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BWN [Bernard William Nussbaum] Disability Issues 1994

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THE WHITE HOUSE
WASHINGTON

14 JUL 25 06:46

MEMORANDUM

TO: Lloyd Cutler
FROM: Ann Stock AS
DATE: July 25, 1994
RE: First Aid for ADA

ADA

With regards to my previous memorandum on Red Cross services for the ADA Ceremony on Wednesday, we were informed today Red Cross is not available for contracting first aid services for the event. I wanted you to know since I had previously sent over the contract in the event we were able to secure their services.

Thanks for your help.

Where is other
correspondence?

—

OFFICE OF DOMESTIC POLICY

THE WHITE HOUSE

CAROL H. RASCO
ASSISTANT TO THE PRESIDENT
FOR DOMESTIC POLICY

XC TO: Salston
Russbaum

DRAFT RESPONSE FOR POTUS AND
FORWARD TO CHR BY: _____

DRAFT RESPONSE FOR CHR BY: _____

PLEASE REPLY DIRECTLY TO THE WRITER
(COPY TO CHR) BY: _____

PLEASE ADVISE BY: _____

LET'S DISCUSS: _____

FOR YOUR INFORMATION: ☒ _____

REPLY USING FORM CODE: _____

FILE: _____

SEND COPY TO (ORIGINAL TO CHR): _____

SCHEDULE ? : ACCEPT PENDING REGRET

DESIGNEE TO ATTEND: _____

REMARKS:

January 31, 1994

FFP 8-1111

Ms. Carol Rasco
Presidential Adviser, Domestic Policy
The White House
Washington, D.C. 20510

Dear Ms. Rasco,

On June 22, 1993, I wrote you about an Americans with Disabilities Act complaint against the San Francisco Community College District (SFCCD: City College of San Francisco). Unfortunately, I have learned that the Office for Civil Rights, Region IX, U. S. Department of Education has chosen not to investigate my complaint. I am enclosing a copy of my letter to Stewart Oneglia, U. S. Department of Justice. I understand DOJ will now review my complaint.

Although I was disappointed with OCR's decision, I was greatly encouraged to read the December 13, 1993 investigate report in the U.S. News and World Report, "Separate and Unequal". This past week the San Francisco Examiner (January 25, 1994) reported on the recent ruling by the U. S. Circuit Court of Appeals in San Francisco about access to mainstream classes for a young girl with disabilities.

Perhaps it will happen! Perhaps someday students with disabilities, including college students, will have their equal rights to educational access and opportunities. I hope so!

With very best wishes,

Ann Clark

encl.

Ann Clark, Ph.D. 2000 Monterey Blvd. San Francisco, Ca 941

January 20, 1994

Stewart B. Oneglia
Chief, Coordination and Review Section
U. S. Department of Justice
Civil Rights Division
P.O. Box 66118
Washington, D.C. 20035-6118

Docket Number 09-93-2205

Dear Mr. Oneglia,

The Office for Civil Rights Region IX, U. S. Department of Education has informed me that my complaint of discrimination against the San Francisco Community College has been referred to you for review and disposition. OCR also stated that I needed to write to you for information about the DOJ review process including my rights and responsibilities. I would appreciate your sending me this information.

Perhaps you have read the recent investigative report in U.S. News and World Report (December 13, 1993). **Separate and Unequal**, about special education programs. My complaint centered on the allegation that separate special education programs are not equal for many San Francisco Community College students with disabilities. These programs receive multiple excess funding.

Because mine was an institutional complaint, I provided institutional information. For example, of 650 students during one semester who attended special education programs, attendance records revealed that

421 (65%)	of the 650 students never attended any mainstream SFCCD courses
203 (48%)	of the 421 students had attended only SFCCD special education courses for 4.5 to 9.7 years.
100 (24%)	of the 421 students had attended only SFCCD special education courses for 2.5 to 4.0 years.

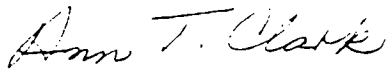
Ann Clark, Ph.D. 2000 Monterey Blvd. San Francisco, Ca 94122

I also provided information about the **multiple excess funding** allocations given for students with disabilities **who attend off-campus special education programs** as compared with less funding provided for students with disabilities who attend on-campus, mainstream programs.

Because of student confidentiality, I was not able to provide information about specific students as requested of me by OCR. However, recently the City College student newspaper, The Guardsman (December 13-22) reported on **telephone registration** for hearing impaired students. Difficulties with telephone registration were included in my complaint.

U.S. News and World Report reported "lax enforcement" and a disheartening analysis of what has happened to "10,147 complaints received by the Department of Education's Office of Civil Rights since 1987". It is my hope that there will be a time when students with disabilities will have full access to educational programs, services, activities and benefits.

Sincerely,

A handwritten signature in cursive script that reads "Ann T. Clark".

Ann T. Clark

articles enclosed: U.S. News and World Report (December 13, 1993)
 The Guardsman (December 13-22, 1993)

Retarded girl wins place in classroom

By Bob Egelko
ASSOCIATED PRESS

A girl with a 44 IQ is entitled to be placed in a regular school class in Sacramento, based on findings that she could learn academic and social skills without disrupting the class, a federal appeals court has ruled.

The ruling Monday by the 9th U.S. Circuit Court of Appeals in San Francisco was called "a tremendous victory for disabled kids" by an attorney for the parents of 11-year-old Rachel Holland.

By rejecting the school district's argument that such a child could not benefit from a regular classroom, the decision will "move the integration mandate of the law many steps forward," said attorney Diane Lipton of the Disability Rights Education and Defense Fund.

Federal law requires states to educate disabled children in regular classes "to the maximum extent appropriate."

The court did not directly order regular public school enrollment for Rachel, who is now attending private school at her parents' expense. But the ruling said a decision on her future must follow standards set by a federal judge in Sacramento, who had approved her regular class enrollment in 1992 over opposition by the Sacramento City Unified School District.

The district's attorney could not be reached for comment.

The court said Rachel, labeled "moderately retarded" based on her school IQ test, had attended public school special-education classes from 1985 to 1989. Her parents sought her full-time enrollment in a regular classroom in fall 1989, but the district said she should be kept in special education for academic subjects and moved to regular classes at other times.

Who's hearing the hearing impaired?

BY JANE HARTFORD

Before she spoke, she appeared to be fragile and completely dependent on the two interpreters for the hearing impaired who were there to speak for her. But when she was given the opportunity to speak for herself, speak she did and with power, conviction, and with complete clarity. Her name is Allison Chau.

When questioned on her feelings about the present system of registration for the hearing-impaired she exclaimed, "I hate it! It's a headache! I hate going through a third party. I'd much rather do it (register) myself by phone," said Chau forcefully when asked how she felt about proxy registration.

According to Chau, she would like to see phone registration for the hearing impaired, which was proposed, but nixed by the Board of Trustees last year. Enhancements to the phone registration system would be needed to make it accessible to the hearing-impaired and so far the Board has not been willing to add them.

The American with Disabilities Act of 1991, requires that institutions have equal access for all no matter what may be the disability. Institutions are required to make reasonable accommodations for those with disabilities.

Dean of Admission and Records Robert Balesteri said, "the Board decided not to spend the \$2,000 or \$3,000 it would cost to accommodate what I think were only three hearing-impaired students at the time, with consideration

that something else would have to be done for these students. Then Disabled Student Programs and Services (D.S.P.&S.) came up with the alternate accommodation of the proxy system."

The proxy system offered through D.S.P.&S. gives hearing-impaired students priority registration and has other people actually stand in line and register for them. D.S.P.&S. Department Chair Dorene Cotter said none of the hearing-impaired students have complained and that the system in place does meet the minimum ADA requirement for equal access to, in this case, registration.

Cotter also said D.S.P.&S. was here to advocate for students, but that it was difficult to do if D.S.P.&S. doesn't hear about the problems.

When asked whether the hearing-impaired students had ever been asked for their opinions regarding proxy registration versus phone registration, Cotter admitted she didn't know. She did concede, however, that "one of the missions of the department would be to encourage self-empowerment."

Three hearing-impaired students, Allison Chau, Linda Trieu and Ton Chau, said they were never asked how they felt about the way they register for classes.

When asked, Ton Chau agreed with Allison that he too would rather do his own registering by phone. Trieu refused to comment because she was afraid that, "they (D.S.P.&S) might misunderstand me," declining to state her preference.

Cotter lamented, "I don't know how to

improve communications, but I know they need to be improved."

One interested party suggested that D.S.P.&S. might simply ask the hearing-

impaired students for their preferences, and then lobby for their choice for equal access rather than just accepting the administration's edicts.