AMERICANS WITH DISABILITIES ACT

Ohio | Department of Developmental Disabilities

Ohio | Opportunities for Ohioans with Disabilities

A Message from Director Martin and Miller

25 years ago, President Bush signed into law the Americans with Disabilities Act (ADA). In so doing, he welcomed Americans with disabilities into the mainstream of life. **"We embrace you for your abilities and for your disabilities, for our similarities and indeed for our differences, for your past courage and your future dreams,"** he said. The President said the purpose of the Act was to **"ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard: Independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the rich mosaic of the American mainstream."**

We have come a long way since President Bush signed the ADA. **Today, people with developmental disabilities are active members of their communities – something that didn't seem possible just a few decades ago.** They are working in the grocery store you shop at each week or may be your colleague at work. They are living in the home across the street from you. They are attending church services, volunteering at the food pantry, and attending classes in every level of the educational system. .

This inclusion has benefitted all of us in many ways. **Living and working in the community has given individuals the opportunity to give back to their communities, to become more financially independent and to increase their skills.**

Including Americans with disabilities as equal members of the community has also benefitted the community as a whole. **When we live and work alongside people with diverse backgrounds, skills, and abilities, our minds open to new possibilities. We learn to understand and appreciate each other for our similarities and differences, and we achieve more than we ever could from exclusion.** Only then are we able to leverage every individual's unique skills and contributions.

It's also important to not rest on our laurels, but to acknowledge that there is still work to be done. There are still individuals with disabilities who want to live and work in their communities, and are not yet able to do so. We must continue to advocate for everyone to be included as full members of their community.

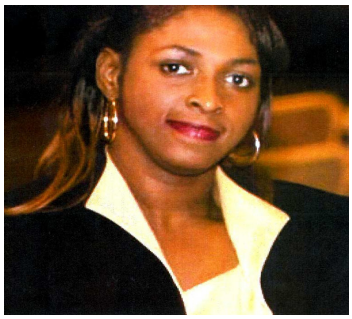
As we approach the 25th anniversary of the ADA, let's pause to reflect on how far we've come, and to thank the people who worked so hard to get us to where we are today. **Then, let's look to the future, expand our vision, and work toward new possibilities. What advancements, open doors, and new possibilities can we achieve in the next 25 years?**

John L. Martin
Director, Department of Developmental Disabilities

Kevin L. Miller
Director, Opportunities for Ohioans with Disabilities

Change for the Better

Over the past 20 years I have seen many things become accessible for people with disabilities. I am always on the go, in and around the community, so let me share with you some of my findings that have made my life a lot better thanks to the ADA.



Hotels have really stepped up their game when it comes to accessibility. Did you know most hotels now are equipped with portable lifts that can assist with helping a person get into a swimming pool? I have seen several in hotels around Ohio and other states as well. Other accommodations I have seen in hotels are strobe fire alarms for the deaf and hard of hearing, key swipe pads that are placed low enough so a person in a wheelchair can reach them, and alternative reading formats for materials such as menus and safety information in Braille or in enlarged print for a person who may be blind or have low vision. To better know what accommodations you are entitled to and should be looking for when reserving a room at a hotel, I have added a link to an ADA survey here: http://www.ada.gov/hsurvey.htm

Public venues such as theaters and parks have also become more accessible, thanks to the ADA. I was talking to my friend Linda who told me she had gone to see the Broadway play "Wicked" at the Benjamin & Marian Schuster Performing Arts Center, here in Dayton. Linda, who is blind, was able to reserve the audio description device. The audio description's primary function is to put voice emphasis on size, color, texture and detail while still providing a description of the play's action, moment by moment, including the scenery and the character's actions. The audio description device allows a person to listen to a performance using headphones to visualize a play using their creative mind. Before the ADA, a person who was blind could still go to a play but without the audio device he or she probably would not get the total experience of a play.

Thanks to the ADA, when attending park events at various outside venues, I know that things are going to be pretty accessible. At all venues, there are usually designated parking spots for people with mobility devices. What make matters even better is the designated seating for people with a disability is for the most part really good.

I am also happy to see more people with disabilities working. I know the ADA has a lot to do with this. No longer can an employer exclude a person from getting a job because the building is not accessible. Again, thanks to ADA, it is mandated into law that all establishments must be accessible. Now, I'm sure there is some undercover attitudinal discrimination still going on in the world today when it comes to hiring people with disabilities, but that's just the way it is. But, because of the ADA at least people with disabilities know there are no physical barriers on where they would like to work.

So, as you can probably tell, **I am ecstatic over the changes that the ADA has brought forth. My life is better and filled with opportunities because of it.** Take some time to learn about the Americans with Disabilities Act and don't forget to celebrate its 25th anniversary on July 26th!

Shari is a Sinclair Community College graduate and currently works as the Community and Staff Relations Associate at Goodwill Easter Seals Miami Valley. She is an active advocate for people with disabilities, serving on the Governor's Council on People with Disabilities, the Secretary of State's Americans with Disabilities Act Council and as 2008 Ms. Wheelchair Ohio. In 2008 she was elected to the Board of Directors for the National Association of Councils on Developmental Disabilities.

Reflecting on the ADA

As we focus on the 25th Anniversary of the Americans with Disabilities Act (ADA) of 1990, I spent a little time in my all too unorganized files to review history a bit. I found a copy of the original Senate Bill, S. 933, from 1989. Also, I reviewed many faxed documents as a reminder of the technology used often at the time to communicate updates and advocacy efforts across Ohio and across the country. I recalled meeting with all of Ohio's Members of Congress and many other legislators and staff. I found the small American Flag given to me on the White House lawn on a very hot July day with 3000 of my closest friends (and much water and lemonade) as we watched and cheered as President George H. W. Bush signed the ADA legislation into law (PL 101-336) after it had been passed by both Houses of Congress by wide bipartisan margins. (Finally, a quick memory flashed that I was then in my 30s and am now pushing 60 and still advocating – perhaps moving a bit more slowly.)

After my walk and wheel down memory lane, one primary recollection resonates again and again. The months, and years, and decades of work that went into the passage of the ADA. Dozens and dozens of different advocacy groups representing a wide variety of people with different disabilities and points of view learned to work together and learned to work with Republicans and Democrats in Congress and the Administration on the road to July 26, 1990. We learned to hash out significant issues and disagreements behind closed doors, find compromises and support each other – not an easy task and it has become no easier today. But we did it and we must continue to do it every day.

Since I've been working on public policy and disability issues for over 30 years, just a quick snippet of legislative history that preceded the ADA:

•The 1968 Architectural Barriers Act and 1973 Rehabilitation Act removed significant obstacles and prohibited discrimination in federal programs and by those receiving federal funds.

•The 1975 Education for All Handicapped Children Act, Renamed 1990 Individuals with Disabilities Education Act (IDEA), requires public schools to provide "free appropriate public education" to all students, including students with disabilities.

•In 1988, The National Council On Disability (NCD - a small, independent federal agency that advises Congress and the Administration on issues affecting people with disabilities) published On the Threshold of Independence (www.ncd.gov/publications/1988/Jan1988) and The Americans With Disabilities Act of 1988--A Draft Bill was included as part of that report to the President and Congress. I had the honor of working as NCD's Congressional Liaison on two separate occasions, and their reports are highly respected.

As space here doesn't permit a long discussion of the many, many people and organizations that worked tirelessly, and legislation that came before and after the ADA, search the Internet for the history of the ADA as time permits to get a sense of how we arrived at the 25th Anniversary. Off the top of my head, perhaps start with Justin Dart (called the father of the ADA), Lex Frieden, and Ed Roberts. Here's two websites to start you thinking: Disability & Employment: A Timeline

Reflecting on the ADA - continued

(www.dol.gov/featured/ada/) and From the Archives: A Landmark Moment for Americans with Disabilities (www.whitehouse.gov/blog/2012/07/26/archives-landmark-moment-americans-disabilities).

It took great labor, sadness and joy to reach the ADA. As you will see as you search, it meant years of hard work that was not accomplished alone or quickly.

As I ponder my personal history, I have been blessed to hold many positions in the public sector and jobs in the private sector, too. When I was younger, less people with disabilities were in the community and workforce than even today, and most often I was the only person with a visible or self-identified disability in my workplace. Many will tell stories of working harder and longer hours to be sure not to be seen as just having the job due to a disability. I felt that way at times, too.

One small example comes to mind. I interviewed for a job as Resident Staff Advisor to begin in the fall of my junior year. I was asked to fill an unexpected vacancy in the spring of my sophomore year for the wing of a dorm. As my parents were helping me move to the new dorm over spring break, my mother asked if I was sure I wanted to do this as she expressed worry whether I could go to school and do this too. My less than certain response was – you must let me try.

That is the lesson, the history, and the future of the ADA. It says you must hire the most qualified person with or without a disability. Everyone has an equal chance and opportunity to try. We all have choices to learn, grow, contribute and have full lives. Actual experiences, internships, education, jobs and lives in the community are all vital. We each have much to learn from the other, whether or not we are a person with a disability. We all bring things to the table to teach and learn and it works best if we do it together.

I speak as a person with cerebral palsy who has been married for almost 28 years to a spouse that I learn from every day. I have been fortunate to have persons with and without many other disabilities, veterans with disabilities, parents, advocates and others who gently and sometimes directly educate me on issues from their point of view and the culture surrounding their disability experiences. I have had the interesting experience to live in a myriad of communities, with and without people with disabilities, and continue to work toward valuing all differences and living in one community. Again, the ADA is about everyone having the opportunity to develop, use and be valued for their talents and abilities.

Thanks to a little push from my mother and father at different times (that's another story, maybe two or three), I attended public school long before the IDEA was the law, had summer jobs and volunteer positions, went to college, had jobs while in college, then was hired on a Fellowship in the Ohio Statehouse. That led to jobs and contributions in both Ohio and Washington, D.C. In fact, I met my wife while working in the Ohio Statehouse as we were aides in the Ohio House and Senate. My life would not be as it is and I would not be penning this article without these opportunities to learn, grow and contribute as a person who happens to have a disability too.

Reflecting on the ADA - continued

Bobby Silverstein (as staff director and chief counsel for the Subcommittee on Disability Policy/Senate Committee on Labor and Human Resources, and architect of much of the behind the scenes work on the ADA) is quoted as saying, "To me, equal employment opportunity and ADA sends a very different message; it rejects this whole paradigm of how we treat people with disabilities and instead substitutes a very simple proposition; that disability, like race, like gender, is simply a natural and normal part of the human experience that in no way should diminish a persons' right to fully participate in all aspects of American life." (www.eeoc.gov/eeoc/history/35th/voices/silverstein.html)

I now serve as chair of the Ohio Developmental Disabilities Council to continue to work for more choices and independence. I work to pass the baton to the next generation seeking and working toward real choices that lead to full inclusion in all facets of our communities and our country. I reach back to the commencement address I gave in 1979 at Kent State University – The Finals Are Never Over – and ask you to hold that thought.

Now, we take a well earned breath and celebrate the 25th anniversary of the ADA. We embrace both in person and across the net and social media as we keep our history alive and remember how long the journey has been to this point and how far we have come.

After the celebrations are over, we must continue learn from the past and each other and continue to move forward. The lesson of the ADA is that we are never done – even though you go to school, or complete school, or have a job, or live where you want to live, or shop where you want to shop, or travel where you want to travel, or live with whom you wish – the finals are never over. The ADA works to give everyone equal opportunities. The challenge continues to be, we must use those opportunities.

With more than 30 years of experience impacting national and state public policy, Mark E. Seifarth has held a wide variety of positions in both Ohio and Washington, D.C. He has worked on both the original Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, several reauthorizations of the Rehabilitation Act/Workforce Investment Act, and numerous federal and state laws affecting the daily lives of people with disabilities. Mark currently is Chair of the Ohio Developmental Disabilities Council (ODDC). His former positions have included Congressional Liaison – National Council on Disability, Commissioner & Vice Chair – Ohio Rehabilitation Services Commission (RSC), and Legislative Liaison –DODD, among others. His advocacy and volunteer efforts and awards have included Board Member – Center for Disability Empowerment, Chair and Board Member – MOBILE Independent Living Center, Elsie D. Helsel Advocacy Award – ODDC, and Ohio Buckeye Chapter Award for Service – Paralyzed Veterans of America, among many others.

Throughout his career, Mark has made numerous presentations and provided educational sessions on legislative and disability issues to countless disability and advocacy groups throughout Ohio and the nation. A sampling includes organizations such as the National Rehabilitation Association, the County Commissioners Association of Ohio, the Ohio School Boards Association, the Ohio Association of Goodwill Industries, the Georgia Rehabilitation Association, and a wide variety of independent living centers and groups of people with disabilities and advocates in Ohio and nationally.

Writer of ADA Anthem Recalls ADA Signing

On July 25, 1990, I returned unexpectedly from vacation a day early. Awaiting me was an elegant letter from the White House inviting me to the signing of the Americans with Disabilities Act, to be held the following day, July 26. I booked a roundtrip ticket for the earliest and latest flights.

Jeff with Justin Dart Jr.

With some trepidation, I telephoned Justin Dart Jr., the father of the ADA, and asked if I might become part of the program. I offered to sing my original song *"The ADA Anthem"* - written and performed for rallies towards its passage. I faxed the lyrics. Late that afternoon, Mr. Dart informed me that I would perform the next evening at the Senate's reception for the ADA's coalition of Congressional and Disability Rights leaders.

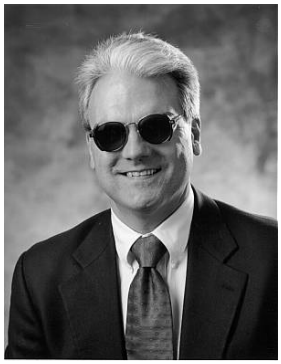
"ADA -- we stand as one to see it through. ADA -- civil rights overdue."

I arrived at the White House an hour early July 26, 1990, lugging my heavy guitar and backpack of gear needed for that evening. A marine in dress-uniform ushered me to the front row of the public section, behind Congressional seating on the South Lawn. As elected leaders filled their prescribed seating area, my new acquaintance next to me excitedly reported that Senator Edward Kennedy was directly in front of us. A wooden platform would elevate the President above the 2,500 advocates and Congressional leaders who would witness the signing of the most comprehensive Civil Rights bill in twenty-five years.

As President George H. W. Bush strode from the Executive Mansion across the platform, to the Marine Band's "Hail to the Chief," most of the gathered assembly spontaneously stood as one and applauded. But within moments, loud shouts of "Sit down!" - "We can't see!" broke from the rear, shattering the sultry summer solemnity. Senator Kennedy swiftly turned around to see who was so rudely interrupting this venerable demonstration of bipartisan respect. There he saw hundreds of people using wheel chairs, positioning them at different heights - all being denied visual access. Two imperatives - overdue inclusion of people with disabilities and the tradition of standing for the President - collided.

Senator Kennedy and other early perceivers instantly began tapping shoulders, leading the charge to sit back down. Thus continued the long and arduous road of individual and community action toward equal access.

To hear Jeff perform his song, see "the ADA anthem" http://www.youtube.com/watch?v=3bw2e-acBKc



By Jeff Moyer (writer of the ADA anthem, from Cleveland, long-time disability advocate who is blind.)

Overview of the ADA

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles (or sections) that relate to different areas of public life.

Title I - Employment

Designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities.

Applies to employers with 15 or more employees.

Requires employers to provide reasonable accommodations to qualified applicants or employees. A "reasonable accommodation" is a change that accommodates employees with disabilities without causing the employer "undue hardship" (too much difficulty or expense).

Defines disability, establishes guidelines for the reasonable accommodation process, addresses medical examinations and inquiries, and defines "direct threat" when there is risk of substantial harm to the health or safety of the individual employee with a disability or others.

Regulated and enforced by the U.S. Equal Employment Opportunity Commission.

Title II - Public Services: State and Local Government

Prohibits discrimination on the basis of disability by "public entities," which are programs, services and activities operated by state and local governments.

Requires public entities to make their programs, services and activities accessible to individuals with disabilities.

Outlines requirements for self-evaluation and planning; making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; identifying architectural barriers; and communicating effectively with people with hearing, vision and speech disabilities.

Regulated and enforced by the U.S. Department of Justice.

Title III - Public Accommodations and Services Operated by Private Entities

Prohibits places of public accommodation from discriminating against individuals with disabilities. Public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, and so on.

Overview of the ADA

Sets the minimum standards for accessibility for alterations and new construction of commercial facilities and privately owned public accommodations. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense.

Directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities.

Requires that businesses take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities.

Regulated and enforced by the U.S. Department of Justice.

Title IV - Telecommmunications

Requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing and speech disabilities to communicate over the telephone.

Requires closed captioning of federally funded public service announcements.

Regulated by the Federal Communication Commission.

Title V - Miscellaneous Provisions

Contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees.

Provides a list of certain conditions that are not to be considered as disabilities.

Transportation

Public Transportation is offered by a state or local government and is covered by Title II of the ADA. Publicly funded transportation includes, but is not limited to, bus and passenger train (rail) service. Rail service includes subways (rapid rail), light rail, commuter rail, and Amtrak.

If transportation is offered by a private company, it is covered by Title III. Privately funded transportation includes, but is not limited to, taxicabs, airport shuttles, intercity bus companies, such as Greyhound, and hotel-provided transportation.

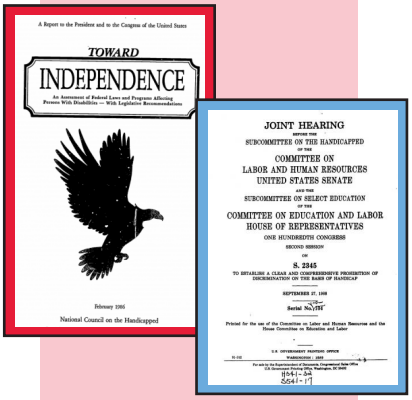
The U.S. Department of Transportation, Federal Transit Administration releases information, guidance and regulations on public transportation and the ADA.

Source: ADA National Network (www.adata.org)

Timeline of the ADA

1986

National Council on Disability (NDC) report *Toward Independence*



1988

NCD Report: *On the Threshold of Independence*

Congressional Task Force: Rights and Empoyerment of Americans with Disabilities

Americans with Disabilities Act (ADA) introduced

1989

ADA revised

1990

ADA passed the Senate

July 26, 1990 -- The ADA is signed into law by President George H.W. Bush

1991

Addition regulations issued: Title I - employment, Title II - state and local government, Title III - public accommodations, Title IV - telecommunications

1992

Title I for employers with 25+ employees and Title II took effect

1993

Title IV took effect

1994

Title I took effect for empoyers with 15+ employees

1999

U.S. Supreme Court rulings: *Olmstead* **- services must be provided in integrated, community-based settings when possible.** *Sutton* **triology - narrowed the definition of disability.**

2002

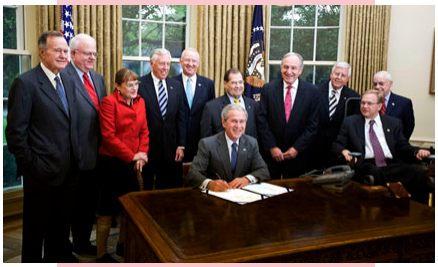
U.S. Supreme Court ruling: *Totota* **- definition of disability**

2004

NDC report: *Righting the Americans with Disabilities Act*

2006

Revised transportation regulations



2008

ADA Amendments Act (ADAAA) signed by President George W. Bush

2009

ADAAA took effect

2010

Revided Title II and Title III regulations - Department of Justice, Department of Transportation

2011

Revised transportation regulations (Title II and Title III)

2013

Revised Title I regulations - U.S. Equal Employment Opportunity Commission (EEOC)

2014

Updated guidelines for informaiton technology, telecommunications, public rights-of-way, passenger vessels, and more

2015

25 YEARS

July 26, 2015: The 25th anniversary of the ADA!

ADA 25 1990-2015
AMERICANS WITH DISABILITIES ACT

A Look Back On the Passage of the ADA

July 26th marks the twenty-fifth anniversary of the Americans with Disabilities Act (ADA), providing "a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." On this date twenty-five years ago, I attended the White House celebration along with three thousand advocates as President George H. W. Bush signed the ADA into law. Together, we envisioned a new era where people with disabilities would no longer face discrimination in employment, education, housing, public transportation, and access to the greater community.

The real driving force of this legislation was from thousands of advocates with disabilities who organized and did whatever it took to advance the fight. People of all disabilities staged sit-ins, chained wheelchairs to inaccessible buses, and marched to demand justice and equality. Public rallies were held throughout Ohio, with The Ability Center hosting the ADA events in downtown Toledo.

Following other prominent civil rights leaders, Justin Dart, Chair of the Congressional Task Force on the Rights and Empowerment of People with Disabilities, traveled across the country holding public forums and creating the "discrimination diaries," documenting instances of discrimination and injustice experienced by people with disabilities. His passion for justice gained him the respect of both parties in Congress, as he demonstrated that his own disability would not define his destiny.

The ADA is a federal law prohibiting discrimination against people with disabilities, and it is federal policy that people with disabilities have the right to pursue their lives in the same way that those without disabilities do. People with disabilities can be contributing members of society.

Looking back twenty-five years, much has been accomplished under the ADA. Public facilities have become more welcoming, employers have embraced persons with disabilities as part of their diversity initiatives, and progressive communities have linked the critical role of public transportation to the wellbeing of those who don't drive.

There is still much work to be done to ensure the promise of the ADA. We the community must get serious about finding community-based employment for those who can work. We the community must ensure graduating students with a disability have a career path that focuses on abilities. We the community must embrace housing policy which allows persons to live in homes with supports. We the community must ensure that local governmental and public institutions understand not only the letter of the law, but the spirit of the law. We the community must understand that any community less one is no longer a true community.

Tim Harrington is the Executive Director of The Ability Center of Greater Toledo.