

Equity and Inclusion for Individuals with Disabilities

What are the federal laws?

Section 504 of the Rehabilitation Act of 1973 Civil Rights Law

Section 504 prohibits discrimination based on disability

- Applies to any agency receiving federal funds
- Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services
- Defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services



<u>The Americans with Disabilities Act</u> (ADA) of 1990

Civil Rights Law

ADA prohibits discrimination based on disability

- Applies to any agency regardless of how funding is received
- 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
- The purpose of the law is to make sure that people with disabilities have equitable rights and opportunities

504 & ADA Definition of Disability

- Physical or Mental Impairment that substantially limits one major life activity
- Record/History of disability
- Perceived as having a disability

Major Life Activities:

The list of major life activities under Section 504 includes, but is not limited to, the activities listed below:

- Caring for oneself
- Communicating
- Concentrating
- Bending
- Breathing
- Eating
- Hearing

- Learning
- Lifting
 - Reading
 - Seeing
 - Sleeping
 - Performing manual tasks

- Speaking
- Standing
- Thinking
- Walking
- Working



Examples of disabilities could include: Obsessive Compulsive Disorder (OCD), peanut allergy, asthma, Bipolar Disorder, Autism, Attention Deficit Hyperactivity Disorder (ADHA), Cerebral Palsy, Blind, Lupus, Anxiety, Deaf

The determining factor: Does it limit one major life activity?



What does this mean?

Individuals with disabilities have the right to equal access and full participation; just the same as individuals without disabilities.

Each of us plays a role in equality and inclusion for individuals with disabilities across all life domains. Examples:

In the community, where we work and play, with peers, and in services and programs we access



The effects of disabilities can vary from person to person. Individualized consideration and access opportunities need to be a core part of equal and inclusive access and participation for individuals with disabilities.

Reasonable Accommodation

A reasonable accommodation is any change/modification that allows a person with a disability the opportunity to access and participate the same as an individual without a disability. Accommodations are considered "reasonable" if they do not create an undue hardship or a direct threat.



Check out <u>KY-SPIN's Supporting and Serving Individuals</u> <u>with Disabilities Infographic</u> (<u>https://tinyurl.com/58zc6xw8</u>)

What can we do?

- $m \cdot$ Recognize the role we all play & the laws that apply to us
- Be intentional that individuals with disabilities are always considered and included regarding equity, inclusion and disparities within special populations
- Have honest conversations at all levels of your organization/agency by examining the following:
 - What biases do we have?
 - What barriers exist?
 - Do we include individuals with disabilities in our equity statement and work?
 - Who can help us?
 - When surveying and in data evaluation do we include disabilities in special populations?

Data Collection

- Do you currently collect any disability data?
- Examine current disability data
- Locate existing gaps
- What are the disparities for individuals with disabilities compared to those without disabilities?
- Share your disability data in your public reporting
- Establish disability in your demographic data collection
 - Adopt ADA/Section 504 Definition for disability
 - Define access and accommodation
 - Adding disability to demographic data collection does not change any disability policies or eligibility criteria for specific programs/services you may offer through your agency. This is in addition to, not replacing.
 - Example questions to ask:
 - "Would you like to disclose a disability?"
 - "Do you have any access or accommodation needs you would like us to be aware of?"







Individuals with Disabilities Education Act (IDEA)

IDEA is a federal education law specifically for students with disabilities who qualify, birth through 21 years old. IDEA is a law that makes available a Free Appropriate Public Education (FAPE) to eligible students with disabilities throughout the nation and ensures special education and related services to those students. Students who qualify under IDEA are also covered under Section 504 and ADA. Learn more about IDEA

(https://sites.ed.gov/idea/)

Individualized Education Program (IEP) Infographic (https://tinyurl.com/ts9hyk9b) or Video (https://youtu.be/8_wDMtkVrHA)

Resources/Sources

- <u>Section 504 Office for Civil Rights (OCR) US Department of Education</u> (https://www2.ed.gov/about/offices/list/ocr/index.html)
- <u>U.S. Department of Health and Human Services, Office for Civil Rights,</u> <u>Discrimination on the Basis of Disability (https://www.hhs.gov/civil-rights/for-individuals/disability/index.html)</u>
- <u>US Department of Labor Section 504, Rehabilitation Act of 1973</u> (https://tinyurl.com/bdz7zwuj)
- <u>Section 504 of the Rehabilitation Act of 1973</u> (https://www.parentcenterhub.org/section504/)
- ADA.gov (https://www.ada.gov/)
- ADA National Network (https://adata.org/)
- Southeast ADA Center (https://adasoutheast.org/)
- <u>The Americans with Disabilities Act (ADA)</u> (https://www.parentcenterhub.org/ada/)
- Education: <u>504 Plans Infographic</u> (https://tinyurl.com/4bt365pr)
 <u>504 Plans Video</u> (https://youtu.be/0Aa017MT_44)



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