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Accessibility and Disability Related Laws

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Disclaimer

- **Information, materials, and/or technical assistance are intended solely as informal guidance and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.**
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ADA National Network

- **Technical Assistance**
- **Refer and Network**
- **Conduct Research**
- **Provide Training**
- **Publish & Share Materials**
- **Social Media**



Contact:
1-800-949-4232
www.adata.org

Accessibility Consulting

- Self-Evaluation and Transition Plans
- Facility Audits
- Architectural Plan Review
- Policy & Procedure Review
- Public Right-of-Way Review
- Website Accessibility Audits
- ADA Lawsuit Audits



Learning Objectives

- 1. Introduce Federal laws that relate to disability and accessibility**
- 2. Breakdown four of the most critical laws for customer-facing organizations to be aware of**
- 3. Understand where to go to get more information about these laws**

Federal Disability Rights Laws

1. Architectural Barriers Act
2. Achieving a Better Life Experience Act
3. Affordable Care Act
4. Air Carrier Access Act
5. Americans with Disabilities Act
6. Age Discrimination in Employment Act
7. Civil Rights Act of 1964
8. Civil Rights of Institutionalized Persons Act
9. 21st Century Communications and Video Accessibility Act
10. Fair Housing Act
11. Family Medical Leave Act
12. Genetic Information Nondiscrimination Act
13. Help America Vote Act
14. Health Insurance Portability and Accountability Act
15. Individuals with Disabilities Education Act
16. Medicaid
17. National Voter Registration Act
18. Rehabilitation Act
19. Social Security and Medicare
20. Telecommunications Act
21. Ticket to Work/Work Incentives Improvements Act
22. Voting Accessibility for the Elderly and Handicapped Act
23. Voting Rights Act
24. Workforce Innovation and Opportunity Act
25. Workers Compensation

Americans with Disabilities Act (ADA)

Americans with Disabilities Act

- **Civil Rights Law = legal guarantee for all citizens, regardless of identity and/or circumstances**
 - Promises equal treatment
 - Prohibits discrimination
 - Signed into law on July 26, 1990, by George H.W. Bush
 - Passed with a 377-28 margin
 - Descriptive, not prescriptive

Disability Definition

1. Has a **physical or mental impairment** that **substantially limits** one or more **major life activities**
2. Has **a record** of such an impairment
3. Is **regarded** as having an impairment



Titles of the ADA

- **Title I – Employment**
- **Title II – State and local government**
- **Title III – Public accommodations and commercial facilities**
- **Title IV – Telecommunication**
- **Title V - Miscellaneous**

Title I

Equal Employment
Opportunity Commission

www.EEOC.gov



Title II & Title III

US Department of Justice

www.justice.gov



Title IV

Federal Communications
Commission

www.fcc.gov



Enforcement

Air Carrier Access Act (ACAA)

Air Carrier Access Act

- **Passed in 1986**
- **Prohibits discrimination on the basis of disability in air transportation including flights of U.S. airlines, and flights to or from the United States by foreign airlines.**

Key provisions:

- **Assistance boarding, deplaning and making connections.**
- **Treatment and storage of wheelchairs and other mobility aids.**
- **Accessibility in newly built aircraft.**
- **Not require advance notice that a person with a disability is traveling.**
- **Portable oxygen policies.**
- **Allow service animals.**
- **Not require a person with a disability to travel with another person, except in limited circumstances.**
- **Security screening.**
- **Provide priority seating.**

Disability Definition

1. Has a **physical or mental impairment** that **substantially limits** one or more **major life activities**
2. Has **a record** of such an impairment
3. Is **regarded** as having an impairment



US Department of Transportation

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www.transportation.gov



Enforcement

Fair Housing Act (FHA)

Fair Housing Act

- **Passed in 1968**
- **Applies to**
 - **Property owners**
 - **Housing managers**
 - **Homeowners and condominium associations**
 - **Lenders**
 - **Real estate agents**
- **Prohibits discrimination on the basis of disability (among others)**

Key provisions:

Housing providers must:

- **Make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities**
- **Allow people with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces.**

Design and Construction Requirements:

- **New multifamily housing must be designed and built to allow access for persons with disabilities.**

Disability Definition

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US Department of Housing and Urban Development

www.hud.gov



Enforcement

Individuals with Disabilities Education Act (IDEA)

Individuals with Disabilities Education Act

- Passed in 1975.
- Requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.
- Covers certain children with disabilities from birth to age 21 or graduation.

Key provisions:

- Public school systems must develop Individualized Education Programs (IEPs) for each child.
- IEPs must be developed by a team of knowledgeable persons and reviewed annually

Disability Definition

A child with specific disabilities who, by reason thereof, needs specially designed instruction and related services.

- Autism
- Deaf-Blind
- Deafness
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairments
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment including Blindness

State Education Agency
or
US Department of Education
www.ed.gov



Enforcement

State Laws Vary

- **Individuals with disabilities also may be protected by state anti-discrimination laws, some of which are more stringent than the federal laws.**
- **To learn more about rights under state laws, contact your state's governor's office on disability issues.**

Additional Resources

- Rocky Mountain ADA Center – [A Guide to Federal Disability Rights Laws](#)
- New England ADA Center – [Disability Rights Laws Overview](#)
- ADA National Network – adata.org
- Federal agency websites
- U.S. Access Board
- State Office of Disability



Contact Us. We're here to help.

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