

Americans with Disabilities Act

What you need to know.

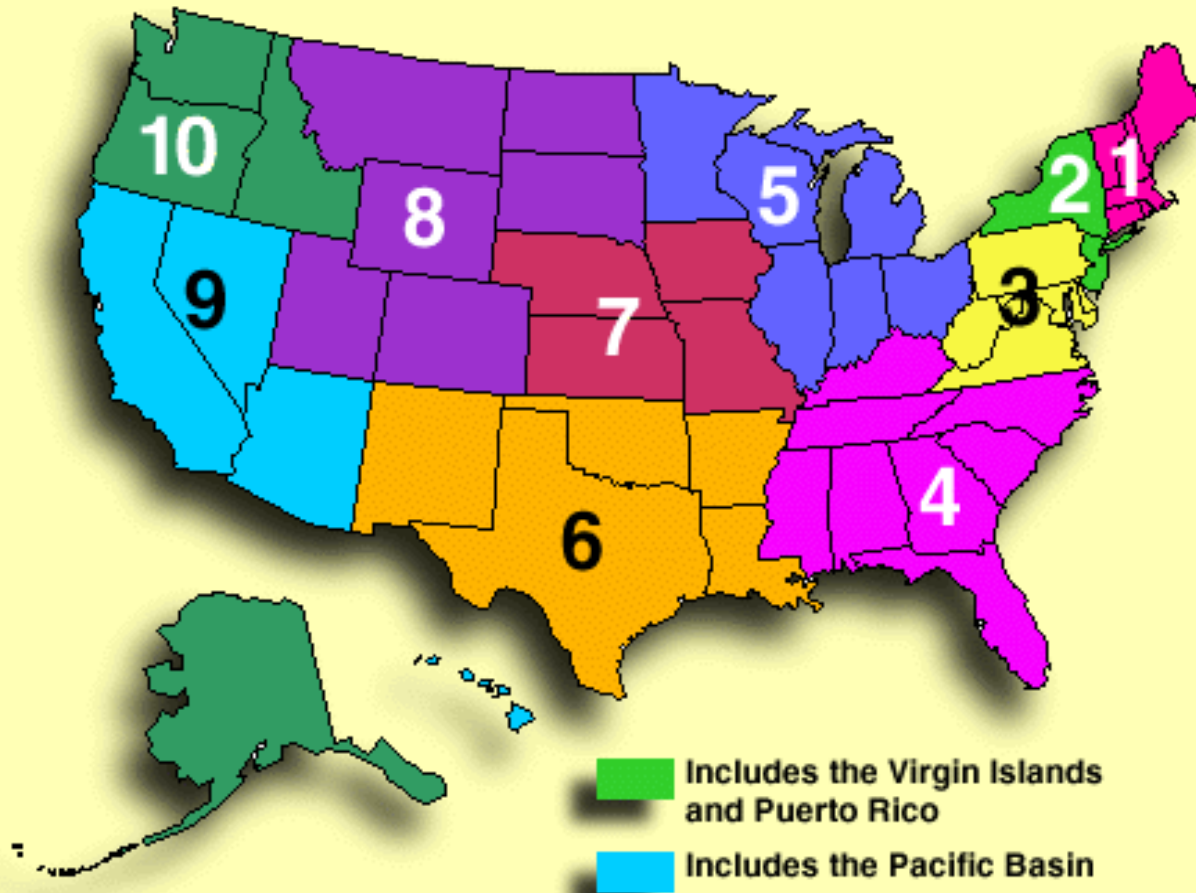
Town of Arlington
January 16, 2014

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Institute for Human Centered Design
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Ten ADA Centers

Funded by the National Institute on Disability and Rehabilitation Research



1-800-949-4232

New England ADA Center

a project of



Institute for Human Centered Design

200 Portland St.

Boston

Agenda

- ADA - history and purpose
- Who is protected under the laws
- General nondiscrimination requirements
- Ensuring effective communication
- Facility and program accessibility
- Administrative requirements
- Quiz

Americans with Disabilities Act of 1990, as amended (ADA)

Provide a clear and comprehensive national mandate for the elimination of discrimination against people with disabilities



Structure of the ADA

Title I Employment

Title II State and Local Governments

Title III Public Accommodations and
Commercial Facilities

Title IV Telecommunications

Title V Miscellaneous

ADA

Who is Protected?

A qualified person with a disability.

First we'll review the definition of disability.

Then we'll go over what it means to be "qualified."

Definition of Disability

Three Parts

An individual who

- **has**

- **has a record or history of**

or

- **is regarded as having**

a physical or mental impairment that substantially limits a major life activity

Definition of Disability

First Part

An individual who has

a physical or mental impairment that substantially limits a major life activity

People with Mobility Disabilities



People with Mobility Disabilities



People with Mobility Disabilities





People with low vision



People who are blind



People who are deaf using sign language



People who are hard of hearing



People with intellectual disabilities



People with disabilities that may or may not be apparent

Epilepsy

Psychiatric illness

Tourette syndrome

Traumatic brain injury

People with disabilities that are not apparent



Diabetes

Cancer

Learning disabilities

Etc.

Definition of Disability

Second Part

An individual who

has a record or history of

a physical or mental impairment that substantially limits a major life activity

Example

Mr. D had cancer eight years ago. For a year he was ill, had difficulty walking and was unable to work.

Mr. D has been cancer and symptom free for six years.

He applies for a job in a small town. The employer doesn't hire him because of concerns that he will have a relapse, be absent and insurance rates will increase.

He is protected from discrimination under the ADA based on his history of disability.

Definition of Disability

Third Part

An individual who

is regarded as having

a physical or mental impairment that substantially limits a major life activity

Example

Ms. A has facial scars from a fire that occurred when she was young.

A county museum does not allow her to volunteer because of concerns about peoples' reactions to her.

She is protected under the “regarded as” part of the definition.

Definition of Disability

Three Parts

An individual who

- **has**

- **has a record or history of**

or

- **is regarded as having**

a physical or mental impairment that substantially limits a major life activity

ADA

Protects a qualified person with a disability

What does it mean to be “qualified”

Title II: Meet the essential eligibility requirements for participation in a program, activity, or service with or without reasonable modifications to policies or practices.

ADA

Protects a qualified person with a disability

What does it mean to be “qualified”

Title I Employment: Individual satisfies the requisite skill, experience, education and other job-related requirements and, with or without reasonable accommodation, can perform the essential functions of the job.

Inquiries About Medical Condition and Disability

Title II Department of Justice:

“Make no unnecessary inquiries”

An municipality may make necessary
inquiries

Inquiries About Medical Condition and Disability

- A town recreation department has a summer program for 8-13 year olds. The department requires that each child have documentation from a doctor that it is safe for the child to participate in the program. The department provides a list of activities on the medical form.
- Is this a violation of the ADA?

General Nondiscrimination

A man who is blind and uses a service animal goes to the county museum alone.

The security guard won't let him in because the guard is concerned that the man will walk into the art work.

Has the museum violated the ADA?



General Nondiscrimination Requirements

Prohibit

- Exclusion
- Segregation
- Unequal treatment

Ensure an equal opportunity to participate in the most integrated setting.

General Nondiscrimination Requirements

When necessary to ensure equal opportunity “**reasonable modifications**” must be made to policies, practices, procedures

Reasonable Modification of Policies, Practices and Procedures?

Mr. G takes medication due to a disability. The medication causes his mouth to be dry and feel cottony (a common side effect of some medications).

The high school is putting on a play. The school has a policy: No food or beverages in the auditorium.

Mr. G asks to be able to bring juice into the auditorium.

- What is the school's obligation?

Reasonable Modification of Policies, Practices and Procedures?

Mr. F sends an email to you. He wants to participate in a meeting MCC is holding. He has multiple chemical sensitivity and request that the meeting be in a building that has used only unscented cleaning products in the past week and where no one is wearing perfume, cologne and other scents.

Is this an ADA/504 obligation?

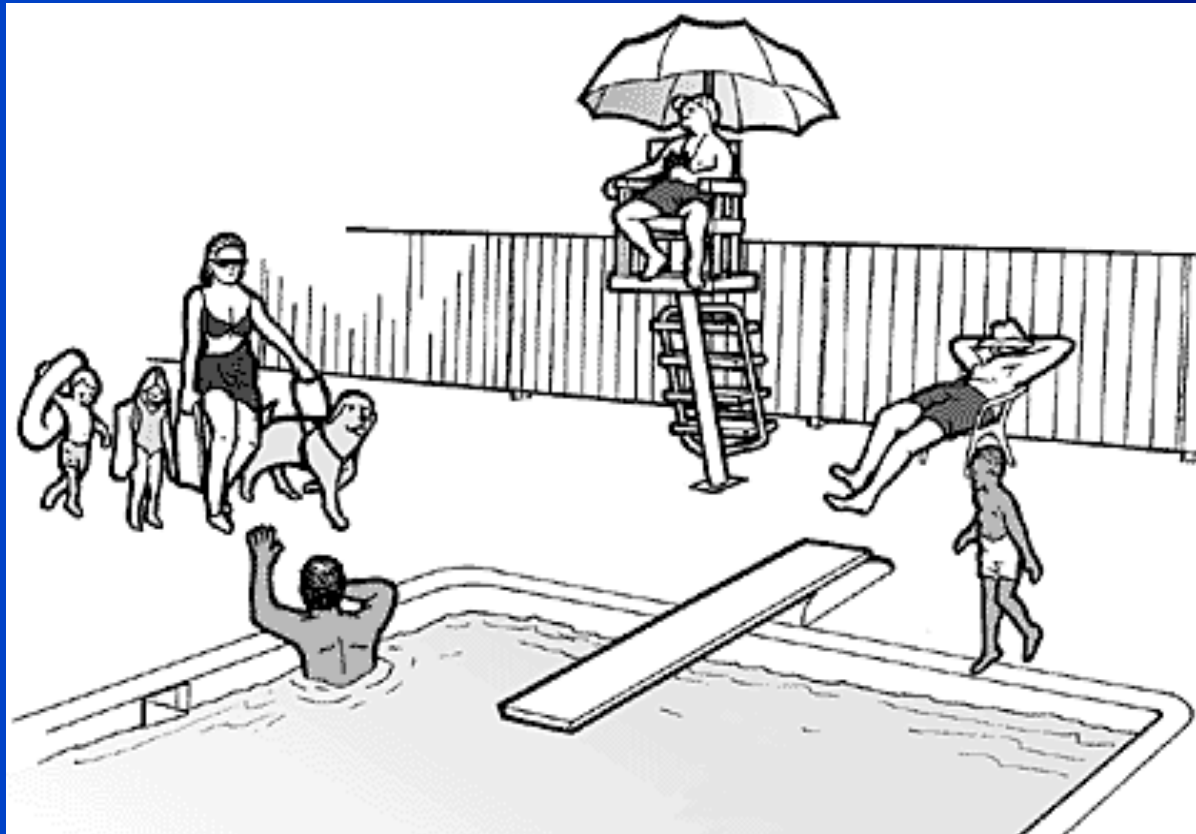
What do you do to address his request?

Reasonable Modification of Policies, Practices and Procedures?

- A senior center is planning a field trip to the Museum of Fine Arts, including lunch.
- Mr. Z emails the center that he has severe multiple sclerosis. He requests a staff or volunteer to assist with feeding and toileting.
- Does the ADA require the organization to provide personal services and devices?

Service Animals

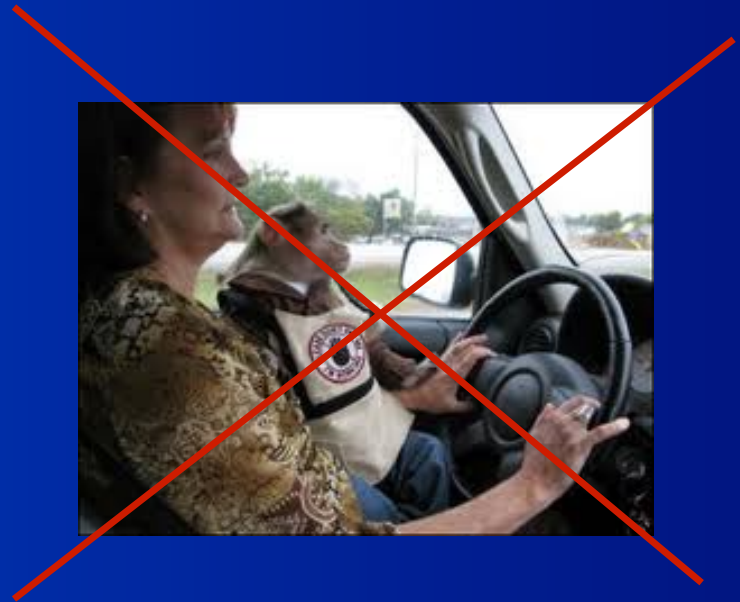
For people who are blind or have low vision



Assisting with navigation and other tasks

ADA Service Animal

- Any dog individually trained to do work or provide tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability



Service Animals For People with Mobility Disabilities



Providing physical support,
balance, pulling wheelchair



Retrieving items –
medicine, phone

Service Animals

For People who are Deaf or Hard of Hearing



Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
Non-violent protection.

Service Animals For People who Have Epilepsy



Alerting person before
a seizure or assisting
a person during a
seizure



Service Animals

Other examples of work or tasks in ADA regulations

- Alerting people to the presence of allergens
- Helping people with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors

BUT: State Law

- Might require permitting emotional support animals
- Might include non-dogs
- Might be unclear



ADA Service Animals

What can you ask the person?

- May ask if it is a service animal required because of a disability
- May ask what work or task the animal has been trained to provide

Service Animals

Care/supervision is owner's responsibility

Must be under control of owner at all times (on leash except in narrow circumstances)

May exclude if animal's behavior poses a direct threat to health or safety



ADA : Miniature Horses



Reasonable Modification of Policies, Practices and Procedures

- Permit use of miniature horse by individual with a disability if miniature horse individually trained to do work or perform tasks for benefit of individual
- There are assessment factors to determine whether or not appropriate in particular facility



**Wheelchairs
VS
Other Power- Driven Mobility Devices**

Other Power- Driven Mobility Devices

OPDMDs

- “Any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion”



Wheelchairs

People who uses a wheelchairs may go anywhere other pedestrians may go



Other Power- Driven Mobility Devices

- Use may be restricted
- Base on assessment factors: facility's design and operational characteristics, size and weight of device, safety issues



OPDMDs Assessment

- Ms. E comes to the school play.
- She shows up in a Segway and sits in the wheelchair space. The Segway blocks the view of many patrons.
- Does the ADA permit the staff to request that Ms. E either sit in a chair or move to the back of the theater?

Communication

Communication with people with disabilities must be as effective as communication with others

Effective Communication

People who

- are deaf or hard of hearing
- are blind or visually impaired
- or
- have a speech disability

Communication with People Who Have Hearing Disabilities

- Look directly at the person
- Get in person's line of sight
- Speak clearly, slowly, expressively
- Use normal tone of voice

- Don't cover your mouth, eat, chew
- Don't turn away while speaking
- Don't speak while person is reading or filling out paperwork
- Offer to write down pertinent information

Auxiliary Aids and Services

Provide “auxiliary aids and services”

**If necessary to ensure effective
communication**

- **Written notes**
- **Texting**
- **Typing at a computer**



You receive an email from a woman who is hard of hearing requesting an assistive listening device so that she can participate in a program your department is holding.

You:

1. Give the information to your supervisor
2. Tell the person your department doesn't provide ALDs
3. Other

Assistive Listening Devices

Amplify Sound for an Individual



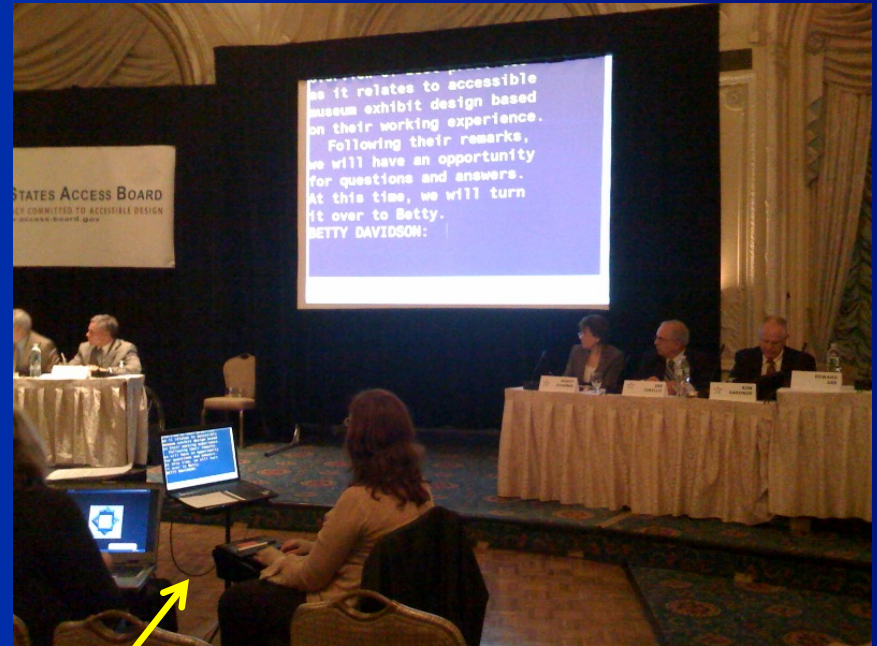
At Science Center Note the Sign



Closed or open captioning on videos, etc.



Computer Aided Real-time Transcription CART



CART Reporters

The police are told that a man who is deaf witnessed a robbery. They want to interview the man.

The man's 16 year old daughter hears and is fluent in sign language.

ADA regulations suggest a family member is the most appropriate person to provide sign language interpretation in this situation.

True or False?

Sign Language Interpreters Must be Qualified

“Able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”

Sign Language Interpreters

Do not rely on an adult or child accompanying an individual with a disability to interpret except:

- Emergency involving an imminent threat to the safety or welfare of an individual or the public

When communicating with someone who is deaf and there's a sign language interpreter or companion is interpreting: Face and speak to the person who is deaf (not the interpreter.)

You

Interpreter

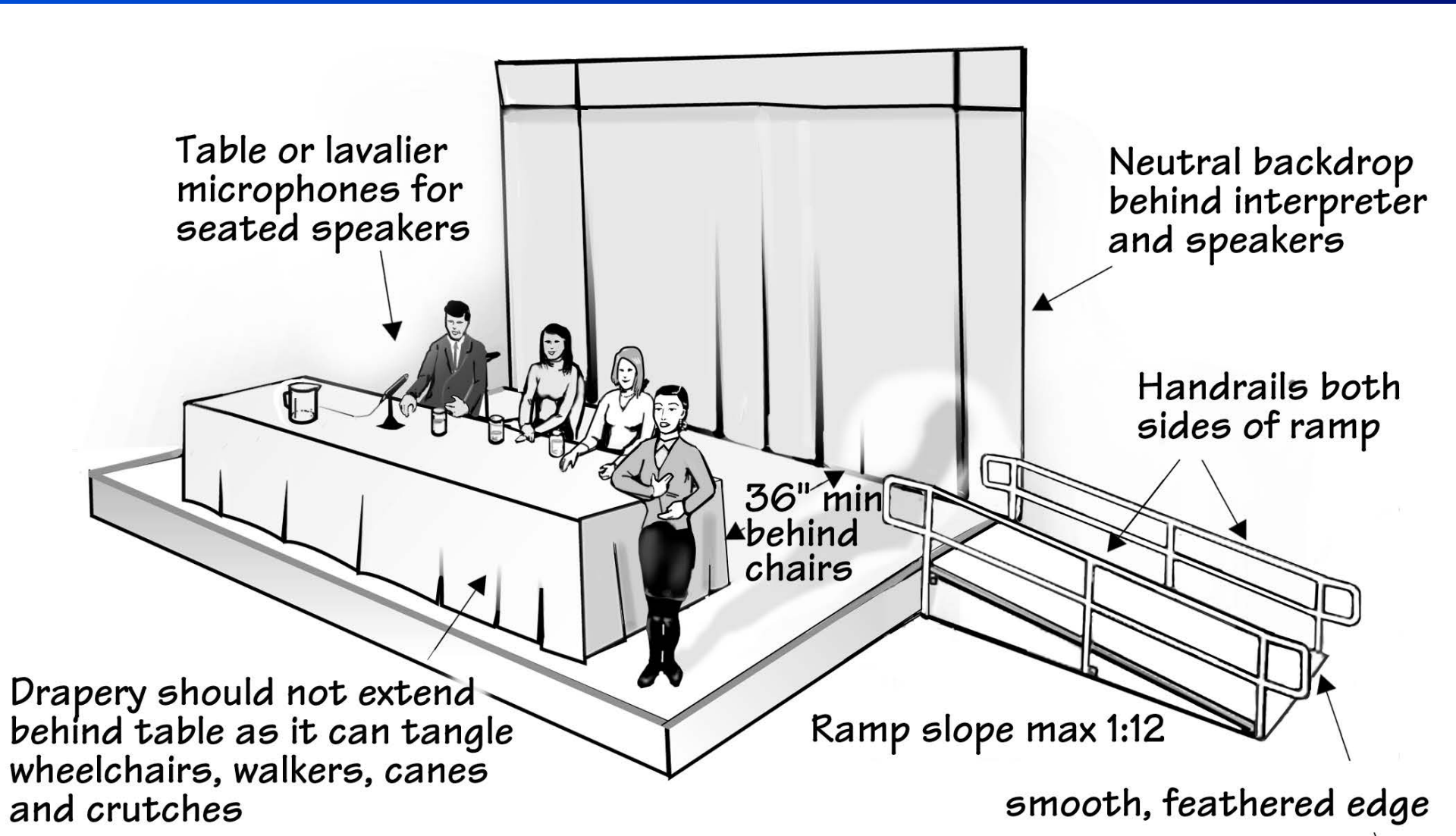
Person who is deaf



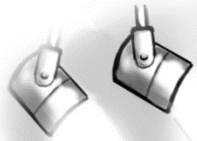
Ensuring effective communication in a group



Woman in brown shirt is deaf, interpreter is standing

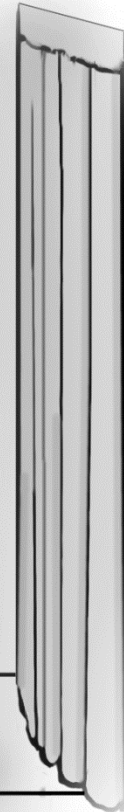


Speakers platform with interpreter



Good, direct, nonglare
light on interpreter

Provide a neutral backdrop
behind interpreter
approximately 12 feet wide



Speakers platform with interpreter

Video Remote Interpreting One on One

Interpreter is anywhere in world,
signing to deaf woman, listening
and speaking to hearing/
speaking man

Man hears
doesn't
sign



Woman is
deaf and
signs

Need:

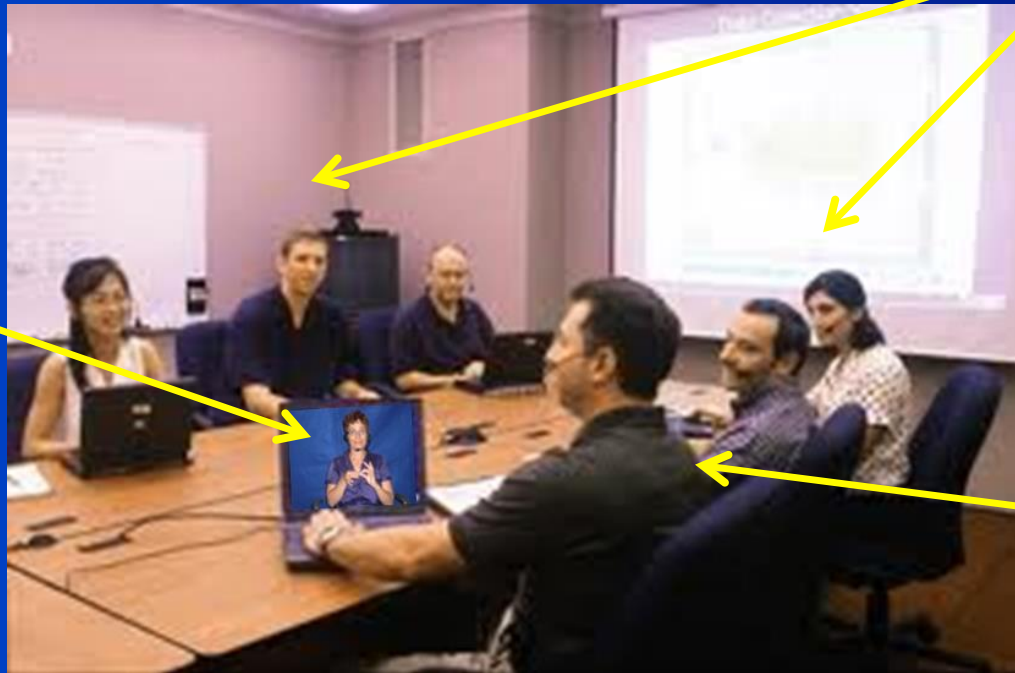
Computer and video cam

Microphone/speakers or telephone

Good internet connection

Video Remote Interpreting Group

Interpreter



Speaking people who don't sign

Man is deaf and signs

Need:

Computer (laptop, Ipad) and video cam

Microphone/speakers or telephone

Good internet connection

TTY

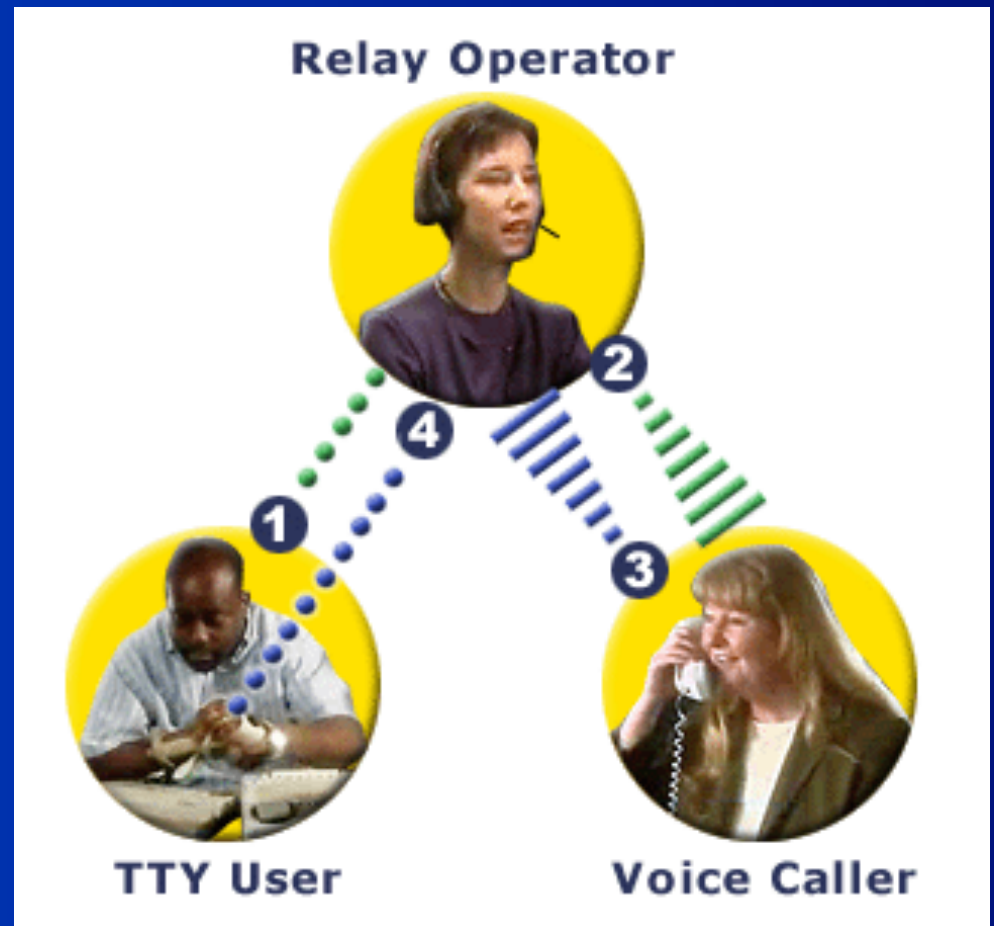
For incoming calls



TTY Users and Relay



TTY Relay
number
711



Communication with People Who Have Visual Disabilities

- Identify yourself
- Describe who and what is there
- Describe what you're going to do, e.g. police fingerprinting person
- When leaving let person know
- Don't pet or distract guide dog

Human Guide



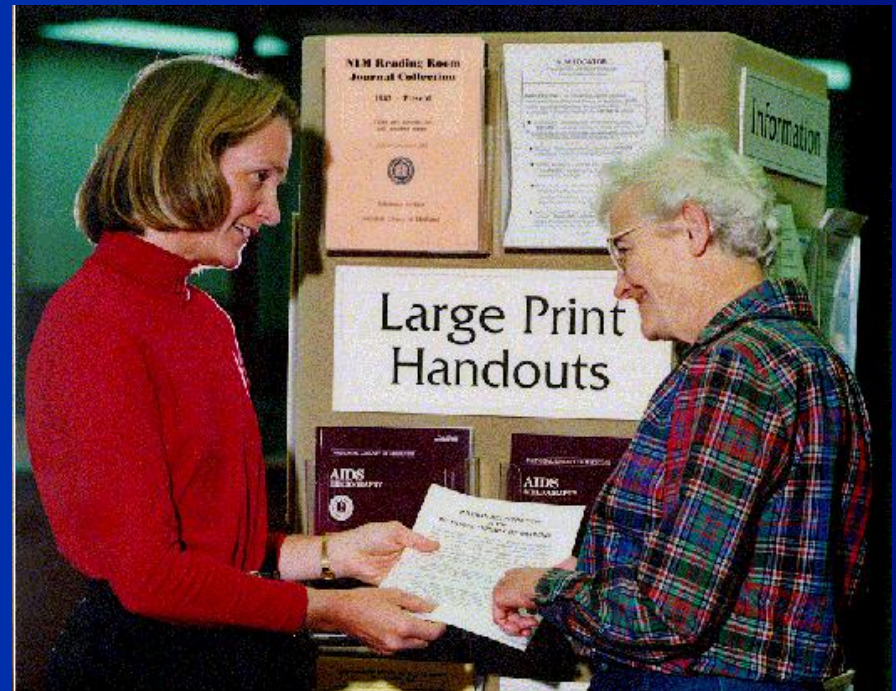
Scenario

- The Human Rights Commission is holding an event. The chairperson receives an email from Ms. C. She wants to participate. She emails that she has macular degeneration and will need print handouts in 40 point font.
- Is the Commission obliged to provide a handout in 40 point font?

Provide material in Large Print

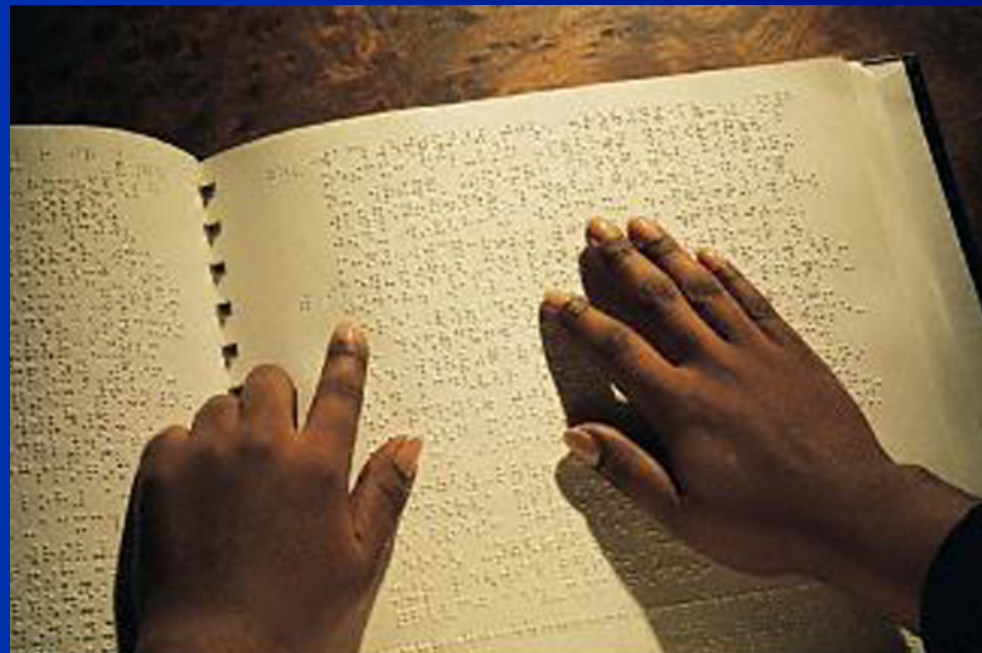
**Large
Print**

If individual makes request, provide in whatever size the person needs



For general use provide in 18 point font

Provide material in Braille



**Provide print material, thumb drive
or email it**



Many people who are blind use screen reading technology



With audio input



With refreshable
Braille

Audio



Communication with People Who Have Speech Disabilities



- Repeat back what you think the person is saying and ask him to confirm your understanding
- Ask yes and no questions
- Be honest

Speech Synthesizer



Communication Board

EZ PICTURE BOARD BY VIDATAK
AN INNOVATION IN PATIENT COMMUNICATION

● I AM

short of breath



in pain



choking



feeling sick



hungry/thirsty



cold/hot



tired



dizzy



angry



afraid



frustrated



sad



● I WANT

to be suctioned



lip moistened



water



to be comforted



to sleep



tv/video/dvd



call light
/remote



it quiet



lights off/on



to go home



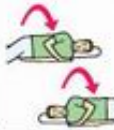
to sit up



to lie down



to turn left/right



head of bed
up/down



get out of bed



● I WANT TO SEE

doctor



nurse



family



chaplain



no



yes



STOP



A	B	C	D	E	F	G	H	I
J	K	L	M	N	O	P	Q	R
S	T	U	V	W	X	Y	Z	.
'	,	?	!					SPACE

1	2	3
4	5	6
7	8	9
+	0	-

Thank
You

I Love You
❤️

For infection control purposes, please do not reuse this board between patients.

VIDATAK
EZ BOARD

When providing an auxiliary aid or service, the town is required to provide what the person wants no matter how much it costs.

True or False?

Undue Burden

Provide unless it would be an undue financial and administrative burden

Undue burden means “significant difficulty or expense”

Undue Burden

The decision needs to be made by the head of the public entity or his/her designee.

Written statement of the reasons for reaching that conclusion.

Facility Accessibility

New construction

Alterations

Additions

Compliance with

- ADA Standards for Accessible Design
- Regulations of the Massachusetts Architectural Access Board

Buildings built before access requirements

“Existing” Facilities



How much accessibility is required?

Program Accessibility

No qualified individual with a disability shall, because a public entity's facilities are inaccessible to people with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of the public entity.

Program Accessibility

Ensure that each program, service and activity, when viewed in its entirety, is accessible to people with disabilities.

General Nondiscrimination Requirements





Sign: “Ring Bell for Handicapped Entrance”

Existing Facilities

Courthouse 1905

No elevator

Second floor: jury room,
court probation officer,
district attorney's office

What are some solutions to
provide “program access”?



Program Access

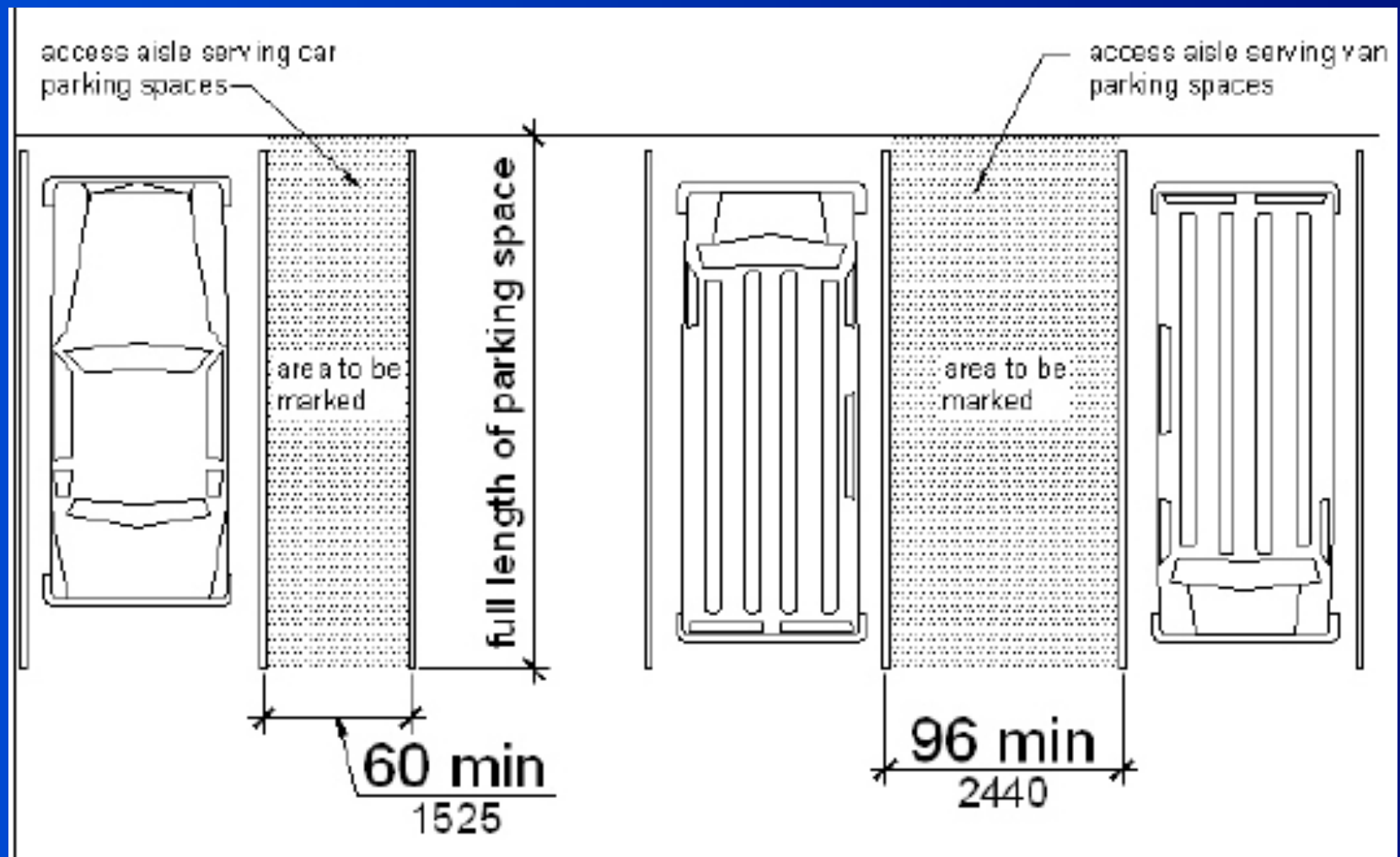
- Review all programs, activities and services
- How does a person with a disability access them?
- Provide enough facility access to make sure people with disabilities have an equal opportunity to participate

Accessibility Review

Accessible Routes



Parking



Parking

Van Spaces: 1 of 6 accessible spaces



Accessible Route



Stable

Firm

Slip resistant

36" min width



Accessible Entrance Old Building, Stairs & Ramp



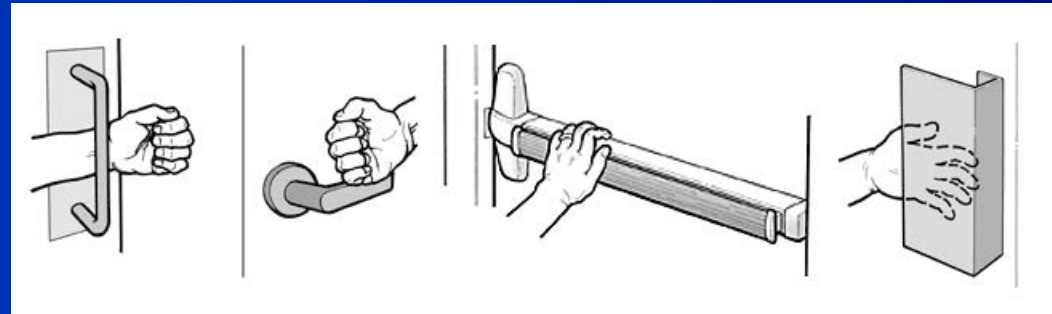
If not all entrances are accessible...

Signs at inaccessible entrances

Automatic Door Openers are Great, But Not Required



Accessible Hardware



Internal Door Pressure 5lb Max.



Counter or table at 36 inches, or clipboard for filling out forms



Accessible Restrooms

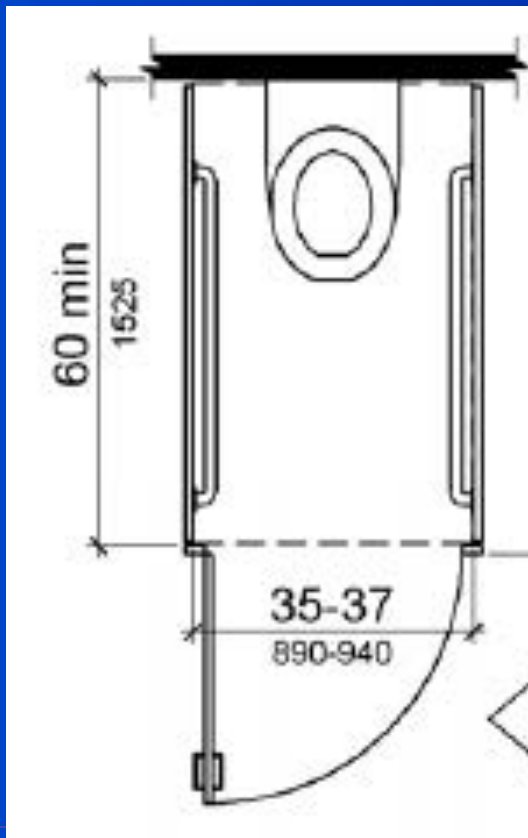


Ambulatory Stall

6 or more stalls/urinals

Ambulatory stall has grab bars on both sides

Stall 36 inches wide with out-swinging door



Signs at Permanent Rooms

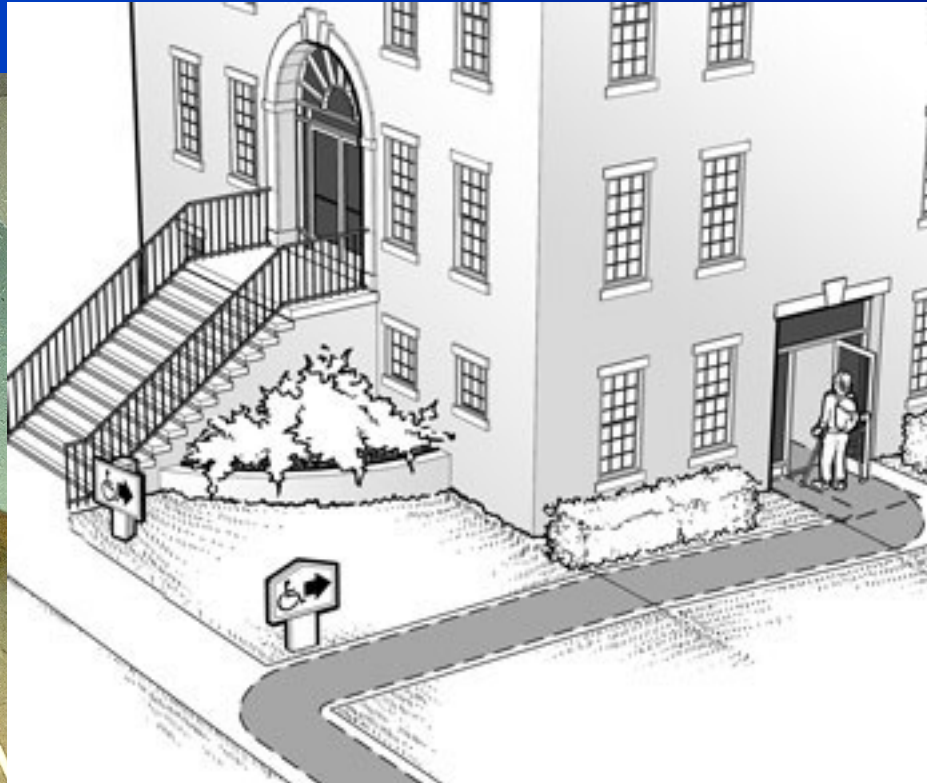
Braille, Contrasting Colors, Raised Characters



Tactile Sign Placement



Protruding Object



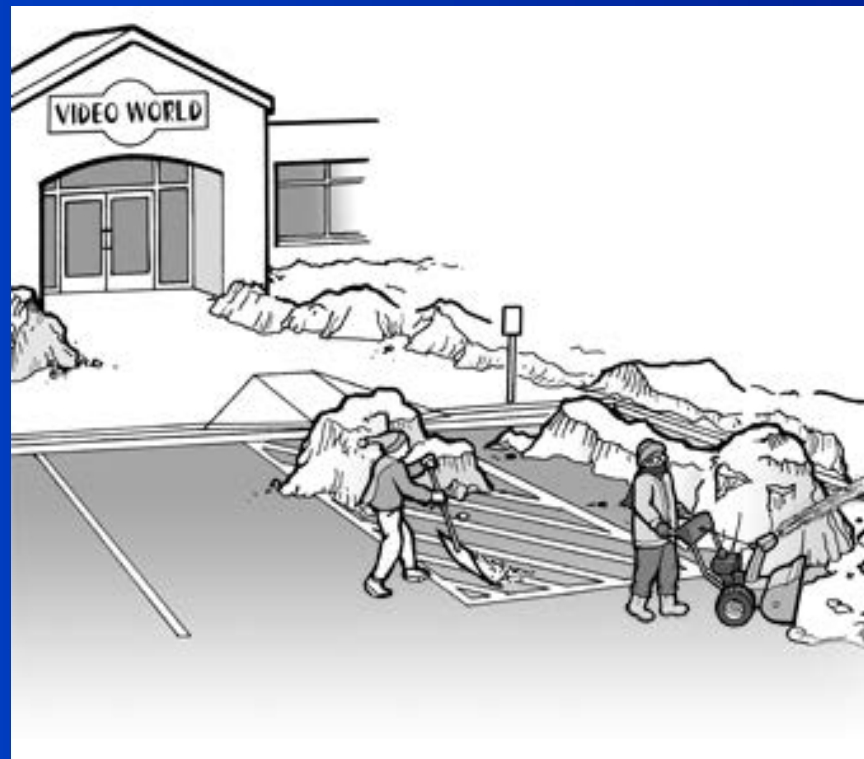
Visual and Audible Alarms Consider Locations



(C) 2004 JOHN GARCIA

Maintenance of Accessible Features

Maintain in operable working condition those features of facilities and equipment that are required to be readily accessible



Maintenance of Accessible Features

Maintain in operable working condition those features of facilities and equipment that are required to be readily accessible



New Recreation Standards

pools, playgrounds, routes to ball fields

NEW Children's Play Areas



Accessible route to each type of ground level play component

Photos from U.S. Access Board

Children's Play Areas



Accessible route
to play
component must
be stable, firm
and slip resistant

Photos from U.S. Access Board

Children's Play Areas



Engineered wood products can work if they are installed correctly and maintained to be stable, firm and slip resistant

Photos from U.S. Access Board

NEW Children's Play Areas



Photos from U.S. Access Board

NEW Children's Play Areas



Transfer
platforms to get to
upper level play
components

Photos from U.S. Access Board

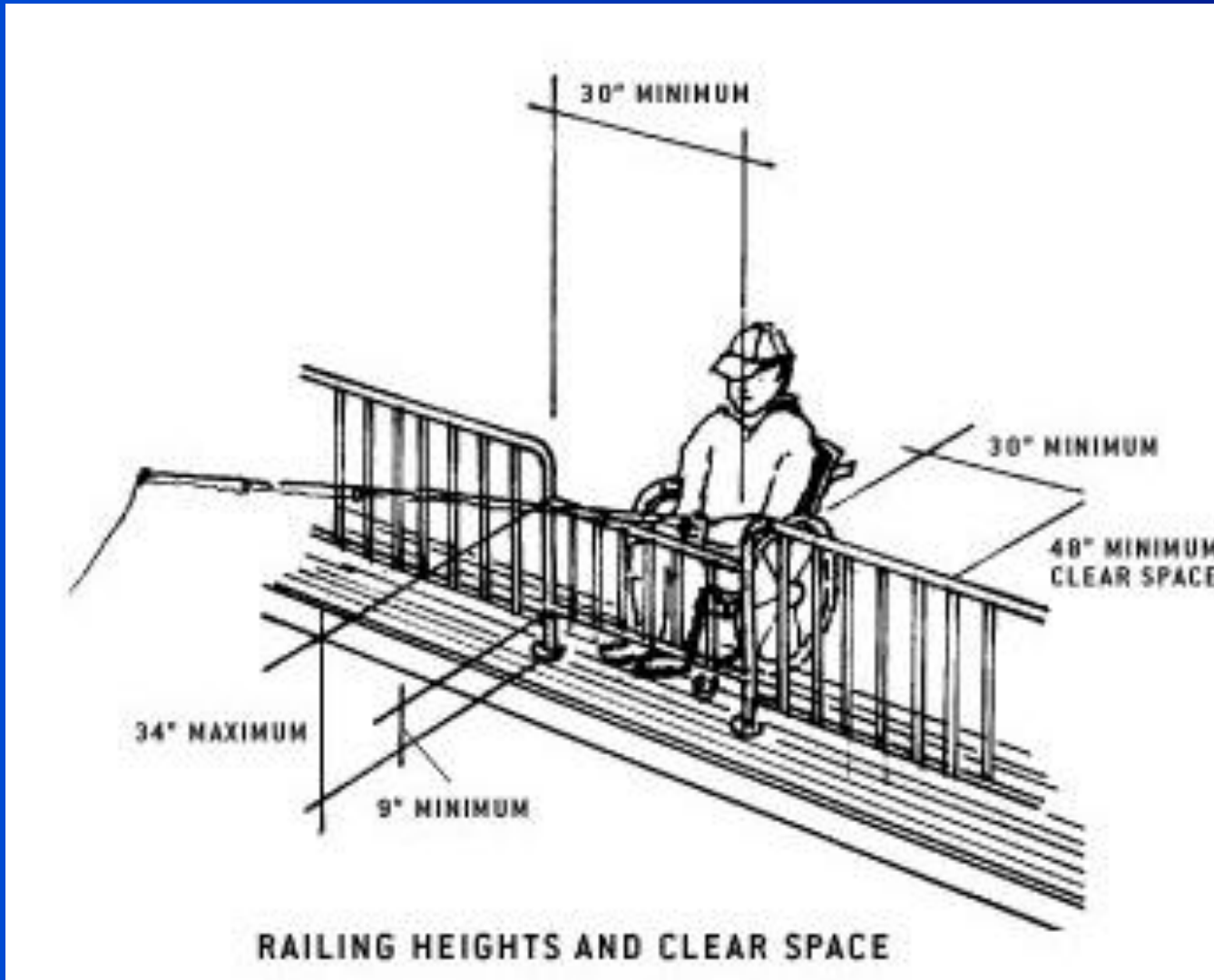
Children's Play Areas



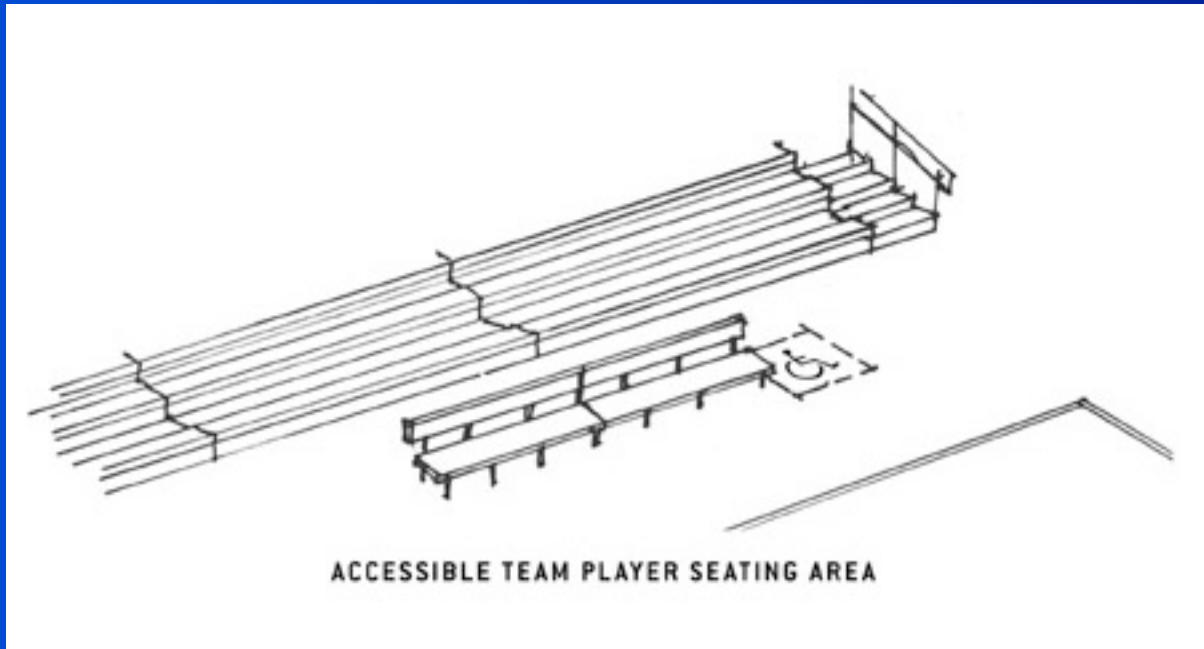
Ramp required in play areas with 20 or more elevated play components.

Photos from U.S. Access Board

Fishing Piers and Platforms

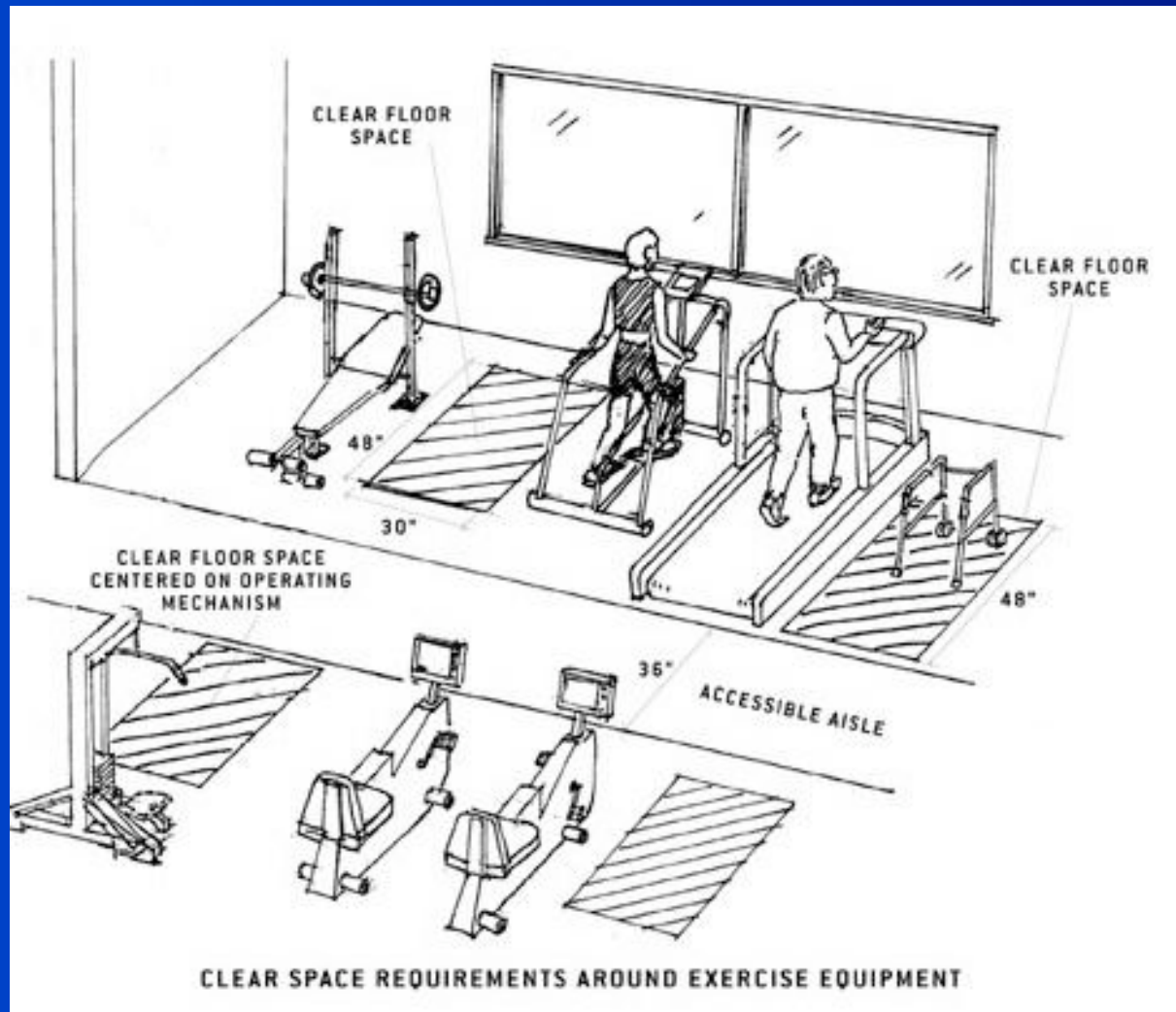


NEW Sporting Facilities



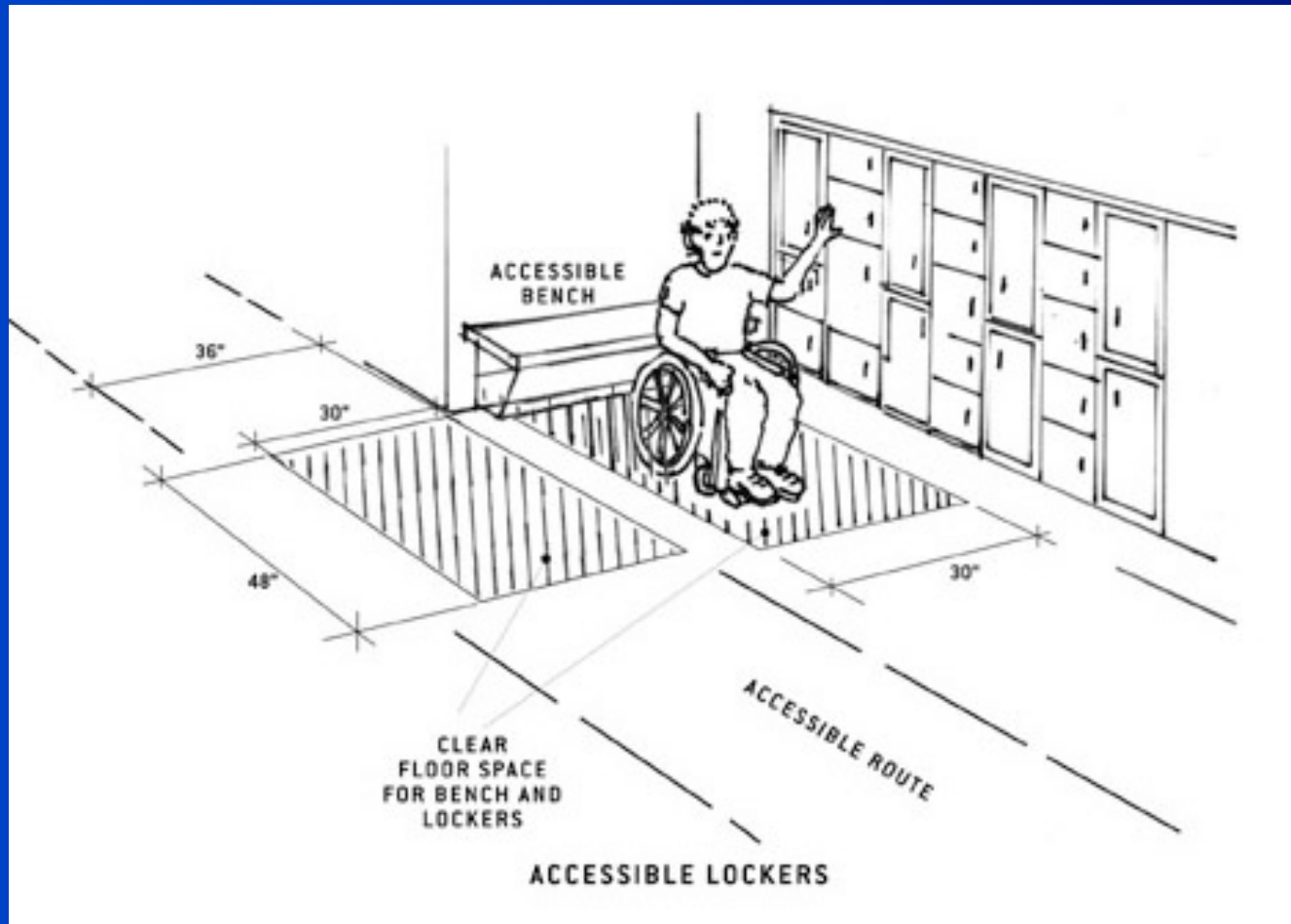
from U.S. Access Board Guides

Exercise Area



from U.S. Access Board Guides

NEW Sporting Facilities



from U.S. Access Board Guides

NEW

Swimming Pools and Spas



from U.S. Access Board Guides

NEW

Swimming Pools and Spas



from U.S. Access Board Guides

NEW

Swimming Pools and Spas

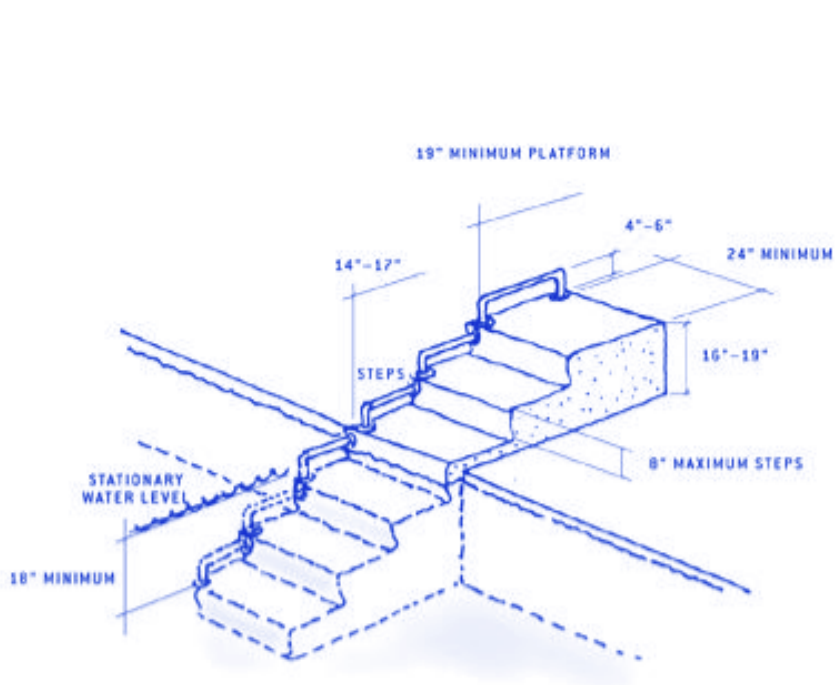


Capable of **unassisted** operation from both the deck and water levels

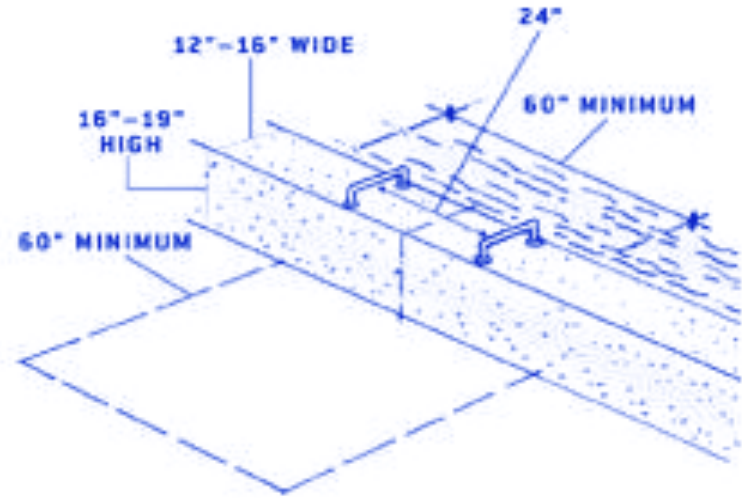
from U.S. Access Board Guides

Swimming pools

Secondary Mean of Entry

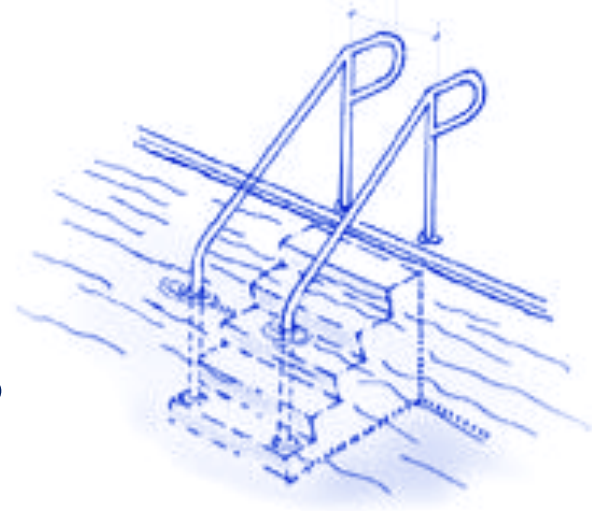


Transfer System



Transfer Wall

Pool Stairs



Leaving Facilities

Almost done... a few more slides

You receive an email from a man who says he was told to leave a town meeting because of behavior which is a result of his Tourette's Syndrome.

You

1. Call the man immediately
2. Give the letter to your supervisor
3. Give the letter to the ADA coordinator
4. Other

Title II

Administrative Requirements

1. ADA Coordinator
2. Provide public notice
3. Adopt a grievance procedure
4. Carry out a Self-Evaluation
5. Develop a Transition Plan

Notify the Public

Sheffield's Website

Quiz

1. All municipal buildings that are open to the public must meet the requirements for new construction as specified in the ADA Standards for Accessible Design.

NO *Buildings built before the ADA went into effect must provide enough access to ensure program accessibility. They do not need to meet new construction standards.*

2. The ADA is a broad civil rights law that applies to a wide range of people with disabilities, not just to people who are blind, deaf or have mobility impairments.

YES

3. When guiding a person who is blind, take hold of the person's wrist so the person can walk a step or two behind you.

NO *Don't touch. Allow the person to hold your arm or shoulder.*

4. If a citizen who is hard of hearing requests an assistive listening device to participate in Town Meeting the town must provide the device.

YES – *Municipalities must ensure that communication is equally effective and provide the device (unless it would result in undue burden).*

5. When speaking to a person who is hard of hearing look directly at the person and don't cover your mouth or turn away while speaking.

YES – *And its a good practice to use with everyone.*

6. Under the ADA a dog, monkey or pot-bellied pig that's individually trained could be a service animal for a person with a disability.

NO - *Under the ADA the definition of service animal only includes dogs.*

7. Municipalities' ADA obligations are in title II of the ADA.

YES

End of Slides

Questions/Discussion