

# #LurieADA30: The Past, Present, and Future of the ADA



Americans with Disabilities Act  
1990-2020

## Introduction

On July 20, 2020, the Lurie Institute held a Twitter chat about the past, present, and future of the Americans with Disabilities Act. Twitter chats are discussions that typically revolve around responding to a set of pre-written questions and using a special hashtag to identify other participants. During the chat, people with disabilities and allies shared their experiences with the ADA and ways the law could be improved for future generations of disabled people in the United States. Our disabled participants included attorneys, clergy members, scholars, activists, and writers. At least one disability advocacy organization ([the Autistic Self Advocacy Network](#)) also participated in the chat. We've collected some of the responses from the Twitter chat here.

## **The ADA has been law in the United States for 30 years. What impact has the ADA had on your life as a disabled person?**

The majority of participants said the ADA allowed them to participate more fully in their communities; this participation included education, employment, health care, and activism. Two participants, however, said that the ADA hadn't made their access needs enforceable; nevertheless, one of these participants wrote the ADA still allowed them to connect with other disabled people as a child.

**[It's] more than just a law. It made us start to think about disability differently.**

- ***The ADA has literally and figuratively opened so many doors for me. More importantly, it has raised public awareness of disability rights. We have a long way to go but have had many successes!***
- ***The passage of the Americans with Disabilities Act is more than just a law, it made us start to think about disability differently. As a disabled person I am grateful for that.***
- ***I don't think my life would be what it is without it, since I wouldn't have the same rights to accommodations in higher education or employment. I've faced enough barriers with the law in place!***
- ***I think it's rarely if ever made my own access needs meaningfully enforceable, but it meant that I grew up around other disabled people. Community matters.***

- *Provides legal backing for accommodations and accessibility and it was easier to navigate college yrs in terms of structural access and also was used to support complaints filed against hospitals/healthcare settings that had inaccessible medical equipment, restrooms.*
- *As an organization entirely made up of disabled people, the ADA has been key to allowing us to grow into the activists we are today. For example, the ADA (along with other civil rights laws like IDEA) prohibits discrimination in education). Without those protections, many of us wouldn't have had access to school or after-school activities that helped us learn.*
- *This is going to sound cynical, and I'm sure it's helped me in ways I don't know, and it's helped a lot of disabled people. But me personally? The ADA hasn't had much of an impact, aside from allowing me to use elevators in buildings to not hurt my foot.*

## **If you're an older person who grew up before the passage of the ADA, how has the passage of the law affected your access to the community?**

For many people who grew up before the ADA, the law caused noticeable changes in the world around them. Even though barriers still exist, there was now a reasonable expectation to find accessible spaces to live, work, and study.

- *I grew up with the ADA. I was 8 when it passed. I remember life before it when most places were inaccessible. Now, I expect every place to be. Before the ADA, my parents always had to call and ask if I could get in. Things began to change after the ADA as we grew to simply expect access.*
- *I was five when the ADA was passed, and I wish that the law had grown up as much as I did.*

## What areas do you think the ADA should cover more thoroughly? For example, employment and education are covered under the ADA, but housing is covered under the Fair Housing Act.

Participants noted several areas in which the ADA could be strengthened or better applied. These areas included the rights of parents with disabilities, education, health care, home- and community-based supports, and membership in religious communities.

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- *The ADA should protect the rights of disabled parents and prospective disabled parents. However, 30 years since its passage, it is still ignored and misapplied.*
- *[A]ccessibility to a REAL education is almost impossible for everyone. There are so many diff types of accommodations needed. School districts don't have enough trained staff / equipment / time / \$\$ / EA-Paras / admin support to help everyone who needs it. Parents don't have access to services to get kids diagnosed as needing support. They aren't even told support is available. Getting an IEP/504 is only useful if the school bothers to implement it. Teachers/admin will dismiss aspects of an IEP bc it's inconvenient/hard & then not tell anyone it's not being implemented. I've never met a parent who was happy about how the IEP was being implemented.*
- *There are many areas where we can build on our ADA rights to create new civil rights protections. For example, the ADA laid groundwork to fight medical discrimination-one of the next steps to take in that fight is working on organ transplant discrimination. Another example is that the ADA led to our Olmstead rights-the next steps to take there are ensuring Home- and Community-Based Services for all!*
- *Religious organizations shouldn't have any of the blanket exemptions they have.*
- *The ADA should be more robust in guaranteeing the right to housing supports, in-home services and accommodations that work for people with multiple or complex disabilities. Also, we shouldn't have to go through costly & gruelling lawsuits to get our rights.*
- *Increase home and community-based systems to better support independent living and enable older adults and individuals with disabilities to age in-place and within their communities.*

## Disability intersects with other kinds of marginalization, such as racism, misogyny, and classism. How can the ADA be used or updated to address those concerns?

Like other forms of oppression, disability doesn't occur in a vacuum. Ableist discrimination coexists with misogyny, racism, homophobia, transphobia, classism, and other marginalizing experiences. Participants shared ways the ADA could be interpreted or updated to address intersecting forms of discrimination.

[The] ADA should move to focus not only on rights but [also] disability justice...

- *The biggest issue is how the ADA is interpreted. Also, when you have multiple systems of oppression involved, several laws are at play. Advocates and lawyers need to work using an intersectional lens.*
- *Lawyers, judges and elected officials should interpret the ADA broadly and take into consideration how disability, race, gender, class and other experiences intersect with one another.*
- *Intersection is critical because we have seen often how the magnitude of deprivations as a result of intersection of disability and other marginalized identity to be bigger than the magnitude of the sum of deprivations as a result of disability and other identity alone.*
- *A disabled woman of color is going to face different discrimination than a disabled white man. With its civil rights approach, ADA protects all those with disabilities - and we can use the ADA + other civil rights legislation to ensure that all of our rights are respected. One thing we need to be careful of is that sometimes, people may try to use the ADA to further an agenda that marginalizes others. An example of this is when politicians use ADA violations as an excuse to shut down polling places in Black communities or other communities where the voters are predominately people of color. The disability community must take a strong stand against this misuse of the ADA, and demand that instead of closing polling places to disenfranchise communities of color, state and local governments must make polling places accessible.*
- *ADA should move to focus not only on rights but disability justice and supporting most marginalized especially disabled BIPOC, queer, trans, NB, poor, homeless, etc.*
- *All over the world we have seen how intersection of disability with other marginalized group amplifies discrimination and exclusion. When women with disabilities intersects with race, means greater exclusion and discrimination.*

## Activists successfully invoked the ADA to fight against discriminatory COVID-19 triaging policies. How else can the ADA be used to protect people during and after the coronavirus pandemic?

The COVID-19 pandemic has not had the same effects across the U.S. population. Rather than being a “great equalizer,” COVID-19 has disproportionately affected African Americans, people with disabilities, older adults, Latinx people, and other marginalized people. People in [nursing homes and other institutional facilities are at particularly high risk of contracting, and dying from, the coronavirus](#). In early 2020, some states attempted to institute COVID triaging policies that would prevent higher-risk populations from receiving ventilators and other life-saving treatments. The Americans with Disabilities Act can be invoked to protect people with disabilities from being targeted by these policies.

- *COVID-19 affects nearly all facets of our lives (e.g., housing, education, employment, health care, civil rights), which means the ADA should ensure our rights across the board. There needs to be better enforcement.*
- *The LTSS should be strengthened to have more coordination with Medicare. This will enable better health care quality in preventative and health outcomes. The experience with COVID-19 suggests a service gap that could be strengthened.*
- *The coronavirus pandemic has shown just how dangerous institutions are. The Olmstead Supreme Court decision established that the ADA gives people with disabilities the right to receive services in our communities. We must continue to use those ADA rights to close institutions and help disabled people live safely in the community.*
- *The ADA can be used to protect us from discrimination in hospitals, provide us the services we need, and ensure we get accommodations for work we’re doing from home. Policymakers need to understand the disproportionate impact COVID-19 has on us.*

**At the Lurie Institute, we research disability policies and programs. What areas of research related to the ADA and its implementation sound promising to you?**

Participants shared areas of research that involved the ADA and its application, including reproductive health, parenting, and community living. Parenting and reproductive rights were the most commonly listed research area. Our research at the National Research Center for Parents

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with Disabilities addresses policies and programs related to the rights of parents with disabilities and people seeking reproductive health services, including family law, child welfare policies, sex education, and more.

- ***Parents with disabilities (of course) and reproductive justice.***
- ***Reproductive rights. Buck vs. Bell has never been overturned. Who gets to decide if I can have children, if I'm disabled?***
- ***We are excited about research on community living and communication supports. Especially in the autism field, we need far more research on how best to help autistic people live self-determined lives, direct our own services, access effective communication, and understand our rights.***

## **What do you think the future of disability research looks like?**

Participants shared their visions of what future disability research might include. Several participants emphasized the importance of incorporating intersectionality into disability research to ensure that all voices are represented. They also suggested ways in which researchers could ask new questions about existing topics—for example, the experiences of parents with disabilities—to further the inclusion of disabled people in society.

- ***Future disability research must be inclusive and intersectional. It needs to be conducted by and with disabled people. It also needs to be far more diverse!***
- ***The future of disability research is led by a diverse group of researchers with disabilities looking into what matters the most! Nothing about us without us!***
- ***Future research should also include the ways identity can evolve in periods of social injustice.***
- ***Like to see more on repro justice, disabled parenting, and also menopause bc on that there seems to be very little to none on disabled women/NB and menopause.***
- ***Focus should be deeper by looking at intergenerational effect of discrimination and marginalization as a result of disability. Children of women with disabilities tend to experience poor health outcomes due to exclusion experienced by mothers with disabilities.***

## Is there anything else you'd like to add about the ADA and the future of disability research?

Participants emphasized the importance of including underrepresented people and incorporating an intersectional framework in disability research and advocacy.

[F]ar too many disabled people are still being left behind.

- *Disability law and policy has had many achievements. We cannot forget that. However, far too many disabled people are still being left behind. It is on all of us to address.*
- *We've come along way w/ #Disability Policy & Practice. We need to do much more so no person is left behind. It's every person's responsibility to ensure the benefits of the #ADA and social change, innovation, technology, etc., —accrue across ALL communities.*
- *We strongly believe that research on the experiences of people with disabilities is not complete unless it examines the way other identities affect those experiences. For example, when looking at the high rates of discrimination against people with disabilities in school settings, researchers can't get a clear picture of what is happening without also analyzing racial discrimination in the same settings. We wouldn't know that disabled students of color make up such a large part of the school to prison pipeline if we didn't look at both issues together. Research around keeping the promise of the ADA must continue to do the same.*

## How to Cite This Brief

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