



Stuttering, Employment and the ADA





ADA (1990)

prohibits employment
discrimination against qualified
individuals with disabilities.



ADA (1990)

Did not “list” dis-abilities by name as not to limit scope of the Act.



“Individual with a disability”

Definition:

1. a physical or mental impairment that substantially limits one or more major life activities.



“Individual with a disability”

2. A record of such an impairment
3. or is regarded as having such an impairment

Stuttering

- Fulfills definition of a “physiological disorder” or “condition” that affects the “speech organs” and that limits an individual’s ability to participate in the “major life activity” of “speaking” and in some cases “working”.



Has “disability”

if:

- “regarded” as having such an impairment

Columbus, Ohio vs Liebhart

History:

- 10 years part-time auxiliary firefighter
- extensive experience
- rated as “excellent” by co-workers
- applied for full-time job
- denied due to stutter during oral exam

Columbus, Ohio vs Liebhart

History:

- 10 years part-time auxiliary firefighter
- extensive experience
- rated as “excellent” by co-workers
- applied for full-time job
- denied due to stutter during oral exam
- Sued and won



ADA applies to:

- private employers,
- state and local governments,
- employment agencies and
- labor unions



ADA does not

apply to:

- federal government, including
 - military services



Principle of Reasonable

Accommodation

- May include job “restructuring”



Determining qualifications for a job

2 Steps

- ❑ 1. Education, work experience, training, skills, licenses, certificates, etc.



Determining qualifications for a job

2 Steps

- ❑ 2. Whether individual can perform **essential functions** of the job, with or without a reasonable accommodation

Essential function

- Task that the employees in the position actually do, and removing that task fundamentally changes the job.
- ADA does not require employers to develop or maintain written job descriptions.

Free money if you
stutter



NSP Advocacy Committee

- Provides information
- will write to employers to educate them
- will work with attorneys
- **Contact**
 - NSP Advocacy Committee



Help paying for an anti-stuttering device

1. ADA requires some employers to provide devices, and then reimburses some of these employers 50%



Help paying for an anti-stuttering device

2. Telephone companies in several states provide the Desktop Fluency System free to customers



Help paying for an anti-stuttering device

3. State vocational rehabilitation programs should provide an electronic device if you're looking for a job.



Help paying for an anti-stuttering device

4. IRS allows you to deduct speech therapy equipment on Schedule A, if your total medical expenses exceed 7.5% of your adjusted gross income.



Help paying for an anti-stuttering device

5. Federal Supplemental Security Income helps low income children with disabilities. They send you a check every month, but don't pay for devices



Help paying for an anti-stuttering device

6. Health insurance programs usually only pay for a device if you have neurogenic stuttering (stroke or head injury)



Help paying for an anti-stuttering device

7. IDEA (Individuals with Disabilities Education Act) helps children with disabilities...ask school principal or slp



IDEA

Presentation at ASHA Convention, 2000


Chamela et al

Commitment to improving quality of
services to children with disabilities



IDEA Regulations

- Created changes in
 - who will qualify for speech and language services
 - how IEP's are developed and
 - manner in which services will be delivered
 - qualified children for service based on educational impact (including non-academic and extracurricular activities)

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- ❑ Specified that clinicians may advocate for preferred practices
 - ❑ Included parents as providing input into the evaluation



IDEA Eligibility

- Entrance/exit criteria must coincide with the *impact* that the disorder has on educational performance
- Discrepancies exist among districts/states in definitions, assessment and eligibility criteria

ADVERSE IMPACT IS NOT DEFINED IN THE LEGISLATION



Adverse Educational Impact (AEI)

- ❑ Cannot be limited to discrepancy in age/grade performance
- ❑ Must be determined on an individual basis
- ❑ Includes academic and nonacademic areas
 - General curriculum
 - Nonacademic curriculum
 - Extracurricular activities



Determining educational relevance

- ❑ Academic: ability to benefit from the curriculum
- ❑ Social: ability to interact with peers and adults
- ❑ Vocational: ability to participate in vocational activities



Academic impact documented by:

- Academics below grade level
- Difficulty with language based activities
- Difficulty with auditory comprehension
- ******Difficulty communicating
information orally******



Social Impact

- ❑ Interference with listeners' understanding***
- ❑ Difficulty maintaining or terminating verbal interactions***
- ❑ Student experiences teasing from peers***
- ❑ Demonstrates fear/embarrassment***
- ❑ Other



Vocational Impact

Impact on job related skills/competencies

- ❖ Difficult following directions
- ❖ Inappropriate comments
- ❖ Difficulty asking/answering questions***
- ❖ Other***



IDEA Assessment Requirements & Stuttering

- ❑ Use a variety of tools and strategies
- ❑ Obtain relevant and functional information about the child
- ❑ Information from parents & teachers
- ❑ No single criterion should be used to determine eligibility
- ❑ Must include cognitive and affective factors



Assessment Process (Schools)

- Stage I: Establish that a disorder is present without respect to severity or impact
- Stage II: Determine whether the condition has an AEI
- Stage III: Decide whether student needs services in order to participate appropriately in the general curriculum



Review of entrance criteria in 6 states

- Found 44 different criteria, falling into one of 6 categories
 - Cognitive: beliefs/perceptions
 - Affective: emotions
 - Linguistic: linguistic units or behaviors
 - Motor: form, frequency, duration, accessory behaviors
 - Social: AEI
 - Other: age, chronicity, history etc.



RECOMMENDATIONS

ENTRANCE CRITERIA


- ❑ Less emphasis on ONE (motor) behavior
- ❑ Increased emphasis on affective and cognitive components of the disorder
- ❑ Specifically require other measures beyond speech sampling/observation of speech behavior across multiple environments
- ❑ Document AEI beyond classroom participation



RECOMMENDATIONS

EXIT CRITERIA: Students should be dismissed when...

- ❖ All objectives have been met and no additional intervention is warranted
- ❖ Parents request exit
- ❖ Intervention no longer results in measurable benefits
- ❖ Child is unwilling/unmotivated and efforts to address motivation have been unsuccessful

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- ❑ Extenuating circumstances warrant discontinuation
 - ❑ Disorder no longer impacts educational performance
 - ❑ Child no longer needs services to participate in general curriculum



Developing Relevant IEP Goals


MUST (ACCORDING TO IDEA)

- ❖ Consider child's individual needs
- ❖ Change as child's needs change
- ❖ Discuss present levels of performance
- ❖ Include Annual goals
- ❖ Include benchmarks or objectives
- ❖ Consider other factors



Guidelines for Developing IEP Goals

- ❑ Begin with teacher/administrator education about nature of stuttering problems in children
- ❑ Explore communicative competencies with *individual* teachers
- ❑ Recognize nature of treatment child *currently* needs
- ❑ Relate stuttering treatment to curriculum

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- Consider consultation from a fluency specialist
 - Integrate aspects of stuttering therapy into the classroom



Service Delivery Issues

- ❑ Service delivery is a dynamic concept
- ❑ No one service delivery model should be used exclusively during intervention
- ❑ All service delivery models should include collaborative consultation with others
- ❑ IDEA regulations should result in more integrated service delivery models.