Ugly Laws and Paradigm Shifts | CPD

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Changes in disability policy, beginning with the Developmental Disabilities Act in 1963, have allowed children with disabilities access to education.

In Chicago, as late as 1974, a person with an obvious physical disability could be fined up to $50 simply for going out in public. San Francisco, Omaha and Columbus (OH) had similar laws on the books.

According to Wikipedia, the Chicago Municipal Code, sec. 36034, included this ordinance:

“No person who is diseased, maimed, mutilated or in any way deformed so as to be an unsightly or disgusting object or improper person to be allowed in or on the public ways or other public places in this city, or shall therein or thereon expose himself to public view, under a penalty of not less than one dollar nor more than fifty dollars for each offense.”

Jeff Sheen, policy analyst at Utah State University’s Center for Persons with Disabilities, recently spoke to the CPD’s Interdisciplinary Disability and Service Learning class about disability policy. He said there have been varying definitions of disability throughout the years, from the moral or religious model, which defined disability as the result of evil or a sin committed by the person or his or her parents, to the medical model, where disability is defined as a deficit of some kind within an individual that must be diagnosed and fixed, to the current sociopolitical or civil rights model.

Referring to work done by noted disability policy analyst Bobby Silverstein, Sheen said, “Disability issues are civil rights issues. Historically, we’ve tried to fix people with disabilities. If we could not fix them, we supported exclusion and segregation. Sometimes we banned people with disabilities from being seen in public. Sometimes we forced people with disabilities into institutions and sterilized them. People with disabilities were perceived as vulnerable and dependent, and somebody had to take care of them.”

Chicago was the last major city to repeal its so-called “ugly law” in 1974, 11 years after the passage of the Developmental Disabilities Act in 1963. Sheen said it is one of the reasons why definitions are so important. Definitions drive behavior, societal attitudes, law and policy, and eligibility for services.

The core precepts of the current model of disability hold that disability is a natural and normal part of the human experience and in no way diminishes a person’s right to fully participate in all aspects of society. The focus now, Sheen said, is to fix the physical and social environment to provide effective and meaningful opportunities for people with disabilities.

Sheen used TOP Sports, a CPD program that created inclusive sports opportunities for children with disabilities, as an example of that focus.

“TOP Sports fixes the environment, not the kid, because the kid’s not broken,” Sheen said.

The goals of disability policy are to provide equal opportunities for people with disabilities, to involve people with disabilities in the decisions that affect them, and opportunities for independent living and economic self-sufficiency.

The Developmental Disabilities Act was reauthorized by Congress in 2000. In 2011, the National Council on Disability presented the results of a year-long study, which found that over the past 40 years, the United States has witnessed a major transformation of what it means to have a developmental disability. People with developmental disabilities were once expected to die young, and expectations for their lifetime accomplishments were small. Despite significant gains, the study found that people with disabilities continue to face considerable barriers to full integration, maximum independence and self-determination. Support services vary dramatically by state, and long waiting lists restrict access to services such as health care, housing, and employment.

“It takes a long time to change laws,” Sheen said. “Laws drive services. We know more now about how to create
inclusive communities for people of all abilities, how to change and improve environments to make them universally acceptable, but the laws and the service system still have ways to go to catch up with best practices.”