

# Federal Legal/Civil Rights Issues

## Affecting People with

### Developmental Disabilities



The history of living with a disability in the United States has largely been one of discrimination, segregation and exclusion from education, work, housing, and even from routine daily activities. Fortunately, today people with developmental disabilities have the same basic legal, civil and human rights as other citizens. The U.S. Constitution, federal laws, and federal court decisions have established these rights.

- \* The Americans with Disabilities Act (ADA) of 1990 is a civil rights law that seeks to eliminate discrimination against people based on their disabilities in employment, government services, privately operated public accommodations (hotels, restaurants, stores, museums, etc.), transportation, and telecommunications.
- \* The Developmental Disabilities and Bill of Rights Act (DD Act) is the fundamental law supporting states to enhance the lives of people with developmental disabilities and their families. This law promotes the independence, productivity, integration, and inclusion of people with DD.
- \* The Civil Rights of Institutionalized Persons Act (CRIPA) was passed in 1980 and gives the Dept. of Justice authority to investigate abuse and neglect issues in publicly run facilities, including jails and prisons, mental health facilities, facilities for people with developmental disabilities and nursing homes.
- \* The Individuals with Disabilities Education Act (IDEA) ensures that children with disabilities not only have the right to attend public schools but have access to the general education curriculum and meaningful educational experiences.
- \* The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. It includes private housing, housing that receives federal financial assistance, and state & local government housing. Reasonable exceptions to policies must be made for tenants with disabilities (such as "no pets" policy for persons who use service animals).
- \* The Workforce Investment Act (WIA) maximizes employment outcomes for people with I/DD, including increasing the emphasis on employment by strengthening and expanding the supported employment and customized employment programs, improving transition policy, expanding work opportunities and removing barriers to participation by people with disabilities.
- \* The Help America Vote Act (HAVA) of 2002 requires at least one fully accessible voting system or machine in each precinct for people with disabilities in federal elections. The National Voter Registration Act of 1993 requires that all drivers licensing entities, agencies that provide public assistance, and entities that receive state funding to provide services primarily to individuals with disabilities must help people with disabilities register to vote.
- \* The Affordable Care Act (ACA) of 2010, is the most significant civil rights law for people with disabilities since the enactment of the Americans with Disabilities Act (ADA). It incorporates many of The Arc's major health and long term services and supports policy priorities for people with disabilities.

# 2013 Legal Legislative Issues for People with Developmental Disabilities in Washington State:

- \* SB 5556—Endangered Missing Persons Advisory (Kimmie’s Law)
- \* SB 5551/HB 1627—Competency evaluations for People with DD in jail
- \* SB 5692—Standby and limited guardianship
- \* HB 1294—Toxic-free Kids Act
- \* Adding people to the Individual and Family Services program (Budget)
- \* Licensing for Applied Behavior Analysis Providers (Budget)
- \* Additional Investigators for abuse & neglect (Budget)
- \* Additional staff to support people with DD in jail (Budget)
- \* Office of Public Guardianship (Budget)