

An Overview of Disability Policy and the Implications for Transition Consumers

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Introduction

Disability Rights have been an emerging issue in the last half-century, with a special emphasis on transition issues for children, adolescents and young adults in most recent years. Advocates for people with disabilities have helped create policy and legislation to equalize civil liberties, break down barriers and change attitudes and stigmas for this population, but there remains a strong need for research, education and advocacy for youth with disabilities to improve their success in transitioning into the adult world. In order to address these continued needs, it is important that potential transition consumers and their families first understand their rights afforded them by policy and legislation as well as the implications these rights have on services and resources.

Policies and Organizations behind Disability Legislation

The Rehabilitation Act

Under this Act, the United States Congress realizes that millions of Americans have physical or mental disabilities and that this population includes children. Disability should not diminish the rights of an individual because it is a natural part of human experience; however, people with disabilities are considered to be one of the most disadvantaged groups in society and therefore different policies have been created to protect them and their rights. In particular, The Rehabilitation Act (2003) declares that individuals with disabilities are entitled to “enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.”

Even so, there are threats to such rights and discrimination is still an ever-present force in our culture. This hinders people with disabilities from attaining their civil liberties in critical areas such as employment, housing, public accommodations, education, transportation, communication, recreation, and the like (Rehabilitation Act 2003). The goal of this legislation is to achieve equal opportunity, full inclusion and

integration in society, employment, independent living, and economic and social self-sufficiency (Rehabilitation 2003). It should empower individuals to maximize their potentials and for students, it should help them to pursue and obtain the best education possible.

Under the policy of the United States, programs, projects, and activities that are funded and supported by this Act should be standard-bearers of principles like “respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful career... equal access (including the use of accessible formats), inclusion, integration, and full participation of the individuals (Rehabilitation Act 2003). The National Institute on Disability and Rehabilitation Research as well as the National Council on Disability work to collect, prepare, publish, and disseminate educational and informational materials and attempt to monitor the before mentioned programs, projects and activities. Another provision of this policy was the creation of the Rehabilitation Services Administration within the Office of the Secretary, which is responsible for carrying out the Act (Rehabilitation Act 2003).

An additional project under this Act is the establishment of the Rehabilitation Research and Training Centers (Rehabilitation Act 2003). They are operated by a group of institutions of higher education and providers of rehabilitation services and function as the centers of national resources for individuals with disabilities. Projects like researching the promotion of emotional, social, education and functional growth of children with disabilities are still on-going (Rehabilitation Act 2003), but this research has allowed them to develop and evaluate interventions, specific policies and services that are presently available (Rehabilitation Act 2003). The continuance of this research should then foster productivity, independence and social integration of the said individuals. Part of the goals of these centers is to also train students and gear them to be rehabilitation professionals in the future (Rehabilitation Act 2003), so that there are quality personnel working in the field.

Some grants were developed to conduct a model research and demonstration program to form innovative methods for providing services for individuals with disabilities. These services being developed and evaluated are “early intervention, assessment, parent counseling, early identification, diagnosis, and evaluation of children who are individuals with significant disabilities up to the age of five, with a special emphasis on children who are individuals with significant disabilities up to the age of three. (Rehabilitation Act 2003)”

States also have policies and procedures for coordination between state agencies and the education officials who are in-charge of handling public education of students with disabilities.

Americans with Disabilities

Under section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, ADA and Disability Resource Centers are established to ensure that students with disabilities have the equal opportunity to a quality education (Americans with Disabilities Act Resource Center 2007). Centers like the one at Idaho State University (IDS), provide qualified individuals equal access to educational, recreational and social activities in the university. Anyone with disabilities can apply for these services, but included are “persons, who are blind, deaf, have mobility impairments or diseases such as diabetes, asthma or cystic fibrosis...accommodations are also provided for individuals with learning disabilities, traumatic brain injuries, and psychological disabilities, among others (Americans with Disabilities Act Resource Center 2007).”

Such centers usually have a list of accommodations by which they can offer individuals with disabilities who would seek their services. For example, in IDS, these are “assistive technology, enlarged type, FM systems, i-class note-takers, nonstandard test-taking accommodations, permission to tape record lectures, priority registration, scribes, seating arrangements, sign language interpreters, structural barrier removal, test proctors, textbooks on tape, transcribers, and the use of the accessibility van (Americans with Disabilities Act Resource Center 2007).”

Civil rights laws prohibit any barrier there may be to people with disabilities in different institutions, which includes public schools that receive federal funding; however, there are some limitations to what the ADA and the Rehabilitation Act can provide in public schools. For example, “reasonable accommodation. . . for eligible students with a disability to perform essential functions” includes long examination times and large-print books, but there is no specialized education required to be provided for the student (Helpguide 2007).

ADA policy is directly handled and implemented by the Office of Civil Rights (OCR) (Office of Civil Rights 2007). This is the agency that ensures the equal access to education and promotes educational excellence. They also make sure the student population who faces discrimination have proper procedure and are compensated. They support and assist other institutions that promote solutions to civil rights problems and are responsible for dealing with resolving complaints of discrimination. OCR implements the Federal civil rights law that prohibits discriminations in programs or activities that are funded by the Department of Education. These laws extend to every state agency, elementary, secondary school system, college and university as well as all vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries and museums that receive said funding (Office of Civil Rights 2007).

Examples of the types of discrimination prohibited in the education system are inaccessibility to educational programs facilities, denial of a free and appropriate public education for elementary and secondary students, and academic adjustments in higher education (Office of Civil Rights 2007). Harassment against students because of a disability is also prohibited by the law.

Individuals with Disabilities Education Act

Children with disabilities are protected by the Individuals with Disabilities Education Act (IDEA). This is a federal law that mandates the “free, appropriate public education” for children who are considered to be disabled by law as it impedes his or her educational performance (Helpguide.org 2007). IDEA provides services like special education administered by trained teachers and intervention outside the public-school setting.

Recent amendments have changed IDEA so it now defines modified academic achievement standards as an “expectation of performance that is challenging for eligible students, but is less difficult than a grade-level academic achievement standard. Modified academic achievement standards must be aligned with a State’s academic content standards for the grade in which an eligible student is enrolled (Special Education and Rehabilitative Services 2007).” It also states that eligibility to participate in alternate assessment comes from the achievement standards of the IDEA section 602(3) and the disability category list of IDEA. The Individualized Education Program (IEP) team determines how students will participate in said assessments and the tests are now developed for students with the most significant cognitive disabilities and to have students’ proficiency and advanced scores on the alternate assessments that could measure the adequate yearly progress (AYP). There is an estimate of one percent of all students who would need an alter-

nate assessment due to disability (Special Education and Rehabilitative Services 2007).

In light of this modification, students have an option of taking standard grade-level assessment, with or without special accommodations or the alternate assessment. The usual problem for opting for the standard grade-level assessment is that the standards are too difficult to reach and could not provide adequate data for the students' abilities or further information that could guide teachers to develop more helpful instruction (Special Education and Rehabilitative Services 2007).

IDEA also ensures that children with disabilities have supplementary aids and services according to the IEP team (Federal Register 2006). This enables them to participate in the services and activities of the school to the fullest extent appropriate so that the social, mental and emotional growth of the child is maximized (Federal Register 2006). This assistive technology is defined as "any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of the child and specifically excludes a medical device that is surgically implanted or the replacement of such device (Federal Register 2006)." It should be considered by students, families, educators and public agencies who work to provide the best education possible to those with disabilities.

No Child Left Behind Act

The No Child Left Behind (NCLB) Act, formerly known as the Elementary and Secondary Education Act (ESEA), provides for an increase of accountability for the states, the school districts and schools in the administration of the federal education funding (No Child Left Behind Act 2006). It also provides parents and the students with disabilities with greater choices, especially those that attend low-performing schools.

The goal of the NCLB Act is to close or significantly narrow the gap between the achievement of all American students, regardless of race, ethnicity, English language proficiency, disability or economic status (No Child Left Behind Act 2006). State legislatures and local schools have been working for years to close this gap by improving the education quality in the country and are working to increase the rate of proficiency among high school students and their graduation rates (No Child Left Behind Act 2006).

Case on Disability Rights

What follows is an example of how policies and legislation protect the rights of students with disabilities and how precedents are often set. Amber Tatro was an eight year old girl born with spina bifida who had orthopedic and speech impairments as well as a

neurogenic bladder. It was required that she be catheterized every three or four hours to prevent kidney injury by clean intermittent catheterization (CIC). (Supreme Court of the United States 1984). This is a simple procedure done in a few minutes by a layperson that has undergone less than an hour of training.

IDEA states that students must be provided with such services as "transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children (Supreme Court of the United States 1984)." Without providing someone to do the service, Tatro was deprived of an equal chance to attend school. CIC was concluded by the court to fall under "medical service" as it was a "related service" (Supreme Court of the United States 1984)."

Transition Services for Students from School to Work

Under the Rehabilitation Act, "Transition Services" are a means of "coordinat[ing] set(s) of activities, designed within an outcome-oriented process that promotes movement from school to post school activities." For students with disabilities, these facilitate the success of getting a job through employment outcome identification by individualized plans for employment, supported employment services and the like (The Rehabilitation Act 2003).

An example of a service such as this is the Illinois Interagency Coordinating Council (ICC) that works to gather and coordinate data on those that are eligible for transition services (Adams and Dunn 2005). They provide information, consultation and technical assistance to their state and local stakeholders and establish interagency transition agreements that provide benefits for the individuals. ICC also promotes awareness for their service.

Another example is the Rock County Transition agreement in Wisconsin. Multiple agencies and service providers set responsibilities upon themselves for the transition service of individuals with disabilities. Together, they coordinate services and hold themselves accountable for the development and provision of the educational and vocational programs consistent with the Free and Appropriate Public Education (FAPE) in IDEA and they base the programs on the IEP of the students, as well as their interests, needs and will (Rock Mountain 2007). This group is involved in the development of vocational skills, independent living skills, provides the students with community experiences, conducts functional vocational evaluations, de-

velops integrated employment skills, provides instruction in adult service and community participation and maintains the documentation of the IEP in an attempt to create a smooth transition from student to adult life (Rocky Mountain 2007).

Social Security Income (SSI) and Social Security Disability Insurance (SSDI) are programs offered by the Social Security Administration (SSA) and include both monetary and medical benefits (Life After High School 2007). SSI is a federal income supplement funded by the general tax revenues to help people with disabilities that have minimal or no income. It provides cash that can meet basic needs like food, clothing, and shelter (Life After High School 2007). SSI recipients may also qualify to receive food stamps, housing assistance and Medicaid. On the other hand, SSDI is a federal program that gives monthly cash benefits to those who have worked and paid taxes, but are no longer able to work because of their disability. Special rules such as "work incentives" are also available to provide benefits and health care coverage to assist individuals to transition back to work (Life After High School 2007). Unfortunately, the Social Security Administration is a difficult agency to navigate because of their numerous regulations and extensive policy. It is beneficial for those applying to work with others who already receive benefits so that they can avoid common mistakes and have a better understanding of the way the system works.

Although some benefits and services are delegated on a national level, they are generally run on state and local levels. This is important for students and parents to understand, because they will need to seek out information about availability in their area and recognize that these benefits vary greatly depending on location. This is an extensive process that will require ample time in order to prepare for a smooth transition.

Conclusion

Altogether, the transition process was designed out of the realization that students were having poor success rates after leaving school and trying to enter the workforce. Rights have been protected by laws, but educating students and their families about these rights and the services available is still a strong need. Families, educators and professionals should work closely together and communicate the needs of the student and the capabilities of the school and agencies to help the individual in relation to these needs. The transition process can be a long and arduous one, but should ultimately facilitate a successful shift from school to adult life.

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Biography

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