

The ADA and Thirty-Three Years of Progress in Access, Inclusion, and Opportunity

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As we go back and think of 2020, all that is on my mind is the COVID-19 Pandemic. It was a year of making changes in our daily lives. We might have forgotten that 2020 was a monumental year in American history. It marked the 30th anniversary of the Americans with Disabilities Act (ADA). This landmark civil rights statute has broken many barriers for millions of Americans with disabilities. It has had a positive impact by ensuring equal opportunity, independence, and full participation of people with disabilities in American society. Despite the positive impact the ADA has had on the disability community, many individuals still face various challenges in many aspects of daily life, including a lack of access and equal opportunity within the workplace, public and private places of accommodation, and schools. Now as we are celebrating 33 years of the ADA enactment, let us think about which individuals can use accommodations – students, relatives, friends, or a coworker.



Brief History

The passage of the ADA did not occur overnight. Prior to 1988, when the first ADA was introduced to Congress, individuals with disabilities began to challenge societal barriers that excluded them from their communities. For example, parents of children with disabilities began to fight against the segregation and exclusion of their children in all aspects of daily life. As a result of their tenacious advocacy, Congress passed the ADA in 1990. The purpose of the ADA is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

The Definition of “Disability”

The ADA defines an individual with a disability as someone who has: (1) a physical or mental impairment that substantially limits one or more major life activities; (2) a record of such an impairment; or (3) is regarded as having such impairment. The ADA and the definition of disability more specifically have been the subject of much litigation and interpretation. In fact, there have been at least twenty United States Supreme Court cases about disability-related issues, four of which narrowed the definition of a disability.

What happened in 2008?

In 2008, the Americans with Disabilities Act Amendments Act (the “ADAAA”) was signed into law and amended the Americans with Disabilities Act of 1990. The ADAAA was enacted to counteract the Supreme Court’s narrow interpretation of disability and provide broad protection from discrimination, thereby superseding several Supreme Court decisions. Further, in enacting the ADAAA, Congress made it easier for individuals seeking protection under the ADA to establish that they have a disability.

Although access has improved for over sixty million Americans living with disabilities, advocates argue that there is still a lot to be done. People with disabilities are still facing challenges with economic stability, equal opportunity, and inclusion. For example, one major issue affecting individuals with disabilities is the heightened unemployment rate. According to the Bureau of Labor Statistics (2019), the unemployment rate for persons with a disability was at 7.3 percent, compared to 3.5 percent for individuals without a disability. To address this disparity, advocates for disability rights are fighting for fair wages, seeking to end labor market discrimination, and supporting the contributions made by people with disabilities. Advocates believe that a more equitable and inclusive society will develop by creating economic stability and protecting the rights and liberties of individuals with disabilities.

Personal Experience

Sometimes we underestimate these individuals because we assume they cannot perform any job functions or learn anything. December of 1999 was a year that opened my eyes. A new child named Emmanuel (Manny) was born to our family, who is my cousin Manny was born with Down Syndrome. As the years flew by, I got to learn how talented and strong of an individual Manny is. People like him deserve opportunities such as getting an education, a job, and volunteering in an organization.

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