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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 León, 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. Pérez, V. Manuel Pérez, Portantino, Ruskin, Salas, Saldaña, Silva, Smyth, Solorio, Audra Strickland, Swanson, Torlakson, Torres, Torrico, Tran, Villines, and Yamada)

~~(Coauthor: Senator)~~ **Coauthors: Senators Denham, Hancock, and Pavley)**

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~~ *has fought* for the civil rights of
26 and equal opportunities for people with disabilities; and

27 *WHEREAS, For more than three-quarters of a century, the blind*
28 *community, parents of persons with developmental disabilities,*
29 *and the deaf and hard-of-hearing community have been advocating*
30 *for the rights of Californians with disabilities, lead by such*
31 *organizations as the California Council of the Blind, which was*

1 *organized in 1934 under the leadership of Dr. Newel Perry, and*
2 *the California Association of the Deaf, which was organized in*
3 *1906; and*

4 *WHEREAS, These pioneering organizations successfully fought*
5 *for many pieces of significant disability rights legislation, such as*
6 *the state's white cane law, employment programs, special*
7 *education, and financial assistance for people with disabilities;*
8 *and*

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

23 *WHEREAS, The early efforts of the activists in the disability*
24 *rights movement laid the foundation for future federal and state*
25 *laws. The disability community has successfully mobilized over*
26 *the years to enact federal laws to give people with disabilities*
27 *important civil rights protection. The laws combated forced*
28 *exclusion, including segregation of people with disabilities in*
29 *nursing facilities and state institutions, and gave them access to*
30 *programs and services to acquire the independent living skills and*
31 *receive the supports necessary to live in their own homes or other*
32 *community living settings. In 1973, Section 504 was added to the*
33 *federal Rehabilitation Act to prohibit discrimination based on*
34 *disability by federally funded employers and other entities, and*
35 *the Federal-Aid Highways Act included funding for sidewalk curb*
36 *cuts. In 1976, Congress amended the Higher Education Act of*
37 *1972 to guarantee equal educational opportunities for physically*
38 *disabled students; and*

39 *WHEREAS, The federal Individuals with Disabilities Education*
40 *Act requires all public schools to address the needs of pupils with*

1 disabilities and develop Individualized Education Plans (IEPs)
2 which reflect the specific needs of each pupil. Increasing ~~teachers,~~
3 ~~pupils, and administrators~~ *teachers', pupils', and administrators'*
4 understanding of the issues confronting the disability community
5 will enhance the quality and relevance of IEPs, and will expand
6 opportunities for pupils with disabilities; and

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

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

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

31 WHEREAS, California has continued its role as a national leader
32 on disability civil rights issues. The first annual Youth Leadership
33 Forum for Students with Disabilities (YLF) was founded in
34 California in 1991 to give youth with disabilities leadership skills
35 and to teach them about the history and culture of the disability
36 community. The YLF program has become a model program for
37 disabled youth and has been adopted in 35 other states. The critical
38 need for a Disability History Week is illustrated by the fact that
39 YLF participants have consistently questioned why the history of
40 people with disabilities and the disability rights movement is not

1 taught to all pupils in their schools. They represent the needs of
2 the larger disabled pupil population throughout the state that also
3 craves that type of instruction. Unfortunately, only 60 out of a pool
4 of hundreds of YLF applicants each year can be accepted into YLF
5 even though there are thousands of others who would benefit from
6 learning more about their history and culture; and

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

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

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

35 WHEREAS, Knowledge about disability history can also help
36 promote an understanding of the importance of providing
37 opportunities to people with disabilities to develop and apply
38 independent living skills that are critical to personal success in
39 society. If individuals with and without disabilities learn more
40 about the struggle of the disability community, there will be a

1 greater willingness to accommodate everyone's needs. Society
2 will then better appreciate the value to the entire community-of,
3 including people with disabilities in all aspects of community life;
4 and

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

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

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

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

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

39 *Resolved*, That the Chief Clerk of the Assembly transmit copies
40 of this resolution to the Governor, the Speaker of the Assembly,

1 the Secretary of the Senate, the Superintendent of Public Schools,
2 the President of the Board of Regents of the University of
3 California, the President of the Board of Trustees of the California
4 State University, the Chancellor of the California Community
5 Colleges, the Secretary of the Health and Welfare Agency, the
6 Director of Rehabilitation, the Director of Mental Health, the
7 Executive Director of the State Independent Living Council, the
8 Executive Director of the State Council on Developmental
9 Disabilities, and to the author for appropriate distribution.

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