

# Americans with Disabilities Act (ADA) of 1990

The landmark Americans with Disabilities Act (ADA) enacted in 1990 (104 Stat 327) provides comprehensive civil rights protection to qualified individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications. A primary goal of the ADA is the equal participation of individuals with disabilities in the “mainstream” of American society. Title II of the Act took effect in 1992 and covers programs, activities, and services of public entities. Most of the requirements of Title II are based on Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in federally assisted programs and activities. The ADA extends Section 504’s non-discrimination requirement to all activities of public entities, not only those that receive federal financial assistance.

Under Title II, a public entity may not deny the benefits of its programs, activities, or services to individuals with disabilities because its facilities are inaccessible. A public entity’s programs, services, and activities, when viewed in their entirety, must be made readily accessible to and usable by individuals with disabilities, except when doing so would result in a fundamental alteration in the nature of the programs, result in undue financial and administrative burdens, or threaten or destroy the historic significance of an historic property. This standard, known as “program accessibility,” applies to all existing facilities of a public entity. Under this standard, the College is not required to make all its facilities or every part of single facility accessible. Program accessibility may be achieved by a number of methods, including but not limited to: alterations of existing facilities to remove architectural barriers, the relocation of activities or services from inaccessible buildings, the redesign of equipment, the assignment of aides to beneficiaries, home visits, or delivery of services at alternate accessible sites. When choosing a method of providing program access, it is required that priority be given to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.