

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

**Subject:** Civics and Economics

**Time:** 90 minutes

**Grade Level :** Middle School; Grade 7

### Virginia Standards of Learning:

**CE.4 b, d**—The student will demonstrate knowledge of personal character traits that facilitate thoughtful and effective participation in civic life by practicing:

- courtesy and respect for the rights of others;
- respect for the law.

**CE.9b**—The student will demonstrate knowledge of how public policy is made at the local, state, and national levels of government by describing how individuals and interest groups influence public policy.

### 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:

Transparency # 1– Ways Individuals and Groups Lobby

Handout # 1 – *TIMELINE: Steps to Passage of the Americans with Disabilities Act*

Handout # 2 – *One Person’s Story*

Handout #3 —*Remembrance of Things Past*

### Summary:

Efforts to guarantee civil rights to American citizens with disabilities were not successful until the last quarter of the 20<sup>th</sup> century. With the passage of the Rehabilitation Act of 1973 and the *Americans with Disabilities Act* in 1990, citizens with disabilities 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 20<sup>th</sup> anniversary of the *Americans with Disabilities Act* provides a timely look at a story that will resonate with middle school students’ sense of fairness.

**Evaluation/Assessment:** The student will be assessed:

1. informally for understanding through their participation in class discussions.
2. on the completeness and correctness of responses to Handout # 1- *TIMELINE: Steps to Passage of the Americans with Disabilities Act*

### Lesson Procedure:

#### Background Knowledge and Purpose Setting:

1. Explain that today students will begin studying about how individuals and groups can help set the public policy. That individuals and groups help public officials identify problems that need to be addressed by government actions or new laws.
2. Explain that seeking to influence legislators to introduce or vote for or against a bill is called lobbying. The people that do this for a living are called lobbyists. However, any group or individual or can lobby the government to seek action. Explain that Americans with disabilities and various groups tried to influence state and national governments to provide citizens with disabilities equal treatment under the law.

3. Explain that in some places a person with an obvious disability could be breaking the law by just going out in public. These laws, known as “Ugly Laws,” date by to the late 1800’s and remained on the books in some places until the 1970’s. One such law in Chicago said: (read aloud)

*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. -- Chicago Municipal Code, sec. 36034 [repealed 1974]*

4. Explain that there were similar laws in other cities.
5. Lead a class discussion about these laws. Discussion starters might include:
  - What do you think of these laws?
  - What effect do you think laws like this had on Americans with disabilities?
  - What amendments to the Constitution of the United States should have protected Americans with Disabilities?

### **Reading/Note-Taking**

6. Display Transparency # 1– *Ways individuals and Groups Lobby*. How do individuals and interest groups influence policymakers? Go over the definitions and ways individuals and groups influence public policy.
7. Explain that one important problem for Americans with disabilities was that there was no standard definition of disability until the passage of the *Rehabilitation Act in 1973* (Americans with disabilities were not an identifiable minority group). Before that time, each individual disability was treated as a medical concern. Any discrimination in housing, school or jobs was just an unfortunate outgrowth of that condition. [Note to Teacher: for additional information see <http://www.dredf.org/504site/504guide.html>]
8. The *Rehabilitation Act in 1973* took five long years to pass both houses of Congress and get the president’s signature. It said:
  - *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.*
9. [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. ]
10. Distribute Handout #1– *TIMELINE: Steps to Passage of the Americans with Disabilities Act (ADA)* and preview the activity. Explain that as students study the actions that individuals and groups took to gain civil rights for Americans with disabilities they will list them on the *TIMELINE* worksheet. Ask students to look at the example in the first block. Explain that they will write the name of the act or action and a short explanation in the small boxes. For homework (or in groups in class) students will use the larger box to write a few sentences explaining how each action increased civil rights for Americans with disabilities. Model what students might write in the first box.
11. 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 18<sup>th</sup> amendment made the sale of alcohol illegal during Prohibition—but, the Volstead Act was needed to provide the details.)

12. The Department of Health Education and Welfare (HEW) 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.
13. 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.
14. 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.dredef.org/504site/504home.html>.
15. Explain that the efforts to pass the ADA were difficult. Several members of Congress worked for years to seek passage. Show the video clip of Senator Harkin using sign language on the floor of the Senate during the debates on the Americans with Disabilities Act. <http://www.americanhistory.si.edu/disabilityrights/audio/harkin.mpg>

### Processing Information

16. After two years working its way through Congress, the *Americans with Disabilities Act* (ADA) was passed on July 26, 1990. Distribute Handout # 3 *One Person's Story*. Ask students to read the handout silently or in groups.
17. Discuss the problems Kelly Buckland faced before the ADA and how her life changed afterwards. Underline or highlight each of the ways individuals or groups lobbied on this handout. Circle those improvements brought about by these actions as they are described.

### Closure:

1. 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? Review Handouts # 2 and # 3 if needed.

### Additional Resources:

#### Web-based:

- *A Lay Person's Guide to 504* by Peter Coppelman. <http://www.dredef.org/504site/504guide.html>  
This web resource provides a readable and concise overview of Section 504 of the Rehabilitation Act of 1973.
- *The Disability Rights and Independent Living Movement* site at University of California Berkeley. <http://bancroft.berkeley.edu/collections/drilm/>. This site contains social and political history of the disability movement from the 1960's to the present. It contains many primary sources, including oral histories.
- *Disability Social History Project*. <http://disabilityhistory.org/>. This site has many useful links including a disability timeline.
- *The History of the ADA: A Movement Perspective* by Arlene Mayerson, 1992. [http://www.dredef.org/publications/ada\\_history.shtml](http://www.dredef.org/publications/ada_history.shtml). This web resource provides an in-depth description of the Americans with Disability Act, including its history.
- *Disability is Natural* by Kathie Snow. <http://www.disabilityisnatural.com>. This site provides resources on ways of thinking and talking about people with disabilities.

**Print Sources:**

- Burch, S. (Ed.). (2009). *Encyclopedia of American Disability History* (Vol. 1, 2, & 3). New York: Facts on File.
- Fleischer, D. Z., & Zames, F. (2001). *The Disability Rights Movement: From Charity to Confrontation*. Philadelphia, PA: Temple University Press.
- Scotch, R. K. (2001). *From Good Will to Civil Rights: Transforming Federal Disability Policy*. (2<sup>nd</sup> ed.). Philadelphia, PA: Temple University Press.
- \_\_\_\_\_. (2009). Section 504. In *Encyclopedia of American Disability History* (Vol. 3. pp. 808-809). New York: Facts On File.

## **Ways Individuals and Groups Influence Public Policy**

### **Terms to know**

- lobbying: Seeking to influence legislators to introduce or vote for or against a bill

### **Ways individuals influence public policy**

- Participating in politics (voting, campaigning, seeking office)
- Expressing opinions (lobbying, demonstrating, writing letters)
- Joining interest groups

### **Ways interest groups influence public policy**

- Identifying issues
- Making political contributions
- Lobbying government officials

Source: Virginia Department of Education

Name \_\_\_\_\_

## Handout # 1—TIMELINE: Steps to Passage of the Americans with Disabilities Act

<p><b>Rehabilitation Act of 1973—Section 504</b> Prohibits discrimination on the basis of disability in programs receiving federal money</p>

1970


1980

1990

Efforts to gain civil rights by and for Americans with disabilities had little success before 1970. Look at the example in the first block. Write the name of an act or action to gain rights and a short explanation in the small boxes. Use the larger box to write a few sentences explaining how each action increased civil rights for Americans with disabilities.


**Remembrance of Things Past – by Michael Williams**

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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.

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.

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. . . .

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.



**Stop and write about it..** –Look back at this description of the 504 Sit-in in San Francisco. Identify the way that individuals and groups sought to influence public policy regarding Americans with disabilities.

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Excepted from <http://www.dredf.org/504site/histrem.html>

## One Person's Story

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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/>

**Underline or highlight each of the ways individuals or groups lobbied to gain rights for Americans with disabilities. Circle improvements brought about by these actions.**