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ADA: How Far We've Come and What Comes Next

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Presenters

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Roadmap

- What is Disability?
- Brief History of Disability Rights
- The Hope, Promise, and Failure of the ADA
- COVID and Lessons Learned (Hopefully)
- The Future

Shared (Mostly) Assumptions

- Disability is difficult to talk about for most people.
- Disability is more common than most people realize.
- Laws are only as strong as the mechanism used to enforce them.
- Attitude and awareness are more important than laws.
- People with disabilities are experts in their abilities.

Disability: Definition & Prevalence

- A physical or mental limitation that substantially limits one or more major life activity.
- More than one of every four people in the United States have a disability (28.7%) according to the CDC
 - About one of five people in the US is neurodivergent, according to YouGov.

Medical Model v. Social Model

- Medical: Disability is an impairment in a body system that is pathological. Medical model looks at what is wrong with the person. Disability needs to be cured or fixed.
- Social: Disability is caused by the way society is organized. Disability is part of life. Society needs to change to adapt to people with disabilities.

A Brief History Disability in the United States

- Society, historically, was not built for people with physical disabilities.
 - Due to medical advancements, more soldiers survived WWII
 - Soldiers with disabilities came back to places not designed for them
- Disability Rights Activism in the 1960s and 70s.
 - Rolling Quads at UC Berkeley/Independent Living Movement
 - 504 sit-in
 - Capital Crawl
- Americans with Disabilities Act

The ADA: Promise versus Reality

- The ADA: Greatest piece of Civil Rights Legislation in our lifetimes.
- Signed in 1990, enacted in 1991
 - Access to education
 - Access to employment
 - Access to Everything
- Lacked enforcement provisions. Lots of noncompliant architectural, infrastructure, programs, etc.
- Changed laws but not attitudes. No enforcement provision

The ADA: Some of the Successes

- Broad Definition of Disability
- Broad Definition of Discrimination:
 - Direct/Cultural: conscious and intentional decisions and actions against people who have or assumed to have some type of disability.
 - Indirect: unconscious behavior that affects PWDs.
 - Structural/Industrial: physical and/or systemic barriers that exclude or limit PWDs from accessing or fully participating in a structure or a system.
- Olmstead (1999)

COVID and Lessons Learned (Hopefully)

- Fears of Rationing and the Realities of Vaccinations
- The Promise and Problems of Remote Work
- Better Understanding of Non-Obvious Disabilities
- The Growing Number of People with Disabilities

The Future

- Current Challenges to the ADA
 - Notice Requirements
 - Olmstead Interpretations
 - Lack of Enforcement
- Title II Rule on Digital Accessibility
- Accessible Medical Diagnostic Equipment