

THE GEORGE  
WASHINGTON  
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WASHINGTON, DC

# VR and Disability Reboot

DARS Training Day

Southwest, VA

August 16, 2023



# Acknowledgements

- Special thank you to our colleagues Dr. Rob Froelich and Melissa Diehl who provided content for this presentation.

# Objectives

After participating in this session participants should be able to

- Summarize key moments in history that helped shape the profession of Vocational Rehabilitation Counseling.
- Understand the evolution of Vocational Rehabilitation and where it aligns with and deviates from the Disability Rights movement.
- Explain the shift from Disability Rights to Disability Justice and considerations for the provision of Vocational Rehabilitation Counseling.
- Consider and reflect on how historical events in the field of Rehabilitation Counseling continue to permeate current policy and practice.
- Identify what changes may need to be made to modify practices to ensure that intersections of identity are considered when identifying services and supports.

# Historical Treatment of People with Disabilities - Ancient Times



Greek and Roman Eras – Social acceptance of eliminating people considered to have disabilities.

Disability viewed as punishment.

Social class distinctions in treatment. Wealthy received treatment.

# Historical Treatment of People with Disabilities - Middle Ages

- Viewed as ‘God’s punishment’.
- Cruel treatment methods, particularly for people with mental illnesses.
- Dungeon like surroundings.
- No “cure” or improvement of the condition



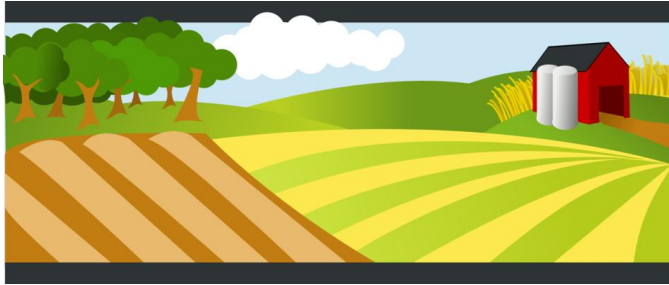
# Historical Treatment of People with Disabilities

## - Early United States (Colonial Era)



- No immigration of PWD allowed.
- Lack of an integrated system of health care.
- 1752 first general hospital in Philadelphia.
- A softening of the harsh historical approach.  
“American physician 10% knowledge, 40% pseudoscientific surmise, and 50% bedside manner.”

# Historical Treatment of People with Disabilities - Early United States (From Colonial to Industrial Era)



Farms were microcosms of society in which families took care of their own. Reasonable accommodations, etc. were done in the setting of the family homestead.

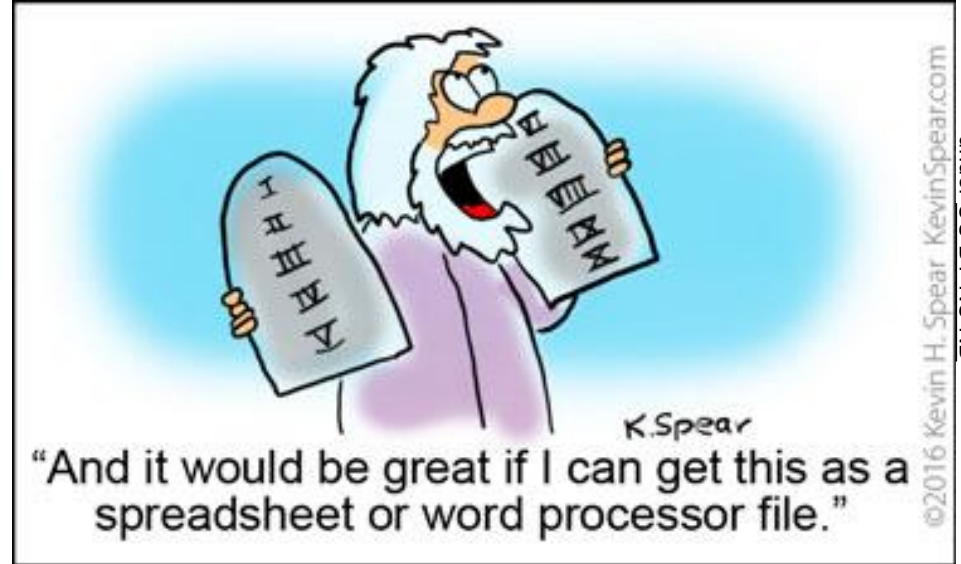


As the U.S. evolved from a rural and agrarian-centric society in the 18th century into a more industrialized urban society in the 19th century the rehabilitation needs of the nation also changed.

# Historical Treatment of People with Disabilities

## – United States (19<sup>th</sup> Century)

- Religious doctrine stressing the responsibility of the successful to help the “unfortunate” began to take roots.
- Seminal work of Thomas Gallaudet (hearing loss), Samuel Gridley Howe (blindness), and Dorothea Dix (people with mental illness) shaped future work of rehabilitation in this country and beyond.





# Historical Treatment of People with Disabilities

## – United States (19<sup>th</sup> Century) (2)

### Germ Theory - Discovered

- Advanced medical understanding of disease, moving medicine out of the dark ages dramatically altering medical treatment of individuals with disabilities.
- Catalyst for shift away from believing disability was a punishment from god, and emphasis on treating individuals with full range of disabilities.



# Legislation Related to Treatment of People with Disabilities – United States Early 20<sup>th</sup> Century

**World War I** resulted in the need for reintegrating injured returning soldiers into the competitive workforce. Expansion of services toward this "disability group" viewed in patriotic light.

- **1918 Soldier's Rehabilitation Act**
  - helped to establish federally-funded rehabilitation services such as training and job placement services to assist men injured due to active duty or work-related injuries
- **1920 Smith-Fess Act**
  - June 2, signed into law by President Woodrow Wilson, the **Smith-Fess Act** (also known as the Civilian Vocational Rehabilitation Act) establishes the Vocational Rehabilitation program for Americans with disabilities. At this point, only individuals with physical disabilities are eligible for services.



# Evolution of Treatment of People with Disabilities – United States Early 20<sup>th</sup> Century



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## One Step Forward – Ten Steps Back

- Rise of [Eugenics](#) – a pseudoscientific movement used to legitimize the belief that some groups of humans were inferior to others by focusing on influences that improve the inborn qualities of a race.
- Marriage law limitations
- Forced sterilizations
- On the books as late as the 1960's and 70's
- Even today need to be vigilant to debunk misinformation

# Legislation Progress & Treatment of Individuals with Disabilities – United States Early – Mid 20<sup>th</sup> Century

**1935**

- **Social Security Act** Signed by FDR extending VR program

**1956**

- **Social Security Disability Insurance (SSDI)** established

**1965**

- **Medicare and Medicaid** established

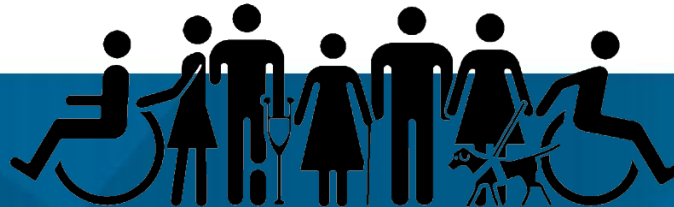
**1972**

- Nixon **vetoed Rehabilitation Act** and Disabled in Action Engages in Political Demonstrations



# The Rehabilitation Act (1973)

- *“An act to replace the vocational rehabilitation act, to extend and revise the authorization of grants to states for vocational rehabilitation services, with special emphasis on services to those with the most severe handicaps, to expand special federal responsibilities and research and training programs with respect to handicapped individuals, to establish special responsibilities in the secretary of health, education, and welfare for coordination of all programs with respect to handicapped individuals within the department of health, education, and welfare, and for other purposes.” – [Original Text](#)*
- Section 504 of the Act prohibited discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, and in federal employment.



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# Purpose of the Rehabilitation Act (1973)

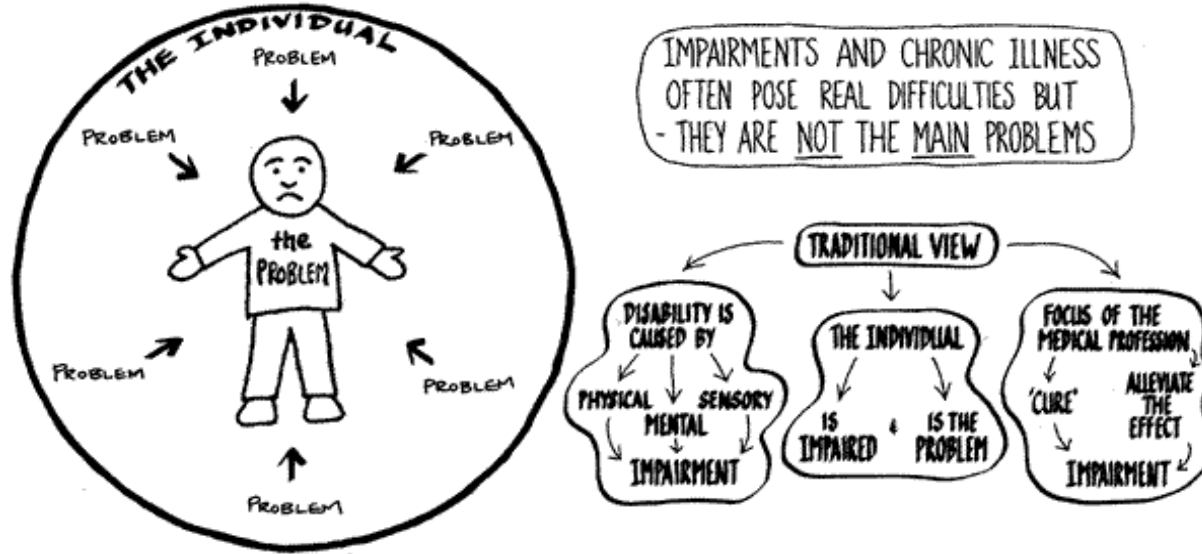
Sec. 2. The purpose of this act is to provide a statutory basis for the rehabilitation services administration, and to authorize programs to--

- 1) Develop and implement comprehensive and continuing state plans for meeting the current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, **serving first those with the most severe handicaps**, so that they may prepare for and engage in gainful employment;
- 2) Evaluate the rehabilitation potential of handicapped individuals;



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# THE MEDICAL MODEL OF DISABILITY



## Intro - Medical Model of Disability

# The Rehabilitation Act of 1973

The term "Evaluation of Rehabilitation Potential" means, as appropriate in each case:

- (a) A preliminary **diagnostic study to determine that the individual has a substantial handicap** to employment, and that vocational rehabilitation services are needed;
- (b) A **diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological**, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;
- (c) An **appraisal of the individual's patterns** of work **attitudes**, work **habits**, work **tolerance**, and social and **behavior patterns** suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;
- (d) Any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services;



# Eligibility: Predicated on Medical Model of Disability

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- “Views disability as contained within the person as a result of an organic impairment in the body that is probed and prodded for diagnostic and treatment purposes” (Tarvydas & Hartley, 2018, p. 82).
- Also called the “individual pathology” or “personal defect” model because it disparages disability rather than seeing it as a spectrum of human variation (p. 83)
- Creates a tension between the credentialed professional and the preferences of the individual

# Section 504 and the Ongoing Fight for Disability Rights

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# Group Discussion

- Thoughts?
- Impressions?
- Learn Anything new about the Disability Rights Movement?
- How does this inform our work in VR?



# Evolution of Disability Rights Related Legislation and Vocational Rehabilitation



- **1970s – Rise of Social Model of Disability**
  - An understanding of disability as created by the environment (as opposed to a personal impairment).
- **1980 - ICF Model of Disability**
  - World Health Organization introduces ICF model of Disability. Referred to as the biopsychosocial model – considers how a disability at the individual level might restrict participation in different environmental situations.
- **1986 – Rehabilitation Act Amendments**
  - Supported Employment Funded for First Time
- **1990 – Americans with Disabilities Act**
  - Most comprehensive Disability Rights Legislation to date

# Evolution of Disability Rights Related Legislation and Vocational Rehabilitation (2)

- **1992 – Rehab Act Amendments**
  - Employment as Primary Goal and Presumptive Employability
- **1998 – Workforce Investment Act**
  - Reauthorization of the Rehab Act, eligibility still based on medical model of disability largely adopted for plan development based on presumptive employability
- **Early 2000s**
  - Customized Employment
  - State as Model Employer
- **2005 – Disability Justice Movement Founded**
  - Coined by three queer women of color, Patty Berne, Mia Mingus and Stacy Milbern. Disability justice builds on the disability rights movement by recognizing the intersectionality of disabled individuals and the need to take a more comprehensive approach to ensure rights are secured.



# Evolution of Disability Rights Related Legislation and Vocational Rehabilitation (3)



- **2012 - Employment First**
  - Movement to support all individuals to work in CIE regardless of support needs
- **2014 – Workforce Innovation and Opportunity Act (WIOA)**
  - Section 511 – limitations around use of Sub-Minimum Wage Employment
  - Customized Employment included as a supported employment strategy
  - VR eligibility still based on medical model though ICF model is used as basis for plan development.

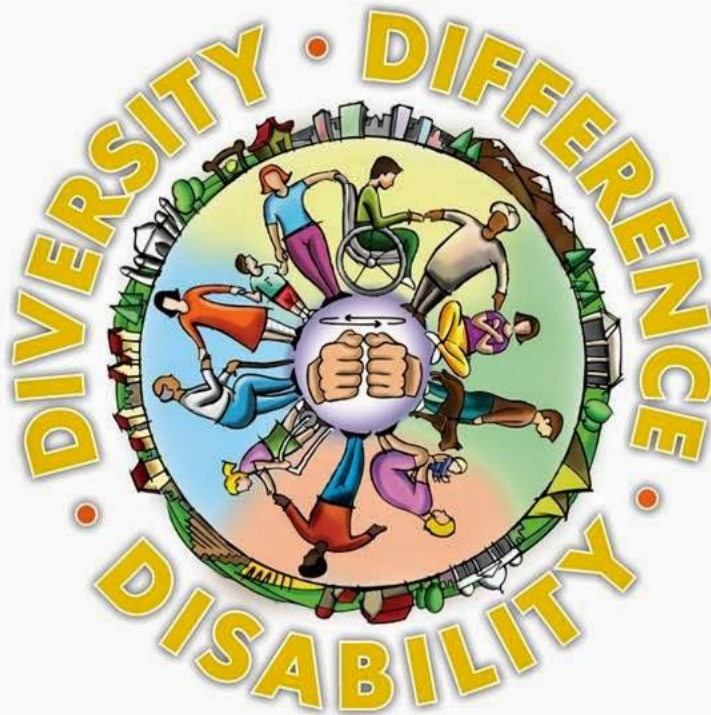


# Disability Rights

October 2016

Judy Heumann – Ted  
Talk

Our Fight for Disability  
Rights and Why We're  
Not Done Yet



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# From Disability Rights to Disability Justice

## Disability Justice Framework

- Asserts the need to include the experiences of disabled individuals who hold other historically marginalized identities (i.e. people of color, immigrants, LGBTQIA+ individuals, Homeless population, Returning Citizens etc.)
- Focuses on how disability and other marginalized identities come together to experience compounding layers of oppression within and across various systems and makes it even harder to have rights recognized and respected.
- [Intersections of Disability Justice and Transformative Justice](#)

## [10 Principles of Disability Justice](#)

- Intersectionality
- Leadership of those most impacted
- Anti-capitalist politics
- Cross-movement solidarity
- Recognizing wholeness
- Sustainability
- Commitment to cross-disability solidarity
- Interdependence
- Collective Access
- Collective Liberation



# Group Discussion - Disability Rights, Disability Justice, & VR?



- How does VR align/not align with the Disability Rights movement?
  - What can VR learn from the Disability Rights Movement?
- How does VR align with/not align with Disability Justice?
  - What can VR learn from the Disability Justice movement?

# Learn More Disability Rights & Justice Resources

## Suggested Books:

- Judith Heumann - *Being Heumann: An Unrepentant Memoir of a Disability Rights Activist*
- Alice Wong - *Disability Visibility*
- Leah Lakshmi Piepzna-Samarasinha – *Care Work: Dreaming Disability Justice*

## Suggested Websites:

- [Sins Invalid Disability Justice Primer and Blogs](#)
- [Project LETS – Disability Justice Overview & Resources](#)
- [Disability Justice Self-Study Guide](#)

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