

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 is a civil rights law that seeks to eliminate discrimination against people based on their disabilities in employment, state and local government services, privately operated public accommodations (hotels, restaurants, stores, museums, etc.), transportation, and telecommunications. Great strides have been made in our society, but discrimination still exists. Attitudes, poor enforcement of the law, underfunded programs, and fiscal difficulties in state and local government budgets all contribute to the on-going need to be vigilant advocates for full inclusion and equality.

A person with a disability (as defined by the ADA Amendments Act of 2008) is someone who has a physical or mental impairment that substantially limits one or more major life activities (for example sleeping, walking or breathing), or major bodily functions (for example respiratory, neurological or immune function), or a person who has a history or record of such an impairment, or a person who is regarded as having such an impairment.

The ADA is divided into titles, or sections, that cover discrimination in employment, public services, private entities, transportation, and telecommunications.

ADA Title II: State and Local Government Services

Title II of the ADA prohibits discrimination on the basis of disability against any qualified individual in all services, programs, and activities provided by state and local governments. Individuals with disabilities must be provided an "equally effective opportunity" to participate in or benefit from a public entity's aids, benefits, and services. This means that any program or service run by a state or local government must be accessible to people with disabilities as long as they are eligible for the program or service. Access includes physical access (ramps, accessible bathrooms, accessible parking spaces) and programmatic access (materials in Braille, interpreters). Programs and services must be provided in the most integrated setting appropriate so that people with disabilities can participate and interact with people who do not have disabilities. Transportation falls under title II (as well as title III) of the ADA since state and local governments typically operate transportation systems, including fixed route buses, light and heavy rail systems, paratransit, and over-the-road buses.

For more information see: <http://www.ada.gov/q%26aeng02.htm#State11481>

ADA Title III: Public Accommodations

Title III of the ADA covers public accommodations which are private entities that own, operate, lease, or leases to a place of public accommodation. Examples of public accommodations include restaurants, hotels, shopping centers, stores, movie theaters, airports, gas stations, libraries, parks, doctors' offices, pharmacies, day care centers, and gyms. Public accommodations must make "reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration would result in the nature of the goods and services provided." This means that people with disabilities have the right to go to the movies, go shopping, pump gas into their cars, and stay in a hotel just as people without disabilities do. In some cases, private entities might also need to furnish auxiliary aids (such as interpreters and documents in Braille) "when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result". Private entities must also make sure that any new construction or remodeled buildings are accessible to people with disabilities.

For more information, see: <http://www.ada.gov/q%26aeng02.htm#Public>

http://www.ada.gov/filing__complaint.htm