

IN FOCUS

THIS ISSUE

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ACCESSIBLE

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ADA in Focus is posted to the Web on the "Publications" page at www.adainfo.org. It is also available by request in large print, Braille, audio cassette, and computer disk.

ada issues

**ACCESSIBLE EVENTS:
PLANNING AND PREPARATION ARE KEY**

Ensuring access to meetings, exhibits, performances, tours, festivals, and other types of events requires forethought and preparation. Such events are often held in locations, including outdoor venues, which present challenges related to facilities and terrain. Additionally, there are issues, such as communication or transportation, which may need to be addressed if people with disabilities are to participate in meaningful ways.

Different types of events may also entail different approaches to accessibility. For example, some events are open to the public at large, with no pre-registration required. When planners have no idea who is going to show up, they must prepare for everyone. Other events are for specific, known audiences, and planners can respond to individual needs in a more focused way.

Communication and Interaction

Any type of event involves communication, ranging from advertisements and promotions to presentations and speeches. Promotional information is often disseminated through a variety of media, including radio and television broadcasts, web site postings and e-mail messages, newspapers and periodicals, flyers, and posters. Throughout the course of an event, the multiplicity continues, with speech, audio-visual presentations (slides, movies, etc.), printed materials, signs, and maybe a few banners or flags thrown into the mix.

Event planners know that using multiple communication methods helps get the word out, facilitates activities and interaction, and reinforces messages and lessons for diverse audiences. Accessible features simply add more tools to the "multiplicity" toolbox. For example, captions can provide access to the "audio" in an audio-visual presentation for people who are deaf or hard of hearing; audio descriptions can provide access to the "visual" for those who are blind or have low vision.

It is important to remember that web sites are a form of communication, and web pages often include both visual and audible components, and sometimes interactivity as well

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calendar

TRAINING NEWS & EVENTS

National ADA Symposium and Expo

■ St. Louis, MO.....May 12 – 14, 2008
 This conference is sponsored by the DBTAC: National Network of ADA Centers.
*For more information, visit www.adasympposium.org/
 or contact your regional ADA Center at 1-800-949-4232 V/TTY*

Workforce Discovery: Diversity and Disability in the Workplace

■ Richmond, VA.....May 20 – 21, 2008
 This in-depth “train-the-trainer” event on disability awareness and the employment provisions of the ADA is presented by the DBTAC: Mid-Atlantic ADA Center and co-sponsored by the Virginia Business Leadership Network (VA BLN).
*For more information, visit www.adainfo.org/diversity/
 or contact Marissa Johnson at 1-800-949-4232 or 301-217-0124 V/TTY,
 or e-mail mjohnson@transcen.org*

Annual ADA Update

■ Baltimore, MD.....September 19, 2008
 SAVE THE DATE for this popular annual event, presented by the DBTAC: Mid-Atlantic ADA Center.
*For more information, visit www.adainfo.org/update/
 or contact Marissa Johnson at 1-800-949-4232 or 301-217-0124 V/TTY,
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Webinar Series: Employment and the ADA

The new *2008 Legal Issues Webinar Series: Employment and the ADA* will be hosted and moderated by Barry Taylor and Alan Goldstein of Equip for Equality. Don’t miss this cost-effective opportunity to hear these experts discuss some of the most challenging employment issues, such as medical inquiries, harassment, retaliation, and workplace safety. For more information, visit www.ada-audio.org/.

Podcast Series: Disability Law Lowdown

This new, free program delivers the latest in disability rights information. You can subscribe and have shows automatically delivered, or you can listen to the show and read the transcripts online at <http://dll.ada-podcast.com/>.

*For more information on ADA and disability-related training events, check the “Training” page at the DBTAC: Mid-Atlantic ADA Center Web site:
www.adainfo.org/training/*

coalition / consortium news

COALITION ACTIVITIES: MORE GREAT TRAINING EVENTS!

Virginia

Ask the Experts: Virginia's Opportunity to Ask the Experts about the Americans with Disabilities Act will be held on Wednesday, April 30, 2008.

This year's conference will focus on employment and will feature presentations from the Job Accommodation Network (JAN), the Equal Employment Opportunity Commission (EEOC), the Virginia Office of Protection and Advocacy (VOPA), and the DBTAC: Mid-Atlantic ADA Center.

This conference will be a great opportunity for employers, human resource professionals, vocational counselors, job seekers with disabilities, and advocates to learn about the ADA's employment requirements, as well as simple and effective job accommodations.

This event will be presented through video conferencing technology, linking meeting sites in Arlington, Norfolk, Roanoke, Grundy, and Olney.

For more information, contact Kelly Gonzalez or Tammy Manno at 757-461-8007 (V) or 757-461-7527 (TTY).

West Virginia

Employment Issues for People with Psychiatric Disabilities will be held May 29 in Charleston.

This training will feature speakers from the University of Maryland, the Job Accommodation Network (JAN), and the DBTAC: Mid-Atlantic ADA Center.

Topics will include the definition of disability as it relates to psychiatric conditions, disclosure, and reasonable accommodations.

This event is co-sponsored by the West Virginia Mental Health Planning Council and the West Virginia Statewide Independent Living Council (SILC).

For more information, contact David Stewart at 800-946-9471 (V/TTY) or e-mail WVADACoalition@msn.com.

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EMAIL kgonzalez@endependence.org
- PA** 570-327-9070 v ■ 570-327-5254 TTY
EMAIL communityorganizer@cilncp.org

State Assistive Technology Programs:

- MD** 800-832-4827 v ■ 866-881-7488 TTY
WEB www.mdap.org
- DC** 202-547-0198 v ■ 202-547-2657 TTY
WEB www.atpdc.org
- DE** 800-870-3284 v/TTY
WEB www.dati.org
- WV** 800-841-8436 v ■ 800-518-1448 TTY
WEB www.cedwvu.org/programs/wvats
- VA** 800-552-5019 v/TTY
WEB www.vats.org
- PA** 800-204-7428 v ■ 866-268-0579 TTY
WEB <http://disabilities.temple.edu/piat/>

continued from page one **EVENTS**

(such as online registration forms). Using accessible web design practices will ensure that online features and opportunities are available to web-surfers with disabilities.

Including information about accessibility features and options in announcements and promotional materials can be helpful for both event planners and participants. For example, if assistive listening devices (ALDs) are always on hand at the facility where an event will be held, then including that information in promotional materials will let potential attendees know that they don't need to call ahead and request them to make sure they will be available.

It's also a good idea to inform people about barriers that can not be overcome. For example, if a tour of an historic home will include an opportunity to climb down a narrow set of steps into an old root cellar, then that information may be of interest to people with disabilities who may not be able to do that. They may still choose to go on the tour to see and do all they can, but knowing what limitations to expect will help people make choices and plans, and avoid unpleasant surprises.

Where registration or advanced notice is required to participate in an event, promotional and registration materials should include contact information and a deadline for requesting individualized accommodations that might not otherwise be provided. Interpreters and materials in accessible formats, such as Braille or large print, are examples of things that could be provided on an as-needed basis; a reasonable deadline is needed to ensure there is enough time to order or produce materials, or make necessary arrangements for services.

Planners should remember to find out if participants who may not be required to register, such as presenters, performers, or exhibitors, have any disability-related needs.

Also, presenters, vendors, guides, or others who may interact with attendees should be informed about accessible elements or services (e.g., where elevators are located, or how to obtain receivers for the assistive listening system) so they can respond to questions or direct attendees appropriately.

Presenters and other workers should also be given information, training, and support to ensure that they use accessible practices (e.g., describing visual presentation

elements for the benefit of participants who are blind, or retrieving items that are out of reach for wheelchair users).

Sites, Facilities, and Vehicles

While it may be difficult (or impossible) to find a "perfect" site for an event, accessibility should be high on the list of criteria to be considered. Whenever possible, site assessments should be conducted by professionals or people with extensive knowledge of accessibility standards and understanding of usability issues.

It is important to assess not only an actual facility (for example, a hotel or auditorium), but the surrounding area as well. Consideration should be given to how the site is situated in relation to various modes of transportation that people might need to use. Airports, rail stations, bus systems, taxi or shuttle services, or public parking may need to be checked for accessibility.

Also, if people are likely to walk to and from public transportation stops, or to walk to nearby restaurants, shops, or attractions during the course of an event, the neighborhood should be checked for "walkability." Steep sidewalks (or no sidewalks at all), lack of curb cuts, uneven surfaces, and other barriers can adversely affect people who have a variety of mobility limitations. Low hanging tree branches and other protruding objects, reflecting pools and fountains without walls or edges, and poorly designed street crossings or circulation routes can make things difficult, if not downright dangerous, for people with vision impairments.

When setting up areas where event activities will take place, arrangements should allow enough space so that people using wheelchairs or other mobility aids can maneuver around temporary elements like booths, signs, or tents. Displays and exhibits should be designed so that people can see and/or reach items from a seated position.

Wherever possible, seating arrangements for training sessions, performances, or dining should facilitate opportunities for integration by providing wheelchair seating spaces in more than one location. Dispersed wheelchair seating also makes it easier to ensure that wheelchair users are able to take advantage of the full range of available options, such as different lines-of-sight.

When transportation is offered as part of an event (e.g., a shuttle from a remote parking lot to an event area), vehicles

must be accessible, or other suitable options must be available (e.g., accessible parking located adjacent to the event area).

For events that last longer than a few hours, it may be a good idea to find a suitable area that can serve as a “relief” location for service animals. Signs can be posted, and directions and information can be disseminated and announced so that everyone who wants to find the area (or stay away from the area!) will know where it is.

Quick Facility Fixes

There are a number of things that can be done fairly easily, some temporarily, that can enhance accessibility and participation for people with disabilities.

Parking: Where accessible parking is inadequate, or simply non-existent, spaces can be designated temporarily. Pavement tape, barricades, or the ever-popular orange traffic cones can serve to define space for parking and access aisles; temporary signs can be posted. Accessible parking should be located on surfaces that are as level and stable as possible, and connect to accessible routes that lead to entrances, transportation stops, or event areas.

Ramps: Portable ramps can be used to overcome curbs or steps; they must be securely placed or installed so that they do not shift when used. Ramps with drop-offs should always have curbs to keep people from going over the edge.

Doors: Installing off-set (or swing-away) hinges can add a couple of inches of clear space at a narrow door. Add-on lever hardware can be attached to round doorknobs to make them easier to operate. Where doors are heavy, it may be possible to simply prop them open or even remove them for the duration of an event.

Routes/surfaces: There are a variety of products that can be used to create temporary accessible surfaces. These products, including modular or roll-out materials, work well in outdoor environments where natural surfaces consist of grass, sand, or other loose materials.

Detectable warning devices: Detectable warning devices, such as planters or other heavy objects, can be placed on the floor beneath hazardous protruding objects (e.g., wall-mounted fixtures that project more than four inches) so that people who are blind or have low vision will avoid them.

Signs: Good signage is often a critical communication component at an event, and can be even more important for people with disabilities, who may need to use alternate routes or find accessible elements. If a facility does not have good general signage in place, consider adding some temporary signs (e.g., “Elevators ⇌”). “Event-specific” signs may be needed as well (e.g., “Festival Parking / ACCESSIBLE PARKING ONLY IN THIS LOT”). Signs should be easy to see and read, with non-glare finishes, simple lettering, and good contrast between characters and background.

When all is said and done, there may still be a need for assistance or accommodation on an individual level. But then, a little human interaction may be one of the reasons we planned the event in the first place. ■

RESOURCES

Accessible Temporary Events: A Planning Guide

The Center for Universal Design
(contact the DBTAC: Mid-Atlantic ADA Center to obtain your *free* copy!)

Removing Barriers: Planning Meetings that are Accessible to All

North Carolina Office on Disability and Health
The Center for Universal Design
www.fpg.unc.edu/~ncodh/pdfs/rbmeetingguide.pdf

Arranging Accessible Meetings

National Assistive Technology Technical Assistance Partnership (NATTAP)
www.resna.org/taproject/library/bulletins/tapaug.html

National Arts and Disability Center

<http://nadc.ucla.edu/>

Guidelines for Universal Design of Exhibits

Smithsonian Institution
<http://accessible.si.edu/gfude.htm>

Accessible Conferences (online tutorial)

www.section508.gov/
(select “508 Training”)

decisions in focus

COURT DECISIONS: TITLE II, TITLE III

Virginia Court Rules Title II Unconstitutional in State Prison Context

The U.S. District Court for the Eastern District of Virginia, ruling in the case of *Chase v. Baskerville*, found Title II of the ADA to be unconstitutional in the context of state prisons.

The case was brought by an inmate who is deaf and was denied interpreter services. The court found that Title II was not a suitable response to the potential for violations of state prisoners' constitutional rights, and concluded that Congress exceeded its authority when it negated states' immunity to suits for money damages.

The court did allow the prisoner's suit to go forward under the Rehabilitation Act, finding that the state waived its immunity by accepting federal funds.

Title III: Who Has "Standing?"

The right to bring a private action under Title III of the ADA is limited to those affected by discrimination, and the relief available in individual cases is limited to injunctive forms (barrier removal, policy modifications, etc.). Individuals can not obtain money damages in private actions under Title III.

Since injunctive relief is a "going forward" type of remedy, courts have demanded that plaintiffs show that they are likely to be harmed in the future by the problem they seek to correct. It is not enough to show that they were denied goods or services; they must show that the same denial is likely to happen again, *to them*, if the problem is not addressed.

The importance of this doctrine was recently underscored again in the case of *Holt v. American City Diner*, when the District Court for the District of Columbia ruled that the plaintiff did not sufficiently establish his standing.

The court found it problematic that the plaintiff waited a year after attempting to gain entry to the restaurant to file his lawsuit, during which time he made no effort to contact or communicate with the restaurant about the barriers he

encountered. The court was also unconvinced by his "abstract statement" that he planned to patronize the restaurant "at some unspecified point in the future" if barriers were removed.

The court's decision is posted online in PDF at https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2005cv1745-3.

A case with a similar outcome, *Sharp v. Rosa Mexicano*, was decided by the same court, which found that the barrier identified by the plaintiff had been fixed by the time the case came before the court. Both sides were denied awards of attorney's fees and costs, since the resolution was not the result of a court order. This opinion is posted online in PDF at https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2006cv1693-19.

DC Court: Compare to "Average Person"

The U.S. Court of Appeals for the District of Columbia, in the case of *Singh v. George Washington University School of Medicine and Health Sciences*, provided clarification for the lower court regarding the application of the definition of disability under Title III of the ADA.

The plaintiff, a medical student who claimed she was discriminated against based on a learning disability, argued that to determine whether she has a "substantial limitation" of the major life activity of learning, her abilities should only be compared to people with a similar "education level." The University argued that the comparison should be made to the average person in the general population.

The court agreed with the University on this point, pointing to the law, its history and regulations, and Supreme Court rulings, to support its finding. The case was remanded to the lower court for further consideration of whether the plaintiff meets the definition of disability.

The court's opinion is posted online in PDF at <http://pacer.cadc.uscourts.gov/docs/common/opinions/200712/06-7133a.pdf>.

*what's new***NEWS AND RESOURCES****Report on Latinos with Disabilities Reveals Employment Obstacles**

Proyecto Visión, the National Technical Assistance Center on Employment for Latinos with Disabilities, released a report that examines the low employment status of Latinos with disabilities and includes recommendations to improve their opportunities.

An executive summary of *Latinos with Disabilities in the United States: Understanding & Addressing Barriers to Employment* is available directly online at www.proyectovision.net/report.html (or in Spanish at www.proyectovision.net/report_es.html), and the full report can be purchased through the World Institute on Disability.

Accessible Sidewalk Videos Online

A series of videos on designing accessible sidewalks can now be viewed through the U.S. Access Board's web site. Each video is open captioned and audio described. The series includes:

- *Design Issues for Pedestrians who use Wheelchairs*
- *Design Issues for Pedestrians with Ambulatory Impairments*
- *Design Issues for Pedestrians with Low Vision*
- *Design Issues for Pedestrians who are Blind*

The series is still available free on DVD. Visit www.access-board.gov/prowac/video/index.htm to view the videos or order the DVD.

Touch the Invisible Sky: Exploring the Cosmos in Braille

This new book from NASA uses Braille, large print, and tactile diagrams to depict celestial images observed by space telescopes Hubble, Chandra, and Spitzer.

The Braille and the tactile diagrams are done in clear acrylic overlay, so the large print type and high-resolution color images can be viewed as well as felt.

The book will be available to the public through the National Federation of the Blind, Library of Congress repositories, schools for the blind, libraries, museums, science centers, and Ozone Publishing.

NASA has funded two other astronomy-related Braille books, *Touch the Universe* and *Touch the Sun*. For more information, visit www.nasa.gov.

NCD Reports

The National Council on Disability (NCD) has released several reports in recent months.

The Impact of the Americans with Disabilities Act: Assessing the Progress Toward Achieving the Goals of the ADA reviews the impact of the ADA.

Implementation of the Americans with Disabilities Act: Challenges, Best Practices, and New Opportunities for Success reflects the experiences and ideas of stakeholders from around the country.

Empowerment for Americans with Disabilities: Breaking Barriers to Careers and Full Employment presents perspectives of employers, people with disabilities, and disability specialists.

National Disability Policy: A Progress Report reviews federal policy activities and makes recommendations to the executive and legislative branches of the Federal Government.

Find these and other NCD reports online at www.ncd.gov.

No Internet access? If you are not able to obtain online publications, call the DBTAC: Mid-Atlantic ADA Center, 1-800-949-4232 (V/TTY). We will be happy to assist you!

on the internet

COOL WEB SITES: DISABILITY HISTORY

www.museumofdisability.org/ The **Museum of disABILITY History** is an extensive virtual museum featuring sections on disability in the media, society, and medicine. The site was developed in cooperation with People Inc. and the B. Thomas Golisano Foundation.

<http://americanhistory.si.edu/disabilityrights/> “**The Disability Rights Movement**” is a virtual exhibit presented by the Smithsonian National Museum of American History.

www.disabilityhistory.org/ The **Disability Social History Project** is a community, participatory project. People with disabilities are invited to contribute items of interest.

www.mncdd.org/parallels/index.html “**Parallels in Time: A History of Developmental Disabilities**” looks at the experiences of people with disabilities from ancient through modern times. “**Parallels in Time Part 2**”

(www.mncdd.org/parallels2/index.htm) focuses on the period from 1950 through 2005. These sites are from the Minnesota Governor’s Council on Developmental Disabilities.

www.eugenicsarchive.org/eugenics/list3.pl The **Image Archive on the American Eugenics Movement** chronicles the movement which sought to eliminate “genetically unfit” people from the population. This site is presented by the Dolan DNA Learning Center, Cold Spring Harbor Laboratory.

ADA in Focus is intended for use by individuals, state and local governments, businesses, legal entities, and others interested in the ADA and other disability related issues. This publication is intended solely as informal guidance and should not be construed as legally binding. *ADA in Focus* does not serve as determination of the legal rights or responsibilities of any individual, business, or entity.

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