

People with Disabilities

What it has meant, and what it means, to have a disability: A brief historical overview of social perceptions.

How many people with disabilities are there?

What is the definition of disability?

Section II: People with Disabilities

Key Words and Terms

Americans with Disabilities Act (ADA)

Community-Based Living

Functional Limitations

Major Life Activity

Section 504 of the Rehabilitation Act

Substantially Limits

Three-Part Definition of a Person with a Disability

***What it has meant, and what it means, to have a disability:
A brief historical overview of social perceptions.***

Disabling conditions have always separated those who have them from the mainstream experience of culture and society. In the beginning of human existence, in hunter and gatherer cultures, those born with disabling conditions or those who acquired disabilities were killed or left to die because they would weaken the group and threaten its survival. In the Middle Ages, the presence of a disability was seen as punishment of sin or resulting from witchcraft. In the 18th and 19th centuries, persons with disabilities were confined to attics or basements, sent to institutions, or regarded as invalids who were confined to bed. Even in the 20th century, babies born with disabilities were sent to institutions as an act of humanity where they could live with their “own kind.” People with disabilities were victimized during the Holocaust and were freely used as subjects in experiments.

Up until the 20th century, the number and range of types of identified disabilities were far more limited. Certainly, there were persons with cognitive and psychiatric disabilities, persons with visual impairments, and those who had some form of mobility impairment. Deaf culture

began to emerge in the 19th century.

In the 20th century, however, tremendous advances were made in medicine that enabled persons with disabilities to survive and so the sheer number of persons with disabilities increased.

During the 1940's several important things happened. The development of penicillin in World War II allowed soldiers to survive war injuries and return home. It also assured the survival of thousands who would have otherwise died from infection. Polio epidemics left many children and adults alive, but limited in mobility. Improved pre-natal care and obstetrics led to the survival of infants with congenital disabilities who previously would not have survived. Still, persons with disabilities were sent to institutions, nursing homes, or confined to their homes.

During the 1970's, in conjunction with other civil rights movements, the disability rights and deinstitutionalization movements began to emerge. The deinstitutionalization movement began when improvements in psychiatric treatment led to the ability of persons with mental illness to function in community-based settings. It paved the way for group homes and supported living arrangements for persons who were formerly institutionalized. Today, institutional care is almost non-existent, and most large, state-run facilities have closed their doors. Today, too, most individuals with cognitive disabilities live in communities.

The disability rights movement emerged and echoed the themes of other movements — individual choice, equal opportunity, and the right of participation. This movement led to laws that created a right for all children with disabilities to receive a free and appropriate education in a regular classroom with their able-bodied peers. It led to the development of independent living centers, the majority of which are controlled and staffed by people with disabilities. It succeeded in

obtaining passage of several federal laws that advance the civil rights of persons with disabilities. These are Section 504 of the Rehabilitation Act, the Air Carrier Access Act, the Fair Housing Act Amendments, and perhaps the most well known and far reaching, the Americans with Disabilities Act (ADA).

How many people with disabilities are there?

There are approximately 50 million Americans with disabilities (2000 Census, www.census.gov). While it is almost impossible to make generalizations about a group this large, here are some ideas to keep in mind:

- People with disabilities are often more limited by attitudes, environments, or policies than by a disability.
- The incidence of disability occurs in every socioeconomic, ethnic, religious, and racial group.
- Each person with a disability experiences it differently.
- Many people with disabilities regard their disability as a personal characteristic, or a “part of who they are.”

We know we are beginning to understand that people, regardless of how severe their disability, are still people. We know conditions such as addiction or HIV/AIDS are disabling. We know that newly identified medical conditions can result in disabilities, such as the effects of Lupus, Multiple Sclerosis, or Chronic Fatigue Syndrome.

There are many kinds of disabilities, and each impacts individuals differently. Moreover, the same disability can impact individuals very differently even when it is the same level of severity. It is difficult to make any generalizations.

What is the definition of disability?

There are many definitions of a disability. Some definitions focus on

medical conditions, while others focus on the functional limitations that result from disability. Different federal and state laws and programs use different definitions. There are many people who have medical conditions that are disabling, but that does not necessarily mean that they meet the definition of “disability” that is laid out in Section 504 of the Rehabilitation Act of 1973, as amended, and in the Americans with Disabilities Act. To be protected by these federal laws, an individual must meet the definition described in the law.

Under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, a person with a disability is one who:

- 1) has a physical or mental impairment that substantially limits one or more major life activities; or
- 2) has a history of such an impairment; or
- 3) is perceived or “regarded as” having such an impairment, even when the impairment does not exist.

There are some important components to this three-part definition.

The phrase major life activities means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Substantially limits means unable to perform a **major life activity**, or significantly restricted in the condition, manner, or duration it can be performed, when compared to most people in the general population. The determination that a disability **substantially limits** an individual in performing major life activities is made on a case-by-case basis. It is not based merely on the existence of a condition (a physical or mental impairment), but on the impact of that impairment on an individual’s ability to perform major life activities.

The definition of disability considers the impact of the impairment. There is no comprehensive list of protected disabilities because there

Example

Major Life Activity: Janice, an RSVP participant, is paralyzed from the waist down and is substantially limited in the major life activity of walking. She is considered to have a disability.

Michael, a VISTA volunteer who has a bad knee that hurts when he plays soccer, does not meet the definition. He is not substantially limited in the major life activity of walking, and soccer is not considered a major life activity.

Example

History of Impairment: Clarice, a Foster Grandparent, has an addiction to alcohol and is in recovery. She may not have a disability now, but she is protected against discrimination based on her history of addiction.

are so many conditions that can result in disability. Also, an impairment for one person may substantially limit a major life activity, while someone else may not be substantially limited. Determinations must be made on a case-by-case-basis. See Section XII: Legal Requirements in this Handbook for further discussion.

**Example
Perception of
Disability:**

Wendy's behavior seems "strange" to the program supervisor, and the supervisor thinks that she has a psychiatric disability. If the supervisor takes action against her based on her misperception that Wendy has a disability Wendy is protected against discrimination under the "perception of disability" part of the definition.