

Policy At A Glance:

Federal and California State Efforts to Promote Disability Rights

In honor of July being Disability Pride Month, which celebrates disabled persons, their identities and culture, and their contributions to society, this policy brief explores proposed legislation at California state and federal levels to promote disability rights, equity, and inclusivity.

Introduction

July is Disability Pride Month, celebrating disabled persons; their identities and culture; and their contributions to society.¹ It marks the 1990 enactment of the Americans with Disabilities Act (ADA), a landmark U.S. rights law ensuring that individuals with disabilities have the same rights as all people to non-discrimination, access, equal opportunity, inclusion, and full participation in society.^{2,3}

Individuals with disabilities are more likely to experience adverse socioeconomic outcomes, such as lower educational attainment, lower levels of employment, and higher rates of poverty, leading to worse health outcomes. Poverty can increase the risk of disability through malnutrition, inadequate access to healthcare and education, and unsafe work conditions. Disability may also increase the risk of poverty through lack of employment and education opportunities, lower wages, and increased cost of living with a disability.⁴

While society has progressed since the passage of the ADA, there is still more work to be done before we are living in a truly inclusive society. This policy brief explores proposed legislation at the California state and federal levels to promote disability rights, equity, and inclusivity.

Types of Disabilities

Intellectual Disability Refers to when there are limits in ability to learn at an expected level and when an individual has significant difficulties with activities of daily living.^{5,6}

Physical Disability Refers to temporary or permanent limitations on a part of the body that impairs and limits a person's physical functioning, mobility, stamina, or dexterity.^{6,7}

Mental Illness Refers to conditions involving changes in emotion, thinking, behavior, or a combination of these.⁸

Sensory Disability Refers to neurological disorders that affect the human brain's ability to process sensory information (sight, hearing, smell, touch, taste, or spatial awareness).^{6,9}

Developmental Disability Refers to conditions that can interfere with the acquisition, retention, or application of specific skills or sets of information and may involve dysfunction in attention, memory, language, problem solving, or social interactions.¹⁰

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California State Efforts to Promote Disability Rights

AB 222 – Civil Rights Department: Californians with Disabilities Workgroup

Introduced on January 10, 2023, AB 222 requires the Civil Rights Department to convene a workgroup to make recommendations for the development of accessibility and anti-discrimination laws for individuals with disabilities. Additionally, it requires that the Civil Rights Department submit a report containing recommendations on ways to achieve or advance the goals and priorities of the workgroup by July 1, 2025. Based on the recommendations, the legislature would be required to hold public hearings on the results of the report within one year of submission.¹¹

AB 280 – Segregated Confinement

Introduced on January 24, 2023, AB 280 prohibits jails, prisons, and public or privately operated detention facilities in California from

involuntarily placing specific populations in solitary confinement, including individuals with mental, physical, and developmental disabilities; pregnant people; and people under 26 or over 59 years of age.¹² AB 280 defines segregated confinement as the holding of someone for more than 17 hours a day, either with a cellmate or alone, and with limited human contact outside of prison staff.^{12,13} Furthermore, it would end indefinite solitary confinement to no more than 15 consecutive days of segregation and no more than 45 days in a 180-day period.¹² AB 280 would also require more regular medical and mental health checks and increase out-of-cell hours allowed to at least four hours for recreation, meals, and treatment for all individuals.^{12,13,14} Primarily, the goal of AB 280 is to ensure individuals have access to proper mental health treatment and programs that lead to rehabilitation in order to give them better chances at smooth re-entry into society when they are released.¹³

Americans with Disabilities Act

Passed in July 1990, the Americans with Disabilities Act (ADA) is “a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.”^{15,16} The purpose of the ADA is to ensure that individuals with disabilities have the same rights and opportunities as everyone else.^{15,17} The ADA is broken up into five different titles, including employment, state and local government services, public transport, businesses that are open to the public, and telecommunications.¹⁸ In September 2008, the ADA Amendments Act (ADAAA) was signed by then President George W. Bush. The ADAAA made a number of significant changes to the ADA definition of disability to ensure that it would be easier for individuals seeking protections of the ADA to establish that they have a disability that falls within the meaning of the statute.¹⁹



Federal Policies Introduced to Promote Disability Rights

H.R. 670 – Think Differently Database Act

Introduced on February 10, 2023, H.R. 670 would require the Department of Health and Human Services to establish an online clearinghouse of resources and other relevant information that is searchable by zip code for individuals with disabilities and their caregivers and families. Specifically, the clearinghouse must include information about (1) both community-based and long-term support services; and (2) how to obtain healthcare, mental healthcare, and other relevant services.²⁰

S. 847 – International Children with Disabilities Protection Act of 2023

Introduced on March 16, 2023, S. 847 aims to invest \$10 million annually for five years to establish the International Children with Disabilities Protection Program.^{21,22} The goal of the program is to empower organizations that advocate for persons with disabilities and bolster U.S. policies that protect against the unnecessary institutionalization of children with disabilities.²²

H.R. 2401/S. 1071 – Respond, Innovate, Succeed, and Empower (RISE) Act

Introduced on March 30, 2023, H.R. 2401/S. 1071 aims to amend the Higher Education Opportunity Act of 1965 to provide students with disabilities and their families with access

to critical information needed to select the right college and succeed once enrolled. Specifically, this bill would require that institutions of higher education (IHEs) allow students' individualized education programs (a plan or program developed to ensure that an individual with a disability attending an elementary or secondary educational institution receives specialized instruction and related services), 504 plan (a plan developed to ensure that an individual who has a disability receives accommodations that will ensure their academic success and access to the learning environment), or prior evaluation as sufficient proof of their disability.^{23,24} Additionally, IHEs must make the process for determining the eligibility for accommodations transparent. Lastly, IHEs must submit key data related to their undergraduate students with disabilities for inclusion in federal postsecondary institution data collection efforts.²³

S. 1219 – Health Equity for People with Disabilities Act

Introduced on April 19, 2023, S. 1219 aims to amend the Public Health Service Act to provide health equity for people with disabilities.²⁵ More specifically, this bill would modify certain grants available to health centers that offer primary care services to medically underserved populations to ensure that members of such populations with disabilities have equitable access to healthcare services.²⁶

Conclusion

Disability Pride Month is a time to celebrate the work of disability rights organizers and the contributions made by disabled individuals to the society.²⁷ It is also a time to celebrate people with disabilities, honor their inherent dignity and inalienable rights, promote their visibility, and applaud their achievements. This celebration also serves as a reminder to reflect on how much work is still left to be done before we are living in a truly inclusive society.

It is important that the needs, concerns, and priorities of the one billion people worldwide who live with disabilities are heard and met to effectively address inequality and inequity. Including people with disabilities in everyday activities and encouraging them to have roles similar to their peers who do not have a disability is disability inclusion.²⁸ Disability inclusion also means making sure that everybody has the same opportunities to participate in every aspect of life to the best of their abilities and wants. As these bills continue to be discussed, only time will tell which will be enacted and how these bills will benefit the disabled community.

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Did you know?

Over 61 million adults in the United States live with a disability, representing 26% of the population or 1 in 4 adults.²⁹



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