



## THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

\*\*Note that this article is written primarily about the ADA as it relates to individuals with Autism Spectrum Disorder (ASD). There are other provisions of the ADA, such as physical accessibility, which are not discussed as they generally do not relate to the symptoms associated with ASD.

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to take part in their communities. Under the ADA, an individual with a disability is someone who has a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having, a physical or mental impairment that substantially limits one or more major life activity, are also covered. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Thus, many individuals with Autism Spectrum Disorder (ASD) are protected under the ADA.

The ADA is comprised of five titles, designed to make it applicable to many different circumstances:

- Title I: Employment
- Title II: Public Entities
- Title III: Public Accommodations
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

### *Title I - Employment*

Title I of the ADA applies to employers engaged in interstate commerce who have 15 or more employees. It prohibits discrimination against individuals with disabilities related job application procedures, hiring, promotion and firing of employees, workers' compensation, training, and other terms, conditions, and

privileges of employment. Discrimination may include, among other things, denying employment opportunities to individuals with disabilities who are qualified for employment, creating a hostile work environment, and failing to make reasonable accommodations to enable an individual with a disability to do the work he or she is otherwise qualified to do.

### *Title II - Public Entities*

Title II prohibits disability discrimination by all public entities at the local and state level. Examples of public entities include school districts, public colleges and universities, public transportation, public housing, and local, city, county, and state governments. Under Title II, public entities must make reasonable modifications to rules, policies, or practices, take reasonable steps to remove architectural, communication, or transportation barriers, and provide auxiliary aids and services, as is reasonable. However, if the public entity can show that the modifications would fundamentally alter the nature of the entity's service, program, or activity, it is not required to make the modification. Although compliance may result in some additional costs, a public entity may not charge individuals with disabilities more than non-disabled individuals in order to cover these expenses. Additionally, in *Olmstead v. L.C.*, the United States Supreme Court ruled that the ADA also prohibits confining individuals with disabilities in state institutions for no medical reason and that individuals with disabilities should receive community-based services whenever appropriate.

### *Title III - Public Accommodations*

Title III covers:

- Public accommodations (including private entities that own, operate, lease, or lease to places of public accommodation),
- Commercial facilities, and
- Private entities that offer certain examinations and courses related to educational and occupational certification

Places of public accommodation include private establishments, such as restaurants, hotels, theaters, convention centers, retail stores, shopping centers, dry cleaners, laundromats, pharmacies, doctors' offices, hospitals, museums, libraries, parks, zoos, amusement parks, private schools, day care centers, health spas, and bowling alleys.

Commercial facilities are nonresidential facilities, including office buildings, factories, and warehouses, whose operations affect commerce.

Entities controlled by religious organizations, including places of worship, are not covered.

Private clubs are not covered, except to the extent that the facilities of the private club are made available to customers or patrons of a place of public accommodation.

State and local governments are not covered by Title III, but rather by Title II.

Entities subject to Title III must make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless the modification would fundamentally alter the nature of the goods and services provided. This includes providing auxiliary aids when necessary to ensure effective communication. Goods and services must be provided in an inclusive setting, unless separate or different measures are necessary to ensure equal opportunity.

#### *Title IV - Telecommunications*

Title IV requires that all telecommunications companies in the United States take steps to ensure functionally equivalent services for consumers with disabilities, notably those who are deaf or hard of hearing and those with speech impairments.

#### *Title V - Miscellaneous Provisions*

Title V includes technical provisions, including an anti-retaliation provision prohibiting any adverse actions against anyone who exercises his or her rights under the ADA or who assists someone else in doing so. Additionally, Title V makes clear that nothing in the ADA amends or overrides any part of Section 504 of the Rehabilitation Act of 1973.

Related Articles:

- [Section 504 of the Rehabilitation Act of 1973](#)
- [The Right to Accommodations in the Workplace](#)
- [Legal Protections against Employment Discrimination](#)
- [Accommodations in Higher Education](#)

## Additional Resources:

- [Federal ADA Website](#)
- [Titles I and V of the Americans with Disabilities Act of 1990 \(ADA\)](#)
- [The Americans with Disabilities Act Title II Technical Assistance Manual Covering State and Local Government Programs and Services](#)
- [Title III Highlights, from the US Department of Justice](#)

The Center for Autism Research and The Children's Hospital of Philadelphia do not endorse or recommend any specific person or organization or form of treatment . The information included within the CAR Autism Roadmap & trade; and CAR Resource Directory & trade; should not be considered medical advice and should serve only as a guide to resources publicly and privately available . Choosing a treatment, course of action, and/or a resource is a personal decision, which should take into account each individual's and family's particular circumstances .