

THE AMERICANS WITH DISABILITIES ACT (ADA)

THE LAW AND ITS IMPACT ON POSTSECONDARY EDUCATION

What is the Law?

The Americans with Disabilities Act of 1990 (ADA) is the civil rights guarantee for persons with disabilities in the US. It provides protection from the discrimination for individuals on the basis of disability. The ADA extends civil rights protections for people with disabilities to employment in the public and private sectors, transportation, public accommodations, services provided by state and local government, and telecommunications relay services.

What the ADA's Definition of "Person with a Disability"?

A "person with disability" is anyone with a physical or mental impairment that substantially limits one or more major life activities, such as caring for one's self, performing manual task , walking, seeing, hearing, peaking, breathing, learning, and working. In addition of those people who have visible disabilities, the definition includes people with a whole range of invisible disabilities. A person is considered to be a person with disability if he/she has a disability, has a record of disability or is regarded as having a disability.

How does the ADA affect Institutions of Higher Education?

The ADA upholds and extends the standards for compliance set forth in section 504 of the Rehabilitation Act of 1973 to employment practices, communications and all policies, procedures and practices that impact on the treatment of students with disabilities. Employment issues for all institutions are covered under Title I, for all activities, public institutions are covered under Title II; private institutions are covered under Title III

Because of the public attention given to the passage and implementation of the ADA, renewed attention is being focused on disability access to institutions of higher education. This focus includes the whole scope of the institution activities, including facilities, programs and employment.

Public Institutions of higher education are responsible for having a clearly established grievance procedure for persons with disabilities who feel their rights have been violated under the ADA.

Of particular importance in making appropriate accommodations for students with disabilities are the mandates for making modifications as needed in policies, practices, and procedures and for assuring accessibility of examinations and courses. As required in Section 504, this includes all aspects of academic and non-academics activities, including admissions and recruitment , admissions to programs , academic adjustment, housing , financial assistance, physical education and athletic, and counseling.