

The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 is civil rights legislation that extends the anti discrimination legislation of Section 504 to all institutions of higher education whether or not they receive federal financial assistance. It is the purpose of this act to provide a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities.

This statute became effective for public entities on January 26, 1992. It provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, state and local governments, public accommodations and telecommunications. The ADA consists of five titles.

Title I

Title I covers employment activities. It requires that employers not discriminate on the basis of disability in recruitment, hiring, retention, or promotion of employees. Employment opportunities must be made available when it can be shown that the individual can successfully perform the essential functions of the job, with or without reasonable accommodations.

Title II

Title II of the ADA is divided into two subparts. Subpart A requires the state and local governmental entities and programs be made accessible to individuals with disabilities. Subpart B requires that public transportation systems be made fully accessible and usable by persons with disabilities.

Title III

Title III covers the accessibility and availability of programs, goods, and services provided by public and private entities. Although the Act uses the term public accommodation, it refers to use by the public rather than the operation by a public entity. By definition, a public accommodation can be privately owned, operated, and/or offered.

Title IV

Title IV requires that telecommunication services be made accessible to individuals with hearing and speech impairments and refers specifically to the development of telecommunications relay systems and closed captioning technology.

Title V

Title V of the ADA contains miscellaneous provisions that apply to all the other titles.

Facility Access

The ADA requires existing facilities of **Title II** entities to be accessible. The University of Texas Medical Branch has a compliance plan to make all existing facilities accessible to people with disabilities to the extent that access is readily achievable and not an undue burden. For new construction or renovations, UTMB must be in compliance with the Texas Accessibility Standards (TAS), which is administered and monitored by the Texas Department of Licensing and Regulation (TDLR). The TAS guidelines have been certified by the United States Department of Justice as conforming to the Americans with

Disabilities Act Accessibility Guidelines (ADAAG). TDLR sends inspectors to new construction and renovations to ensure that the standards are met.