

**Commission for Accessibility  
Meeting Minutes  
Monday, October 17, 2022**

Special Meeting Via Zoom

In Attendance: Christine Santori, Michael Londrigan, Maureen Culhane,  
Don Ciota

**Call to Order:** 5:05 PM

**Note:** There were no propositions or votes by the commission at this meeting.

**Public Comment** none

**Pathway to the Americans with Disabilities Act**

This presentation was to highlight the background of civil rights legislation leading to the Americans with Disabilities Act. It is a brief survey of pronouncements, constitutional amendments and laws leading to this Act. It reflects the fact that to insure the intent of the founding fathers, attention was paid by Congress of the need to pass legislation with the goal of guaranteeing those ideals. In many ways it is still a work in progress. Disability rights may occurred later in this context, but this law is a powerful message that our society cares about the quality of life for all its citizens.

## Pathway to The Americans with Disabilities Act

### Declaration of Independence      1776

...the founding document mentions “all men are created equal...all are entitled to life liberty and the pursuit of happiness”

### 13<sup>th</sup> Amendment      1865

When President [Abraham Lincoln](#) issued the [Emancipation Proclamation](#) on January 1, 1863 in the midst of the Civil War, he was not ending [slavery](#) or declaring it illegal. The executive order was a wartime measure that promised slaves in the [Confederacy](#) their freedom should they make it to Union lines. It even purposefully overlooked slaves in those border states that had not joined the Confederacy. Instead, the [13th Amendment](#) of December 6, 1865, abolished slavery.

### Civil Rights Act of 1866

The first Civil Rights Act established that all those born in the United States were to be granted American citizenship. It was a radical notion for its time, seeking to grant birthright citizenship and all the associated rights and protections, helping to counter the [black codes](#) of 1865.

### 14th Amendment

The [14th Amendment](#), ratified on July 9, 1868, forbid state governments, not just the national government, from abridging the rights and privileges enjoyed by citizenship. Congress now had the

power to enforce and protect citizens from state and federal encroachment.

## **15th Amendment**

The [15th Amendment](#) expressly banned the states and U.S. government from denying citizens the right to vote “on account of race, color, or previous condition of servitude.” Ratified on February 3, 1870, the monumental piece of legislation also gave Congress the power to enforce legislation.

## **Civil Rights Act of 1871**

The Civil Rights Act of 1871—also known as the [Ku Klux Klan Act](#) or the Enforcement Act—empowered the federal government to use military force against people and organizations that conspire to violate the constitutional rights of other citizens.

## **Civil Rights Act 1964**

This behemoth legislation is a benchmark act that banned labor discrimination based on race, color, religion, sex or national origin. Proposed by President [John F. Kennedy](#) in 1963 and passed by President [Lyndon B. Johnson](#), it also ended racial [segregation](#) in public facilities, public education and in federally funded programs.

However, the Civil Rights Act of 1964 did not protect people with disabilities.

Discrimination against people with disabilities would not be addressed until 1973 when Section 504 of the Rehabilitation Act

of 1973 became law, and later still in 1990 when the ADA was passed.

## **Voting Rights Act of 1965**

In addition to outright violence and intimidation that existed at the grassroots level, states developed an array of tools to prevent African Americans from voting: the grandfather clause, literacy tests and poll taxes. The [Voting Rights Act of 1965](#) forcefully addressed these issues.

## **Civil Rights Act of 1968 \_ Fair Housing Act**

A week after the [assassination](#) of Rev. [Martin Luther King Jr.](#), the Civil Rights Act of 1968, also known as the [Fair Housing Act](#), was signed into law and banned discrimination in housing.

“The Fair Housing Act bans discrimination in public housing and in certain private units.

The Fair Housing Act, like the Civil Rights Act of 1965, did not protect people with disabilities. The Fair Housing Act was amended in 1988 to add two new classes, people with disabilities and families with children.

## **Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in federal programs and by recipients of federal financial assistance.

But Section 504 did not protect people with disabilities from discrimination in many employment situations or public

accommodations in the private sector. It took the ADA to address these areas not covered by Section 504.

## **The Individuals with Disabilities Education Act (IDEA)**

This Act was passed in 1975 under President Gerald Ford.

The Individuals with Disabilities Education Act (IDEA), formerly the Education for all Handicapped Children Act, requires that all children with disabilities receive a free, appropriate public education in the least restrictive environment. Public schools have obligations to students with disabilities under IDEA and the ADA. Public schools are local government agencies and under the ADA, they have obligations to students with disabilities who qualify for services under IDEA and also to other students with disabilities, employees, parents and members of the public who have disabilities.

# THE AMERICANS WITH DISABILITIES ACT OF 1990 EXPLAINED\*

“The one argument for accessibility that doesn’t get made nearly often enough is how extraordinarily better it makes some people’s lives. How many opportunities do we have to dramatically improve people’s lives just by doing our job a little better?” — Steve Krug

The original ADA was a move to combat discrimination against disabled persons by potential or existing employers, governments, and unions. In order to be covered by the ADA, you have to fit these three descriptions:

- Possess a physical or mental impairment that limits major activities in life in one or more ways
- Possess a record detailing your impairment
- Be regarded as currently having the recorded impairment

This law is broken down into various titles to cover various needs.

## TITLE I OF ADA EXPLAINED

Title I tackles discrimination in the workplace. It requires employers to make reasonable accommodations for applicants or employees with disabilities, should they be qualified to perform the job expectations with them. This can include:

- Providing an interpreter for the deaf
- Adapting a facility’s accessibility
- Adapting work schedules or reassigning to a better-suited position should the disability impede upon one’s performance
- Utilizing or adapting the right technology, materials, resources, or policies to accommodate the individual’s needs

However, these expectations do have limitations. If the process of adapting to the individual’s needs causes undue hardship on the business, such as extreme difficulty or expense, then the ADA will not require an employer to adapt. While ADA is an active law, it’s important to know that in order for it to be put into action, an employee or applicant must ask for assistance from the company. This means requesting specific accessibility accommodations directly. Under this law, an employer cannot pry into the

details of one's disability. They can only ask about the person's ability to perform their job. Any request for medical examination is only valid if the same request is made of all employees. Simply put, the ADA is designed to protect the disabled in applying for and holding jobs they are qualified to perform but may need reasonable assistance due to limitation caused by their impairment. This standard also includes accommodations for clients or customers.

## TITLE II, TITLE III, AND TITLE V EXPLAINED

Title II of the ADA focuses on eliminating discrimination in the realm of local and state governments. This includes any services, programs, and activities provided through these entities. Title III adds these standards to privately-owned businesses and commercial facilities. This means the standards for equal opportunities extends through education, public accommodation, and public transportation. Title V is a blanket section that spans certain conditions and provisions on how ADA can be implemented. But what about Title IV? There's a reason why we set this section apart from the others. As one of the newest additions to this law, it covers a very important aspect of life: telecommunication.

## THE IMPORTANCE OF THE TITLE IV REVISION TO MODERN LIVING

The Title IV amendment came in 2008. From telephonic communications to the internet, television, and other digital services, it was apparent that Americans with disabilities needed special accommodations. Everyday tasks such as surfing the web or watching television ranged from inconvenient to impossible with hearing, vision, or other physical impairments. Thus, Title IV set a new standard for telecommunications. Through it, certain requirements came into effect for digital communications, including closed captioning and guidelines for web accessibility. [These guidelines](#) include site navigation, alt text for photos, and other information shared through web content or applications. Want to learn more about how you can [improve accessibility within your business](#)? Great! Take a moment to [reach out to us](#). We can provide the insight and resources to place you on the path of adapting to the needs of your employees and customers.

(\*Dreamscape Foundation)

**Adjourn:** 6:00 PM

### 2022 Meeting Dates:

All dates are on a **Monday at 5:00PM** and will be held via Zoom until further notice.

Next Meetings: November 7, December 12

Minutes prepared by Don Ciota, Chairman