



SELF-ADVOCACY

For Students Who are Deaf or Hard of Hearing

Second Edition

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LESSON 4

My Legal Rights When I Leave High School: ADA and Work

PURPOSE OF LESSON 4

This lesson provides basic information about the Americans with Disabilities Act (ADA), particularly its protections for persons in work settings and community services. Learners will compare and contrast the components of IDEA, Section 504, and ADA to see how each law contributes to the overall protection of the civil rights of persons with disabilities.

EXPECTED LEARNER OUTCOMES

1. Learners will give examples as to how ADA protects the civil rights of persons with disabilities with respect to public transportation, telecommunications, and public accommodations.
2. Learners will describe two protections for persons with disabilities in work settings.
3. Learners will define the differences and commonalities among IDEA, Section 504, and ADA.

Instructional Activities	Performance Activities	Materials
1. Warm-up activity: "For Your Eyes Only"	Students complete worksheet	Worksheet 4a
2. Core material	Students take notes	Worksheet 4b
3. Learning activity: Recognizing differences	Small group activity, large group discussion	Worksheet 4c
4. Summary, homework	Homework assignment	Worksheet 4d

SUGGESTED INSTRUCTIONAL/ PERFORMANCE ACTIVITIES

1. Review main points of Lesson 3: The rights of students with disabilities in college are protected by what law? (Section 504 of the Rehabilitation Act) How does this law protect students? (It allows for testing accommodations, prohibits discrimination, requires equal access to all classes and programs, and guarantees necessary aids and services at no cost to students or parents/guardians.)

2. Warm-up activity: Read instructions for Worksheet 4a. "For Your Eyes Only" is a writing task that encourages students to be frank and also proactive, that is, to think ahead about issues that they may not have actually dealt with yet. Assure students that this activity is confidential.

3. Present Lesson 4 Core Material while students follow with notes on Worksheet 4b.

4. Learning activity: The class is divided into small groups and instructed to review their notes and worksheets from Lessons 2, 3, and 4 to complete Worksheet 4c. When small groups have finished, reconvene into large group; review answers and discuss rationale for choices.

5. Summarize, and assign homework (Worksheet 4d).

6. State topic for next meeting: Next time, we will look at how students prepare themselves to make the move from high school to college and work.

LESSON 4 CORE MATERIAL

Last time we looked at Section 504 and how it protects students' rights while they are in college. It is important to know that since it applies to all agencies "receiving Federal assistance," Section 504 also protects persons working in government jobs, like the post office, schools, courthouses, and so on, as well as college settings.

Because Section 504 does not apply to all settings, a law called the Americans with Disabilities Act (ADA) was passed in 1990 to "fill in the gaps." ADA protects the civil rights of people with disabilities in several areas, including the following:

- *Public transportation.* One easy-to-identify accommodation is ramps built for wheelchairs to access buses, trains, and planes. Another accommodation can be found in airports, where passengers can receive texted or captioned announcements, and departure/arrival times.
- *Telecommunications.* Accommodations that provide access to the telecommunications system include text alerts; relay telephone systems, TTYs, amplified phones, and fax machines; captioning of television programming and movies.
- *Access to public businesses and services* (for example, theaters, courthouses, banks, schools, museums, sports arenas, restaurants, hotels, and stores). These businesses have provided Braille menus, visual smoke detectors, assistive hearing devices, cash registers facing customers, and wheelchair ramps for persons with disabilities.

For our purposes today, we are interested in how ADA also provides protections to persons with disabilities in work settings. These protections include the following:

- *Protection against discrimination based on disability.* Employers may not refuse to hire or promote a person because of a disability when that person is qualified to perform a job.
- *Requirements to provide reasonable*

accommodations. Employees must make reasonable accommodations to allow a person with disabilities to perform the essential functions of the job. Reasonable accommodations for persons with HI often include amplified telephones, assistive listening devices, and visual alerting systems. If a sign language interpreter is needed, that cost is often covered by the vocational rehabilitation services in the community. (Note to instructors: Provide here relevant information regarding local services, including names of contact persons and organizations, phone/email addresses, etc.)

It is important to know that these requirements apply to employers who have 15 or more employees. When an employer has a very small business (fewer than 15 employees), these requirements may be too expensive. A law like ADA, while protecting civil rights for some persons, is not meant to be an *undue hardship* for others. An undue hardship is open to interpretation (like the term *appropriate* for IDEA), but it means a modification to a job that would result in significant difficulty or expense to a company. Most accommodations for persons with HI are not expensive and not considered undue hardships.

The protections of ADA are usually applied to persons who have graduated from high school, just like Section 504. However, sometimes ADA also helps students who are still in high school, for instance in the area of summer and part-time employment.

Additionally, a high school student in a wheelchair may not have any learning difficulties, so the protections of IDEA would not apply. However, that student may need some building modifications in order to use a school's restrooms, library, computer lab, or school bus. ADA guarantees that all persons have equal access to all parts of a public building, and so the school must make those modifications.



The Importance of ADA

Advocates for persons with disabilities worked hard to get ADA passed in order to protect important civil rights in two areas of employment: (a) to protect persons with disabilities against discrimination in hiring and (b) to provide accommodations to help people do their jobs. In the past, discrimination in hiring and lack of accommodation kept people with disabilities from working. With the combination of IDEA, Section 504, and ADA, the civil rights of persons with disabilities in every setting are protected.

WORKSHEET 4a

“For Your Eyes Only”

Envision yourself in a job or career you would like to have. What kinds of concerns might you have as a person with a hearing impairment? Take 5 minutes to write down your thoughts. These notes are private and confidential, "for your eyes only." Your teacher and classmates will not read them.

WORKSHEET 4b

Fill in the blanks:

ADA stands for: _____

The ADA was passed by Congress in _____

It protects the civil rights for persons with disabilities in the following areas:

1. _____ An example: _____

2. _____ An example: _____

3. _____ An example: _____

ADA also protects persons in private work settings in two ways:

1. _____

2. _____

ADA requirements to provide reasonable accommodations do not apply to small businesses that have fewer than _____ employees.

An *undue hardship* is _____

Give an example of how ADA is used for a person with a disability while still in school:

WORKSHEET 4c

Recognizing Differences

Using Worksheets from Lessons 2, 3, and 4, analyze the following statements and decide which law applies: IDEA, Section 504, or ADA. Be prepared to explain your answers.

Law	Statement
1. _____	Children with disabilities are guaranteed a free education at a public school.
2. _____	Reasonable accommodations are required at work settings for persons with disabilities.
3. _____	Colleges cannot charge students with disabilities for the cost of aids and services.
4. _____	Children who use wheelchairs are guaranteed access to all the rooms in their schools.
5. _____	The components of an appropriate education for children with disabilities are carefully described in an Individualized Education Program (IEP).
6. _____	Hotels must provide visual smoke detector alarms and TTYs upon request.
7. _____	A director of services for persons with disabilities is available on every college campus.
8. _____	An Individualized Education Program must describe annual goals for children with disabilities.
9. _____	Colleges cannot ask if a person has a disability.
10. _____	and _____ Persons with disabilities must seek out the aids and services they need for college and work and community services. (Number 10 has two answers.)

WORKSHEET 4d

Summary

1. The Americans with Disabilities Act of 1990 (ADA) protects persons' rights for equal access to public transportation, telecommunications, and public buildings.
2. ADA also protects against discrimination: A qualified person cannot be refused a job because he or she has a disability.
3. ADA requires employees to provide reasonable accommodations to perform a job.

Homework

1. All states are required to provide a telephone relay service. Research and write down the number to access this relay (the same number may apply to all below):

Voice: _____

TTY: _____

Visual access to manual communication: _____

2. Research: how are these services paid for?
3. Visit the Job Accommodations Network's website: <http://askjan.org/>

Find one piece of information not discussed in this lesson and share it with your class.

