

The Emerging Disability Policy Framework:
A Guide for Developing Public Policy
For Persons with Disabilities

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<http://www.childrenshospital.org/ici>
<http://www.comop.org>
<http://www.uiowa.edu/~lhpdc/work/index.html>

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I. Introduction

- * How do policy makers view/treat people with disabilities?
- * The disability policy framework can be used:
 - o As a lens, guidepost, benchmark to assess social policy from the viewpoint of persons with disabilities
 - o To look at how persons with disabilities and their families are addressed in public policy
 - o As a measure for expanding and improving public policy for persons with disabilities
- * The disability policy framework can be used to look at all types of public policy such as
 - o Generic programs and policies that include people with and without disabilities
 - o Disability-specific programs and policies focused solely on persons with disabilities and their families

II. Old Versus New Paradigm of Disability Policy

A. Old Paradigm

1. View/treat people with disabilities as "defective" and in need of "fixing"
2. Disability connotes "unable" and "incapable"
3. Approach: out of sight, out of mind
4. Examples

- * States laws which stated that persons with specified disabilities are "unfit for citizenship"
- * States laws that required sterilization of the "feebleminded" with the aim of "extinguishing their race"
- * States laws that permitted school districts to exclude children with disabilities when school officials determined that it was too much of a burden or "inexpedient" to serve them or because they produced a "nauseating" effect on others
- * State laws that required persons with disabilities to be placed in institutions because they were a "menace to society"

B. New paradigm

1. Disability is a physical or mental condition that affects a person's ability to function
2. Focus on how a person with a disability interacts with the world
3. New core precept-disability is a natural part of the human experience that in no way diminishes a person's right to fully participate in all aspects of American life
4. Goal of public policy is to determine how society can "fix" the environment to provide effective and meaningful opportunities.

III. Goals, Core Policies, Methods of Administration and Support Program Constituting the Disability Policy Framework

A. Goals of Disability Policy

1. Equality of Opportunity
2. Full Participation
3. Independent Living
4. Economic Self-sufficiency

B. Core Policies

1. Equality of Opportunity

- * Individualization (treat people on the basis of facts and objective evidence, not generalizations, stereotypes, or fear ignorance and prejudice)
- * Genuine, effective and meaningful opportunity (provide reasonable accommodations, make programs accessible, and make reasonable modifications to policies)
- * Inclusion and integration (guarantee contact with nondisabled persons, avoid unnecessary and unfair separation and segregation)

2. Full Participation

- * Involvement in decision-making by persons with disabilities and their families at the individual and systems levels
- * Ensure informed choice
- * Provide for self-determination and empowerment
- * Recognize self-advocacy

3. Independent Living

- * Recognize independent living as a legitimate outcome of public policy
- * Provide for independent living skills development
- * Provide for long-term services and supports, including personal assistant services and assistive technology devices and services
- * Provide cash assistance

4. Economic Self-sufficiency

- * Recognize economic self-sufficiency as a legitimate outcome of public policy
- * Support systems providing employment-related services
- * Provide cash assistance with work incentives and other forms of assistance
- * Devise a tax policy providing incentives to employers and employees

C. Methods of Administration

1. Methods of Administration, In General
2. State and Local Plans, Applications, and Waivers
3. Monitoring and Enforcement by Government Agencies
4. Procedural Safeguards
5. Accountability for Results (Outcome Measures)
6. Representation at the Individual and Systems Level
7. Single Line of Responsibility/Coordination and Collaboration Among Agencies
8. Service Coordination
9. Financing Service Delivery
10. Privacy, Confidentiality, Access to Records, and Informed Consent
11. Comprehensive System of Personnel Development and Personnel Standards
12. Racial, Ethnic, and Linguistic Diversity
13. Fiscal Provisions
14. Financial Management and Reporting Provisions

D. Program Supports

1. Systems Change Initiatives

2. Technical Assistance
3. Research

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Emerging Disability Policy Framework: A Guidepost
for Analyzing Public Policy

By: Robert Silverstein

Bobby Silverstein, Director of the Center for the Study and Advancement of Disability Policy (former Staff Director and Chief Counsel of the U. S. Senate Subcommittee on Disability Policy chaired by Tom Harkin) recently completed an article published in the Iowa Law Review (August 2000, Vol. 85/No. 5) entitled Emerging Disability Policy Framework: A Guidepost for Analyzing Public Policy.

The Article describes the precept, goals, and core policies of our nation's laws relating to people with disabilities. The purpose of the Article is to provide a framework that can be used as a lens or guidepost to design, implement, and evaluate generic, as well as disability-specific, public policies and programs to ensure meaningful inclusion of people with disabilities in mainstream society.

Appendix 1 to the Article is a self-contained document, which provides an overview of the Emerging Disability Policy Framework. The overview is written in a narrative outline format and can serve as a handout for training purposes.

Appendix 2 describes major disability-related legislation enacted between 1956 - 2000.

The Article's intended audiences include federal, state and local policymakers, persons with disabilities, their families and advocates, researchers, service providers, and university professors teaching courses that include disability policy.

The Article and the overview are available on-line through websites operated by two Rehabilitation Research and Training Centers (RRTC) funded by the National Institute on Disability and Rehabilitation Research, U.S. Department of Education.

* <http://www.comop.org> (RRTC on Workforce Investment and Employment Policy for Persons with Disabilities (No. H133B980042) operated by Community Options, Inc.

* <http://www.childrenshospital.org/ici> (RRTC on State Systems and Employment (No. H133B30067) operated by the Institute for Community Inclusion

In addition, the Article may be found at a website supported by a grant from the Robert Wood Johnson Foundation.

<http://www.uiowa.edu/~lhpdc/work/index.html> (Comprehensive, Person-Centered State Work Incentive Initiatives: A Resource Center for Developing & Implementing Medicaid Buy In Programs & Related Employment Initiatives for Persons with Disabilities)

