



History Behind the Americans with Disabilities Act of 1990

- Federal law enacted by U.S. Congress in 1990
- Signed into law by President George Bush on July 26, 1990
- Amended with changes effective January 1, 2009.
- ADA is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability
- It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964 (discrimination based on race, religion, sex, national origin, national origin, and other characteristics illegal)
- Disability is defined by the ADA as "a physical or mental impairment that substantially limits a major life activity."
- The determination of whether any particular condition is considered a disability is made on a case by case basis. Certain specific conditions are excluded as disabilities, such as current substance abuse and visual impairment which is correctable by prescription lenses.

Title I

- **Title I – Employment**
 - applies to private employers and state or local governments as employers
 - prohibits employers, employment agencies, labor unions and joint labor-management committees from discriminating against persons with disabilities.
 - **Title I applies only to employers with 15 or more employees.**
- Reasonable accommodation might include, for example, making the workplace accessible for wheelchair users or providing a reader or interpreter for someone who is blind or hearing impaired.

Title II

- **Title II – State and Local Governments**
 - requires state and local governments to make their programs, services, and activities accessible to individuals with disabilities, including individuals who are deaf or hard of hearing.
 - Providing interpreting services to the deaf/hoh in courts, colleges, etc.

Title III

- **Title III – Public Accommodations (Businesses)**
 - requires businesses open to the public to ensure that individuals with a disability have equal access to all that the businesses have to offer.
 - covers a wide range of places of public accommodation, including retail stores and the wide range of service businesses such as hotels, theaters, restaurants, doctors' and lawyers' offices, optometrists, dentists, banks, insurance agencies, museums, parks, libraries, day care centers, recreational programs, social service agencies, and private schools. It covers both profit and non-profit organizations.
 - Unlike the employment section of the ADA, which only applies to employers with 15 or more employees, ADA Title III applies to all businesses, regardless of size.
 - Example: Redskin Stadium has been ordered by the courts that their stadium must be accessible to the deaf including captioned shows.

Title IV

- **Title IV – Telecommunications**
 - addresses telephone and television access for people with hearing and speech disabilities.
 - It requires telephone carriers to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week.
 - TRS enable callers with hearing and speech disabilities who use text telephones (TTYs or TDD), and callers who use voice telephones to communicate with each other through third party assistance.
 - closed captioning of Federally funded public service announcements.

New Rules from Dept. of Justice

- **Title II**
 - Must provide accessibility in jails including captioning and interpreting services
 - Effective communication to families, friends, or associates of individuals seeking access to a service, program, or activity
 - Prohibits public entity to rely on accompanying friends or children/adults to interpret or facilitate communications except in emergencies
 - Establish standards using VRI
 - Require public entities to accept relay calls in same manner that it respond to phone calls

New Rules from Dept. of Justice

- **Title III**
 - Defined qualified interpreters to include labeling of interpreters
 - Specific definitions of auxiliary aids (real time captioning, VRI, voice, texting, videophones)
 - Requires that method of communication be recognized and be met with auxiliary aids to provide effective communication
 - Provide effective communication to family and friends (example: deaf friend accompanying a hearing friend to doctor appointment)

Universities and Colleges Responsibilities

- Colleges and universities are required to make their campuses and services accessible to people with disabilities.
- This is clearly established under federal law, and many comparable state laws.
 - For example, Section 504 of the Rehabilitation Act of 1973 applies to all colleges and universities that receive federal financial assistance, and to federal institutions.
 - Title II of the Americans with Disabilities Act (ADA) applies to educational facilities operated by state and local governments.
 - Title III of the ADA applies to private educational facilities, which are considered "places of public accommodation."
 - Under all of these laws, the costs of accommodations such as sign language interpreters and transcription services are the responsibility of the college or university, and cannot be passed on to the student.

It is just impossible to cover everything...

- Additional Resources
 - www.nad.org (National Association of the Deaf – the nation's oldest civil rights organization)
 - www.ada.gov
- Questions?
- Please feel free to contact Troy University's Disability Services Office