



## Americans with Disabilities Act Turns 25

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This year marks the 25th anniversary of the Americans with Disabilities Act (ADA), landmark legislation likened in scope to the Civil Rights Act of 1964. With its passage in July 1990, discrimination based on disabilities was banned in employment, public accommodations, telecommunications and government programs.

Sponsored by recently retired Senator Tom Harkin, ADA kicked off a decade of remarkable advocacy:

- The **Individuals with Disabilities Education Act (IDEA)**, passed later in the same year, requires schools to collaborate with parents on Individualized Education Plans (IEPs) designed to enable students with special needs to reach their personal potential.
- The **Rehabilitation Act Amendments of 1992, Ticket to Work, and Work Incentives Improvement Act** recognizes the importance of career opportunities for individuals with disabilities.
- The **Family and Medical Leave Act of 1993 (FMLA)** provides job-protected time off for employees who develop serious health conditions and for those caring for parents or children with disabilities.
- The Supreme Court's watershed ***Olmstead*** decision in 1999 interpreted ADA to require "least restrictive settings" for government-provided programs. This led to the emptying of state institutions in the following years.

ADA's key provisions include:

- **State and Local Government** – All government services must be accessible to those with special needs.
- **Employment** – All organizations with 15 or more employees must make "reasonable accommodations" to ensure that individuals with disabilities have equal access to job opportunities.
- **Public Accommodations** – Facilities catering to the public—everything from hotels to sports stadiums to day care centers—must meet accessibility standards.

Businesses must make “reasonable modifications” to their standard practices in order to serve those with disabilities.

- **Telecommunications** – All telecom businesses must offer functionally equivalent services to individuals with special needs, especially those with hearing and speech disabilities.

### **Significant Change, and Not So Much**

ADA has dramatically heightened social awareness of the need for accommodations in order to ensure equal opportunity not only for those with disabilities, but those “perceived” as having a disability, as well. That additional layer of legal protection strikes at the core of discriminatory behavior and is especially relevant to employment.

Architectural standards have undergone major revision. Prior to ADA, there were no bus lifts. In many multi-story buildings, stairs posed an insurmountable obstacle. Sidewalks lacked wheelchair-friendly ramps. Since 1990, countless structures have been renovated, while new ones incorporate accessibility as a basic design element.

On the other hand, the promise of “least restrictive” alternatives remains largely unmet. Both Medicaid and Medicare continue to be biased in favor of large institutions. The availability of community-based services has lagged and residential waiting lists are years long. Unemployment remains unacceptably high for those with disabilities, a further impediment to independence.

During this 25th anniversary of ADA, it’s right that we applaud the progress made possible by its passage. But it’s also a time for renewed commitment to the full scope of its vision.

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