

Assembly Concurrent Resolution

No. 162

Introduced by Assembly Member Beall
(Principal coauthor: Assembly Member Huffman)
(Coauthor: Senator Hancock)

April 19, 2010

Assembly Concurrent Resolution No. 162—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.

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

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

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

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

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

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

37 WHEREAS, The early efforts of the activists in the disability
38 rights movement laid the foundation for future federal and state
39 laws. The disability community has successfully mobilized over
40 the years to enact federal laws to give people with disabilities

1 important civil rights protection. The laws combated forced
2 exclusion, including segregation of people with disabilities in
3 nursing facilities and state institutions, and gave them access to
4 programs and services to acquire the independent living skills and
5 receive the supports necessary to live in their own homes or other
6 community living settings. In 1973, Section 504 was added to the
7 federal Rehabilitation Act to prohibit discrimination based on
8 disability by federally funded employers and other entities, and
9 the Federal-Aid Highways Act included funding for sidewalk curb
10 cuts. In 1976, Congress amended the Higher Education Act of
11 1972 to guarantee equal educational opportunities for physically
12 disabled students; and

13 WHEREAS, The federal Individuals with Disabilities Education
14 Act requires all public schools to address the needs of pupils with
15 disabilities and develop Individualized Education Plans (IEPs)
16 which reflect the specific needs of each pupil. Increasing teachers,
17 pupils, and administrators understanding of the issues confronting
18 the disability community will enhance the quality and relevance
19 of IEPs, and will expand opportunities for pupils with disabilities;
20 and

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

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

39 WHEREAS, California has been a leader in furthering disability
40 rights with enactment of such pioneering legislation as the Disabled

1 Persons Act, the Unruh Civil Rights Act, the Fair Employment
2 and Housing Act, Section 11135 of the Government Code, the
3 Lanterman-Petris-Short Act, and the Lanterman Developmental
4 Disabilities Services Act; and

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

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

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

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

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

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

23 WHEREAS, The history of the disability community's civil
24 rights movement will further expand public awareness about all
25 types of disabilities, including those that are both apparent and
26 nonapparent. Paving the way for a better informed society will
27 greatly benefit all people with disabilities by helping them to use
28 education as a tool to reduce misunderstanding that leads to
29 stigmatization, hate crimes, and discrimination; and

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

38 *Resolved by the Assembly of the State of California, the Senate*
39 *thereof concurring*, That the Legislature declares the second week

1 of October 2010, and annually thereafter, to be Disability History
2 Week; and be it further

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

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

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