

Editor's Introduction and Overview

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***Abstract.** The purpose of this overview is to provide a context for the articles in this special issue of Rehabilitation Education on the Implications of the Americans with Disabilities Act of 1990 for rehabilitation education. The author provides a brief background on the purpose of the Act and a summary of the provisions of each of the titles. The implications of the ADA for rehabilitation long-term training efforts, continuing education efforts, and for rehabilitation research are presented. The specific contributions of each article to these topics are summarized.*

Overview of the ADA

Purpose of the Legislation

On July 26, 1990 the Americans with Disabilities Act (ADA) was signed into law. The ADA provides civil rights protection to individuals with disabilities that is similar to the protection given on the basis of race, sex, national origin, and religion by other non-discrimination legislation in the U.S. In the "findings and purposes" of the ADA, Congress provided some compelling findings that underscore the importance of this legislation to American society. Some of these findings are as follows:

- Some 43 million Americans have one or more physical disabilities, and this number is increasing as the population as a whole is growing older.
- Historically, our society has tended to isolate and segregate individuals with disabilities.
- Discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services.
- Individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination. Studies have documented that people with disabilities are disadvantaged socially, vocationally, economically, and educationally.

- The continuing existence of unfair discrimination denies people with disabilities the opportunity to compete on an equal basis and costs the U.S. billions of dollars in unnecessary expenses resulting from dependency and non-productivity.

To address some of the discrimination and inequities cited in the above findings, the ADA guarantees equal opportunities for individuals with disabilities in the areas of employment, state and local government services, public transportation, privately operated transportation available to the public, places of accommodation, and telephone services offered to the general public. The ADA has been cited as the most sweeping piece of civil rights legislation since the Civil Rights Act of 1964.

This article overviews first the provisions of the ADA and then the implications for rehabilitation and training.

Overview of Provisions

The Americans with Disabilities Act of 1990 covers many facets of access in American life. The Act has five titles dealing with employment, public service and public transportation, public accommodations, telecommunications, and miscellaneous items covering clarifications, exclusions and additional concerns. Title I of the ADA bars employment discrimination in the public and private sector and in state and local governments. Prior to its passage, any discrimination — including employment discrimination — was prohibited in the operations of entities, including state and local governments, which received federal funds. The ADA bans discrimination and requires reasonable accommodation in recruiting, hiring, employing, promoting and training qualified workers with disabilities. Reasonable accommodation may include making facilities used by employees accessible and useable by individuals with disabilities. It can also include job restructuring; part-time or modified work schedules; the purchase or modifications of equipment or devices; modification of examinations, training materials or policies; and providing qualified readers or interpreters. Accommodation is required unless it results in undue hardship — significant difficulty or expense to the employer. Non-discrimination in employment is something that impacts the functioning of most rehabilitation professionals, particularly those who serve as vocational rehabilitation counselors. Therefore, many of the authors in this special issue focus their attention on Title I, or the employment provisions of the ADA, and provide further information on its provisions and their implications for the training of rehabilitation personnel.

Title II of the ADA covers public service and public transportation. It prohibits discrimination in services, programs or activities of a public entity — any state or local government (or instrumentality of state or local government, including public transportation service) — the National Railroad Passenger Corporation (Amtrak) and, generally, intercity and commuter rail services. No qualified individual with a disability can be excluded, by reasons of such disability, from participation in or be denied the benefits, services, programs or activities of a public entity. While this mandate is very broad, the following eight areas are specifically identified in the regulations: equal opportunity; integrated programs; methods of administration; choice of contractors; licensing or certification; reasonable modification of policies, practices, and procedures; eligibility criteria; and surcharges. Julie O'Brien, in her article entitled *The Americans with Disabilities Act: Impact of Rehabilitation Post-employment Training Programs*, provides a further detailed description on much of this terminology which is the primary focus of Title II coverage.

The public accommodations sections (Title III) prohibits discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation and services operated by private entities. The goods, services, and accommodations must be offered in the most appropriate integrated setting. Under these provisions, facilities must be made accessible, unless it is structurally impossible to do so. Furthermore, it is considered discriminatory to fail to make reasonable modifications in policies, practices, and procedures which would enable a person with a disability to have the same opportunity as a non-disabled person to obtain these goods, services or privileges.

Title IV requires that telecommunications relay services for people with speech and hearing impairments must be in place across the country. These services link users of telecommunications devices for the deaf (TDD) or other non-voice devices and individuals using voice telephones. Title IV also requires that television public service announcements produced or funded — in part or in whole — by any federal agency be closed-captioned.

The final portion of the Americans with Disabilities Act, Title V, offers a number of clarifications, exclusions and additional concerns. Among these provisions are the following: nothing in the ADA shall be construed to apply a lesser standard than one already required under Title V of the Rehabilitation Act of 1973; states are subject to the ADA and the ADA does not limit or invalidate state or local laws which provide equal or greater non-discrimination protections than those of the ADA; insurers can continue to underwrite and classify risks consistent with state law and entities covered can provide benefit plans based on risk classifications; no person can be discriminated against because he or she has made a charge, testified, assisted or participated in an investigation, proceeding or hearing under the ADA; the winning party in an ADA action may be awarded a reasonable attorney's fee, including litigation expenses and costs; the attorney general is required to develop a plan to assist entities covered by the ADA; and the term disabled or disability does not apply to sexual orientation or certain sexual problems, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from current illegal use of drugs.

Overview of this Special Issue

How the Topics for Rehabilitation Training Were Selected

The authors and their respective topics for this special issue of *Rehabilitation Education* on the Implications of the Americans with Disabilities Act for rehabilitation education and training were selected to cover a broad scope of services, professionals, and their professional preparation, to address the needs of persons with disabilities. Service segments considered were the provision of psychological services, vocational rehabilitation counseling, vocational evaluation, job development and placement services, independent living services, supported employment services, services to injured workers, and services for transition from school to community for youth with disabilities. Many of these service areas are ones where training support is provided by the U.S. Department of Education, Rehabilitation Services Administration. The various levels of personnel targeted range from doctoral-level professionals to peer counselors and other personnel with no specified degree requirements to date. In addition, an article is included that speaks to the professional training needs of employees in business and industry who are related to the hiring and job support process, but who are not necessarily rehabilitation professionals, such as employee assistance and human resource personnel.

General Outline for Each of the Articles

To minimize duplication of coverage of the special issue topic and to maximize reader understanding of the various target populations that the author(s) focused on, authors for each of these articles were asked to define the target population for education and training including number of existing formal educational or training programs nationally, and the number of students or personnel in that category nationally who purportedly need ADA training. Authors were asked to identify existing educational efforts for these professionals, such as required courses or curriculum for degrees, the average educational level of post-service target audiences, typical post-service employment requirements for the target population, and typical continuing education requirements for the group. The significance of the ADA for the professional functioning of the target population, including proposed supplements to existing curriculums and any new courses which would need to be designed to meet the suggested knowledge and skill standard was addressed for each target group. In selected articles, authors also look at the best ways to distribute information in either degree-granting academic curriculums, or in a continuing education distribution format for post-service professionals. Where appropriate, authors have provided the implications for research, and a listing of relevant educational and informational resources.

Summary of Implications of the ADA for Rehabilitation Education and Training

Implications of the ADA for Pre-service Training

The implications of the ADA for training of psychologists, vocational rehabilitation counselors, vocational evaluators, job developers, job placement personnel, and for special educators are addressed in this special issue. Nancy Crewe, Michigan State University, discusses the way the ADA impacts admissions and operations of university programs in professional psychology. She strongly urges the inclusion of the ADA in curriculums so that psychologists will be prepared for providing services to individuals with disabilities and for consulting on the subject with employers. She suggests places in existing curriculums for the preparation of psychologists where the ADA can be included and continuing education alternatives for psychologists who have already completed their formal training. Dr. Crewe also calls us as educators to examine our own criteria for admitting students to assess whether or not we are unnecessarily discriminating against students with disabilities.

Bud Stude, California State University, examines the impact of the ADA on the curricula for master's degree programs in rehabilitation counseling and bachelor's degree programs in rehabilitation services. Dr. Stude states that since rehabilitation counselors are the primary service provider of vocational rehabilitation services to persons with disabilities, it is imperative that they have a thorough knowledge of the law to be able effectively to carry out their responsibilities. Knowledge of the ADA enables counselors to expand the repertoire of services that they are able to provide both to the employer and to the person with a disability, such as technology which can be applied to assist in the accommodation process and the performance of accurate job analyses to facilitate accommodation. Sheldon Downes and Steven Thomas of East Carolina University present a thorough treatment of typical course work needed by vocational evaluators, job developers and job placement personnel currently, and how the ADA can be infused into these required courses.

Sharan Brown and Kurt Johnson, University of Washington, discuss ways rehabilitation counselor educators can influence the development of a collaboration between rehabilitation counselors and the public education system to facilitate the transition from school to community for youth with disabilities; recommendations include an expanded pre-service education curriculum. Curricular enhancements and modifications to traditional graduate-level rehabilitation counseling programs are offered by Georgia Boggs and Bruce Growick, the Ohio State University, to prepare rehabilitation counselors who want to work in industrial rehabilitation. This paper describes two industrial rehabilitation programs currently being widely used in the field, that of disability management and transitional or light duty work.

Implications of the ADA for Post-service or Continuing Education Efforts

Several authors address the importance of information related to the Americans with Disabilities Act for professionals currently most easily targeted by post-service or continuing education. Julie O'Brien, Southern Illinois University at Carbondale, discusses the implications of the ADA for training in state vocational rehabilitation in-service staff development efforts, the training of Regional Rehabilitation Continuing Education Programs (RRCEPs), Rehabilitation Research and Training Centers (RTCs), and other grant-funded training efforts for personnel working with persons with disabilities. Dr. O'Brien discusses the importance of infusion of the ADA provisions into existing continuing education efforts, but also focuses on the implications for logistical planning of training, including marketing announcements, materials preparation, and training site selection. She provides the reader with a list of questions which may be helpful in identifying maximum accessibility for targeted training sites. Dr. O'Brien also discusses the importance of vocational rehabilitation agencies adhering to the ADA employment provisions in their own hiring practices.

Today there are approximately 240 independent living centers nationally that offer core services to persons with disabilities, such as information and referral, peer counseling, independent living skills training, and individual and systems advocacy. Lex Frieden, Quentin Smith, and Wendy Wilkinson from the Independent Living Research Utilization program sketch an overview of the evolution of the field of independent living and the training currently available for independent living personnel. The authors emphasize that the advocacy activities of the independent living centers cannot be pursued effectively without a thorough working knowledge of disability law and its implementing regulations. They suggest a two-tiered training effort which both ensures ADA familiarity for every staff member in independent living centers nationally, and the development of ADA specialists in each center. The authors recommend future training activities for independent living centers, building on existing training resources and the use of technology to promote exchange of information on the ADA.

Susanne Bruyère, Cornell University, discusses the role of rehabilitation education and training in contributing toward a process of expanding awareness of the ADA for those individuals who facilitate entry into the workforce. She specifically targets managers, human resource professionals, and others who may impact successful workforce participation such as labor union representatives and employee assistance professionals. Information is provided on these target audiences regarding their role and function, how these professionals currently receive both pre-service and post-service training and the implications of infusing of information on the ADA into existing training efforts.

Implications of the ADA for Rehabilitation Research

Several authors discuss the implications of the ADA for rehabilitation research. Susanne Bruyère suggests that research is needed to find out what makes a difference in terms of changing the behavior of key professionals in the workplace who determine hiring and promotional practices which impact workers with disabilities. Downes and Thomas suggest that educators also need to develop effective methods for educating students and the public about the ADA, and that research studies can assist in this goal; as an example they propose evaluating various methods of presenting ADA information and its subsequent impact on student learning. They also propose that research is needed on rehabilitation service delivery and the interface with ADA requirements. Some of the examples which they give as needed areas for research are: cost analysis of ADA implementation, employee experience of success with ADA implementation, identification of best practices in the reasonable accommodation process, and an assessment of the efficacy of evaluation and placement services in the reasonable accommodation process.

Summary and Conclusions

The purpose of this article has been to provide a brief overview of the provisions of the Americans with Disabilities Act and the articles included in this special issue. It is hoped that this special issue will contribute to existing activities and the initiation of new efforts to better address training needs on the ADA for a variety of personnel who provide services to individuals with disabilities. Resources for further information targeted to a number of different populations are provided by the authors of each article.