

REHABILITATION ACT NEEDS COMPLETE REWRITE  
TO REFLECT CHANGING CLIMATE: ADVOCATE

It is time to rewrite the Rehabilitation Act in its entirety in light of the enormous social, economic, technological and political changes resulting from passage of the Americans with Disabilities Act, a disability rights advocate told the House Subcommittee on Select Education Sept. 26.

This was the conclusion reached at the National Leadership Summit, hosted by the University of Southern California, which brought together 75 of the nation's leaders in disability rights to develop a "new vision" for the nation's rehabilitation system, said Michael Peluso, director of the New York State Client Assistance Program.

Peluso spoke at the first in a series of hearings on reauthorization of the 1973 law. Due to expire this year, authorization for the act was extended one year to allow more consideration of proposed changes (RDP, May 30, 1991, p. 87).

Quoting Sandy Parrino, chairperson of the National Council on Disability, Peluso noted that "if the ADA was the legislation that opened the door of opportunity for persons with disabilities, then the Rehabilitation Act is the legislation that must prepare persons with disabilities to proceed through that door."

Five-Point Platform

A platform developed by summit participants, said Peluso, spells out five "breakthrough" concepts:

- Rename the act to reflect the spirit and purpose of a comprehensive independent living and vocational service system. Among the proposals: The Americans with Disabilities Community and Career Act, the Americans with Disabilities Implementation Act, the Services for Individuals with Disabilities Act and the Independent Living Act.
- Train the focus of the act on careers. "Careers must replace the current terminology and practices which focus narrowly on vocational placement, entry-level jobs and 'closure,'" said Peluso.
- Add a Community Action title to the act to implement an innovative advocacy model which would consolidate advocacy service systems while substantively expanding consumer access to information, services and due process.
- Include a concerted focus on youth. "The act's focus on youth would facilitate the coordination with, and equal access to, all existing youth services, which would be provided based on personal strengths and capacities rather than driven by deficit-based diagnostic labels inherent in existing service systems."
- Mandate entitlement to suitable technology. The provision of services under this entitlement would foster an individual's uninterrupted ability to work and thrive in the community, said Peluso.

Order of Selection Not Implemented

To aid in the reauthorization process, the subcommittee asked the General Accounting Office to conduct three studies on implementation of the act. The first of the three, on who is served under the act, found that most states have not implemented the order-of-selection process, reported Franklin Frazier, director of GAO's Education and Employment Issues Division.

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"Few states have implemented order of selection to any great extent," said Frazier. "In our review of state practices, we found that nationally more than half the states have never used order of selection. Between fiscal year 1973 and 1989, 30 states had not had any experience with [it]; 12 had limited experience." Order of selection requires that when a state is unable to serve everyone who applies and is eligible for the program, it must give first priority to those with the most severe disabilities.

Officials in some of the states that did not use order of selection said they were able to serve all eligible clients, said Frazier. Others expressed concern that serving a high percentage of clients with severe disabilities could significantly decrease the overall number of people served. One program director said that in order to show the state Legislature "a return on its investment," the program needed to serve clients with non-severe disabilities to balance the more costly services provided to those with severe disabilities.

Still, GAO found that since 1976 the number of clients served under the act has declined while the percentage of clients with severe disabilities has increased. Nationwide, the number served dropped almost 25 percent since 1976, from 1.2 million to 929,000 in 1989. During the same period, the number of clients with severe disabilities increased about 12 percent from 556,000 to 625,000.

DOT SPELLS OUT CHANGES  
TO TRANSIT PROPOSAL

The Department of Transportation's final regulations published Sept. 6 differ in a number of ways from its proposal issued in April. In addition to the differences listed in the last issue of RDP (Sept. 19, p. 147), the following key points should be noted:

- Taxis may not discriminate against individuals with disabilities and, when obtaining vans, must obtain accessible vans when the private entity provisions of the rule so require. They are not required to acquire vans, however, in order to have accessible vehicles in their fleets.

- Shuttle buses for public accommodations (e.g., hotels, car rental agencies, historical or theme parks) are treated as operated by private entities not primarily engaged in the business of transporting people. They may be either demand-responsive or fixed-route, depending on the circumstances of each system. However, conveyances used primarily for recreational purposes rather than transportation, such as a roller coaster or a historic trolley, are not covered by this rule. (They are, however, subject to Department of Justice ADA rules).

- Changes to a facility needed to make a path of travel accessible are "disproportionate" to the cost of the entire alteration if their cost exceeds 20 percent of the entire alteration. When different accessibility completion dates apply to different portions of a rail station, the earlier dates will apply to common elements of the station. Key station plans must be submitted by July 26, 1992.

- An individual is eligible for paratransit with respect to a rail system if there is not yet one accessible car per train or key stations have not yet been made accessible. An individual also is eligible for paratransit if the interaction of barriers in the environment and the individual's disability prevent the individual from getting to or from a stop.

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