

The Impact of the Americans with Disabilities Act: Assessing the Progress Toward Achieving the
Goals of the ADA
National Council on Disability
July 26, 2007

Executive Summary

Sixteen years after the Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H. W. Bush, the law is having a meaningfully positive impact on the lives of people with disabilities. Many people with disabilities credit the ADA with improving their lives. As consumers, Americans with disabilities have greater access to goods and services from businesses, state and local governments, and their local communities. Service animals for people with vision and other impairments are more accepted than ever before. In addition, greater availability of relatively inexpensive assistive technology has helped people with vision and hearing impairments overcome information and communication barriers to all forms of community participation. People with mobility impairments have experienced substantial improvements in physical access to transportation, businesses and government agencies. As workers, people with disabilities are more likely to receive accommodations and less likely to be terminated due to their disabilities.

Many people with disabilities, employers, and businesses, however, still do not understand major provisions of the ADA, particularly the employment provisions. The ADA is a civil rights law—requiring equal opportunity for individuals with disabilities, with broad coverage and setting clear, consistent, and enforceable standards prohibiting discrimination on the basis of disability. Title I of the ADA prohibits discrimination in employment. It does not provide for accessible housing, transportation to the work site, rehabilitation services, job training, job placement, or any form of affirmative action for people with disabilities. It does not address work disincentives, such as Social Security rules that make people with disabilities who work ineligible for Medicaid, the only form of insurance that provides the kind of services most people with disabilities need to function independently, nor does it require employers to provide the kind of insurance coverage people with disabilities need. While the ADA requires existing transportation services to become accessible, it does not provide transportation for people with disabilities to get to work if they work or live where there is no public transportation. To determine the impact of Title I, one must look at the degree to which employment discrimination against individuals with disabilities has decreased. One cannot measure the success of Title I solely by the employment rate of people with disabilities unless all other barriers to work are eliminated.

Many Americans with disabilities remain frustrated that disability discrimination has not been eliminated, despite ADA implementation. People with disabilities reported the ADA has not been fully enforced; the barriers they face remain primarily attitudinal. Additionally, there is a growing backlash against disability rights and the ADA. The lack of national consistency of access makes it difficult for people with disabilities to carry out daily activities, and access to public transportation, particularly in rural areas, remains a serious problem. Although, once on the job, accommodations are easier to obtain, people with visible disabilities do not appear to be significantly more likely to be hired than before the ADA, and some argue that they are having more difficulty getting hired than before.

Regarding the attainment of the four major goals of the ADA —equality of opportunity, full participation, independent living, and economic self-sufficiency—the results are encouraging but far from complete. By virtue of greater availability of physical and communications access, accessible transportation, and education and workplace accommodations, people with disabilities have more opportunities to pursue their interests than before the ADA and are seizing those opportunities. Community participation has increased passively, by virtue of greater access, and actively, through greater efforts by businesses, employers, and governments to reach people with disabilities and encourage participation. Options for independent living have improved for people with disabilities since the ADA was passed, particularly since an important Supreme Court decision, *Olmstead v. L.C.*, which requires community integration. However, outdated government restrictions, budget priorities, and medical attitudes are slowing progress. Economic self-sufficiency appears to be the goal having the least success. While many Americans with disabilities are experiencing improvements in quality of life, some people with disabilities remain disenfranchised.

This retrospective study and review provides a snapshot of the impact the ADA has had on the lives of Americans with disabilities over the past sixteen years. Specifically:

- Most people with disabilities perceive improvements in their quality of life and many attribute those improvements to the ADA ;
- A majority of people with disabilities surveyed by a Harris Poll perceived significant improvements in public facility access and public attitudes;
- Public transit systems in the United States have made significant progress in becoming more accessible, especially to wheelchair users. Private transportation companies lag behind. People in rural areas continue to be underserved by public transportation, and, as a result, participate less in all aspects of community living;
- A significant number of curb ramps have been installed and sidewalks have been made more accessible in some areas, but full access to public rights-of-way lags behind that of other facilities and there are no regulations for public rights-of-way access;
- People with physical disabilities have seen steady, although inconsistent, progress in access to public accommodations, including restaurants, theaters, stores, museums, Web sites, and government services. People with sensory or communication disabilities were less likely to report experiencing progress in access to public accommodations;
- The ADA has brought about significant improvements in access to telecommunications. Telephone relay services are being used to a greater degree, and changes in technology are making usage easier. However, some businesses are reluctant to use these technologies;
- The percentage of Americans with disabilities voting in 2004 increased dramatically from prior years;
- The education gap between people with disabilities and people without disabilities is shrinking, and people with disabilities are attending postsecondary institutions in greater numbers. Educational supports and services for students with disabilities now are available at most of the nation’s postsecondary institutions;

- Many employees with disabilities are experiencing less discrimination on the job. However, people with visible and severe disabilities continue to experience discrimination in hiring;
- There is no clear evidence that Americans with disabilities are becoming economically self-sufficient;
- There is a surprising absence of ongoing, systematic data collection about the ADA , and the result is significant knowledge gaps about the impact of the ADA .

Based on these findings, this report recommends:

- Federal agencies should fund and implement state-by-state surveys of people with disabilities, based on the N.O.D./Harris Surveys using statistically significant survey populations and distinguishing among rural and urban communities, communities of diverse cultures, and high, middle, and low income communities.

Equality of Opportunity – Transportation

- Congress should expand accessibility requirements for rail services beyond key stations;
- The Department of Transportation should conduct extensive training and outreach for public transit providers regarding maintenance and stop announcements;
- The Department of Transportation should work with state and local governments and taxi providers to develop and publicize effective incentives for private taxi providers to offer accessible vehicles;
- The Department of Transportation should conduct extensive training and outreach for public and private transportation services regarding service animals and increase high-profile enforcement actions by the Departments of Justice and Transportation;
- The Department of Transportation should work with paratransit providers, state and local governments, transportation experts, and representatives of disability and aging communities to explore paratransit options such as more subscription service, more flexible services, and other ideas to close the expectation gap and increase usability of paratransit for riders with disabilities;
- The Department of Transportation should study and test options for providing transportation services to people with disabilities in rural areas.

Equality of Opportunity – Sidewalks and Curb Ramps

- The Department of Justice should promulgate ADA regulations for public rights-of-way as soon as possible;
- The Department of Transportation should increase funding for sidewalk access and curb ramp installation;
- The Department of Justice should develop and disseminate guidelines for the prioritization of curb ramp installations, so the most needed and useful curb ramps are installed first.

Equality of Opportunity – Public Accommodations

- The National Institute on Disability and Rehabilitation Research (NIDRR) should conduct a survey of businesses, perhaps through the chambers of commerce or small business associations, to determine the degree to which businesses have instituted readily achievable barrier removal efforts, and provide guidance to Congress on adequately funding the Department of Justice to enforce this part of the statute;
- The Department of Justice, NIDRR, and the Department of Labor should provide expert, individualized, low-cost technical assistance and consulting to small businesses. The ADA and IT Centers and local offices of the National Disability Rights Network are possible agencies to carry out this effort;
- The Department of Justice should expand its Project Civic Access to increase enforcement in local areas by reviewing businesses in identified localities;
- Congress should require states to submit their building codes for access certification by the DOJ;
- The U.S. Access Board and Department of Justice should continue coordination with model building code agencies;
- The Department of Justice should increase enforcement and education regarding how to serve customers with visual and hearing impairments, particularly as it pertains to Web access and use of TTYs and relay services;
- Congress should require Web sites of places of public accommodations and commercial facilities to comply with federal Web accessibility standards;
- The Department of Justice and NIDRR should develop technical assistance materials regarding what people with disabilities and businesses should expect of existing buildings of various sizes years after passage of the ADA .

Equality of Opportunity – Accessibility of Telecommunications

- The Department of Justice should publish information for businesses about how Telecommunications Relay Services work, how to use the service, and the legal obligation to use it. The ADA and IT Centers could be funded to provide this information;
- The Federal Communications Commission should establish standards to encourage the continued development of Video Relay Services.

Full Participation – State and Local Government Services

- The Department of Justice and other federal agencies should focus on enforcing the ADA obligations of government agencies;
- Federal agencies should use initiatives such as Project Civic Access to increase ADA compliance at the state and local levels;
- The Department of Justice should use targeted, high-profile litigation on particularly important issues, such as access to courts, medical care, and education to increase state and local ADA compliance.

Full Participation – Voting

- The Department of Justice should immediately implement the Help America Vote Act requiring installation of electronic voting equipment;
- NIDRR should study the involvement of people with disabilities in civic opportunities, such as government office;
- Other non-governmental disability organizations, such as The National Organization on Disability and the American Association of People with Disabilities, should encourage state and local governments, as part of their diversity efforts, to emphasize involvement of the disability community and provide technical assistance to help government agencies reach out to people with disabilities.

Community Integration

- Congress should increase Medicaid support for community-based treatment settings;
- Congress should pass and fully fund the Money Follows the Person Act and Medicaid Community-Based Attendant Services and Supports Act;
- Congress should require states to expeditiously complete effective *Olmstead* plans, consistent with HHS guidance;
- The Department of Health and Human Services should require states to fund personal care services when needed to allow individuals with disabilities to remain in their community;
- The Departments of Health and Human Services, Education, Transportation, Housing and Urban Development, Justice, and Labor, and Equal Employment Opportunity Commission, working with state and local governments and community agencies should implement local initiatives to extend the integration mandate to housing, education, transportation, employment, and other areas affecting people with disabilities;
- The Department of Justice should increase and target enforcement of the Civil Rights of Institutionalized Persons Act, requiring effective deinstitutionalization efforts and publishing creative and effective programs to provide community-based services;
- The Department of Labor's program funding home modifications should be significantly expanded to allow people with disabilities and the elderly to live in their communities;
- The Departments of Health and Human Services, Education, Transportation, Housing and Urban Development, Justice, and Labor, and Equal Employment Opportunity Commission, should work with disability communities and others to develop an overall national policy framework for community integration of people with disabilities;
- The Department of Health and Human Services should study systems of long-term care and long-term care insurance to eliminate unnecessary institutionalization of people with disabilities and aging people.

Economic Self-Sufficiency

- The Department of Education should work with colleges, universities, and public schools to enhance the effectiveness of supports, such as preparing students to better negotiate their accommodations, assisting students with coordinating and managing a variety of services from multiple sources, and facilitating the use of technology in education and employment;
- The Department of Education should improve coordination of services between the educational system and the vocational rehabilitation system, particularly as regards funding for services and assistive technology;
- Disability organizations, and research and policy centers focused on economic empowerment for people with disabilities should work with philanthropists and federal and state government agencies to improve availability of scholarship, tuition waiver, and loan repayment programs for students and adults with disabilities who wish to pursue higher education;
- Congress should extend and expand the Mental Health Parity Act to ensure that people with mental health disabilities are able to secure treatment;
- NIDRR should study insurance coverage issues that prevent people with disabilities from accessing private insurance;
- The Equal Employment Opportunity Commission, the Department of Labor, and NIDRR should place immediate priority on increasing the hiring of people with disabilities.

Sixteen years after the passage of the ADA , much has been accomplished. Yet, more needs to be done as this report demonstrates, especially in the areas of employment, transportation, health care, and education.

The Americans with Disabilities Act Restoration Act of 2006 was introduced on September 29 to address aspects of the ADA narrowed by U.S. Supreme Court decisions, and which are discussed in this report. The bill would prohibit discrimination “on the basis of a disability” and is intended to enable individuals utilizing the ADA to focus on the discrimination they have experienced rather than having to prove they fall within the intended scope of the ADA . Passage of this bill will promote progress in those areas remaining to be addressed, and promote the inclusion of people with disabilities into society.