

LAWS CONCERNING PERSONS WITH DISABILITIES

Individuals who have disabilities and special needs have many protections under state, federal and military regulations. It is beneficial to be aware of these regulations, as well as the services and protections they mandate. Many regulations insure civil rights protections and equal access, as well as educational protections. The following is a quick reference of regulations that may be of importance.

FEDERAL PUBLIC LAWS (P.L.):

P.L. 101-336 Americans with Disabilities Act (ADA), 1990. This regulation has been deemed the most expansive piece of civil rights legislation since 1964. The Act prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and activities of state and local government.

P.L. 105-17 Individuals with Disabilities Education Act (IDEA) Amendments of 1997. Applicable to all Department of Education Public Schools.

Part B—Assistance for Education of all Children with Disabilities. Covers the reauthorization of P.L. 94-142 (Education of Handicapped Children's Act – EHA) and P.L. 101-476 (Individuals with Disabilities Education Act). This regulation provides requirements for evaluation, Individualized Education Plans/Programs (IEP), related services (i.e. speech, occupational or physical therapies, transportation, etc.), records access, assistive technology assessment, devices and services, discipline, transition services, mediation and due process for qualified individuals with disabilities ages 3 through 21 years of age.

Part C—Infants and Toddlers with Disabilities. Covers the reauthorization of P.L. 102-119 (Individuals with Disabilities Education Act (IDEA) Part H, originally P.L. 99-457). This legislation establishes the availability of birth through age three services in collaboration with many agencies. The regulation also established the requirement of birth to three services to military children in the Domestic Dependant Elementary and Secondary Schools (DDESS, formerly known as Section VI schools) and the Department of Defense Dependant Schools (DODDS) overseas. It also establishes the authority for CHAMPUS to be billed for eligible services.

P.L. 81-874 Financial Assistance to Local Education Agencies (IMPACT AID). Established financial supports for school districts that serve students of active duty military personnel. Students with disabilities generate additional funds above and beyond those generated by military children who are not disabled.

P.L. 89-313 De-Institutionalization Title I. Shifted the emphasis away from services only being provided in institutional settings and includes support and funding of services and programs within the communities that support individuals coming out of institutions.

P.L. 90-480 Architectural Barriers Act of 1969. Established requirements for buildings to be accessible to the physically handicapped.

P.L. 93-380 Family Educational Rights and Privacy Act (FERPA). Also known as the Buckley Amendment. Provides for confidentiality of all school records. Establishes requirements for accessing records.

P.L. 93-112 The Vocational Rehabilitation Act of 1973, commonly referred to as Section 504, is known as the “crib to crypt” civil rights legislation. It establishes a broad definition of a qualified individual with a disability, to include persons with a history of a disability, individuals known as having a disability, those suspected of having a disability; and that the disability substantially limits one or more major life activities.

P.L. 93-516 Rehabilitation Act Amendments of 1973. Established the requirement for Developmental Disabilities Planning councils within each state and required that Section 504 protection extend beyond those programs receiving federal financial assistance to include federally conducted programs. This means that it now includes any program or activity receiving federal financial assistance or any program conducted by an executive agency.

P.L. 95-561 The Defense Dependents’ Education Act of 1978. Established requirements for the provision of special education services to students with disabilities in overseas locations.

P.L. 98-524 The Carl D. Perkins Vocational Education Act of 1984. Authorizes federal funds to support vocational education programs. Requires that vocational education be provided for students with disabilities. See also P.L. 101-392.

P.L. 99-319 Protection and Advocacy for Mentally Ill Individuals Act of 1986. Legislation allocating federal funds to each state for the purpose of advocating for individuals with mental illness and supporting them with the communities. Language within the regulations includes training and counseling.

P.L. 99-372 The Handicapped Children’s Protection Act of 1986. Provides for reasonable attorney fees and costs to parents and guardians who prevail in administrative hearings or court when there is a dispute with a school system concerning their child’s right to free appropriate special education and related services.

P.L. 99-509 Omnibus Reconciliation Act. Maximizes the use of federal dollars and establishes a means for collaboration between services for the use of Medicaid.

P.L. 100-407 Technology Related Assistance for Individuals with Disabilities Act of 1988. Established provision for the acquisition of technology services and devices to assist individuals with disabilities.

P.L. 101-392 Carl D. Perkins Vocational-Technical Education Act of 1998. Ensures that individuals with disabilities have equal access to programs and services within vocational systems. The legislation originally set aside 10% of funds for individuals with disabilities and other under represented groups. The reauthorization removed the 10% set aside and instead stipulates that all programs and services must be accessible.

DEPARTMENT OF DEFENSE DIRECTIVES AND INSTRUCTIONS:

DoD Directive 1020.1, “Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense,” 1982. Prohibits discrimination based on handicap in programs and activities receiving federal financial assistance disbursed by DoD, and in programs and activities conducted by DoD.

DoD Directive 1342.17, “Family Policy,” 1988. Implements family policy-making criteria to ensure that the rights and autonomy of DoD families are considered in the formulation and implementation of DoD policies to the extent permitted by law.

DoD Directive 1342.21, “Department of Defense Section 6 Schools,” 1992. Provides for services to students with disabilities in CONUS DoD schools (DDESS).

DoD Directive 4165.63, “DoD Housing,” 2005. Updates policy and assigns responsibilities for the management of DoD housing.

DoD Instruction 1010.13, “Provision of Medically Related Services to Children Receiving or Eligible to Receive Special Education in DoD Dependents Schools Outside the United States,” 1986. Provides for services to students with disabilities in overseas schools (DODDS).

DoD Instruction 1342.12, “Provision of Early Intervention and Special Education Services to Eligible DoD Dependents,” 2005. Provides for services to students with disabilities in overseas schools (DODDS).

DoD Instruction 6060.2, “Child Development Programs,” 1993. Updates policy, responsibilities and procedures for child development programs for eligible minor children of DoD military and civilian personnel.

STATE REGULATIONS:

Every state has established regulations related to individuals with disabilities.

ADDITIONAL INFORMATION:

For a State resource list, or additional information or referral, please contact:

Exceptional Family Member Program
Army Community Service
Building 3401 Santiago Avenue (The Welcome Center)
Fort Wainwright, AK 99703
Telephone: (907) 353-4243