

ADA Celebrates 23 Years



Twenty three years ago on July 26th The American's With Disabilities Act was signed into law. The ADA recognizes civil rights for the disabled and reflects the changing societal attitudes partially brought about by Section 504 of the Rehabilitation Act passed Seventeen years earlier.

The Oxford English Dictionary notes that the first published use of the word handicap in association with impairment was in Lillian D. Wald's *The House on Henry Street* (1915); Chapter 6 is titled "The Handicapped Child." Sixty five years later the term "handicapped" was used in the precursor to the ADA, the Rehabilitation Act's Section 504. While still rooted in the medical and charitable conception of disability, the term handicapped was anchored to a broader definition: "A physical or mental condition that substantially limits one or more major life activities." The focus turned to preventing discrimination within federally funded programs, including state and local government, solely on the basis of handicap. After a four year struggle to implement enforceable regulations, the law would emphasize accommodations that would allow participation in the most integrated setting possible rather than segregation.

Thirteen years later, in 1990 the American's With Disabilities Act (ADA) was passed, extending rights beyond federal funded recipients by including private employers and business in the same fashion as the Civil Rights Act. The opening of the ADA summarizes the findings of Congressional hearings:

"Individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society..."

In 2008 Congress passed the ADA Amendments Act providing feedback on the Courts' interpretation of the ADA. The bulk of the amendments clarified the broad coverage of the ADA, making the definition of disability more inclusive. Congress also revised the prohibition on discrimination from against "otherwise qualified individuals with disabilities" to "on the basis of disability." This brought the ADA's prohibition against discrimination in sync with the protections based on race, national origin, sex and veteran's status.

Over the past 23 years, the ADA has set the stage for disability to become an implicit part of efforts to support and value diversity alongside ethnicity, sexuality, national origin, religion and race becoming an implicit part of efforts to value diversity.