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# ELIMINATING THE PRESUMED INCOMPETENCE PARADIGM

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*This is one of three articles on this topic. The first article is “Presume Competence: Challenging Conventional Wisdom About People with Disabilities,” and the second article asks, “Do Disability Organizations Presume Competence?”*

Gina was facing a dilemma. The school physical therapist (PT), along with the IEP team, decided Gina’s fifth-grade daughter, Ellie, could no longer drive her power wheelchair at school until she had successfully “passed” the PT’s “mobility training.” Ellie *might* run into a wall or a person, they said, so she was “a danger to herself and others.” They presumed Ellie was incompetent to drive her power chair.

I told Gina that it was not uncommon for people who use wheelchairs to occasionally clip a doorway or graze a wall (like my son does sometimes), just as people who walk do the same things (like I do sometimes), and didn’t the PT know this? Gina agreed with me, and added that she was hoping to find *research* that verified this, to bolster her case that her daughter was not “a danger to herself or others.”

My reply was that Gina was allowing herself to be put in the position of defending against an indefensible argument (no one had ever proven that Ellie was, in fact, incompetent to drive her power chair safely), and while attempting to defend Ellie’s competence, Gina would also be inadvertently perpetuating and reinforcing the PRESUMED INCOMPETENT paradigm!

Similar situations occur when parents are told their children cannot be in general ed classrooms, go to college, get a job, and more. Adults with disabilities are told they’re unemployable, can’t live in their own place, be responsible for themselves, etc. In essence, children and adults with disabilities are put in the position of having to prove they’re “not guilty” of being incompetent.

Is any other group of people required to routinely defend against false, inaccurate, or unsubstantiated accusations? Even people charged in criminal or civil litigation are *presumed innocent!*

Instead of defending her daughter against *unsubstantiated claims*, Gina needed to go back to the PT and the members of the IEP team and ask for the

*evidence* that Ellie is or could be a “danger to herself or others.” Similarly, other parents, people with disabilities, and their allies who in comparable situations need to turn the tables and require that others *prove their positions*. When we don’t—when we, instead, defend ourselves against the PRESUMED INCOMPETENT paradigm—we are, in essence, acknowledging that others’ arguments have merit, and we inadvertently perpetuate this fraudulent, prejudicial, and discriminatory mentality!

If you haven’t been on the receiving end of the PRESUMED INCOMPETENT mindset, it might be difficult to understand what it feels like—how it can make you *believe* you’re incompetent, undermining a person’s or family’s self-confidence, self-reliance, autonomy, and more. The ultimate irony (or perhaps it’s a cruel and intended consequence) is that the “help” which is provided to people with disabilities and/or their families can lead to learned helplessness and dependency.

Those who provide services can do so in a way that PRESUMES COMPETENCE: (1) to listen to and respect the wishes of the person/family being helped, even if those desires are in conflict with the helper’s beliefs; (2) to provide assistance in ways that lead to less dependence and more autonomy (in other words, make people need you *less*); and (3) to replace professional hubris with personal humility in the recognition of the inherent expertise of those they serve—individuals and families who don’t “work in the field,” *but who live with disabilities 24/7*. And, in the process, try to imagine what it would feel like if, on a regular basis, others intruded into *your* life, told you what was best for you, put restrictions on what you could do, and wrote “programs” for your life?

Unless and until those who provide services cease practicing the PRESUMED INCOMPETENT mentality, people with disabilities—along with their families and

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allies—must take the lead. The first step is, of course, for people with disabilities and family members to PRESUME COMPETENCE about themselves—that’s the position we must operate from!

Next, we must refuse to engage in any defense of the PRESUMED INCOMPETENT mentality, and require others to show *evidence* of their assumptions. In some situations, parents actually have the law on their side. For example, according to special ed law, students with disabilities are expected to be enrolled in age-appropriate general ed classrooms in their neighborhood schools, unless the child’s IEP requires some other arrangement (<http://idea.ed.gov>, Regulations 300.114 and 300.116). Also, the IEP team is to write goals, “... to enable the child to be involved in and make progress in the general education curriculum...” and the school is required to provide an explanation if the child will not be in general ed classrooms (300.320). Thus, the burden of proof on why a student should not be in general ed classrooms is on the school, not the child’s parents!

Parents of preschoolers who have disabilities can presume their young children are competent to attend ordinary childcare centers and/or stay home and learn with mom or dad. (And we need to presume that we, as parents, and/or the childcare staff are competent!) Why would we want to segregate young children with disabilities in special classrooms? And why—oh, why—would we put a young child who, for example, is not talking in a class with others who are also not talking! Does that make any sense at all?

Parents of babies and toddlers can communicate to service providers, therapists, and others that they (the parents) are competent and, therefore, may not need or want all the early intervention services that are offered. They may, instead, choose to get help from experienced parents or other resources in their communities—and retain their autonomy, protect the sanctity of their home, and ensure their ability

to bond with their children without the interference of well-intentioned services.

If a person is PRESUMED INCOMPETENT early in life, that presumption will *remain unless we take actions to eliminate it*. Think of Newton’s First Law of Motion (paraphrasing): A thing at rest will stay at rest, and a thing in motion will stay in motion, until an external force acts upon it.

Unfortunately, no such external force has occurred in the lives of many adults with developmental disabilities. Because they’ve been treated as incompetent for so long—by parents, educators, service providers, and others—they may

have great difficulty extricating themselves from the PRESUMED INCOMPETENT position. And their lives may be governed by SSI regulations, group home rules, and other programs that often operate from the PRESUMED INCOMPETENT mentality. Even so, they can and should believe in their own competence, and assert their desires to work in a real job, live in the place of their choice, assume more responsibility, etc., with whatever supports and accommodations are needed. Other adults don’t have to prove their competence before doing these things, so why should a person with a disability need to do so?

Except for judges who preside over *legal* competency proceedings, no one has the right to presume another incompetent, place restrictions on the person’s life, and steal one’s hopes and dreams! People with disabilities and their families can help eliminate this practice by (1) presuming competence in themselves or their children, (2) refusing to defend against others’ false assumptions and biased accusations, and (3) requiring others to prove *their* positions.

The PRESUMED INCOMPETENT paradigm based on disability has been with us since the beginning of time, and like other antiquated practices, it’s time to give this one a proper burial once and for all. Just as those accused of a crime are entitled to the presumption of innocence, children and adults with disabilities (who have committed no crime) are entitled to the PRESUMPTION OF COMPETENCE.

**The difficult part in an argument is not to defend one’s opinion, but rather to know it.**

André Maurois