

AMENDED IN SENATE JUNE 29, 2010

AMENDED IN SENATE JUNE 17, 2010

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)

(Coauthors: Senators ~~Denham~~ Corbett, Denham, Florez, 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 has fought for the civil rights of and equal opportunities for
26 people with disabilities; and

27 WHEREAS, For more than three-quarters of a century, the blind
28 community, parents of persons with developmental disabilities,

1 and the deaf and hard-of-hearing community have been advocating
2 for the rights of Californians with disabilities, lead by such
3 organizations as the California Council of the Blind, which was
4 organized in 1934 under the leadership of Dr. Newel Perry, and
5 the California Association of the Deaf, which was organized in
6 1906; and

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

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

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

1 1972 to guarantee equal educational opportunities for physically
2 disabled students; and

3 WHEREAS, The federal Individuals with Disabilities Education
4 Act requires all public schools to address the needs of pupils with
5 disabilities and develop Individualized Education Plans (IEPs)
6 which reflect the specific needs of each pupil. Increasing teachers',
7 pupils', and administrators' understanding of the issues confronting
8 the disability community will enhance the quality and relevance
9 of IEPs, and will expand opportunities for pupils with disabilities;
10 and

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

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

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

35 WHEREAS, California has continued its role as a national leader
36 on disability civil rights issues. The first annual Youth Leadership
37 Forum for Students with Disabilities (YLF) was founded in
38 California in 1991 to give youth with disabilities leadership skills
39 and to teach them about the history and culture of the disability
40 community. The YLF program has become a model program for

1 disabled youth and has been adopted in 35 other states. The critical
2 need for a Disability History Week is illustrated by the fact that
3 YLF participants have consistently questioned why the history of
4 people with disabilities and the disability rights movement is not
5 taught to all pupils in their schools. They represent the needs of
6 the larger disabled pupil population throughout the state that also
7 craves that type of instruction. Unfortunately, only 60 out of a pool
8 of hundreds of YLF applicants each year can be accepted into YLF
9 even though there are thousands of others who would benefit from
10 learning more about their history and culture; and

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

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

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

39 WHEREAS, Knowledge about disability history can also help
40 promote an understanding of the importance of providing

1 opportunities to people with disabilities to develop and apply
2 independent living skills that are critical to personal success in
3 society. If individuals with and without disabilities learn more
4 about the struggle of the disability community, there will be a
5 greater willingness to accommodate everyone's needs. Society
6 will then better appreciate the value to the entire community,
7 including people with disabilities in all aspects of community life;
8 and

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

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

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

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

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

1 and to celebrate and honor its role in contemporary American
2 society; and be it further
3 *Resolved*, That the Chief Clerk of the Assembly transmit copies
4 of this resolution to the Governor, the Speaker of the Assembly,
5 the Secretary of the Senate, the Superintendent of Public Schools,
6 the President of the Board of Regents of the University of
7 California, the President of the Board of Trustees of the California
8 State University, the Chancellor of the California Community
9 Colleges, the Secretary of the Health and Welfare Agency, the
10 Director of Rehabilitation, the Director of Mental Health, the
11 Executive Director of the State Independent Living Council, the
12 Executive Director of the State Council on Developmental
13 Disabilities, and to the author for appropriate distribution.

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