

THE AMERICAN WITH DISABILITIES ACT

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WHAT IS THE ADA?

1. The ADA is a civil rights law for people with disabilities
2. The ADA was made law on July 26, 1990
3. The ADA was Amended (ADAAA) in 2008

The ADA and ADAAA calls for nondiscrimination against people with disabilities in these areas:

1. Employment-Title I
2. State and Local Government-Title II
3. Public Accommodations- Title III
4. Telecommunications-Title IV
5. Transportation/Miscellaneous Provisions-Title V

ADA ADDRESSES THREE OBJECTIVES |

1. COUNTER MYTHS AND STEREOTYPES

The emphasis is on empowerment and individual rights

The ADA encourages:

1. Covered Entities to focus on the abilities of people with disabilities
2. Encourages employers to look at people with disabilities as valuable parts of the workforce
3. State and local government leaders to see people with disabilities as contributing members of a community, rather than as social burdens
4. Places of public accommodations such as stores, theaters, dry cleaners, etc, to see people with disabilities as potential customers, rather than as objects of pity.

2. REMOVE SEGREGATION AND ISOLATION

1. Providing telecommunications relay services (YRS)
2. Removing architectural barriers
3. Requiring reasonable accommodations in employment settings

3. PROVIDE ACCOMMODATIONS

1. Covered Entities
2. Reasonable Accommodations
3. Reasonable changes to policies and programs
4. Provide auxiliary aids and services

TITLE II STATE AND LOCAL GOVERNMENT — PUBLIC ENTITIES

Overview

TITLE II STATE AND LOCAL GOVERNMENT

1. Title II of the ADA covers the programs and services operated by state and local governments.
2. Title II of the ADA mandates that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

REQUIREMENTS UNDER TITLE II - (1 OF 4)

- May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.
- May not require a person with a disability to participate in a program or service specifically designed for individuals with disabilities.
- Must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.

REQUIREMENTS UNDER TITLE II - (2 OF 4)

- Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.
- Must eliminate eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless such standards or rules are essential for the provision of the service, program or activity.
- May not establish requirements that tend to screen out individuals with disabilities, such as requiring a driver's license as the only acceptable means of identification.

REQUIREMENTS UNDER TITLE II - (3 OF 4)

- Are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result.
- Must furnish auxiliary aids and services, such as alternate formats, assistive listening devices, or qualified interpreters, when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.

REQUIREMENTS UNDER TITLE II - (4 OF 4)

- May provide programs, services and activities, beyond those required by the regulation, to individuals with disabilities, but they may not require that individuals with disabilities participate in such programs, services and activities, rather than in those available to the general public.
- May not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters.

TITLE II OF THE ADA COVERS

- Any state or local government agency,
- Any department or agency of state or local government,
- Certain commuter authorities, and
- AMTRAK.

TITLE II: TWO MAJOR CATEGORIES OF PROGRAMS OR ACTIVITIES

1. Those involving general public contact as part of ongoing operations of the entity; and
2. Those administered by the entity for program beneficiaries and participants.

TITLE II: STATE AND LOCAL GOVERNMENT LICENSING

Public entities under Title II must not discriminate against qualified individuals with disabilities in

1. Licensing
2. Certification
3. Regulatory activities

TITLE III PUBLIC ACCOMMODATIONS- PRIVATE ENTITIES

Overview

TITLE III PUBLIC ACCOMMODATION

Public accommodations are **private entities** that own, operate, or lease to places of public accommodation. Places of public accommodation include, but are not limited to, restaurants, hotels, theaters, convention centers, retail stores, shopping centers, dry cleaners, laundromats, pharmacies, doctors' offices, hospitals, museums, libraries, parks, zoos, amusement parks, private schools, day care centers, health spas, and bowling alleys.

TITLE III COVERS

1. **Private entities**
2. **Commercial facilities** (nonresidential facilities, including office buildings, factories, and warehouses, whose operations affect commerce), and
3. Private entities offering certain **examinations and courses related to educational and occupational certification.**

OBLIGATIONS UNDER TITLE III – (1 OF 2)

1. Operate in a nondiscriminatory manner ensuring individuals with disabilities have the same opportunity to participate in and benefit from the services, activities, and goods offered as all other customers, patrons, or clients;
2. Ensure that communication with individuals with disabilities is as effective as with others, including providing auxiliary aids and services when necessary to eliminate communication barriers; and
3. Provide accessibility by:
 - Removing barriers in existing facilities when removal of barriers is readily achievable.
 - Readily achievable means that the barrier removal can be accomplished with little difficulty or expense in relation to the resources of the entity.

OBLIGATIONS UNDER TITLE III - (2 OF 2)

1. Providing **alternatives to barrier removal** when modifications to remove barriers are not readily achievable.
2. Providing **accessibility in all renovations or additions to facilities and construction of new facilities by complying with the [ADA Standards for Accessible Design](http://www.usdoj.gov/crt/ada/stdspdf.htm)** (<http://www.usdoj.gov/crt/ada/stdspdf.htm>).

ACCESSIBILITY REQUIREMENTS FOR TITLE II AND TITLE III

➤ Checklist for Existing Facilities 2.1

[US DOJ ADA Checklist](http://www.usdoj.gov/crt/ada/checktxt.htm) (http://www.usdoj.gov/crt/ada/checktxt.htm)

[US DOJ ADA Checklist PDF](http://www.usdoj.gov/crt/ada/racheck.pdf) (http://www.usdoj.gov/crt/ada/racheck.pdf)

➤ ADA Standards for Accessible Design 2010

[2010 ADA Standards](https://www.ada.gov/2010ADAstandards_index.htm) (https://www.ada.gov/2010ADAstandards_index.htm)

WHO IS RESPONSIBLE FOR PROVIDING ACCESSIBILITY?

1. Both a landlord who leases space in a building to a tenant and the tenant who operates a place of public accommodation have responsibilities under the ADA.
2. Both the landlord and the tenant have full responsibility for complying with all requirements applicable to places of public accommodation.

ADA RESOURCES

➤ ADA National Network

[ADA National Network Website](https://adata.org/) (https://adata.org/)

➤ Pacific ADA

[Pacific ADA Website](https://www.adapacific.org/) (https://www.adapacific.org/)

Need ADA Assistance? [1-800-949-4232](tel:1-800-949-4232) (Voice/TTY)

THANK YOU

Q&A