



Overview of the ADA

When members of an historically marginalized group seek to assert their civil rights and civil liberties, their efforts usually involve extraordinary sacrifices and tragic defeats before achieving victory. So it was with the 100 year effort by African Americans, after centuries of enslavement, to attain the ideals espoused in the Declaration of Independence, despite terrors, murders and numerous setbacks. So it was with the Women's Suffrage Movement, whose leaders were subjected to imprisonment and forced feedings before they won for women the right to vote. And so it was with the disability rights movement that began in the 1970s with sit-ins in federal office buildings to force implementation of the Rehabilitation Act and continued with acts of civil disobedience in which people with disabilities chained themselves to buses to illustrate public transportation systems' inaccessibility. Disability advocates would [crawl up the steps of the United States Capitol](#) to dramatize the exclusion of people with disabilities from the halls of power. These and countless other acts of determination, advocacy, coalition building and public pressure culminated in the [signing](#) of the Americans with Disabilities Act (ADA) on July 26, 1990.

Paralyzed Veterans of America was an active participant in the fight to pass the ADA. [Testifying in support of the legislation before Congress](#), Peter Adesso, a VA hospital liaison for PVA, spoke of the barriers he encountered upon returning home from service in Vietnam with a spinal cord injury. Some were physical barriers while others were attitudinal. When he went to use a public swimming pool, the parks commissioner barred him from the facility saying "It's not my fault you went to Vietnam and got crippled." Trying to dine out at a local restaurant, he was asked to leave because he presented "a fire hazard."

The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. 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. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

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

- Title I is designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities. Employers must provide reasonable accommodations to qualified applicants or employees. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions.

- Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments.
- Title III prohibits private places of public accommodation from discriminating against individuals with disabilities. Examples of public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, and so on. This title sets the minimum standards for accessibility for alterations and new construction of facilities. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense. This title directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities. It also requires that they take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities.
- Title IV requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing and speech disabilities to communicate over the telephone. This title also requires closed captioning of federally funded public service announcements.
- Title V contains miscellaneous provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees. This title also provides a list of certain conditions that are not to be considered as disabilities.

The Department of Justice is the predominant federal agency that enforces the ADA, except in cases of employment discrimination which fall under the jurisdiction of the Equal Employment Opportunity Commission (EEOC).

Content for this issue brief was taken from the ADA National Network - <https://adata.org/learn-about-ada>.