

Why are the Disability Rights Important?

- * People with disabilities represent the largest minority group in the U.S.
- * Our aging 'baby boomer' population will increase the prevalence of persons with disabilities.
- * Disability rights laws help remove barriers to participation.
- * It is inexpensive and easy to guarantee compliance with the Laws.

People with disabilities are already in the workplace, being educated and trained, and using products and services. These legal rights are critical to ensure equality.

Know Your Rights

Being knowledgeable about these rights under law is essential. When in need of protection, one is not asking for a favor, but for a legal right that is guaranteed by the federal government.

To advocate for yourself and to deal with the inevitable roadblocks you will face, you should understand what kind of disability you have so that you can explain it to others. What deficits do you have? What barriers are caused by the effects of your disability? What strategies will work for you?

Remember that disability rights laws were enacted to help protect disabled Americans from discrimination and ensure that they enjoy the same rights and liberties as those who are non-disabled.

**“People with disabilities simply want what all people want – the dignity, value and worth which comes from holding a job.
Ginny Thornburg**

**“Freedom doesn't come with a piece of paper. A piece of paper doesn't end a long history of intentional and purposeful discrimination. Ignorance is our greatest enemy ...excluding someone from society simply because of disability is wrong.”
President Bill Clinton**

**“Injustice anywhere is a threat to justice everywhere.”
Martin Luther King Jr.**

**These materials were developed under a Federal Grant Awarded by the Michigan Department of Labor & Economic Growth.
All Rights Reserved ©2011.**

Legal Rights for Students with Disabilities

**“No one in America should be forced to look over their shoulder because of who they are, or because they live with a disability.”
President Barack Obama**

Introduction

Are you a person with a diagnosed disability – or do you have a family member, friend, or colleague who might have a disability? If so, this information will be helpful to you.

The United States government has passed civil rights legislation that protects qualified people with disabilities and guarantees they not be discriminated against. Students with disabilities should be aware of these laws and the protections they provide.

Why Do We Need Federal Disability Laws?

Approximately 54 million Americans have one or more physical or mental disabilities. In the not too distant past, people with disabilities were isolated, shunned, and segregated. These people were discriminated against on the basis of their disability and had no legal way to protect them.

In 1973, in order to protect the civil rights of people with disabilities as a group, federal disability laws first began.

Section 504 of the Rehabilitation Act of 1973

The Rehabilitation Act was the first civil rights law passed to prohibit discrimination on the basis of disability in programs and activities, both public and private. Section 504 of that Act says:

“...no qualified individual with a disability in the U.S. shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service”

Who is Protected Under Law?

Persons are protected by law that (1) have a physical or mental impairment that substantially limits one or more major life activities, (2) have a record of such impairment or (3) are regarded as having such impairment.

Major life activities are those essential daily tasks that include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

Discrimination would include intentional exclusion, architectural or communication barriers, exclusionary qualification standards and criteria that cause lesser services to be received.

“...equal justice under the law is not a privilege — but a fundamental birthright in America.” Sen. Edward M. Kennedy

Americans with Disabilities Act (ADA)

ADA was originally passed in 1990 and then amended in 2008 (ADAAA). It is another civil rights law that prohibits discrimination solely on the basis of disability in employment, public services, commercial facilities, transportation, and telecommunications.

Diagnosis of an impairment does not necessarily mean there is a disability. The person must also be qualified for the program, service, or job. The person must meet the academic and technical standards required for admission or participation.

“Eighteen years ago, enacting the Americans with Disabilities Act was a historic milestone for millions of Americans when it was signed into law. It gave Americans with disabilities better access, more opportunities, and increased independence.”
President Barack Obama

For more information, there is an excellent free resource entitled *Disability Rights Laws* that can be found at <http://www.ada.gov/cguide.htm> or ordered by telephone at (800) 514-0301.

Reasonable Accommodations

As a person with disabilities, you are entitled to receive certain accommodations that would give you access to level the playing field between a person with – and another one without a disability.

Disability rights laws require that modifications or adjustments be provided to “qualified” persons with disabilities in education, on a job, or in a work environment. These reasonable accommodations guarantee that an individual with a disability will enjoy an equal opportunity and equal access.

Some Examples of Accommodations

- * Note takers and/or classes audiotaped
- * Large print text
- * Extra exam time, alternative testing arrangements
- * Visual, auditory, and tactile demonstrations incorporated into classroom instruction
- * Computer with voice output, spell and grammar checking

What is Not Considered a Reasonable Accommodation?

Despite the law, the employer should not undergo “*undue hardship or economic burden.*” Examples of that would include:

- * Accommodations that require fundamental alteration in the nature of the program, service, or activity
- * Requested accommodations that could be effectively provided at a lower cost

“This vital legislation will open the door to full participation by people with disabilities in our neighborhoods, workplaces, economy, and our American Dream.”
Senator Tom Harkin