

ADA - Findings, Purpose, and History

At the signing of the Americans with Disabilities Act on July 26, 1990, President George Bush stated, "Three weeks ago we celebrated our nation's Independence Day. Today we're here to rejoice in and celebrate another "independence day," one that is long overdue. With today's signing of the landmark Americans for Disabilities Act, every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom." (Remarks of President George Bush at the Signing of the Americans with Disabilities Act located at <http://www.eeoc.gov/ada/bushspeech.html>)

The ADA was the world's first comprehensive declaration of equality for people with disabilities. It was a collaborative effort of Democrats, Republicans, the legislative and the executive branches, federal and state agencies, and people with and without disabilities.

The ADA Anniversary is a time that we can **reflect positively** on a law that has made a great impact on the lives of people with disabilities and our country over the past 19 years. The message within the Preamble and history is powerful because it clearly states the Congressional intent that the law is intended "to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

We encourage you to use the Findings, Purpose, and History of the ADA in preparation for your anniversary events to continually promote the equal opportunity, independence, and full participation of people with disabilities in the American society.

ADA – Findings and Purpose

www.jan.wvu.edu/media/ADAHandbook/preamble.txt

When President Bush signed into law the Americans with Disabilities Act--the world's first comprehensive civil rights law for people with disabilities--in front of 3,000 people on the White House lawn on July 26, 1990, the event represented an historical benchmark and a milestone in America's commitment to full and equal opportunity for all of its citizens.

The President's emphatic directive on that day—"Let the shameful walls of exclusion finally come tumbling down"—neatly encapsulated the simple yet long overdue

***Your One-Stop Resource for Information about the
Americans with Disabilities Act***

message of the ADA: that millions of Americans with disabilities are full-fledged citizens and as such are entitled to legal protections that ensure them equal opportunity and access to the mainstream of American life.

Enactment of the ADA reflects deeply held American ideals that treasure the contributions that individuals can make when free from arbitrary, unjust, or outmoded societal attitudes and practices that prevent the realization of their potential. The ADA reflects a recognition that the surest path to America's continued vitality, strength and vibrancy is through the full realization of the contributions of all of its citizens.

Americans with Disabilities Act: Findings and Purposes

<http://www.dlrp.org/html/topical/adafindingspurposes.html>

ADA History

www.jan.wvu.edu/media/ADAHandbook/HIST.txt

The ADA signifies the adoption of a public policy committed to the removal of a broad range of impediments to the integration of people with disabilities into society. Historically, societies have frequently misconstrued, overreacted to, or ignored differences in individual mental and physical abilities. Recorded instances of ridicule, torture, imprisonment and execution of people with disabilities are not uncommon. One commentator stated that "Our society is still infected by an insidious, now almost subconscious assumption that people with disabilities are less than fully human, and therefore are not fully eligible for the opportunities, services and support systems which are available to other people as a matter of right."

In colonial times, it was considered the family's responsibility to care for individuals born with disabilities or those who became disabled later through illness, injury or other causes. According to a leading authority, "Fear, shame and lack of understanding led some families to hide or disown their disabled members or allow them to die." A system of "farming out" those individuals whose families were unable or unwilling to support them to people who received public assistance to provide for their room, board, and care survived until the latter part of the 19th century. Public concern over abuses--including recorded cases in which care providers collected their fees and then locked people with disabilities in attics to starve or freeze to death--eventually led to a change in focus.

A shift towards more organized, institutionalized care began in the 1820's. The term "warehousing," sometimes used to describe this type of treatment, refers to the fact that most such care was custodial in nature and resulted from a view of people with disabilities as defective, incompetent, and in need of special institutions, care, and services which isolated them from society in order to survive. Specialized institutions for individuals with particular types of disabilities were developed. These also were

custodial in nature. This pattern of institutionalization has fallen into disrepute for two principal reasons. First, individuals living in these institutions were subjected to abuse and neglect on a massive scale. Second, and even more fundamental, it was not the purpose of these institutions to promote the productivity or independence of those residing in them because the prevailing concept of disability at the time assumed that to attempt to do so was futile. The protective isolation model operated on the assumption that people with disabilities needed protection from the hardships of society. The loss to these individuals and to society of their freedom and contributions cannot be calculated. As a result many individuals who could have contributed to society and lived productively have been isolated and segregated.

In the 1920's the return of veterans of the first World War and an increase in industrial accidents meant there were large numbers of people with disabilities for whom rehabilitation and a return to work began to be considered as appropriate goals. Federal legislation created the forerunner to the rehabilitation structure in the United States, currently embodied in the provisions of the Rehabilitation Act of 1973.

The period from 1920 to 1960 was marked by the development of welfare and entitlement programs as an alternative to total care institutions. The return of WWII and Korean War veterans led to an increase in the range of available rehabilitation services. Developments in medical technology increased the number of individuals surviving disease and accidents and significantly increased the ability of people with disabilities to be more physically mobile. A burgeoning of the rehabilitation profession began. More work and recreational programs were created, although most of the organizations sponsoring them were run by nondisabled people and the programs were usually sheltered and segregated. Many of these organizations advocated for legislative and policy changes which led to the provision of some services for people with disabilities. The charity approach to disability, characterized by efforts to care for people with disabilities, was evidenced among those who wanted to "help the handicapped." One observer has characterized this period as one of "an increasing humanization of certain classes of disabled people based on qualities of deservedness, normalcy and employability and a move from total societal indifference to a recognition that the remaining 'unfortunates' must receive some level of minimal care."

The disability rights movement has increased in momentum over the course of the past twenty years. In contrast to earlier conceptions of disability, it presupposes the human potential of people with disabilities, maintains that people with disabilities are competent and have the right to govern their lives, and holds that the proper goals of public policy is the creation of meaningful equal opportunity. Core to the movement is the elimination of attitudinal, communication, transportation, policy and physical barriers which will result in a substantial enhancement in the integration of people with disabilities into our society.

Influenced by the goals, rhetoric and tactics of the civil rights movement, the modern disability rights movement has been marked by the increasing prominence of people

with disabilities themselves as its leaders and spokespersons and the emergence of the first national cross-disability organization in the 1970's. It rejects paternalistic treatment that impedes the realization of the full potential of people with disabilities.

Congress, since 1968, has passed a series of laws focused on the goal of integration through the provision of meaningful equal opportunity. Some of these statutes provided access to a limited class of public facilities and public transportation. The Rehabilitation Act of 1973, in addition to providing for the establishment of comprehensive programs of vocational rehabilitation and independent living, also created a federal board to coordinate and monitor access to public buildings and transportation, prohibited discrimination in employment by the federal government's Executive Branch, and required affirmative action in the hiring of people with disabilities by federal agencies and contractors. It also included the key national mandate prohibiting discrimination against people with disabilities by recipients of federal financial assistance. This last provision, Section 504 of the Rehabilitation Act, later served as a model for many of the ADA's provisions. The Education of All Handicapped Children Act of 1974 mandated an end to separate and unequal educational opportunities by requiring that all children with disabilities be entitled to a free appropriate public education. Legislation was passed that contained a bill of rights for people with developmental disabilities aimed at promoting the integration of such individuals into the community. The Fair Housing Act of 1968 was amended in 1988 to add protection for people with disabilities in this critical area.

In the employment arena a number of companies, partly in response to federal mandates, have found that hiring people with disabilities has helped improve the company's performance. Their spokespersons have indicated that they do so not hire persons with disabilities for altruistic reasons but in order to strengthen their workforce and the health of their enterprises. Business leaders have spoken out in favor of "full participation" for citizens with disabilities, arguing that business has an economic stake in hiring individuals with disabilities and, in so doing, taking advantage of the pool of potential talent they represent.

Notwithstanding these significant developments, the overall status of people with disabilities in our society remains dismal. As President Bush said, "People with disabilities are the poorest, least educated, and largest minority in America." Two thirds of Americans with disabilities between the ages of 16 and 64 are not working at all; yet a large majority of those not working say they want to work.

It was in this context that the National Council on Disability, an independent federal agency, issued, in 1986, *Toward Independence*, a report that examined incentives and disincentives in federal laws towards increasing the independence and full integration of

people with disabilities into our society. Among the disincentives to independence it identified were the existence of large remaining gaps in our nation's civil rights coverage for people with disabilities. A principal conclusion of the report was to recommend the adoption of comprehensive civil rights legislation, which became the ADA.

First introduced in the 100th Congress, the ADA bans discrimination in the areas of employment, public accommodation, public services, transportation and telecommunications. President Bush signed the ADA into law on July 26, 1990. Final regulations for Title I, the employment provisions of ADA, were issued on July 26, 1991 by the Equal Employment Opportunity Commission. The Department of Justice, on the same day issued final regulations, for Titles II (public services) and III (public accommodations).

The ADA was amended in 2008 to broaden coverage of individuals with disabilities that had been narrowed by several Supreme Court decisions. Its provisions became effective on January 1, 2009. Language in the preamble was changed to emphasize that Congress intended to cover a broad range of persons with disabilities.

“The Congress finds that—

‘(1) physical or mental disabilities in no way diminish a person’s right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination (§ 12101. Findings and purpose)

More information about the ADA Amendments Act of 2008 (ADAAA) can be found at:

ADAAA Resource Sheet

www.sedbtac.org/ada/publications/adaaa_resources.doc (Word file)

www.sedbtac.org/ada/publications/adaaa_resources.txt (Text file)