

ADA—What are the details?



Currently, 54 million Americans have a disability --1 in 5 (U.S. Census). By the year 2010, the Census Bureau projects 1 in 3 Americans will have a disability. Fewer than 15% of Americans with disabilities were born with their disability (Institute of Medicine) One in five Americans has some form of mental illness (National Institute of Mental Health)

The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, transportation and telecommunications. To be covered by the ADA ("qualified person with a disability"), employees must meet the ADA's definition of "disabled" and be able to perform the essential functions of a job with or without accommodations.

Title II of the ADA covers State and local governments. Some key features include:

The entity may not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability. For example, a city may not refuse to allow a person with epilepsy to use parks and recreational facilities.

The entity must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal access.

Public entities must eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless "necessary" for the provisions of the service, program or activity.

Definition of "Disability"-

Anyone with a physical or mental impairment that substantially limits one or more major life activities, or, has a record of such impairment or is regarded as having such an impairment.

THE ADA DEFINES MAJOR LIFE ACTIVITIES:

- Walking
- Speaking
- Sitting
- Hearing
- Standing
- Learning
- Breathing
- Thinking
- Taking care of self
- Seeing

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CONSTRUCTION STANDARDS



ADA—Old building requirements

State and local governments must ensure that individuals with disabilities are not excluded from services, programs, and activities because buildings are inaccessible.

Entities need not remove physical barriers, such as stairs, in all existing buildings, as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility.

Entities can provide the services, programs, and activities offered in the facility to individuals with disabilities through alternative methods, if physical barriers are not removed, such as relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building.

ADA—Construction Guidelines

The ADA does not require retrofitting of existing buildings to eliminate barriers, but does establish a high standard of accessibility for new buildings. Public entities must ensure that newly constructed buildings and facilities are free of architectural and communication barriers that restrict access or use by individuals with disabilities. When a public entity undertakes alterations to an existing building, it must also ensure that the altered portions are accessible. So what's the problem meeting all the new construction requirements and why are entities like Bend and Deschutes County in the newspaper about their construction projects? Standards are not easy. Try your own interpretation skills on the next two pages !!!



