

## Legal Rights of People with Communicative Disorders

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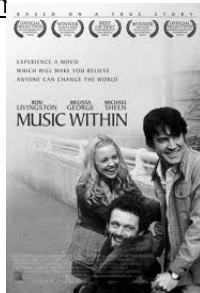
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## Music Within



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## Laws Relative to Communicative Disorders

- The Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA)
- Individuals with Disabilities Education Act (IDEA/IDEIA)
- Telecommunications Act of 1996

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**The Rehabilitation Act of 1973**

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**What is the Rehabilitation Act of 1973?**

- Supports the rights of people with disabilities
- Encourages continued professional development for people with disabilities

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**When was the Rehabilitation Act developed?**

- Signed into law 1973
- Amended in 1992 and again in 1998

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### How is the Rehabilitation Act divided?

- 8 sections
- Sections dealing with communicative disorders
  - Section 501
  - Section 503
  - Section 504
  - Section 508

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### Section 501

- Equal employment for people who are disabled
- Provide accommodations if necessary

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### Section 503

- Forbids employment discrimination of federal government contractors and subcontractors
- Contracts may be exempt if
  - Less than \$10,000
  - Work outside the country
  - Work for state or local government
- Provide accommodations

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### Section 504

- Prohibits discrimination by public and private entities that receive Federal financial assistance
- Eligibility
  - Impairment
  - Mitigating measures

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### Section 504 Cont.

- Schools must provide free appropriate public education (FAPE)
- Classroom must be accessible

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### Section 508

- Requires that all electronic and technological information is accessible for people who are disabled
- Similar to section 504

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**Americans with Disabilities Act (ADA)**  
Est. 1990



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- Did you know that over 43 million Americans have at least 1 or more physical or mental disabilities? -Section 2 of the Act 42 U.S.C. sec. 12101
- Prior to ADA many people were discriminated against because of their disabilities, including those who had communicative disorders.

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- Finally in 1990, the ADA act was established as a way to ensure equal rights to those with disabilities.
- Covers: public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings for those who have disabilities or who are deaf and hard of hearing

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### How Does ADA define disability?

- “An individual with a disability is defined by the ADA as a person who has a
- ...physical or mental impairment that substantially limits one or more major life activities,
- ...a person who has a history or record of such an impairment,
- ...or a person who is perceived by others as having such an impairment. “-U.S. Department of Justice

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### Five Sections (Titles) of the ADA

- Title 1 – Employment
- Applies to businesses with 15 or more employees
- Must provide reasonable accommodations including...
  - Job restructuring and altering workstation layout
  - Modifying equipment (e.g., amplified telephone, TTY, etc.)
- Cannot discriminate in ...
  - Applying and hiring,
  - wages and benefits, etc.

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### Examples of Employment Accommodations

- Qualified interpreters
- Computer-aided transcription services
- Written materials
- Telephone handset amplifiers
- Assistive listening systems and devices
- Telephones compatible with hearing aids
- TTYs (teletypewriters)
- Videotext displays
- Open or closed captions

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### Five Sections (Titles) of the ADA

- Title 2 – Public Services
- Any program or service offered by governments (e.g., court interpreters, national & state parks, education, etc.)
- Public transportation including airports, trains or busses.

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### Examples of Educational Accommodations

- Sign Language interpreters
- Note takers
- Computer-aided transcription services
- Written materials
- Close captioning
- Video text displays
- Telephone handset amplifiers, assistive listening systems and devices, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, TTYs

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### Five Sections (Titles) of the ADA

- Title 3 – Public Accommodations
- New construction & modifications must be accessible. Barriers must be removed.
- This includes restaurants, motels, grocery stores, retail stores, etc. (E.g., motels must provide TTY, flashing smoke alarms, etc.)
- Private transportation systems (e.g., planes or private bus companies)

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### Five Sections (Titles) of the ADA

- Title 4 – Telecommunications
- This title mandated state telecommunication relay services. E.g., Wisconsin Telecommunication Relay Service.
- Title 5 – Administrative.
- Defines disabilities, makes it illegal to coerce or threaten a person with disabilities.
- How to file complaints
- Other miscellaneous administrative issues.

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### Complaints?...

- File a Title 1 complaint with the Equal Employment Opportunity Commission (EEOC)
  - With in 180 days of the discrimination incident
- Wait for a “right to sue” letter
- Then they may file a lawsuit in federal court

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- ABC Prime Time Deaf Discrimination Video
- (Feb. 4, 2011)
- Even with the ADA, discrimination still exists.

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### Relationship between the Rehabilitation Act and ADA

- ADA was based on the Rehabilitation Act of 1973
- Similar principles
- Difference between 504 and ADA
  - Private entities VS. state and local programs

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### IDEA- Individuals with Disabilities Education Act

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### Definition

“The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities.”

U.S Department of Education  
<http://idea.ed.gov/>

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### Who IDEA protects...

- Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C.
- Children and youth (ages 3-21) receive special education and related services under IDEA Part B.

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### History of IDEA- It's almost 30 years old!

- **1954**—Brown vs. the Board of Education (Topeka, Kansas)
- **1970**—Schools in the U.S. chose to educate one in five children with disabilities. Some states had laws which excluded certain children, specifically children who were deaf among other disabilities.
- **1972**—the Pennsylvania Association for Retarded Citizens (PARC) vs. the Commonwealth of Pennsylvania (Penn.)

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### The First Form of IDEA

- **1973**-Special Education Services mandated in Wisconsin. Prior to this time only 50-55% students with disabilities were served.
- **1973**-Rehabilitation Act of 1973.
- **1975**- Congress developed ...
  - **the Education for All Handicapped Children Act (EHA)-**  
PL 94-142

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### The Education for All Handicapped Children Act-EHA (PL 94-142)-1975

- **The purpose of EHA**

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### EHA continued...

- **The principles of EHA:**

- Zero reject
- Nondiscriminatory assessment
- Procedural Due Process
- Parental Participation
- Least restrictive environment
- Individualized Education Program

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### Law becomes IDEA

- 1986—First reauthorization
- 1990—EHA was amended to be called the Individuals with Disabilities Education Act (IDEA)

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### Reauthorization #1

- 1997—IDEA reauthorized

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### IDEIA-Reauthorization #2

- 2004—Most current reauthorization of IDEA.
- Name changed to *Individuals with Disabilities Education Improvement Act (IDEIA)*.

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### IDEIA and Children who are Deaf and HOH

The 2006 regulations of IDEIA state that the IEP team for a child who is deaf or hearing-impaired must:

“Consider the child’s language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode.”

[www.arslpedconsultant.com/.../Arkansas%20Communication%20Plan.doc](http://www.arslpedconsultant.com/.../Arkansas%20Communication%20Plan.doc)

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### Telecommunications Act of 1996

“A comprehensive law overhauling regulation of the telecommunications industry that recognizes the importance of access to telecommunications for people with disabilities in the Information Age.”

Section 255

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### Telecommunication Equipment Purchase Program (TEPP)

- Helps people with disabilities in purchasing equipment to help them communicate on the telephone
- Funded by the Wisconsin Universal Service Fund (USF)
- Must submit an application and voucher
- Must pay a co-payment of \$100
- E.g., if you purchase a TTY for \$250, you will pay \$100, while TEPP pays the other \$150.

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### Telecommunications Assistance Program (TAP)

- Helps pay for the TEPP co-pay
- Must be qualified
  - Deaf
  - Hard of hearing
  - Blind
  - Low-income

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• Question:

- 1) What will you do as a future professional to ensure the rights of those who are communicative disabled are upheld?
- 2) What could you do as a future professional to ensure that one of your communicative disabled is receiving the accommodations that they need in school?

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**Resources**

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### Resources Cont.

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- National Association of the Deaf: Bill of Rights for the Deaf and Hard of Hearing children retrieved from <http://www.nad.org/issues/education/k-12/bill-of-rights>
- The Music Within retrieved from <http://www.youtube.com/watch?v=BM5uXgbg4QM>
- Georgia Deaf Case retrieved from <http://www.youtube.com/watch?v=Wggub4gjPxA&feature=related>

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Primetime from ABC News: Job Discrimination for the Hearing Impaired, 'What Would You Do?' retrieved from <http://www.youtube.com/watch?v=gJcAymTu-C>

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