



# Transition Newsletter

**Volume 20**  
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**ADA32** ★ 1990 - 2022 ★  
Americans with Disabilities Act  
Celebrate the ADA! July 26, 2022

In July, not only do we celebrate our nation's independence but also the signing of the Americans with Disability Act (ADA) which is a historic law that has helped ensure basic civil rights for over 60 million Americans with disabilities!

**RESOURCE HIGHLIGHT**

**Disability Rights**  
South Dakota

Disability Rights South Dakota (DRSD) is the non-profit legal services agency dedicated to protecting and advocating for the rights and inclusion of South Dakotans with disabilities. DRSD embraces change and envisions a South Dakota where people with disabilities: have a life of inclusion and dignity;

- where they are self-directed and without barriers;
- where all citizens receive equal treatment and respect for their decisions;
- where citizens with disabilities and their families can live free from fear of abuse, neglect, discrimination, and exploitation.

*This is for information only. DHS is neither supporting or endorsing. Please determine for yourself if you wish to use it and proceed accordingly.*

### What is the ADA?

The Americans with Disabilities Act (ADA) protects individuals with disabilities from discrimination in many settings. The ADA was originally passed in 1990 and was the first major federal civil rights law protecting individuals with disabilities on various aspects of disability discrimination.

### Title I—Employment

- Requires covered employers to provide reasonable accommodations for applicants and employees with disabilities and prohibits discrimination on the basis of disability in all aspects of employment. Reasonable accommodation includes, for example, restructuring jobs, making work-sites and workstations accessible, modifying schedules, providing services such as interpreters, and modifying equipment and policies.

### Title II—Public Entities including transportation

- Public services (including government and schools) cannot deny services to people with disabilities or deny participation in programs or activities that are available to people without disabilities. In addition, public transportation systems, such as public transit buses, must be accessible to individuals with disabilities.

### Title III—Public Accommodations

- Public accommodations include facilities such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems. This requires that all new construction and modifications must be accessible to individuals with disabilities. For existing facilities, barriers to services must be removed, if readily achievable.

### Title IV—Telecommunications

- Telecommunications companies offering telephone service to the general public must have telephone relay service to individuals who use telecommunication devices for the deaf.

### Title V—Miscellaneous

- Prohibits either (a) coercing or threatening or (b) retaliating against individuals with disabilities or those attempting to aid people with disabilities in asserting their rights under the ADA.



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transitionresources.aspx](https://dhs.sd.gov/transitionresources.aspx)



### Who does the ADA protect?

The ADA defines a person with a disability as an individual:

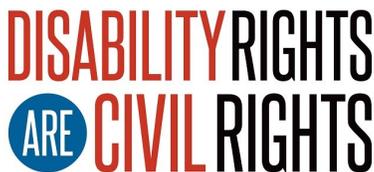
- With a physical or mental impairment that substantially limits one or more major life activities;
- Who has a record of such an impairment; or
- Who is regarded as having such impairment. (This means that the attitudes of others toward them substantially limit a major life activity, or they are treated as having an impairment).

The definition of a “major life activity” includes but not limited to: caring for oneself, performing manual tasks, seeing, learning, eating, breathing, working, sleeping, walking, standing, lifting, reading, bending, concentrating, thinking, and communicating.

### Why is the ADA important?

Believe it or not, there were virtually no civil rights protections that included individuals with disabilities prior to the ADA.

- People using wheelchairs who wanted to ride a bus or train would most likely need to abandon their wheelchairs because there were no lifts or ramps for them to bring them with.
- A restaurant could refuse service to a person simply because of their disability.
- Any place of employment could refuse to hire a person with a disability, and when/if they did hire them, they could legally pay the person with a disability less, even for doing the same work as a person without a disability.
- Because public restrooms were not accessible, people often had to wear precautionary diapers when traveling.
- A person who was deaf couldn't use a telephone because they had minimal access to a reliable relay system that could translate spoken words into written ones for them to independently communicate.
- Students with disabilities were typically not in public schools.



The ADA works to make sure that each and every one of the millions of American with disabilities has equal opportunities in all aspects of life—employment, public accommodations, state and local government, transportation, and telecommunications.

It requires accessible voting, increased employment opportunities for people with disabilities, accessible public transportation, access to needed healthcare, access to communication outside the home, and access to a free public education with required supports provided with their non-disabled peers.

Thanks to the Americans with Disabilities Act of 1990, the United States is much more accessible and accepting than before. However, the ADA does not ensure that all business, corporations, and public places are complying with the laws. The ADA is enforced through Department of Justice, Department of Labor, Equal Employment Opportunity Commission, Department of Transportation and Federal Communications Commission through complaints and lawsuits. It is up to local and state politicians, along with the federal government, to make sure the business owners, leaders, and community members are upholding the standards set by the ADA.

### What can you do?

Be a good self-advocate and educate yourself on your disability and your rights! Here are some resources you can further explore more about self-advocacy and the ADA:

Disability Rights SD <a href="https://drsdlaw.org">drsdlaw.org</a>	I'm Determined! <a href="https://imdetermined.org">imdetermined.org</a>	Equal Employment Opportunity Commission <a href="https://eoc.gov">eoc.gov</a>	Americans with Disabilities Act <a href="https://ada.gov">ada.gov</a>
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