

DISABILITY LEGISLATION

PACER Center • Building Program Capacity to Serve Youth with Disabilities • **Session 2**

1) Workshop Preparation Suggestions

When conducting a training workshop, there are several basic planning considerations that need to be made. Most of the trainers who use this curriculum will already have their procedures for workshop planning in place. Information is included in the beginning of **Session # 1** for those who may need additional suggestions.

2) Introduction of Presenters and Attendees: *12 minutes*

To foster an atmosphere where participants are both comfortable talking and have the opportunity to do so, we recommend no more than 35 participants attend the session. Depending on the size of the audience, you will want to limit the amount of time for introductions. We suggest having each attendee state their name, the name of the organization they represent, and if time allows, briefly state their relevant professional or personal experience with people with disabilities. Speakers should role model presenting this information in roughly thirty seconds. (If the size of the group is too large, there will not be enough time to allow for this type of introduction.)

3) Agenda: *1 minute*

**(Refer to the Agenda overhead transparencies- slide 1)*

- Welcome & Introductions
- Laying the Foundation for a Civil Rights Approach
- Brief History of Disability Legislation
- Relevant Disability Legislation
- Group Brainstorming with Case Studies
- Resources
- Questions and Evaluation

Give brief overview of the agenda and few sentences about each topic that will be covered. Also talk about housekeeping information, break-time, etc.

-Ask group: Q: Any question

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4) Goal of this Session: *1 minute*

The **objective** of this session is *not* for you to become experts on this information, but for you to become *aware* of the most important pieces of disability legislation affecting youth with disabilities who are or will be accessing your services.

5) Civil Rights Approach: *3 minutes*

When we talk about these laws and regulations we want to approach it from the perspective of civil rights. Civil rights for people with disabilities. In the past, people with disabilities were viewed as being a problem – a *medical* problem that needed to be “fixed” or cured. Increasingly, we as a society are starting to understand that people with disabilities are as capable as others, as worthwhile as others, and able to fully participate in life’s experiences, responsibilities and personal growth. Without this shift, there would be none of the disability-related laws and regulations that we’re here to talk about today.

As a reminder about the changing attitudes about disability, let’s quickly look again at the “Two Models of Disability: A Contrast”, developed by Dr. Carol Gill from the Chicago Institute on Disability Research. (*Refer to handout from Session # 1 “Two Models of Disability: A Contrast”*).

6) Short History of Legislation: *10 minutes*

**(Refer to “A Short History of Legislation Affecting People with Disabilities” handout.)*

It’s important to put the development of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) into the context of the Civil Rights Movement. Prior to the 1920’s, there were a few rehabilitative services for *war veterans*. Then the Rehabilitation Act was passed in 1920. While mainly for our veterans, it provided the first civilian program to help people with disabilities become rehabilitated and return to work.

Prior to the passage of Civil Rights legislation in 1964, it was proposed that people with disabilities be included as a protected class. This suggestion was eventually dropped in order to achieve passage of this crucial bill. However, people with disabilities, their advocates, family members, professionals and other allies redoubled their efforts to achieve civil rights for people with disabilities.

It wasn’t until 1973 that the Rehabilitation Act was amended under Title V to include protection from discrimination based on disability. Since this law only protected people with disabilities from discrimination in *federally funded programs*, advocates continued their efforts. The Americans with Disabilities Act was passed (ADA) in 1990. The ADA protects individuals with disabilities from discrimination in state and locally funded programs *and* private entities. After the passage of the ADA, sections of the Rehabilitation Act were amended to include language

changes and promote integration in federally funded programs consistent with the language found in the ADA.

*(Refer to handout, “*Growth of Disability Civil Rights Law*”)

-Let’s look at the image depicting an apple tree on the handout titled “*The Growth of Disability Civil Rights Law*”. This is visual representing the main differences and similarities between the ADA and the Rehabilitation Act. The roots show that both laws are civil right laws which protect people with disabilities from discrimination.

-Section 504 of Title V the Rehabilitation Act covers program access and employment in federally funded programs.

-The ADA covers employment, program access and access to goods and services in programs funded by state and local governments and private businesses.

-The trunk of the tree depicts the common goals of the two laws: to end discrimination and segregation and to promote *meaningful* work.

-The canopy of the tree shows that there are some specific differences between the ADA and the Rehabilitation act.

The Rehabilitation Act provides many direct services related to job training and assessments. The ADA, on the other hand, provided for only a few short- term national training programs on the ADA and technical assistance. Although there is a national network of regional ADA technical assistance centers, the only direct service still remaining under the ADA is the Job Accommodation Network (JAN).

-Ask group: Q: Any questions about any of these?

Let’s move into more specifics about the ADA law and what it entails.

7) The ADA: *10 minutes*

The Americans with Disabilities Act (ADA):

We believe you need to learn about this law, how it pertains to you as a public service provider, and how it affects the youth you work with because it deals very specifically with employment issues and public service provisions. If youth do not understand how this law affects them as employees, and the provisions potential employers must comply with, they can be at a great disadvantage in “selling themselves” to employers.

Part of a youth’s responsibility in getting and keeping a job is learning what their rights are, what they can request, and how to effectively put themselves in the best light possible by educating the potential employer about their skills and capabilities. They need to understand **this is not about “special treatment”, but about leveling the playing field.** It’s about teaming with the

employer and determining how they can do the best job they can with the most effective support. (This might involve requesting a specific piece of software, using a sign language interpreter, or printing out the instructions instead of receiving them verbally.)

The ADA law's main purpose is to end discrimination against people with disabilities. This civil rights law was signed on July 26, 1990, by the elder President George Herbert Walker Bush.

Who's covered by this law? Let's start by refreshing our memory of information we learned in Session 1.

-Q: Who can tell us the definition of Disability?

*(Refer to the Definition of Disability Under the ADA Law transparencies- slides 2 & 3)

- Anyone with a physical or mental impairment that *substantially* limits one or more of the major life activities:
 - walking -hearing -breathing -speaking
 - standing -thinking -learning -sitting
 - working -seeing -self care

The ADA law does not emphasize a specific list of conditions that might constitute a disability, but focuses on how it affects a person's *major life activities*.

- He or she has a record of such an impairment

People with disabilities who are denied a position or promotion, or are fired due solely to the existence of *documentation* about their disability are also protected by this law.

- He or she is regarded as having such an impairment

And finally, someone who is discriminated against because others *assume* they are disabled (e.g. due to facial disfigurement, scarring from being in a fire, etc.), even if they do not in fact have a disability, can be covered by the ADA.

- Other individuals who are protected in certain circumstances include 1) those, such as parents, who have an association with an individual known to have a disability, and 2) those that are coerced or subjected to retaliation for assisting people with disabilities in asserting their rights under the ADA.

People who are "associated" with people with disabilities can include parents, siblings or friends of people with disabilities. For example, if a restaurant refuses to serve a family because one member has a disability, the entire family could make a formal complaint under the ADA. Also, a parent cannot be refused employment, promotion, or insurance coverage available to fellow employees or suffer any other discrimination because they have a child with a disability.

Also covered under the ADA are those individuals who are *recovering* from drug and alcohol addiction. They are covered when they:

- Are using a drug under the supervision of a licensed health care professional – a drug is not considered illegal if it is taken under medical direction, or
- Are not now using illegal drugs and are participating in a drug or alcohol rehabilitation program or have been successfully rehabilitated from drug usage.

The ADA also protects a person who is believed to be an addict, but is not.

The law does not cover a person who is currently using drugs illegally.

Many of you may have read about some of the recent **Supreme Court rulings** on the ADA. Their findings have become more focused (some would say “narrow”) around defining who is covered under this definition.

We mention this because knowing whether the protections of the ADA apply is key and you may at times encounter some confusion regarding whether or not the law applies to a particular youth or employment situation. We suggest you utilize your regional ADA technical assistance center (1-800-949-4232) or other local disability related organizations if you’re unsure how the ADA applies in a particular situation.

**(Refer to “Highlights of the American’s with Disabilities Act (ADA)” handout)*

There are five titles to this law:

- Title I covers employment
- Title II covers public services (state and local government)
- Title III covers public entities (privately owned businesses)
- Title IV covers telecommunications
- Title V covers miscellaneous items (entities not covered, such as airlines, who are covered under the Air Carrier Act, and churches, due to separation of church and state)

For the purposes of today’s discussion we will be focusing on *Title II – Public Services*. (The next workshop in the Project *SWIFT* training curriculum examines “The ADA and Reasonable Accommodations in the Workplace.”)

Title II – Public Services

**(Refer to Public Services transparency- slide 4)*

Public Services include:

- Counties -Cities/municipalities
- Districts -Agencies
- Departments -School districts

**(Refer to transparency titled - Title II - Public Services Cont- slide5)*

Some of a public entity's activities can include:

- Employment services and programs
- Public transportation (including paratransit)
- Public schools, universities and colleges
- Police and fire protection
- Town meetings
- Elections/voting

To be protected by Title II under the ADA, an individual must meet the appropriate qualifications to have rights under this law.

**(Refer to Title II - Qualified person with a disability transparency- slide 6)*

A qualified person is:

An individual or persons with a disability who meets the essential "eligibility requirements" for a public service – with or without the need for modifications to make the service accessible. Those requirements may include age guidelines, residency status, being a high school graduate, etc.

-Ask the group: Q: Any more comments or questions about this portion of the ADA?

Another policy emerging from the ADA is the Olmstead Decision.

8) Olmstead Decision: 5 minutes

Olmstead Decision:

In July 1999, the Supreme Court issued the Olmstead vs. L.C. (Lois Curtis & Elaine Wilson) decision. The Olmstead decision was an ADA discrimination case, which moved up from local court, to circuit court, to the Federal Justice system. (Not many ADA complaints have risen this high. It takes a lot of time and the Supreme Court does not decide many cases per year.)

The Court's decision in this case clearly challenges Federal, state and local governments to develop more opportunities for individuals with disabilities through more accessible systems of cost-effective community-based services.

The two Georgia women involved claimed the State nursing home segregated them from society. They wanted independent living options with supports in the community.

The state declared *inadequate funding*, not the women's ability as the reason for its refusal to help them live independently. "We can't afford to provide community supports." At one point the state threatened to move the two women from the nursing home to a homeless shelter. The majority of states backed Georgia in the beginning then switched positions in response to the advocacy efforts of the disability community.

The decision was 6-3. It held that undue institutionalization qualifies as discrimination under Title II of the ADA. The court found that unnecessary institutional segregation cannot be justified by lack of money. The final results for the women: one woman moved into a group home, the other into an apartment.

Donna E Shalala, former Secretary of Health and Human services in a letter sent to all governors said. *"No person should have to live in a nursing home or other institution if he or she can live in his or her community"*.

This decision affords individuals with disabilities and their families the opportunity to make informed choices regarding how their needs can best be met in community or institutional settings. This can affect such programs as Medicare, Medicaid, and employment programs.

Most of the available information on the Olmstead decision focuses on insuring that residential options are available in the community, rather than institutions, when appropriate. In fact, the Olmstead Decision holds deeper implications, stressing that people with a disabilities have the right to receive services in a community setting rather than in a segregated or institutional setting.

This decision can affect a lot of programs, including yours. You as planners should be moving towards making your programs and services accessible to youth with disabilities. Your program can model how youth can find employment in inclusive settings in the community and not in segregated and separate settings.

**(Refer to "Olmstead Decision" handout)*

-Ask the group: Q: Any questions?

9) New Freedom: 2.5 minutes

New Freedom Initiative:

In February of 2001, President George W. Bush outlined the New Freedom Initiative, a statement of his administration's disability-policy and priorities that outlines a nationwide effort to remove barriers to *community living for people with disabilities*. It highlights priority areas of the disability policy identified by the Bush Administration.

Its goals for people with disabilities include:

- increasing access to assistive and universally designed technologies;
- expanding educational opportunities;
- promoting homeownership;
- integrating Americans with disabilities into the workforce;
- expanding transportation options; and
- promoting full access to community life.

Initiative proposals include:

- Promoting full access to community life through swift implementation of the *Olmstead Supreme Court decision*;
- Integrating Americans with disabilities into the workforce through implementation of programs that remove disincentives to working; and
- The creation of the National Commission on Mental Health.

-Ask the group: *Q: Any questions?*

BREAK: *10 minutes*

10) WIA, Rehabilitation Act, IDEA Law & the Carl Perkins Act: *25 minutes*

This training curriculum was created to help increase the inclusion of youth with disabilities in the Workforce Investment Act (WIA) system. The Workforce Investment Act was signed into law by President Clinton in 1998 in an effort to bring various federally funded employment, training, and literacy programs under one umbrella. WIA is perhaps best known for the creation of a nationwide system of One-Stop Shops (or Workforce Centers) that bring employment and other government services into conveniently located neighborhood centers. WIA also mandated the creation of locally controlled adult and youth employment programs.

**(Refer to WIA titles transparencies- slides 7 & 8)*

The provisions of WIA are:

- T– Title I - Authorization of the new one-stop workforce center system, including which agencies will be partners in the system, state plans, as well as local and state governance councils.
- Title II – Adult literacy programs.
- Title III – Includes the Wagner/Peyser Act (Enacted in 1933 this act created the government’s Employment Service, which has become an integral part of the One-Stop delivery system)
- Title IV – The Rehabilitation Act.
- Title V - General Provisions (catch-all).

If you are working in a WIA funded youth program then you are working under Title I. Title I also address the ways the workforce center partners should work together, including making programs, services and locations, accessible to people with disabilities.

Vocational rehabilitation programs are authorized under Title IV of WIA. (The Rehabilitation Act became part of the WIA in 1998 when it was passed)

It is important to note that the entire Rehabilitation Act is part of a larger body of laws refers to as “Consumer Choice Legislation”. The consumer choice philosophy is an important part of our

nation's disability policy and influences the culture of the organizations and agencies that receive federal funds.

Another important part of the provisions of this law is the strong emphasis placed on interagency cooperation to meet the consumer's goals.

**(Refer to the Rehab Titles transparencies- slides 9 & 10)*

The titles of the Rehabilitation Act are:

- Title I Vocational Rehabilitation Services
- Title II Research and Training for the National Institute on Disabilities
- Title III Training and Demonstration Projects
- Title IV National Council on Disability Funding and Regulations
- Title V Rights and Advocacy
- Title VI Other Employment Opportunities
- Title VII Independent Living Services and Centers for Independent Living

We've already talked about Section 504 of Title V (Rights and Advocacy). Let's briefly talk about Title VII before covering the details of Title I.

This title covers Centers for Independent Living (CILs). These centers are non-residential and they are run by and for people with disabilities. They provide core services such as:

- Advocacy
- Training
- Independent living skills

They also can do more unusual services, such as:

- Systems change as well as individual advocacy
- Advocacy to implement the Olmstead Decision,
- Services to help people move out of nursing homes and live back in the community

-Ask group: Q: Are there any questions?

All states have a state run vocational rehabilitation (VR) agency. Some states also have a separate VR agency for people who are blind. They are both funded and regulated by the Rehabilitation Act.

(Note to Facilitator: Find out about VR agencies in your state. We suggest providing participants with specific contact information in the "resources" section.)

The Rehabilitation Act of 1973 has been amended several times to reflect changing attitudes and service needs. In 1992, the Rehabilitation Act was amended to reflect a significant shift in society's attitudes toward people with disabilities.

**(Refer to 1992 Amended Rehabilitation Act transparencies – slides 11 & 12)*

The Act acknowledges that society is beginning to embrace the view that disability is “a natural part of human experience and in no way diminishes the right of individuals to:

- live independently
- enjoy self-determination
- make choices
- contribute to society
- pursue meaningful careers and
- enjoy “full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society”

Under this legislation, people with disabilities are presumed to be able to work no matter how significant their disability may be. People with disabilities no longer have to prove that they have potential to work or can benefit from services.

If someone has a disability that causes a significant barrier to employment and needs vocational rehabilitation services in order to get, keep, or maintain employment consistent with their “abilities, capabilities, and interests”, he or she is eligible for services for vocational rehabilitation.

The services provided in the Rehabilitation Act include:

**(Refer to Rehabilitation Services for Eligible Consumers- slide 13):*

- Assessment
- Work Training
- Referral Services
- Vocational Counseling
- Independent Living Skills
- Vocational Evaluations
- Job Placement
- Job Coaching
- On the Job Training
- Post Employment Services

VR can also help with such things as:

- College and vocational/technical training tuition
- Small business objectives
- Other services with financial participation from the consumer

VR counselors may also make referrals to community rehabilitation agencies or to Title I programs of the WIA system for their services.

Not all youth with a disability may be able to access VR services. Because of funding limitations, state agencies have implemented an Order of Selection policy (some states refer to it as Priority for Service).

**(Refer to Order of Selection transparency – slide 14)*

If a state VR agency cannot certify that they will be able to serve *all* eligible persons, then they must implement an order of selection where the “most severely” disabled persons will be served first.

In this context, most severely disabled persons are defined as: someone having a significant limitation in three of the following seven functional areas:

**(Refer to the seven functional areas listed in the Definition of an Individual with a Severe Disability transparency- slide 15)*

1. Work tolerance
2. Work skills
3. Self-direction
4. Mobility
5. Self-care
6. Communication
7. Interpersonal skills

Another provision under the Rehabilitation Act is called the Client Assistance Program. The Client Assistance Program (CAP) is a separate agency which handles complaints and appeals for consumers of the Rehabilitation Act’s programs, such as: State Services for the Blind, Vocational Rehabilitation, and Centers for Independent Living.

(Note to Facilitator: Provide phone numbers and other contact information for the Client Assistance Program in your area.)

The Rehabilitation Act’s due process procedures may be different than those used by your programs. In the meantime, just know that your clients can appeal decisions made under the Rehabilitation Act. Your job might include giving them information about how to access the Client Assistance Program in your area.

-Ask group: Q: *We just covered a lot! Any questions or comments about anything?*

11) IDEA: 10 minutes

IDEA:

Another important law for youth with disabilities is the Education for All Handicapped Children Act, first passed in 1975. This law is now known as IDEA - Individuals with Disabilities Education Act. Until the Education for All Handicapped Children Act passed in 1975, children with disabilities had no specific legal rights to an education. Although some states required services for some students with disabilities, many students were not permitted to attend school at all.

What changed this environment was the segregation case of 1954, in which the Supreme Court found that segregating students based on race “created damage to the hearts and minds of children that was likely never to be undone.” Parents, professionals and advocates, successfully, used this case to argue that discrimination based on *disability* was similarly illegal.

Finally in November 1975, President Gerald Ford signed the first special education law, the Education for All Handicapped Children Act. The law guaranteed students with disabilities the right to a free and appropriate education in the least restrictive setting possible. It guaranteed their parents rights to participate in developing their child's educational program.

IDEA also requires that states have policies and procedures to ensure that all children with disabilities residing in the state, who are in need of special education and related services, are identified, located, and evaluated, and are receiving needed special education and related services. The requirements of this section apply to highly mobile children with disabilities, such as migrant and homeless children, and children who are suspected of having a disability and in need of special education, even though they are advancing from grade to grade.

In 1990 this law was changed in several important ways. One was to change its name to the Individual with Disabilities Act (IDEA) and to strengthen many of its provisions for the participation of parents in planning and decision-making. It also dealt more specifically with issues facing youth age 14 to 21 who are transitioning from school to work or postsecondary education.

Beginning at age 14, or younger if appropriate, a student's Individualized Education Program (IEP) must contain specific transition services defined by the Individuals with Disabilities Education Act Amendments of 1997. The IEP team must determine what instruction and educational experiences will help the student prepare for the transition from school to adult life, and identify annual goals and services needed by the student to reach those goals.

The definition of transition services is very similar in both the Rehabilitation Act and IDEA. Both laws also require interagency collaboration and the Rehabilitation Act requires the development of a formal interagency agreement to outline the roles and responsibility of the state educational and VR programs to assist students with disabilities who transition from school to post school activities. Usually representatives from VR agencies begin attending IEP meetings of students who will need their services in their junior or senior year.

It is important to note that you could be invited to participate in a Transition IEP meeting on behalf of a specific student. The following transparency shows what the Federal law IDEA requires.

**(Refer to What transition areas must be addressed transparency- slide 16)*

The following 5 areas must be addressed when preparing an IEP facilitate a smooth transition from school to community living:

- Post secondary education
- Continuing and adult education
- Vocational training and integrated employment, including supported employment
- Adult services
- Independent living or community participation

12) Carl Perkins Act: *2 minutes*

Carl Perkins Act: The Carl Perkins Act of 1984 funds vocational training programs for youth. It states that schools must inform parents of vocational education opportunities by the time their child is in ninth grade and that students with disabilities shall receive:

- Vocational assessments
- Special services (this can include assessment for computer technology)
- Career and transition counseling

-Ask the group: Q: Any questions?

13) Group Exercise with Case Studies: *30 minutes in total; 15 minutes for small group brainstorming, 15 minutes for large group processing*

Case Studies for Small Group brainstorming and Large Group discussion: “Which laws and legislations pertain to this particular youth with a disability?”

Break participants up into small groups of 3-5 people. Assign different case studies to each group. The purpose of the small group discussions is to allow participants to apply what they have learned about disability legislation by problem-solving situations involving youth with disabilities.

Facilitate large group discussion of each group’s answers.

**(Refer to “Scenarios” handout for this section)*

Case Study #1

You have a 16-year-old client, Valerie, who needs help finding a summer job. She has been filling out her application for about 30 minutes but she doesn’t seem to be making much progress. You noticed some of her letters are transposed and suspect that she may have a learning disability. Valerie then discloses that she has failed most of her classes in school.

Q1: What could you do if Valerie is not currently receiving special education services?

Possible Answers *(suggested in pilot discussion groups):*

- Work with Valerie’s school (or your in house education program) to get her assessed for a disability
- Provide documentation to the assessment team detailing Valerie’s challenges
- Other?

Q2: How could you work with Valerie’s IEP team to help Valerie plan for her future?

Possible Answers *(suggested in pilot discussion groups):*

- You could take the lead in securing application, interview, and workplace accommodations for Valerie
- Suggest ways for Valerie to learn those self-advocacy skills as part of her school curriculum

- Coordinate with the school to make sure your program activities reflect activities identified in the IEP
- Other?

Q3: What are some of the laws and services that could help Valerie?

Possible Answers (suggested in pilot discussion groups):

- If she has a documented disability then she would qualify for Special Education services under the Individuals with Disabilities Education Act (IDEA)
- Valerie may qualify for Vocational Rehabilitation services depending on how her disability affects her ability to work
- Valerie may be able to access school testing accommodations under IDEA and workplace accommodations under the ADA
- If it is confirmed that she has a disability she would likely qualify for WIA youth programming by either being part of a targeted population or the income exclusion (“family of one”)
- Other?

Case Study #2

You have been working with Obed, a 20-year-old client who dropped out of school before graduating. He had received Special Education services from his high school because of EBD and dyslexia, and has a history of drug abuse. He is trying to find a job, but he is reluctant to disclose his disability to a future employer. You know that Obed will need accommodations, and unless he tells his employer what his needs are, he may not be able to perform the “essential functions” of the job.

Q1: How can you help Obed decide whether or not to disclose his disability?

Possible Answers (suggested in pilot discussion groups):

- Provide Obed with information on his disability and the Americans with Disabilities Act (ADA) so he may make an informed choice whether or not to disclose his disability
- Access a mentor with a similar disability who can talk to Obed about his reluctance to disclose
- Access disability fact sheets from the Job Accommodation Network (www.jan.wvu.edu) for Obed to give to potential employers
- Other?

Q2: Do you think Obed could qualify for Vocational Rehabilitation (VR) services? Why or why not?

Possible Answers (suggested in pilot discussion groups):

- Qualification for Vocational Rehabilitation services is based on functional limitations in the major areas of life. There is no way to be certain if Obed would qualify. Access an eligibility assessment with VR to make sure all service options for Obed are explored
- Other?

Q3: What other laws, services or strategies could you use to help Obed?

Possible Answers (suggested in pilot discussion groups):

- Identify services that aid persons recovering from substance addiction
- Was Obed born in the U.S. or are there any culturally specific community organizations that can be accessed to collaborate with?
- Obed still qualifies for Special Education services as long as he is under 21 and has not gotten a diploma
- Other?

Case Study #3

Your 21-year-old client Jon is homeless and you suspect he has schizophrenia. He is undiagnosed but his unusual behavior has you concerned. He has been forbidden to return to the city's homeless shelter because of his behavior.

Q1: How would you go about getting an assessment for Jon?

Possible Answers (suggested in pilot discussion groups):

- Being 21 Jon would be too old to access school funding for a disability assessment
- Does Jon qualify for Medical Assistance by virtue of being homeless? If so explore their processes for getting a disability assessment
- Contact your local mental health board/organization for more ideas
- Other?

Q2: Is the homeless shelter discriminating against Jon because of his disability?

Possible Answers (suggested in pilot discussion groups):

- Ideally the shelter would have expertise in working with persons with a disability. If Jon's behavior makes him an unsafe participant then the shelter should effort to find him an appropriate alternative
- You can contact your state's Department of Human Rights or a local Legal Aid office to see if Jon's rights are being ignored
- Other?

Q3: Is he protected by the ADA?

Possible Answers (suggested in pilot discussion groups):

- Jon is only covered under the ADA if he is being denied employment or accessible services such as telecommunications. If the homeless shelter receives federal funding, then it is bound by the regulations of Section 504 of the Rehab Act.
- Other?

Case Study #4

Jerome is a 19 year old with Down Syndrome who is still receiving special education services. Last summer he worked in a school district program that taught students with disabilities career skills by having them operate a small business in which students assembled and sold Teddy Bears in a variety of cute costumes. Jerome did not like this activity and as a result was very disruptive in class. Jerome is very athletic and found out about your program at the gym from a friend, who he has known since childhood. Jerome's friend participated in a summer

employment program your agency sponsored last year. Jerome came to your office because he says he wants to find a “real job” like his friend.

Q1: What can your program offer Jerome? Do you think you should refer him elsewhere? Why or why not?

Possible Answers (suggested in pilot discussion groups):

- WIA and other youth development programs vary greatly from location to location. Some WIA programs may have the capacity to work with Jerome while others may need to access other resources. It would be important to work with Jerome’s family and IEP team to make sure your program offers the most appropriate option
- Other?

Q2: How could you work with Jerome’s IEP team to help him prepare for future employment?

Possible Answers (suggested in pilot discussion groups):

- You could work with the IEP team to identify skills Jerome will need in the workplace and advocate that those skills be incorporated into his general curriculum
- Even if Jerome isn’t a good fit for your program you could help by suggesting other resources in the community
- Other?

Q3: How do the laws discussed in today’s session apply to Jerome’s situation?

Possible Answers (suggested in pilot discussion groups):

- Jerome could gain protections and services through IDEA, ADA, Section 504 of the Rehab Act, and the other laws discussed
- It is important that Jerome be taught self-advocacy skills so he can request accommodations afforded him by the ADA
- Other?

Case Study #5

Tabitha is a 20 year old young woman who went to live with her grandmother nine months ago after serving time in a juvenile correctional facility. Since then has worked hard to turn her life around. Tabitha has been working with your agency to get her GED and is also taking a desktop publishing class in your agency’s computer center. Your agency regularly has an open house to which you invite the families of the youth you work with and members of the community. You have worked closely with Tabitha for the past six months and she is eager for her grandmother to see her work and meet you. However, Tabitha’s grandmother recently began using a wheelchair and doesn’t know how she will be able to attend the open house as she has no accessible transportation.

Q1: Is Tabitha’s grandmother protected by the ADA?

Possible Answers (suggested in pilot discussion groups):

- Tabitha’s Grandmother is protected by the ADA by virtue of having a disability, or by being perceived as having one because of using a wheelchair
- Tabitha is also protected from discrimination if she advocates for her Grandmother’s rights under the ADA

- Other?

Q2: How might the ADA apply to this situation?

Possible Answers (suggested in pilot discussion groups):

- The ADA applies if the building is NOT accessible for persons using a wheelchair
- Assuming the agency receives federal or state funding for its programs, it must make its programs accessible to people with disabilities
- If your agency does not provide transportation to other family members of youth, it would not be legally obligated to provide transportation
- Other?

Q3: How can you help Tabitha's grandmother attend the open house?

Possible Answers (suggested in pilot discussion groups):

- Make sure your facility is accessible for people who use a wheelchair
- Help Tabitha access local disability transportation services
- Most taxi services and municipal transportation offer wheelchair accessible options
- Other?

14) Resources:

Handouts: 1) "A Short History of Legislation Affecting People with Disabilities"
2) "The Growth of Disability Civil Rights Law"
3) "Highlights of the Americans with Disabilities Act (ADA)"
4) "The Olmstead Decision"
5) "Scenarios"

Resources: 1) Refer to "Building Program Capacity to Serve Youth with Disabilities: *Resource List*"

15) Evaluations: 5 minutes

Please take the last few minutes and fill out the evaluation form.

16) Close:

Ask group for further questions, comments, etc.

Thank the participants for their presence, involvement and interest in this project.