

THE AMERICANS WITH DISABILITIES ACT: TAKING ACTION FOR ACCESS

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GUIDING QUESTION:

How did the Americans with Disabilities Act lead to a more perfect union?

OVERVIEW

By analyzing various primary and secondary sources, students will determine how citizen activism among the disabled community led to passage of the Americans with Disabilities Act (ADA) in 1990. After reviewing ADA provisions that improved access to public facilities and the workplace, students will identify continued areas of need for people with disabilities and develop public service announcements that promote personal responsibility for maintaining accessibility.

OBJECTIVES

At the conclusion of this activity, students will be able to

- > Identify examples of public accommodations included in the ADA;
- > Explain how citizen activism led to improved accessibility for people with disabilities; and
- > Evaluate the status of accommodations in their school and propose informed action, modeling the process to impact change at the local level.

STANDARDS CONNECTIONS

CONNECTIONS TO COMMON CORE

- > CCSS.ELA-LITERACY.RH.6-8.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

CONNECTIONS TO C3 FRAMEWORK

- > D2.Civ.2.6-8. Explain specific roles played by citizens (such as voters, jurors, taxpayers, members of the armed forces, petitioners, protesters, and office-holders).
- > D2.Civ.14.6-8. Compare historical and contemporary means of changing societies, and promoting the common good.
- > D2.His.14.6-8. Explain multiple causes and effects of events and developments in the past.
- > D4.8.6-8. Apply a range of deliberative and democratic procedures to make decisions and take action in their classrooms and schools, and in out-of-school civic contexts.

DOCUMENTS USED

PRIMARY SOURCES

Speech, Senator Tom Harkin, July 13, 1990 (excerpts at 1:04:21–1:09:40 and 1:11:52–1:12:28)
Congressional Chronicle, C-SPAN
<https://www.c-span.org/congress/?chamber=senate&date=1990-07-13>

Video, “U.S. Capitol Crawl: Wheels of Justice Action,” March 12, 1990 (4:44–7:25)

Texas Disability History Collection, University of Texas at Arlington Libraries
<https://library.uta.edu/txdisabilityhistory/video/20084926>

SECONDARY SOURCES

“Americans with Disabilities Act Justice Department Coordination and Review Section, Sections II and III” Office for Civil Rights, U.S. Department of Education <https://www2.ed.gov/about/offices/list/ocr/docs/hq9805.html>

“Disability & Employment: A Timeline: Commemorating 30 Years of the Americans with Disabilities Act,” 2015 U.S. Department of Labor <https://www.dol.gov/featured/ada/timeline/alternative#>

TEACHER-CREATED MATERIALS

- › ADA Advocacy Analysis and Action Organizer
- › Taking Action to Ensure Access Assessment

ACTIVITY PREPARATION

- › Make one copy of the ADA Advocacy Analysis and Action Organizer for each student.
- › Set up classroom technology and/or share links for all videos and electronic resources with students.
- › Test and review all online resources before class.

PROCEDURE

ACTIVITY ONE: HISTORICAL CONTEXT (15 MINUTES)

- › Introduce the lesson on the Americans with Disabilities Act using the secondary sources for context. Talking points can include:
 - › Citizen activism played a role in the passage of the Americans with Disabilities Act.
 - › The ADA has many commonalities with other civil rights movements, and reveals the critical role played by citizens in making our nation a more perfect union for people of all backgrounds and abilities.
- › Distribute the ADA Advocacy Analysis and Action Organizer and a physical copy or electronic link to the “Disability & Employment: A Timeline: Commemorating 30 Years of the Americans with Disabilities Act.”
- › Tell students to read through the timeline and answer the questions listed in the first section of the graphic organizer regarding trends and historical methods for dealing with and addressing people with disabilities.
 - › **Teacher Tip:** This task could be completed for homework in advance of the lesson.

ACTIVITY TWO: ACTION TO ADA ANALYSIS (40 MINUTES)

- › Review the “Disability & Employment: A Timeline: Commemorating 30 Years of the Americans with Disabilities Act” and their answers to the questions in the graphic organizer. Discussion questions:
 - › *What movement concerning rights for people with disabilities did you notice in the timeline?*
 - › *In what ways was the movement concerning rights for people with disabilities similar to other civil rights movements? In what ways was it different?*
 - › *How does the ADA help ensure full and equal protection under the law?*
 - › *What are some examples of actions that led to positive change for people with disabilities? Who engaged in those actions?*
 - › *What role did interest groups play in this movement? What role did individuals with disabilities (and their advocates) play in this movement?*
- › Explain: Watch the video clips of events that contributed to passage of the Americans with Disabilities Act and read the guidance document for ADA implementation. Record your answers to the prompts listed in the second section of your graphic organizer.
 - › Play the video clip, “U.S. Capitol Crawl: Wheels of Justice Action” (4:44–7:25) and allow students time to record their responses.
 - › Play the video clip of Senator Harkin’s speech. Cue the speech to 1:04:21–1:09:40 and 1:11:52–1:12:28. Allow students to record responses to the questions in the graphic organizer.
 - › Read, “Americans with Disabilities Act Justice Department Coordination and Review Section, Sections II and III” and respond to the prompt in the graphic organizer.

CONNECTIONS

This lesson is an example of the concept of majority rule with protection for minority rights. While not every American requires accommodations, it is crucial that those be provided to the people who need them. An outgrowth of the Civil Rights Movement of the twentieth century, the movement used tactics and strategies to push for rights in the public setting. Advocates who sought to build a more perfect union have built a society that is increasingly inclusive of different people.

- > Lead a whole class discussion. Questions can include:
 - » *What role did citizen activism play in the passage of the ADA? What are some examples?*
 - » *What are some examples of physical accommodations we see in our school and community today that resulted from the Americans with Disabilities Act?* (handicapped parking spots, automated entrance doors, motorized carts in stores, handicapped seating on public transportation, ramp entrances to buildings, elevators, cutaway seating options in gyms, theaters, and auditoriums, accessible sinks and bathroom stalls, widened door ways)
 - » *How do these accommodations sometimes fall short in assuring full access to opportunities for people with disabilities?* (broken, used by people without disabilities, add-ons to buildings that have other inaccessible features)

ASSESSMENT OPTIONS

- > Using the Taking Action To Ensure Access Assessment, students can:
 - » Create a public service announcement to increase public awareness for an accommodation from the ADA present in their school.
 - » Create a board brief for the school board regarding the need to improve an accommodation from the ADA present in their school.

STUDENTS INTERESTED IN THIS TOPIC MIGHT BE INTERESTED IN RESEARCHING THE FOLLOWING FOR AN NHD PROJECT

- > Berkeley Center for Independent Living
- > ADAPT—Free Our People!
- > Senator Tom Harkin
- > Justin Dart, Jr. and the American Association of People with Disabilities (AAPD)
- > The Individuals with Disabilities in Education Act (IDEA)
- > Eunice Kennedy Shriver and the Special Olympics

To access a PDF containing all of the sources and materials to complete this lesson plan, go to:

WWW.NHD.ORG/250

EDSITEment!

RELATED RESOURCES

Blog Post: “50 States of Preservation: The Museum of disABILITY History in Buffalo, New York”
<https://www.neh.gov/divisions/preservation/featured-project/50-states-preservation-the-museum-disability-history-in-buffalo-new-york>

Media Resource: Helen Keller Archive Collection
<https://edsitement.neh.gov/media-resources/helen-keller-archival-collection>

Project: Digitization of the Helen Keller Archival Collection at the American Federation of the Blind
<https://www.neh.gov/project/digitization-helen-keller-archival-collection>

Student Activity: Veterans Speak: War, Trauma, and the Humanities
<https://edsitement.neh.gov/student-activities/veterans-speak-war-trauma-and-humanities>

ADA ADVOCACY ANALYSIS AND ACTION ORGANIZER

DIRECTIONS

Read, watch, and analyze the sources listed in each section and answer the assigned questions to inform your understanding of actions that led to progress for people with disabilities in the United States.

PART ONE: DISABILITIES TIMELINE

Read: “Disability & Employment: A Timeline: Commemorating 30 Years of the Americans with Disabilities Act” (<https://www.dol.gov/featured/ada/timeline/alternative#>)

What patterns or trends did you notice in the timeline?

Historically, how have citizens and interest groups influenced the government to initiate change for people with disabilities? Provide three specific examples in the chart below.

YEAR	WHO? (CITIZENS/INTEREST GROUP)	WHAT ACTION WAS TAKEN?	WHAT WAS THE RESULT?

To what extent were these efforts successful? Explain using specific examples from the timeline.

ADA ADVOCACY ANALYSIS AND ACTION ORGANIZER (CON'T)

PART TWO: ACTION TO THE ADA

Watch the video clip: “U.S. Capitol Crawl: Wheels of Justice Action” (4:44–7:25)

What kinds of barriers do people with disabilities confront?

To what extent are these individuals advocating for themselves?

How are their actions causing others to advocate and act on their behalf?

How are these people engaging in democratic behaviors to get their point across?

Watch the video clip: Senator Tom Harkin’s speech from July 13, 1990 (1:04:21–1:09:40 and 1:11:52–1:12:28)

The Americans with Disabilities Act, passed in 1990, expanded upon previous, more targeted laws designed to meet the needs of disabled Americans. This law was a turning point in American history because it was the first comprehensive law requiring universal accommodations for people with disabilities in all aspects of society. For the bill’s sponsor, Iowa Senator Tom Harkin, it was a pivotal, personal, and emotional moment when the U.S. Senate passed this landmark legislation.

ADA ADVOCACY ANALYSIS AND ACTION ORGANIZER (CON'T)

How does the opening to Senator Harkin's speech illustrate one of the many barriers people with disabilities confronted?

According to Harkin's speech, who deserves credit for the passage of the ADA? Where do you see examples of this?

What can you conclude about the relative roles of citizens and government in achieving improved access and opportunities for people with disabilities?

Read the government document: "Americans with Disabilities Act Justice Department Coordination and Review Section" (Section II: Public Accommodations and Section III: Transportation). Brainstorm a list of five to ten public and transportation accommodations that we have in our school or community for people with disabilities and add them here.

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ADA ADVOCACY ANALYSIS AND ACTION ORGANIZER (CON'T)

“Americans with Disabilities Act Justice Department Coordination and Review Section, Sections II and III”
Office for Civil Rights, U.S. Department of Education
<https://www2.ed.gov/about/offices/list/ocr/docs/hq9805.html>

AMERICANS WITH DISABILITIES ACT (ADA)

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section

II. PUBLIC ACCOMMODATIONS

- › Public accommodations such as restaurants, hotels, theaters, doctors’ offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers, may not discriminate on the basis of disability, effective January 26, 1992. Private clubs and religious organizations are exempt.
- › Reasonable changes in policies, practices, and procedures must be made to avoid discrimination.
- › Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities so that they can have an equal opportunity to participate or benefit, unless an undue burden would result.
- › Physical barriers in existing facilities must be removed if removal is readily achievable (i.e., easily accomplishable and able to be carried out without much difficulty or expense). If not, alternative methods of providing the services must be offered, if those methods are readily achievable.
- › All new construction in public accommodations, as well as in “commercial facilities” such as office buildings, must be accessible. Elevators are generally not required in buildings under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, mall, or a professional office of a health care provider.
- › Alterations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations. Elevators are required as described above.
- › Entities such as hotels that also offer transportation generally must provide equivalent transportation service to individuals with disabilities. New fixed-route vehicles ordered on or after August 26, 1990, and capable of carrying more than 16 passengers, must be accessible.
- › Public accommodations may not discriminate against an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.
- › Individuals may bring private lawsuits to obtain court orders to stop discrimination, but money damages cannot be awarded.
- › Individuals can also file complaints with the Attorney General who may file lawsuits to stop discrimination and obtain money damages and penalties.

ADA ADVOCACY ANALYSIS AND ACTION ORGANIZER (CON'T)

III. TRANSPORTATION

Public bus systems

- › New buses ordered on or after August 26, 1990, must be accessible to individuals with disabilities.
- › Transit authorities must provide comparable paratransit or other special transportation services to individuals with disabilities who cannot use fixed route bus services, unless an undue burden would result.
- › New bus stations must be accessible. Alterations to existing stations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations.
- › Individuals may file complaints with the Department of Transportation or bring private lawsuits.

Public rail systems

- › New rail vehicles ordered on or after August 26, 1990, must be accessible.
- › Existing rail systems must have one accessible car per train by July 26, 1995.
- › New rail stations must be accessible. [As] with new bus stations, alterations to existing rail [sta]tions must be made in an accessible manner.
- › Existing “key stations” in rapid rail, commuter rail, and light rail systems must be made accessible by July 26, 1993, unless an extension of up to 20 years is granted (30 years, in some cases, rapid and light rail).
- › Existing intercity rail stations (Amtrak) must be made accessible by July 26, 2010.
- › Individuals may file complaints with the Department of Transportation or bring private lawsuits

Privately operated bus and van companies

- › New over-the-road buses ordered on or after July 26, 1996 (July 26, 1997, for small companies), must be accessible. After completion of study, the President may extend the deadline by one year, if appropriate.
- › Other new vehicles, such as vans, must be accessible, unless the transportation company provides service to individuals with disabilities that is equivalent to that operated for the general public.
- › Other private transportation operations, including station facilities, must meet the requirements for public accommodations.
- › Individuals may file complaints with the Attorney General or bring private lawsuits under the public accommodations procedures.

TAKING ACTION TO ENSURE ACCESS ASSESSMENT

DIRECTIONS

First, select one public or transportation accommodation included in the ADA that is found in our school. Next, conduct online research to determine its requirements. Then seek information regarding the status of that accommodation in our school through observation and interview.

Finally, select one of the two following assignment options to inform others about it and to promote improved access.

CREATE A PUBLIC SERVICE ANNOUNCEMENT

This might be a school public address announcement, a series of social media posts, or a one-page flyer to post around the school regarding that accommodation. Include the following elements:

1. A fact or statistic about people with disabilities.
2. A brief informational statement about the ADA and your selected accommodation. Explain what it is and what purpose it serves.
3. The presence and status of that accommodation in our school.
4. A recommended action you or others can take to promote accessibility through this accommodation for people with disabilities.

CREATE A SCHOOL BOARD BRIEF

The purpose of this one-page document is to inform school board members about a matter that needs their attention. Include the following elements:

1. A short informational statement about the ADA and your selected accommodation. Explain what it is and what purpose it serves.
2. Information regarding the presence of that accommodation in the school building (frequency, location, state of repair, etc.).
3. A discussion of issues concerning that accommodation.
4. Recommendations for steps the school board should take regarding that accommodation to improve accessibility.



BUILDING A MORE PERFECT UNION



NATIONAL
ENDOWMENT
FOR THE
HUMANITIES

EDSITEment!

THE BEST OF THE HUMANITIES ON THE WEB

NHD
NATIONAL
HISTORY DAY

Help us to
win the vote

FREEDOM
WE ARE
BORN-
IN
FREEDOM
JUST LIVE

END
SEGREGATED
RULES
IN
PUBLIC
SCHOOLS

WE
DEMAND
AN
END
TO
POLICE
BRUTALITY
NO