Same Standard, Different Means

The Case for the AIDA Act and a National AI Disability Standard

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> **The law didn't change when the tool did.**
>
> **What is missing is a shared set of questions, and a form the next institution recognizes.**

Executive Summary

People with disabilities now use general-purpose AI to read, write, remember, sequence, and communicate around functional barriers. The author calls that use Artificially Intelligent Disability Assistance (AIDA). Federal law has defined assistive technology by its use for decades, and the Americans with Disabilities Act and Section 504 already protect the person who needs a different means to meet the same standard.

Institutions have begun to write rules against AI, and most of those rules were written without this use in mind. A ban, a detector, or a labeling requirement lands differently on a person for whom the tool is the accommodation. That person is refused, flagged, or marked, and has no document to answer with.

This brief makes the case for two legislative actions in one bill. The first is to set in law three questions that show when AI is a disability tool, for every kind of disability, physical and mental. Agencies and institutions would adopt them as a method. The second is to give standing a national form, built the way the parking placard is built, so that one institution's recognition serves at the next. A privacy rule would bind once that form exists. Document 3 provides the legislative framework, and Document 4 provides the specification.

The author is not a lawyer, and the register of this brief is exploratory. It proposes, it carries the objections to its own proposal, and it asks that the people who would hold the acknowledgment design it.

1. Why This Matters: The Ramp Did Not Depend on the Wheelchair's Reputation

The third paper in the AIDA series opens with a thought experiment. Suppose a year arrived in which wheelchairs were declared bad, because they take jobs, make the user idle, and hide what a person can

really do. "Nothing in that year would change the ramp" (Puglisi, 2026c, Section 1). An institution that locked its step would still owe one, and would owe it on the day someone pointed at the law.

That is where AI as a disability tool stands today. The protections exist, the tool has been declared suspect, and most institutions bypassing the protections are not defying the law. No one has told them it reaches this tool. The analogy is to the function the law protects and makes no claim about any device's legal status.

2. A Tool Is Defined by Its Use

The Assistive Technology Act defines an assistive device as "any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities" (29 U.S.C. § 3002(4)). The definition does not ask who made the item or how it was marketed. A technology need not be built as a disability product to perform an assistive function, and that principle predates generative AI by decades (Puglisi, 2026a, Section 3).

The same model that drafts marketing copy for one user can serve as a communication aid for another. What separates the two is the relationship between a disability, a barrier, and a use, and that relationship can be described and reviewed, case by case.

3. Three Punishments

The series names three ways a person is punished for using AI as a disability tool (Puglisi, 2026c, Standpoint).

Punishment	What it looks like	The protection that applies
Refusal	A rule that bars the tool, a venue that bars the device, a platform that bars the use	The accommodation and modification duties of the ADA and Section 504
Algorithmic punishment	A detector that flags the work, or a ranking system that buries it	The duty to decide on evidence, by individualized assessment
The label	A requirement to mark the work as AI-assisted, or to print the accommodation into the work	The confidentiality the ADA gives accommodation information

The label is the quietest of the three, and the research on it is the strongest. Schilke and Reimann (2025) found across 13 preregistered experiments that people who disclose AI use are trusted less. Raj, Berg, and Seamans (2026) found AI-labeled creative writing devalued by 6.2 percent on average across 16 experiments. None of those experiments tested users with disabilities. The point stands without that test,

because a person who wears the label for a disability cannot take it off without giving up the accommodation.

The harm reaches the workplace too. The American Foundation for the Blind's 2026 employment study found that 68 percent of the workers it surveyed used AI at work. It also reported one worker who held back from using an AI tool because a rule against uploading contact information would leave the accommodation "no longer valid" (Shock & Silverman, 2026).

4. The Rule Preserves the Advantage

"Where a rule bans the tool, penalizes its use, or forces its disclosure, the person without a disability loses a convenience. The person with one loses their footing" (Puglisi, 2026c, Section 1). The series holds that the equalizing comes from removing the penalty and not from reserving the tool. Where the tool is open to all, "the disabled user's position is restored rather than raised."

The larger problem is what happens to the person who follows the rule. The writer who declares AI use is pushed down the feed, the student who declares it is graded down, and the employee who declares it is marked. "Public opinion punishes the honest declarer, and every honest declarer punished teaches others to hide." A shared set of questions and a private acknowledgment let the declaration go to one named officer, in a file, under a law, instead of to a crowd.

5. The Placard Answer

A parking placard creates no space. The law reserves the space, and the placard is how the attendant knows the driver may use it. Congress set that system in motion in 1988, and the Department of Transportation's uniform system at 23 C.F.R. Part 1235 gives each placard an identification number, an expiration date, an issuer's seal, and no diagnosis. The Congressional Research Service later reported that the federal guidelines were voluntary and that "nearly all states have adopted at least some portion" of the system (Congressional Research Service, 2010).

The pattern has three features worth carrying forward. The placard shows entitlement and nothing behind it, a physician's certification sits with the issuer and never on the dashboard, and the guidelines call for a placard issued in one state to be recognized in the next. A person who uses AI as a disability tool has none of these today.

Other federal systems supply the remaining parts. An ABLE account accepts a Social Security disability award as establishing disability, for a disability that began before age 46 (26 U.S.C. § 529A(e)). It lets others certify under penalties of perjury while keeping the diagnosis themselves (26 C.F.R. § 1.529A-

2(e)(1)). The Standard takes that pattern without the onset age. The TSA Notification Card is presented discreetly to the one officer applying the rule, and it states that it "does not exempt me from screening" (Transportation Security Administration, n.d.). The AI Disability Standard assembles these parts and invents none of them.

What the Standard needs	Where it already exists	What that system supplies	Authority
A definition of the tool by its use	**Assistive Technology Act**	A device is assistive when it is used to increase, maintain, or improve functional capabilities	29 U.S.C. § 3002(4)
An entitlement-only face, an expiry, and reciprocity	**Parking placard**	An identification number, an expiration date, the issuer's seal, and recognition across states	23 C.F.R. Part 1235
A federal determination other programs accept	**SSDI award**	ABLE accepts it for a disability that began before age 46	26 U.S.C. § 529A(e)
Certification with the diagnosis kept by the person	**ABLE account**	Certification under penalties of perjury, with the diagnosis retained	26 C.F.R. § 1.529A-2(e)(1)
Discreet presentation with no exemption	**TSA Notification Card**	The card "does not exempt me from screening"	Transportation Security Administration
A limit on what is disclosed	**HIPAA Privacy Rule**	The minimum necessary standard, taken as a model	45 C.F.R. § 164.502(b)

The AI Disability Standard assembles these parts and invents none of them.

Figure 1. *Where each part of the Standard already exists in federal practice.*

6. The Human Decision Standard

A detector score is a reading, and a reading is not a decision. The series asks that no adverse action follow a score, a flag, or an impression until a named human has decided on evidence, and that the decision be recorded as accept, modify, or reject. The requirement comes from Checkpoint-Based Governance, whose canonical text separates presence from authority: "Human in the loop means the person is present and participating. It does not require that the person holds authority or answers for the outcome" (Puglisi, n.d.).

A person standing near an automated flag does not govern it. Without a named decision, the writer with a disability absorbs the blame for the detector's error, and the teacher or moderator who acted on the score is left answering for a system neither one controlled, the arrangement Elish (2019) calls a moral crumple zone.

7. Do Not Punish the Attempt

The series holds two positions firmly. "A person who tests work, works part time, or works with limits should not lose standing for trying to reach what is called normal." A person who finds a way to be

productive through a podcast, a blog, or artwork should not be punished for it, because "That activity is part of a healthy human life" (Puglisi, 2026c, Section 4.8).

Federal practice already leans this way. The Social Security Administration lets a beneficiary test work through a trial work period (Social Security Administration, 2026b). The Supreme Court recognized in *Cleveland v. Policy Management Systems Corp.* (1999) that a benefits claim and an accommodation claim can both be true. The Standard adds a rule of its own, modeled on ABLE's purpose limit: an acknowledgment issued to invoke an accommodation is not evidence of capacity for work. That rule would bind the issuer and every institution that adopts the Standard. Whether it should also bind the Social Security Administration is a choice the framework puts on the legislative menu for Congress. Congress wrote such a limit into the ABLE statute, and that is one precedent among the routes left open (26 U.S.C. § 529A(e)(2)(B)).

8. From Principle to Practice

Institutions already do what the Act would make common. The Open University permits students who have shared a disability to use generative AI as a reasonable adjustment (The Open University, 2025). The United Kingdom's Department for Environment, Food and Rural Affairs made Copilot licences available as a reasonable adjustment after trials (Ede, 2026). Polk County Public Schools in Florida bars smart glasses during the school day and preserves technology a student is authorized to use under an individualized education program or a Section 504 plan (Polk County Public Schools, 2026). Spain wrote a right to use support products without forced deactivation into statute in October 2026 (BOE, 2026).

Each of these is local. None travels with the person, and none tells the next institution how the decision was made.

Evidence discipline: this package separates what is established by others, what the author has built as working instruments, and what Congress is asked to do. The statutes, regulations, and published studies are the first tier. The three-question test, the notice, and the acknowledgment design are working instruments published for review, applied so far to hypothetical cases. Phase 0 pilots would produce the first field data.

9. The Path to Legislative Action

The case in this brief supports the actions Document 3 details.

- **Establish the three questions.** Three questions decide whether a use of AI is a disability tool: the barrier, the match, and the gain. Four considerations, each taken from federal text in force, guide how the answers are read. No single line fits every person, which is why the answers are considered

case by case. Congress would recognize the questions as a method, and agencies and institutions would adopt it to meet duties they already carry.

- **Call for a national acknowledgment.** An acknowledgment that shows entitlement only, with no diagnosis and no disability symbol, would be optional for the person and would never be a gate. Its privacy rule would bind from the day it exists. How far recognition is required goes to Congress in two models, one by adoption and one required of the entities the ADA and Section 504 already bind.
- **Choose an issuer and convene the community.** Congress would select the issuer from a menu, and the open design questions would go to a rulemaking with the disability community at the table. Congress would also decide whether the no-inference rule binds the Social Security Administration.
- **Keep enforcement as it is, and give institutions a reason to adopt.** The Act would create no new penalty and no new limit on damages. An employer that follows the Standard would hold a record of the good-faith efforts Title I already rewards. Other recipients would be offered non-monetary incentives to adopt, such as procurement and grant terms.

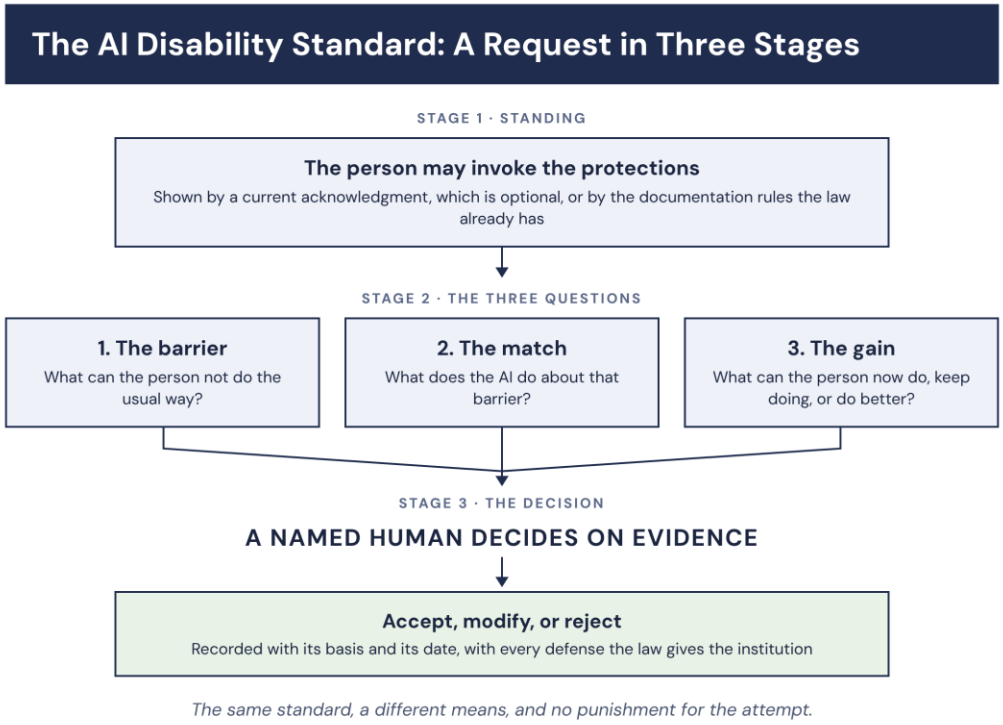


Figure 2. *A request moves through three stages, and the acknowledgment speaks to the first one only.*

Phase 0 would require no new appropriation, because agencies and institutions would adopt the second paper's model clause and the three questions in the accommodation processes they already run (Puglisi, 2026b, Section 16.3).

What that path gives each side:

For the person	For the institution
One explanation that carries to the next institution. The diagnosis stays with the person. No public label. No punishment for the attempt	One test to apply. No medical file to hold. A recorded decision by a named human. A reason to adopt that fits the law it is under

10. The Case Against

The disability community is not of one mind about an acknowledgment, and this brief does not pretend otherwise. Some hold that protection should never depend on proving status. Some warn that any record of people with disabilities is a registry, with the history that word carries. Some doubt that AI is reliable enough to be called assistive at all. Some argue that a function-based rule for everyone is better than a card for anyone. Review of this package added three more. One holds that any limit on remedies weakens the law, another that the Act asks too little of institutions, and a third that the acknowledgment should wait for evidence.

The third paper carries each of these objections at the strength its authors gave it and answers none of them (Puglisi, 2026c, Section 8). The framework's response is structural. The acknowledgment is optional, the diagnosis stays with the person, and the design goes to the people who would hold it. If they reject the acknowledgment, the three questions and the notice stand without it.

11. Closing Appeal

The Americans with Disabilities Act names its goals as "equality of opportunity, full participation, independent living, and economic self-sufficiency" (42 U.S.C. § 12101(a)(7)). A tool that lets a person meet the same standard by a different means serves every one of them. A rule that takes the tool away, or makes the person wear it as a mark, works against all four.

The Act does not ask Congress to decide whether AI is good. It asks whether a person who uses AI to offset a disability should have to explain that again at every door, to an institution with no test to apply. The answer the country gave for the parking space was a uniform system and a placard that states nothing but the entitlement.

The position of the series is the position of this package: "the same standard, a different means, and no punishment for the attempt" (Puglisi, 2026c, Section 11). The legal floor is not the ethical ceiling, and the people who would hold the acknowledgment should be the ones who design it.

Related Documents

This policy brief is part of the AIDA Act Congressional Package:

- **Document 1: Summary Flyer** (the ask in one page)
- **Document 2: Same Standard, Different Means** (this policy brief)
- **Document 3: The AIDA Act** (the legislative framework, the issuer menu, the recognition models, and the phases)
- **Document 4: Methods Addendum** (the specification of the three questions and the acknowledgment, the rulemaking docket, and the dissent register)

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Disclaimer

The author is not a lawyer, and this brief does not provide legal advice. It is policy analysis based on public sources, cited materials, and human-AI review. It is not bill text, a legal opinion, or a compliance determination, and a reader considering legislation or a notice should consult qualified counsel.

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