

## Developmental Disability Laws and History

1636 – Colonial Law by Pilgrims at Plymouth gave benefits to disabled soldiers.

1830s – Schools for the Blind were established in New York, Pennsylvania, and Massachusetts.

1879 – An Act to promote the Education of the Blind provided annual funds for books and educational materials to blind children.

1954 – Vocational Rehabilitation Act Amendments of 1954 (P.L. 83-565) enacted extensive revisions. These included financing improvements, establishment of research and demonstration project funding for counselor education, and funding for construction of rehabilitation facilities.

1963 – President Kennedy, in an address to Congress, called for deinstitutionalization and increased community services for persons confined to residential institutions for the mentally ill and mentally retarded.

1965 – Vocational Rehabilitation Act Amendments of 1965 (P.L. 89-333) made comprehensive revisions following an extensive review of the Act. These included expansion of services to a broader population of rehabilitation clients and establishment of the National Commission on Architectural Barriers to Rehabilitation of the Handicapped.

1968 – The Architectural Barriers Act of 1968 (P.L. 90-480) requires buildings and facilities designed, constructed, altered or financed by the Federal government after 1969 to be accessible to and usable by persons with disabilities.

1968 – Vocational Education Act Amendments (P.L. 90-576) required each state to earmark 10% of its basic grant for services for youth with disabilities.

1970 – Elementary and Secondary Education Act Amendments of 1970 (P.L. 91-230) created a separate Act – The Education of the Handicapped Act (EHA). Part B authorized grants to states to assist them in initiating, expanding, and improving programs for the education of children with disabilities.

1970 – The Developmental Disabilities Services and Facilities Construction Amendments of 1970 (P.L. 91-517) included broad responsibilities for a state planning and advisory council to plan and implement a comprehensive program of services for persons with developmental disabilities.

**1971 – Amendments to Title XIX of the Social Security Act (Medicaid Program) (P.L. 92-223)** authorized public mental retardation programs to be certified as intermediate care facilities and requires that these programs offer, among other things, “active treatment”.

**1972 – Social Security Amendments of 1972 (P.L. 92-603)** repealed existing public assistance programs and added in their place a new Title XVI (Supplemental Security Income, SSI) program. This program authorizes cash benefits for individuals and couples who are aged, blind, or disabled.

**1973 – The Rehabilitation Act of 1973 (P.L. 93-112)** includes a total rewrite of the state formula grant supporting the vocational rehabilitation program and the competitive programs supporting personnel development, research, and demonstrations. In addition, the legislation, among other things adds “Section 502”, which establishes the Architectural and Transportation Barriers Compliance Board to enforce the Architectural Barriers Act of 1968 and provide technical assistance to agencies subject to Section 504 regulations. In addition, the legislation adds “Section 504”, which prohibits discrimination against otherwise qualified persons with disabilities in any program or activity receiving federal funds.

**1973 – The Housing and Community Development Amendments of 1974 (P.L. 93-383)** expanded the low-income rent subsidy program under “Section 8” to include families consisting of single persons with disabilities. The legislation also extended the “Section 202” direct loan program to nonprofit agencies to projects for persons with mental as well as physical disabilities.

**1974 – Elementary and Secondary Education Amendments of 1974 (P.L. 93-380)** included amendments to Part B of Education of the Handicapped Act (EHA) that laid the basis for comprehensive planning, the delivery of additional financial assistance to the States, and the protection of handicapped children’s rights.

**1974 – The Community Services Act (P.L. 93-644)** stipulated that 10% of children enrolled in the Head Start program must be children with disabilities.

**1974 – The Social Services Amendments of 1974 (P.L. 93-647)** consolidated social service grants to states under a new Title XX of the Social Security Act.

**1975 – The Developmental Disabilities Assistance and Bill of Rights Act (P.L. 94-142)** creates a “bill of rights” for persons with developmental disabilities, funds services for persons with developmental disabilities, adds a new funding authority for university affiliated facilities, and establishes a system of protection and advocacy organizations in each state.

**1975 – The Education for All Handicapped Children Act (P.L. 94-142)** amended the Education of the Handicapped Act to mandate a free appropriate public education for all children with disabilities in a state, regardless of the nature or severity of the child’s disability (Part B of the Education of the Handicapped Act).

**1978 – The Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments (P.L. 95-602)** establishes the National Institute of Handicapped Research and new programs for people with disabilities, including comprehensive service centers, independent living centers, recreation programs, and pilot programs for employment. The legislation also updated and made functional the definition of the term “developmental disability” and clarified the functions of the university affiliated programs.

**1980 – The Civil Rights of Institutionalized Persons Act (P.L. 96-247)** authorizes the U.S. Department of Justice to sue states for alleged violations of the rights of institutionalized persons, including persons in mental hospitals or facilities for people with mental retardation.

**1980 – Social Security Act Amendments (P.L. 96-265)** authorized special cash payments (Section 1619(a) and continued Medicaid eligibility (Section 1619(b)) for individuals who receive Supplemental Security Income (SSI) benefits but, nonetheless, engage in substantial gainful activity. Provision made effective for 3 years.

**1982 – The Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248)** permits states to cover under their Medicaid plans home care services for certain children with disabilities even though family’s income and resources exceeded state’s normal eligibility standards.

**1982 – The Job Training Partnership Act (P.L. 97-300)** revamped the Comprehensive Employment and Training Act (CETA). The Act emphasizes training for private sector jobs. The Act establishes a estate “Job Training Coordinating Council” and the “Private Industry Council (PIC)”.

**1982 – Telecommunications for the Disabled Act of 1982 (P.L. 97-410)** requires that workplace telephones used by persons with hearing aids, and emergency phones are hearing-aid-compatible.

**1984 – The Rehabilitation Act Amendments of 1984 (P.L. 98-221)** transformed the National Council on Disability from and Advisory Board in the Department of Education into an independent Federal agency.

**1984 – The Voting Accessibility for the Elderly and Handicapped Act (P.L. 98-435)** requires that registration and polling places for federal elections be accessible to persons with disabilities.

**1984 – Child Abuse Amendments of 1984 (P.L. 98-457)** requires states to enact procedures or programs within child protection agencies to respond to cases in which medical treatment is withheld from disabled infants.

**1984 – The Social Security Disability Benefits Reform Act of 1984 (P.L. 98-460)** extended the Section 1619 worker incentive program under SSI for an additional 3 years.

**1984 – The Developmental Disabilities Act of 1984 (P.L. 98-527)** added a statement of purpose to the Act, authorized protection and advocacy systems to have access to the records of persons with developmental disabilities residing in institutions.

**1985 – The Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272)** authorizes states to cover case management services on less than a statewide or comparable basis to targeted groups under Medicaid; expanded the definition of “habilitation” for Home and Community-Based Waiver recipients with developmental disabilities to cover certain pre-vocational services and supported employment for previously institutionalized individuals; authorizes states to cover ventilator-dependent children under the waiver program if they would otherwise require continued inpatient care.

**1986 – The Protection and Advocacy for Mentally Ill Individuals Act of 1986 (P.L. 99-139)** establishes a formula grant program operated by existing protection and advocacy systems primarily focusing on incidences of abuse and neglect of mentally ill individuals.

**1986 – The Handicapped Children’s Protection Act (P.L. 99-372)** Overturned a Supreme Court decision and authorizes courts to award reasonable attorneys fees to parents who prevail in due process proceedings and court actions under Part B of the Education of the Handicapped Act.

**1986 – The Air Carrier Access Act (P.L. 99-435)** prohibits discrimination against persons with disabilities by air carriers and provides for enforcement by the U.S. Department of Transportation.

**1986 – The Education of the Handicapped Act Amendments (P.L. 99-457)** includes a new grant program for states to develop an early intervention system for infants and toddlers with disabilities and their families and provide greater incentives for states to provide preschool programs for children with disabilities between the ages of 3 and 5.

**1986 – Amendments to the Job Training Partnership Act (P.L. 99-496)** require special consideration for persons with disabilities in the awarding of discretionary grants.

**1986 – The Rehabilitation Act Amendments of 1986 (P.L. 99-506)** clarified that supported employment is a viable outcome of vocational rehabilitation and specified that states must plan for individuals making the transition from school to work.

**1986 – The Employment Opportunities for Disabled Americans Act (P.L. 99-643)** made the Section 1619 (a) and 1619 (b) work incentives a permanent feature of the Social Security Act. The Act also added provisions to enable individuals to move back and forth among regular SSI, Section 1619 (a) and Section 1619 (b) eligibility status.

**1987 – The Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (P.L. 100-146)** updated language in the legislation, strengthened the independence of the State Planning Councils, strengthened authority of protection and advocacy systems to investigate allegations of abuse and neglect and created separate line items for core funding and training for university affiliated programs.

**1987 – The Housing and Community Development Act of 1987 (P.L. 100-242)** requires HUD to earmark 15 percent of Section 202 funds for non-elderly persons with disabilities.

**1988 – The Civil Rights Restoration Act (P.L. 100-259)** amends the Rehabilitation Act's definition of an individual with a disability and defines coverage of Section 504 as broad (e.g. extending to an entire university) rather than narrow (e.g. extending to just one department of the university) when federal funds are involved.

**1988 – The Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360)** clarifies the circumstances under which Medicaid reimbursement would be available for services included in a child's individualized education program (IEP) or individualized family services plan (IFSP) under the Individuals with Disabilities Education Act.

**1988 – Haring Aid Compatibility Act of 1988 (P.L. 100-394)** requires most telephones manufactured or imported into the U.S. must be compatible for use with telecoil-equipped hearing aids.

**1988 – The Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1988 (P.L. 100-403)** authorized the Secretary of Health and Human

Services to make grants to states for public and nonprofit agencies to furnish temporary, non-medical care services to children with disabilities and special health care needs.

**1988 – The Technology-Related Assistance for Individuals with Disabilities Act (P.L. 100-407)** provides grants to states to develop statewide assistive technology programs.

**1988 – The Fair Housing Act Amendments (P.L. 100-430)** adds persons with disabilities as a group protected from discrimination in housing and ensures that persons with disabilities are allowed to adapt their dwelling place to meet their needs.

**1989 – Omnibus Budget Reconciliation Act of 1989 (P.L. 101-239)**

- Specified, among other things, that at least 30% of the Maternal and Child Health Block Grant under Title V of the Social Security Act must be used to improve services for children with special health care needs.
- Included a major expansion in required services under Medicaid's Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT).

**1990 – The American with Disabilities Act (ADA) (P.L. 101-336)** guarantees the civil rights of people with disabilities by prohibiting the discrimination against anyone who has a mental or physical disability in the area of employment, public services, transportation, public accommodations, and telecommunications.

**1990 – Carl D. Perkins Vocational Educational Applied Technology Amendments (P.L. 101-392)** rewrote the vocational legislation, eliminated the 10% earmarking for disabled youth but included specific language to assure students with disabilities access to qualified vocational programs and supplementary services.

**1990 – The Television Decoder Circuitry Act (P.L. 101-431)** requires closed caption circuitry (compute chip) to be part of all televisions with screens 13 inches or larger manufactured for sale and use in the United States.

**1990 – The Individuals with Disabilities Education Act Amendments (IDEA) (P.L. 101-476)** renames the Education of the Handicapped Act and reauthorizes programs under the Act to improve support services to students with disabilities, especially in the areas of transition and assistive technology.

**1990 – The Developmental Disabilities Act Amendments of 1990 (P.L. 101-496)** maintained and further strengthened programs authorized under the Act.

**1990 – The Omnibus Budget Reconciliation Act of 1990 (P.L. 101-625)**

- Established a limited purpose optional state coverage of community supported living arrangements services for persons with mental retardation and related conditions (authority has since expired).
- Authorizes community supported living arrangements and stresses individualized support rather than the standardized services common to the ICF/MR program.
- Includes a provision called the “access credit” that enables small businesses to claim credit against taxes for half of the first \$10,000 of eligible costs of complying with the ADA.

**1990 – National Affordable Housing Act (P.L. 101-625)** established a distinct statutory authority to fund supportive housing for people with disabilities, with a separate financing mechanism and selection criteria.

**1991 – Individuals with Disabilities Education Act of 1991 (P.L. 102-119)** enhances infants and toddlers program and extends the BEA support programs.

**1991 – The Civil Rights Act of 1991 (P.L. 102-166)** reversed numerous U.S. Supreme Court decisions that restricted the protections in employment discrimination cases and authorized compensatory and punitive damages under Title V of the Rehabilitation Act and ADA.

**1992 – The Rehabilitation Act Amendments of 1992 (P.L. 102-569)** includes changes that increase access to state vocational rehabilitation systems for those with the most significant disabilities, enables consumers to have greater choice and control in the rehabilitation process, and provides opportunities for career advancement.

**1993 – The Family and Medical Leave Act (P.L. 103-3)** allows workers to take up to 12 weeks of unpaid leave to care for newborn and adopted children and family members with serious health conditions or to recover from serious health conditions.

**1993 – National Voter Registration Act (P.L. 103-31)** requires states to liberalize their voter registration rules to allow people to register to vote by mail, when they apply for driver’s licenses or at offices that provide assistance and programs, for individuals with disabilities such as vocational rehabilitation programs.

**1993 – National and Community Service Trust Act of 1993 (P.L. 103-82)** established a national service program, including tuition assistance and a living allowance for individuals age 17 or older who volunteer part-time or full-time in community service programs.

**1994 – Technology-Related Assistance for Individuals with Disabilities Act Amendments (P.L. 103-218)** reauthorized the 1998 “Tech Act”, which established to develop consumer-driven, statewide service delivery systems that increase access to assistive technology devices and services to individuals of all ages and disabilities. The 1994 amendments emphasize advocacy, systems changes activities and consumer involvement.

**1994 – The Goals 2000: Educate America Act of 1994 (P.L. 103-227)** provides a framework for meeting national educational goals and carrying out systemic school reform for all children, including children with disabilities.

**1993 – Developmental Disabilities Assistance and Bill of Rights Amendments of 1994 (P.L. 103-230)** totally rewrites and updates provisions pertaining to State Planning Councils and extends and strengthens provisions pertaining to protection and advocacy systems, university affiliated programs and programs of national significance.

**1994 – The School-to-Work Opportunities Act of 1994 (P.L. 103-382)** authorizes funds for programs to assist students, including students with disabilities, in the transition from school to work.

**1994 – Improving America’s Schools Act of 1994 (IASA) (P.L. 103-382)** reauthorized the Elementary and Secondary Education Act (ESEA). The ESEA provides the framework of federal grants to states for elementary and secondary education programs. Among other provisions, the legislation amends the Individuals with Disabilities Education Act to establish a new state program supporting statewide systems of support for families of children with disabilities.

**1995 – Child Abuse Prevention and Treatment Act (CAPTA) Amendments of 1995 (P.L. 104-235)** includes new family resource and support program that supports state efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs which would be equipped to address, among other things, the additional family support needs of families with children with disabilities.

**1996 – Telecommunications Act of 1996 (P.L. 104-104)** requires telecommunications manufacturers and service providers to ensure that equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if this is readily achievable.

**1996 – The Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996 (P.L. 104-183)** extends authority to fund Developmental Disabilities Councils, Protection and Advocacy Systems, University Affiliated Programs, and Projects of National Significance.

**1996 – Health Insurance Portability and Accountability Act of 1996 (P.L. 104–191)** improves access to health care for 25 million Americans by guaranteeing that private health insurance is available, portable, and renewable; limiting pre-existing condition exclusions; and, increasing the purchasing clout of individuals and small employers through incentives to form private, voluntary coalitions to negotiate with providers and health plans.

**1996 – Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193)** provides a new, more restrictive, definition of disability for children under the Supplemental Security Income program (SSI), mandates changes to the evaluation process for claims and continuing disability reviews and requires redeterminations to be performed before a child turns 18.

**1996 – Mental Health Parity Act of 1996 (P.L. 104–204)** includes a provision that prohibits insurance companies from having lower lifetime caps for treatment of mental illness compared with treatment of other medical conditions.

**1997 – Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105–17)** includes the first major changes to Part B since enactment in 1975, extends the early intervention program, and includes significant streamlining of the discretionary program.

**1997 – Balanced Budget Act of 1997 (P.L. 105–33)** establishes the States Children’s Health Insurance Program (SCHIP) to expand health insurance coverage for low-income children not covered by Medicaid

- Authorizes the Social Security Administration to make redeterminations of childhood SSI recipients who attain age 18 using adult disability criteria one year after they turn 18.
- Provides that states must continue Medicaid coverage for disabled children who were receiving SSI benefits as of August 22, 1996 and would have been eligible except their eligibility terminated because they did not meet the new SSI childhood disability criteria.

**1999 – Ticket to Work and Work Incentives Improvement Act (WIIA) (P.L. 106–170)** was passed. It establishes a Ticket to Work and Self-Sufficiency Program to provide SSDI and SSI beneficiaries with a ticket they can use to obtain vocational rehabilitation services, employment services, and other support services from an employment network of their choice. It includes an array of provisions to eliminate Social Security and Medicaid disincentives to employment, and to promote the development of supports and incentives for persons with disabilities to work.

**2002– No Child Left Behind Act–** A reform of the Elementary and Secondary Education Act which sets deadline for states to expand the scope and frequency of student testing.

**2004- Individuals with Disabilities Education Improvement Act (P.L. 108.446)-** Special education and related services should be designed to meet the unique learning needs of eligible children with disabilities, preschool through age 21.

**2006- Combating Autism Act-** Authorizes increased funding to the National Institutes of Health and the Centers for Disease Control for Education and Screening.

**2010- Rosa's Law-** Changes the term "mental retardation" to "intellectual disabled" in federal laws regarding education, employment and certain health problems. The statute does not alter eligibility services or rights under the laws nor does it compel states to change their terminology.