

# **Learning Disabilities and the Americans with Disabilities Act (ADA)**

By: National Joint Committee on Learning Disabilities (1992)

On July 26, 1990, The Americans With Disabilities Act (ADA) was signed into law. The ADA is a civil rights law that prohibits discrimination against persons with disabilities. It was designed to remove barriers that prevent individuals with disabilities from enjoying the same opportunities that are available to persons without disabilities.

The ADA requires that persons with disabilities, including those with learning disabilities, have access to and be accommodated in employment, transportation, public accommodations, state and local government activities, and communication. The following information will assist entities covered by the ADA to achieve voluntary compliance with the requirements of ADA as related to individuals with learning disabilities.

## **How Does the ADA Relate to Learning Disabilities?**

The ADA defines disability as "a physical or mental impairment that substantially limits one or more of the major life activities of an individual." The ADA lists specific learning disabilities as one possible physical or mental impairment, and learning is included as a major life activity.

## **What is a Specific Learning Disability?**

- Individuals with learning disabilities may have difficulty in one or more of the following: listening, speaking, reading, writing, spelling, and mathematics. They also may have problems in reasoning, remembering, organizing, managing time, and social skills.
- Learning is a lifelong process that continues beyond the school years. Learning disabilities affect how people learn throughout their lives.
- Specific learning disabilities are not the same as learning problems that result from mental retardation, blindness, deafness, or emotional disturbance.
- Individuals with learning disabilities also may have extraordinary talents and learning capabilities. For example, a person who reads poorly may be a great mechanic or computer wizard.

## **What are the Effects of Learning Disabilities?**

The effects of learning disabilities vary with the individual, setting, and stage of life. Not all individuals with learning disabilities are affected in the same way or to the same degree.

The difficulty a person with learning disabilities may experience will vary with:

- Type and severity of disability
- Ability to compensate for the disability
- Familiarity with the task
- Complexity of the task
- Work, training, or school setting
- Access to assistive devices, support, and services
- Degree of support from others

## **How are Individuals Identified as Having Learning Disabilities?**

Learning disabilities may be identified at any point during an individual's life span. During the school years, diagnostic teams may identify learning disabilities.

A significant number of persons may not have been identified as having learning disabilities during their school years. However, it may be determined that they in fact are limited in one or more major life activities by learning disabilities. Therefore, they are eligible for programs and services under the ADA.

## **Potential Barriers for Individuals with Learning Disabilities**

- Physical/environmental barriers
  - Inappropriately designed instruction manuals or testing material
  - Long or complex directions
  - Noisy or visually distracting work settings
- Attitudinal/behavioral barriers
  - Impatient or inflexible teachers, job supervisors, or peers
  - Lack of understanding that individuals with learning disabilities have many capabilities

## **What Can Be Done to Minimize Barriers?**

- Ways to minimize physical/environmental barriers:
  - Provide auxiliary aids and use assistive technology (spelling devices, electronic calculators)
  - Reduce visual or auditory distractions
  - Change activity site (quieter, less distractions)
  - Provide international symbols, illustrations, or other signage modifications
  - Provide memory aids or cue card
- Ways to minimize attitudinal/behavioral barriers:
  - Encourage appropriate attitudes and behaviors of managers and peers

- Use peer coaches or mentors to provide guidance
- Ask students or employees what works best for them
- Encourage individuals to ask questions
- Recognize and use the individual's abilities

## **What Are Possible Task Accommodations and Modifications?**

- Analyze the job and develop effective accommodations
- Supplement training and instruction using alternative materials and methods (visual, auditory, manipulative)
- Simplify information
- Clearly spell out expectations
- Organize tasks into meaningful steps
- Demonstrate by example, and provide practice
- Provide both written and spoken instructions
- Allow additional time to complete tasks
- Modify ways to complete tasks
- Modify techniques for evaluating task performance

## **What Policies and Practices Need to be Modified?**

Policies that discriminate when reasonable accommodations and modifications would enable appropriate performance of persons with learning disabilities.

- In employment settings, discriminatory policies and practices include:
  - Time-limited examinations
  - Policies for certification or licensing examinations that do not allow for alternative ways to complete the examination
  - Employment based solely on one criterion, such as a written test or oral interview
  - Not allowing job restructuring
  - Hiring, evaluation, promotion, grievance, termination practices that are discriminatory
- In educational settings, discriminatory policies and practices include:
  - Admission and placement procedures that are discriminatory
  - Policies that do not allow for flexibility in use of curriculum and instruction
  - Discriminatory evaluation practices
  - Promotion/retention policies that do not accommodate individuals with learning disabilities
  - School completion/graduation requirements that discriminate against individuals with disabilities

## **What Is the Best Way to Ensure Cost-Effective ADA Compliance?**

- Obtain technical assistance and consultation from experts in the area of learning disabilities.
- Match job skills with employee abilities.
- Evaluate the facility and services for accessibility.
- Develop a plan to remove barriers and to improve accessibility.
- Modify discriminatory policies, practices, and procedures.
- Determine and obtain auxiliary aids and services needed by individuals with learning disabilities.

## **The Bottom Line**

- Ask people with learning disabilities about their needs.
- Show respect and sensitivity for people with disabilities.
- Use what works.
- Use your resources creatively and effectively.

This document provides general information to promote voluntary compliance with the Americans with Disabilities Act (ADA). It was developed by the National Joint Committee on Learning Disabilities (NJCLD). Any opinions or interpretations in the document are those of the National Joint Committee on Learning Disabilities. The Americans with Disabilities Act and associated regulations should be consulted for further, more specific guidance.