

## Want to Learn More?

Learn more about issues important to people with disabilities, their rights and available services. Contact:

### National Organization on Disability

(www.nod.org)  
1-202-293-5960  
1-202-293-5968 (TTY)

### Equal Employment Opportunity Commission

(www.eeoc.gov)  
1-800-669-4000  
1-800-669-6820 (TTY)

### National Rehabilitation Information Center

(www.naric.com)  
1-800-346-2742  
1-301-459-5984 (TTY)

### National Information Center for Children and Youth with Disabilities

(www.nichcy.org)  
1-800-695-0285 (voice and TTY)

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## **ARMY COMMUNITY SERVICE (ACS) Exceptional Family Member Program (EFMP)**

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# Federal Disability Legislation



## An Important Part of our Country's History



*Always Reaching Higher*

## **Americans with Disabilities Have Come a Long Way!**

In the past Americans with disabilities experienced a history of exclusion.

Disabled individuals were often denied the chance to participate in any form of public life.

Misguided beliefs and prejudice often stood in the way.

Great progress has been made. The American's with Disabilities Act (ADA) has ensured Americans with disabilities a rightful place in society.

Today, prospects are brighter than ever before. The experience of Americans with disabilities is an important part of this country's culture and history.

In the early history of our country, people with disabilities were cloistered away from society in institutions and asylums.

Many suffered abuse and neglect.

Beginning in the 1800s, people with disabilities received better care and recognition of their needs.

In the early 1970s in Berkeley, California the independent living movement began and spread across our nation.

Independent living centers were opened offering disabled individuals greater opportunity and freedom.

The Rehabilitation Act of 1973 prohibited federal agencies and any federally funded organizations from discriminating against people with disabilities.

## **A Brief History of Disability Legislation**

The path of legislation benefitting those with disabilities has been a relatively short one for this country considering most of the legislation has occurred during the past century.

The following list, while not inclusive of all the laws, gives some indication as to how the concept of "providing vocational opportunities" has evolved into the concept of "equal rights and access." Included, too, are major sociological events related to legislation and disability rights.

### **1916 - The National Defense Act**

provided an opportunity for Soldiers to receive instruction to facilitate their return to civilian life; for the first time legislatively the country recognized its obligation to persons injured in service to their country.

### **1917 - The Smith-Hughes Act**

established the Federal-State Program in vocational education; created a Federal Board of Vocational Education with the authority and responsibility for vocational rehabilitation of disabled veterans.

### **1918 - The Smith-Sears Veterans Rehabilitation Act**

expanded the role of the Federal Board of Vocational Education to provide services for vocational rehabilitation of veterans disabled during World War I; also referred to as the Soldier's Rehabilitation Act.

### **1920 - The Smith-Fess Act**

(referred to as the Civilian Rehabilitation Act) began the rehabilitation program for all Americans with disabilities patterned after the Soldiers Rehabilitation Act; established the Federal-State program in rehabilitation and provided funds to state (50/50 match) for primarily vocational services: vocational guidance, training, occupational adjustment, prosthetics and placement services; only for persons with physical disabilities; it did not include physical restoration or social orientation rehabilitation.

### **1935 - The Social Security Act**

was enacted to establish an income maintenance system that targeted those unable to work; included provisions furnishing medical and therapeutic services for crippled children and made permanent the vocational rehabilitation program; provided for continuous authorizations, increased grant awards and increased support from the federal government.

### **1936 - The Randolph-Sheppard Act**

recognized that persons who were blind had vocational potential; gave states the authority to license qualified persons with blindness to operate vending stands in federal buildings.

### **1938 - The Wagner-O'Day Act**

required the federal government to purchase designated products from workshops for persons who were blind.

### **1943 - The Vocational Rehabilitation Amendments (Barden-LaFollette Act)**

made substantial changes in the federal/state program of rehabilitation; broadened the program's financial provisions, offered a comprehensive definition of vocational rehabilitation, expanded services to include physical restoration, and each state had to submit a written plan for approval by the federal agency as to how federal/state dollars would be used; expansion of services included on a limited basis persons who were mentally handicapped and mentally ill; fostered separate agencies for general rehabilitation and rehabilitation of persons who were blind.

### **1948**

To aid returning World War II veterans, Congress passed legislation prohibiting discrimination based on physical handicap in United States Civil Service employment.

### **1954—The Vocational Rehabilitation Amendments**

reshaped roles of federal/state government in the rehabilitation program; established basis for working relationship between public and private rehabilitation/expanded the role of the state agency; established funding sources for (1) college/university training of rehab professionals; (2) improvement/remodeling of rehabilitation facilities; and (3) research/demonstration grants; increased federal funding to states; increased services to persons with mental retardation and mental illness.

### **1961**

The American National Standards Institute (ANSI) issued the first minimum requirements relating to architectural access to common structures.

### **1965 - The Vocational Rehabilitation Act Amendments**

expanded services to include persons with socially handicapping conditions (such as alcoholism/lack of education/prison records); expanded evaluation to determine individual eligibility for services where feasibility was not easily determined; allowed rehabilitation counselors to take more risks in serving persons with vocational handicaps, thereby serving more people with severe disabilities; established a National Commission on Architectural Barriers; deleted economic need as a general requirement for services; and increased federal match to 75%.

### **1967 - The Vocational Rehabilitation Amendments**

provided rehabilitation services for migratory workers, eliminated state residency requirement, and supported construction/operation of the National Center for Deaf/Blind Youth and Adults.

### **1968 - The Vocational Rehabilitation Act Amendments**

added follow-up services for maintaining a person with a handicap in employment and provided services to Family members; gave authority to provide vocational evaluation and work adjustment services to persons disadvantaged by reasons of age, level of vocational attainment, ethnic or other factors; federal share was increased to 80%.

### **The Architectural Barriers Act**

required buildings constructed with Federal funds or leased by the Federal Government to be accessible to the people who were handicapped.

### **1970 - The Urban Mass Transportation Act**

required local transportation authorities to plan and design mass transit systems to be accessible to people who were handicapped.

### **1971 - The Javitts-Wagner-O'Day Act**

retained priority for blindness in the provision of products for the federal government and added people with severe handicaps as eligible for participation. Pennsylvania Association for Retarded Children vs. Pennsylvania and Mills vs. Board of Education, established that denying education to handicapped children or treating them differently within the educational system was a denial of equal protection and due process under the U.S. Constitution.

### **1973 - The Rehabilitation Act**

was the first at to address the notion of equal access of people with disabilities through the removal of architectural, employment and transportation barriers; further supported the rights of persons with disabilities through affirmative action emphasis and the legal support established in Title V: Section 501 focused on the federal government's hiring practices,

Section 502 created the Architectural and Transportation Barriers Compliance Board (ATBCB) to enforce standards set under the Architectural Barriers Act of 1968, Section 503 prohibited discrimination in employment on the basis of physical or mental handicap on the part of businesses with federal contract or their subcontractors, Section 504 prohibited discrimination on the basis of physical and mental handicaps in programs receiving federal funds; also established the Client Assistance Demonstration Projects (CAPS) to provide assistance in informing and advising clients and applicants of all available benefits under the Rehabilitation Act; emphasized priority of services for persons with the most severe handicap and the development of the Individual Written Rehabilitation Plan (IWRP); established by statute the Rehabilitation Services Administration. Section 508 addressed uses related to access to communication and computer technology.

### **1974 - The Rehabilitation Act Amendments**

included a broader definition of handicapped individuals, transferred the Rehabilitation Services Administration to the Department of Health, Education and Welfare, strengthened the Randolph-Sheppard Act; and provided for convening a White House Conference on "Handicapped Individuals."

### **1975 - The Education for All Handicapped Children Act**

ensured a free, appropriate, public education for all students with handicapping conditions; established that students have a right to receive related services that are developmental, corrective or other supportive services including, but not limited to, speech pathology, audiology, psychological services, physical therapy, occupational therapy, counseling and medical services (for diagnostic and evaluation purposes only).

### **1977**

Groups of individuals with disabilities took over federal buildings across the country in protest because the rules and regulations

associated with Section 504 had not been signed by the Secretary of Health, Education and Welfare for implementation. The take-over in San Francisco lasted 29 days and ended only after the rules and regulations were signed to implement the provisions and protections of non-discrimination based on disability. At the same time these were signed, the rules and regulations for **The Education for All Handicapped Children Act** were also implemented.

### **1978 - The Rehabilitation Act Amendments**

provided comprehensive services for independent living through Title VII, including provisions for Comprehensive Services, Centers for Independent Living, Independent Living Services for Older Blind Individuals and Protection and Advocacy of Individual Rights; mandated that applicants for funds under Title VII provide assurance that individuals with disabilities would be employed, substantially involved in policy and consulted on the direction and management of independent living centers; this major focus recognized that achievement of substantially gainful activity (employment) was not the only significant outcome that could be gained from the rehabilitation system and expanded the view of the person with needs that cut across the bureaucracy; also provided VR service grants to Native American tribes.

### **1984 - The Rehabilitation Act Amendments**

established Client Assistance Programs in each state and inserted “qualified” before the word “personnel” for training programs in the act.

### **1986 - The Rehabilitation Act Amendments**

stipulated that rehabilitation services are to be provided by qualified personnel; defined and established supported employment as an acceptable goal; provided grants for special projects and demonstrations in supported employment; established a program to assist state agencies to develop and implement supported employment services.

### **1987**

The Code of Federal Regulations extended the services under the Education for All Handicapped Children Act to include school

health services, social work services in schools and parent counseling/training.

### **1988 - The Technology-Related Assistance for Individuals with Disabilities Act**

provided states with grants to achieve systems change so that assistive devices and services will be available to under-served groups, viewing each child, adult and older adult as entitled to equal access to opportunities achieved through assistive technology. Students at Gallaudet University (for the deaf and hard-of-hearing) go on strike and close the university in protest to the appointment of another non-deaf university president. Officials finally relented and appointed the school’s first deaf president.

### **1990 - The Americans with Disabilities Act**

guarantees the rights of persons with disabilities to equal access to, and non-discriminatory behavior based on disability, in employment (Title I), government services including transportation (Title II), public accommodations (Title III), telecommunications (Title IV), and other services such as insurance (Title V); inclusion, integration, accommodation and accessibility are the underlying premise. The Individuals with Disabilities Education Act amended the Education for All Handicapped Children Act, changing its name and adding rehabilitation counseling, recreation (including therapeutic recreation), and social work services to the federal definition of related services.

### **1992 - The Rehabilitation Act Amendments**

emphasized employment as the primary goal of rehabilitation; mandated presumptive employability, meaning applicants will be presumed to be employable unless proven otherwise; state that eligible individuals must be provided choice and increased control in determining the vocation rehabilitation goals and objectives, determining services, providers of services and methods to provide and/or secure service.

## What is the American's with Disabilities Act (ADA)?

The ADA is a federal law, passed in 1990, prohibiting discrimination against people with disabilities. It is the most sweeping civil rights legislation for people with disabilities ever. It provides equal access to:

### Public Places

Places open to the public must remove any barriers to access. Or, owners or public officials must find other ways to accommodate people with disabilities. This law covers restaurants, businesses, parks and theaters. The law says people with disabilities must have the same access to state and municipal services as everyone else.

### Telephone Services

People with hearing and speech impairments who use text telephones (TTYs) may not be charged more than voice phone users. Telecommunications relay services must be available at all times.

### Employment

The ADA prohibits discrimination against people with disabilities in employment. This means employers must: give equal opportunity in the selection, testing and hiring of applicants with disabilities, ensure equal treatment in promotion and benefits, including health insurance and make reasonable efforts to accommodate employees with disabilities in the workplace.

### Transportation

The ADA says that people with disabilities have the same right to public transportation as anyone else. This means new buses and train cars must be accessible, at least one car per train must be accessible, special services must be provided for those who can't use existing services and key rail stations must become accessible.

## Who is covered by the ADA?

The law protects people who:

- Have a physical or mental impairment that seriously limits at least one major life activity - such as walking, seeing, hearing, speaking, breathing, learning, working, doing manual tasks or caring for oneself.
- Have a record of such an impairment.

## Americans with Disabilities are a Large and Diverse Group

There are many types of disabilities. Disabilities result from:

- Diseases - multiple sclerosis, muscular dystrophy, diabetes, AIDS, etc.
- Injuries - spinal cord damage, head trauma, etc
- Recurring conditions - epilepsy, etc.
- Developmental Problems - learning disabilities, mental retardation, cerebral palsy, etc.
- Physical conditions - impaired sight or hearing, incomplete or missing limbs, etc.
- Mental illnesses.

## Spotlight on a few Disabled Americans

**Jim Abbott** pitched in the major baseball leagues (CA Angels, NY Yankees, Chicago and Milwaukee Brewers). He was born without a right hand.

**Bob Dole**, a veteran Republican leader, ran for president in 1996. Dole suffered a combat injury during World War II that disabled his right arm.

**Thomas Edison** had impaired hearing. His many inventions included an improved incandescent lamp and the phonograph.

**Helen Keller** was a noteworthy advocate for people with blindness and other disabilities. She was blind and deaf.

**Franklin D. Roosevelt**, our 32nd president, guided the nation through the Great Depression. Roosevelt was paralyzed by polio.