

# **Review of Key Federal Laws Regarding Individuals with Disabilities**

(One Hour Credit)

Historically, individuals with disabilities have lacked specific protection under the law. As scientific knowledge has provided a better understanding of developmental and intellectual disabilities, society has altered its views regarding individuals with disabilities.

In recent decades, the federal government has enacted numerous laws regarding the rights and needs of individuals with disabilities. Covered below are six key federal laws and brief descriptions of each:

## **The Civil Rights Act of 1964**

Although not directly addressing individuals with disabilities, this law laid the groundwork for future civil rights legislation for such persons. The act outlawed discrimination on the basis of race or gender, and particularly served to:

- Prohibit discrimination in public places
- Integrate the public schools and other public facilities
- End employment discrimination

## **The Rehabilitation Act of 1973-Section 504**

This hallmark legislation specifically provided civil rights for individuals with disabilities. It forbids organizations and employers receiving Federal financial assistance from excluding or denying individuals with disabilities an equal opportunity to receive program benefits, services, education or training.

## **Developmental Disabilities Assistance and Bill of Rights Act of 1984**

This 1984 Act amended Sec. 2 Title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. It revised and extended programs for persons with developmental disabilities by sending federal money to the states to:

Assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential through:

- increased independence
- productivity
- integration into the community

Establish and operate a system which coordinates, monitors, plans, and evaluates services which ensure the protection of the legal and human rights of persons with developmental disabilities.

\*Employment-related activities were added as one of the priority service areas.

## **Americans with Disabilities Act (ADA) of 1990**

This act extended previous civil rights legislation by providing a clear mandate to end discrimination against people with disabilities in all areas of life. It includes the following five titles:

### **Title I: Employment**

- Prohibits discrimination in all aspects of employment
- Requires “reasonable accommodation” be made to enable “qualified individuals with a disability” to work on par with other employees

### **Title II: State and Local Government Services & Public Transportation**

- Requires that all governmental services or activities be made available and accessible to people with disabilities
- Requires all new public transit buses and rail vehicles to be wheelchair accessible and that transit authorities provide comparable transportation services to individuals who cannot use fixed route bus services

## Americans with Disabilities Act (ADA) of 1990 (continued)

### Title III: Public Accommodations

- Prohibits discriminatory practices in providing goods and services to the general public
- Requires that all public buildings be accessible to people who use wheelchairs

### Title IV: Telecommunications

- Requires companies offering telephone services to the general public provide telephone relay services to people with hearing and/or speech impairments

### Title V: Miscellaneous

- Prohibits retaliation against individuals who seek to enforce their own or another's rights under the ADA
- Covers insurance issues and explains the relationship between the ADA and other, previously existing, laws



## The Individuals with Disabilities Education Act (IDEA) of 2004

Originally enacted in 1975 as the Education for all Handicapped Children Act, the IDEA serves as the main federal program concerning the education of children with disabilities. It authorizes state and local aid for special education and related services for children with disabilities and details due process protections for children with disabilities and their parents.

The following six principles represent the spirit and intent of IDEA:

### Free Appropriate Public Education (FAPE)

- a. **“Free”** – every child with a disability who is eligible for special education must be provided educational services at no cost to the parent
- b. **“Appropriate”** – the services provided must be unique to each child
- c. **“Public”** – the public school system must educate all students, including those with the most profound disabilities. The public school system is also responsible for all costs associated with providing an appropriate education for the student.
- d. **“Education”** – refers to special education, general education, and related services. A student’s IEP will determine what services are needed, the duration of each, and where the service will be provided.

### Appropriate Evaluation

- Must include information from a variety of sources
- Must conduct evaluations in all areas of suspected disability
- Must be completed by a team of evaluators who are knowledgeable about the appropriate types of evaluation to use
- No single test can be used

### Individualized Education Program (IEP)

- Refers to both a meeting and a legal document
- The document is the written record of the IEP meeting
- Focus is on providing access to the general education curriculum as much as possible
- Details the services the child will receive, the amount of service, and where the services will be provided
- Measurable academic and functional goals will be developed
- Goals will be measured and progress will be reported
- Must be reviewed annually

## The Individuals with Disabilities Education Act (IDEA) of 2004 (continued)

### Least Restrictive Environment (LRE)

Children with disabilities are to be with their non-disabled peers to the greatest extent possible in an educational setting and during extracurricular or nonacademic activities.

### Parent and Student Participation in Decision Making

- Role of parents strengthened
- Parents have the right to:
  - participate in all meetings concerning their child's special education
  - receive notification of meetings in a timely manner
  - request that a meeting be rescheduled so they can attend
  - give or withhold consent before any initial evaluations
  - make informed decisions
  - approve or reject proposals

### Procedural Safeguards

- Requires school districts and states to develop procedures to provide parents with a way to enforce their child's right to a free appropriate public education
- Examples:
  - Receive prior written notice regarding the identification, evaluation, or educational placement of their child
  - Inspect/review their child's educational records

## Rosa's Law of 2010

Rosa's Law of 2010: An act to change "references in Federal law to mental retardation" to "references to an intellectual disability", and change "references to a mentally retarded individual" to "an individual with an intellectual disability."

Learn more about Rosa and her part in changing the law by viewing this 2010 ABC News Report: Family Campaigns to Eliminate the Word 'Retarded': <https://www.youtube.com/watch?v=bdx95EnWkms>