**Juliet Roberts**

**Universal Accommodation**

Outside of those few disabilities specifically identified in the Americans with Disabilities Act, “*Disability*” is whatever court you’re in front of believes it is. *Andrew Rozynski*, Co-Director of the Deaf Law Center (Mar. 11, 2025). This complicates things for those seeking even basic accommodations because very few disabilities are so clearly labeled as such under the ADA. If one seeks accommodation for their disability under the ADA, they must first *prove* that they either have an “actual disability”, a “record of a disability”, or were “regarded as having a disability”.

My son has been labeled “Non-Verbal Autistic” by the Socorro Independent School District in El Paso, TX. Autism is a mental disability explicitly covered under the [Americans with Disabilities Act](https://www.ada.gov/topics/intro-to-ada/). As such, he is protected under the ADA and it is *prohibited* to discriminate against him on the mere basis of his being autistic. *Rehabilitation Act* (1973). But how does one get past this label of “autistic” or “disabled” and change the perception of the world so that there may be genuine equality and justice without the social stigma that comes with a label? Further, how do we get accommodations for those with disabilities that are more difficult to prove under the ADA? How about for those who don’t want to self-identify? This paper aims to explore areas of law and how it may be applied to elevate accommodations among the general public to ensure the same access to educational and employment opportunities for those protected as a class of “disabled” as those who are able-bodied and neurotypical, preferably without having to self-identify or rely on special accommodations.

The [Global Universal Design Commission](https://globaluniversaldesign.org/about-us/purpose-and-goals/) has begun to address some of these issues, at least about equal access to buildings, products, and environments. As a non-profit, GUCD collaborates with individuals and organizations to promote the understanding and use of Universal Design (“UD”) so that all people may have equal access to places and products without needing adaptation, retrofitting, or specialized design. To make the world accessible for anyone outside of what society classifies as “normal”, it’s important to identify what the obstacles in modern society may be and what accommodations may bridge the gap between the “disabled” and the hypothetical “majority” or “average person” legislators so often identify when creating laws on the local, state, and national level.

“We can’t accommodate everyone” is something I’ve heard more often than I’d realized. But why is that? Cost? Inconvenience? The idea that this accommodation is going above and beyond in some way? In many instances, such as a food drive or a hotel upgrade, this may be so. For many other instances, however, I disagree. For example, ramps are often thought to be an accommodation for those in wheelchairs. Although that may be true, they remain that same “accommodation” for everyone who uses them; able-bodied or otherwise. Stairs are [less expensive](https://www.lifewaymobility.com/resources/product-guides/how-much-does-a-wheelchair-ramp-cost/), easier to install, and require less material. They also prevent or at least deter access from a significant number of visible and non-visible disabilities, as well as those who simply scoff at the idea of having to break a sweat to get somewhere. Worse, stairways are the second leading cause of [accidental injuries](https://watermark.silverchair.com/c000400_9780262367806.pdf?token=AQECAHi208BE49Ooan9kkhW_Ercy7Dm3ZL_9Cf3qfKAc485ysgAAA0YwggNCBgkqhkiG9w0BBwagggMzMIIDLwIBADCCAygGCSqGSIb3DQEHATAeBglghkgBZQMEAS4wEQQMOwZmU5bSG0SEpw-EAgEQgIIC-WSiObCoxcqZKc1YTZK3caYGf7Jcb7G-hbyAZ5J9KVPsBJyyl237PMEEYPXrqBdKK38EP_2EMN1PtxksUkHusYllbKzZ3TI5EAR85JPJ1jyF30XhOAHJczYvDeoFT2kw1zPdlbtpKbLIMU0qL71G835wdKVlSEWfgq2VyKpmCLs-aiGbOOfx62VUFE6eF2t0CxNIoNtHTeGsjkvzgXqTuQ7Wz4F9jePRQEDF3QkUrYhMLCdpalGhuQgpLb2kpCXXJgms9YekfU2H06d-hseejMM-wCypJFOvQEp-qboTkwH37qRRsI9qgVfPRUVmjQdDHwd911AZFNW9Z13jcD1uOIYvkhrjeznQwVeNok2olYz-vddiX15QHShnqvlbPELNWxrTmq-gSnzy7i-kYGdC9w7ccPV2O-l4zpqpMTKPsmAL3huR-qRC4ka4OlkFg_zHP7utH1oFTRq1BvPzx-O3gzFq7TdNWaszuoZRr4oTvIdUzqAw-8XNHSrumTExSqnbRfIM6Ul7JED5megkDldFZt5gIVMGzzCZAC52noGPgTmQoo0mJ46HY0BfqzzTFUWg6_zHHln3mWEX715BumuvHDHFUMH4VyyPpRl9jq9XpfxnfEmsDA8ecuEuTzudv4NlyoRH-uxKKB7nE5KBrqVmHMAwpDCFIjDu2qVmh7liqgY2wXLwRue06cs-DobsOgKwdpPA7dJsgufiLWkmOYLRrHtz1maIc8VOoa-bF4hhf29o5ej-JcK3h3tADosxXdlt4LOYWJbQodGVWIcn_NNARJKY_MqF9nFFiLWAFGtcNjjAKIonxEwnCQVVVA_uAs-UYJlB2IMDotVjQbczRVvYn_PsxAo59H4iYPnWfSyDRrJlcH73C5DLMsrEeV5npEazLMKBx_kTo4kdbThnoz_03suLjvGJlZDaxNp8m8cqVnBDKIfK06AKB5InLQO4AMFx9JF38KsxzeBVWYJL9kZSAxtBqKaxtwRDNnSis2q2DiwcenClUtiMIPqn), second only to motor vehicle accidents. Further, it is estimated that [stairways cause injury](https://www.reuters.com/article/business/healthcare-pharmaceuticals/injuries-on-stairs-occur-in-all-age-groups-and-abilities-idUSKBN1CE1Z3/#:~:text=They%20found%20nearly%2025%20million%20patients%20treated,day%20or%20one%20injury%20every%2030%20seconds.) at least once every thirty seconds. So, yes, ramps may be more expensive to install and take up more space, but they offer greater access to employees, residents, customers, and/or the public and will save a company quite a bit in lawsuits both for injuries sustained climbing or descending a staircase as well as one that was brought under the ADA.

Failure to accommodate is one of the most common lawsuits against employers of the disabled community. *Prof. Brian East*, University of Texas at Austin School of Law (Mar. 12, 2025). Many of the accommodations I would propose to be accessible to the general public may take time or money to initially implement, but the sooner action is integrated into construction and production, the less it will cost later. For example, pre-existing structures and products later modified to meet accommodation requirements are far more expensive than those that have been accommodating from their inception. *Prof. Peter Blanck*, Syracuse University (Mar. 10, 2025). To identify the challenges those with disabilities face, *Mandy Salas* recommended the practical exercise of going through day-to-day life events as if having the same disability. Some examples of this include rolling around in a wheelchair, pushing a stroller through a national park, getting around the house with a blindfold on, everyone wearing earplugs during a meeting, spending a day downtown without using your arms, communicating without saying a word, writing a resume without touching the keyboard/screen, trying to get through a shift without sleep or caffeine (to simulate some effects of depression), having a loud alarm go off every five minutes or so the office (to simulate some effects of anxiety), etc. We already have harassment training in the workforce, so it would be easy to incorporate practical exercises that a) keep people awake and b) facilitate a genuine, constructive, inclusive learning environment in which there are real takeaways as to the experiences of others and the “blindspots” of workplace accommodations.

One that’s been established, the same must be done to get a head start on the next generation who, if history is anything to go off of, will take the disability movement far further than ours or any of those who came before us. I would love to see a class or at least one day in each school year, likely in middle school, when students are most malleable, that focuses specifically on skills like sympathy, empathy, mindfulness, critical thinking, etc. that come from the aforementioned practical exercises and others like them. If it were a class, I would also include a mandatory final project that encourages creative problem solving and entrepreneurial spirit in the pretend (or perhaps very real) creation of a new law, product, or accommodation design.

In a “perfect world”, there would be no need to request accommodations in the workplace except in extreme cases. Those who are otherwise qualified for essential job functions would not be looked at with a different lens at an interview. Application platforms would all have text-to-speech and speech-to-text software and outside of a review of qualifications and work experience related to a position’s essential job functions, a disability would not be within the factors under consideration. Further, websites should encourage the use of toggles next to these language accommodations that allow instant change in text and background color for those who are colorblind or simply require contrast or enlarged text to read. For those with mental “disabilities” like autism, depression, or anxiety, positions that don’t require face-to-face interactions would have the option to work from home. After all, in what world is getting up and walking to the other end of an office faster than sending an email or adding to a shared document with a “tasks” list with accompanying due dates? There are simple solutions to most of the obstacles those with disabilities are faced with, and yet they must be specifically requested by those who need them.

As many of the speakers at the Americans with Disabilities Act Employment Law and Policy Residency that took place in Los Angeles, CA from March 10 - March 13th noted, the most common reason employers or schools fail to accommodate those with “disabilities” is because they simply did not know the accommodation was needed. But why make someone go through the effort of self-identifying and making a specific request for accommodation before the change is made? These types of accommodations which apply widely among the disabled and non-disabled community should be built into businesses, schools, work offices, websites, computers, etc. from their conception. It’s not just ramps and elevators, nor verbal stopwalks and bright smoke detector lights, but rather a vast array of simple, common sense accommodations that remain blatantly dismissed by those charged with enforcing them, be it by legal or moral obligation. Further, many employers who receive these accommodation requests opt to challenge them under the definition of the individual’s disability, broad application to the word “essential”, claiming “undue hardship”, or simply ignoring the accommodation request in hopes that they can ignore or coerce it away. If these accommodations were the new “standard”, however, these challenges would likely be less common due to them opposing the [societal norms](https://www.unicef.org/media/111061/file/Social-norms-definitions-2021.pdf) of the time.

The mission of the [Global Universal Design Commission](https://globaluniversaldesign.org/about-us/purpose-and-goals/) has helped facilitate this idea of accommodation without request by having the mission of creating a Universal design of buildings, products, and environments, but I know we can go further. With proper legislation enforcing new minimums of accommodation in the physical and virtual barriers of life, the ADA may be revised and become what it should have always been; a last resort for only the most extreme cases of accommodation. From there, individuals like Ariana Aboulafia, who specialize in reviewing disability accessibility in technology, products, buildings, etc., may review the sufficiency in these minimums of accommodation on the private and public scale while legislators delegate the amendments of these laws to an organization or committee of such individuals who are to be voted in every so often to make these determinations. High hopes, I know. But the world has been heading in this direction for [some time now](https://www.adl.org/resources/backgrounder/brief-history-disability-rights-movement#:~:text=In%20the%201980s%2C%20disability%20activists,%2C%20transportation%2C%20and%20telecommunications%20services.), albeit with a few bumps along the way. Our very Declaration of Independence, ratified in 1776, stated the following, “We hold these truths to be self-evident, *that all men are created equal*, that they are endowed by their Creator with certain *unalienable Rights*, that among these are *Life, Liberty and the pursuit of Happiness*” (emphasis added). When one’s liberty and pursuit of happiness is impossible without accommodation, how are we to argue that they are given the same “unalienable rights” as the rest of the nation?

To go even further, these minimal accommodation changes may become an [International Treaty](https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf), which would make the world more accessible and more compassionate, much like the efforts of the Convention on the Rights of Persons with Disabilities, a treaty not yet signed by the United States. This convention’s purpose is to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”. Even so, this treaty as it is written lacks regulations and minimal accommodation standards that could change the world if signed and enforced; an accessible world, one that does not think twice to see a wheelchair, speak to the deaf, or sit in front of a non-verbal autistic judge. All we will know about one another is that the individual is qualified to perform the essential job functions of their occupations regardless of disability, race, religion, etc. To echo Judy Heumann, “We are moving toward a world of equality and justice for all”. My only question… Why is it taking so long to get there?