A Case Study in Public Policy Making: The American with Disabilities Act

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<th>Subject: Virginia and United States Government</th>
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<td>Grade Level: High School; Grade 12</td>
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**Virginia Standards of Learning:**

**GOVT.3a-b** — The student will demonstrate knowledge of the concepts of democracy by recognizing:
- the fundamental worth and dignity of the individual
- the equality of all citizens under the law

**GOVT.7c** — The student will demonstrate knowledge of the organization and powers of the national government by examining the ways individuals and groups exert influence on the national government.

**Lesson Objectives:**

**Content**— The student will be able to
1. Explain the ways individuals and groups exert influence on the national government by examining the history of the Americans with Disabilities Act.

**Process**— The student will be able to
2. Combine information from various sources to draw a conclusion.
3. Summarize key details and make connections between new information and prior knowledge.

**Materials:**
- Handout #1 – *Ugly Laws*
- Transparency #1 – *Timeline*
- Transparency #2 – *Sit-in Pictures*
- Handout #2 – *Remembrance of Things Past*
- Handout #3 – *One Person’s Story*

**Summary:**
Efforts to guarantee civil rights to American citizens with disabilities were not successful until the last quarter of the 20th century. With the passage of the Rehabilitation Act of 1973 and the Americans with Disabilities Act in 1990 disabled citizens began to gain equal rights and treatment under the law. This effort is an excellent example of the efforts of individuals and groups in setting the public agenda and influencing policy. In addition, the twentieth anniversary of the Americans with Disabilities Act provides a timely look at a story that illustrates basic principles of the Constitution of the United States including, the fundamental worth and dignity of the individual; all persons are entitled to life, liberty, and due process under the law; and all persons are entitled to equal rights and treatment under the law.

**Evaluation/Assessment:** The student will be assessed:
1. informally for understanding through their participation in class discussions.
2. The student will be evaluated on the correctness and completeness of an essay identifying the impact of disability law.

**Lesson Procedure:**

**Background Knowledge and Purpose Setting:**
1. Ask students to remember the Civil Rights Movement of the 1950s and 1960s which they studied in history last year. Ask them to list actions taken by Civil Rights leaders to highlight their cause. (rallies, marches, sit-ins, petition the government, court challenges, etc) Write these on the board to reference later.
2. Ask students if they have ever heard of an “Ugly Law”—a law that makes it illegal to be ugly?
3. Distributed Handout #1 *Ugly Laws*. Ask students to read to the first stop sign silently and follow the directions for a written comment. Ask volunteers to share comments.
4. Allow students time to read and complete the handout and lead a discussion about these laws. (A segment of the 1997 movie, *The Music Within*, shows how these laws impacted individuals and could be shown as a clip in the classroom followed by discussion.)
5. Explain that before 1973 disabilities were treated as part of a medical diagnosis and any restrictions (discrimination) in housing, jobs, restaurants, etc. was considered a by-product of the condition. It was unfortunate, but acceptable.

Reading/Note-Taking
6. Display Transparency # 1—*Timeline* and highlight passage of the 1973 Rehabilitation Act. (Continue to display the timeline for the duration of the lesson) Explain that Section 504 of the law prohibited discrimination on the basis of disability by those that receive federal funds. Also, for the first time it identified Americans with disabilities as a recognized minority. Read the text of the law to students:

- *Section 504 of the Rehabilitation Act of 1973 provides:*
  No otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

7. [Note to Teacher: It is important to make a distinction between the Rehabilitation Act of 1973/Section 504 and the Ugly Laws. While the latter is an example of the many indignities Americans with disabilities faced, the former is a result of a dedicated effort to improve their civil rights.]
8. Ask students to name places, organizations, etc that receive federal funds. Encourage them to see that most state and local governments, public institutions and transportation systems receive federal funds. Explain that this law was a huge step forward. However, for this law to stop discrimination there needed to be regulations and penalties for infractions. (Remind students that the 18th amendment made the sale of alcohol illegal during Prohibition—but, the Volstead Act was needed to provide the details.)
9. The Department of Health Education and Welfare was selected to draft the regulations for the areas they regulated and other federal agencies would follow their example. (Mention that this department was later split) By 1977 HEW still had not issued regulations and many of the programs and places covered by this law began to oppose the regulations before they were finalized.
10. Individuals with disabilities decided to follow the successful effort of the Civil Rights Movement. They rallied, marched, lobbied the government, sang freedom songs and held sit-ins.
11. Display Transparency # 2—*504 Sit-in Photos*. The longest and best known of the sit-ins was held in San Francisco in April 1977. A group of citizens with disabilities occupied the HEW office for 28 days. Michael Williams took part in the San Francisco sit-in. Distribute Handout #2 — Remembrance of Things Past and ask students to read and discuss this first person account. (The *Power of 540* is an 18 minute video available for purchase through the Disability Resource center that gives an excellent overview of the importance of this law.)
   http://www.dredf.org/504site/504home.html.
12. Explain that sit-ins and subsequent lobbying in Washington forced HEW to issue strong regulations. During the 1980’s groups supporting the civil rights of individuals with disabilities worked with other minority groups to highlight their cause. Several cases testing the law made their way through the courts, often with conflicting views. It was clear another law was needed.

Processing Information
13. After two years working its way through Congress the Americans with Disabilities Act (ADA) was passed on July 26, 1990. This law has had a profound effect on the lives of many Americans. Distribute Handout # 3 *One Person’s Story*. Discuss the problems Kelly Buckland faced before the ADA and how her life changed afterwards.
Closure:
14. Ask students to participate in a think-pair-share to create a list of ways individuals and groups exert influence on the national government by examining the history of the Americans with Disabilities Act. Look back at the list of actions by Civil Rights leaders of the 1950s and 1960s. How are they similar? How did they differ? Students will need to look back at Handouts #2 and #3.
15. Ask students to select either Section 504 or the Americans with Disability Act and write a short essay describing how it impacted disabled Americans’ lives.

Additional Resources:

Web-based:
- The Disability Rights and Independent Living Movement site at University of California Berkeley. [http://bancroft.berkeley.edu/collections/drilm/](http://bancroft.berkeley.edu/collections/drilm/). This site contains social and political history of the disability movement from the 1960s to the present. It contains many primary sources, including oral histories.
- Disability Social History Project. [http://disabilityhistory.org/](http://disabilityhistory.org/). This site has many useful links including a disability timeline.
- Disability is Natural by Kathie Snow. [http://www.disabilityisnatural.com](http://www.disabilityisnatural.com). This site provides resources on ways of thinking and talking about people with disabilities.

Print Sources:
Americans with Disabilities Act Timeline

1973  Rehabilitation Act—Section 504

1977  Section 504 Regulations Issued by the Department of Health Education and Welfare

1980’s  Disability Groups Work with Other Minority Groups to Achieve Goals

1990  Americans with Disabilities Act
UGLY LAWS

Have you ever heard of an “Ugly Law?” In a 2005 speech, Cathleen Kaveny, a law professor at the University of Notre Dame, addressed the civil rights of Americans with disabilities and the so-called “Ugly Laws.” She said:

*A person with an obvious disability making his way along Chicago’s Michigan Avenue in December 1970 would not simply have been enjoying the spectacle of one of the nation’s busiest commercial venues at the height of the Christmas shopping season. Whether he knew it or not, he also would have been engaged in an act of civil disobedience. On the books of the Chicago Municipal Code at that time was an ordinance colloquially known as “The Ugly Law.” It provided that:*

*No person who is diseased, maimed, mutilated or in any way deformed so as to be an unsightly or disgusting object or improper person to be allowed in or on the public ways or other public places in this city, or shall therein or thereon expose himself to public view, under a penalty of not less than one dollar nor more than fifty dollars for each offense.*

Similar laws could be found on the books in cities such as Columbus, Ohio, and Omaha, Nebraska. They were not repealed until around 1973 or 1974.

Stop and write about it! --What do you think of these laws? What effect do you think laws like this had on Americans with disabilities?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Do you think these laws are too farfetched to be true? Read on:

In 1971, Richard Pimental, a veteran who became deaf as a result of the Vietnam War, ate at a Chicago testaurant with a friend, Art Honeyman, who had Cerebral Palsy. Richard and Art frequented the same pancake restaurant most nights. However, on this evening their regular waitress was off and the replacement waitress was shocked at the sight of Richard’s friend. After making a number of comments and refusing to serve them, it is said she called the police to have Art arrested for violating the “Ugly Law.” Richard found new direction for his life by advocating for the rights of Americans with disabilities. The story of his efforts was made into the 2007 movie, *The Music Within.*

Stop and write about it! --What amendments to the Constitution of the United States should have protected Art Honeyman from arrest?

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Notes:
One Person’s Story

I broke my neck on July 26, 1970 and have had a disability since. Please note the date. Yes, that’s right - it was exactly 20 years before the Americans with Disabilities Act (ADA) was signed. I was 16 years old, and the world was a much different place in many ways: there were no ramps, except loading ramps; there were no curb cuts, except for driveways; and there were no accessible restrooms.

After I spent approximately one year in rehabilitation, I returned to my parents’ home and went back to school. At that time, there were no requirements for the school to be accessible. My classmates and friends would have to pick me up and carry me up the stairs and into my classroom, then down the stairs at the end of the day. There were also no requirements for schools to accept students with disabilities. Because the spokes on my manual wheelchair would collect snow in the wintertime, which would get tracked into my classroom, my science teacher wanted me expelled from school. It took significant advocacy from my mother with the superintendent to keep me in school.

After graduating from high school, I decided to go to college. I chose to attend Boise State University in Boise, Idaho, because it was one of the most accessible campuses in the state. However, Boise State was 300 miles from my parents’ house, meaning I would have to move hundreds of miles away from home to attend college. There were no . . . [in home or] community-based services at that time. Therefore, I was forced to move into a nursing home at the age of 19 in order to attend college.

After graduating from college, I went to work for a few months for the protection and advocacy system in Idaho. Then, I was able to find employment as a social worker with the Department of Health and Welfare and worked in Child Protection and Youth Rehabilitation. While living in Burley, Idaho, I became involved in disability rights work and shortly after that became involved in working with the Idaho State legislature. The first bill we worked on was one that would guarantee voters with disabilities access to polling places in Idaho. We were able to pass that bill in 1985.

In 1989, I was hired as the Executive Director for the first center for independent living in Boise, and that same year I attended my first [National Council on Independent Living] NCIL conference. During the conference, we marched on the White House to convince President George H.W. Bush to support the ADA.

In 1990, I was part of a group of disability advocates in Idaho who were successful in getting the Idaho legislature to pass a personal assistance bill. The bill made personal assistance services available to people with disabilities in Idaho so they would not have to move into nursing homes. Also in 1990, the United States Congress passed the [Americans with Disabilities Act] ADA, and on the 20th anniversary that I acquired my disability (July 26, 1990), President Bush signed the ADA into law. What a great 20th anniversary present!

Because of the ADA, ramps and curb cuts are now required; people with disabilities are guaranteed access to polling places in the United States; and we have the right to attend school without fear of being expelled because of having a disability.

For 20 years, I experienced life in America as a person with a disability who had little to no rights. Now it has been 20 years since the ADA was signed, and I have lived 20 years as an American with a disability with my rights guaranteed under the ADA.

As we all celebrate the 20th anniversary of the ADA, I will be celebrating 40 years of living with a disability. And as we celebrate how far we have come in the last 20 years, we will also need to focus on how far we have to go in the next 20.

By--Kelly Buckland, Executive Director, National Council on Independent Living (NCIL)
Source: http://blog.govdelivery.com/usodep/100-days-to-the-ada/
Remembrance of Things Past – by Michael Williams

I came to sit-in at San Francisco's old Federal Building two days late. I had been at the rally that Tuesday and listened to the speeches. I drifted away when my tolerance for hunger soared above my tolerance for oratory.

I turned on the news that evening and was amazed to learn that we had taken over the offices of Region Nine of H.E.W. I wanted to get into the building and see for myself what was going on.

I soon discovered this would be no easy task. Anyone in a wheelchair who appeared at the door of the Federal Building was suspected of being a radical activist and was told to get lost.

Well, I don't like anyone telling me to get lost, especially when it has something to do with my disability. I had to get into the building one way or the other. A ruse had to be devised. I simply picked up a phone and made an appointment with a government architect to discuss barriers.

It worked. The gentlemen guarding the door called and satisfied themselves that I indeed had an appointment. I was waved through the door and was accompanied to the appropriate office by two [guards] from the Federal Protection Agency.

[They] hugged close to the sides of my wheelchair, as if they were afraid I would go berserk... 

We were at the door of the appointed office; my [guards] quickly departed and I found myself alone in a roomful of drafting easels.

Out from one of the [offices] popped an aging bureaucrat. . . . He came forward and shook my hand quickly to let me know we wouldn't spend too much time discussing architectural barriers.

And with this brief introduction, he launches into an angry anti-government monologue. At first I was amazed to hear such words . . . But in the days to come I would hear many other governmental employees express similar feelings.

When the man was finished, he gave me some pamphlets so I'd look official. I thanked him for his time and help. He wished me good luck and told me to keep a sharp eye out for . . . the guards.

I carefully made my way back down the hall. I tried to look relaxed. . . . I made a quick right turn at the mezzanine and into a waiting elevator. All the while I expected an official sounding voice to boom out and send me scurrying back into the street.

But I soon found myself up on the fourth floor where the action was. I made a quick tour of the place to find how it is organized. And it was organized.

This was the key to our victory. We were able to organize into one cohesive group; we broke down into committees to make our work more efficient; and above all, we were able to use the press.

How could the press be against us? This is the point: for the first time the press saw Disabled as people, not objects of sympathy.

As the demonstration went on, the reporting got better and more detailed. Not only was there the basic story of the demonstration and Section 504, but the press did stories on various disabled activities in the Bay Area.

And it got through. We got a strong set of 504 regulations; but we also got a new public awareness of the problems of disability.

Excepted from http://www.dredf.org/504site/histrem.html
June 1, 1997 San Francisco, CA
504 Sit-in

Source: http://www.dredf.org/504site/photo.html