

Playlist 8: Legislation Relevant to Individuals with Disabilities

The purpose of this playlist is to provide information about key federal laws that provide protection against discrimination as well as identify support services and accommodations for youth and adults with disabilities. They are:

- The Americans with Disabilities Act (ADA)
- The Individuals with Disabilities Education Act (IDEA)
- The Uniformed Services Employment and Reemployment Rights Act (USERRA)
- The Vietnam Era Veterans' Readjustment Assistance Act (VEVRA)
- The Workforce Innovation and Opportunity Act (WIOA)
 - The Rehabilitation Act

These laws specify anti-discrimination mandates across school, employment, and daily living. They identify policies, processes, and support services aimed at preparing individuals with disabilities for post-secondary education and employment as well as the provision of accommodations for successful integration into education, employment, and independent living.

I. Americans with Disabilities Act (ADA)

ADA, authorized in 1990, is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life. It was amended in 2008 and entitled the Americans with Disabilities Act Amendments Act (ADAAA). The purpose of the law is to make sure that people with disabilities have equal rights and opportunities. ADA specifically addresses:

- Employment (Title I)
- State and local government services (Title II)
- Public accommodations and commercial facilities (Title III)
- Telecommunications (Title IV)
- Miscellaneous provisions (Title V).

Documents and Web Pages

- *The ADA Amendments Act of 2008*—In 2008, Congress amended the definition of disability in the Americans with Disabilities Act (ADA, as amended ADAAA) to cover more people and as a result, prevent more discrimination. This resource provides guidance on interpreting how the ADAAA defines who can be identified as having a disability.
<http://askjan.org/bulletins/ADAAAwithRegs.pdf>

Web Sites That Provide Multiple Resources

- *ADA National Network*—The ADA National Network provides information, guidance, and training on how to implement the ADA. Its services and resources are relevant across all sectors of society such as businesses, employers, state and local governments, architects, disability organizations, and individuals with disabilities whose rights are protected under the ADA.
<https://adata.org/>

ADA Frequently Asked Questions About the Americans With Disabilities Act and the ADA National Network

<https://adata.org/frequently-asked-questions-about-americans-disabilities-act-and-ada-national-network>

ADA Requirements: Service Animals

https://www.ada.gov/service_animals_2010.htm

ADA Web Search Portal

<https://adata.org/ada-document-portal>

Information and Technical Assistance on the Americans with Disabilities Act

https://www.ada.gov/ada_intro.htm

Olmstead: Community Integration for Everyone

<https://www.ada.gov/olmstead/index.htm>

Statement of the Department of Justice on Application of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C. to State and Local Governments' Employment Service Systems for Individuals with Disabilities

https://www.ada.gov/olmstead/olmstead_guidance_employment.pdf

What is the Americans with Disabilities Act (ADA)?

<https://adata.org/learn-about-ada>

- *U.S. Department of Labor, Office of Disability Employment Policy (ODEP)*—ODEP offers a comprehensive website that links to its policy and technical assistance resources. The site is searchable by topic.

<https://www.dol.gov/odep/>

The ADA Amendments Act of 2008: Frequently Asked Questions

<https://www.dol.gov/ofccp/regs/compliance/faqs/ADAfaqs.htm>

ODEP's Americans with Disabilities Act (ADA) web page

<https://www.dol.gov/odep/topics/ADA.htm>

Courses

- *ADA—Title I, Employment and Reasonable Accommodations in the Workplace—The ADA: “Know Your Rights and Accommodations”*—This is a 3-hour detailed training outline and materials for professionals focused on transitioning youth.

<http://www.pacer.org/C3/curriculum/session3/>

II. Workforce Innovation and Opportunity Act (WIOA)

WIOA, signed into law in 2014, revises and reforms the primary federal programs that support employment services, workforce development, adult education, and vocational rehabilitation activities.

Documents and Web Pages

- *Eight Actions You Can Consider to Support Youth and Adults with Disabilities in WIOA Implementation*—This document by ODEP's LEAD Center describes eight actions for states to consider to support youth and adults with disabilities, before, during, and after WIOA implementation.

<http://www.leadcenter.org/blog/eight-actions-you-can-consider-support-youth-and-adults-disabilities-wioa-implementation>

- *5 Things You Should Know about WIOA*—This blog post by the U.S. Departments of Education and Labor provides information on what WIOA means and why it is important legislation.
<http://blog.ed.gov/2016/07/5-things-know-wioa/>
- *Summary Description from a Disability Perspective: FINAL RULE Implementing Title I of the Workforce Innovation and Opportunity Act*—This policy brief provides a summary description, from a disability perspective, of the Department of Labor and Department of Education Final Rules implementing Title I of WIOA.
http://www.leadcenter.org/system/files/resource/downloadable_version/wioa-title-I-final-rule-summary-aug.pdf
- *WIOA Youth Services: Overview from a Disability Perspective*—This article is a summary of youth services under WIOA.
<http://www.pacer.org/transition/learning-center/employment/pdf/hoff-wioa-youth-overview.pdf>
- *Workforce Innovation and Opportunity Act (WIOA) Federal Resource Pages*—These pages, maintained by the federal offices, provide information and resources to assist states, local areas, non-profits and other grantees, and other stakeholders with implementation of the Act. The pages are continually updated with new guidance and technical assistance materials as they become available.
 - U.S. Department of Labor/Employment and Training Administration
<https://www.doleta.gov/wioa/>
 - U.S. Department of Education/Adult Education and Family Literacy
<http://www.ed.gov/AEFLA>
 - U.S. Department of Education/Rehabilitation Services Administration
<https://rsa.ed.gov/wioa.cfm>
- *Workforce Innovation and Opportunity Act (WIOA) Resources/American Job Center Information*—This document provides a brief overview of the law and highlights how WIOA reforms the public workforce system.
http://www.acf.hhs.gov/sites/default/files/ofa/2014_ann_mtg_enhancing_partnerships_wioa_factsheet.pdf

Websites That Provide Multiple Resources

- *Job-Driven Vocational Rehabilitation Technical Assistance Center (JDVRTAC)*—The purpose of the JDVRTAC is to (a) improve the ability of state VR agencies to work with employers and training providers to ensure that individuals with disabilities have equal access to and greater opportunities to engage in competitive employment or training; (b) increase the number and quality of employment outcomes in competitive integrated employment for VR-eligible individuals with disabilities, including broadening the range of occupations for such individuals in such settings, that result from job-driven strategies; and (c) increase the number of VR-eligible individuals with disabilities in employer-driven job training programs.
<http://ccer.org/projects/job-driven-vocational-rehabilitation-technical-assistance-center-jdvrtac-0>
- *Workforce Innovation Technical Assistance Center (WINTAC)*—This national center funded by the Rehabilitation Services Administration (RSA) provides technical assistance to state VR agencies and related rehabilitation professionals to help them develop the skills and processes needed to meet the requirements of WIOA.
<http://www.wintac.org/>

III. The Rehabilitation Act

The Rehabilitation Act, originally passed in 1973, prohibits discrimination on the basis of disability in programs conducted by federal agencies or receiving federal funding. The act also authorizes state-level funding for vocational rehabilitation services. The act specifically addresses non-discriminatory access related to:

- Federal employment (Sections 501 and 505)
- Federal contractor and subcontractor employment (Section 503)
- Programs and activities that receive federal financial assistance (Section 504)
- Electronic and information technology developed, procured, maintained, or used by the federal government (Section 508).

Documents and Web Pages

- *40 Years Ago: The Rehabilitation Act of 1973 Passed*—This web page provides an overview of the law's protections and services for people with disabilities and how the act has been amended. <http://nlihc.org/article/40-years-ago-rehabilitation-act-1973-passed>

Sections 501 and 505

- *The Rehabilitation Act of 1973: Sections 501 and 505*—This web page provides text of Sections 501 and 505 of the Rehabilitation Act of 1973 as amended. Section 501 prohibits employment discrimination against individuals with disabilities in the federal sector. Section 505 contains provisions governing remedies and attorney's fees under Section 501. <https://www.eeoc.gov/laws/statutes/rehab.cfm>

Section 503

- *Section 503 of the Rehabilitation Act New Rules: Fact Sheet*—On March 24, 2014, new rules for Section 503 of the Rehabilitation Act took effect, covering employers who are federal contractors or subcontractors. These new rules strengthen the enforcement of the ADA and put into place new employer requirements around recruiting, hiring, and accommodating individuals with disabilities. <https://adata.org/factsheet/section-503>

Section 504

- *The Civil Rights of Students with Hidden Disabilities Under Section 504 of the Rehabilitation Act of 1973*—This pamphlet answers questions about the civil rights of students with hidden disabilities. <http://www2.ed.gov/about/offices/list/ocr/docs/hq5269.html>
- *Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*—This resource document clarifies pertinent requirements of Section 504 and its relationship to the Individuals with Disabilities Education Act. <http://www2.ed.gov/about/offices/list/ocr/504faq.html>
- *Section 504 Programs & Activities Accessibility Handbook*—This document provides information from the Federal Communications Commission about Section 504 with guidelines, procedures, and policies that ensure accessibility for people with disabilities. https://transition.fcc.gov/cgb/dro/504/504_handbook.pdf

Section 508

- *Q & A: Title IV—Rehabilitation Act Amendments of 1998 Section 508: Electronic and Information Technology*—This web page provides an overview of Section 508 by providing short answers to 13 questions. <https://www.justice.gov/crt/department-education-q>

- *Section 508 Checklist*—This web page lists 508 standards with specific compliance criteria. <http://webaim.org/standards/508/checklist>

IV. Individuals with Disabilities Education Act (IDEA)

The IDEA was originally passed in 1975 to ensure that children with disabilities have the opportunity to receive a free, appropriate public education. IDEA requires that special education and related services be made available to every eligible child with a disability enrolled in a school system through age 21. Recent authorizations of IDEA address transition planning to prepare youth with disabilities for postsecondary education, employment, and independent living.

Documents and Web Pages

- *Categories of Disability Under IDEA*—This web page identifies how the nation’s special education law, IDEA, defines children with disabilities who are enrolled in a school system. The definition includes specific disability terms. Links to each type of disability provide more detailed information. <http://www.parentcenterhub.org/repository/categories/>
- *IDEA Transition Overview*—This PowerPoint presentation identifies major transition provisions of the law as well as transition models and technical assistance resources. <https://www.dol.gov/odep/topics/date/20150423-IDEA.pdf>
- *A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities*—This comprehensive guide, published by the U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS), provides information and real life examples on transition planning strategies for students and youth with disabilities. <https://www2.ed.gov/about/offices/list/osers/transition/products/postsecondary-transition-guide-2017.pdf>
- *Transition Planning*—This article provides a short description of IDEA requirements in the IEP for transition-aged students with links to more detailed information. <http://www.parentcenterhub.org/repository/iep-transition/>

V. Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA) and Uniformed Services Employment and Reemployment Rights Act (USERRA)

These two laws prohibit discrimination against returning veterans. The Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA), passed in 1974, provides assistance to returning Vietnam veterans and protects them from employment discrimination. The Uniformed Services Employment and Reemployment Rights Act (USERRA) was passed in 1994 and amended in 2005. Virtually all U.S. employers must comply with USERRA. Though VEVRAA and USERRA are not limited to veterans’ disability issues, these two laws do provide protections for veterans with disabilities.

Documents and Web Pages

- *New Rules: Vietnam Era Veterans’ Readjustment Assistance Act*—This web page provides information on antidiscrimination provisions in these two laws with links to the U.S. Department of Veteran’s Affairs resources and services. <https://adata.org/factsheet/VEVRAA>

Websites That Provide Multiple Resources

USERRA

Compliance USERRA

<https://www.dol.gov/vets/programs/userra/compliance.htm>

VETS USERRA Fact Sheet 3

https://www.dol.gov/vets/programs/userra/userra_fs.htm

VEVRAA

Frequently Asked Questions: New Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) Regulations

https://www.dol.gov/ofccp/regs/compliance/faqs/vevraa_faq.htm

Regulations Implementing the Vietnam Era Veterans' Readjustment Assistance Act

<https://www.dol.gov/ofccp/regs/compliance/vevraa.htm>

Both Laws

Department of Labor: Veterans

<https://www.dol.gov/general/topic/discrimination/vetsdisc>

VI. Information Across Multiple Laws

This section provides information on commonalities, supportive provisions and/or differences across two or more laws.

Documents and Web Pages

- *ADA Q & A: Section 504 & Postsecondary Education*—This resource uses a Q & A format that identifies the difference in disability disclosure and services from prek-12 education to postsecondary education.
<http://www.pacer.org/publications/adaqa/504.asp>
- *Employment Laws: Disability & Discrimination*—This is an overview of five federal laws that protect individuals with disabilities from discrimination in employment and the job application process.
<https://www.dol.gov/odep/pubs/fact/laws.htm>
- *Know the Rights that Protect Individuals with Disabilities from Discrimination*—This document describes protections afforded by the ADA and Section 504 of the Rehabilitation Act.
<http://www.hhs.gov/sites/default/files/knownyourrights504adafactsheet.pdf>
- *Postsecondary Institutions and Students With Disabilities*—This web page explains the legal obligations that postsecondary institutions have toward students with disabilities under the ADA, Section 504 of the Rehabilitation Act, and the Fair Housing Act.
<https://adata.org/factsheet/postsecondary>
- *Ten Tips for Employers: Tapping into the Talents of Veterans with Disabilities*—This fact sheet briefly describes the three main laws that apply to veterans with disabilities and how employers can comply with the letter and spirit of the laws.
<https://adata.org/factsheet/ten-tips-employers>

Websites with Comprehensive Disability Information

ADA National Network—The ADA National Network provides information, guidance, and training on how to implement the Americans with Disabilities Act (ADA). Its services and resources are relevant across all sectors of society such as businesses, employers, state and local governments, architects, disability organizations, and individuals with disabilities whose rights are protected under the ADA.

<https://adata.org/>

Disability and Employment Community of Practice—This is an online learning destination for public workforce system staff and partners, job seekers, community-based organizations, grantees, and the business sector, who provide services and programs to people with disabilities and/or other challenges to employment.

<https://disability.workforcegps.org/>

Disability Employment Initiative (DEI) Grants—Since 2010, DEI grants have been awarded to state workforce agencies to support American Job Centers (AJCs) to improve and enhance career, training, and workforce services for individuals with disabilities. DEI has focused on partnerships and collaboration at the systemic level working across multiple programs and services at the state and local level, along with individual level partnerships through Integrated Resource Team strategies. DEI grants also have focused on Career Pathways as a central tenet of the grant project objective. This website shares extensive technical assistance information and resources on successful strategies for improving AJC and WIOA Title I services for individuals with disabilities.

<https://dei.workforcegps.org/>

Employer Assistance and Resource Network on Disability Inclusion (EARN)—Funded by the U.S. Department of Labor’s Office of Disability Employment Policy, EARN is a comprehensive resource that helps employers tap into the benefits of disability inclusion.

<http://www.askearn.org/>

Innovation and Opportunity Network (ION) Community of Practice—ION is a community of practitioners, program staff, partners, planners, industry leaders, and stakeholders focused on system improvement, capacity building, and excellence in the public workforce system. ION is a national, regional, state, and local alliance that makes available the technical assistance, information sharing, and training needed to implement the vision of WIOA.

<https://ion.workforcegps.org/sitecore/content/sites/WIOA/home>

Job Accommodation Network (JAN)—This is a federally funded resource of free, expert, and confidential guidance on workplace accommodations and disability employment issues. Working toward practical solutions that benefit both employer and employee, JAN helps people with disabilities enhance their employability and shows employers how to capitalize on the value and talent that people with disabilities add to the workplace. JAN’s consultants offer one-on-one guidance on workplace accommodations.

<https://askjan.org/links/about.htm>

LEAD Center—The LEAD Center focuses on promoting innovation in policy, employment, and economic advancement to advance individual and systems level change for all people with disabilities. It provides policy research and recommendations, training, and technical assistance as well as demonstration projects designed to foster wider understanding, adoption, and integration of next-generation employment practices in both the public and private sector.

<http://www.leadcenter.org/>

National Collaborative on Workforce and Disability (NCWD)—NCWD/Youth is a source for information about employment and youth with disabilities. The collaborative’s partners—experts in disability, education, employment, and workforce development—strive to ensure that the site provides the highest quality, most relevant information available.

<http://www.ncwd-youth.info/>

Partnership on Employment and Accessible Technology (PEAT)—PEAT offers online resources as well as networking and collaboration opportunities to engage employers, information technology companies, and organizations interested in expanding the use of accessible technology in the workplace.

<http://www.peatworks.org>

U.S. Department of Labor, Disability Resources—This website provides information on the Department’s offices that support the preparation and hiring of individuals with disabilities. It also links to specific employment-related topics. This site replaces Disability.gov.

<https://www.dol.gov/general/topic/disability>

U.S. Department of Labor, Office of Disability Employment Policy (ODEP)—ODEP offers a comprehensive website that links to its policy and technical assistance resources. The site is searchable by topic.

<https://www.dol.gov/odep/>

Workforce Innovation Technical Assistance Center (WINTAC)—This national center funded by the Department of Education’s Rehabilitation Services Administration (RSA) provides technical assistance to state vocational rehabilitation agencies and related rehabilitation professionals to help them develop the skills and processes needed to meet the requirements of WIOA.

<http://www.wintac.org/>

About the Playlists

This playlist is one of a set of ten. The playlists cover the following topics:

- *Playlist 1: Guidance for WIOA Programs, Service Providers, and Practitioners Working with Individuals with Disabilities*
- *Playlist 2: Including Individuals with Disabilities in Outreach and Recruitment*
- *Playlist 3: Disability Etiquette—Effective Communication with Individuals with Disabilities*
- *Playlist 4: Physical Access for Individuals with Disabilities*
- *Playlist 5: Technology Access for Individuals with Disabilities*
- *Playlist 6: Employer Engagement Strategies to Recruit and Retain Individuals with Disabilities*
- *Playlist 7: Individuals with Disabilities—Partnerships to Support Education, Training, and Employment*
- *Playlist 8: Legislation Relevant to Individuals with Disabilities*
- *Playlist 9: Guidance for Employers and WIOA-Related Service Providers Working with Students with Disabilities*
- *Playlist 10: Guidance for Employers and WIOA-Related Service Providers Working with Veterans with Disabilities*

Who are these playlists for?

These playlists are intended for use by workforce development professionals, employers, rehabilitation services providers, adult educators, and other practitioners. Predominantly federally funded practical resources and tools are included. The complete set of playlists can be found at [https://disability.workforcegps.org/resources/2017/02/15/22/14/The Playlists Disability Resources for WIOA Practitioners](https://disability.workforcegps.org/resources/2017/02/15/22/14/The_Playlists_Disability_Resources_for_WIOA_Practitioners).

Disclaimer

This playlist contains resource materials that are provided for the user's convenience. The inclusion of these resource materials is not intended to reflect their importance, nor is it intended to endorse any views expressed or products or services offered. This playlist may contain hypertext links, contact addresses, and websites to information created and maintained by other public and private organizations, and the contractor does not guarantee the accuracy, relevance, timeliness, or completeness of any outside information. These playlists were developed under contract #ED-VAE-14-O-5014. The opinions expressed in any of these materials do not necessarily reflect the positions or policies of the U.S. Department of Education.