

## ADA Audio Conference Series May 17, 2016

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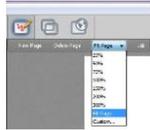
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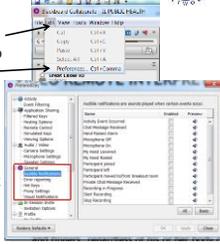
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## Turning 26: A review of the current state of ADA research

Sarah Parker Harris, Robert Gould, Robin Jones, Glenn Fujiura  
Department of Disability and Human Development  
University of Illinois at Chicago

Funded by The National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) Project # 90DP0015



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## Presentation Overview

- Why research the ADA?
- The Current state of evidence
- Project Overview: ADA Knowledge Translation Center Systematic Review Project
- Findings on Implementation and practice
- Findings on attitudes and social change
- ADA in specific contexts: a brief look at ADA in healthcare settings

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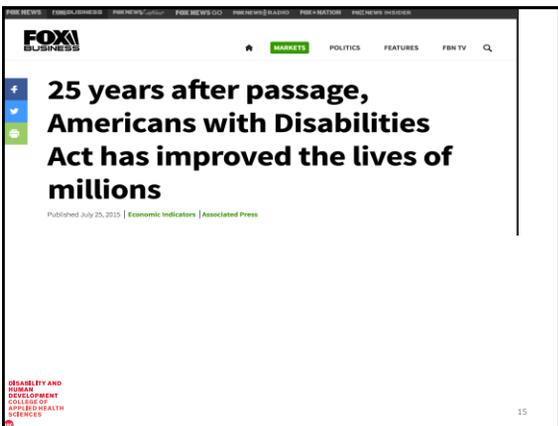
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# 25 years after passage, Americans with Disabilities Act has improved the lives of millions

Published July 25, 2015 | Economic Indicators | Associated Press

## Independence Day For Americans With Disabilities

June 19, 2015 - 10:33 AM ET

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### ADA's 25th anniversary marks celebration of progress

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# After 25 Years Of ADA, Workplace Struggles Remain

by Lorraine Mirabella, The Baltimore Sun/TNS | August 4, 2015

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**PUBLIC POLICY**

## The ADA at 25: Important Gains, but Gaps Remain

Aug 07, 2015 | North America | Business Radio, Law and Public Policy, Podcasts

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07/29/2015 01:23 pm ET | Updated Jul 29, 2015

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07/29/2015 01:23 pm ET | Updated Jul 29, 2015

### Disability Laws Are Not Enough to Combat Discrimination

*Samuel Bagenstos, the Frank G. Millard professor of law at the University of Michigan Law School, was the principal deputy assistant attorney general for civil*

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# How disability law went nuts: Column

James Bovard 11:57 a.m. EDT July 29, 2015

And it has actually been a disaster at helping the disabled find work.



(Photo: Barry Thumma, AP, 1990)

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Good intentions are no excuse for perpetual legal chaos. The Americans with Disabilities Act promised a bright new era of equality and freedom. Instead, it has spawned endless lawsuits and absurd federal decrees while harming some of the people it sought to relieve.

The 1990 ADA defined disability as "a physical or mental impairment that substantially limits one or more of the major life activities" — a far broader definition that what previously prevailed in the statute book. In 2008, Congress vastly expanded that

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## Challenges with ADA evidence

- Conflicting and fragmented research findings on effectiveness/ impact of ADA.
- Knowing what "good" research is available (i.e. valid, reliable, empirically sound).
- Needing more direct application of research in practice for various stakeholders. *What do we do with all this research?*

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26

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## Why research the ADA?

- "Some people seem to think that evaluating the impact of the ADA is irrelevant, given that its purpose is to establish certain rights and protections. But I believe we have an obligation to make sure our laws are working. At the very least, we need to know that people affected by the ADA are aware of their rights and responsibilities and that its remedies are in fact available and effective" — Bob Dole, 1993



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27

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## What does the research tell us about the ADA's impact?

It depends who you ask...

- There is no central clearinghouse for measuring ADA's social impact
  - (EEOC charge data available at : <http://www.disabilitystatistics.org/>)
- We currently lack longitudinal data (studies that track changes over multiple years)
- Persistent debate about what to measure, what matters, and how to assess the ADA's impact

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## Trends in disability since 1990

### Areas of Promise

- Enhanced structural accessibility and compliance
- Less overt discriminatory practice
- Broadened scope of protected class following the ADA:
- Innovations in healthcare, policy, and technology

### Areas of concern

- Growing disparities in poverty rate and ratio (people without disabilities compare to people with disabilities)
- Stagnant labor force participation rate over the last 30 years (most commonly concluded beyond the direct scope of the ADA)
- Lack of systematic data collection

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## Project and purpose

- **Project need:** significant knowledge gaps related to lack of systematic data collection about the ADA's impact
- Five year project funded as part of ADA-KT Center at the University of Washington to review current state of **ADA research**
- Response to NIDILRR call: "increase the use of available ADA-related research findings to inform behavior, practices, or policies that improve equal access in society for individuals with disabilities."
- **Goal:** Create a descriptive 'roadmap' of the current state of evidence informed by ADA stakeholder needs and research findings

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# Project Overview

## Three Stages of Review

1. Scoping Review: how the ADA has been studied to map the literature landscape (Years 1-2).
2. Rapid Evidence Review: refine priorities and analyze selected topics for preliminary assessment of the research (Years 2-3).
3. Systematic Reviews: synthesize research and answer key questions based on stakeholder feedback (Years 3-5).

## Search Process

- Searched 31,543 records across 106 databases from 323 journals and 71 organizations
- From the 31,543 search records, 980 relevant records categorized in scoping review
- Created ADA Expert Panel to provide feedback, guidance, and assist in KT goals

## Stakeholder feedback and Knowledge Translation Process

- Consulted with Expert Panel and ADA Directors to select topics of interest and refine research questions
- Identified employment, health, attitudes, and assistive technology as priorities
- Developed broader research focus: What evidence exists that the ADA has improved access to and participation in employment?

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# Research process

- Stage 1: Scoping review
  - *What English-language studies have been conducted and/or published from 1990 onwards that study the Americans with Disabilities Act?*
- Stage 2 : Rapid evidence reviews
  - *What evidence exists that the ADA has influenced knowledge, attitudes and perceptions about the employment of people with disabilities?*
- Stage 3: Systematic reviews
  - *What is the current state of knowledge about the ADA's influence on disclosure, health, and attitudinal change?*

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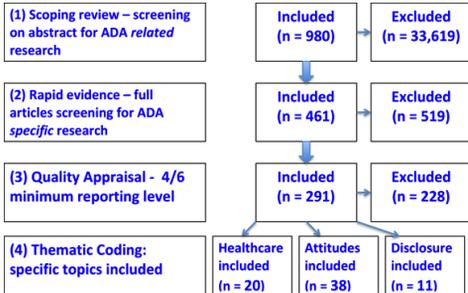
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# Included research




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## State of the ADA evidence

### Sources

- Majority (67%) academic journals; remainder from "grey literature" (e.g. conference proceedings, books, dissertations, reports.)

### Topics

- Most common topics: employment (48%) and education (16%)
- Least common topics: emergency preparedness and voting
- Common Issues across research: attitudes, knowledge, implementation barriers, compliance, costs.

### Subgroups

- Very little research across different stakeholder groups
- Majority of research is either on people with disabilities or businesses representatives (e.g. 'employers').

### Methods

- About half of evidence base is quantitative, primarily from single application surveys.

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## What do we know: Implementation and practice

- Widespread differences in efforts to implement the *Spirit* versus the *letter* of the law: overstated and contradictory reports of compliance.
- Research and implementation gaps are increasingly related to more complex applications of the ADA (i.e. not just physical compliance)
- Almost no data after the ADA Amendments



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## Research on ADA attitudes

- Most frequently considered in context of employment (36/43 records)
  - 20/43 report "employer" attitudes
  - Only 11 consider perspectives of PwD
- 30 report quantitative data, 7 qualitative data, and 6 records mixed-methods
- 6 different types of attitudinal assessments
  - Primarily single use scales, followed by "perceived reasonableness" and "attribution" scenarios

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## Attitudes and ADA knowledge

- Frequently studied in relation to contact theory
- "Positive" attitudes about disability linked with increased exposure to disability in work and community settings

Theme: Attitudes about or studied in relation to	N	Frequency (included)
Knowledge	22	51.2%
Accommodation	20	46.5%
Skills, abilities, capabilities	20	46.5%
Exposure/Contact	15	34.9%
Hiring/ Pre-employment	14	32.6%
The law	14	32.6%
Organizational Culture	12	27.9%
Fairness	11	25.6%
Org demographics (size, industry, etc.)	10	23.3%
Management	8	18.6%
Disclosure	7	16.3%
Discrimination	6	14.0%
Compliance	5	11.6%
Costs	5	11.6%
Role of Service Providers	4	9.3%
Quality of life	3	7.0%
Access/Accessibility	2	4.7%
Advocacy	2	4.7%
Advancement	1	2.3%
Harassment	1	2.3%
Retention	1	2.3%
Total	43	(100.0)

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37

## Attitudes about disability

### Participation, skills, and capability

- Wide acceptance of acceptance contrasted with ongoing evidence about concerns of safety, productivity, and to a lesser extent, reliability + issues of "blame" for disability
- Perception bias: social desirability factor where entities are unlikely to report actual noncompliance or discrimination

### Top three barriers in the workplace (Kessler Foundation 2015 Report)

- 16.5% of people with disabilities report getting less pay than others with similar jobs
- 15.7% reports attitudes on their part of their supervisor
- 15.5% report attitudes on the part of their coworkers

Read more at: [https://kesslerfoundation.org/sites/default/files/filepicker/SKFSurvey15\\_Results-secured.pdf](https://kesslerfoundation.org/sites/default/files/filepicker/SKFSurvey15_Results-secured.pdf)

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## How disability law went nuts: Column

James Bovard 11:57 a.m. EDT July 29, 2015

And it has actually been a disaster at helping the disabled find work.



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The 1990 ADA defined disability as "a physical or mental impairment that substantially limits one or more of the major life activities" — a far broader definition than what

## Disability knowledge and ADA knowledge

- Increased contact with people with disabilities is often shown to have inverse relationship association with attitudes towards disability rights (e.g. the ADA)
- Data suggests a knowledge *translation* gap: This does **not** mean that disability exposure **leads to** aversion of disability civil rights, but does mean we need to be careful in how we obtain and use ADA information

**Compliance is not the same as avoiding litigation**

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## Same information different story

### How to Avoid Your Business Becoming an ADA Target

Posted on April 2, 2013 by Brian Muse

### How to Comply With the Americans With Disabilities Act

Breaking down what the decades-old act means for small businesses.



BY TIM DONNELLY, Inc.com Contributor @TimDonnelly

- *Attitudes about the ADA and civil rights are more complex than feelings about disability "awareness" or "acceptance" and are easily shaped by different types of information*

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### How to Avoid Your Business Becoming an ADA Target

Posted on April 2, 2013 by Brian Muse



It is certainly good to know what to do if your business is served with a lawsuit under the ADA. It is even better to know what steps you can take to help avoid your business becoming a target for these lawsuits in the first place. While there is no way to completely avoid the risk of an ADA lawsuit, taking a few simple (and in many cases low cost) steps can help reduce the risk of appearing as "low hanging fruit" for plaintiffs, plaintiff's advocacy organizations, and the Department of Justice.

#### Tip #1: Curb Appeal

We've all heard stories of potential plaintiffs simply driving down a major road until they find a likely target. In some cases, the decision may be made before the individual even sets foot on the premises. Avoiding a "lack of compliance" appearance can help your business avoid being the one they choose. This means ensuring that disabled parking spots have clear (not faded) lines, parking signs are erect and not crooked or missing, and debris or merchandise does not block sidewalks and entryways. Old or faded signs and markers signal that your business may not be up to date with its ADA compliance.

#### Tip #2: Training Matters

Training your employees on how to respond to requests for accommodations or questions about ADA compliance can also help your business avoid lawsuits. Properly trained employees can serve as your first line of defense against claims that your business "failed to accommodate" or allowed violations to exist. Conversely, employees without proper training can exacerbate problems and make ADA lawsuits more likely and harder to defend.

Read more at: <http://adamusings.com/2013/04/02/how-to-avoid-your-business-becoming-an-ada-target/>

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**Complying with the Americans With Disabilities Act: The ADA Basics**

The ADA was established to recognize that people with disabilities deserve and need equal access to employment, transit, stores, restaurants, and other businesses to be a part of their community and have purchasing power. The act itself prevents anyone from being discriminated against on the basis of disability. It set requirements for making a workplace accessible. In doing so, it established new business construction guidelines.

The ADA recommends reviewing your business policies to make sure your compliance is comprehensive. For instance, segregating disabled customers or employees — such as in a designated seating area — is prohibited. Also, policies that prohibit animals should be sure to exclude service animals. You should also keep your employment records and other information related to applicants who are covered by the ADA. They'll come in handy in case you face a discrimination suit.

While experts say the law has succeeded in opening access to buildings and providing legal protections, it still hasn't been effective in changing attitudes about disabled people. Advocates lament that the employment rate among America's disabled population hasn't increased in 20 years. Of the 26 million disabled people in the country, 21 million are unemployed.

"We still need to work on the public attitudes about people with disabilities and their capabilities," says Richard Horne, director of the division of policy planning and research for the office of disability employment policy under the U.S. Department of Labor. "The attitudes in the work place haven't changed as much as they need to."

**Read more at:**  
<http://www.inc.com/guides/2010/08/how-to-comply-with-the-americans-with-disabilities-act.html>

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**What do we know: Common themes across reviews (cont.)**

**Organizational culture:**

- Full inclusion requires balancing perceptions of fairness and special treatment
- Evidence of positive changes through "natural" supports and exposure



"If we believed that ADA is the power and we are the recipients of its strength, rather than we are the power and ADA is a tool for us to use, I fear we may still have a long way to go." – Bob Kafka

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44

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**Equal access does not mean special treatment**



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## Misunderstanding rights as special treatment

- Robert & Harlan (2006)  
*[p]rejudicial and prejudicial attitudes toward noncompetitive job incumbents were reportedly fortified by feelings of hatred and resentment, articulated by coworkers who believed workers with disabilities got 'special treatment,' a 'free ride,' or an 'easier job.'* (p. 610)



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For further reading:  
 Robert, P. M., & Harlan, S. (2006). Mechanisms of disability discrimination in large bureaucratic organizations: Ascriptive inequalities in the workplace. *The Sociological Quarterly*, 47(4), 599-630.

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## Factors that impact implementation and compliance

- Decisions and attitudes linked to discussions about "Disability origin" or "attribution of disability"
  - Conditions "attributed to" an individual (e.g. injury caused by drunk driving, mental illness, substance abuse) less likely to be considered meriting accommodation
    - Complex finding: Data from EEOC does not reveal heightened rate of merit resolution for more "attributable disabilities"
- Chan, F., McMahon, B. T., Cheing, G., Rosenthal, D. A., & Bezyak, J. (2005). Drivers of workplace discrimination against people with disabilities: The utility of attribution theory. *Work*, 25(1), 77-88.

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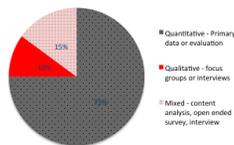
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## ADA research on healthcare

Research Purpose		
Theme	n	%
Compliance	8	40%
ADA Knowledge	8	40%
Licensure and accreditation	5	25%
Implementation	3	15%
Experience	3	15%
Total	27	(100%)

Methods of included research



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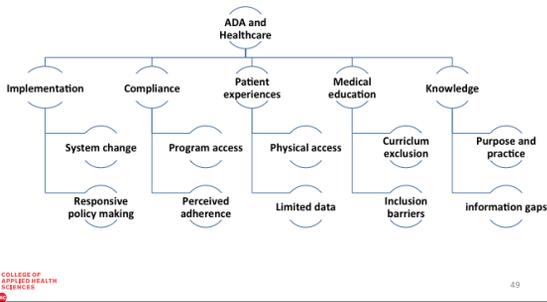
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## Key themes




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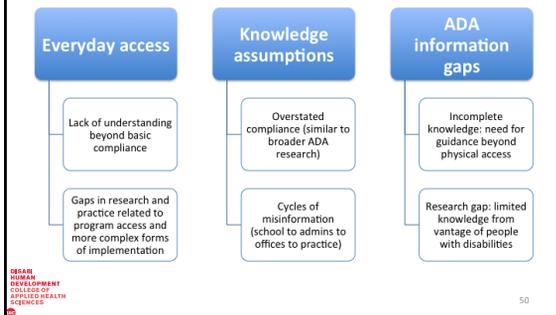
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## Healthcare: preliminary findings




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## Common themes across reviews

### Attitudes

- Stigma and blame related to disability
- Disability attitudes, ADA acceptance, contact theory

### Healthcare

- Evidence limited to physical access
- Missing: experience from people with disabilities

### Employment

- Primary topics: employment rate, accommodation barriers, employer knowledge, attitudes
- Translation gap: knowledge, hiring decisions

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## Discussion

- Systematic evidence of positive attitudes about disability since the ADA's passage is not associated with a similar embrace of disability civil rights has implications for practice related to *Disability as diversity*
- Evidence of increasing structural access, organizational compliance, and ideological support of inclusion
  - need for more information and best practice about what this looks like in practice

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## What don't we know

- Experiential data: infrequent reporting from key disability stakeholders.
- Limited knowledge of ADA success stories, personal encounters with stigma, and implementation process.
- Knowledge gaps: how are people using the ADA in daily life? NOD (2010) 60% of people with disabilities believe the ADA has made no difference in their lives

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## Challenges, limitations, and lessons learned

- Too soon to see substantive evidence post ADA Amendments.
- "Partial picture" from included research: perception bias and overstated compliance plays a large role in collecting ADA information. Research also tends to capture the extremes (negatives and positives)
- Research does not always reflect practice. Need for more innovative ways of engaging with diverse stakeholders and disability groups as partners, storytellers, translation experts, and dissemination gurus

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## Next Steps

### Immediate to finalize project

- Complete remaining systematic reviews (healthcare and disclosure)
- Dissemination and translation of results

### Ongoing

- Need to establish best practices in: diversity, compliance, and excellent in ADA implementation
- Comparison and replication following ADA
- Increase understanding of implementation process (e.g. how is knowledge of the ADA used?)
- Knowledge gaps: experiences of People with disabilities and advocacy groups



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### Thanks to our Expert Panel:

- Meera Aya, Director of Research, Burton Blatt Institute
- Mary Lou Breslin, Senior Policy Advisor, Disability Rights Education and Defense Fund
- Julie Carroll, Senior Attorney Advisor, National Council on Disability
- LaWanda Cook, Extension Associate/Training Specialist, Northeast ADA Center, Cornell University
- Lex Frieden, Professor, Biomedical Informatics/Physical Medicine and Rehabilitation, University of Texas; Director, Independent Living Research Utilization Program, Texas.
- Jill Houghton, Executive Director, US Business Leadership Network
- Bonnie O'Day, Senior Researcher, Mathematic Policy Research
- Jon Sanford, Director, Center for Assistive Technology and Environmental Access; Associate Professor, Architecture, Georgia Institute of Technology
- Richard Scotch, Professor, Sociology, University of Texas at Dallas
- Bobby Silverstein, Principal at Powers Pyles Sutter & Verville PC, Washington DC
- Barry Taylor, Vice President for Civil Rights and Systemic Litigation, Equip for Equality

Mark Weber, Professor, DePaul University College of Law

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56

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## Questions?

- Contact Rob Gould [rgould3@uic.edu](mailto:rgould3@uic.edu) for more information
- For further information and reading:
  - Technical report available at: <http://adata.org/research>
  - Gould, R., Harris, S. P., Caldwell, K., Fujiura, G., Jones, R., Ojok, P., & Enriquez, K. P. (2015). Beyond the Law: A Review of Knowledge, Attitudes and Perceptions in ADA Employment Research. Disability Studies Quarterly, 35(3). <http://dsq-sds.org/article/view/4935>
  - Harris, S. P., Gould, R., & Fujiura, G. (2015). Enhancing rigor and practice of scoping reviews in social policy research: Considerations from a worked example on the Americans with Disabilities Act. Work, 50(2), 323-334.
  - Harris, S. P., Gould, R., Ojok, P., Fujiura, G., Jones, R., & Olmstead IV, A. (2014). Scoping Review of the Americans with Disabilities Act: What Research Exists, and Where do we go from Here?. Disability Studies Quarterly, 34(3). <http://dsq-sds.org/article/view/3883>

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57

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Thank you for participating in today's  
ADA-Audio Conference Session

**The next scheduled session is:**  
*"Rights of Veterans with Disabilities in Employment,  
Housing and Transportation"*  
June 28, 2016

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