

BILL NUMBER: ACR 162 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Beall
(Principal coauthor: Assembly Member Huffman)
(Coauthor: Senator Hancock)

APRIL 19, 2010

Relative to Disability History Week.

LEGISLATIVE COUNSEL'S DIGEST

ACR 162, as introduced, Beall. Disability History Week.

This measure would designate the second week of October 2010, and annually thereafter, as Disability History Week, and would encourage public and private institutions of higher education, state and local agencies, nonprofit and community-based organizations, and private businesses and corporations to observe Disability History Week by dedicating appropriate classroom instructional time or by coordinating all-inclusive activities to be conducted during that week to afford opportunities for students and the general public to learn more about the disability community and to celebrate and honor its role in contemporary American society.

Fiscal committee: no.

WHEREAS, People with disabilities are currently the largest minority group in the United States with a population of over 54 million, including 6 million individuals who live in California; and

WHEREAS, California has more than 678,105 public school students enrolled in kindergarten through grade 12 who have some type of disability; and

WHEREAS, During most of American history, people with physical, psychiatric, sensory, and intellectual disabilities were subjected to a shameful legacy of blatant discrimination and mistreatment by society, including the denial of access to medical and psychological care, forced segregation in institutions without opportunities to be reintegrated back into their communities or to live independently, involuntary sterilization, and the denial of equal opportunity in

education, housing, and employment; and

WHEREAS, Most Californians and other Americans are unaware of the significant historic contributions that people with disabilities have made, and are continuing to make today, for the benefit of our nation and the State of California; and

WHEREAS, Many students and other people with disabilities do not have an understanding about their history, including the pioneering efforts that began in the late 1800s to the mid-1900s to enlighten society about humane treatment of people with disabilities, or the emergence of the disability rights movement that began in the 1970s to fight for the civil rights of and equal opportunities for people with disabilities; and

WHEREAS, Ed Roberts, a former director of the California Department of Rehabilitation, was one of the primary founders of the national disability rights and independent living movements that began in Berkeley, California. In 1972, his leadership and advocacy led to the establishment of the first independent living center in the nation. Since that time, California has been acknowledged nationwide as a leader on issues affecting people with disabilities and the Center for Independent Living model has been replicated worldwide. Ed Roberts convinced the University of California at Berkeley to establish a Disability Studies Minor and to establish a Disability Oral History Museum. The efforts of Ed Roberts and his peers deserve special recognition because the disability rights movement will have an everlasting impact on the United States; and

WHEREAS, The early efforts of the activists in the disability rights movement laid the foundation for future federal and state laws. The disability community has successfully mobilized over the years to enact federal laws to give people with disabilities important civil rights protection. The laws combated forced exclusion, including segregation of people with disabilities in nursing facilities and state institutions, and gave them access to programs and services to acquire the independent living skills and receive the supports necessary to live in their own homes or other community living settings. In 1973, Section 504 was added to the federal Rehabilitation Act to prohibit discrimination based on disability by federally funded employers and other entities, and the Federal-Aid Highways Act included funding for sidewalk curb cuts. In 1976, Congress amended the Higher Education Act of 1972 to guarantee equal educational opportunities for physically disabled students; and

WHEREAS, The federal Individuals with Disabilities Education Act requires all public schools to address the needs of pupils with disabilities and develop Individualized Education Plans (IEPs) which

reflect the specific needs of each pupil. Increasing teachers, pupils, and administrators understanding of the issues confronting the disability community will enhance the quality and relevance of IEPs, and will expand opportunities for pupils with disabilities; and

WHEREAS, Civil protest actions were an integral part of the disability rights movement in California. In 1977, disability community activists took over the federal Health, Education, and Welfare building in San Francisco to publicize the inaction on the implementation of the administrative regulations for Section 504 of the Rehabilitation Act of 1973. It was the largest organized sit-in of a federal building in history. These actions led to the adoption of the Section 504 regulations, which have had a tremendous impact in requiring buildings and facilities to be made accessible; and

WHEREAS, These early advocacy campaigns continued throughout the 1970s and 1980s and led to the enactment of other major federal laws including, but not limited to, the Developmentally Disabled Assistance and Bill of Rights Act, the Education for All Handicapped Children Act, the Fair Housing Amendments Act, and the Voting Accessibility for the Elderly and Handicapped Act. They also convinced Congress to enact the omnibus Americans with Disabilities Act of 1990; and

WHEREAS, California has been a leader in furthering disability rights with enactment of such pioneering legislation as the Disabled Persons Act, the Unruh Civil Rights Act, the Fair Employment and Housing Act, Section 11135 of the Government Code, the Lanterman-Petris-Short Act, and the Lanterman Developmental Disabilities Services Act; and

WHEREAS, California has continued its role as a national leader on disability civil rights issues. The first annual Youth Leadership Forum for Students with Disabilities (YLF) was founded in California in 1991 to give youth with disabilities leadership skills and to teach them about the history and culture of the disability community. The YLF program has become a model program for disabled youth and has been adopted in 35 other states. The critical need for a Disability History Week is illustrated by the fact that YLF participants have consistently questioned why the history of people with disabilities and the disability rights movement is not taught to all pupils in their schools. They represent the needs of the larger disabled pupil population throughout the state that also craves that type of instruction. Unfortunately, only 60 out of a pool of hundreds of YLF applicants each year can be accepted into YLF even though there are thousands of others who would benefit from learning more about their history and culture; and

WHEREAS, Even today, long after enactment of state and federal laws recognizing the civil rights of people with disabilities, discrimination and exclusion continue. Thus, two decades after the enactment of the federal Americans with Disabilities Act, the vast majority of publicly and privately owned buildings and facilities remain physically inaccessible, and more than two decades after the enactment of the federal Fair Housing Amendments Act of 1988, which prohibits discrimination in housing based on disability, the unavailability of accessible housing remains a major barrier to full community inclusion of people with disabilities; and

WHEREAS, Disability history should also examine the United States Supreme Court's landmark opinion in *Olmstead v. L.C. ex rel. Zimring* (1999) 527 U.S. 581. In that case, the court ruled that unnecessary segregation and institutionalization of people with disabilities is a form of discrimination under the Americans with Disabilities Act. The *Olmstead* case is important because it requires states to provide services to people with disabilities in integrated, community-based settings; and

WHEREAS, Teaching all students about disability history will promote a greater understanding between those with and without disabilities and will lead to increased opportunities for interaction between students in special education and the general student population. This integration will help form new relationships between students with and without disabilities to promote a common awareness and understanding of current disability issues. In addition, disability history instruction can help motivate students to follow the lead of prior disability rights activists; and

WHEREAS, Knowledge about disability history can also help promote an understanding of the importance of providing opportunities to people with disabilities to develop and apply independent living skills that are critical to personal success in society. If individuals with and without disabilities learn more about the struggle of the disability community, there will be a greater willingness to accommodate everyone's needs. Society will then better appreciate the value to the entire community of including people with disabilities in all aspects of community life; and

WHEREAS, Universal knowledge about disability history will enhance the recognition that employing people with disabilities benefits businesses, employees, and the community; and

WHEREAS, The history of the disability community's civil rights movement will further expand public awareness about all types of disabilities, including those that are both apparent and nonapparent. Paving the way for a better informed society will greatly benefit all people with disabilities by helping them to use education as a

tool to reduce misunderstanding that leads to stigmatization, hate crimes, and discrimination; and

WHEREAS, Every person with a disability is entitled to feel a sense of pride about the history of the disability community, about their role in their local community, and about themselves as individuals with a disability. As people with and without disabilities learn more about the history of disability, all Californians will have a closer connection to the disability community, which will ultimately contribute to a greater appreciation of diversity in our state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature declares the second week of October 2010, and annually thereafter, to be Disability History Week; and be it further

Resolved, That the Legislature declares that the observance of an annual Disability History Week is timely and necessary, and encourages each school district, each community college district, each city and county, public and private institutions of higher education, state and local agencies, nonprofit and community-based organizations, and private businesses and corporations to observe Disability History Week by dedicating appropriate classroom instructional time or by coordinating all-inclusive activities to be conducted during that week to afford opportunities for students and the general public to learn more about the disability community and to celebrate and honor its role in contemporary American society; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the Speaker of the Assembly, the Secretary of the Senate, the Superintendent of Public Schools, the President of the Board of Regents of the University of California, the President of the Board of Trustees of the California State University, the Chancellor of the California Community Colleges, the Secretary of the Health and Welfare Agency, the Director of Rehabilitation, the Director of Mental Health, the Executive Director of the State Independent Living Council, the Executive Director of the State Council on Developmental Disabilities, and to the author for appropriate distribution.