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Native American Disability

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Rural Disability and Rehabilitation Research Progress Report #2

January 1999

AMERICAN INDIAN DISABILITY LEGISLATION RESEARCH

Congress specifically excluded tribes and reservations from the protections of the Americans with Disabilities Act (ADA). The Congressional Research Service, in studying this problem, concluded that the ADA could only be applied to tribes through massive litigation.

In a national survey of 143 tribal governments, representing over 600,000 members, 110 responding tribes requested immediate assistance in developing disability policy. Further, this project led to passage of a resolution by the National Congress of American Indians that recommended the creation of disability legislation among tribes that is consistent with the principles of the ADA and is respectful of tribal sovereignty and cultural diversity.

Our research is developing a model that allows tribes to build their own mechanisms for dealing with disability issues. The response of the Nations to disability issues has been as varied and diverse as the tribes themselves. Their experiences provide a guide for others.

GOAL

The goal of this project is to demonstrate the utility of the Tribal Disability Actualization Process (TDAP) in helping tribes develop culturally appropriate disability policies and programs in a manner that respects tribal sovereignty and cultural diversity, and is consistent with principles of consumer choice. Two central objectives include:

1. Demonstrate the effectiveness of the TDAP in helping tribal governments recognize the service needs of people with disabilities and to consider options for providing services.
2. Demonstrate the use of TDAP to enhance the ability of tribal members with disabilities to participate in the policy-making process, the design of service delivery systems, and in the allocation of resources and services.

KEY TERMS AND CONCEPTS

Americans with Disabilities Act

The ADA is the primary civil rights act for people with disabilities, guaranteeing the right to employment, access to travel and communication. Because Federal policy currently encourages tribal sovereignty and has moved toward helping tribes become autonomous, tribal governments are excluded from complying with much federal legislation, including the ADA.

The Research and Training Center on Rural Rehabilitation (RTC:Rural) conducts applied research designed to build upon the strengths of individuals and communities to solve problems experienced in every day life. This series of reports is designed to make research results available as soon as is practical. It is important to note that data presented are preliminary and must be interpreted with caution. The major limitations are reported but those interested in the process are strongly encouraged to contact staff who can more fully discuss the issues presented.