

K&L GATES

# Celebrating 35 Years of the Americans with Disabilities Act (ADA)

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# Meet Our Speaker



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## Before the ADA

- Architectural Barriers Act (1968)
  - Accessibility in federally funded buildings
- Fair Housing Act (1968)
  - Non-discrimination in housing for several protected categories including disability
- The Rehabilitation Act (1973)
  - Focused on disability inclusion and non-discrimination related to federal fund recipients and contractors
- Individuals with Disabilities Education Act (1975)
  - Special education funding, supports, and non-discrimination protecting people with intellectual disabilities

# The Americans with Disabilities Act: A Landmark Moment



Bipartisan civil rights legislation protecting individuals with disabilities from discrimination

Signed into law on July 26, 1990 by President George H.W. Bush

One of the most significant, sweeping pieces of legislation in the 20<sup>th</sup> century

And now I sign legislation which takes a sledgehammer to another wall, one which has for too many generations separated Americans with disabilities from the freedom they could glimpse, but not grasp. Once again, we rejoice as this barrier falls ... claiming together we will not accept, we will not excuse, we will not tolerate discrimination in America.

President George H.W. Bush

# Understanding the ADA

The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in many areas of public life, including jobs, schools, transportation, and many public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles (or sections) that relate to different areas of public life.

Section	Topic	Description	Agency
Title 1	Employment	Protects individuals with disabilities from employment discrimination and requires reasonable accommodations by employers with 15 or more employees.	U.S. Equal Employment Opportunity Commission
Title 2	Public Services: State and Local Government	Prohibits disability discrimination by public entities and requires accessible programs, services, and communications from state and local governments.	U.S. Department of Justice
Title 3	Public Accommodations and Services Operated by Private Entities	Requires businesses and non-profits open to the public to be accessible	U.S. Department of Justice
Title 4	Telecommunications	Ensures telephone and internet access via relay services and closed captions	Federal Communication Commission
Title 5	Miscellaneous	Covers retaliation protections, enforcement provisions, and interaction with other laws	N/A

# What Is “Disability”

The ADA has a specific definition of the term "disability" that establishes the requirements a person must meet to be considered "an individual with a disability under the ADA."

The ADA defines a person with a disability as someone who:

Has a physical or mental impairment that substantially limits one or more major life activities,

Has a history or record of an impairment (such as cancer in remission), or

Is regarded as having such an impairment by others even if the individual does not actually have a disability (such as a person who has scars from a severe burn that does not limit any major life activity).

# What Are “Reasonable Accommodations”

Under Title I, a reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual with a disability to have an equal opportunity not only to get a job, but successfully perform their job tasks to the same extent as people without disabilities.

The ADA requires reasonable accommodations as they relate to three aspects of employment: (1) ensuring equal opportunity in the application process; (2) enabling a qualified individual with a disability to perform the essential functions of a job; and (3) making it possible for an employee with a disability to enjoy equal benefits and privileges of employment.

## Physical Changes

- Installing a ramp
- Modifying a rest room
- Modifying the layout of a workspace

## Accessible Technologies

- Ensuring computer software is accessible
- Providing screen reader software
- Using videophones to facilitate communications

## Accessible Communications

- Providing sign language interpreters or closed captioning at meetings and events
- Making materials available in Braille or large print

## Policy Enhancements

- Modifying a policy to allow a service animal in a business setting
- Adjusting work schedules so employees with chronic medical conditions can go to medical appointments

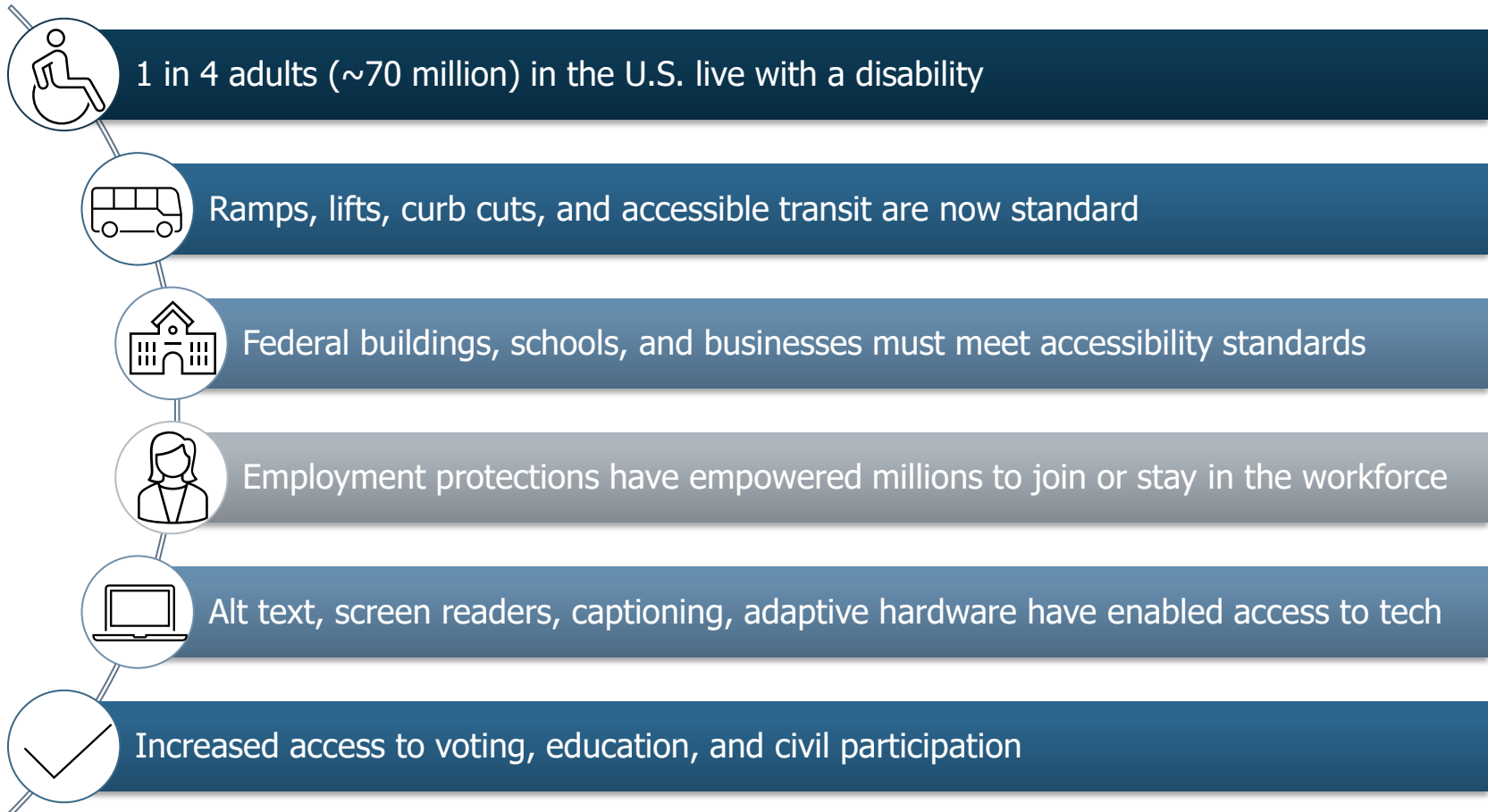


# Some Disability Inclusion Best Practices

- Centralized Accommodation System and Budget
- Self-Identification of Disability/Metrics
- Disability-Focused Employee Resource Groups
- Chief Accessibility Officer or Equivalent Position
- Accessible Website (Both for Employees and Clients/Customers)
- Disability Inclusion Link on Website
- Connection With Vocational Rehabilitation Agency and Disability Job Boards
- ADA and Disability Etiquette Training
- Neurodiversity in the Workplace Programs
- Caregiving Benefits and Support
- Celebrate National Disability Employment Awareness Month (NDEAM) and Disability Pride Month



# The ADA in Our Lives: 35 Years of Impact





The promise of the ADA is that every American has the right to participate fully in all aspects of society.

President Barack Obama  
20<sup>th</sup> Anniversary of the ADA  
July 26, 2010

# Remembering Dick Thornburgh



Former US Attorney General (1988-1991)

Former Governor of Pennsylvania (1979-1987)

Partner at K&L Gates

Lifelong advocate for disability rights

As Attorney General under President George H.W. Bush, Dick Thornburgh played a critical role in the creation, implementation, and durability of the ADA over time

Thornburgh defined the ADA as “truly another emancipation” not only for Americans with disabilities, “but even more so for the rest of us now free to benefit from the contributions these Americans will make to our economy, our communal life, and our individual well-being.”

# Q&A

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