

## LEARN THE LAW

# Americans with Disabilities Act

**The Americans with Disabilities Act (ADA) became law in 1990 and was updated in 2008.** It protects people with disabilities from discrimination in employment, public services, public accommodations, and services from private businesses like transportation and telecommunications. **It is often regarded as the most sweeping civil rights statute enacted since the Civil Rights Act of 1964.** However, the law does not provide funding for services or accommodations.

In 2008, the Americans with Disabilities Amendment Act (ADAA) made significant changes to the ADA's definition of "disability," broadening the scope of coverage under both the ADA and Section 504 of the Rehabilitation Act.



The ADA protects people with disabilities from discrimination.

## Why It Matters

The ADA defines *an individual with a disability* as a person who:

1. has a physical or mental impairment that substantially limits one's major life activities;
2. has a record of such an impairment;
3. is regarded as having such an impairment.

Under the law, learning, reading, thinking, and concentrating are all considered major life activities. The 2008 amendments to the ADA require a broader interpretation of disability by schools, testing agencies, and employers than the original law.

## Section 504 vs. the ADA

The ADA was modeled after Section 504 of the Rehabilitation Act. While Section 504 only applies to programs getting federal money or run by federal agencies, the ADA covers state and local governments and many private organizations like employers and private K-12 schools. So, the ADA gives wider protection to people with disabilities, including those with learning disabilities.

## Americans with Disabilities Act

# Deeper Dive

Major provisions of the ADA include:



### Employment and Reasonable Accommodations

**Both private and public employers with more than 15 employees are prohibited from discriminating against individuals with disabilities during hiring, firing, pay, training, and other work-related conditions.** A person is considered “qualified” when they can do the primary tasks of a job, with or without reasonable accommodations. **If an employee requests reasonable accommodations for a disability, the employer must provide them.**

Reasonable accommodations might include modifying equipment or devices or changing a work environment. They do not include removing essential job functions, creating new jobs, or providing items for personal needs. students with disabilities.

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### Public Entities

Public entities also have to **offer services in settings that integrate people with disabilities as much as possible**, avoiding institutionalization or segregation. In a 1999 case called *Olmstead v. L.C.*, the U.S. Supreme Court ruled that segregation of people with disabilities without a good reason violates the ADA.



### Public Life

**The ADA bars discrimination against individuals with disabilities in public accommodations or most aspects of public life.** The Act lists 12 types of public accommodations: hotels, motels, and other places of lodging; bars and restaurants; sales and retail establishments; movie theaters, concert halls, and other entertainment venues; and nursery, elementary, secondary, undergraduate, or postgraduate public and private schools and other places of education.

## Additional Resources

- [The Americans with Disabilities Act, as Amended](#)
- [Congressional Research Service, The Americans with Disabilities Act: A Brief Overview](#)
- [Congressional Research Service, The Americans with Disabilities Act \(ADA\): Statutory Language and Recent Issues](#)