

## APPENDIX 1

## An Overview of the Emerging Disability Policy Framework: A Guidepost for Analyzing Public Policy

Robert Silverstein(

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## INTRODUCTION

Society has historically imposed attitudinal and institutional barriers that subject persons with disabilities to lives of unjust dependency, segregation, isolation, and exclusion. Attitudinal barriers are characterized by beliefs and sentiments held by nondisabled persons about persons with disabilities. Institutional barriers include policies, practices, and procedures adopted by entities such as employers, businesses, and public agencies.<sup>1</sup>

Sometimes, these attitudinal and institutional barriers are the result of deep-seated prejudice.<sup>2</sup> At times, these barriers result from decisions to follow the "old paradigm" of considering people with disabilities as "defective" and in need of "fixing."<sup>3</sup> At other times, these barriers are the result of thoughtlessness, indifference, or lack of understanding.<sup>4</sup> It is often difficult, if not impossible, to ascertain precisely why the barriers exist.

In response to challenges by persons with disabilities, their families, and other advocates, our nation's policymakers have slowly begun to react over the past quarter of a century. They have begun to recognize the debilitating effects of these barriers on persons with disabilities and have rejected the "old paradigm."

A "new paradigm" of disability has emerged that considers disability as a natural and normal part of the human experience. Rather than focusing on "fixing" the individual, the "new paradigm" focuses on taking effective and meaningful actions to "fix" or modify the natural, constructed, cultural, and social environment. In other words, the focus of the "new paradigm" is on eliminating the attitudinal and institutional barriers that preclude

persons with disabilities from fully participating in society's mainstream. Aspects of the "new paradigm" were included in public policies enacted in the early 1970s.<sup>5</sup> Between the 1970s and 1990, lawmakers further defined and society further accepted the "new paradigm."<sup>6</sup> In 1990, the "new paradigm" was explicitly articulated in the landmark Americans with Disabilities Act (ADA)<sup>7</sup> and further refined in subsequent legislation.<sup>8</sup>

Many people have documented the historical mistreatment of persons with disabilities. Others have described and analyzed the ADA as a civil rights statute that prohibits discrimination in the areas of employment, public services, public accommodations, and telecommunications. Few people have stepped back to consider the fundamental beliefs and core policies that were reflected in the 1970s legislation, explicitly articulated in the ADA, and further refined in subsequent legislation. Taken as a whole, these efforts have critical implications regarding the design, implementation and evaluation of programs and policies that affect citizens with disabilities.

The purpose of this overview is to provide a Disability Policy Framework consistent with the "new paradigm" that can be used as a lens or guidepost<sup>9</sup> to design, implement, and evaluate generic,<sup>10</sup> as well as disability-specific, public policies and programs to ensure meaningful inclusion of people with disabilities in mainstream society.

To this end, this overview is targeted to the needs of several audiences. For federal, state, and local policymakers as well as persons with disabilities, their families and advocates, this overview offers a guidepost for designing, implementing, and assessing generic, as well as disability-related, programs and policies. For researchers, this overview provides a benchmark for studying the extent to which generic and disability-specific policies and programs reflect the "new paradigm" and achieve its goals. For service providers, this Appendix provides a lens for designing, implementing and evaluating the delivery of services to persons with disabilities. Finally, for college and university professors teaching courses that include disability policy, this overview provides a framework for policy analysis.

This overview is divided into two parts. Part I describes the various components of the Emerging Disability Policy Framework. Using the Emerging Disability Policy Framework described in Part I, Part II of the overview includes an audit—a checklist of questions that stakeholders can use to assess the extent to which generic and disability-specific programs or policies reflect the components of the Emerging Disability Policy Framework.

## PART I

### AN OVERVIEW OF THE EMERGING DISABILITY POLICY FRAMEWORK

#### INTRODUCTION

Part I provides an overview of the major components of the Emerging Disability Policy Framework, including:

- \* Statement of Findings and Rationale
- \* Precept and Overarching Goals
- \* Definitions of Disability
- \* Core Policies
- \* Methods of Administration
- \* Program Support

#### STATEMENT OF FINDINGS AND RATIONALE

Every piece of disability-specific legislation promulgated since 1973 includes a carefully constructed rationale known as a "Statement of Findings." A well-constructed Statement of Findings includes the following four major items:

1. A description of the historical treatment of persons with disabilities;
2. A summary of the nature of the problem addressed by the proposed legislation;
3. An explanation of why the issue is important and why change is needed; and
4. A description of the role of various entities in designing, implementing, and evaluating the legislation.

A Statement of Findings facilitates enactment of the legislation by convincing policymakers of its merits. Once the legislation is enacted, the rationale provides a clear statement to guide implementation and enforcement of the law.<sup>11</sup>

#### PRECEPT AND OVERARCHING GOALS

In addition to the inclusion of a Statement of Findings, most major disability-specific legislation includes a statement of precept and goals. As with the Statement of Findings, a well-constructed precept and statement of goals further facilitates enactment of the

legislation by convincing policymakers of the merits of the legislation. Once the legislation is enacted, the precept and goals provide clear statements to guide implementation of the law. In addition, the precepts and goals provide an explanation when there is uncertainty regarding legislative intent.

The statements of precept and goals are either included within the Statement of Findings or within a separate section. They are sometimes referred to as a "Purpose" section or a "Statement of Policy."

The precept of Disability Policy Framework is that disability is a natural and normal part of the human experience that in no way diminishes a person's right to participate fully in all aspects of life, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual.<sup>12</sup>

According to the Americans with Disabilities Act, "the Nation's proper goals regarding individuals with disabilities are to assure:

1. equality of opportunity,
2. full participation [empowerment],
3. independent living, and
4. economic self-sufficiency . . . ."13

#### DEFINITIONS OF DISABILITY

In addition to constructing a Statement of Finding and the precept and overarching goals of the legislation, stakeholders must define who will be protected or benefited from the proposed legislation. All laws include definitions of key terms. The definition of the term "disability" within the specific legislation is drafted to accomplish its specific purposes. For example, civil rights statutes contain a definition of "disability" that enables the reader to determine which individuals will be protected by the legislation.<sup>14</sup> The definition of "person with a disability" is also included in formula grants and entitlement programs to determine which individuals are eligible for benefits or services.<sup>15</sup>

#### CORE POLICIES

Once the rationale and goals for the proposed legislation are specified and definitions of disability are established, it is critical for stakeholders to specify the core policies. These statements describe the scope and limitations of the protections, the nature and type of benefits and services, and the circumstances under which benefits and services will be provided.

The numerous core policies can best be understood when they are organized under the four goals of disability policy articulated in the ADA—equality of opportunity, full participation (empowerment), independent living, and economic self-sufficiency. Core policies from various categories of legislation affecting people with disabilities are provided below.

##### A. EQUALITY OF OPPORTUNITY

The goal of equality of opportunity (nondiscrimination) articulated in the ADA includes three core components: (1) individualization, (2) genuine, effective, and meaningful opportunity, and (3) inclusion and integration.

##### 1. Individualization

This is accomplished through the following actions:

- \* Making decisions on the basis of the unique strengths, resources, priorities, concerns, abilities, and capabilities of each person with a disability, including individuals with significant disabilities.<sup>16</sup>

- \* Treating a person with a disability as an individual based on facts and objective evidence, and not based upon generalizations, stereotypes, fear, ignorance, prejudice, or pernicious mythologies.<sup>17</sup>

- \* Using definitions and eligibility criteria that result in even-handed treatment of a person with a particular disability and other similarly situated individuals, including nondisabled persons and persons with other disabilities.<sup>18</sup>

- \* Satisfying the broad, nondiscriminatory eligibility criteria by ensuring universal access to generic programs for persons with disabilities.<sup>19</sup>

- \* Using interdisciplinary assessments performed on a timely basis by qualified personnel conducted across multiple environments in making fact-specific decisions. Using information provided by the individual with a disability, the person's family, or the representative.<sup>20</sup>

- \* Developing individualized plans that identify and describe needs, goals, objectives, services, and accountability measures.<sup>21</sup>

## 2. Genuine, Effective, and Meaningful Opportunity

Ensure that the opportunities that are made available to persons with disabilities are genuine, effective, and meaningful.<sup>22</sup> This includes the following actions:

- \* Providing "appropriate" services and supports that address the unique needs of the individual, not the needs of the "average" person.<sup>23</sup>
- \* Making reasonable modifications to policies, practices, and procedures, unless it would fundamentally alter the nature of the program.<sup>24</sup>
- \* Providing auxiliary aids and services, unless it would result in an undue hardship to the covered entity.<sup>25</sup>
- \* Providing reasonable accommodations to employees, unless it would result in an undue hardship to the covered entity.<sup>26</sup>
- \* Making programs physically accessible.<sup>27</sup>
- \* Providing accessible communications.<sup>28</sup>

## 3. Inclusion and Integration

Foster the inclusion and integration of persons with disabilities in programs, projects, and activities provided by covered entities. Persons with disabilities should not unnecessarily or unjustifiably be isolated, segregated, or denied effective opportunities to interact with nondisabled persons and to participate in mainstream activities. This can be accompanied by the following:

- \* Administering programs, projects, and activities in the most integrated setting appropriate to the needs of the individual.<sup>29</sup>
- \* Providing services in the least restrictive environment (continuum of program options).<sup>30</sup>

## B. FULL PARTICIPATION

The second goal of disability policy articulated in the ADA is full participation. This means empowering persons with disabilities, fostering self-determination, allowing real and informed choice, and participating actively in decision-making processes at the individual and system level (including self-advocacy).<sup>31</sup>

### 1. Involvement and Choice by the Individual in Decisions Affecting the Individual

Foster the active involvement and real and informed choice of the individual with a disability in decisions directly affecting the individual by encouraging the following:

- \* Opportunities to receive information about policies that affect the individual;
- \* Assessments of the individual's progress;
- \* Planning;
- \* Services and supports for the individual (including the right to refuse or terminate services); and
- \* Selection of service providers.<sup>32</sup>

### 2. Involvement and Choice by the Individual's Family in Decisions Affecting the Individual

Facilitate active involvement and real and informed choice of family members (under appropriate circumstances) in decisions affecting the individual with a disability and the family, including the following:

- \* Opportunities to receive information about policies that affect the individual;
- \* Assessments of the individual's progress;
- \* Planning;
- \* Services and supports for the individual (including the right to refuse or terminate services); and
- \* Selection of service providers.<sup>33</sup>

### 3. Involvement by Individuals and Families at the System Level

Encourage active involvement in policy decisions at the system level, including the following:

- \* Opportunities to comment on agency proposals and agency response;
- \* Participation in governing boards or councils that make or recommend policies relating to the program; and
- \* Joint sign-off between the public agency and the governing board or council.<sup>34</sup>

## C. INDEPENDENT LIVING

The third goal of disability policy articulated in the ADA is to foster the ability and capabilities of individuals with disabilities to live independently.

### 1. Independent Living Skills Development and Specialized Planning

Support independent living skill development and specialized planning, by the following:

- \* Training in individual and systems advocacy;

- \* Services related to securing food, clothing, and shelter;
- \* Management of personal assistants and other support personnel; and
- \* Use of assistive technology devices.<sup>35</sup>

2. Long-Term Services and Supports, Including Personal Assistance Services and Supports  
Support for long-term services and supports, including personal assistance services and supports necessary to enable an individual to live independently in the community, including consumer-directed and agency-directed personal assistance services and supports.<sup>36</sup>

3. Cash Assistance and other Forms of Support

Support for cash assistance and other programs of assistance that enable the individual to live independently in the community include, for example:

- \* Cash assistance,<sup>37</sup>
- \* Health care,<sup>38</sup>
- \* Transportation,
- \* Housing,<sup>39</sup> and
- \* Food.<sup>40</sup>

#### D. ECONOMIC SELF-SUFFICIENCY

The fourth goal of disability policy articulated in the ADA is to foster the economic security, stability, and productivity of persons with disabilities consistent with their actual (not perceived) capabilities, strengths, needs, interests, and priorities.

1. Systems Providing Employment-Related Services and Supports

Systems providing employment-related skills and supports include, for example:

- \* Education,<sup>41</sup>
- \* Training,<sup>42</sup>
- \* Self-employment (entrepreneurship),<sup>43</sup> and
- \* Ongoing assistance on-the-job.<sup>44</sup>

2. Cash Assistance and Other Programs of Assistance

Support for cash assistance and other programs, such as the following:

- \* Cash assistance, including worker incentive provisions;<sup>45</sup>
- \* Health care;<sup>46</sup>
- \* Housing;<sup>47</sup> and
- \* Food.<sup>48</sup>

3. Tax Policy Providing Incentives

Tax policy that provides incentives to employers, consistent with business objectives, to hire people with disabilities and that provides deductions and credits for employment-related expenditures enabling an individual with a disability to work include incentives for employers<sup>49</sup> and individuals with disabilities.

#### METHODS OF ADMINISTRATION

After providing the rationale and goals for the proposed legislation, establishing definitions for disability, and specifying the core policies, stakeholders must then consider the inclusion of administrative or accountability provisions. These provisions, which are referred to as "methods of administration," include such provisions as monitoring and enforcement to ensure implementation, procedural safeguards to ensure individuals are afforded due process of law, outcome measures to determine the impact of the legislation, and methods for financing programs.

These methods of administration are designed to maximize the likelihood that the protections afforded by the civil rights statutes are realized, and that the services and benefits made available under entitlement and grant-in-aid programs are provided and implemented in accordance with best practices. Examples of methods of administration from various categories of legislation affecting people with disabilities are provided below.

##### A. STATE PLANS, APPLICATIONS, AND WAIVERS

State plans and applications describe how the public agency plans to satisfy the applicable requirements, including core policies and methods of administration. Waivers provide exemptions or alternative methods of implementation, including testing the provision of new services.<sup>50</sup>

##### B. MONITORING AND ENFORCEMENT BY GOVERNMENT AGENCIES

Monitoring and enforcement maximizes the likelihood that recipients and contractors will comply with applicable requirements and implement the program to ensure results for persons with disabilities. This includes preparing monitoring instruments, conducting monitoring reviews, issuing reports, requiring corrective action, imposing sanctions, and securing remedies for individuals.<sup>51</sup>

### C. PROCEDURAL SAFEGUARDS

Procedural safeguards for individuals include the following:

- \* The right to notice of rights;52
- \* The right to examine records;53
- \* The right to file a complaint;54
- \* The right to use of mediation and other forms of alternative dispute resolution;55
- \* The right to an administrative due process hearing and administrative review;56 and
- \* The right to seek redress through private right of action in court, including remedies and the awarding of attorneys fees to prevailing parties.57

### D. ACCOUNTABILITY FOR RESULTS (OUTCOME MEASURES)

This area facilitates accountability for results using standards and performance indicators that reflect the expected outcomes for recipients with disabilities, the use of sanctions for failure to meet expected outcomes,58 and rewards for exceeding expectations.59

### E. REPRESENTATION AT THE INDIVIDUAL AND SYSTEMS LEVELS

This area facilitates public support for representation and advocacy at the individual and systems level to ensure meaningful involvement and choice. This includes the following:

- \* Systems providing protection and advocacy at the individual and systems level;60 and
- \* Self-advocacy training.61

### F. SINGLE LINE OF RESPONSIBILITY, COORDINATION, AND LINKAGES AMONG AGENCIES

It is beneficial to place accountability for the administration of a program in a single agency to avoid "buckpassing."62 At the same time, it is necessary to provide mechanisms for interagency coordination and collaboration to ensure that no one "falls between the cracks" and that agencies provide for the effective delivery of services.63

### G. SERVICE COORDINATION (CASE MANAGEMENT)

It is essential to provide service coordination to assist individuals in receiving necessary services when a comprehensive array of services is required and such services are provided or paid for by multiple agencies.64

### H. FINANCING SERVICE DELIVERY

This area includes proscribing methods for financing services through the allocation of funds or the establishment of cost reimbursement schemes (including outcome-based reimbursement schemes) that have the effect of denying effective opportunities for persons with the most significant needs.65

### I. PRIVACY, CONFIDENTIALITY, ACCESS TO RECORDS, AND INFORMED CONSENT

Protecting privacy and confidentiality and requiring informed consent minimizes the extent of government intrusion.66 Access to records assures that individuals have the necessary information to make informed choices.67

### J. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Personnel who provide services to beneficiaries must satisfy qualification standards to perform assigned tasks in an effective and efficient manner. Personnel knowledgeable about civil rights statutes and promising practices are preferred because they are able to provide state-of-the-art services to persons with disabilities.68

### K. RESPONSIVENESS TO CULTURAL DIVERSITY

Services must be provided in a culturally competent manner and be responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of individuals receiving services to ensure maximum participation in the program.69

### L. FISCAL PROVISIONS

Public agencies must use program funds to supplement-and not supplant-other sources of funding and must maintain their own fiscal effort.70

### M. FINANCIAL MANAGEMENT AND REPORTING

Grant funds should be managed in such a way to ensure fiscal control and fund accounting.71

### PROGRAM SUPPORT

Stakeholders provide the rationale and goals for the proposed legislation, establish definitions for disability, specify the core policies, and develop methods of administration provisions. In addition, stakeholders must ensure that initiatives conform to best practices and are state-of-the-art by adopting program supports, such as grants, to support systemic change, research, training, and technical assistance. Examples of program supports from various categories of legislation affecting people with disabilities are provided below.

#### A. SYSTEMS CHANGE INITIATIVES

This includes funding designed to assist public agencies in developing and implementing comprehensive reforms at the system or institutional level (policies, practices, and procedures).72

#### B. TRAINING OF INDIVIDUALS WITH DISABILITIES AND THEIR FAMILIES

This area requires supporting model approaches for training individuals with disabilities and their families.73

#### C. TRAINING OF PERSONNEL REGARDING PROMISING PRACTICES

This legislation provides support for personnel preparation and training, including training of specialists, generalists, and leaders.74

#### D. RESEARCH, TECHNICAL ASSISTANCE, AND INFORMATION DISSEMINATION

This area includes support research, technical assistance, and information dissemination which all ensure that the programs are effective, state-of-the-art, and efficient.75

### PART II

## GENERAL QUESTIONS FOR ANALYZING THE EXTENT TO WHICH DISABILITY-SPECIFIC OR GENERIC PROGRAMS OR POLICIES REFLECT THE DISABILITY POLICY FRAMEWORK

### INTRODUCTION

Using the Disability Policy Framework described in Part I of Appendix 1, this part includes general questions for analyzing the extent to which disability-specific and generic programs or policies reflect the precept, goals, definitions, core policies, methods of administration, and program supports set out in the Disability Policy Framework. In other words, this part of this Appendix serves as a guidepost for evaluating, expanding, and improving the design and implementation of public policies affecting persons with disabilities.

Answering these questions may entail, among other things, reviewing previous studies and reports, reviewing data, conducting analyses of proposed and final policy pronouncements, and conducting surveys of stakeholders. Not all questions articulated in this part are applicable to all programs and policies; for example, some questions may only be applicable to generic programs serving nondisabled persons, as well as persons with disabilities.

### QUESTIONS RELATING TO STATEMENT OF FINDINGS AND RATIONALE

Is the program longstanding, undergoing major reform, or new? If new, does it replace an existing program?

Was the program established on a sound premise?

Has the program historically excluded persons with disabilities or specific categories of persons with disabilities? For example, has a policy, procedure, or accepted practice historically disqualified persons with significant disabilities from receiving services, or has a policy, procedure or accepted practice by a generic program automatically referred all persons with disabilities to disability-specific programs?

Is there a history of segregation of persons with disabilities into specific slots or components of the program?

Is there a history of denial of genuine, effective, and meaningful services in the program?

Is there a history of ensuring that people with disabilities enjoy choice in assessments, planning, services provided, selection of service providers, and measures of progress?

Is there history of fostering independent living and ensuring self-sufficiency?

What efforts have been made to ascertain the prevalence of persons with disabilities among the prospective pool of eligible recipients of a generic program?

What efforts have been made to ascertain the scope of unmet need?

Is the public agency considering the historical treatment of persons with disabilities in the development of new policies and procedures and in the methods of administration it uses?

### QUESTIONS RELATING TO PRECEPT

Does the program include a statement articulating the core precept on which it is based?

Is the core precept of the program consistent with the precept of disability policy that disability is a natural and normal part of the human experience that in no way diminishes a person's right to fully participate in the program, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual?

### A QUESTION RELATING TO OVERARCHING GOALS

Do the goals of the program reflect the goals of federal disability policy articulated in

the ADA-equality of opportunity, full participation (empowerment), independent living and economic self-sufficiency for persons with disabilities?

#### QUESTIONS RELATING TO DEFINITION OF DISABILITY

Does the definition of disability reflect the purposes of the particular legislation?

How does the definition of disability relate to definitions used in other programs?

Does it relate to the definition used in section 504 and the ADA?

#### QUESTIONS RELATING TO CORE POLICIES

##### A. QUESTIONS RELATING TO EQUALITY OF OPPORTUNITY

###### 1. Individualization

Do the policies and procedures governing eligibility and application for and delivery of services under the program:

Account for the unique strengths, resources, priorities, concerns, abilities, and capabilities of each person with a disability, including individuals with significant disabilities?

Account for the added dimension of poverty?

Use definitions and eligibility criteria that result in even-handed treatment between a person with a particular disability and other similarly situated individuals, including nondisabled persons and persons with other disabilities?

Satisfy the broad, nondiscriminatory eligibility criteria by ensuring universal access to generic programs for persons with disabilities?

Support and promote the treatment of persons with a disabilities as individuals based on facts and objective evidence, not based on generalizations, stereotypes, fear, ignorance, or prejudice?

Use interdisciplinary assessments performed by qualified personnel, conduct timely assessments across multiple environments, and use information provided by the individual with a disability and the person's family or representative in making fact-specific decisions?

Use individualized plans to identify and describe needs, goals, objectives, services, and accountability measures?

###### 2. Genuine, Effective, and Meaningful Opportunity

Do the policies and procedures governing eligibility and application for and delivery of services under the program offer opportunities that are genuine, effective, and meaningful? Do the policies and procedures:

Provide "appropriate" services and supports designed to meet the unique needs of the individual, not the needs of the "average" person?

Make reasonable modifications to policies, practices, and procedures, unless it would fundamentally alter the nature of the program?

Provide auxiliary aids and services, unless it would result in an undue hardship to the covered entity?

Provide reasonable accommodations to employees, unless it would result in an undue hardship to the covered entity?

Make a program physically accessible?

Provide for communication accessibility?

###### 3. Inclusion and Integration

Do the policies and procedures governing eligibility and application for and delivery of services under the program foster the inclusion and integration of persons with disabilities, or do the policies and procedures unnecessarily or unjustifiably isolate or segregate persons with disabilities?

##### B. A QUESTION RELATING TO FULL PARTICIPATION

Do the policies and procedures governing the program foster the empowerment of persons with disabilities, real and informed choice, and active participation in decision-making processes at the individual and system level (including self-advocacy)?

More specifically, do the policies and procedures governing the program foster:

Active involvement and real and informed choice of the individual with a disability in areas including:

Opportunity to receive information about policies that affect the individual?

Assessments?

Planning?

Services?

Selection of service providers?

Measures of progress?

Active involvement and real and informed choice of family members and other representatives (under appropriate circumstances) in decisions affecting the individual with a disability and the family, including:

Opportunity to receive information about policies that affect the individual?  
Assessments?

Planning?

Services?

Selection of service providers?

Measures of progress?

Active involvement in policy decisions at the system level (respecting the design, implementation and evaluation of a program), including:

Consideration of input from consumers?

Participation on governing boards and councils?

Joint sign-off on policies by the governing board/council?

C. QUESTIONS RELATING TO INDEPENDENT LIVING

Do the policies and procedures governing the program foster the ability and capabilities of individuals with disabilities to live independently through support for independent living skill development, including:

Training in individual and systems advocacy?

Service related to securing food, clothing, and shelter?

Training the management of personal assistants and the use of assistive technology?

Specialized planning for transitioning to independent living?

Do the policies and procedures governing the program enable the person with a disability to live independently through the provision of long-term services and supports, for example, consumer-directed personal assistance services and supports and assistive technology devices and services?

Do the policies governing the program enable the person with a disability to live independently in the community through cash assistance or other forms of assistance?

D. QUESTIONS RELATING TO ECONOMIC SELF-SUFFICIENCY

Do the policies and procedures governing the program foster the economic security, stability, and productivity of persons with disabilities consistent with their actual (not perceived) capabilities, strengths, needs, interests, and priorities through support for:

Systems that include universal access to generic services as well as access to specialized services and supports as an integral component of the system?

Training, education, and employment of choice (including self-employment)?

Ongoing supports on-the-job?

Specialized planning (e.g., transition planning for children in high school)?

Cash assistance programs that reflect the goal of maximizing economic self-sufficiency, including policies that provide incentives to work (e.g., waive or modify income and resource limits, and retain eligibility for acute and long-term services and supports)?

QUESTIONS RELATING TO METHODS OF ADMINISTRATION

A. QUESTIONS RELATING TO STATE AND LOCAL PLANS, APPLICATIONS, AND WAIVERS

Does the plan/application include specific policies and procedures governing implementation for persons with disabilities?

Do waiver requests have the effect of enhancing or diminishing opportunities for persons with disabilities? For example, is a waiver request designed to test new strategies for delivering services that reflect the goals of disability policy articulated in the ADA? Or is the waiver request based on "perceptions" that individuals with disabilities cannot succeed or participate in the program or assessment generally applicable to nondisabled persons?

Does the plan/application explain how people with disabilities and their representatives were involved in the process of completing the plan/application?

In addition to the inclusion of an assurance of nondiscrimination, does the plan/application include specific policies and procedures relating to implementation of the program consistent with section 504 of the Rehabilitation Act of 1973 and the ADA?

B. QUESTIONS RELATING TO MONITORING AND ENFORCEMENT BY GOVERNMENT AGENCIES

What are the respective roles and responsibilities of federal, state, and local agencies for monitoring and enforcement?

Does the monitoring instrument developed by the government agency include specific inquiries related to persons with disabilities? If so, what are they?

Does the government agency use a monitoring instrument for ascertaining compliance with section 504 of the Rehabilitation Act of 1973 and the ADA? If so, what is included? Do on-site monitoring reviews include assessments relating to meeting the needs of persons with disabilities and ensuring nondiscrimination? What sanctions are available and used? Under what circumstances? What incentives are available and used? How are findings of noncompliance used by the agency? Are findings of noncompliance used for purposes of ongoing continuous quality improvement reviews? What remedies are available?

Is there a complaint resolution procedure that includes complaints involving discrimination on the basis of disability?

#### C. QUESTIONS RELATING TO PROCEDURAL SAFEGUARDS FOR INDIVIDUALS, THEIR FAMILIES, AND REPRESENTATIVES

Do the policies and procedures governing the program provide for:

Notice of rights?

Examination of records?

The right to file a complaint?

The use of mediation and other forms of alternative dispute resolution?

Administrative due process hearings and administrative review?

Redress through private right of action in court, including remedies and the awarding of attorneys' fees to prevailing parties?

#### D. QUESTIONS RELATING TO ACCOUNTABILITY FOR RESULTS (OUTCOME MEASURES)

Does the agency include outcome measures that address issues of specific relevance to persons with disabilities?

Does the agency disaggregate data so the agency can determine whether its program is meeting the needs of persons with disabilities or persons with specific categories of disabilities as part of a process of continuous improvement?

#### E. QUESTIONS RELATING TO REPRESENTATION AT THE INDIVIDUAL AND SYSTEMS LEVEL

Does the public agency provide support for representation and advocacy at the individual and systems level, including support for systems providing protection and advocacy, and self-advocacy training?

#### F. QUESTIONS RELATING TO SINGLE LINE OF RESPONSIBILITY/COORDINATION AND LINKAGES AMONG AGENCIES

Is there a single agency (state or local) responsible for implementation of the program for all beneficiaries, including persons with disabilities? If not, how does the agency ensure compliance for persons with disabilities?

Does the agency require the assignment of an individual who will be responsible for ensuring implementation of the program for persons with disabilities, particularly with respect to implementation of the program consistent with section 504 of the Rehabilitation Act of 1973 and the ADA?

Has the agency developed policies and procedures for collaboration among agencies to ensure meaningful and effective delivery of necessary services to persons with disabilities, including cost sharing arrangements?

#### G. A QUESTION RELATING TO SERVICE COORDINATION (CASE MANAGEMENT)

Has the agency developed policies and procedures for service coordination to ensure that individuals with disabilities, particularly those with the most significant disabilities, receive the services they need, particularly where services are provided by multiple agencies?

#### H. QUESTIONS RELATING TO FINANCING SERVICE DELIVERY

Does the system for allocating funds among agencies and service providers facilitate or thwart accomplishment of the goals articulated in the ADA and the policies that effectuate the goals? For example, does the outcome-based reimbursement scheme used to pay service providers recognize and reward those who serve persons with the most significant disabilities and who cost more than the average recipient of services (risk adjustment)?

Is the network of service providers adequate to address the needs of persons with disabilities eligible for assistance under the program?

Is the financing system for services (for example, personal assistance services, assistive technology) consumer-directed?

#### I. QUESTIONS RELATING TO PRIVACY, CONFIDENTIALITY, ACCESS TO RECORDS, AND INFORMED CONSENT

Does the agency include specific policies and procedures protecting the rights of persons with disabilities to privacy? Confidentiality? Access to records?

Does the agency include specific policies and procedures requiring informed consent?

#### J. QUESTIONS RELATING TO COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Does the agency include specific training components regarding the implementation of its program (e.g., policy, "promising practices," and resource allocation) for persons with disabilities?

Does the agency include specific training for its personnel regarding implementation of its program consistent with section 504 of the Rehabilitation Act of 1973 and the ADA?

#### K. A QUESTION RELATING TO RESPONSIVENESS TO CULTURAL DIVERSITY

Does the agency include policies and procedures that address the special needs of persons with disabilities from diverse cultural backgrounds?

#### L. A QUESTION RELATING TO FISCAL PROVISIONS

Do the "supplement, not supplant" and "maintenance of effort" provisions ensure continuation of funding from state and local sources for services provided to persons with disabilities?

#### M. QUESTIONS RELATING TO FINANCIAL MANAGEMENT AND REPORTING

Do the fiscal control and fund accounting procedures enable oversight with respect to the provision of funding for persons with disabilities consistent with legislative intent?

#### QUESTIONS RELATING TO PROGRAM SUPPORT

To the extent an agency supports efforts to improve the quality of services provided through initiatives (such as systems change grants, training, research, technical assistance, demonstrations, and information dissemination), do these initiatives include specific components or specific initiatives that address the unique needs of persons with disabilities?

## APPENDIX 2

### MAJOR DISABILITY-RELATED LEGISLATION 1956-2000

1956 - Social Security Amendments of 1956 (P.L. 84-880)

Established the Disability Insurance Trust Fund under Title II of the Social Security Act and provided for payment of benefits to workers with disabilities under the Social Security Disability Insurance program. Benefits were limited to workers age fifty and older.

1958 - Captioned Films for the Deaf Act (P.L. 85-905)

Permitted the Office of Education to purchase, lease, or accept films (primarily recreational films), provide captions for them, and distribute them through state schools for the deaf, as well as through other appropriate state agencies.

1960 - Social Security Amendments of 1960 (P.L. 86-778)

Eliminated the limitation on benefits to workers over age fifty (1956), and encouraged workers by authorizing a nine-month trial work period during which the beneficiary could have earnings without jeopardizing benefits.

1963 - Social Security Act Amendments of 1963 (P.L. 88-156)

Established a new project grant program to improve prenatal care for women from low income families for whom the risk of mental retardation and other birth defects was known to be inordinately high. In addition, authorizations for grants to the states under the Maternal and Child Health and Crippled Children's programs (originally established in 1935 under P.L. 74-271) were increased and a research grant program was added.

1963 - Mental Retardation Facilities Construction Act of 1963 (P.L. 88-164)

Authorized federal support for the construction of mental retardation research centers, university-affiliated training facilities, and community service facilities for children and adults with mental retardation.

1965 - Elementary and Secondary Education Act of 1965 (P.L. 89-10)

The core of the Act, Title I, authorized a multi-billion dollar program of aid to assist the states and local school districts in providing compensatory education to educationally disadvantaged children residing in low-income areas.

1965 - Social Security Act Amendments of 1965 (P.L. 89-97)

Title XVIII (Medicare) authorized health insurance benefits for eligible elderly persons or eligible persons with disabilities. Direct payments are made for medical services on behalf of eligible participants through "fiscal intermediaries," for example, private health insurance companies. "Part A" reimbursed hospitals and other covered entities. "Part B" provided supplemental medical insurance benefits. Title XIX authorized

grants-in-aid to the states for the establishment of a medical assistance program to improve the accessibility and quality of medical care for low-income individuals (Medicaid).

1965 - Elementary and Secondary Education Act Amendments of 1965 (P.L. 89-313)

Authorized aid to state agencies operating and/or supporting schools for children with disabilities.

1966 - Library Services and Construction Act Amendments of 1966 (P.L. 89-511)

Authorized assistance for students with physical or mental disabilities who were in residential schools operated or substantially supported by the state. Part B of Title IV of the Act made federal funds available to state agencies for library services for individuals who were certified by a responsible authority as unable to read or to use conventional printed materials as a result of physical limitations. Such services could be provided through public or nonprofit library agencies or organizations.

1966 - Military Medical Benefits Act Amendments of 1966 (P.L. 89-614)

Expanded health care benefits for dependents of active duty members of the uniformed services (the Army, Navy, Marine Corps, Air Force, Coast Guard, and the commissioned corps of Public Health Service). Under the expanded benefits of the Civilian Health and Medical Program of the Uniformed Services Program (CHAMPUS) for the handicapped, the spouse or child of an active duty member is eligible for services if he or she has a serious physical disability or is moderately to severely mentally retarded.

1967 - Mental Retardation Amendments of 1967 (P.L. 90-170)

Authorized federal funds to assist in the cost of initiating services in community mental retardation facilities.

1967 - Elementary and Secondary Education Act Amendments of 1967 (P.L. 90-247)

Expanded instructional media programs to provide for the production and distribution of educational media for the use of persons with all types of disabling conditions (not just deafness), their parents, actual or potential employers, and other persons directly involved in working on behalf of persons with disabilities.

1967 - Social Security Act Amendments of 1967 (P.L. 90-248)

Added a list of mandatory and optional services under the Medicaid program and required participating states to offer early and periodic screening, diagnosis, and treatment services to all Medicaid-eligible children.

1968 - National School Lunch Act and Child Nutrition Act of 1968 (P.L. 90-302)

The child care component provided federal assistance for meals served in institutions providing nonresidential day care for children. Facilities eligible to participate included day care centers, settlement houses, recreation centers, and institutions providing day care for youngsters with disabilities.

1968 - Architectural Barriers Act of 1968 (P.L. 90-480)

Required buildings and facilities designed, constructed, altered, or financed by the federal government after 1969 to be accessible to and usable by persons with disabilities.

1968 - Vocational Education Act Amendments (P.L. 90-576)

Required each state to earmark ten percent of its basic grant for services for youth with disabilities.

1970 - Elementary and Secondary Education Act Amendments of 1970 (P.L. 91-230)

Created a separate Act, The Education of the Handicapped Act (EHA). Part B authorized grants to states to assist them in initiating, expanding, and improving programs for the education of children with disabilities. EHA also established several competitive grant programs such as personal preparation, research, and demonstration.

1970 - Urban Mass Transportation Act Amendments of 1970 (P.L. 91-453)

Required eligible local jurisdictions to plan and design mass transit facilities and services so that they would be accessible to and useable by people with disabilities.

1970 - Developmental Disabilities Services and Facilities Construction Amendments of 1970 (P.L. 91-517)

Included broad responsibilities for a state planning and advisory council to plan and implement a comprehensive program of services for persons with developmental disabilities. In addition, the legislation authorized grants to support interdisciplinary training in institutions of higher education of personnel providing services to persons with developmental disabilities (currently known as university-affiliated programs).

1971 - Amendments to Title XIX of the Social Security Act (Medicaid Program) (P.L.

92-223)

Authorized public mental retardation programs to be certified as intermediate care facilities and requires that these programs offer, among other things, "active treatment."

1972 - Small Business Act Amendments of 1972 (P.L. 92-595)

Expanded the authority of the Small Business Administration to provide direct and guaranteed loans for nonprofit sheltered workshops employing persons with disabling conditions and individuals with disabilities interested in establishing their own businesses.

1972 - Social Security Amendments of 1972 (P.L. 92-603)

Repealed existing public assistance programs and added in their place a new Title XVI (Supplemental Security Income, SSI) program. This program authorizes cash benefits for individuals and couples who are aged, blind, or disabled. In addition, children under eighteen years of age with disabilities or blindness are eligible for benefits, provided that their disabilities were comparable in severity to adult recipients. Medicare coverage was authorized for Social Security beneficiaries with disabilities after they fulfilled a specified waiting period.

1973 - Social Security Disability Act Amendments of 1973 (P.L. 93-66)

Tied increases in benefit levels under the disability insurance program to the Consumer Price Index, thus authorizing automatic annual cost-of-living adjustments in benefit payments.

1973 - Federal-Aid Highway Act of 1973 (P.L. 93-87)

Authorized the use of funds under the Highway Program "to provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, such as across curbs constructed or replaced at all pedestrian crosswalks throughout the states." Improvement funds may also be used for providing accessible rest stop facilities.

1973 - Rehabilitation Act of 1973 (P.L. 93-112)

Included a complete revision of the state formula grant supporting the vocational rehabilitation program and the competitive programs supporting personnel development, research, and demonstrations. In addition, the legislation, among other things, adds "Section 502," which established the Architectural and Transportation Barriers Compliance Board to enforce the Architectural Barriers Act of 1968 and provide technical assistance to agencies subject to section 504 regulations. In addition, the legislation adds "Section 504," which prohibited discrimination against otherwise qualified persons with disabilities in any program or activity receiving federal funds.

1973 - Amtrak Improvement Act of 1973 (P.L. 93-146)

The National Railroad Passenger Corporation was directed to take all steps necessary to ensure that no elderly or handicapped individual is denied intercity transportation on any passenger train operated by or on behalf of the Corporation. Steps include: acquiring special equipment and devices and conducting special training for employees; designing and acquiring new equipment and facilities and eliminating architectural and other barriers in existing equipment or facilities; and providing special assistance to persons who are elderly or disabled while boarding and alighting and within terminal areas.

1974 - Housing and Community Development Amendments of 1974 (P.L. 93-383)

Expanded the low-income rent subsidy program under "Section 8" to include families consisting of single persons with disabilities. The legislation also extended the "Section 202" direct loan program to nonprofit agencies to projects for persons with mental as well as physical disabilities.

1974 - Elementary and Secondary Education Amendments of 1974 (P.L. 93-380)

Included amendments to Part B of the Education of the Handicapped Act (EHA) that laid the basis for comprehensive planning, the delivery of additional financial assistance to the states, and the protection of handicapped children's rights.

1974 - Urban Mass Transportation Act Amendments of 1974 (P.L. 93-503)

Required project applicants to assure that the fares charged to the elderly or persons with disabilities during nonpeak hours do not exceed one-half of generally applicable rates for other riders during peak hours. In addition, localities were permitted under this Act to transport riders who are elderly or disabled free of charge and still be eligible for federal grant aid.

1974 - Community Services Act (P.L. 93-644)

Stipulated that ten percent of children enrolled in the Head Start program must be children with disabilities.

1974 - Social Services Amendments of 1974 (P.L. 93-647)

Consolidated social service grants to states under a new Title XX of the Social Security Act.

1975 - Developmental Disabilities Assistance and Bill of Rights Act (P.L. 94-103)

Created a "bill of rights" for persons with developmental disabilities, funded services for persons with developmental disabilities, added a new funding authority for university affiliated facilities, and established a system of protection and advocacy organizations in each state.

1975 - Education for All Handicapped Children Act (P.L. 94-142)

Amended the Education of the Handicapped Act to mandate a free appropriate public education for all children with disabilities in a state, regardless of the nature or severity of the child's disability (Part B of the Education of the Handicapped Act).

1977 - Tax Reduction and Simplification Act (P.L. 95-30)

Congress authorized a special tax credit to induce businesses to hire certain categories of chronically unemployed workers, disadvantaged youth, welfare recipients, and other hard to place persons, including individuals with disabilities.

1977 - Legal Services Corporation Act Amendments of 1977 (P.L. 95-222)

Required the Corporation to establish procedures for determining and implementing service priorities, taking into account the relative needs of clients eligible for assistance, including people with disabilities and other individuals facing special difficulties in accessing legal services.

1978 - Civil Rights Commission Act Amendments of 1978 (P.L. 95-444)

Expanded the jurisdiction of the Civil Rights Commission to include protection against discrimination on the basis of handicap.

1978 - Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments (P.L. 95-602)

Established the National Institute of Handicapped Research and new programs for people with disabilities, including comprehensive service centers, independent living centers, recreation programs, and pilot programs for employment. The legislation also updated and made functional the definition of the term "developmental disability" and clarified the functions of the university-affiliated programs.

1979 - Food Stamp Act of 1979 (P.L. 96-58)

Authorized food stamps for residents of community living arrangements for persons with blindness or disabilities, by redefining "eligible households" to include disabled or blind recipients of benefits under Title II or Title XVI of the Social Security Act who are residents in a public or private nonprofit group living arrangement that is certified by the appropriate state agency or agencies regulations issued under section 1616(e) of the Social Security Act.

1980 - Civil Rights of Institutionalized Persons Act (P.L. 96-247)

Authorized the U.S. Department of Justice to sue states for alleged violations of the rights of institutionalized persons, including persons in mental hospitals or facilities for people with mental retardation.

1980 - Social Security Act Amendments (P.L. 96-265)

Authorized special cash payments (section 1619(a)) and continued Medicaid eligibility (section 1619(b)) for individuals who receive Supplemental Security Income (SSI) benefits but, nonetheless, engage in substantial gainful activity. The provision was made effective for three years.

1980 - Federal Advisory Committee Act (P.L. 96-523)

Permitted the employment of personal assistants for federal employees with disabilities both at their regular duty station and while on travel status.

1981 - Omnibus Budget Reconciliation Act (P.L. 97-35)

Consolidated six programs authorized under Title V of the Social Security Act into a single block grant authority (Maternal and Child Health) to address, among other things, the needs of children with special health care needs. In addition, the existing Title XX program was converted into a Social Services Block Grant Program.

Authorized the Secretary of Health and Human Services to grant "home and community-based" waivers to enable states to furnish personal assistance and other services to individuals who, without such services, would require institutional care as long as costs under the waiver do not exceed the cost of providing institutional care to the target population. Limited Child Care Program to children up to age twelve, except children with disabilities, for whom no age limit was set.

1981 - Small Business Act Amendments of 1981 (within the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35)

Placed the Handicapped Assistance Loan Program administratively within the regular SBA loan system.

1982 - Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248)

Permitted states to cover under their Medicaid plans home care services for certain children with disabilities, even though family's income and resources exceeded state's normal eligibility standards.

1982 - Job Training Partnership Act (P.L. 97-300)

Revamped the Comprehensive Employment and Training Act (CETA). The Act emphasizes training for private sector jobs. The Act established a "State Job Training Coordinating Council" and the "Private Industry Council (PIC)".

1982 - Telecommunications for the Disabled Act of 1982 (P.L. 97-410)

Required that workplace telephones used by persons with hearing aids and emergency phones be hearing-aid-compatible.

1984 - Rehabilitation Act Amendments of 1984 (P.L. 98-221)

Transformed the National Council on Disability from an Advisory Board in the Department of Education into an independent federal agency.

1984 - Voting Accessibility for the Elderly and Handicapped Act (P.L. 98-435)

Required that registration and polling places for federal elections be accessible to persons with disabilities.

1984 - Child Abuse Amendments of 1984 (P.L. 98-457)

Required states to enact procedures or programs within child protection agencies to respond to cases in which medical treatment is withheld from disabled infants.

1984 - Social Security Disability Benefits Reform Act of 1984 (P.L. 98-460)

Extended the section 1619 worker incentive program under SSI for an additional three years. The 1984 amendments also required the Secretary of HHS to publish uniform standards for SSI and SSDI disability determinations.

1984 - Developmental Disabilities Act of 1984 (P.L. 98-527)

Added a statement of purpose to the Act and authorized protection and advocacy systems to have access to the records of persons with developmental disabilities residing in institutions.

1985 - Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272)

Authorized states to cover case management services on less than a statewide or comparable basis to targeted groups under Medicaid; expanded the definition of "habilitation" for Home and Community-Based Waiver recipients with developmental disabilities to cover certain pre-vocational services and supported employment for previously institutionalized individuals; authorized states to cover ventilator-dependent children under the waiver program if they would otherwise require continued inpatient care.

1986 - Protection and Advocacy for Mentally Ill Individuals Act of 1986 (P.L. 99-319)

Established a formula grant program operated by existing protection and advocacy systems primarily focusing on incidences of abuse and neglect of mentally ill individuals.

1986 - Education of the Deaf Act of 1986 (P.L. 99-371)

Changed the name of the school from "Gallaudet College" to "Gallaudet University," and extended the statutory authority of the National Training Institute for the Deaf (a residential facility for postsecondary technical training and education for individuals who are deaf in order to prepare them for successful employment) (Title II).

Established a Commission on Education of the Deaf under Title III of the Act. The Commission consists of twelve members that study the quality of infant and early childhood programs, as well as elementary, secondary, postsecondary, adult, and continuing education programs for individuals who are deaf. The Commission makes recommendations to the President and Congress for improving current programs and practices.

1986 - Handicapped Children's Protection Act (P.L. 99-372)

Overtaken a Supreme Court decision and authorized courts to award reasonable attorneys fees to parents who prevail in due process proceedings and court actions under part B of the Education of the Handicapped Act.

1986 - Air Carriers Access Act (P.L. 99-435)

Prohibited discrimination against persons with disabilities by air carriers and provided

for enforcement by the U.S. Department of Transportation.

1986 - Education of the Handicapped Act Amendments (P.L. 99-457)

Included a new grant program for states to develop an early intervention system for infants and toddlers with disabilities and their families and provide greater incentives for states to provide preschool programs for children with disabilities between the ages of three and five.

1986 - Amendments to the Job Training Partnership Act (P.L. 99-496)

Required special consideration for persons with disabilities in the awarding of discretionary grants.

1986 - Higher Education Act Amendments of 1986 (P.L. 99-498)

Authorized construction/renovation grants and loans to institutions of higher education. Among the purposes for which funds under this Act may be used is to bring academic facilities into compliance with the Architectural Barriers Act of 1968 and section 504 of the Rehabilitation Act of 1973.

1986 - Rehabilitation Act Amendments of 1986 (P.L. 99-506)

Clarified that supported employment is a viable outcome of vocational rehabilitation and specified that states must plan for individuals making the transition from school to work.

1986 - Tax Reform Act of 1986 (P.L. 99-514)

Extended "targeted jobs tax credit" through 12/31/88.

1986 - Employment Opportunities for Disabled Americans Act (P.L. 99-643)

Made the section 1619(a) and 1619(b) work incentives a permanent feature of the Social Security Act. The Act also added provisions to enable individuals to move back and forth among regular SSI, section 1619(a) and section 1919(b) eligibility status.

1987 - Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (P.L. 100-146)

Updated language in the legislation, strengthened the independence of the State Planning Councils, strengthened authority of protection and advocacy systems to investigate allegations of abuse and neglect, and created separate line items for core funding and training for university affiliated programs.

1987 - Housing and Community Development Act of 1987 (P.L. 100-242)

Required HUD to earmark fifteen percent of section 202 funds for non-elderly persons with disabilities.

1988 - Civil Rights Restoration Act (P.L. 100-259)

Amended the Rehabilitation Act of 1973's definition of an individual with a disability and defined coverage of section 504 as broad (e.g., extending to an entire university) rather than narrow (e.g., extending to just one department of the university) when federal funds are involved.

1988 - Education Amendments of 1988 (P.L. 100-297)

Made a number of changes in Chapter 1, including the provisions dealing with aid to state-operated and supported schools for children with disabilities.

1988 - Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360)

Clarified the circumstances under which Medicaid reimbursement would be available for services included in a child's individualized education program (IEP) or individualized family services plan (IFSP) under the Individuals with Disabilities Education Act.

1988 - Hearing Aid Compatibility Act of 1988 (P.L. 100-394)

Required most telephones manufactured or imported into the United States to be compatible for use with telecoil-equipped hearing aids.

1988 - Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (P.L. 100-403)

Authorized the Secretary of Health and Human Services to make grants to states for public and nonprofit agencies to furnish temporary, non-medical care services to children with disabilities and special health care needs.

1988 - Technology-Related Assistance for Individuals with Disabilities Act (P.L. 100-407)

Provided grants to states to develop statewide assistive technology programs.

1988 - Fair Housing Act Amendments (P.L. 100-430)

Added persons with disabilities as a group protected from discrimination in housing and ensured that persons with disabilities are allowed to adapt their dwelling place to meet their needs.

1988 - Telecommunications Accessibility Enhancement Act of 1988 (P.L. 100-542)  
Allowed the Administrator of General Services Administration (GSA) to take such actions as are necessary to assure that the federal telecommunications system is fully accessible to hearing and speech impaired individuals.

1988 - Small Business Administration Reauthorization and Amendment Act of 1988 (P.L. 100-590)  
Enlarged the class of organizations eligible to receive Handicapped Assistance Loans to include both public and private entities.

1988 - Traffic Safety for Handicapped Individuals Act (P.L. 100-641)  
Required the Department of Transportation to issue regulations establishing a uniform parking system for people with disabilities.

1989 - Omnibus Budget Reconciliation Act of 1989 (P.L. 101-239)  
Specified, among other things, that at least thirty percent of the Maternal and Child Health Block Grant under Title V of the Social Security Act must be used to improve services for children with special health care needs.  
Included a major expansion in required services under Medicaid's Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT).  
Required the Social Security Administration (SSA) to establish a permanent outreach program for children who are blind or otherwise disabled.

1990 - Americans with Disabilities Act (ADA) (P.L. 101-336)  
Guaranteed the civil rights of people with disabilities by prohibiting the discrimination against anyone who has a mental or physical disability in the area of employment, public services, transportation, public accommodations, and telecommunications.

1990 - Carl D. Perkins Vocational Educational Applied Technology Amendments (P.L. 101-392)  
Rewrote the vocational legislation, eliminated the ten percent earmarking for disabled youth, but included specific language to assure students with disabilities access to qualified vocational programs and supplementary services.

1990 - Television Decoder Circuitry Act (P.L. 101-431)  
Required closed caption circuitry (computer chip) to be part of all televisions with screens thirteen inches or larger manufactured for sale and use in the United States.

1990 - Education of the Handicapped Act Amendments of 1990 (P.L. 101-476)  
Stimulated the improvement of the vocational and life skills of students with disabilities to enable them to be better prepared for the transition to adult life and services.

1990 - Individuals with Disabilities Education Act Amendments (IDEA) (within the Education of the Handicapped Act Amendments of 1990, P.L. 101-476)  
Renamed the Education of the Handicapped Act and reauthorized programs under the Act to improve support services to students with disabilities, especially in the areas of transition and assistive technology.

1990 - Developmental Disabilities Act Amendments of 1990 (P.L. 101-496)  
Maintained and further strengthened programs authorized under the Act.

1990 - Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508)  
Established a limited purpose optional state coverage of community supported living arrangements services for persons with mental retardation and related conditions (authority has since expired).  
Authorized community supported living arrangements and stressed individualized support rather than the standardized services common to the ICF/MR program.  
Included a provision called the "access credit" that enables small businesses to claim credit against taxes for half of the first \$10,000 of eligible costs of complying with the ADA.

1990 - National Affordable Housing Act (P.L. 101-625)  
Established a distinct statutory authority to fund supportive housing for people with disabilities, with a separate financing mechanism and selection criteria.

1991 - Individuals with Disabilities Education Act of 1991 (P.L. 102-119)  
Enhanced infants and toddlers program and extended the IDEA support programs.

1991 - Civil Rights Act of 1991 (P.L. 102-166)  
Reversed numerous U.S. Supreme Court decisions that restricted the protections in employment discrimination cases and authorized compensatory and punitive damages under Title V of the Rehabilitation Act of 1973 and ADA.

1991 - Intermodel Surface Transportation Efficiency Act of 1991 (P.L. 102-240)  
Authorized increased set aside funds under section 16(b) of the Act to assist facilities in meeting the special transportation accessibility needs of those who are elderly or disabled.

1992 - Rehabilitation Act Amendments of 1992 (P.L. 102-569)  
Included changes that increase access to state vocational rehabilitation systems for those with the most significant disabilities, enabled consumers to have greater choice and control in the rehabilitation process, and provided opportunities for career advancement.

1993 - Family and Medical Leave Act (P.L. 103-3)  
Allowed workers to take up to twelve weeks of unpaid leave to care for newborn and adopted children and family members with serious health conditions or to recover from serious health conditions.

1993 - National Voter Registration Act (P.L. 103-31)  
Required states to liberalize their voter registration rules to allow people to register to vote by mail, when they apply for driver's licenses, or at offices that provide public assistance and programs for individuals with disabilities such as vocational rehabilitation programs.

1993 - National and Community Service Trust Act of 1993 (P.L. 103-82)  
Established a national service program, including tuition assistance and a living allowance for individuals age seventeen and older who volunteer part-time or full-time in community service programs.

1994 - Technology-Related Assistance for Individuals with Disabilities Act Amendments (P.L. 103-218)

Reauthorized the 1988 "Tech Act," that was established to develop consumer-driven, statewide service delivery systems that increase access to assistive technology devices and services to individuals of all ages with disabilities. The 1994 amendments emphasize advocacy, systems changes activities and consumer involvement.

1994 - Goals 2000: Educate America Act of 1994 (P.L. 103-227)  
Provided a framework for meeting national educational goals and carrying out systemic school reform for all children, including children with disabilities.

1994 - Developmental Disabilities Assistance and Bill of Rights Amendments of 1993 (P.L. 103-230)

Rewrote and updated provisions pertaining to State Planning Councils and extended and strengthened provisions pertaining to protection and advocacy systems, university affiliated programs, and programs of national significance.

1994 - School-to-Work Opportunities Act of 1994 (P.L. 103-239)  
Authorized funds for programs to assist students, including students with disabilities, in the transition from school to work.

1994 - Improving America's Schools Act of 1994 (IASA) (P.L. 103-382)  
Reauthorized the Elementary and Secondary Education Act (ESEA), which provides the framework of federal grants to states for elementary and secondary education programs. Among other provisions, the legislation amends the Individuals with Disabilities Education Act to establish a new state program supporting statewide systems of support for families of children with disabilities.

1995 - Child Abuse Prevention and Treatment Act (CAPTA) Amendments of 1995 (P.L. 104-235)  
Included new family resource and support program that supports state efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs which would be equipped to address, among other things, the additional family support needs of families with children with disabilities.

1996 - Telecommunications Act of 1996 (P.L. 104-104)  
Required telecommunications manufacturers and service providers to ensure that equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable.

1996 - Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996 (P.L. 104-183)

Extended authority to fund Developmental Disabilities Councils, Protection and Advocacy Systems, University Affiliated Programs, and Projects of National Significance.

1996 - Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191)  
Improved access to health care for twenty-five million Americans by guaranteeing that

private health insurance is available, portable, and renewable; limiting pre-existing condition exclusions; and increasing the purchasing clout of individuals and small employers through incentives to form private, voluntary coalitions to negotiate with providers and health plans.

1996 - Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193)

Provided a new, more restrictive definition of disability for children under the Supplemental Security Income program (SSI), focusing on functional limitations, mandating changes to the evaluation process for claims and continuing disability reviews, and requiring redeterminations to be performed before a child turns eighteen.

1996 - Mental Health Parity Act of 1996 (P.L. 104-204) (provisions implementing Act added in P.L. 105-34)

Included a provision that prohibits insurance companies from having lower lifetime caps for treatment of mental illness compared with treatment of other medical conditions.

1997 - Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105-17)

Included the first major changes to Part B since enactment in 1975, extended the early intervention program, and included a significant streamlining of the discretionary programs.

1997 - Balanced Budget Act of 1997 (P.L. 105-33)

Established the State Children's Health Insurance Program (SCHIP) to expand health insurance coverage for low-income children not covered by Medicaid;

Authorized the Social Security Administration to make redeterminations of childhood SSI recipients who attain age eighteen using adult disability criteria one year after they turn eighteen;

Provided that states must continue Medicaid coverage for disabled children who were receiving SSI benefits as of August 22, 1996 and would have been eligible except their eligibility terminated because they did not meet the new SSI childhood disability criteria;

Permitted states to allow workers with disabilities whose family income is less than 250% of poverty to buy into Medicaid (and pay premiums based on sliding scale of income);

Eliminated the requirement of prior institutionalization with respect to habilitation services provided under the Medicaid Home and Community-Based Waiver;

Provided that "qualified alien" noncitizens lawfully residing in the United States who received SSI on August 22, 1996, would remain eligible for SSI-i.e., eligibility "grandfathered";

Provided that "qualified aliens" lawfully residing in the United States on August 22, 1996 would be eligible for SSI if they meet the SSI definition of disability or blindness;

Directed the Secretary in consultation with specified organizations to conduct a study of Medicaid's EPSDT program;

Permitted states to mandate adults (including adults with disabilities) into Medicaid managed care by an amendment to state Medicaid plan and not by having a waiver approved. Exempts SSI eligible kids, certain foster care and adopted kids, and certain Native Americans; and

Directed the Secretary to undertake a study of any special challenges of serving children with special health care needs and chronic conditions in Medicaid managed care.

1998 - Workforce Investment Act of 1998 (P.L. 105-220)

Consolidated many of the federal job training programs and provided workforce investment activities through statewide and local workforce investment systems. The law also reauthorized the Rehabilitation Act of 1973 by providing greater linkages with the generic workforce investment systems, increased consumer choice and involvement, and greater accountability (outcome measures).

1998 - Assistive Technology Act of 1998 (P.L. 105-394)

Reauthorized and extended the programs formerly authorized under the Technology-Related Assistance for Individuals with Disabilities Act, while limiting to thirteen years a state's eligibility for a systems change grant.

1998 - Crime Victims and Disabilities Awareness Act (P.L. 105-301)

Directed the Attorney General to conduct a study to examine the nature and extent of crimes committed against people with disabilities.

1999 - Ticket to Work and Work Incentives Improvement Act (P.L. 106-170)

Provided health care and employment preparation and placement services to individuals

with disabilities that will enable those individuals to do the following:  
Reduce their dependency on cash benefit programs;  
Encourage states to adopt the option of allowing individuals with disabilities to purchase Medicaid coverage that is necessary to enable such individuals to maintain employment;  
Provide individuals with disabilities the option of maintaining Medicare coverage while working; and  
Establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

### APPENDIX 3

WEBSITES FOR FEDERAL DISABILITY-RELATED LEGISLATION, REGULATIONS, AND COURT CASES:

Access Board: Provides information relating to accessibility for people with disabilities. Updated Monthly.

URL: <http://www.access-board.gov>

ADA Technical Assistance Program (ADATA): A comprehensive resource for information on the Americans with Disabilities Act. Updated weekly.

URL: <http://www.adata.org>

Disability and Business Technical Assistance Centers (DBTACs): The ten regional centers provide information, training, and technical assistance to employers, people with disabilities, and other entities with responsibilities under the ADA. Updated weekly to monthly.

URL: <http://www.adata.org/text-dbtac.html>

Equal Employment Opportunity Commission (EEOC) Facts Page: Provides information and technical assistance relating to employment and disabilities. Updated weekly to monthly.

URL: <http://www.eeoc.gov>

Federal Communications Commission's Disabilities Issues Task Force Home Page: Telecommunications accessibility information line. Updated monthly.

URL: <http://www.fcc.gov/cib/dro>

Health Care Finance Administration (HCFA) of the Department of Health and Human Services: Federal agency that administers the Medicare, Medicaid, and Child Health Insurance Programs. Updated weekly.

URL: <http://www.hcfa.gov>

The Department of Health and Human Services (DHHS), Office of Civil Rights: Promotes and ensures that people have equal access to and opportunity to participate in and receive services in all HHS programs without facing unlawful discrimination. Updated weekly to monthly.

URL: <http://ocr.hhs.gov>

Health Resources and Services Administration (HRSA) of the Department of Health and Human Services: An agency that helps provide health resources for medically underserved populations. Updated weekly to monthly.

URL: <http://www.hrsa.dhhs.gov>

Housing and Urban Development (HUD), Department of: Provides information and technical assistance relating to housing and disabilities. Updated weekly to monthly.

URL: <http://www.hud.gov/disabled.html>

Job Accommodation Network (JAN): JAN is an information network and consulting resource that enables qualified workers with disabilities to be hired or retained. It brings together information from many sources about practical ways of making accommodations for employees and applicants with disabilities. Updated weekly to monthly.

URL: <http://janweb.icdi.wvu.edu>

Department of Justice (ADA Home Page) (DOJ): Americans with Disabilities Act information and technical assistance line. Updated weekly.

URL: <http://www.usdoj.gov/crt/ada/adahom1.htm>

The Department of Labor (DOL): Provides information and technical assistance relating to the American workforce and disabilities. Updated weekly to monthly.

URL: <http://www.dol.gov>

National Council on Disability (NCD): Promotes policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature of severity of the disability, and empowers individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society. Updated monthly.

URL: <http://www.ncd.gov>

National Institute on Disability and Rehabilitation Research (NIDRR) of the Department of Education: Provides leadership and support for a comprehensive program of research related to the rehabilitation of individuals with disabilities. Updated weekly to monthly.

URL: <http://www.ed.gov/offices/OSERS/NIDRR>

Office of Special Education and Rehabilitative Services (OSERS) of the Department of Education: Administers programs and projects relating to the provision of a free appropriate public education to all children, youth and adults with disabilities, from birth through age twenty-one. Updated weekly to monthly.

URL: <http://www.ed.gov/offices/OSERS>

Presidential Task Force on Employment of Adults with Disabilities (PTFEAD) of the Department of Labor: The task force evaluates existing Federal programs to determine what changes, modifications, and innovations may be necessary to remove barriers to employment opportunities faced by adults with disabilities. Updated weekly to monthly.

URL: [http://www.2dol.gov/dol/\\_sec/public/programs/ptfead/main.htm](http://www.2dol.gov/dol/_sec/public/programs/ptfead/main.htm)

Rehabilitation Services Administration (RSA) of the Department of Education: Lists overseas programs that enable individuals with physical or mental disabilities to obtain employment through such supports as counseling, medical care, job training, and other individualized services. Updated weekly to monthly.

URL: <http://www.ed.gov/offices/OSERS/RSA>

Social Security Administration (SSA) - Disability Information Page: Provides information and technical assistance relating to social security and disabilities. Updated weekly to monthly.

URL: <http://www.ssa.gov/odhome/odhome.htm>

Thomas: An on-line site that provides legislative information: Text of bills, committee reports, historical documents, links to the U.S. Senate, House of Representatives, Executive, Judicial, and State/Local governments. Updated daily.

URL: <http://thomas.loc.gov>

Transportation, Department of: Provides information and technical assistance relating transportation and disabilities. Updated weekly to monthly.

URL: <http://www.fta.dot.gov>

"HOT" LEGAL SITES FOR DISABILITY COURT CASES:

Findlaw: On-line access to legal resources. This site is very user friendly. Updated weekly.

URL: <http://www.findlaw.com>

Legal Information Institute (LII): On-line access to legal documents. Excellent resource. Updated weekly to monthly.

URL: <http://www.law.cornell.edu/lii.html>

#### APPENDIX 4

##### GLOSSARY OF ACRONYMS:

ADA is an acronym for the Americans with Disabilities Act. The ADA is an omnibus civil rights statute providing a clear and comprehensive national mandate for the elimination of discrimination against persons with disabilities. It provides clear, strong, consistent, and enforceable standards addressing discrimination against such individuals. Areas covered by the ADA include employment (Title I), public services and transportation (Title II), public accommodations (Title III), and telecommunications-relay systems for persons who have communication impairments (Title IV).

CHIP is an acronym for Children's Health Insurance Program. CHIP is codified in Title XXI of the Social Security Act. CHIP entitles states to \$40 billion over the next ten years to provide health insurance for low-income children who do not qualify for Medicaid, including children with disabilities.

EPSDT is an acronym for Early and Periodic Screening, Diagnosis, and Treatment. EPSDT is a mandatory service under the Medicaid program. Under EPSDT, children are screened for health deficiencies, diagnosed, and then treated to the extent that a service is medically necessary.

FAPE is an acronym for "free appropriate public education" under the Individuals with Disabilities Education Act. FAPE means special education and related services provided without charge in conformity with an individualized education program.

IDEA is an acronym for the Individuals with Disabilities Education Act. The purposes of this Act are to:

Ensure that all children with disabilities have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living. It also ensures that the rights of children with disabilities and parents of such children are protected, and it assists states and local educational agencies to provide for the education of such children (Part B of the IDEA);

Assist states in implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families (Part C-formerly Part H-of the IDEA);

Ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic change activities, coordinated research and personnel preparation, coordinated technical assistance, dissemination, and support, and technology development and media services (Part D of the IDEA).

IEP is an acronym for Individualized Education Program. Every child with a disability is entitled to an IEP under the IDEA. An IEP is a written statement that includes a statement of the child's present level of educational performance; measurable annual goals, including benchmarks or short-term objectives; a statement of special education, related and supplementary aids and services provided to the child; a statement of needed transition services; and periodic report cards.

NIDRR is an acronym for The National Institute on Disability and Rehabilitation Research in the U.S. Department of Education. NIDRR provides research, demonstration projects, training, and related activities to maximize the full inclusion, integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities of all ages.

SECTION 504 is an acronym for section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination on the basis of disability by recipients of federal financial assistance.

SSDI is an acronym for the Social Security Disability Income program, established under Title II of the Social Security Act. SSDI provides federal disability insurance benefits for workers who have contributed to the Social Security Trust Fund and become disabled or blind before retirement age. Spouses with disabilities and dependent children of fully insured workers (often referred to as the primary beneficiary) also are eligible for disability benefits upon the retirement, disability, or death of the primary beneficiary.

SSI is an acronym for Supplemental Security Income program established under Title XVI of the Social Security Act. SSI is a federally administered cash assistance program for individuals who are aged, blind, or disabled and meet a financial needs test (income and resource limitations).

\* Director of the Center for the Study and Advancement of Disability Policy, 1730 K Street, N.W., Suite 1212, Washington, D.C. 20006; e-mail: bobby@csadp.org. Mr. Silverstein served for thirteen years on Capitol Hill in various capacities, including Staff Director and Chief Counsel, U.S. Senate Subcommittee on Disability Policy of the Committee on Labor and Human Resources (chaired by Tom Harkin (D. Iowa)). He holds a B.S. in Economics from the Wharton School, University of Pennsylvania and a J.D. from the Georgetown University Law Center.

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1. See Americans with Disabilities Act of 1990 § 2(a), 42 U.S.C. § 12101(a) (1994) (listing congressional findings regarding Americans with disabilities); see also S. REP. NO. 101-116, at 5-20 (1989). Former Senator Lowell Weicker testified before Congress "that people with disabilities spend a lifetime 'overcoming not what God wrought but what man imposed by custom and law.'" Id. at 11.

2. S. REP. NO. 101-116, at 5-7.

3. See National Institute on Disability and Rehabilitation Research, 64 Fed. Reg. 68,576 (1999) (providing notice for the final long-range plan for fiscal years 1999-2003 and explaining that the new paradigm of disability is an expectation for the future).

4. S. REP. NO. 101-116, at 5-7.

5. Rehabilitation Act of 1973, 29 U.S.C. ch. 16 (1994); See Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, 89 Stat. 773 (adding Part B to the Individuals with Disabilities Education Act, 20 U.S.C. ch. 33 (1994)).

6. Fair Housing Amendments Act of 1988, Pub. L. No. 100-430, 102 Stat. 1619; Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, Pub. L. No. 100-146, 101 Stat. 840; Rehabilitation Act Amendments of 1986, Pub. L. No. 99-506, 100 Stat. 1807; Education of the Handicapped Act Amendments of 1986, Pub. L. No. 99-457, 100 Stat. 1145; Air Carrier Access Act of 1986, Pub. L. No. 99-435, 100 Stat. 1080.

7. 42 U.S.C. ch. 126 (1994). President Bush signed the ADA into law on July 26, 1990. Id. Senator Tom Harkin (D. Iowa), the chief sponsor of the ADA, often refers to the legislation as the "20th century Emancipation Proclamation for persons with disabilities." 136 CONG. REC. S9689 (daily ed. July 13, 1990).

8. Ticket to Work and Work Incentives Improvement Act of 1999, Pub. L. No. 106-170, 113 Stat. 1860; Individuals with Disabilities Education Act of 1997, Pub. L. No. 105-17, 111 Stat. 37; Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, Pub. L. No. 103-230, 108 Stat. 284; Rehabilitation Act Amendments of 1992, Pub. L. No. 102-569, 106 Stat. 4344.

9. See Re-Charting the Course-First Report of the Presidential Task Force on Employment of Adults with Disabilities (Nov. 15, 1998).

10. Generic programs include persons with and without disabilities among the beneficiaries of assistance. An example of a generic program is the recently enacted Workforce Investment Systems Act, 29 U.S.C. ch. 30 (Supp. IV 1998), that establishes an

integrated workforce investment preparation and employment system for all job seekers, including individuals with disabilities.

11. See Individuals with Disabilities Education Act § 601, 20 U.S.C. § 1400(c) (1994 & Supp. IV 1998) (listing the congressional purpose as "assur[ing] that all children with disabilities" have access to appropriate legislation); Rehabilitation Act of 1973 § 100(a), 29 U.S.C. § 720(a) (1994 & Supp. IV 1998) (listing congressional findings, purpose, and policy behind the Act); ADA § 2(a), 42 U.S.C. § 12101(a) (1994) (listing congressional findings regarding disabled Americans).

12. See IDEA § 601(c)(1), 20 U.S.C. § 1400(c)(1) (1994) (explaining how disability is a "natural part of the human experience"); Rehabilitation Act of 1973 § 2(a)(3), 29 U.S.C. § 701(a)(3) (1994) (same); Developmental Disabilities Assistance and Bill of Rights Act § 101(a)(2), 42 U.S.C. § 6000(a)(2) (1994) (same).

13. ADA § 2(a)(8), 42 U.S.C. § 12101(a)(8) (1994).

14. Two civil rights statutes pertaining to persons with disabilities are of particular relevance. The first is the Americans with Disabilities Act, 42 U.S.C. ch. 126 (1994), and implementing regulations, 28 C.F.R. pt. 35 (1999), which prohibits discrimination by employers, state and local agencies, public accommodations, and telecommunications. The second law is section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (1994), which prohibits discrimination by recipients of federal financial assistance. Pursuant to Executive Order 12250, the Department of Justice is responsible for coordinating the implementation of section 504 by various federal agencies, each of which is responsible for issuing its own section 504 regulation. The section 504 coordination regulations issued by the Department of Justice are set out in 28 C.F.R. pt. 41 (1999). The ADA definition of "disability" is set out in section 3(2) of the ADA, 42 U.S.C. § 12102(2) (1994). The section 504 definition of "individual with a disability" is set out in section 6(20) of the Rehabilitation Act of 1973, 29 U.S.C. § 705(20) (1994).

15. See, for example, the definition of "disability" for an adult in the Supplemental Security Income program, Social Security Act § 1614(a)(3)(A), 42 U.S.C. § 1382c(a)(3)(A) (1994) ("An individual shall be considered disabled . . . if he is unable to engage in any substantially gainful activity by reason of any medically determinable . . . impairment [lasting-or expected to last-no less than twelve months] . . ."). See also the definition included under Part B of the Individuals with Disabilities Education Act under which a child is entitled to special education and related services, IDEA § 602(3), 20 U.S.C. § 1401(3) (Supp. IV 1998) (defining children's disabilities as those encompassing mental retardation and learning disabilities, as well as health impairments and emotional disturbance).

16. See Developmental Disabilities Assistance and Bill of Rights Act § 101(c)(3), 42 U.S.C. § 6000(c)(3) (1994) (providing that disabled people and their families should be the "primary decisionmakers" about what services they need).

17. S. REP. NO. 101-116, at 7 (1989).

18. See 28 C.F.R. § 35.130 (1999) (prohibiting a public entity from treating a disabled person unequally or providing substandard services); 28 C.F.R. § 41.51(b)(1) (1999) (prohibiting the same conduct as the previous regulation).

19. 28 C.F.R. § 35.130 (1999); 28 C.F.R. § 41.51(b)(1) (1999).

20. See IDEA § 614(a), 20 U.S.C. § 614(a), (repealed by Pub. L. No. 91-230, 84 Stat. 188 (1970); Rehabilitation Act of 1973 § 102, 29 U.S.C. § 722 (1994 & Supp. IV 1998) (stating that decisions will be made by agency officials within a reasonable period of time).

21. See Rehabilitation Act of 1973 § 102, 29 U.S.C. § 722 (1994 & Supp. IV 1998) (listing options for developing individualized plans for employment); IDEA § 614(c), 20 U.S.C. § 1414(c) (Supp. IV 1998), repealed by Pub. L. No. 91-230, 84 Stat. 188 (1970).

22. See generally Nondiscrimination on the Basis of Disability, 28 C.F.R. § 35.130 (2000) (stating that no qualified individual shall be subject to discrimination by a public entity); Nondiscrimination on the Basis of Handicap, 28 C.F.R. § 41.51(b) (2000) (stating that handicapped individuals may not be denied opportunities by federally assisted programs on the basis of the handicap).

23. IDEA § 612(a)(1), 20 U.S.C. § 1412(a)(1) (1994 & Supp. IV 1998).

24. 28 C.F.R. § 35.130(b)(7) (1999); 28 C.F.R. § 41.51(b) (1999).

25. 28 C.F.R. § 35.160(b) (1999); 28 C.F.R. § 41.51(b), (e) (1999).

26. 29 C.F.R. § 1630.9 (1999); 28 C.F.R. § 41.53 (1999).
27. See 28 C.F.R. § 35.149-51 (1999) (addressing program accessibility in the ADA); 28 C.F.R. § 41.53 (1999) (containing the section 504 coordination regulations).
28. See 28 C.F.R. § 35.160(b) (1999) (discussing accessible communications in the ADA); 28 C.F.R. § 41.51(b), (e) (1999) (providing the section 504 coordination regulations).
29. See 28 C.F.R. § 35.130(d) (1999) (discussing integration); 28 C.F.R. § 41.51(d) (1999) (providing the section 504 coordination regulations).
30. See 34 C.F.R. §§ 300.550-.551 (1999) (addressing least restrictive environments within the implementation of IDEA).
31. See Rehabilitation Act of 1973 § 2(c)(1), 29 U.S.C. § 701(c)(1) (Supp IV 1998) (requiring that all programs receiving assistance be carried out in a manner consistent with "respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities"); Developmentally Disabled Assistance and Bill of Rights Act § 101, 42 U.S.C. § 6000 (1994) (same).
32. See, e.g., IDEA § 614(d)-(f), 20 U.S.C. § 1414(d)-(f) (Supp. IV 1998); Rehabilitation Act of 1973 § 102(b), 29 U.S.C. § 722(b) (Supp. IV 1998) (requiring that the eligible individual participate in developing and agreeing to the rehabilitation program); Ticket to Work and Self-Sufficiency Program, Social Security Act as added by Pub. L. No. 106-170, 113 Stat. 1860 (same).
33. Ticket to Work and Self-Sufficiency Program, Social Security Act as added by Pub. L. No. 106-170, 113 Stat. 1860.
34. See provisions in the Rehabilitation Act of 1973 pertaining to the State Rehabilitation Advisory Council, 29 U.S.C. § 725 (1994); Statewide Independent Living Council, 29 U.S.C. § 795(d) (1994); Ticket to Work and Work Incentives Advisory Panel, Pub. L. No. 106-170, 113 Stat. 1860.
35. 29 U.S.C. §§ 796, 796f (1994 & Supp. IV 1998).
36. See, e.g., 29 U.S.C. § 723 (1994 & Supp. IV 1998) (offering personal assistance services to those individuals receiving vocational rehabilitation services under the Rehabilitation Act of 1973 § 103); 42 U.S.C. § 1396d (1994) (amended 1999) (explaining that personal assistance services are an optional benefit under the Medicaid program); 42 U.S.C. § 1396n (1994) (amended 1999) (stating that assistance services are also an authorized benefit under the Medicaid home- and community-based services waiver).
37. See 42 U.S.C. § 1381 (1994) (authorizing the Supplemental Social Security Income program, a federally administered cash assistance program designed to provide minimum income for, among others, persons who are blind and disabled); 42 U.S.C. § 401(b) (1994) (initiating a program of federal disability insurance benefits for, among others, workers who have contributed to the Social Security trust fund and become disabled or blind before retirement age).
38. See generally 42 U.S.C. § 1396 (1994) (authorizing the Medicaid program).
39. See Housing Act of 1937 § 8, 42 U.S.C. § 1437f(o) (1999).
40. Food Stamp Act of 1977, 7 U.S.C. § 2011) (1994).
41. See Rehabilitation Act of 1973 § 103, 29 U.S.C. § 722 (1994 & Supp. IV 1998); IDEA, 20 U.S.C. § 1400 (1994 & Supp. IV 1998).
42. See Rehabilitation Act of 1973, 29 U.S.C. § 720 (1994).
43. Id.
44. See Social Security Act § 1915(c), 42 U.S.C. § 1396n(c) (1994) (amended 1999) (authorizing expenditures under the home-and community-based services waiver program).
45. Title XVI of the Social Security Act authorizes the Supplemental Security Income program, a federally administered cash assistance program designed to provide a minimum income for, among others, persons who are blind and disabled. 42 U.S.C. § 1381 (1994). Section 1619 of the Social Security Act creates incentives for SSI beneficiaries with disabilities to work, including permitting these individuals to retain eligibility for Medicaid. See 42 U.S.C. § 1382h (1994) (enabling these individuals to continue to receive personal assistance services). See also Social Security Act § 1905(q), 42 U.S.C. § 1396d(q) (1994); Social Security Act, U.S.C. § 401 (1994) (authorizing a program of federal disability insurance benefits for, among others, workers who have contributed to the Social Security trust fund and become disabled or

blind before retirement age); Ticket to Work and Work Incentives Improvement Act of 1999, Pub. L. No. 106-170, 113 Stat. 1860 (amending the Social Security Act and Medicaid to create new work incentives and expand health care for workers with disabilities).

46. See generally 42 U.S.C. § 1396 (1994) (authorizing the Medicaid program).

47. See U.S. Housing Act of 1937 ch. 8, 42 U.S.C. § 1437f(o) (1994) (providing rental vouchers for low income families).

48. Food Stamp Act of 1977, 7 U.S.C. §§ 2011-2036 (1994 & Supp. IV 1998).

49. See 26 U.S.C. § 44 (1994) (providing a disabled access tax credit for small business); 26 U.S.C. § 51 (1994) (amended 1999) (providing a targeted jobs tax credit).

50. See generally the state plan requirements under the Rehabilitation Act of 1973, 29 U.S.C. § 721 (1994 & Supp. IV 1998); and the state (§ 612) and local (§ 613) eligibility provisions set out in IDEA, 20 U.S.C. §§ 1412-1413 (1994 & Supp. IV 1998). See also waiver provisions in section 1115 of the Social Security Act, 42 U.S.C. §§ 1215, 1396n(c), 1915(c) (1994 & Supp. IV 1998).

51. See, e.g., IDEA § 616, 20 U.S.C. § 1416 (1994 & Supp. IV 1998) (explaining withholding of payments and judicial review of educational discrimination against children with disabilities); 45 C.F.R. § 84.6 (1999); 28 C.F.R. §§ 35.170-190 (1999) (covering the filing of complaints for disability discrimination); 42 Fed. Reg. 22687 (May 4, 1997).

52. IDEA § 615(b)(3), 20 U.S.C. § 1415(b)(3) (1994 & Supp. III 1997) (giving a disabled person the opportunity to present complaints); 28 C.F.R. § 35.105 (1999).

53. IDEA § 615(b)(1), 20 U.S.C. § 1415(b)(1) (1994 & Supp. III 1997).

54. 28 C.F.R. §§ 35.170-.190 (1999); see IDEA § 615(b)(6), 20 U.S.C. § 1415(b)(6) (1994 & Supp. III 1997); Rehabilitation Act of 1973 § 102(d), 29 U.S.C. § 722(d) (1994 & Supp. IV 1998) (requiring state agencies to provide written policies and procedures).

55. IDEA § 615(e), 20 U.S.C. § 1415(e) (1997); ADA § 513, 42 U.S.C. § 12212 (1994 & Supp. IV 1998);

56. IDEA § 615(f), 20 U.S.C. § 1415(f) (1994 & Supp. III 1997).

57. IDEA § 615(i), 20 U.S.C. § 1415(i) (1994 & Supp. III 1997); Rehabilitation Act of 1973 § 505, 29 U.S.C. § 795 (1994) (amended 1998); ADA § 203, 42 U.S.C. § 12133 (1994 & Supp. III 1997).

58. IDEA § 614 (d), 20 U.S.C. § 1414(d) (1994 & Supp. III 1997); Rehabilitation Act of 1973 § 106(c), 29 U.S.C. § 726(c) (1994 & Supp. IV 1998).

59. See 20 C.F.R. § 666.20(a) (1999) (expounding the regulations for implementing the Workforce Investment Act).

60. For example, protection and advocacy systems are funded under the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §§ 6041-6043 (1994 & Supp. IV 1998), the Rehabilitation Act of 1973, 29 U.S.C. § 794e (1994) (amended 1998), and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. §§ 10801-10851 (1994 & Supp. IV 1998). In addition, advocacy and individual representation is authorized under Title VII of the Rehabilitation Act of 1973, 29 U.S.C. § 796f-4 (1994) (amended 1998); parent training and information centers are authorized under IDEA, 20 U.S.C. § 1482 (Supp. III 1997). See Ticket to Work Incentives Improvement Act of 1999, Pub. L. No. 106-170, 113 Stat. 1860 (setting out state grants to protection advocacy systems for work incentives assistance to disabled beneficiaries).

61. For example, self-advocacy training is authorized under Title VII of the Rehabilitation Act of 1973, 29 U.S.C. § 796f-4 (1994) (amended 1998). In addition, parent training is authorized under the IDEA, 20 U.S.C. § 1482 (Supp. III 1997). It also is an authorized use under the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §§ 6000-6083 (1994 & Supp. IV 1998).

62. IDEA § 612(a)(11), 20 U.S.C. § 1412(a)(11) (1994) (amended 1997); Rehabilitation Act of 1973, § 101 (a)(2), 29 U.S.C. § 721(a)(2) (1994).

63. See Rehabilitation Act of 1973 § 101(a)(11), 29 U.S.C. § 721(a)(11) (1994) (providing for interagency cooperation); IDEA § 612(a)(12), 20 U.S.C. § 1412(a)(12) (1994 & Supp. IV 1998) (charging the Chief Executive Officer with ensuring interagency cooperation).

64. See the early intervention program in Part C of IDEA, 20 U.S.C. § 1435(a) (Supp. IV 1998).

65. See IDEA § 612(a)(5), 20 U.S.C. § 1412(a)(5) (1994 & Supp. IV 1998) (specifying that state funding schemes may not result in placing a child outside the least restrictive environment).

66. See, e.g., IDEA § 614(a)(1)(c), 20 U.S.C. § 1414(a)(1)(c) (Supp. IV 1998) (requiring parental consent for a qualification evaluation of a child); IDEA § 617(c), 20 U.S.C. § 1417(c) (1994 & Supp. IV 1998) (assuring confidentiality of personal information); ADA § 102(c)(3)(B), 42 U.S.C. § 12112(c)(3)(B) (1994 & Supp. IV 1998) (requiring that employers keep disability-related medical records confidential).

67. See 42 U.S.C. § 6042(g) (1994 & Supp. IV 1998) (authorizing a state's system to have access to individual records to address the needs of disabled individuals).

68. See IDEA § 612(a)(14)-(15), 20 U.S.C. § 1412(a)(14)-(15) (1994 & Supp. IV 1998) (mandating that states put into effect personnel standards and a system of personnel development); Rehabilitation Act of 1973 § 101(a)(7)(A), 29 U.S.C. § 721(a)(7)(A) (1994) (requiring that the state's plan establish standards of cure for people with disabilities).

69. See Rehabilitation Act of 1973 § 101, 29 U.S.C. § 721 (1994 & Supp. IV 1998) (describing outreach procedures to identify and serve individuals with disabilities who are minorities).

70. See IDEA § 612(a)(18)-(19), 20 U.S.C. § 1412(a)(18)-(19) (1994 & Supp. IV 1998) (outlining the rules for public agencies regarding allocation of funding).

71. See 20 U.S.C. § 1232(f) (1994) (defining how records are to be kept).

72. See 20 U.S.C. §§ 1451-1456 (1994 & Supp. IV 1998) (providing assistance in the area of media); 29 U.S.C. § 3001 (1994) (encompassing technological assistance); 42 U.S.C. ch. 75 (1994) (codifying developmental assistance); Ticket to Work and Work Incentives Improvement Act of 1999, Pub. L. No. 106-170, 113 Stat. 1862 (developing grants to establish state infrastructure that will support working individuals with disabilities).

73. See, e.g. 20 U.S.C. §§ 1461, 1462, 1471-1474 (1994), amended by 1461, 1471-1474 (Supp. IV 1998) (explaining parent information and training centers); 29 U.S.C. § 796f (1994 & Supp. IV 1998) (explaining centers for independent living under Title VII of the Rehabilitation Act of 1973); 42 U.S.C. ch. 75 (1994) (explaining protection and advocacy systems and university affiliated programs under the Developmental Disabilities Assistance and Bill of Rights Act); see also Ticket to Work and Work Incentives Improvement Act of 1999, Pub. L. No. 106-170, 113 Stat. 1860 (detailing Work Incentives Outreach programs under the Social Security Act).

74. See 20 U.S.C. §§ 1461, 1462, 1471-1474 (1994), amended by 20 U.S.C. §§ 1461, 1471-1474 (Supp. IV 1998) (covering training in education); 29 U.S.C. §§ 770-776 (1994 & Supp. IV 1998) (providing general training programs); 42 U.S.C. §§ 6061-6066 (1994 & Supp. IV 1998) (addressing interdisciplinary training by university affiliated programs under the Developmental Disabilities Assistance and Bill of Rights Act).

75. See 20 U.S.C. §§ 1451-1456, 1461, 1471-1474 (1994 & Supp. IV 1998) (regarding assistance in the field of media); 29 U.S.C. §§ 760-765 (1994 & Supp. IV 1998) (funding research by the National Institute on Disability and Rehabilitation Research under Title II of the Rehabilitation Act of 1973).

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