

AMENDED IN ASSEMBLY MAY 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Concurrent Resolution

No. 162

Introduced by Assembly Member Beall

(Principal coauthor: Assembly Member Huffman)

(Coauthors: Assembly Members Adams, Ammiano, Anderson, Arambula, Bass, Bill Berryhill, Tom Berryhill, Blakeslee, Block, Blumenfield, Bradford, Brownley, Buchanan, Charles Calderon, Carter, Chesbro, Conway, Cook, Coto, Davis, De La Torre, De Leon, DeVore, Emmerson, Eng, Evans, Feuer, Fletcher, Fong, Fuentes, Fuller, Furutani, Gaines, Galgiani, Gilmore, Hall, Harkey, Hayashi, Hernandez, Hill, Huber, Jeffries, Jones, Knight, Lieu, Logue, Bonnie Lowenthal, Ma, Mendoza, Miller, Monning, Nava, Nestande, Nielsen, John A. Perez, V. Manuel Perez, Portantino, Ruskin, Salas, Saldana, Silva, Smyth, Solorio, Audra Strickland, Swanson, Torlakson, Torres, Torrico, Tran, Villines, and Yamada)

(Coauthor: Senator Hancock)

April 19, 2010

Assembly Concurrent Resolution No. 162—Relative to Disability History Week.

LEGISLATIVE COUNSEL'S DIGEST

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

This measure would designate the 2nd 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

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

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

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

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

27 WHEREAS, Ed Roberts, a former director of the California
28 Department of Rehabilitation, was one of the primary founders of
29 the national disability rights and independent living movements
30 that began in Berkeley, California. In 1972, his leadership and
31 advocacy led to the establishment of the first independent living
32 center in the nation. Since that time, California has been
33 acknowledged nationwide as a leader on issues affecting people
34 with disabilities and the Center for Independent Living model has

1 been replicated worldwide. Ed Roberts convinced the University
2 of California at Berkeley to establish a Disability Studies Minor
3 and to establish a Disability Oral History Museum. The efforts of
4 Ed Roberts and his peers deserve special recognition because the
5 disability rights movement will have an everlasting impact on the
6 United States; and

7 WHEREAS, The early efforts of the activists in the disability
8 rights movement laid the foundation for future federal and state
9 laws. The disability community has successfully mobilized over
10 the years to enact federal laws to give people with disabilities
11 important civil rights protection. The laws combated forced
12 exclusion, including segregation of people with disabilities in
13 nursing facilities and state institutions, and gave them access to
14 programs and services to acquire the independent living skills and
15 receive the supports necessary to live in their own homes or other
16 community living settings. In 1973, Section 504 was added to the
17 federal Rehabilitation Act to prohibit discrimination based on
18 disability by federally funded employers and other entities, and
19 the Federal-Aid Highways Act included funding for sidewalk curb
20 cuts. In 1976, Congress amended the Higher Education Act of
21 1972 to guarantee equal educational opportunities for physically
22 disabled students; and

23 WHEREAS, The federal Individuals with Disabilities Education
24 Act requires all public schools to address the needs of pupils with
25 disabilities and develop Individualized Education Plans (IEPs)
26 which reflect the specific needs of each pupil. Increasing teachers,
27 pupils, and administrators understanding of the issues confronting
28 the disability community will enhance the quality and relevance
29 of IEPs, and will expand opportunities for pupils with disabilities;
30 and

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

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

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

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

31 WHEREAS, Even today, long after enactment of state and
32 federal laws recognizing the civil rights of people with disabilities,
33 discrimination and exclusion continue. Thus, two decades after
34 the enactment of the federal Americans with Disabilities Act, the
35 vast majority of publicly and privately owned buildings and
36 facilities remain physically inaccessible, and more than two
37 decades after the enactment of the federal Fair Housing
38 Amendments Act of 1988, which prohibits discrimination in
39 housing based on disability, the unavailability of accessible housing

1 remains a major barrier to full community inclusion of people with
2 disabilities; and

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

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

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

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

33 WHEREAS, The history of the disability community’s civil
34 rights movement will further expand public awareness about all
35 types of disabilities, including those that are both apparent and
36 nonapparent. Paving the way for a better informed society will
37 greatly benefit all people with disabilities by helping them to use
38 education as a tool to reduce misunderstanding that leads to
39 stigmatization, hate crimes, and discrimination; and

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

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

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

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

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