

# FRCD Newsletter

Editors: M.C. Christian, C. Des Jardins

August/September 2008

---

## ADA Restoration Act Restores Rights & Protections

The ADA **Restoration Act** of 2008 (HR 3195), passed by the U. S. House of Representatives June 25, 2008, with a vote of 402 to 17, restores the rights and protections of persons with disabilities which have been eroded by more than a decade of federal court decisions. The proposed legislation awaits passage by the U.S. Senate.

When the ADA was passed in 1990, it was hailed as a precedent setting law which would provide the same protection to persons with disabilities in the private sector that they had been granted under Section 504 of the Rehabilitation Act, applicable in the public sector.

The new proposed legislation restores the broad protections intended by the U. S. Congress when it passed the Americans with Disabilities Act 18 years ago, and subsequently signed by President George H.W. Bush.

However, over the last decade, strict interpretations of the civil rights law have resulted in federal court decisions which have excluded individuals that Congress meant to cover under the Act. These judicial interpretations have created barriers for persons with epilepsy, diabetes, multiple sclerosis, muscular dystrophy, intellectual disabilities, cancer, heart disease, and bipolar disorder from obtaining protections through the employment discrimination provisions of the ADA. *(continued at top of page 2)*

---

## IL Kids Count Report Shows Progress in Services for Children

The **Illinois Kids Count 2008 Report**, prepared from Illinois Issues (6/08) data, by Voices for Illinois Children, while citing areas needing improvement shows significant progress in services for children, in five key areas, including: health and development, education, family economic security, and children and youth at risk. Compared to 20 years ago, when research showed that Illinois children ranked in the bottom 20% in most national studies, the 2008 Illinois Kids Count Report shows the state has made significant improvements in three major areas:

- A drop of 32,000 children in state care, from 50,000 a decade ago to 17,000 today; the dramatic decline is largely attributed to reforms designed to encourage adoption and provide subsidized guardianships, often with a child's extended family.
- A 12-fold increase in early childhood education services during the past twenty years, now serving 90,000 pre-schoolers. Two years ago, Illinois became the first state to offer preschool to all 3 and 4 year olds.
- A 100% increase during the last decade, in subsidized child care services for parents leaving welfare for the work force, now serving 200,000 children. *(continued at the bottom of page 2)*

**Your vote *can* change your life!**  
See page 3

This *Newsletter* is financed exclusively  
by FRCD memberships.

---

*(continued from the top of page 1)*

The ADA Restoration Act of 2008 (also known as the ADA Amendments Act of 2008):

- Requires that the definition of disability be interpreted broadly;
- Prohibits courts from considering the effects of medication, prosthetics, hearing aids, etc. when determining whether a person meets the ADA's definition of disability;
- Defines "disability" as any actual, past, or perceived physical or mental impairment that "substantially limits a major life activity" and then defines this phrase to mean "materially restricts a major life activity;"
- Includes a broad definitional section listing a wide range of major life activities that is intended to restore coverage for many of the groups who have been interpreted out of the ADA by the courts, and
- Includes a broad "regarded as" prong that will provide civil rights protection to anyone who is adversely treated based on a physical or mental impairment.

The proposed legislation is supported by more than 60 national disability organizations, including the American Association of People with Disabilities (AAPD), the National Council on Independent Living (NCIL), the Bazelon Center on Mental Health Law, the National Disability Rights Network (NDRN), the Learning Disabilities Association of America, the Epilepsy Foundation, and TASH. Many key business associations such as the U.S. Chamber of Commerce, the National Association of Manufacturers, the Society for Human Resource Management, and the HR Policy Association also support the ADA Restoration Act of 2008.

(Information from TASH e-mail 6/27/08; and AAPD Legislative Alert, 6/2/08.)

---

*(continued from the bottom of page 1)*

In spite of the areas of progress cited above, the **Voices for Illinois Children 2008 Report** notes the following areas of deficiency:

- Increasing unemployment and poverty rates.
- The proportion of children without health care remains the highest in the Midwest, despite enactment of the All Kids program.
- Inadequate mental health services for children.
- Huge funding disparities among public school districts, largely because the state relies too heavily on local property taxes to finance education.
- Delayed enactment of pending legislation for \$30 million allocation for construction of early childhood education facilities to address program disparities based on family residency, including disparities impacting on Latino families.

(From Voices for Illinois Children Alert, 7/31/08)

---

### **ADA Public Comments Sought by DOJ**

The Department of Justice (DOJ) is seeking public comment on proposed changes to its regulations implementing titles II and III of the Americans with Disabilities Act of 1990 (ADA). The proposed regulations will establish specific requirements for the design of accessible public facilities such as courtrooms and an array of recreational facilities including playgrounds, swimming pools, amusement parks and golf courses, making it easier for individuals with disabilities to enjoy leisure activities and otherwise participate in society.

Send comments to: U.S. Department of Justice, 950 Pennsylvania Ave., NW, Civil Rights Division, Disability Rights Section – NYA, Washington, DC 20530, (800) 514-0301 (voice), (800) 514-0383 (TTY), or electronically: [www.regulations.gov](http://www.regulations.gov). Comments must be received by **August 18, 2008**.

---