

DISABILITY MATTERS: IDEIA, SECTION 504, AND ADA: WHAT DO THESE ACTS MEAN FOR AFRICAN AMERICAN LEARNERS WHO EXPERIENCE INTELLECTUAL DISABILITIES? A CRITICAL LITERATURE REVIEW

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Abstract

Adult learners with an intellectual disability have legal protections to access post-secondary learning and vocational opportunities. As individuals strive to maximize potential in the disability space, do cultural barriers of racism disrupt the potential for African American adult learners with intellectual disabilities? One implicit assumption is that race and social status affect advocacy efforts for learners during K-12 experiences, and the adult learners' ability to self-advocate.

Keywords: Intellectual disabilities, African American adults, racism

Individuals diagnosed with an Intellectual Disability (ID) experience profound developmental delays in cognitive and social proficiency that impair the acquisition and communication of learning outcomes (Eilenberg et al., 2019). The Individuals with Disabilities Education Improvement Act (IDEIA) (United States Department of Education, 2004) provides a Free and Appropriate Public Education (FAPE) to American children diagnosed with profound disability and protects against overidentification of African American students. An Individualized Education Plan (IEP) provides guidelines for curricular accommodations based on the K-12 learner's needs. Still, after age 18 how does IDEIA, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act of 1990, impact learning and vocation for the African American Adult Learner (AAAL) with IDs?

IDEIA Limits Assistance to Adult Learners with Intellectual Disabilities

Learners with IDs are educated in accordance with IDEIA from Pre-K to 12th grade. IDEIA provisions continue after age 18 if warranted by educational team determination. 12th grade, or age 21 (based on the student's needs), is the last year of IDEIA eligibility (Eilenberg et al., 2019). At age 22 IDEIA protections cease. When learning stops in K-12 schooling, it is referred to as 'falling off of the cliff' (McNulty, 2019). Due to the nature of IDs, impairments in intellectual and social functioning inhibit adult self-sufficiency (McNulty, 2019). Many AAALs with IDs find themselves in this position after graduation (Landmark & Zhang, 2012).

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 protects people with disabilities from discrimination between three and 21 years of age in federally funded programs (Rocco & Fornes, 2010). It is restricted, like IDEIA, in applicability to those aged 21 or younger. An examination of literature reveals that AAALs with disabilities experience the oppressive nature of

educational systems due to: 1) Lack of identification and inclusive placement in mainstream classrooms; 2) Racism, explicit bias, and implicit bias with regard to funding allocations (Paul-Emile, 2018); and 3) Challenges in decision-making among African American parents with disabled children and/or adults (Reese-Kay et al., 2021).

The ADA of 1990

With the passage of the Americans with Disabilities Act (ADA) in 1973 and 1990, many perceived this legislation as an equalizer for individuals with physical, mental, emotional, and learning impairments (Alston & Russo, 1994). This law extended protections for adult learners in higher education programs. Still, K-12 learners with IDs in some populations were poorly equipped. Wilson (2015) suggests that African American parents, impoverished parents, and inadequately educated parents are at a greater risk for decreased involvement. Some scholars (Bowman & Plourde, 2012; Owens et al., 2016; Wilson, 2015) argue that adult learners with IDs perform better with IEPs that focus on proficiency, learning styles, cultural sensitivities, and real-life experiences linked with critical literacy. Unfortunately, that lack of attention to the learning needs of adult learners with IDs in higher education settings tends to carry over into discriminatory workplace practices. McMahon & McMahon (2016) found that between 2008-2011 the rate of ADA allegations increased by more than 522%.

Discussion

Legislation that supports the abilities and personhood of individuals is a societal necessity. This literature review examined protections under IDEIA, Section 504 of the Rehabilitation Act of 1973, and the ADA of 1990 for AAALs with IDs. All three laws provide valuable protections for AAALs with IDs. Still, literature indicates greater barriers are experienced by AAALs with IDs in higher education and employment than by White adult learners and workers with IDs (McMahon & McMahon, 2016; Wilson, 2015).

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