

LILA NEWS

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ADA 25th Anniversary Edition **Summer 2015**

Celebrate the ADA 25th Anniversary!

A Brief History of the ADA

The Americans with Disabilities Act (ADA) is a landmark civil rights act which guarantees equal access and protection against discrimination to people with disabilities. It provides equal opportunities for people with disabilities in the areas of employment, transportation, state and local government, public accommodations, and telecommunications. It protects anyone in the United States with mobility, visual, or hearing impairments, as well as people with psychiatric and cognitive disabilities.

The history of the ADA did not begin on July 26, 1990 at the signing ceremony at the White House. It did not begin in 1988 when the first ADA was introduced in Congress. The ADA story began a long time ago in cities and towns throughout the United States when people with disabilities began to challenge societal barriers that excluded them from their communities, and when parents of children with disabilities began to fight against the exclusion and segregation of their children. It began with the establishment of local groups to advocate for the rights of people with disabilities. It began with the establishment of the independent living movement which challenged the notion that people with disabilities needed to be institutionalized, and which fought for and provided services for people with disabilities to live in the community.

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The ADA owes its birthright not to any one person, or any few, but to the many thousands of people who make up the disability rights movement – people who have worked for years organizing and attending protests, licking envelopes, sending out alerts, drafting legislation, speaking, testifying, negotiating, lobbying, filing lawsuits, being arrested – doing whatever they could for a cause they believed in. There are far too many people whose commitment and hard work contributed to the passage of this historic piece of disability civil rights legislation to be able to give appropriate credit by name. Without the work of so many – without the disability rights movement – there would be no ADA.

The disability rights movement, over the last couple of decades, has made the injustices faced by people with disabilities visible to the American public and to politicians. This required reversing the century's long history of "out of sight, out of mind" that the segregation of disabled people served to promote. The disability rights movement adopted many of the strategies of the civil rights movements before it.

Like the African-Americans who sat in at segregated lunch counters or refused to move to the back of the bus, people with disabilities sat in

federal buildings, obstructed the movement of inaccessible buses, and marched through the streets to protest injustice. And like the civil rights movements before it, the disability rights movement sought justice in the courts and in the halls of Congress.

Heroes of the ADA

Evan J. Kemp, Jr.

1937-1997

Evan Kemp became a wheelchair user due to a form of muscular dystrophy. As not only Washington's leading advocate for the disabled but also a Republican, Kemp was named to the Equal Employment Opportunity Commission by President Ronald Reagan in 1987. By the time President Bush made him the chairman three years later, Kemp had already played a major behind-the-scenes role in writing the American for Disabilities Act, which extended protections to the disabled.

As chairman of the Equal Employment Opportunity Commission when the ADA took effect in 1992, Kemp played an even greater role in writing the final rules, including one requiring employers to make reasonable accommodations for disabled workers, like letting them park in the company garage.

Heroes of the ADA

Justin W Dart, Jr
"Godfather of the ADA"
1930-2002

Justin Dart was a member of the super wealthy Walgreen Family who survived polio as a child. He opposed the efforts of President Ronald Reagan, a personal friend of the Dart family, to revise the 1973 Rehabilitation Act, and in 1981 accepted an appointment from President Ronald Reagan to be the vice-chair of the National Council on Disability.

While serving as the Vice-Chair of the National Council on Disability, Justin and Yoshiko Dart embarked on the first of several nationwide tours, at their own expense, to meet with activists and individuals with disabilities. Based on these conversations, Dart and others on the Council drafted a national policy that called for civil rights legislation to end the century's old discrimination of people with disabilities—what would eventually become the Americans with Disabilities Act of 1990.

In 1986, Dart was appointed to lead the Rehabilitation Services Administration. Dart's tenure at RSA ended when at a Congres-



sional hearing he criticized the agency. Though he was asked to resign, Dart remained a functioning figure in disability policy even at the Federal level and, in 1988, he was appointed co-chair of the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities.

This consistent advocacy and long term conversation is what ultimately earned Dart the title of "Godfather of the ADA" as the information, network, and diligence - even with members of Congress, the Cabinet, and President George H.W. Bush - became the foundation of the legislative conversation around the ADA.

What Is the ADA?

The ADA is divided into four main sections, called "Titles."

Title One: Employment

Title One prevents discrimination in the workplace. Private employers who have more than 15 employees, state and local government, labor unions, and employment agencies cannot discriminate against qualified job applicants and employees on the basis of their disability. This means that it is illegal to ask a person about a disability during the employment interview. A person can choose to talk about a disability when asking for changes that will help in doing a job. This includes job restructuring and equipment modifications. If necessary, employers must make some changes to enable the qualified job applicant with a disability to perform the essential functions of the job.

Title Two: State & Local Governments/Transportation/Public Services

Title Two prevents government and other public agencies from denying service to persons with disabilities. This means that government facilities, services, and communications must be accessible and that no one can be prevented from using a pro-

gram, service or activity because of their disability. The ADA developed rules for new transportation systems, specifying that all new bus and rail cars must be accessible and that any new bus or train station must be designed to be accessible for persons who have disabilities. In places where public transportation is not accessible, other types of transportation must be provided. Modes of transportation that are covered include bus, commuter transit, subway and intercity rail systems.

Title Three: Public Accommodations

Public places (restaurants, hotels, theaters, doctors' offices, grocery stores, retail stores, museums, libraries, parks, entertainment venues, social service establishments, schools, day care facilities) may not discriminate on the basis of disability and must be made accessible. New construction and modifications to existing public facilities must be accessible. Existing facilities must try to remove any barriers if possible. If current barriers are not fixable, other ways of providing the service must be found. People with disabilities must have an equal chance to take part in an organization's goods or services.

Service Animals and the ADA

Title Four: Telecommunications

Telephone companies must provide systems for people who use telecommunication devices for the deaf (TDD) or similar devices. They cannot charge extra for these types of service. Organizations must have other ways of providing information that is easily usable and accessible to employees and consumers who are disabled.

Staff Profile: Eugene Organ Oregon ADA Center Coordinator

Eugene has been legally blind since his pre-teen years. He uses a wheelchair for mobility because of multiple sclerosis. He is also hard of hearing.

He worked with Justin Dart, Jr, and other advocates to lobby for the passage of the ADA. He attended the signing ceremony on the lawn of the White House.

Before becoming Coordinator for the Oregon ADA Center, he served as the ADA Coordinator for the State of Oregon.



What animals are allowed under the law? Under the ADA, service animals are defined as dogs, but also includes miniature horses under certain conditions.

What service must the animal provide? Service animals must be individually trained to do work or perform tasks for people with disabilities. The work or task a dog has been trained to provide must be directly related to your disability. Examples include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person with a seizure disorder, reminding a person with mental illness to take prescribed medications, guiding a person with a mental illness out the room during an anxiety attack, or performing other duties.

Service animals must be leashed or harnessed unless that interferes with the animal's work or the individual's disability prevents using those.

Companion animals do not qualify as service animals under Titles II or III of the ADA, but may be approved as a reasonable accommodation under Title I.

Program Profile: Oregon ADA Center

The Oregon ADA Center provides a non-adversarial approach to learning about and implementing the ADA. We provide trainings on regulations and on-site access surveys to evaluate compliance with ADA regulations. We answer any questions about the ADA and accessibility regulations.

The Oregon ADA Center offers expert opinions as to whether or not an action is a violation of the ADA. We do not file complaints on behalf of anyone; rather we give individuals with disabilities accurate data on the ADA and contacts for filing an ADA complaint upon request.

Our ADA staff assist governmental entities with the self-evaluation process for employment, programs, and services.

For non-governmental entities (businesses and non-profit organizations), the ADA staff provide ADA training regarding employment and accessibility of goods and services, as well as on-site access surveys.

Finally, the Oregon ADA Center helps to inform the general public about the ADA, its successes, and the challenges still to be overcome.



Clockwise from top left: Linda Young, Erycka Organ, Dawn Helwig, Gene Organ