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People First Language (PFL) Legislation: A Review May 30, 2006

Society has historically seen people with physical, mental or cognitive disabilities as broken or afflicted. Language used to describe people with disabilities reflects this view. Many state statutes, including the District of Columbia's, contain outdated and offensive language such as "lunatic," "feeble minded" and "idiot." The use of "People First Language" (PFL), also commonly referred to as "respectful language," seeks to reverse that stigma. By changing the way people are described, PFL seeks to change how society views people with disabilities and foster more positive attitudes.

PFL legislation is part of a national movement to promote dignity and inclusion for people with disabilities, and is in many ways a continuation and expansion of the disability rights movement initiated by the federal *Americans with Disabilities Act of 1990* and other national legislation. In this spirit, PFL bills across the country have been greeted with overwhelming bipartisan support from state legislatures.

As summarized by the Arkansas State Legislature, "language used in reference to individuals with disabilities shapes and reflects society's attitudes towards people with disabilities. Many of the terms currently used diminish the humanity [of the individual] and [stigmatize the] natural condition of having a disability. Certain terms are demeaning and create an "invisible barrier" to inclusion as equal community members."¹ Minnesota state Senator Sheila Kiscaden (IP-Rochester) captured the essence of PFL in saying "It's important to focus on a person's capabilities, not to label the whole individual."²

What is "People First Language"?

PFL specifies that the order of terms used to describe any individual places the person first, and the description of the person second. For example, when using PFL, outdated terms such as "the disabled" would be phrased as "people with disabilities." This language emphasizes that individuals are *people first*, and that their disabilities are secondary.

In general, PFL avoids words, phrases and sentence construction that imply that a person as a whole is disabled (e.g. "the mentally ill" or "the learning disabled"), equate people with their condition (e.g. "epileptics" or "autistics"), have negative overtones (e.g. "afflicted with cerebral palsy" or "confined to a wheelchair") or are regarded as derogatory or demeaning (e.g. "handicapped" or "mentally deficient"). Instead, PFL emphasizes the use of terms commonly viewed as respectful, along with sentence structure that refers to persons with disabilities as persons first (e.g. "individuals with disabilities").

Examples of People First Language, by Kathie Snow

Say:

People with disabilities.
He has a cognitive disability (diagnosis).
She has autism (or an autism diagnosis).
He has a diagnosis of Down syndrome.
She has a learning disability (diagnosis).
He has a physical disability (diagnosis).
She's of short stature/she's a little person.
He has a mental health diagnosis.
She uses a wheelchair/mobility chair.
He receives special ed services.
She has a developmental delay.
Kids without disabilities.
Communicates with her eyes/device/etc.
Customer
Congenital disability
Brain injury
Accessible parking, hotel room, etc.
She needs . . . or she uses . . .

Instead of:

The handicapped or disabled.
He's mentally retarded.
She's autistic.
He's Down's.
She's learning disabled.
He's a quadriplegic/crippled.
She's a dwarf/midget.
He's emotionally disturbed/mentally ill.
She's confined/wheelchair bound.
He's in special ed.
She's developmentally delayed.
Normal or healthy kids.
Is non-verbal.
Client, consumer, recipient, etc.
Birth defect
Brain damaged
Handicapped parking, hotel room, etc.
She has problems/special needs.

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Respectful Language: A Growing National Movement

Thirteen states have current or pending laws, policies or positions in support of using PFL for legislative, operational and/or business matters (see summary table, page 4).

Pennsylvania Governor Robert P. Casey enacted the nation's first state PFL policy by Executive Order in 1992. The Order affirms the rights of all people to be free from discrimination and enjoy the opportunity to participate fully in society, and requires all agencies, boards and commissions under the Governor's jurisdiction to use PFL.

The PFL movement has gained momentum in the past two years. Since 2004, six states have enacted PFL through legislation (AK, MN, MS, OR, UT WA) and three more and the District of Columbia are seeking approval of legislation (AR, CT, DC, NY). Three other states have initiated executive orders, policies or provide position statements in cabinet level departments endorsing the use of PFL (IN, LA, TN).

Some critics have dismissed PFL as enforced political correctness. But it is reasonable to no longer use terms like "feeble minded" in the twenty-first century. As noted by Oregon state Rep. Billy Dalto (R-Salem), "It certainly shouldn't be our place to memorialize this lack of respect or sensitivity in our statutes or public institutions."³

State legislatures have affirmed this sentiment by passing PFL bills by wide margins: Alaska – House 36/1, Senate 20/0; Minnesota - House 131/0, Senate 60/0; New York - Assembly 144/1; Oregon - House 54/2, Senate 25/0; Utah House 69/0 (6 absent), Senate 21/0 (8 absent); and Washington – House 95/0, Senate 48/0. As stated by a member of the New York State Partners in Policymaking Class of 2004, a group which helped write New York’s PFL legislation, “Words set the tone for attitudes and can change perceptions. [Certain] terms perpetuate negative attitudes towards people with disabilities and... exclude [them] as being viewed as equal citizens.”⁴

“People First Language” Legislative Features

In most states, PFL bills have been initiated and supported by people with disabilities and community advocacy organizations, including state chapters of The Arc of the United States. For example, in Minnesota legislators responded to concerns brought to their attention by the Minnesota Association of Centers for Independent Living and Disability Awareness. In Washington, Self Advocates In Leadership (SAIL), a statewide coalition on developmental disabilities, championed their PFL law from an idea to statute.

Features of PFL legislation commonly address three areas. First, the scope typically includes use of PFL language in laws, and often also includes regulations, publications by state agencies and signs. Second, PFL bills vary in the time frame of their application. Some statutes are retroactive, revising existing state code and regulations. Others target only new laws and policies or amend existing statute and policies as reviews occur periodically. Lastly, some PFL bills specify the elimination or inclusion of certain words and phrases, whereas others provide guidance on broader categories. For example, New York’s bill sought to “avoid language that...has negative overtones...or is regarded as derogatory or demeaning,”⁵ whereas Minnesota’s law lists the objectionable terminology already in state statute and provides case by case substitute PFL terms.

Conclusion

Six states have successfully brought PFL to statute. Advocates in at least three more states and the District of Columbia are campaigning to bring PFL to their official law. PFL legislation need not be overcomplicated and it is highly unlikely that the respectful sequencing of terms outlined by PFL will become outdated. As stated by Rep. Joe Opatz (D-FL-St. Cloud) of Minnesota, “This is a simple step that a state can make in the right direction. I hope that everyone can get behind this legislation and recognize that people with disabilities are unique individuals, first and foremost.”⁶

¹ State of Arkansas 85th General Assembly, Regular Session 2005, SB1121, p.4.

² Minnesota House of Representatives News Release “Bipartisan Coalition Introduces ‘People First’ Legislation,” January 27, 2005.

³ The Oregon Clarion “Respectful Language is the Law,” July 2005.

⁴ James Costello, New York Times, Letter to the Editor, September 19, 2005.

⁵ New York State Assembly 2005-2006 Regular Session AO5616, lines 13-19.

⁶ Minnesota House of Representatives News Release “Bipartisan Coalition Introduces ‘People First’ Legislation,” January 27, 2005.

People First Language (PFL) Legislation and Policies in the United States as of May, 2006

State	Vehicle	Bill / Policy #	Status / Effective Date	Key Provisions
Alaska	State Law	HB357	5/12/06	Revises existing state statute to remove outdated terms and replace with respectful language.
Arkansas	Pending Legislation for 2007	SB1121	Introduced 3/7/05; held over until the 2007 session	Outlines specific terms to avoid in new legislation and authorizes the Arkansas Code Revision Committee to change any such references in past statute. Outlines appropriate substitute terms. Declares an emergency, as people with disabilities' needs are going unheard.
Connecticut	Pending Legislation	SB63	Introduced 2/9/06; Approved by committee	Requires the use of respectful language in the Connecticut General Statutes when referring to persons with disabilities.
District of Columbia	Pending Legislation	B16-664 B16-665	Introduced 3/7/06	Removes outdated, offensive terms from the DC Code; requires the use of respectful language in all new laws, regulations, official publications and web sites; requires existing regulations and publications to be updated to use respectful language within 6 months; requests a study recommending options for replacing the term "mental retardation" in local DC laws and documents within 6 months.
Indiana	Brochure	n/a	n/a	Brochure titled "Changing Attitudes" produced by the Indiana Governor's Planning Council for People with Disabilities. Enhances understanding of people with disabilities and lists acceptable PFL terms.
Louisiana	Policy	Policy # 0004-03	Effective 12/31/03	Ensures that persons with disabilities served by the Department of Health and Hospitals (DHH) are referred to in language that is affirmative and respectful. DHH has begun discussions with the Governor's Office of Disability Affairs about an Executive Order to expand PFL to other departments.
Minnesota	State Law	Session Law Ch. 56 (HF0487)	Effective 8/1/05	Orders revisions to existing statutes and rules to remove objectionable terms and replace them with PFL. Orders replacement of signs and printed materials moving forward.

State	Vehicle	Bill / Policy #	Status / Effective Date	Key Provisions
Mississippi	State Law	Ch. 474	Effective 7/1/05	Directs legislative drafting offices and state agencies to use respectful language when referring to individuals with disabilities in the preparation of legislation and rules.
New York	Legislation	AO5616	Vetoed by governor, 8/16/05; pending re-introduction	Outlines general types of language to avoid and authorizes replacement of such terms using “persons first” language in new and revised statutes.
Oregon	State Law	Ch. 411, 2005 Laws (HB3047)	Effective 1/1/06	Mandates review and revision of state agency rules and policies; requires the use of PFL in all state correspondence and publications; requires education of state employees, officials and general public about the worth and capacity of people with disabilities and use of PFL; and encourages state agencies to foster use of PFL in the media and school texts.
Pennsylvania	Executive Order	n/a	Signed 7/22/92	Forbids discrimination against any individual with a disability, endorses respectful treatment of people with disabilities and requires all state agencies, boards and commissions to use PFL in publications.
Tennessee	Position Statement	n/a	Fall 2004	Informational webpage provided by the Department of Mental Health and Disabilities. “The words we use to address...a person with a disability can be respectful and encouraging or demeaning and cruel. It is time to educate everyone that there is such a thing as ‘PFL’.”
Utah	House Joint Resolution	HJR14	Approved by legislature and sent to Lt. Gov. for filing, 3/06	Urges all state agencies to replace the term “mental retardation” in official documents with language that is sensitive to people with disabilities. Encourages state agencies to review and consider alternative references to this term that are used by other states.
Washington	State Law	RCW 44.04.280	7/10/05	Recognizes that language can shape and reflect society attitudes. Clarifies preferred language for new and revised laws by requiring the use of PFL.

People First Language (PFL) Contacts and Resources

State	Web Reference* and State Contact Information
Alaska	* http://www.legis.state.ak.us/basis/get_fulltext.asp?session=24&bill=HB357
Arkansas	* http://www.arkleg.state.ar.us/ftproot/bills/2005/public/SB1121.pdf Wilma Stewart, Arkansas Governor's Developmental Disabilities Council wstewart@HealthyArkansas.com (501) 661-2589
Connecticut	* http://www.cga.ct.gov
District of Columbia	* http://www.dccouncil.us T.J. Sutcliffe, Director of Advocacy and Public Policy, The Arc of the District of Columbia, tjsutcliffe@arc.dc.net , (202) 636-2963
Indiana	* http://www.in.gov/gpcpd/publications/interact.html Governor's Planning Council for People with Disabilities
Louisiana	Dena Vogel, Executive Management Consultant, Office of the Secretary. Louisiana Department of Health and Hospitals, dvogel@dhh.la.gov , (225) 342-9243
Minnesota	* http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=H0487.2&session=ls84 Colleen Wieck, Ph.D. Executive Director, Governor's Council on Developmental Disabilities, colleen.wieck@state.mn.us (651) 296-9964, toll free: 1-877-348-0505
Mississippi	* http://billstatus.ls.state.ms.us/2005/pdf/history/SB/SB2556.htm
New York	* http://assembly.state.ny.us/leg/?bn=A05616&sh=t 1) Jim and Veronica Swart, Self-Advocates, swartfamily@frontiernet.net 2) Assemblyman Harvey Weisenberg (contact: Elaine Koreman, koremad@assembly.state.ny.us (518) 455-3064) 3) Eric Leonard, NY Education Department, eleonard@mail.nysed.gov (518) 474-5215
Oregon	* http://landru.leg.state.or.us/05reg/measures/hb3000.dir/hb3047.en.html 1) Kathryn Weit, Oregon Council on Developmental Disabilities, kweit@ocdd.org , (503) 945-9943 2) State Rep. Billy Dalto (R-Salem), rep.billydalto@state.or.us (503) 986-1421

State	Web Reference* and State Contact Information
Pennsylvania	* http://www.kidstogether.org/leg_p1st.htm
Tennessee	* http://www.tennessee.gov/mental/stigma6.html The Department of Mental Health and Developmental Disabilities Joe Swinford, FACMHA; Director, Office of Consumer Affairs, TDMHDD Joe.Swinford@state.tn.us , (615) 532-6700 fax: (615) 253-3920
Utah	* http://www.le.state.ut.us/~2006/bills/hbillenr/hjr014.htm Alison Lozano, Ph.D., Executive Director, Utah Developmental Disabilities Council alozano@utah.gov , (801) 533-3965
Washington	* http://apps.leg.wa.gov/rcw/default.aspx?cite=44.04.280 Donna Patrick, Director of Public Policy, WA State Developmental Disabilities Council DonnaP@CTED.WA.GOV , (360) 586-3566, toll free: 1-800-634-4473

About the Arc of the District of Columbia

The Arc of the District of Columbia, Inc., (The Arc of DC) is a private, non-profit 501(c)(3) membership organization serving persons with mental retardation and related developmental disabilities and their families in the District of Columbia. The Arc of DC provides support services to more than 300 persons annually. The Arc of DC has been in the forefront of advocacy and service delivery in Washington, DC since its founding in 1950. The Arc of DC is a state chapter of The Arc of the United States.

OUR MISSION

Our mission is to improve the quality of life of all persons with mental retardation and their families through supports and advocacy.

OUR VISION

We envision a society in which individuals with mental retardation exercise their rights and are afforded a full set of opportunities and choices that enable them to contribute and have impact in the community.

Recognition and Thanks

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