



**A Self-Advocate's  
Guide to the  
Americans with  
Disabilities Act**

# To Start

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## What is this Toolkit?

This toolkit is about the Americans with Disabilities Act, or “the ADA” for short. The ADA is a law in the United States that says people with disabilities have rights.

This toolkit will help answer these questions:

- What is the ADA, and why was it made?
- Why is the ADA important?
- What are my rights from the ADA, and why are those rights important?
- How can I make sure I get my ADA rights?
- When does the ADA not work?
- What is the ADA Amendments Act, and why is it important?
- What is Olmstead, and why is it important?
- What are people doing to try and make the ADA worse?
- How can I help protect the ADA?

## What is the ADA and Why Should I Care?

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### What are rights? What is the Americans with Disabilities Act?

Everyone has rights, including you! The word “rights” can mean two things. Sometimes, rights are things that the law gives you. These are called **legal rights**, and the government has to make sure you get these rights.

The second meaning of “rights” is “things that you *should* have.” People might say you have the “right” to be happy, but the government doesn’t have to make sure that you are happy.

The **Americans with Disabilities Act** is a law that gives people with disabilities legal rights. We call the Americans with Disabilities Act “**the ADA**” for short.

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The ADA is a special kind of law called a civil rights law. **Civil rights laws** are laws that make sure people get treated fairly. Civil rights laws help protect people from **discrimination**, which is when someone gets treated unfairly because of who they are.

Certain groups of people get treated unfairly more than others. For example, some people get treated unfairly because of their race, and people with disabilities get treated unfairly because of our disabilities. That is why civil rights laws are important. There are civil rights laws for groups like women and black people, and the ADA is a civil rights law for people with disabilities.

The Americans with Disabilities Act became a law in 1990. People with disabilities worked hard to make the ADA the law. We fought for our rights from the ADA, and we are still fighting for our ADA rights today.

## Why should I care about the Americans with Disabilities Act?

People with disabilities are still discriminated against today. We get put in institutions.

Other people tell us we can't do some things because we have disabilities, or they don't give us the help we need to do what we want to do. The ADA says that these things are not okay, and that discriminating against people with disabilities breaks the law.

The ADA says we have *the right* to live and work with everyone else, and *the right* to go anywhere non-disabled people go. It says we have *the right* to do anything non-disabled people do, and *the right* to get help when we need it. If we get discriminated against, the ADA lets us do something about it.

The ADA has helped lots of people with disabilities. There is less discrimination against us than there used to be, and more people with disabilities are part of the community!

But there is still a lot of work to be done to protect our rights. That is why it's important to know the rights the ADA gives us.

# What is in the ADA?

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## Who does the ADA protect?

The ADA protects people with disabilities, and the law explains who counts as someone with a disability. The ADA says that a disability:

- Makes your brain or body different from most people.
- Changes how you do some things, like: seeing, eating, sleeping, learning, reading, working, and breathing.
- Makes it harder or impossible to do one or more of these things.

That is how the ADA decides that you have a disability.

For example:

Morgan is autistic, and Morgan's brain works differently than non-autistic people's brains. Sometimes, that makes it harder for Morgan to learn things, or for Morgan to work. The ADA says Morgan has a disability, so Morgan gets rights from the ADA.

Hiro is Blind. He can't see at all, and he can't read books without braille. The ADA says Hiro has a disability, so Hiro gets rights from the ADA.

The ADA also protects people who used to have a disability. They might have been sick for a long time and then got better, so now they don't have a disability anymore. But sometimes they still get discriminated against because they used to be disabled, so the ADA gives them rights, too.

There are some times where the ADA protects people without disabilities. Sometimes, someone discriminates against a non-disabled person because they think that the person has a disability.

For example:

Mateo does not have a disability. He applies for a job at a movie theater. At his job interview, the interviewer says that Mateo "looks autistic", and that autistic people can't work at movie theaters. Mateo doesn't get the job.

It doesn't matter that Mateo isn't actually autistic. The interviewer still discriminated against him because the interviewer thought Mateo had a disability. So Mateo still gets rights from the ADA.

Other times, someone discriminates against a non-disabled person. They are not disabled, but they are close with a disabled person. They could be a friend of someone with a disability, or they could be a parent of a child with a disability.

For example:

Rosa does not have a disability, but her daughter has Down Syndrome. Rosa works at an office. Her boss thinks that Rosa will take too much time off to take care of her daughter, so he fires her.

Rosa is not disabled, but her daughter was disabled, which is why Rosa's boss discriminated against her. So Rosa still gets rights from the ADA.

## What does each part of the ADA do?

The ADA has 5 titles. **Titles** are different parts of a law, and each title of the ADA talks about something different. Here is what each title of the ADA talks about:

- **Title 1** talks about jobs. It talks about your rights at work, and says your boss needs to respect your rights.
- **Title 2** talks about discrimination by the government. It talks about places run by the government, like libraries, and services run by the government, like the police.

Title 2 is only for state and local governments. There is a different law for the United States government called **the Rehabilitation Act**. It does a lot of the same things as the ADA.

- **Title 3** talks about discrimination by public places. **Public places** are parts of the community that are open to everyone. Some kinds of public places are restaurants, stores, and movie theaters.
- **Title 4** talks about phones and TV. The ADA calls these things **telecommunications**.
- **Title 5** talks about some things that didn't fit in other titles. We won't talk about all of Title 5 in this toolkit, just the parts that focus on your rights.

# Title 1

## *What rights does Title 1 give me?*

Title 1 gives you rights at your job. It says that your job can't discriminate against you because of a disability.

Title 1 lists different kinds of discrimination that can happen at work, and talks about discrimination that can happen when you apply for a job. It says all of these things are against the law. Here are some of the kinds of discrimination that break the law:

1. Your job can't treat you badly because of your disability. Your job can't pay you less because of your disability, or give you a worse job because of your disability. They can't make you work in a different place than people without disabilities.
2. Your job can't make deals that discriminate against you.

For example:

Jamal has a disability, and he works serving food for a place that helps with parties. Bad Cord is an office that has a lot of parties. They don't like people with disabilities, so they make a deal with Jamal's job that Jamal won't work at Bad Corp's parties. Jamal's job will only send workers without disabilities to Bad Corp's parties, so Jamal doesn't get to go. This discriminates against Jamal, and the ADA says that's against the law.

3. Your job can't have rules that discriminate against you. Even if these rules discriminate against you by accident, they still aren't allowed.

For example:

Dejah uses a wheelchair, and she works at a call center. Her job is just to make phone calls. Her boss comes up with a new rule that says all the workers need to be able to lift heavy boxes.

Dejah can't lift heavy boxes in her wheelchair, and lifting heavy boxes has nothing to do with her job making phone calls. The new rule discriminates against Dejah, and the ADA says that's against the law.

4. Jobs can't discriminate against families of people with disabilities. They can't treat your family members differently because you have a disability.

For example:

Priya is autistic, and her health care costs a lot of money. She gets health insurance from her dad's job.

Priya's dad gets a new job. His new job knows Priya's health care costs a lot of money, and they don't want to pay more money for Priya's health care. So they say they won't give Priya's dad health insurance. The ADA says that's against the law.

5. Jobs can't have applications that are not fair to people with disabilities.

For example:

Arnold has a disability, and they can't talk. They want to apply for a job as a janitor, but they need to take a test first. The job says that the test can only get done by talking, but Arnold can't talk. They can only type out the answers. If Arnold could type out the answers, they would pass the test, but the job won't let Arnold type out the answers. Arnold can't apply for the job. The test is not fair to Arnold, and the ADA says that's against the law.

6. Jobs can't discriminate when they are making decisions about you.

Jobs can't discriminate:

- When they are deciding if they want to hire you.
- When they are deciding if they want to give you a promotion.
- When they are deciding if they want to fire you.
- When they are deciding how much to pay you.
- When they are training you to do your job.

### *What are reasonable accommodations?*

**Accommodations** are changes that make things easier for people with disabilities. They help us get the same things as non-disabled people.

Some examples of accommodations are:

- Getting captions on movie
- Having a note-taker at school
- Menus in braille at a restaurant

- Bringing your service dog to work
- An interpreter at the doctor's office

Accommodations can be used at school or work, and in public places like restaurants. Accommodations can be used for all sorts of things.

The ADA gives you the right to get accommodations at work. Your job has to give you the accommodations you need to do your job. There are lots of different kinds of job accommodations, and you can get different ones to fit what works best for you. Here are a few examples of accommodations at work:

- Getting extra time to get work done
- Getting certain tools to help you work.
  - For example, Blind people can get a screen-reader for their computer, or autistic people can get headphones to make work less noisy.
- Getting to work in a quieter place.
- Getting instructions written down.
- Getting a sign language interpreter.

To get job accommodations, you have to tell your job about your disability. Your job can't give you accommodations if they don't know you're disabled. Your job can ask for proof that you have a disability, and once they have proof, they have to give you accommodations.

The ADA says getting job accommodations is an **interactive process**. An interactive process means you talk with your job about your disability, and work together to decide what accommodations you will get. You and your job have to agree about what accommodations will work.

Your job does not have to give you every accommodation you ask for. The accommodations you ask for have to be "**reasonable**". This means the accommodations make sense for the job, and the accommodations are things your job can do.

You can't ask for an accommodation that changes your job too much. You still need to be able to do the same job that non-disabled people do.



Here are a couple of examples:

Risa wants to work at a newspaper. She applies for a job writing articles, and asks if someone else can write articles for her as an accommodation for her disability.

But this means Risa isn't actually doing her job, so it's not a reasonable accommodation. The newspaper says they can't do that.

Zainab uses a wheelchair. They apply for a job working in the back of a big store. Part of the job is lifting heavy boxes, but Zainab can't lift heavy boxes in their wheelchair. They ask for an accommodation so they don't have to lift boxes. But that means Zainab can't do the job the store needs them to do, so that's not a reasonable accommodation. The store says they can't do that, but Zainab can apply for a different job at the store. They could be a cashier instead of working in the back.

Sometimes your job can't give you an accommodation. The accommodation might cost the job more money than they have, or it could be too hard for the job to do.

For example:

Andre is Deaf, and he applies for a job at a small jewelry store. He asks for everyone at the job to learn American Sign Language (ASL) as an accommodation. It is hard to learn ASL, and takes a lot of time to learn, so the jewelry store says they can't give Andre that accommodation. They hire an ASL interpreter instead, and the interpreter helps Andre talk to his coworkers.

Jobs need to prove that an accommodation is too hard for them to do. They can't just say every accommodation is too hard.

### ***Does Title 1 have any other rules about jobs?***

Title 1 says your job can't ask if you have a disability. They can only ask if you can do your job, and it is up to you to tell your job if you have a disability.

### ***Are there some jobs where Title 1 does not work?***

Title 1 doesn't work if less than 15 workers are at your job, but your job still has to follow the other titles of the ADA.

## Title 2

### *What rights does Title 2 give me?*

Title 2 talks about state and local governments, and says what these governments have to do for people with disabilities.

State governments are the people who run each state. For example, California has a state government. The government is run by their governor and state representatives.

**Local governments** are the people who run cities and towns. For example, New York City has a local government. The government is run by the mayor and city council.

The ADA gives you rights in places run by the government.

For example:

- Libraries.
- The post office.
- City hall.
- Public transportation, like buses, trains, and subways.

You have the right to go inside any place run by the government, and to use any service run by the government.

For example:

You have the right to go to the library. Your local government has to make sure you can get inside. They also have to make sure you can use the library services, and that librarians can help you get what you need. They have to make sure you can get books that you can read, and can check out the books you want to.

The ADA says governments can't discriminate against people with disabilities. The places and services the government runs must be accessible. Accessible means that people with disabilities can easily use something. We can easily get around somewhere, and we feel like we belong there.

## *How does the ADA stop discrimination from the government?*

The ADA says that the government can't stop you from doing things just because of your disability.

For example, the government can't:

- Stop you from going to government meetings or using a government service
- Stop you from going to places run by the government
- Stop you from using government programs that other people use
- Do *anything* that would discriminate against you because of your disability

The ADA says that government places and services have to be accessible. This means they have to be accessible all the time. They can't only be accessible sometimes, and they can't only be accessible for some people.

Non-disabled people go to places and use services. People with disabilities have the right to go to all the same places and use all the same services. The ADA says we have the same rights as non-disabled people, and the government needs to make sure we get these rights all the time.

The government can't make people with disabilities go to separate places.

For example:

Badtown has a lot of parks. Non-disabled people go to these parks, but the government doesn't let disabled people use these parks. They make a park just for disabled people, and only let disabled people use that park. The ADA says that's against the law! We have the right to go to the same parks as everyone else.

## *What changes can governments make to help people with disabilities?*

Some places and services the government runs are not accessible, so the ADA says the government needs to make them accessible. The government might have to change some things about places they run or change some things about the services they have. That makes sure we get the same rights as everyone else.

There are lots of changes governments can make to help people with disabilities. They can change some of their rules.

For example:

Some government buildings have rules about who can come in. They want to know about every person who comes in, so they might make you show them your driver's license. But some disabled people can't drive, so they can't get a driver's license. The government may change the rules for people with disabilities by coming up with another way to show who you are.

Governments can also change their buildings to make them accessible. For example:

Stairtown's city hall is up a big staircase, so people with disabilities can't get in. That's against the law! Stairtown builds a ramp up to the city hall so people with disabilities can get in.

There are lots of rules about changes governments need to make to help governments follow the ADA. You can find a list of these rules at [https://www.ada.gov/2010ADASTandards\\_index.htm](https://www.ada.gov/2010ADASTandards_index.htm).

There are extra rules about public transportation. Some people with disabilities can't drive, and public transportation doesn't go everywhere we need to go. Public transportation might not work for us, so the government has to make public transportation that we can use. This public transportation is called **paratransit**, and it makes sure we can get to the same places as everyone else.

## Title 3

### *What rights does Title 3 give me?*

Title 3 talks about public places. Public places are parts of the community that are open to everyone. They are owned by businesses or people, not the government.

They are places where you could buy something or get services.

Some kinds of public places are:

- Hotels
- Hospitals
- Restaurants
- Movie theaters
- Stores
- Hairdressers
- Doctor's offices
- Zoos and parks
- Private schools and colleges
- Gyms

Title 3 says public places can't discriminate against people with disabilities. You have the right to do the same things as everyone else and go to the same places.

It also says you have the right to get accessible services in public places. Public places have to make changes if something isn't accessible to you.

For example:

If you go to a hairdresser, you have the right to get a haircut, and the hairdresser can't say no because of your disability.

If you go to a store, you have the right to go inside and buy things, and to get help reaching things if you need it.

If you go to a restaurant, you have the right to order food. You have the right to get a menu you can read, or you have the right to get someone to read the menu to you.

### *When does Title 3 not work?*

Title 3 does not work for religious buildings or groups. Places like mosques, churches, or synagogues don't have to be accessible. Religious groups can keep you out of their religion because of your disability.

Sometimes, a religious group will share their building with a business, like a daycare or a bookstore. The business isn't religious, so their part of the building still needs to be accessible.

Title 3 does not work for some old buildings built before the ADA. It may be too hard to make them accessible, so those buildings don't have to be accessible. But sometimes old buildings get new parts, or it may be easy to make the building accessible. Then, the building has to become accessible.

Title 3 also does not work in private places, like your friend's house. Your friend's house does not have to be accessible, and your friend can choose to not let you in because of your disability. That would make them a bad friend, but they wouldn't be breaking the law.

## Title 4

### *What is Title 4 for?*

Title 4 is about telecommunications. **Telecommunications** means tools we use to talk or listen to other people, like phones and TVs. Title 4 says telecommunications have to be accessible to people with disabilities.

### *What does the ADA say about phones?*

Some people with disabilities have a hard time making phone calls. Blind people may not be able to push buttons on a phone, or Deaf people may not be able to hear someone on the phone. Some disabled people can't make phone calls at all.

But talking on the phone is really important! We use phones for our jobs, to talk to friends and family, and to get help from the government. That's why the ADA protects our right to use phones.

The ADA says that phone calls have to be accessible to people with disabilities. It says governments and businesses have to have phone services for us. These services let us use the phone just like everyone else. They let us talk on the phone by typing or video call, and help us talk in ways that work for us.

The ADA says that we have to be able to get these services all the time. That makes sure we can all talk on the phone whenever we need to.

## *What does the ADA say about TV?*

Sometimes the government sends messages on TV to help keep us safe. For example, there might be a message on TV about a tornado. The ADA says these messages need to have captions to make sure that everyone can understand what is going on.

After the ADA got made, people decided all TV shows should have captions. Today, almost every TV show or movie has captions.

## **Effective Communication**

### *What is effective communication?*

**Communication** is how we show others what we want and need. Everyone communicates, but people with disabilities may need help to show what we want and need. We may communicate in different ways than non-disabled people.

You have the right to effective communication. **Effective communication** means communication that works for you. It means you can share what you think, and understand what other people say. If you don't have effective communication, you can't show what you want and need. That means things won't be accessible to you, so that's why the ADA says you have a right to effective communication.

### *What ways can the ADA help you get effective communication?*

Some services that help people get effective communication are:

- Sign language interpreters
- Captions on videos
- Books on tape
- Papers in braille for blind people
- A computer to type on if you can't speak

Effective communication is part of the whole ADA.

Title 2 says the government has to give you the help you need to communicate.

It says they have to give you the exact kind of help you ask for, and can only give you a different kind of help if they have a really good reason. It is like reasonable accommodations in Title 1.

Title 3 says public places have to give you the help you need to communicate. For example, a movie theater has to have captions on their movies so Deaf people can understand the movie.

## What are some holes in the ADA?

Sometimes, certain people or places might not have to follow the ADA. We call these things “holes” in the ADA. Here are some of the big holes in the ADA:

### *What does the ADA say about transgender people?*

There are lots of different genders, but some people think there are only 2. When people are born, the doctor usually says “It’s a boy!” or “It’s a girl!” The doctor says this based on what someone’s body looks like, but sometimes the doctor is wrong. You don’t have to be a boy or girl just because of what your body looks like.

Sometimes, a person who was told she was a boy is actually a girl. **Transgender** means your gender is different than people thought when you were born.

For example:

Rowan is transgender. When Rowan was born, everyone thought he was a girl, but Rowan knew he was a boy. Rowan told people that he was a boy, and now he lives his life as a man.

When the ADA got written, doctors thought being transgender was a disability, but the ADA said that being transgender doesn’t count as a disability. Doctors also thought being gay, bisexual, or a lesbian was a disability, but the ADA said that being gay, bisexual, or a lesbian doesn’t count as a disability. So these groups didn’t get rights from the ADA.

Some gay, bisexual, lesbian, and transgender people also have disabilities, and they still get rights for those disabilities.



## *What does the ADA say about substance use disorders?*

A **substance use disorder** is when someone takes a lot of drugs for a long time. Their body feels like it needs the drugs to stay alive, so they keep taking the drugs, even if they want to stop. Some drugs, like alcohol or cigarettes, are legal. Other drugs, like cocaine, are against the law.

Doctors say that substance use disorders are a disability, but the ADA only gives rights to people with substance use disorders who use *legal* drugs. People who use drugs that are against the law don't get ADA rights. They only get rights if they also have other disabilities.

**Recovering** is when someone with a substance use disorder stops taking drugs. But recovering is hard, and they may need lots of help. The ADA says that people who are recovering get rights, even if the drugs they used were against the law.

For example:

Kathy used to use heroin. Heroin is a drug that is against the law. Her old boss fired her for using heroin, and this was **not** against the law.

Kathy stopped using heroin, which made her body feel very bad. Kathy takes a medicine called methadone to help her body feel better. Her new boss wants to fire her for taking methadone, which **is** against the law.

## *What does the ADA say about religious places?*

The ADA does not work for religious buildings or groups. Places like mosques, churches, or synagogues don't have to be accessible. Religious groups can keep you out of their religion because of your disability.

Sometimes, a religious group will share their building with a business, like a daycare or a bookstore. The business isn't religious, so their part of the building still needs to be accessible.

## *What does the ADA say about old buildings?*

The ADA does not work for some old buildings built before the ADA. It may be too hard to make them accessible, so those buildings don't have to be accessible. But sometimes old buildings get new parts, or it may be easy to make the building accessible. Then, the building has to become accessible.

## *What does the ADA say about private places?*

The ADA does not work in private places, like your friend's house. Your friend's house does not have to be accessible, and your friend can choose to not let you in because of your disability. That would make them a bad friend, but they wouldn't be breaking the law.

## *Do airplanes have to follow the ADA?*

No, they do not! Airplanes follow another law called the **Air Carrier Access Act**. It says what rights people with disabilities have in airplanes. That law got made before the Americans with Disabilities Act, so airplanes do not have to follow the ADA.

## *When do Title 2 and 3 not work?*

Title 2 says governments have to make things accessible for people with disabilities, and Title 3 says the same thing about public places. They also say they have to help us get effective communication. But sometimes, governments and public places don't have to follow the ADA if what we need is too hard for them to give us.

Governments or public places can say helping us would be too hard because:

- It would cost too much money
- It would make the place we need to go less safe
- There aren't enough people working there to help us

Governments or public places can also say helping us is too big a change. That means helping us would make the place or service into something different. We wouldn't be getting the same things as non-disabled people, and it might change what non-disabled people get, too.

For example:

Tyrie is autistic, and they want to go to a concert. Tyrie needs some changes to make the concert accessible. They need the music to not be too loud, and the space to not be too crowded.

All these things would change the concert too much, so the concert wouldn't be like a concert anymore. People go to concerts to listen to loud music, and to dance with big crowds of people. So the people at the concert wouldn't get what they came for.

There is no way to make the concert accessible for Tyrie, so they decide not to go. They watch the concert on TV later instead.

### *What are the problems with doctors and the ADA?*

Sometimes, doctors think they don't need to follow the ADA. They think they know what is best for people with disabilities, so they might not give us our rights. One big way that happens is with organ transplants.

**An organ transplant** is when a doctor takes an organ, like a heart, from one person, then puts that organ in a different person. The person getting that organ usually needs it to stay alive, and they might die if they don't get the transplant.

Some doctors think that people with disabilities should not get organ transplants. There aren't enough organs for everyone to get one, so doctors might think only non-disabled people should get organs. They may think people with disabilities matter less, or that our lives are not worth living.

The ADA says that is against the law, and keeping disabled people from getting organ transplants is discrimination. But some doctors keep doing this. Most people think that doctors know what's best for everyone, so they don't tell doctors to stop. **ASAN thinks that doctors need to follow the ADA.**

### *What are the problems with the ADA and websites?*

There are lots of websites that don't follow the ADA. Here are some ways websites don't follow the ADA:

- Screen readers don't work on some websites, so Blind people can't read those websites.
- Some websites don't have captions on pictures, and videos might not have subtitles either.
- Captions or subtitles on websites might not make sense because they get written by a computer and not a person.

The ADA happened before most people used websites, so it is hard to know which websites need to follow the ADA. People asked the courts to help, but different courts said different things. So, a lot of websites don't follow the ADA. **ASAN thinks that all websites need to follow the ADA.**

## The ADA Amendments Act

### *Why did the ADA Amendments Act happen?*

The **ADA Amendments Act** was a list of changes to the ADA that came out in 2008.

Before that, courts were bad at deciding who had a disability. They told some people that they didn't really have disabilities, so a lot less people got ADA rights.

### *How did the ADA Amendments Act fix this?*

The ADA Amendments Act did a few things to fix this:

- It made a big list of things that counted as disabilities in the ADA. It wasn't a list of disabilities themselves, but a list of things that disabilities make it hard to do.

For example: seeing, reading, hearing, breathing, eating, thinking, working...

It was a long list, and it made more things "count" as disabilities, which means more people get ADA rights!

- It told courts to focus more on discrimination. Before, courts spent more time trying to decide who "counted", and they argued about if someone had a disability or not. Now, they need to focus on discrimination, and deciding if discrimination happened or not.
- Some people with disabilities need help doing things. With help, they can do the same things as non-disabled people, and they might even look like they don't have disabilities anymore. Some courts got confused by this. The courts said they didn't actually have disabilities, so they shouldn't get ADA rights.

But getting help doesn't take away our disabilities. When courts said someone didn't have disabilities, it hurt them. They lost their rights and stopped getting help. It was a big problem.

The ADA Amendments Act fixed that problem. It says getting help doesn't take away our disabilities, and made sure we can get the same help for as long as we need.

### *What does the ADA Amendments Act mean for me?*

The ADA Amendments Act mostly helps you if you need to go to court. It means the court might help you more than before.

The ADA Amendments Act made things more fair for some people with disabilities. It said that more things counted as disabilities, and made things more fair for people who only have a disability for a short time. It made things more fair for people who don't always "look" disabled, like autistic people.

### **What is Olmstead?**

**Olmstead v. L.C.** was a big court case about the ADA and living in the community. People just call it "Olmstead" for short.

Lots of people with disabilities get forced into institutions to get services. They get told they can only get services in an institution. In 1999, two women named Lois Curtis and Elaine Wilson were living in an institution. They wanted to live in the community, and not in an institution.

Lois and Elaine said the ADA gave them the right to live in the community. Title 2 of the ADA said that people with disabilities have rights. We have the right to go to the same places as non-disabled people, and get the same services. But, when we are in institutions, we can't go to the same places and get the same services.

So Lois and Elaine said they had a right to live in the community! They fought for their rights from the ADA, and went to the Supreme Court to fight for their rights. The **Supreme Court** is the biggest court in the United States, and has the final say on how laws work. The Supreme Court said that Lois and Elaine were right.

**Olmstead** means that you have a right to live in the community. If the government says you can only get services in an institution, they are wrong. You can get services in the community. But Olmstead is a court case, not a law. That means you might have to go to court to get your Olmstead rights. Lots of people are still fighting for their Olmstead rights.

You learn more Olmstead at <https://www.ada.gov/olmstead/index.htm>. The website has tools to help you fight for your rights.

# How is the ADA Enforced?

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**Enforce** means making sure that people follow the law. Enforcing the ADA means making sure people protect our rights. We have to enforce the ADA for jobs, for state and local governments, and for public places. The ADA has been the law for 30 years, but some people still do not follow the ADA!

## How is the ADA enforced?

To enforce your ADA rights, you might have to start a lawsuit. A **lawsuit** is when you bring someone to court. You tell the court that person broke a law, and the court decides if that person broke the law. Then, they make that person follow the law. They might also make that person pay money for breaking the law.

Lawsuits cost a lot of time and money, so most people don't want to take all that time and money. It is easier for people to just follow the law! Starting lawsuits is hard for people with disabilities, too. Starting a lawsuit without a lawyer is very hard, so you might have to get a lawyer. That can cost a lot of money, and can also take a long time.

Courts can make people that don't follow the ADA start following the law, even if it costs money. Courts can make them pay for your lawyer, too.

For example:

A new restaurant does not have a wheelchair ramp, and the ADA says that's against the law. Lin uses a wheelchair, so she starts a lawsuit against the restaurant. She tells the court that the restaurant went against her rights, and the court says the restaurant broke the law. The court tells the restaurant that they have to build a ramp. The restaurant has to spend money to build the ramp, and they have to pay for Lin's lawyer.

We can't make money from ADA lawsuits, but sometimes discrimination makes you lose money, so we can get paid back the money that we lost. We can get paid back if a state or local government discriminates, or if we are discriminated against at our job.

For example:

Jessica has a disability, and she works at a bookstore. Her job fires her because of her disability. She can't find another job for a month, so she makes no money that month. She lost money because her job discriminated against her.

Jessica starts a lawsuit against her old job. The court decides Jessica's job broke the law, and Jessica's job has to pay her for the month she didn't work.

But we can't get paid back if a public place discriminates against us. We can only make them follow the law.

For example:

Jessica has a disability, and she goes to the movies. She needs captions to understand the movie. The movie theater won't give her captions, but Jessica already bought a movie ticket.

Jessica starts a lawsuit. The court says the movie theater discriminated. The movie theater doesn't have to pay her back for the movie ticket, but they do have to start following the ADA. They have to have captions.

People with disabilities don't want to start lawsuits. We just want people to follow our ADA rights!

## **How do people know how to follow the ADA?**

The ADA has been the law for 30 years, which is a really long time! It is long enough for everyone to figure out how the ADA works, and what they have to do to follow it.

People can get help understanding how the ADA works. The U.S. government has a guide for how to follow the ADA, which you can read at <https://www.ada.gov/ta-pubs-pg2.htm>. It has people anyone can call for help to answer questions about the ADA. There is no reason for people not to follow the ADA!

# Threats to the ADA

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A lot of people want to make the ADA a worse law for a lot of different reasons. This section will talk about how people try to make the ADA worse, and why people want to make the ADA worse.

## What are ADA Notification Bills?

Some people think that people with disabilities start too many ADA lawsuits. They think people with disabilities are greedy, and that our lawyers are greedy. They think we want to take money from businesses. This is not true, since we can't make money from ADA lawsuits. But people still think we are starting lawsuits for bad reasons, so they came up with something called ADA Notification Bills.

**ADA Notification Bills** are ideas for a new law that would make people with disabilities wait before starting ADA lawsuits. There are a few different ways they might make people wait.

For example:

Lin uses a wheelchair, and a new restaurant opened near her. The ADA says the restaurant has to have a ramp to get in, but the restaurant has no ramp, so Lin can't get in.

The ADA Notification Bill says Lin can't start an ADA lawsuit yet. First, she has to send a letter to the restaurant, and she has to get a lawyer to help her write the letter. The letter has to tell the restaurant exactly how they didn't follow the ADA. Then, she has to wait 4 months to give the restaurant time to build the ramp. But after 4 months, there is still no ramp, and only now can Lin start an ADA lawsuit against the restaurant.

ADA Notification Bills are not the law yet, but it would be really bad if they became the law! There are lots of things wrong with ADA Notification Bills:

- They won't work if you're going somewhere at a set time. For example, if you're going to a wedding, you can't wait for another time. Starting a lawsuit won't help if the wedding already happened.
- No other civil rights law makes you wait to start a lawsuit. It would be bad if we let this happen to people with disabilities, and it might start happening to other groups, like people of color.



- People with disabilities will get our rights less. We might not understand the new rules about ADA lawsuits, or think it is too hard to wait so long, so we might not fight for our rights.

This is why ASAN thinks ADA Notification Bills are bad. They are a big threat to the ADA.

## What are some wrong ideas about the ADA?

Some people think that the ADA has too many rules. They think the rules are really hard to follow, not important, or that following them costs too much money.

This is not true! People, governments, and businesses get lots of help to follow the law, and there are lots of places to ask for help understanding the ADA. The ADA has also been the law for 30 years, so everyone had 30 years to figure out the rules. Maybe they should spend less time complaining and more time learning the rules.

All of the ADA rules are important. They make sure we aren't discriminated against, and they help make places and services accessible. Without these rules, we would not be treated fairly, and would not get to be part of our communities.

The ADA tells governments and businesses to make things accessible, but it doesn't give them money to make things accessible. So some people think the ADA is unfair, and that the law should give out money to make things accessible.

It would be great if the ADA gave money to help make things accessible, but it's still important to follow the law anyway. The ADA gives people with disabilities our rights.

We deserve the same rights as everyone else, and we deserve these rights no matter what. We have the right for things to be accessible to us, and we need the ADA to make sure we get those rights.

Also, businesses *can* get money back from following the ADA. They can keep some extra money from their taxes.

## What is the biggest threat to the ADA?

People have a lot of wrong ideas about our rights. Those wrong ideas are the biggest threat to the ADA, and keep people from following the ADA.

Lots of people think that the rights of people with disabilities are:

- Not important
- Less important than the rights of non-disabled people
- Too hard to give us
- Too hard to understand

That is why there are bills that would make the ADA worse, and why some people, governments, and businesses don't follow the ADA.

When people don't follow the ADA, we get left out. We get left out of:

- Buildings
- Important meetings about us
- Websites
- The community

We need to tell people how important the ADA is. We need to change what people think about the ADA, and fight for our ADA rights!

## **What Can I Do to Help Protect the ADA?**

Some people are trying to make the ADA worse, but you can work to make sure the ADA stays strong! Here are some things you can do to help protect the ADA.

### **Tell people about the ADA and why our rights are important.**

Lots of people have wrong ideas about the ADA. We need to talk to everyone about the ADA, and let them know why the ADA is important to us. They can help us fight for our rights.

Work with ASAN to tell people about the ADA! We talk to a lot of people about the ADA, so you can share with us what the ADA means to you. You can write to us about the ADA at <https://autisticadvocacy.org/policy/submit/>, or email us at [info@autisticadvocacy.org](mailto:info@autisticadvocacy.org).

Write about the ADA online. Blog about the ADA, or post about the ADA on Facebook or Twitter. Work with other people with disabilities to do advocacy. Do everything you can to show that the ADA matters to you.

## Stand up for your rights!

There might be times when people don't give you your ADA rights. If that happens, here are some things you can do:

- Start a lawsuit. You should only do this if you have a lawyer to help you, so talk to a lawyer first. They can tell you if starting a lawsuit is a good idea.
- Many people get discriminated against at work, and there is a part of the U.S. government that helps with this. It is called the Equal Employment Opportunity Commission (EEOC). You can send them a message if your job doesn't follow your ADA rights. Their website section about disability is <https://www.eeoc.gov/laws/types/disability.cfm>
- Lots of places and services are not accessible, and the government or businesses might discriminate against you. The U.S. Department of Justice can help with this. The part of their website about disability is at <https://www.justice.gov/crt/how-file-complaint#two>
- Sometimes public transportation isn't accessible, or public transportation workers might discriminate against you. You can talk to the Office of Civil Rights (OCR) about this. You can find out how to talk with OCR by going to <https://www.transportation.gov/civil-rights/complaint-resolution/public-complaint-process>
- There is a government office in charge of telecommunications called the Federal Communication Commission (FCC). You can talk to them if your telecommunications rights get broken. Their website is <https://consumercomplaints.fcc.gov/hc/en-us>

Talking to the government about your ADA rights can be hard, and starting a lawsuit can be confusing, too. Your **Protection & Advocacy Agency (P&A)** can help you.

P&As help people with disabilities fight for our rights, and make sure states follow disability laws. There is a P&A in every state. You can find the P&A in your state by going to <https://www.ndrn.org/about/ndrn-member-agencies/>

# **Glossary**

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## **Air Carrier Access Act**

A law about what rights people with disabilities have in airplanes. It was passed before the Americans with Disabilities Act.

## **Accessible**

When people with disabilities can easily use something. We can easily get around somewhere. We feel like we belong there.

## **Accommodations**

Changes that make things easier for people with disabilities. They help us get the same things as non-disabled people.

## **Americans with Disabilities Act (ADA)**

A law in the United States that gives people with disabilities rights. It is called “the ADA” for short.

## **ADA Amendments Act**

A list of changes to the ADA that made the ADA better. It changed the law in 2008.

## **ADA Notification Bills**

Ideas for new laws that would make people with disabilities wait before starting ADA lawsuits

## **Communication**

How we show others what we want and need.

## **Civil rights laws**

Laws that make sure people get treated fairly

## **Discrimination**

When someone gets treated unfairly because of who they are.

## **Effective communication**

Communication that is accessible to us. It lets you share what you think, and understand what other people say.

## **Enforce**

Making sure that people follow the law.

## **Interactive process**

When you talk with your job about your disability. You work together to decide what accommodations you will get.

## **Lawmakers**

People who make laws. They work for the government.

## **Lawsuit**

When you bring someone to court. You tell the court that person broke a law, then the court decides if that person broke the law.

## **Legal rights**

Rights that the law gives you. The government needs to make sure you get these rights.

## **Local governments**

The people who run cities and towns. For example, New York City has a local government.

## **Olmstead**

A big court case about the ADA and living in the community. It says that people with disabilities have a right to live in the community.

## **Organ transplant**

When a doctor takes an organ, like a heart, from one person. Then, they put that organ in a different person.

## **Paratransit**

Public transportation for people with disabilities. It makes sure we can get to the same places as everyone else.

## **Protection & Advocacy Agencies (P&As)**

Places that help people with disabilities fight for our rights. They make sure states follow disability laws.

## **Public places**

Parts of the community that are open to everyone. Restaurants and stores are examples of public places.

## **Reasonable accommodations**

Accommodations that make sense for your job. It also means the accommodations are things your job can do.

## **Recovering**

When someone with a substance use disorder stops taking drugs.

## **Rehabilitation Act**

A law for the United States government. It does a lot of the same things as the ADA.

## **Substance use disorders**

When someone takes a lot of drugs. Their body feels like it needs the drugs to stay alive. So they keep taking the drugs, even if they want to stop.

## **State governments**

The people who run each state. For example, California has a state government.



## **Supreme Court**

The biggest court in the United States. They have the final say on how laws work.

## **Telecommunications**

Tools people use to talk or listen to each other, like phones and TV.

## **Titles**

Different parts of a law.

## **Transgender**

When your gender is different than people thought when you were born.