Intersectionality and the Disability Rights Movement: The Black Panthers, the Butterfly Brigade, and the United Farm Workers of America

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We ask you to join us in creating a culture that reflects…

Access and Inclusion

and

Civility and Respect

…this week and in all aspects of our organization.
Intersecting Branches

Shared Roots of the Disability Rights Movement
Learning Objectives

• To share the history of how and why racism and ableism intersect

• To place the admission, inclusion, and accommodation of students with disabilities into its compelling and legitimate American Civil Rights context - establishing that disability rights are civil rights

• To show both that the disability community in America has a long way to go to achieve equality and that access and support in higher education is a critically important part to achieving equality

• To reaffirm the critical importance of your job and disability services

• To stress that pedagogical tools, if made universally accessible, could more effectively educate all students

• If these objectives are achieved, we should all be engaging “disabled students” with insight and understanding. Compliance would then be a very limited problem
Racism and Ableism

- Racism
  - The belief that different races possess distinct characteristics, abilities, or qualities, especially so as to distinguish them as inferior or superior to one another.
  - Prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership in a particular racial or ethnic group, typically one that is a minority or marginalized.

- Ableism
  - Ableism is a set of beliefs or practices that devalue and discriminate against people with physical, intellectual, or psychiatric disabilities and often rests on the assumption that disabled people need to be ‘fixed’ in one form or the other.
  - Discrimination in favor of able-bodied people.
  - First known use of the word ableism, 1981.
Ableism Sets the Stage for:

- **Queer & trans people** to be institutionalized as mentally disabled, mentally ill/sexually deviant/”unfit”
- **Communities of color** to be understood as less capable, smart & intelligent, therefore ‘naturally’ fit for slave labor
- **Women’s bodies** to be used to produce children, when, where & how men needed them
- **People with disabilities** to be seen as ‘disposable’ in a capitalist & exploitative culture, including Nazi culture, because we are not seen as ’productive’
- **Immigrants** to be thought of as a ‘disease’ that we must ‘cure’ because it is ‘weakening’ our country
- **Violence, cycles of poverty, lack of resources & war, the police** to be used as systemic tools to construct disability in communities and entire countries”

See the works of Mia Mingus, e.g., [https://www.youtube.com/watch?v=3cJkUazW-jw](https://www.youtube.com/watch?v=3cJkUazW-jw)
Disabled People as Expendable

• An advanced social democracy does not wake-up one day and decide that extermination of its own people (Jews, political and draft resisters, some priests and nuns, Romany people, Eastern Europeans such as Poles, homosexuals, etc.) is a legitimate function of government

• The 1933 law for ‘Prevention of Offspring with Heredity Defects’ allowed Nazi Doctor’s to forcibly sterilize those they considered unfit

• From 1934 until 1939, about 400,000 German women and men were victims of the Nazi forced sterilization, because they were believed to have had a hereditary disease including coming from “inferior nations” in Eastern Europe or even persons holding “inferior ideas” such as pacifists

• Many of those having undergone forced sterilization, especially women, died as a consequence of the surgical intervention
Eugenics & the Myth of Perfecting the Gene Pool

• US
  • Many states authorized forced sterilization of thousands of “undesirable citizens” – people with disabilities, prisoners, and racial minorities – on the theory that, as the U.S. Supreme Court put it in upholding Virginia’s forced sterilization law in 1927, “three generations of imbeciles are enough.”

• Nazi Germany
  • American proponents of Eugenics, a scientific movement to “improve” the genetic composition of the human population, soon accelerated sterilization programs, which served as a model for Nazi programs implemented during the Holocaust.
The Black Triangle: Nazis, Race and Disability

Picture of 5 men, a couple looking mentally as well as physically disabled, wearing the striped uniforms of prisoners in Nazi prison camps. They all wear upside down black triangles on the left side of their chests.
Race and Disability
According to the Nazis

• According to Nazi ideology, the world was divided into “Aryans,” the “master race,” followed by the “lesser” races identified by skin color, ethnicity, culture, and nationality. After Jews, the Sinti and Roma, commonly called Gypsies, inspired the most animosity. Gypsies were also treated as social outcasts.

• The Nazis believed that disabled people did not, and could not, be a part of the German master race. They believed that they were genetically ‘impure’, and a financial burden on the state.

• Ultimately, this view led to the murder of thousands of disabled people.
Disability Rights

“If people with disabilities have a future, then everyone in our society will have a future.”

Ed Roberts
Disability Rights are Civil Rights

• Photo of Rosa Parks sitting in the front of the bus

• Photo of wheelchair and scooter users chained to front of Greyhound bus
• Unflinching in his advocacy around Black empowerment and disability rights, Brad Lomax was a member of the Black Panther Party (BPP), founder of the BPP supported East Oakland Center for Independent Living and protestor during the 1977 Section 504 sit-in.

• Oakland’s Black Panther Party cooked and carried wholesome, hot meals—meatloaf, fried chicken, rolls, and salad—across the Bay to San Francisco every single day, as they understood disability intersectionality with disabled Black Panthers.

• Brad was joined by fellow Black Panther Chuck Jackson during the 25 day long sit-in, who not only provided attendant care for Lomax, but also for others in need.
Social Justice Model: Individual Rights and Responsibilities

- Photo: Justin Dart, Jr., “Father” of the ADA, sitting in front of the nation’s capitol. Behind him is a banner quoting Martin Luther King, Jr. that says “Injustice anywhere is a threat to justice everywhere.”
Two Historical Human Rights Laws

• Civil Rights

• The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex or national origin. Provisions of this civil rights act forbade discrimination on the basis of gender, as well as race in hiring, promoting and firing.

• Nothing about disability but a conceptually helpful to the development of the basic nondiscrimination provision of the ADA

• ADA

• The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush.

• Guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy same opportunities and to participate in State and local government programs and services.
Collaborative Efforts

- Image of intersecting rings in rainbow colors

- Taking initiatives “beyond the minimum” to be universally accessible
- Holding all offices responsible for providing access
- Promoting collaborative planning and programming throughout different departments
- Seeking input from individuals with disabilities
If it Doesn’t Include Disability, it is NOT Diversity

Image of a circle with a wrist and clenched fist inside. At the base of the wrist is a wheelchair user leaning forward, with a cape flowing backwards. Rainbow stripes are in the background. Design represents intersection of Black power, disability and sexual orientation: racism, ableism and heterosexism.
Selling Disability Rights and the Importance of Your Mission
Four Tools for Persuasion

1) “Disability character” is an asset for your campus
2) American disability rights history
3) How far we have to yet to go – college is the gateway
4) Students with disabilities bring to the classroom the same kind of assets as all other forms of diversity and, the lessons learned from accommodating students with disabilities may “raise all ships” through universal design (UD)
Tool 1: Disability Character
The First “Sell” – Individual Stories

• When presenting disability rights, as a matter legal compliance (threats), we are unlikely to get buy in from faculty, administrators, or even nondisabled.

• To get buy in, we have to highlight the value of students (and people) with disabilities, as individuals, by telling their stories

• This starts with the stories of persons with disabilities as individuals
A Personal Note

• I have four disabilities, most important is dyslexia
• I was a college drop out due to a single barrier, foreign language acquisition
• I graduated near the top of my law school class
• I had similar success in a course of study in Philosophy of Law at Oxford University, England
• I supervised approximately 25 civil rights attorneys for 30 years for OCR
• I taught Disability Law at UC Hasting School of Law for 22 years as a recurring adjunct prof.
My Intersectional Perspective

• Through my 40+ years of service to OCR, I got to see the unfolding of the American Civil Rights continuum

• The securing of Civil Rights in America is best understood as a continuum with each community building on the insights, struggles, and judicial precedents of the preceding movements – a “frame extension”
  
  • “Earlier [social justice] movements can be important for subsequent movements if the earlier movement still exists and can provide support to the subsequent movement” Susan Schweik, Ph.D., Disability Studies Quarterly, Lomax's Matrix: Disability, Solidarity, and the Black Power of 504 Vol 31, No 1 (2011) > Schweik

• We are all in this together!
Richard Lee Grossman: What is the Purpose of Education?

- A socially-conservative white male; my younger brother
- 6 years from diagnosis of a fatal condition (Non Hodgkin’s Lymphoma) to death
  - An unusual choice of how to make best use of his remaining years
- Insights learned
  - Education is not always about research and employment
  - For some individuals, education is simply about affirmation of their humanity
  - This lesson is particularly applicable to some polytraumatic wounded warriors, individuals with intellectual disabilities, individuals with TBI
  - Many of such, “unemployable” individuals, were fully included in the “504 Sit-In”
  - Few of these individuals could experience a meaningful opportunity to learn without your professional and human support
Mary Lee Vance, Ph. D. - Nothing Can Replicate the Insights of Persons with Disabilities

• An immigrant by virtue of her disability, Ph.D., post-polio, woman of color
• A teachable moment: why be grateful for a parking ticket?
• “Nothing about us, without us”
• Now, “nothing without us”

Picture of MLV on an ultralight power-scooter
Haben Girma

• A deaf/blind, immigrant, African-American, female, Harvard Law School honors graduate
• Fire in her belly, charm, humor, persuasion in her voice
• Global Civil Rights advocate
• Invented her own technology necessary to attend college
• An expert on “hepatic” accommodations and technologies – e.g., driverless cars and Apple watches
• “Necessity can be the mother of innovation”

• Picture of Haben Girma, using her invention, a refreshable braille display board that receives communications by a Bluetooth connection with an Apple keyboard. The display board has round-tipped pins that raise and lower through holes in a flat surface.
Chris Downey, AIA
Disability as a Professional Asset

• An architect with an “acquired disability,” blindness
  • Found a printer that could emboss architectural drawings so that he could read and understand through touch (“hepatic intelligence”)
  • Downey designs spaces uniquely accessible to blind consumers like VA hospitals, medical centers for the blind, public transit centers, e.g. textured walls

• When will schools of architecture include ADA access standards as a required element of their curricula?
  • When people like Chris are the Dean
• 1977 a top leader at the 504 Sit-In
• 1991-2001 US ED Assistant Secretary for Special Education and Rehabilitation Services (Clinton)
• 2010-2017 US Dept. of State, Special Advisor for International Disability Rights (Obama)
• 2017-2019 World Bank, Advisor for Disability and Development
• A top policy advisor to President Elect Biden
• Nothing about us without us” “Nothing without us”

Judy Heumann
• Picture of poster for Crip Camp movie
• Picture of Judy’s book cover
Judy Heumann’s Formative Years

• Attended Camp Jened, as featured in the movie Crip Camp (produced by the Obamas) https://www.youtube.com/watch?v=OFS8SpwioZ4

• “We had the same joy together, the same anger over the way we were treated and the same frustrations at opportunities we didn’t have” Being Heumann: An Unrepentant Memoir of a Disability Rights Activist https://www.amazon.com/Being-Heumann-Unrepentant-Disability-Activist/dp/0807019291

• An opportunity to find solidarity and to begin to attain a Civil Rights identity
  • Independence from parents and self-sufficiency for the future
  • Contracted polio at 18 months of age – used a wheelchair for mobility and personal assistance for dressing, etc., from then on
  • A great deal of American disability history was first written by people with polio

• Much of what she accomplished, initially, was a response to a series of humiliations, set-backs and barriers, a source of the “fire in her belly”
Judy Heumann's Character

• Intersectional to her core - Including valuing all types of disabilities

• Response of Judy Heumann to a proposal to create consortia schools identified for students with disabilities thereby exempting most other schools for access requirements:
  “I can tell you that every time you raise issues of separate-but-equal the outrage of disabled individuals across the country is going to continue, is going to be ignited. There will be more takeovers of buildings until finally, maybe, you'll begin to understand our position. We will no longer allow the government to oppress disabled individuals. We want the law enforced. We want no more segregation. … [A]nd I would appreciate it if you would stop shaking your head in agreement when I do not think you know what we are talking about.”

• “[D]isability culture’ is really just a term for a culture that has learned to value the humanity in all people, without dismissing anyone for looking, thinking, believing, or acting differently”
  • Learned Civil Rights organizing techniques by participating in challenges to racial discrimination and the War in Vietnam
  • Valued diversity by building alliances with all types of other Civil Rights movements -- “[A]ny story of changing the world is always the story of many.”
Tool 2: American Disability Rights History

Disability Rights Were Not Handed to Us!
We Had to Earn Them

The “Section 504 Sit-In” at 50 United Nations Plaza,
San Francisco (April 1977)
No Regulations, no effective protections

• A 35 word “sneaker law,” vetoed by Nixon in his first term, signed in his second term on September 26, 1973

• But without an implementing regulation, the 35 words had almost no value
  • No definition of disability
  • No concept of what is prohibited
  • No mention of anything affirmative, like reasonable accommodation or facilities access
  • No idea of the scope of coverage: housing?; internships?; counseling?; libraries

• Though published for comment, no regulations adopted under Presidents Nixon or Ford

• President Carter and Secretary Califano appeared to be stalling and advocates feared the regulations would end up weakened

• Instigated by the American Coalition of Citizens with Disabilities, Judy Heumann (polio/wheelchair), Ed Roberts (polio/ventilator), Kitty Cone (Muscular Dystrophy/wheelchair) and many others, direct action by a diverse group of students with disabilities, assumed to be too weak to assert themselves, succeeded on April 28, 1977
What the Disability Community Had to Learn (1)

• To be successful as Civil Rights advocates, the disability community had to decide within itself, for itself, to embrace all its sub-communities, race, national origin, sex, a very wide range of disabilities

• “We can’t be selective about which marginalized group moves forward. At the end of the day, we all need to be moving forward together, taking care of our families and the planet.” Being Heumann, page 210.
What the Disability Community Had to Learn (2)

• The necessity of speaking with one voice with every Civil Rights movement that came before us

• “We who had come of age under the influence of Rosa Parks and Dr. Martin Luther King Jr., not to mention Gloria Steinem and the United Farm Workers, knew we were a band of underdogs fighting powerful institutions. If we didn’t speak as one voice we’d never win” Being Heumann
Crowd Gathering for 504 Sit-In

- Picture of 250 individuals with disabilities, gathered at 50 United Nations (UN) Plaza, in April, 1977 listening to speeches from Tom Hayden, Cecil Williams, the Black Panthers, feminists, unions, the gay community, and other Civil Rights groups.

- As medical fragile individuals, many of the people were about to risk their lives! It would all come down to the supply chain.
“Welcome to Hotel California”

- **Being Heumann** suggests that the Sit-In, beginning on April 5, 1977, was not entirely spontaneous.

- Occupation by over 100 people lasted 26 days, a record.

Picture of an empty wheelchair with individual sleeping on a futon in a stairway at 50 UN Plaza.
An Intersectional Movement (1)

- Most of the leaders of the 504 Sit-In at UN Plaza had gained foundational and tactical experience in race-based Civil Rights movements and anti-war actions.

- The 504 Sit-In was lead first by deaf persons, persons with post-polio syndrome (and others), and veterans wounded in Vietnam.

- More than half the leaders were female.

- Brad Lomax, founder of the Black Panther Party of D.C., and one of the principal leaders of the first large scale march on Washington by African Americans protesting for their civil rights. Brad, an individual with MS, was later one of the principal leaders of the 504 Sit-In.

Photo of Brad Lomax, a young African American male, formally-dressed, seated in a wheelchair next to Judy Heumann, also in a wheelchair and formally dressed.
An Intersectional Movement (2)

Picture of Donald Galloway, a blind person with a guide dog, a Black Civil Rights leader and a social worker, and Ed Roberts, a white disability Rights leader, strapped into his power-chair.

Donald Galway, a mentor to Ed Roberts, famous for establishing the right of persons with disabilities, including blind persons, to serve on a jury in the California courts.
An Intersectional Movement (3)

• Deaf persons used sign language to communicate with the outside when phones were cut

• The demonstration was provisioned by the Mission Rebels (Chicano) and the Black Panther Party of Oakland, California (through Brad Lomax [MS]), the Glide Memorial Church, as well as Delancey Street, a rehab program for substance abusers and former felons
  • The Panthers had long advocated for free healthcare as one of its “10 basic Civil Rights” (maybe they were the first to do so)
  • Panthers had been running hot breakfast programs in Oakland and L.A. School Districts
An Intersectional Movement (4)

• Security services were provided by the Butterfly Brigade of Castro Street (a gay organization designed to prevent street violence against homosexuals) who smuggled walkie-talkies into the building
  • Some leaders, such as Kitty Cone, were open about being gay, even in 1977 (she too had fire in her belly)
• 100 Federal employees working in 50 UN signed a petition to Secretary Califano to sign the regs.
An Intersectional Movement (5)

• Statement carried in the Black Panther newspaper, reported at the 504 Sit-In, attributable Dennis Billups, a blind Panther reporter present throughout the sit-in:

“[T]o my brothers and sisters that are Black and that are handicapped: Get out there, we need you. Come here, we need you. Wherever you are, we need you. Get out of your bed, get into your wheelchair. Get out of your crutches, get into your canes. If you can’t walk, call somebody, talk to somebody over the telephone; if you can’t talk, write; if you can’t write use sign language; use any method of communication that is all — all of it is open.”
An Intersectional Movement (6)

• There was also support from nearby toney Marin County including the Gray Panthers (elder rights) and Mill Valley Moms (with “retarded children”)

• There was support from multiple organized labor organizations including the AFGE, the United Farm Workers lead by Cesar Chavez, and especially the International Association of Machinists
Before Accessible Public Transportation

Picture of Judy Heumann in her wheelchair, wearing a bandana, exiting a lift-gate truck, part of a delegation of 34 people from the San Francisco Sit-In coming to picket at the US Capitol (during the day) and Califano’s home (at night).

The regulation was signed on April 28, 1977, largely unchanged, the 24th day of the occupation in San Francisco.
“And the Beat Goes On”

- Picture of two (of 60), mobility-impaired people, without braces or crutches, crawling up the 83 stairs of the inaccessible US Capitol as Congress debates the ADA.
- The ADA passed four months later—July 26, 1990.
Tool 3: We Have Far to Go ---
College is the Gateway to Better Conditions
How It Is: Employment

• For people without disabilities, in 2019, the employment rate for adults with without disabilities, age 18-64 was 78.6%

• The comparable figure for people with disabilities is 38.9% or a little more than half the rate for people without disabilities

• The magnitude of the employment gap has varied little since first studied in 2008, just prior to adoption of the ADA

• The magnitude of the median earnings gap for full time/full year work in 2008 to 2019 has not improved

• In 2019 the poverty rate for people with disabilities was 25.9% for people without disabilities it was 11.4%, these numbers and the size of the gap have been pretty steady since 2008

University of New Hampshire, Disability Statistics & Demographics Research and Training Center Institute on Disability/UCED, *Annual Report on People with Disabilities in America (2020)*; see also *National Trends in Disability and Employment (nTIDE) Report*

[https://researchondisability.org/home/ntide](https://researchondisability.org/home/ntide)
How It Is: Public Transit

• Many of our aging public transit systems are still not accessible enough to get skilled persons with disabilities to work: NY, Boston, Philadelphia

• Only 5% of persons with disabilities make it to work on public transit
  University of New Hampshire, Disability Statistics & Demographics Research and Training Center Institute on Disability/UCED, Annual Report on People with Disabilities in America (2020)

• Just two years ago, the West Los Angeles Community College sought to defend its termination of on-campus paratransit on the grounds that the LA paratransit and public transit systems were good enough to get students to where their classes were located. The 9th Cir. found the opposite to be the case Guerra v. West Los Angeles College 812 Fed.Appx. 612 (9th Cir. 2020)
How It Is: Medical Care (1)

- In a recent Mass. General survey, only 40.7 percent of physicians were very confident about their ability to provide the same quality of care to patients with disability as patients without a disability; just 56.5 percent strongly agreed that they welcomed patients with disability into their practices; and, 18.1 percent strongly agreed that the health care system often treats patients with disabilities unfairly.

Health Affairs Vol. 40, No. 2: Vital Directions
How It Is: Medical Care (2)

• At least 7.6 million people in the U.S. over the age 16 have a visual disability

• WebAIM, a nonprofit web accessibility organization, checked COVID vaccine websites gathered by Kaiser Health News (KHN) from all 50 states and the District of Columbia
  • As of January 27, 2021 it found accessibility issues on nearly all of 94 webpages, which included general vaccine information, lists of vaccine providers and registration forms
  • Phone alternatives, when available, are reported to be beset with long hold times and not being available at all hours like websites
How It Is: Technology

• DOJ has been aggressively pursuing this issue, but only on a case by case basis:
  • The last administration refused to update Title III regs on this issue (though the 508 refresh has not been withdrawn)
  • See Gill v. Winn-Dixie, Andrews v. Blick Arts, Robles v. Dominos Pizza; but see Diaz v. Kroger
• Universal design is largely absent from software design— we are limited to patches, work-arounds and ad hoc solutions
How It Is: As World Leaders

- The U.S. is supposed to be the world’s disability rights model and leader
  - We are!
  - But, Congress will not ratify the UN Convention on the Rights of Persons with Disabilities due to complaints from the homeschooling association
  - This even effects US citizens ability to travel or work overseas
Education Can Help!

One More Reason Your Mission is Critically Important
Education: Some Mixed News (1)

• One the one hand: For people with disabilities there is a stronger positive correlation between level of education and rate of employment than there is for the general population – one reason your mission is important

• One the other hand: The drop out rate for students’ with disabilities is very high, especially for students with psychological/emotional disabilities, as much as 90%
Education: Some Mixed News (2)

- The rate of SES gain from college for persons with disabilities is greater than for any other discrete measured group
  - Relative to persons without disabilities, no relative improvement in opportunities
  - In 2008, 9.8% of people with disabilities held a Bachelor’s degree or more.
  - The equivalent, current, most comparable number is 16.1%, a clear improvement
  - But the gap between disabled and non-disabled persons has actually grown slightly from 21.5 percentage points to 23.1% percentage points

- University of New Hampshire, Disability Statistics & Demographics Research and Training Center Institute on Disability/UCED, Annual Report on People with Disabilities in America (2020)
How It Is: Intersectional Insights

- African American example:
  - Disability prevalence: 10.4% all races v. 13.3% for African Americans
  - Elementary and secondary school African American students with disabilities are 12.5% more likely to get schooling outside of the regular classroom than students with disabilities of all races and 4% less likely to get a high school diploma
  - African Americans with disabilities are 29% less likely to be employed than are persons with disabilities of all races; are 32% more likely to experience poverty; and 37.5% more likely to lack adequate housing

- DisabilityCompendium.org Institute on Disability/UCED University of New Hampshire (2018)
The Goal Must be Self-determination

• No Civil Rights objective has ever been achieved solely by relying on the kindness of others
  • It took Thurgood Marshall to prevail in *Brown v. Board of Education*
  • Jimmy Carter is an exceptionally compassionate person but unless students with disabilities, like Judy Huemann and ED Roberts had not made life miserable for Carter and HEW Secretary, Joseph Califano, Section 504 would be useless and there would be no ADA
  • There would be no ADA without the signature and support of George H.W. Bush but he did not envision the ADA, draft the ADA, demonstrate and advocate for the ADA -- that had to be done by persons with disabilities, such as Justin Dart
Nothing Without Us
[Formerly Nothing About Us, Without Us]

• If our colleges and universities don’t admit and support students with disabilities, -- people like Mary Lee Vance, Haben Girma, Brad Lomax, Ronald Galloway, Judy Huemann and Ed Roberts-- to become teachers, public servants, policy wonks, professors, lawyers, firefighters, police officers, social workers, leaders and legislators, the conditions, the inequities, the unnecessary barriers experienced by people with disabilities will not go away or even diminish

• College is the only sure gateway!
Tool 4: Disabled Students Bring to the Classroom the Same Kind of Added Value as All Other Forms of Diversity -- Moreover, the Lessons Learned From Accommodating Students With Disabilities May “Raise All Ships” Through the Implementation of Universal Design (UD)
We Start with the “Diversity Value” of Disabled Students

• As we learned from the example of Haben Girma, the process of developing accommodation for persons with disabilities becomes an engine for innovation, ones that may well benefit us all, if, through universal design they are made available to us all.

• Like Black, Latinx, Feminist, and “Queer” Lit., we and our students miss all the insights that may come about the human condition and human history when we exclude these groups from our curricula.

• People with disabilities are no different!
“Kriplit”/”Kriphistory”

• I have heard about Frieda Kahlo as a feminist, a Latina, an artist, an author, a leftist, even as a bisexual and non-binary seductress, but never of the role of her disabilities (polio and traumatic spinal injury) in her character, achievements and art.

• Yet none of these aspects of her identity explains her character more than her disabilities, as her own work reveals?
Do You Know Why Frieda Kahlo Produced So Many Small Paintings of Herself?
Picture of Freida Kahlo Painting in Bed

Answer: For much of her life Frieda Kahlo was restricted to her bed, due to her spinal injuries and complications of her polio. With no ability to see over her easel, she used a mirror so as to use herself as her model.
UD: A Persuasive Element to Making the Sale

• UD can be a valuable part of selling disability rights
  • In accommodating students with disabilities, we learn better ways to
teach and deliver information, as well as to evaluate what students have
learned
  • These better ways could be used to the advantage of all students,
including students who are currently challenged by higher education’s
traditional teaching modalities
  • Experience with students with disabilities is one reason why our colleges
were able to pivot to on-line services with captioning; something of value
to every student
  • Minimizes if not eliminated retrofitting – advance planning
Universal Design in the Classroom: Principles

• Universal design teaching practices take into account the full range of ways in which we effectively access information

• Consequently, universal design teaching practices employ a variety of teaching styles, e.g., lecture, supplemented and supported lecture (today), discussion, seminar, “inside out and outside in” (on-line), self-directed study, experiments, demonstrations, clinical

• Classroom rules that permit everyone to access to adaptive technology
  • Recordings – “get over it” 34 C.F.R. section 104.44(b)
    • Everyone paid to learn and retain the knowledge that you are sharing – some students need to hear it twice
  • But restrictions are permissible
Examples of Universal Design Taken from my Law School Classroom
Universal Design in Practice: Preparation

• Syllabus is detailed, identifies all sources of information (e.g., textbook, on-line readings, audio-recordings, classroom demonstrations) contains an accommodation notice, contains trigger warnings for veterans, etc., and is completed well in advance of first day of class

• Textbook is in multiple formats
Universal Design: Presenters

• Include lecturers, as teachers or guest-teachers, individuals who are deaf, blind, mobility-impaired, intellectually-impaired, persons of color, immigrants, persons of faith communities, women, gay, transgendered, etc.

• Include lecturers, as teachers or guest-teachers, who approach the profession under study from a wide variety of circumstances, e.g., in a law school class: solo practitioners; advocacy organizations; government work; law firms; trial practice, appellate practice; research, etc.
Universal Design in Practice: Presentation

• Every lecture has a detailed PowerPoint or posted-outline which is available to every student, in an accessible format, before and after class

• Any videos are captioned

• Every class is recorded, synchronized to the pertinent Power Point and is made available on-line to every student
  • I’ve had very disabled students, very wounded warriors, who never came to class, met with me in person only twice, heard every lecture on-line, downloaded every Power Point outline, and “Aced” my class
Universal Design in Practice: Examinations & Assessments

• Permit all students to choose from multiple (at least two) formats of final examination that validly reflect the students' aptitude and/or knowledge
  • In class exam:
    • Generally, not timed but has a word limit
    • All students are allowed a limited number of memory joggers; e.g., formulae and case names
  • Or, a research project -- students may submit early drafts for feedback
• Extensions are liberally-granted to all students up to one week before teaching contract close of semester date
Resources

• ABA Accessible Meetings https://www.americanbar.org/groups/diversity/disabilityrights/resources/toolkit/
• ADA FAQ on Service Animals https://www.ada.gov/service_animals_2010.htm
• AHEAD Universal Design Toolkit https://www.ahead.ie/udl
• CAST Free UDL webinars http://castprofessionallearning.org/free-udl-webinars/
• CAST UDL Guidelines http://udlguidelines.cast.org
• Chronicle Article on Microphone https://www.chronicle.com/article/A-Note-From-Your-Colleagues/245916
• Do-IT Faculty Room for Inclusive Instruction https://www.washington.edu/doit/programs/accesscollege/faculty-room/overview
Resource Links

- NPR in Two Parts:
- The resources of the Paul Longmore Institute at San Francisco State University [https://longmoreinstitute.sfsu.edu/patient-no-more](https://longmoreinstitute.sfsu.edu/patient-no-more) (travelling exhibit is currently in Memphis)
Session Evaluation

• Your feedback helps shape future programming.

• Thank you for attending!