the fee of hiring one. Tom keeps insisting that it’s the hospital’s responsibility to pay for an interpreter. (*Note: this scenario appears in the PowerPoint presentation on slide 29.*)

### Discussion Questions:

According to the ADA, who is right? Can you think of alternatives to an ASL interpreter? If you can, given the complicated nature of medical information, would the alternatives be appropriate?

### Scenario:

Your best friend's 8-year-old sister, Charmaine, has cerebral palsy and uses a wheelchair to get around. During dinner with your best friend's family, their mom told a story about how Charmaine was invited to go to a birthday party at a local public park earlier in the day. She said Charmaine was super excited, but when it came time to hang out with her friends on the playground, her chair could not pass over the high cement border surrounding it. There were no cutouts or ramps to allow a wheelchair to enter the playground. Charmaine was bummed and their mom didn't know what to do, so they left early. Charmaine missed out on the chance to play with her friends. *(Note: this scenario appears in the PowerPoint presentation on slide 22.)*

### Discussion Questions:

What are Charmaine's rights? Who might Charmaine's mom talk to so that Charmaine can play on the playground with her friends in the future? What solutions could be implemented to give Charmaine access to the playground? Would any of these solutions benefit other people as well? In what ways?

### Scenario:

Fatima is an employee with epilepsy who works in a retail position at a large department store in her local mall. She has a seizure only every once in a while. She doesn't currently have any reasonable accommodations since she feels she can do her job effectively and safely without one. Fatima recently started taking a new seizure medication which is making it difficult to wake up and she has been late three days in a row. Fatima doesn't want to disclose her medical condition, but she also doesn't want to get written up by her supervisor for being tardy. She's thinking about asking for a flexible schedule so she can adjust to the new meds. *(Note: this scenario appears in the PowerPoint presentation on slide 19.)*

### Discussion Questions:

What should she do? What are her employer's responsibilities if Fatima tells them about her disability and the impact it's having on her ability to get to work on time? In Fatima's situation, is a flexible schedule a reasonable accommodation under the ADA? Does the employer have to grant the reasonable accommodation? Are there alternatives?

## SHORT QUIZ: TEST YOUR UNDERSTANDING

Note: This quiz is intended to be administered after the PowerPoint presentation. It is not intended to be a pre-test. It is one of two possible quizzes; administering one or the other is recommended. A printable quiz is available; see the document called "Short quiz."

### Question 1:

What is the purpose of the ADA?

Response:

*Answers will vary; possible response: the purpose of the ADA is to protect individuals with disabilities against discrimination. The ADA gives people with disabilities equal opportunity and access to jobs, their communities, and private businesses, like grocery stores, banks, and hotels.*

Question 2:

When was the ADA signed into law?

Response:

*July 26, 1990*

Question 3:

What does the ADA say about public accommodations?

Response:

*Answers will vary; possible response: Public accommodations, or private businesses, like restaurants, hotels, retail stores, and theaters, cannot discriminate against people with disabilities. These businesses need to provide reasonable modifications to their usual ways of doing things to give people with disabilities the opportunity to enjoy or use their goods, services, or facilities.*

Question 4:

What does the ADA say about employment?

Response:

*Answers will vary; possible response: The ADA protects people with disabilities in all aspects of employment practices, including applying for jobs, hiring, firing, job training, and other privileges of having a job, like enjoying a company-sponsored office party. Reasonable accommodations for qualified individuals must be provided to ensure equal opportunity for people with disabilities to get a job, keep a job, and enjoy the perks of a job.*

Question 5:

What is a reasonable accommodation? What is one example an employer may be required to implement?

Response:

*Answers will vary; possible response: A change or adjustment to a job, the work environment, or the way things are usually done that enables a qualified individual with a disability to enjoy equal employment opportunity. Providing a reserved parking space near an entrance is an example of a reasonable accommodation for an employee who has difficulty walking long distances.*

Question 6:

The ADA covers employers with how many employees?

Response:

*Private employers with 15 or more employees. Responses may include that some state and local governments are covered and/or that some states have laws covering employers with fewer than 15 employees, if this information is shared during the PowerPoint presentation by the instructor.*

Question 7:

What is one example of an auxiliary aid or service that a state or local government may need to provide to ensure effective communication for their community members?

Response:

*Answers will vary. Responses should include something that allows a person with hearing, vision, or speech disabilities to communicate.*

Question 8:

What are some challenges Americans with disabilities still face despite the ADA?

Response:

*Answers will vary; for example, responses may include references to ableist language or mention differential treatment in employment settings or the community.*

## TRUE/FALSE QUIZ: THE ADA IN EMPLOYMENT

Note: This quiz is intended to be administered after the PowerPoint presentation. It could also be administered after the Employment section of the PowerPoint presentation as a way to break up the lecture. It is not intended to be a pre-test. It is one of two possible quizzes; administering one or the other is recommended. A printable quiz is available; see the document called "True-false quiz."

Answer the true or false questions about the ADA and rights and responsibilities in employment on the line provided at the beginning of the statement. If the statement is false, do not cross out or make edits to the original statement. Instead, re-write the statement, using complete sentences, with the correct information in the space provided between questions.

1. \_\_\_\_\_ ADA stands for All Disabled Americans.  
*(False. Possible response: ADA stands for Americans with Disabilities Act.)*
2. \_\_\_\_\_ In addition to state and local governments and public accommodations (like hotels, grocery stores, and banks), the ADA also covers all aspects of employment by many employers.  
*(True.)*
3. \_\_\_\_\_ A reasonable accommodation is any change in the work environment or in the way things are usually done that allows a person with a disability to get a job, keep a job, and enjoy the perks of a job.  
*(True.)*

4. \_\_\_\_\_ All employers are required to provide reasonable accommodations to people with disabilities.  
*(False. Possible response: Only private employers with 15 or more employees are required to provide reasonable accommodations to people with disabilities. State and local governments with 15 or more employees must also provide reasonable accommodations.)*
5. \_\_\_\_\_ Anyone can get a reasonable accommodation under the ADA. You don't have to have a disability.  
*(False. Possible response: Only qualified individuals with disabilities may receive a reasonable accommodation, so long as it is necessary and beneficial.)*
6. \_\_\_\_\_ Mental health conditions—such as major depression, generalized anxiety disorder, and bipolar disorder—are considered disabilities and reasonable accommodations must be provided if they are requested and beneficial to individuals with these conditions.  
*(True.)*
7. \_\_\_\_\_ Employers do not have to make reasonable accommodations for people with disabilities during the applying or hiring stages of employment.  
*(False. Possible response: Reasonable accommodations must be made for people with disabilities who apply for jobs, like using application software that is accessible to applicants who are blind. They must also be made as part of the hiring process, like when interviewing for a job.)*
8. \_\_\_\_\_ An example of a reasonable accommodation is an employer reading the employee handbook out loud to a new employee and then explaining what it means so that the new employee understands it.  
*(True.)*
9. \_\_\_\_\_ Providing a qualified ASL interpreter for a Deaf employee who wants to take part in a company-sponsored training event is a reasonable accommodation and may need to be provided.  
*(True.)*
10. \_\_\_\_\_ People with disabilities must be hired for any job they want.  
*(False. Possible response: People with disabilities must be qualified to perform the essential functions, with or without reasonable accommodations, for any job. The ADA does not guarantee employment.)*
11. \_\_\_\_\_ ADHD is not a disability, so reasonable accommodations do not have to be provided to a qualified employee with ADHD.  
*(False. Possible response: ADHD is considered a disability by the ADA if it creates a significant impairment in a person's ability to work or live. Reasonable accommodations must be provided if they are requested by an individual with ADHD so long as it is needed and beneficial.)*

## HOMEWORK: ACCESSIBILITY IN THE COMMUNITY

Note: a printable worksheet is available; see the document called “HW - Accessibility in the community.”

Look around your school or pick a community building and fill out the table below, identifying at least three previous or possible barriers and suggested or already implemented solutions for each barrier identified. Additional space is included if you choose to do more than three barriers. Below is an incomplete list of some barriers to consider as you make your observations.

- Door signs without Braille.
- Auditory announcements that are not also displayed on reader boards.
- Stairways without handrails.
- Tables without wheelchair spaces.
- Crosswalk signals to/from nearby parking lots or street crossings without auditory cues (like beeping).
- Fire alarms without visual cues (like flashing lights).
- Elevator buttons without Braille.
- Permanent structures that create physical barriers in the middle of walkways.
- Rooms or buildings, where you must step up or down to enter or exit, without ramps.
- Signs without high contrast (like white words on a black background).
- Lack of accessible parking.
- Outdoor walkways without curb cuts in appropriate places.

Disability	Location and description of existing or previous barrier	Description of suggested or already implemented solution
Person who is a wheelchair user		Implemented? Y / N
Person who is blind or has a significant vision impairment		Implemented? Y / N
Person who is Deaf or hard of hearing		Implemented? Y / N

## CLASS/GROUP ACTIVITY: SCHOOL ACCESSIBILITY OBSERVATIONS AND REFLECTIONS

Note: a printable worksheet is available; see the document called “Group activity - school accessibility.”

As a class or in small groups, answer the following questions. Discuss as a class or group the changes needed to be made to make the school accessible to ALL people. Following the discussion, reflect on what you noticed.

1. YES / NO Does the main entrance to your school have a ramp?
2. YES / NO Are the doorknobs of all main doors 3 feet from the ground so people in wheelchairs can reach them?
3. YES / NO Do the stairways have handrails?
4. YES / NO Are there accessible parking spaces reserved for people with disabilities?
5. YES / NO Are these parking spaces connected to the shortest possible accessible route that leads to a building entrance?
6. YES / NO Do sections of the sidewalk surrounding the school have ramps, or “curb cuts,” so that people using wheelchairs can easily access the sidewalk?
7. YES / NO Are there grooves or raised bumps cut into the sidewalk to warn people who cannot see the edges of the sidewalk?
8. YES / NO If there is an elevator, does it have Braille markings for the floor buttons?
9. YES / NO If there is an elevator, does it have light and bell signals to help people who cannot see and/or cannot hear to know when the elevator has arrived?
10. YES / NO Is there at least one accessible bathroom with a doorway that is at least 33 inches wide?
11. YES / NO Are sinks in the accessible bathroom(s) low enough to be reached from a wheelchair?
12. YES / NO Are there drinking fountains that are no more than 36 inches from the floor?
13. YES / NO Are there grab bars in accessible bathroom stalls?
14. YES / NO Are the fire alarm pulls low enough for people in wheelchairs to grab them?
15. YES / NO Are the aisles in your classroom at least 36 inches wide so that people using wheelchairs, crutches, canes, or walkers can easily get around the room?

### Personal Reflection

What did you notice about what was or was not accessible? \_\_\_\_\_

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What about this was most concerning to you? \_\_\_\_\_

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\_\_\_\_\_

## WRITING PROMPTS

### COMPARE AND CONTRAST ESSAY: HOW IS THE DISABILITY RIGHTS MOVEMENT SIMILAR TO OTHER CIVIL RIGHTS MOVEMENTS? HOW IS IT DIFFERENT?

Throughout American history, we have experienced movement after movement that fought to bring about equal rights for groups of people with less power in society. There are so many periods of time when greater rights for marginalized groups were achieved and laws passed to protect those groups. Laws like the Civil Rights Act, the Women’s Right to Vote Amendment, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, the Voting Rights Act, and the American Indian Religious Freedom Act all protect the rights of people who previously didn’t have the same rights as other groups of Americans.

Other than the disability rights movement, choose a civil rights movement to learn about; it could be a movement related to the passing of one of the laws named above or it could be a different movement, maybe one that is ongoing. As you research it, consider who the main supporters of the movement were or are, what challenges the marginalized group experienced or continue to experience, what the goals of the movement were or are, and what the results were or might be.

As a result of your research, you will write a brief compare and contrast essay, examining the differences and similarities of the disability rights movement and your chosen civil rights movement. Your essay should identify at least 2 similarities and 2 differences in the movement or the result. Your essay also needs both an introductory paragraph and a conclusion. Proper spelling, grammar, and punctuation is expected and will be considered as part of your essay’s grade.

### ARGUMENTATIVE PARAGRAPH: EQUITY VERSUS EQUALITY

Note: This could be a final summary/reflection in-class assignment for the mini unit.

Look up the definitions of equity and equality. How are the words similar? How do they differ? As you think about the ADA and the rights the law provides to people with disabilities, what is the ADA’s focus? Equality or equity? Write a short paragraph that argues whether the ADA’s focus is equality or equity for people with disabilities. Give at least three examples that support your argument. In addition to the examples, your paragraph must have introductory and concluding statements.

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## 5-PARAGRAPH OPINION ESSAY: DO PEOPLE WITH DISABILITIES STILL EXPERIENCE DISCRIMINATION?

For much of American history, discrimination toward people with disabilities was common and socially accepted. The disability rights movement challenged this way of thinking and eventually led to the passage of the Americans with Disabilities Act (ADA) in 1990. The goal of the law is to make it easier for people with disabilities to get jobs, participate in their communities, and enjoy all that life in America has to offer. In other words, the goal of the law is to end discrimination toward people with disabilities.

Write a 5-paragraph essay that supports one of the following opinions.

- Despite the passage of the ADA, people with disabilities still experience discrimination.
- Thanks to the passage of the ADA, people with disabilities no longer experience discrimination.

Your essay should include an introductory paragraph that identifies which opinion you support. The introductory paragraph should preview three main points that support your opinion. The next three paragraphs should be about each of your main points. Finally, a conclusion paragraph is required that details how your main points supported your opinion. Proper spelling, grammar, and punctuation is expected and will be considered as part of your essay's grade.

## PRESENTATION CONTEXT

### DISABILITY RIGHTS HISTORY

For much of American history, discrimination towards people with disabilities was common. People with disabilities were misunderstood, feared, ridiculed, or confined. It was not uncommon for people with disabilities to be executed or sterilized. People with intellectual disabilities were forced to live in institutions with people who had similar disabilities, where they often experienced neglect and abuse. Most city streets, schools, and businesses were physically off limits to people with mobility disabilities. At the very least, many people with all types of disabilities were hidden and excluded. At one point in American history, most major cities had an “ugly law” which made it illegal for “any person, who is diseased, maimed, mutilated, or deformed in any way, so as to be an unsightly or disgusting object, to expose themselves in public view.” The final ugly law in the U.S. wasn’t repealed until 1974.

In 1964, Congress passed the Civil Rights Act, making it illegal for any employer or other establishment to discriminate against people based on their “race, color, religion, sex, or national origin.” While it did not include protections for people with disabilities, it did establish a foundation for the ADA. Across the nation, people with disabilities, and parents of children with disabilities, began challenging social barriers, as well as physical barriers, on their way to living independently. For more than two decades, people with disabilities, their friends and families, and other supportive people protested by sitting in the lobbies of federal buildings, obstructing buses, holding marches, and lobbying Congress for new laws addressing the injustice of inaccessibility and discrimination.

In 1988, the National Council on Disability brought the first draft of the Americans with Disabilities Act (ADA) before the United States Senate. The bill was eventually signed into law on July 26, 1990 by President George H.W. Bush, who stated:

*“Three weeks ago, we celebrated our nation’s Independence Day. Today we’re here to rejoice in and celebrate another ‘Independence Day,’ one that is long overdue. With today’s signing of the landmark Americans for Disabilities Act, every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom.”*

Nearly twenty years later, the ADA was amended and signed into law again, this time by President George W. Bush. The ADA Amendments Act overturned a number of Supreme Court cases that had narrowed the definition of disability over time. The ADA Amendments Act made it clear that the focus of the ADA is on equal access and opportunity, and not a narrow definition of disability.

### THE AMERICANS WITH DISABILITIES ACT

The ADA is a federal civil rights law prohibiting discrimination against individuals with disabilities in most aspects of public life. Among others, this includes jobs, schools, transportation, and private businesses that are open to the public. The ADA gives civil rights protections to individuals with

disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. There are many state laws, even some federal laws, that provide additional rights beyond the ADA, but the ADA is the foundation—it is the law that establishes the basic protections from discrimination for people with disabilities, including children, across the United States.

The ADA is divided into five titles (or sections) that relate to different areas of public life. These are:

- Title I: Equal Employment Opportunity for Individuals with Disabilities
- Title II: Nondiscrimination on the Basis of Disability in State and Local Government Services
- Title III: Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

The ADA is not a law that gives people with disabilities preferential treatment or special benefits. It is not an affirmative action law; it does not allow people with disabilities to get jobs for which they are not otherwise qualified. The ADA is not an entitlement program; it does not provide financial benefits or specific services. Instead, **the ADA is a law that gives people equal access and opportunity, and it protects people from discrimination based on their disabilities.**

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## DISCRIMINATION ON THE BASIS OF DISABILITY

Discrimination is the unfair or prejudicial treatment of people and groups based on personal characteristics. Though our society is not greatly aware of discrimination based on disability, this form of discrimination does occur frequently and is damaging to those who face it. Under the ADA, discrimination is the failure to give a person with a disability the equal opportunity to obtain, maintain, and enjoy the benefits of employment; to participate in or benefit from the services and programs of state or local government; and to use or enjoy the goods, services, or facilities of private businesses that are open to the general public.

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### EXAMPLES: DISABILITY-BASED DISCRIMINATION UNDER THE ADA

- A large social media company hosting a holiday celebration for its employees in a restaurant that is not accessible to an employee in a wheelchair.
- A school board charging a fee to a Deaf parent who needs a sign language interpreter to participate in a public meeting.
- A dentist refusing to provide services to individuals on the autism spectrum.

## DEFINITION OF DISABILITY AND WHO HAS ONE UNDER THE ADA

### INDIVIDUAL WITH A DISABILITY

In the United States, there are different ways of defining disability, both culturally and in our laws. Many organizations and government agencies have a specific definition of disability that people must meet before receiving services, financial assistance, or disability benefits. The ADA's definition of "disability" goes beyond identifying what a disability is and establishes the requirements a person must meet to be considered "an individual with a disability." The ADA defines a person with a disability as a person who has a **physical or mental impairment** that **substantially limits** one or more **major life activity**. This includes people who have a **record of** such an impairment, even if they do not currently have a disability. It includes individuals who do not have a disability but are **regarded as** having a disability.

The ADA also makes it unlawful to discriminate against a person based on their relationship or "association" with a person with a disability. This type of discrimination is based on the assumption that their relationship to a person with a disability will have a negative effect.

### EXAMPLES: DISCRIMINATION BASED ON ASSOCIATION

A county recreation center may not refuse admission to a summer camp program to a child whose brother is HIV positive.

A father whose child has a disability cannot be denied employment because of an employer's assumption that he would be unreliable, using excessive vacation or sick hours to care for the child.

### PHYSICAL OR MENTAL IMPAIRMENT

A physical impairment is a disorder, condition, or anatomical loss affecting one or more of the body systems. A mental impairment is any mental or psychological disorder. ADA regulations do not list all impairments, diseases, or conditions that make up "physical or mental impairments." There are so many possible impairments, it would be impossible to list them all. There is no national registry or any other type of certification process that people must complete to be considered to have a disability under the ADA. This is good because it means the law does not set limits on the types of conditions that could be considered disabilities. If an individual's condition meets the criteria stated in the ADA definition, then their civil rights are protected by the ADA.

### A FEW EXAMPLES OF IMPAIRMENTS

- Autism
- Cancer
- Cerebral palsy
- Depression and/or anxiety
- Diabetes
- Dyslexia
- Down syndrome
- Multiple sclerosis
- Rheumatoid arthritis
- Significant vision or hearing loss

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## SUBSTANTIALLY LIMITS

Deciding whether an impairment substantially limits a major life activity does not have to be complicated. An individual's ability to perform major life activities can be easily compared to the ability of most people. For example, most people can hear someone speaking next to them without the use of hearing aids. When compared to most people, if a person's impairment prevents them being able to hear someone speaking right next to them, their limitation would be considered "substantial."

However, ADA regulations make it clear that the focus should be on whether someone experienced discrimination on the basis of disability, rather than on "how disabled" an individual is. An impairment that substantially limits one major life activity does not have to limit other major life activities. Impairments that are episodic (depression, for example) or in remission (cancer, for example) are disabilities if they would substantially limit a major life activity when the impairment is active.

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### EXAMPLE: TWO PEOPLE WITH LOW VISION

Tamir is in his thirties. He has low vision without glasses and must wear them to see clearly and complete his daily life activities. Since wearing glasses or contacts to correct vision impairments is common in the general adult population, Tamir is not considered a person with a disability.

Mariana is also in her thirties; she has low vision and difficulty seeing contrast. She wears glasses, but still cannot see clearly and requires assistive technology to use her smart phone. Compared to the general population, Mariana's vision difficulty is not typical. Under the ADA, she does have a disability.

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## MAJOR LIFE ACTIVITY

Major life activities are basic, daily activities that most people can perform with little or no difficulty. This also includes major bodily functions. Examples include:

- Actions like eating, sleeping, speaking, and breathing.
- Movements like standing, lifting, and bending.
- Cognitive functions like thinking, regulating emotions, and concentrating.
- Sensory functions like seeing and hearing.
- Tasks like reading, learning, and communicating.
- Major bodily functions like digestion, neurological, and respiratory system functions.
- Individual organ functions like the functions of a heart, lungs, or pancreas.

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## RECORD OF A DISABILITY

In the absence of active symptoms, people may still experience discrimination because they have a "record of" a disability. In other words, they had a disability in the past. Some disabilities resolve or go into remission. Some disabilities have symptoms that are not always present. Examples of disabilities that may be episodic or have periods of remission include those stemming from multiple sclerosis, chronic depression, asthma, seizure disorders, cancer, and autoimmune disorders.

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## REGARDED AS HAVING A DISABILITY

Sometimes people do not have a disability, but others believe that they do. Often based on stereotypes, fears, or misconceptions about disability, the individual is being “regarded as” having a disability.

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### EXAMPLE: REGARDED AS

Jenna has noticeable burn scars on her face. The scars have no impact on her major life activities and require no medical care. Jenna is turned away from a job interview because the employer believes her facial scars will make her unable to work with customers. Under the ADA, Jenna would be protected from discrimination because her employer regarded her scars as a disabling condition.

## TITLE I: EMPLOYMENT

Title I of the ADA is designed to help people with disabilities access the same employment opportunities available to people without disabilities. Title I prohibits discrimination in all employment practices including: applying and interviewing; hiring and firing; advancement or promotion; compensation and benefits; training; and other privileges of employment. Other privileges of employment are usually services or activities paid for and provided by the employer, such as office parties or award ceremonies, gym memberships or on-site exercise rooms, recreational activities, transportation services, or professional development opportunities beyond standard job training. Title I applies to private employers with 15 or more employees. (While it is not mentioned in the mini-unit PowerPoint, Title I also applies to state and local governments if they have 15 or more employees. In addition, depending on state law, the ADA can cover private employers with fewer than 15 employees. For example, California’s laws cover private employers with 5 or more employees.)

Title I regulations establish guidelines for the **reasonable accommodation** process, address medical examinations and inquiries, and define “direct threat,” which is when there is significant risk of substantial harm to the health or safety of the employee or others.

This title is regulated and enforced by the U.S. Equal Employment Opportunity Commission.

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## QUALIFIED INDIVIDUAL

If an individual can perform the essential functions of the job and meet qualification standards, with or without reasonable accommodation, then they are a qualified individual for the job. “With or without reasonable accommodation” means considering whether an individual with a disability can perform essential job functions, unaided or with a reasonable accommodation.

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## REASONABLE ACCOMMODATIONS

Employers must provide reasonable accommodations to qualified applicants or employees. A reasonable accommodation is any modification or adjustment enabling an applicant or employee with a disability to participate in the application process, to perform essential job functions, or to enjoy the privileges of employment. Simply put, reasonable accommodations address barriers so that qualified

individuals with disabilities can get a job, move about in the workplace, do the job, and participate in employer-sponsored services or activities.

An employer does not have to provide the exact accommodation the employee or job applicant requests. If more than one accommodation would be effective, the employer may choose which one to provide.

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### EXAMPLES: REASONABLE ACCOMMODATIONS

- Using online application systems that are accessible to screen reading software so that blind individuals can access the website.
- Installing a ramp into a work area so an employee can access it using a wheelchair.
- Allowing an employee who is easily distracted to use a white noise machine in their cubicle.
- Providing a Deaf employee with a qualified ASL interpreter so they may participate in a professional development course.
- Offering learning materials in alternative formats, including picture or audio formats, for an employer-sponsored health class.

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### ESSENTIAL JOB FUNCTIONS

Essential job functions are the core responsibilities of a job. They are the major tasks performed by the qualified applicant or employee. Essential job functions are often skill-based or require expertise to perform. Other tasks are marginal job functions, especially if rarely performed. Reasonable accommodations are only required for essential job functions, not the marginal functions.

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### EXAMPLE: A BUS DRIVER

Jim is a public transit bus driver, a position for which he is qualified since he holds a commercial driver's license. Due to a physical disability, Jim requires the use of hand controls to drive the bus. Since driving is an essential function, installing hand controls on the steering wheel of his bus is a reasonable accommodation. The controls allow Jim equal opportunity to do his job as any other driver. Another job duty bus drivers may have is to occasionally make sure the bus is clean and trash is removed. Since this is something that only needs to be done periodically, it is considered a marginal job function. Due to Jim's physical disability, he cannot perform this job function. His employer is not required to find an alternative way for Jim to clean the bus. Instead, the transportation company can reassign this responsibility to a different employee, like another bus driver or maintenance staff.

## TITLE II: STATE AND LOCAL GOVERNMENTS

Title II of the ADA requires that people with disabilities have equal opportunities to participate in the programs, services, and activities offered by state and local governments, also known as "public entities," including their departments and agencies, special purpose districts, and any entity supported by their funds. Examples include state or local government offices that provide benefits or social

services, like food assistance or health insurance; public schools, community colleges, and public universities; state or local police departments and courts; public hospitals or healthcare clinics; public parks and recreation programs; public libraries; and public transit agencies. Under Title II of the ADA, equal opportunity means:

- Ensuring communication with people with disabilities is as effective as communication with others, which may include providing “auxiliary aids and services” for free.
- Implementing reasonable modifications to policies, practices, and procedures that deny equal access to people with disabilities.
- Making programs, services, or activities accessible through “program access” which may include removing architectural barriers, relocating programs, or offering an equally effective alternative so that people with disabilities are not excluded, unless it would cause fundamental changes.
- Including accessible restrooms, signs, parking spots, and entrances in newly constructed buildings or buildings undergoing major renovations.

This title is primarily regulated and enforced by the U.S. Department of Justice.

(While it is not mentioned in the mini unit PowerPoint, Title II also applies to public transportation services provided by state and local governments, including almost all types of transportation services, like public bus, rail, and ferry systems. The law requires that public transportation services be accessible to individuals with disabilities. Creating accessibility may include making physical modifications to terminals, installing a ramp or lift system in buses so that commuters in wheelchairs may board safely, designating seating for people with disabilities, announcing bus stops, or offering door-to-door paratransit services for people with disabilities who are unable to use a fixed route system. This part of the law is regulated and enforced by the U.S. Department of Transportation’s Federal Transit Administration.)

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## REASONABLE MODIFICATIONS TO POLICIES, PRACTICES, AND PROCEDURES

Public entities are required to make reasonable modifications in policies, practices, and procedures unless the modification would result in a fundamental alteration. Though many modifications may need to be considered in response to specific requests from individuals, public entities must anticipate that people with disabilities, as part of the community, will access the programs and services they offer and make modifications in advance. For example, it may be advisable for a public entity to establish a policy, procedures, and staff training to ensure that individuals with disabilities using service animals are able to easily access public programs and facilities.

With a few exceptions, entities cannot refuse to provide a service or ban participation in a program based on a participant having a disability. They also cannot deny participation in its programs, even if:

- A separate or special program for individuals with disabilities is offered.
- The public entity could reasonably believe that the individual with a disability cannot benefit from the regular program.

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## EXAMPLE: JORGE AND TANYA GET DRIVER'S LICENSES

People applying for a license to drive are required to demonstrate the ability to operate the car, to make various maneuvers with the car (such as parking, making turns, and backing the car down a street), and to know traffic safety rules.

Jorge applies for a driver's license. He has a disability that makes it difficult for him to operate foot pedals; he learned to drive a car that uses hand controls. During the driving portion of the exam, the driver's license department allowed Jorge to demonstrate his driving abilities in his modified vehicle.

Tanya has severe dyslexia, making it difficult to read and write responses to the knowledge portion of the driving test. When she applied for her driver's license, she told the department she has dyslexia and asked if there were any modifications that could be made. The department gave her the opportunity to take an oral exam, rather than a written one, making sure the questions were the same.

Jorge and Tanya were able to earn their driver's licenses because the driver's license department made modifications in their practices which allowed both of them to demonstrate their knowledge and ability effectively.

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## BUILDING ACCESSIBILITY AND PROGRAM ACCESS

The ADA requires that all new facilities or additions must be accessible to and usable by people with disabilities. Accessible restrooms and entrances must be built, accessible parking places must be provided, and accessible signs must be installed.

The ADA views facilities built before the law was enacted differently than those built or renovated afterwards. If there are architectural barriers in buildings constructed before the law was enacted, public entities must take steps to ensure people with disabilities are able to participate in programs, services, and activities offered in those buildings. "Program access" allows the public entity to move the program to another location that is accessible or in some other way make the program, service, or activity accessible to people with disabilities.

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## EXAMPLE: PROGRAM ACCESS

Ivy Green, the historic home of Helen Keller, has exhibits on the second floor. Installing an elevator would threaten or destroy historically significant features of the house. To provide program access, visitors with mobility disabilities can view a narrated video of the second floor from the first floor.

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## SELF-EVALUATIONS AND TRANSITION PLANS

Title II requires that all public entities conduct self-evaluations of programs, policies, and practices to ensure they are in compliance. When self-evaluations are conducted, community members with disabilities must be included and their input must be considered. Using this self-evaluation, policies and procedures may need to be established to ensure access to programs.

If any structural improvements need to be made to existing buildings or facilities in order to ensure access to programs, a transition plan must be developed, specifying changes needed and timelines to complete them.

## TITLE III: PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES

Title III of the ADA applies to public accommodations. Public accommodations are private businesses and non-profit organizations that provide goods and services to the public. Examples of places of public accommodations include hotels, restaurants, health clubs, private colleges, day care centers, homeless shelters, grocery stores, lawyers' offices, movie theaters, sports stadiums, and pharmacies. According to Title III of the ADA, an individual may not be denied full and equal enjoyment of the goods, services, and facilities offered by places of public accommodation due to the individual's disabilities.

Like the requirements for state and local governments, Title III sets the minimum standards for accessibility for alterations and new construction of facilities.

This title is regulated and enforced by the U.S. Department of Justice. Private transportation businesses, taxi companies for example, are subject to the regulations issued by the U.S. Department of Transportation's Federal Transit Administration.

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### REASONABLE MODIFICATIONS TO THE POLICIES, PRACTICES, AND PROCEDURES

Places of public accommodation must make reasonable modifications to their usual ways of doing things when serving people with disabilities unless modifications would result in fundamental alterations.

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#### EXAMPLES: REASONABLE MODIFICATIONS

- A medical office may need to complete a medical form for a patient who cannot hold a pencil.
- A restaurant kitchen may be asked to cut food into smaller pieces before serving.
- A hotel must permit a service animal without charging a pet fee to an individual with a disability.

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### READILY ACHIEVABLE BARRIER REMOVAL

- Public accommodations must remove architectural barriers in existing buildings to make them physically accessible when it is "readily achievable," meaning without significant difficulty or cost. Determining what is readily achievable depends on the financial resources of the business, among other factors. A business may decide a change will have negative impacts on operations and profits, and therefore, not be readily achievable.

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#### EXAMPLE: (NOT) READILY ACHIEVABLE

- A convenience store determines that it would be inexpensive to create wheelchair access by removing shelves to create wider pathways. But removing shelves reduces selling space which would mean significantly less income for the store. In this case, the removal of the shelves is not required. Store clerks can grab items off shelves for customers instead.

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## COMMERCIAL FACILITIES

Title III also covers commercial facilities whose operations affect commerce, which includes office buildings, factories, and warehouses. If they are not open to the public, they do not have to create accessibility through readily achievable barrier removal. Sometimes commercial facilities are also places of public accommodation. For example, a winery’s bottling facility is not a place of public accommodation. But, if the winery offers a tour of their facilities to the public, the tour route is a place of public accommodation. Only the tour route must meet the ADA requirements for a place of public accommodations.

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## EXAMINATIONS AND COURSES

Businesses that offer certain exams and courses related to education and occupational certification are covered by Title III of the ADA. If adjustments do not fundamentally alter the exams, reasonable modifications and/or auxiliary aids and services that facilitate effective communication must be provided. In addition, exams and courses must be held at accessible locations and in formats that are accessible, upon request. Advance requests for modifications or auxiliary aids may be required. Testing entities can also request documentation of a disability to support these requests, including a letter from a qualified professional—like a doctor, vocational rehabilitation specialist, or school counselor—or proof of participation in special education services. School admission exams (like private high school entrance exams) and college admission exams or prep courses (like the SATs or the ACTs) are covered by the ADA. Examinations for admission to trade or professional schools are also covered. A testing entity cannot refuse modifications or aids for applicants with disabilities on the grounds that those applicants would be unable to meet other requirements of the profession or occupation for which the examination or course is given.

## TITLE IV: TELECOMMUNICATIONS

This title requires that telephone and internet companies provide a nationwide system of telecommunications relay services, allowing individuals with hearing and speech disabilities to communicate, often using specialized telecommunications devices. Voice, text, and video-based telecommunications products and systems, including text telephones, videophones, and captioned telephones are examples of telecommunications devices.

Title IV also requires closed captioning of federally funded public service announcements. Closed captioning displays the audio portion of Public Service Announcements (PSA) as text on the TV screen. This provides Deaf people with important access to information shared in the PSA.

This title is regulated by the Federal Communications Commission.

## TITLE V: MISCELLANEOUS PROVISIONS

Title V includes miscellaneous provisions that are intended to apply broadly across all the other titles, some of which are found nowhere else in the law. Provisions include the ADA’s relationship to other

laws, a prohibition against retaliation and coercion, information about the illegal use of drugs, and how attorney’s fees are to be handled.

(While not mentioned in the PowerPoint, this title also provides a list of certain conditions that are not to be considered disabilities, like compulsive gambling, kleptomania, pyromania, pedophilia, or “gender identity disorders not resulting from physical impairments.” Title V also addresses sexual orientation, saying, “...homosexuality and bisexuality are not impairments and as such are not disabilities.”.)

## KEY ADA TERMS

### DIRECT THREAT (TITLES I, II, AND III)

Under Title I, an employer does not have to hire or continue to employ an individual if they cause a “direct threat” to the health and safety of the individual, or to others, when a reasonable accommodation cannot be used to eliminate or reduce the risk. Under Titles II and III, state and local governments and places of public accommodation have similar direct threat regulations, though excluding individuals can only be based on a direct threat to others, not on a direct threat to the individuals themselves. These covered entities must not exclude individuals with disabilities from participation unless there is a direct threat that cannot be eliminated or reduced by providing modifications or auxiliary aids or services. In all cases, direct threat must be determined on a case-by-case basis. Direct threat means a significant risk, based on objective evidence, and it may not be based merely on a person’s belief that a threat exists.

#### EXAMPLE: DIRECT THREAT

A basketball league may be able to refuse to allow a person using a wheelchair to participate because the wheelchair could injure other players during a game.

### EFFECTIVE COMMUNICATION AND AUXILIARY AIDS AND SERVICES (TITLES II AND III)

The law requires that state and local governments and public accommodations take the necessary steps to communicate effectively with customers and community members who have vision, hearing, and speech disabilities. This may include providing necessary auxiliary aids and services unless they would cause undue financial and/or administrative burdens.

#### EXAMPLES: AUXILIARY AIDS AND SERVICES

- Assistive listening devices, which amplify sounds for a person who is hard of hearing.
- Telephones compatible with hearing aids.
- Audio recordings of written materials.
- Magnification software installed on the computers that belong to Title II and III covered entities.
- Written notes exchanged between a bank teller and a bank member.

- A grocery store clerk reading the labels of products to a person with low vision.
- Qualified ASL interpreters provided at a city government’s public meetings.

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## FUNDAMENTAL ALTERATIONS (TITLES II AND III)

Under Titles II and III, a covered entity is not required to make a modification if it can demonstrate that a modification is so significant that it alters the essential nature of the goods, services, activities, or facilities. Alternatives must be considered.

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### EXAMPLE: FUNDAMENTAL ALTERATIONS

A man with low vision asked the manager of a planetarium to raise the lights so he could read a large print program. Since a darkened room is essential to view the stars and planets, the planetarium is not required to modify its lighting because this would fundamentally alter the experience for everyone. However, the manager could offer this patron a clipboard with a reading light attached.

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## UNDUE HARDSHIP, UNDUE FINANCIAL AND ADMINISTRATIVE BURDEN, AND UNDUE BURDEN

Under Title I, a reasonable accommodation that is too difficult or expensive to provide is considered an “undue hardship” and an employer is not required to implement it. Determining what is an undue hardship is based on the employer’s size, financial resources, and the needs of the business. Reasonable accommodations that fundamentally alter the nature of the job are also considered undue hardships. If an accommodation is an undue hardship, the employer must consider alternatives.

Under Title II, a public entity does not have to take any action that it can demonstrate would result in an “undue financial or administrative burden”. This applies in program access, effective communication, and auxiliary aids and services. The determination of an undue financial and administrative burden must be made by the head of the public entity or his/her designee, accompanied by a written statement of the reasons, and be based on all resources available for use in the program. If an action would result in such a burden, the public entity must take any other action that would not result in undue financial or administrative burden, but would still have to make sure that individuals with disabilities receive the benefits and services of the program or activity.

Under Title III, an “undue burden” is defined as significant difficulty or expense to the public accommodation. The factors to determine undue burdens are similar to the factors for undue hardships under Title I. If a modification would result in significant difficulty or expense, the public accommodation may not be required to make the modification but must work to find alternatives. An undue burden is not only applicable to modifications. For example, it may be an undue burden for a small, private historic house museum that operates on a very small budget to provide a sign language interpreter, considered an auxiliary aid or service under the ADA, for a Deaf individual who wants to participate in a tour. Providing a written script of the tour, however, would be an alternative that would be unlikely to result in an undue burden.

## OTHER ADA OR DISABILITY-RELATED CONCEPTS

### ABLEISM

Ableism is a set of assumptions and practices (otherwise known as prejudice and discrimination.) It promotes different or unequal treatment of people because of disabilities. In many settings, ableism is completely ignoring the needs of or excluding a person or group of people with disabilities. In education or medical settings, ableism may be portrayed by someone else's patronizing desire to "cure" or "fix" a person's disability and make them "normal." Ableism portrays people with disabilities as inherently inferior to those without disabilities.

Ableist language is any word or phrase that devalues people who have a disability. Continuing use of these words and phrases show just how embedded ableism really is in our communities. Common examples of ableist language are words like "lame," "dumb," "retarded," "idiot," "crazy," "nuts," "psycho," and "spaz." These terms are intended to portray a person or behavior in a negative light but can also be associated with a person's identity or their challenges, and because of that, can be interpreted as insulting or hurtful. And every time people use them, they reinforce the idea that people with disabilities are inferior. Many of these words and phrases are used so casually that most people don't consciously realize they're associated with disability, which unintentionally spreads negative stereotypes and assumptions about disability.

### ALCOHOL ADDICTION AND ILLEGAL DRUG USE UNDER THE ADA

**Addiction to alcohol** is generally considered a disability whether the use of alcohol is in the present or in the past.

**Individuals who currently engage in the illegal use of drugs**, like heroin or cocaine, are specifically excluded from the protections of the ADA. This exclusion also applies to **current abuse of prescription medications** such as opioids or stimulants that were prescribed by a healthcare provider. Using a medication other than how the provider instructed is illegal. However, an individual who engaged in the illegal use of drugs or medications in the past and is now in recovery from a substance use disorder is considered a person with a disability. In addition, illegal use of drugs does not cancel out other disabilities. For example, a person with quadriplegia doesn't lose their ADA protection concerning discrimination based on their quadriplegia just because they use drugs illegally.

### APPARENT AND NON-APPARENT DISABILITIES

An impairment does not have to be visible or "apparent" (or readily observable) to be considered a disability. Many conditions that are "non-apparent" still affect major life activities. Sometimes referred to as invisible or hidden disabilities, non-apparent disabilities may impact major life activities more than an apparent one. (Many people with disabilities feel like the words "invisible" and "hidden" have a negative meaning; the currently preferred term is "non-apparent.") The ADA makes no distinction

between types of disabilities. Any individual who meets the definition of having a disability has the same rights under the ADA, regardless of whether the disability is apparent or non-apparent. Learning disabilities or chronic depression are examples of non-apparent disabilities.

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## DISABILITY MICROAGGRESSIONS

Microaggressions are comments or actions that subtly and often unconsciously or unintentionally express prejudice toward a member of a marginalized group. Microaggressions aren't meant to cause harm, and the person probably has no idea they just said or did something offensive. While most people think of microaggressions as a racial or gender issue, it impacts people with disabilities as well. According to a 2022 Forbes article (which may require a subscription to read,) [3 Disability Microaggressions And Why They Matter](#), there are three main types of disability microaggressions:

- “Terminology.” This is similar to what this instructor guide refers to as ableist language in the “Ableism” section above.
- “Condescension and sentimentality.” An example of this is speaking to people with disabilities of any age like they are children, characterized either in tone of voice or in word choice. Another example is viewing disability narratives as inspirational stories, pitting sadness and suffering against determination and triumph.
- “Disability jokes.” These are little remarks that may seem funny, but just aren't. Like a non-disabled person saying, “Hey, you got a license for that thing?” when speaking to someone in an electric wheelchair.

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## SERVICE ANIMALS

With training, service animals can benefit individuals with a wide range of disabilities, not just blindness. Under the ADA, training is what distinguishes a service animal from other animals. Some service animals may be professionally trained; others may have been trained by their owners. However, the task the service animal is trained to do must be directly related to the owner's disability. Just a few include:

- Alerting a person with hearing loss to a sound.
- Warning a person with a seizure disorder of an oncoming seizure.
- Providing assistance with balance and stability to individuals with mobility disabilities.
- Helping individuals with psychiatric disabilities by interrupting destructive behaviors.

**According to the Department of Justice's regulations for Titles II and III of the ADA, a service animal is any dog** that is individually trained to do work or perform tasks for an individual with a disability. (Special allowances can be made for miniature horses on a case-by-case basis.)

**The Department of Transportation's regulations for Title II and III define a service animal as any guide dog, signal dog, or other animal** individually trained to work or perform tasks for an individual with a

disability. Service animals may be dogs, miniature horses, or other types of animals in transportation settings.

Documentation or proof that the animal has been certified, trained, or licensed as a service animal is not required and cannot be requested. The person cannot be asked about the nature or extent of their disability. When it is not obvious what service an animal provides, only two questions may be asked:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

With very few exceptions, service animals must be allowed in all private businesses covered by Title III, as well as the buildings of state and local governments covered by Title II. An animal that provides only emotional support, comfort, therapy, or crime prevention is not considered a service animal under Titles II and III of the ADA.

**Under Title I, dogs or other animals, including emotional support animals, can be considered a reasonable accommodation** in the workplace if the animal provides some type of disability-related service or support. The employer has the right to require that the animal is trained to be in a workplace or to be capable of functioning appropriately in the work environment.

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## WEB ACCESSIBILITY

Digital access is increasingly important for people with disabilities because technology is a regular part of everyday life. Digital access is described as the ability for users, including those with disabilities, to easily navigate and understand content on websites, mobile apps, or other electronic documents. However, most websites and apps are not fully accessible for people with disabilities, and federal regulations are inadequate. Disability laws have struggled to keep up with the times, partly because the laws were written before the development of modern computer-related technology. However, in April 2024, the US Department of Justice issued a final rule for Title II of the ADA. The rule, detailed below, includes regulations about when the ADA applies to Title II covered entities, and how to ensure digital access. As for private businesses covered by Title III, they can utilize standards like the [Web Content Accessibility Guidelines](#) (WCAG) to meet the spirit of the ADA and provide access to digital information. WCAG was developed by the [World Wide Web Consortium](#), and is regularly updated as technology evolves.

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## HOW AND WHEN THE ADA APPLIES TO TITLE II ENTITIES' WEBSITES AND MOBILE APPS

As of April 24, 2024, Title II applies to state and local governments' services, programs, or activities offered online and through mobile apps. When websites and mobile apps offered by public entities are accessible, people with disabilities have equal access to government services. Website and mobile app accessibility are necessary to fully participate in activities like ordering mail-in ballots or reserving books at the library, and participating in civic or community events like town meetings or programs at their child's public school.

State and local governments must follow a specific set of guidelines, described in WCAG 2.1, to meet their existing obligations under Title II. The rule applies to web content or mobile apps that a public entity creates or makes available to the public. This includes when a state or local government contracts with someone else, including private businesses, to make or provide web content and mobile apps that the general public will use. For example, if a county fair’s website lists the address and hours of operations for the fair, that webpage must meet the WCAG 2.1 guidelines even if a local web design company creates and updates the website.

There are some exceptions to the rule, including for archived content. But, even when web or mobile app content does not have to meet WCAG 2.1, a public entity would likely still need to provide the content to a person with a disability who needs it in a format that is accessible to them.

Public entities have a few years to comply with the regulations included in the final rule. Entities with smaller populations have longer to comply. All entities must be in compliance with WCAG 2.1 by April 26, 2027.

## OTHER DISABILITY LAWS

### FEDERAL LAWS

The definition of disability is slightly different according to other federal laws that address disability rights, including the Individuals with Disabilities Education Act (IDEA), Rehabilitation Act of 1973 (Rehab Act), Air Carrier Access Act (ACAA), and the Fair Housing Act (FHA). These laws cover different disability rights related to special education services for public school children with disabilities; federal departments in employment, housing, and social service access; the rights of people with disabilities on airlines within, to, or from the U.S; and the rights of people with disabilities to obtain housing.

#### INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

IDEA ensures special education and related services for children and youth with disabilities so that they may receive a free and appropriate public education. During the 2020-2021 school year, more than 7.5 million eligible toddlers, children, and youth with disabilities received services through IDEA.

[U.S. Department of Education’s IDEA website](#) has information about IDEA and resources for implementation.

#### REHABILITATION ACT OF 1973 (REHAB ACT)

The Rehab Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, and in the employment practices of federal agencies and their contractors. Section 504 of the Rehab Act addresses the rights of people with disabilities in programs that receive federal funding, like public school districts and higher education institutions. Section 504 requires public school districts to provide a free and appropriate public education to qualified students with disabilities, regardless of the nature or severity of the disabilities.

Under this law, 504 plans are established to ensure that students with disabilities have their individual educational needs addressed as adequately as the needs of non-disabled students. 504 plans are often established for students who do not have needs that rise to the level of services provided through IDEA.

The U.S. Department of Justice Civil Rights Division has [brief information on the Rehab Act](#), Section 504, and other sections of the Rehab Act that apply to covered entities beyond education.

The U.S. Department of Education has a lot of information about [Section 504 of the Rehab Act and how it applies to public schools](#) and how it intersects with the ADA and IDEA.

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### AIR CARRIER ACCESS ACT (ACAA)

The ACAA prohibits discrimination on the basis of disability in air travel. The law defines the rights of passengers and the obligations of airlines. The law applies to all U.S. airlines, and it applies to flights within, to, or from the United States by foreign airlines. Airport terminals on U.S. soil are covered by the ADA.

The U.S. Department of Transportation, which implements the ACAA, created a webpage for [passengers with disabilities](#), providing information about the ACAA. Their webpage about [traveling with a disability](#) may also be helpful.

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### FAIR HOUSING ACT (FHA), AS AMENDED IN 1988

The Fair Housing Act (FHA) is a part of the Civil Rights Act of 1968 and encompasses changes made in 1988 by the Fair Housing Amendments Act (FHAA). The FHA prohibits discrimination against people because of race, color, national origin, religion, sex (including gender identity and sexual orientation), family status, and disability.

The FHA protects people from discrimination when they are renting or buying a home, getting a mortgage or financial assistance, or engaging in other housing-related activities. The FHA also requires covered entities, including landlords and homeowners' associations, make reasonable accommodations to their policies so that people with disabilities have equal opportunity to enjoy and use a dwelling. Covered entities may also be required to allow people with disabilities to make reasonable modifications, like installing ramps or shower grab bars, to their units or common areas.

Finally, the ADA may also apply in the housing context. An example of this is the student housing of a public college.

For more information, visit the U.S. Department of Housing and Urban Development's [overview page on the Fair Housing Act](#).

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### STATE AND LOCAL LAWS

States and local governments may have additional laws addressing the rights of people with disabilities, similar to the ADA. For example, some states have laws that apply to employers with fewer than 15

employees. If a state or local law provides more protections to people with disabilities, it must be followed before the ADA.

## ENFORCEMENT OF THE ADA

There are many federal government departments that oversee compliance with the ADA. These departments may resolve complaints through mediation, or they may take legal action. Usually, resolutions do not lead to money being awarded to the person making the complaint. The ADA National Network has written a factsheet, called [Enforcing the Americans with Disabilities Act](#), that goes into greater detail on overseeing ADA compliance.

The agency to contact to file complaints depends on the circumstances. These are the primary entities responsible for ensuring compliance with the ADA:

- [U.S. Department of Justice](#) oversees the ADA regulations for public accommodations (businesses open to the public) and state and local governments.
- [U.S. Equal Employment Opportunity Commission](#) issues guidance and enforces regulations for employers and employees who are covered by the ADA. The ADA National Network has published a factsheet, called [Enforcement Options Under the Employment Provisions](#), that summarizes the process for filing an ADA complaint in employment settings.
- [U.S. Department of Transportation](#) ensures that complaints related to public transit services are resolved.

## RESOURCES AND MATERIALS

### JOURNAL ARTICLES ABOUT THE ADA

- Batavia, A. & Schriener, K. (2001). The Americans with Disabilities Act as engine of social change: Models of disability and the potential of a civil rights approach. *Policy Studies Journal*, 29:4, p690-703.
- Gostin, L. (2015). The Americans with Disabilities Act at 25: The Highest Expression of American Values. *Journal of the American Medical Association*, 313(22), 2231-2235.
- Jordan R. & Davis-Dorsey, J. (2004). ADA in the Public School Setting. *Journal of Disability Policy Studies*. 15:2, Pages 66-69.

### MEDIA ARTICLES

- [NPR's In Their Own Words: How The Americans With Disabilities Act Changed People's Lives](#)
- [Disability Justice Activism](#)

### YOUTUBE AND TED TALK VIDEOS

- [Google Impact Challenge: Disabilities on the ADA 25th Anniversary](#)
- [Life Before the Americans with Disabilities Act with Senator Tom Harkin](#)
- [You Might Have A Disability](#)
- [Requesting an Accommodation Under the ADA - a Small Part of Title I of the ADA Explained](#)
- [Service Animals Playlist](#)
- [Differences Between the ADA, Section 504 of the Rehab Act, and IDEA](#)
- [I'm not your inspiration, thank you very much, by Stella Young](#)
- [PBS News Hour: 2 disability rights activists on the power of the ADA -- and where it falls short](#)

### WEBSITES

- The [ADA National Network](#) provides information, guidance and training on the ADA, tailored to meet the needs of business, government and individuals at local, regional and national levels. There are 10 regional ADA centers and a knowledge translation center that make up the ADA National Network. The National Network's website has a way to [find your region](#).
- The ADA National Network has developed a [glossary of terms and phrases](#) related to or used in the ADA.
- The ADA National Network continually develops [short stories](#) that encapsulate the significance of the law and the impact the ADA has on people with disabilities.

- The ADA National Network has created a factsheet that addresses the [differences and similarities between IDEA, Section 504 of the Rehab Act, and the ADA](#).
- The Great Lakes ADA Center, a member of the ADA National Network, has developed a list of [acronyms related to the ADA](#).
- The Disability Rights Education & Defense Fund provides [a history of the ADA and the disability rights movement](#) providing a written perspective on the importance of the passage of the ADA.
- The [Service Animal Resource Hub](#) provides the information on a variety of different topics as they relate to service animals under the ADA, like taking a service animal to work.
- [EveryBody: An Artifact History of Disability in America](#) is a web exhibit that documents the history of disability and the people who lived it. Many of the images in the PowerPoint presentation come from this web exhibit.



<https://adata.org/ADAKTC>

Content was developed by the ADA Knowledge Translation Center and is based on professional consensus of ADA experts and the ADA National Network.

The contents of this mini-unit were developed under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant numbers 90DP0086 and 90DPAD0004). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The contents of this mini-unit do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.

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