



*Peer2Peer Resources for  
People with Disabilities*

# The Americans With Disabilities Act (ADA) For Groton, MA

## Focus of Independent Living Services

The main goal of Independent Living Centers is to help individuals achieve full community access and integration.

The person with a disability is deemed the best determinant of their own needs and services.

## ADA Overview

The Americans with Disabilities Act (ADA), signed by President Bush on July 26, 1990, is a landmark piece of legislation which extends civil rights protection to people with disabilities. The ADA prohibits discrimination on the basis of disability in employment, state and local government services, public transportation, public accommodations, commercial facilities, and telecommunications.

# Learning Objectives Today

- ▶ Describe how the Disability Movement relates to the Civil Rights Movement and 1-2 key historical factors/legislative events that made a difference.
- ▶ Provide an **overview** of the ADA and its Titles.
- ▶ Provide a few examples to give a working knowledge of the ADA.

# Consumer Directed Care

The Consumer **Directs and Controls** their Plan of Care.

- The **Values** and Decision of the Consumer determines the Final Care Plan.

## Dignity of Risk

- ✦ **Think** the Person is just not at the Center....
- ✦ Professionals are telling them what they need.... But the person is controlling and choosing options for their care needs.

## Who Am I?

- I was born August 1965. At the age of 18 months, I lost all hearing in my right ear, then 80% in my left ear.
- Henry Winkler discovered me and cast me in my first film!
- I was awarded an academy Award for Best Actress for the movie “Children of a Lesser God”.
- I am married with four children.

## I Am Marlee Matlin



- “I am a proud person who happens to be deaf. I do not want to wake up, and suddenly say, oh my God, I can’t hear.’ That is not my dream.
- I’ve been raised Deaf, and I’m used to the way I am. I do not want to change it. Why would I ever want to change? Because I’m used to this. I’m happy.”

## Who am I?

- I was born in 1820, the fifth of nine children.
- As an adolescent, I was struck in the head with a two pound weight, I was denied medical care for two days.
- I began having seizures. As a result, I am useless to my slave masters, I then freed myself and ran away.
- I became an important part of the Underground railroad and rescued over 300 people from slavery. During the Civil War, I served with the US Army in South Carolina as a nurse, scout, spy, and soldier.





## I Am Harriet Tubman

- I freed a thousand slaves. I could have freed a thousand more, if only they knew they were slaves.

# Civil Rights Legislation for People with Disabilities

“In its widest implications, the Independent Living Movement is the civil rights movement of millions of Americans with disabilities. It is the wave of protest against segregation and discrimination and an affirmation of the right and ability of disabled persons to share fully in the responsibilities and joys of our society.”



Ed Roberts, 1977

# Civil Rights Legislation for People with Disabilities

- Rehabilitation Act of 1973
- Americans with Disabilities Act 1990

## **Core Principal:**

Private and public entities must afford persons with disabilities in the same opportunity of **Access To**, and **Benefit From**, communications, facilities, services, etc., as they afford persons without disabilities.

# Section 504 of the Rehabilitation Act of 1973

**First federal nondiscrimination law covering persons with disabilities**

- No qualified individual with a disability in the United States shall be: excluded from, denied the benefit of, or be subjected to discrimination under any program or activity that receives Federal funding.

# The Five Titles of the ADA

*Title I* - Employment (includes all Title II employers and private employers with 15 or more employees)

*Title II* - Public Entities (state, county and local government.

*Title III* - Public Accommodations and Services operated by private entities

*Title IV* - Telecommunications

*Title V* - Miscellaneous Provisions

## Title II of the ADA

- Title II ensures that people with disabilities have equal opportunity access to existing career services. All Career center programs and activities/services must be fully available for individuals with disabilities unless this would present an undue burden.
- Title II prohibits discrimination on the basis of disability in services, programs, and activities provided by public entities, including units of state, local governments, AND all federally funded entities.

## Title II of the ADA

- Title II requires that Town and City services and programs, when viewed in its entirety, provides a level of service that is equal to that provided to other members of the general public.

## Title 3: Public Accommodations

- Public accommodations include the broad range of privately-owned entities that affect commerce, including sales, rental, and services establishments, hotels, restaurants, hospitals, private educational institutions, recreational facilities, and social service centers.
- It also requires public accommodations to make reasonable modifications to policies, practices, and procedures, unless those modifications would fundamentally alter the nature of the services provided by the public accommodation.



# Independent Living Movement Roots and Origin

Ed Roberts 1977

“In its’ broadest implications, the Independent Living Movement is the civil rights movement of millions of Americans with disabilities. It is the wave of protest against segregation and discrimination and an affirmation of the right and ability of disabled persons to share fully in the responsibilities and joys of our society.”

## Title IV: Telecommunications

- Title IV of the ADA amends the Communication Act of 1934 to require (among other things) that telephone companies provide telecommunication relay services.
- The relay services must provide full opportunities for communication to speech-impaired or hearing-impaired individuals.

## Title IV: Telecommunications

- Specifically addressing the needs of people with hearing and speech disabilities, **Title IV** requires telephone companies to establish **telecommunications** relay services (TRS).
- It also requires closed captioning of all federally funded public service announcements. The Federal Communications Commission enforces **Title IV**.

## Title V: Miscellaneous Provisions

- This title addresses such issues as the ADA's relationship to other laws including:
- The Rehabilitation Act of 1973, Requirements relating to the provision of insurance.
- Regulations by the Access Board Inclusion of Congress as a covered entity.
- Provision of technical assistance by federal agencies.

## Real Life

There are over 61 million Americans who have physical or other impairments (*which substantially limit their daily activities*), who are protected under the ADA. That is a ratio of 1 in every 4 Americans have a disability.

To appreciate its full impact, it is necessary to understand that virtually every individual and every family in the United States is touched one time or another by the experience of disability.

# Definition of Disability

There are three parts:

1<sup>st</sup> - The presence of a physical or mental impairment that substantially limits one or more **major life activity**.

# Major Life Activities

Seeing,  
Walking,  
Speaking,  
Learning,  
Hearing,  
Working,  
Breathing.

# Definition of Disability

2<sup>nd</sup> - History or record of impairment.

A person who has recovered from cancer or mental illness.



## Definition of Disability

3<sup>rd</sup> prong of the definition includes people who are not, in fact, limited in any major life activity but are perceived or regarded as having a disability, sometimes because of myth, fear, or stereotype.

Ann has facial scars as a result of serious burns. She has been repeatedly rejected for jobs as a waitress and receptionist because of her appearance. She is considered a person with a disability for purposes of this part of the definition.

## Associational Discrimination

The ADA extends its protections to people who do not have a disability themselves but are discriminated against on the basis of their association with a person with a disability.

The association can be with family members, friends, or any other person.

## Public Entities: Action Steps for Compliance

- Step One: Designate a Responsible Employee to be the ADA Coordinator.
- Step Two: Provide Notice of ADA Requirements.
- Step Three: Establish a Grievance Procedure
- Step Four: Conduct a Self-Evaluation
- Step Five: Develop a Transition Plan

## ADA Public Notice

- The Organization does not discriminate on the basis of disability. Job applicants, participants, members of the general public, employees and others are entitled to access all municipal/ programs and services. Copies of this notice are available, upon request, in accessible formats (large print, audiotape, Braille, computer disc, etc.) Our grievance procedure, self-evaluation, as well as ADA policies, practices, and procedures, are readily available, upon request. This notice is posted prominently at all our sites, and on all program brochures and manuals. The Organization has designated the following person to coordinate its efforts to comply with the ADA. Inquiries, requests, and complaints should be directed to:
  - **(Name), ADA Coordinator**
  - **(Name of Organization), MA**
  - **TEL. (telephone number) FAX ( fax number)**
    - **e-mail: (email address)**

## Public Notice

- Communicates organization's commitment to ADA compliance.
- Covers programs, services, and employment.
- Name of ADA Coordinator.
- Address.
- States availability in alternative formats.
- Posted prominently at all sites and in short form on buildings, flyers, brochures etc.

## Grievance Procedure

- A person with a disability or their authorized representatives who believe that they have been discriminated against on the basis of disability in employment or the provision of services, activities, programs, or benefits has the right to file a grievance under the ADA.

# Employment

- Equal employment opportunities must be provided to otherwise qualified persons with disabilities.
- Includes:
  - recruitment and hiring
  - Compensation
  - Terms and conditions of employment
  - All other rights and benefits

# Qualified person with a Disability

- Is a candidate or employee with requisite skills a qualified individual with a disability.
- A qualified individual with a disability is a person who has the skills, experience, education, or other requirements of a job that she/he holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.



# Reasonable Accommodations

Reasonable Accommodations are adjustments to application process, work environment, or the way in which a job is performed or benefits provided.

# Reasonable Accommodations Policy continued

The decision regarding whether to grant a reasonable accommodation request should be made within a reasonable period of time, preferably no more five business days.

# Reasonable Accommodations

## Policy continued

- Delineates the organization's commitment to providing equal opportunities for employees with disabilities in all aspects of employment including:
  - The Hiring processes,
  - Performance of essential job functions,
  - Other benefits of employment (such as training, wellness programs etc.)
- States procedures for obtaining RA including:

## [Slide Title]

- How applicants and employees are informed,
- How applicants and employees initiate requests,
- Who handles requests,
- Time frame for response.
- States that RA obligation is limited by undue hardship.
- Identifies senior administrator with budgetary authority responsible for undue hardship decisions.

# NON-DISCRIMINATORY OPERATIONS

# Non- Discriminatory Operations

- May not deny equal opportunity for people with disabilities to participate programs and services.
- May not provide unequal or less effective opportunity.

# Equal Opportunity Policy

No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the participation in; be denied the benefits of; or otherwise be subjected to discrimination under any of the town or Organization's services, programs and activities.

## RA's continued

No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the participation in; be denied the benefits of; or otherwise be subjected to discrimination under any of the town or Organization's services, programs and activities.



## Reasonable Modifications Policy

Provides that the town will make reasonable modifications to our policies, practices, and procedures.

Unless the organization can demonstrate that such modification would impose an undue burden or fundamentally alter the nature of our program or the services that we offer.

The final decision concerning whether a request for a modification is reasonable (or is a fundamental alteration of the program) is made by the Town or **City Manager** in discussion with the **ADA Coordinator**.

## Eligibility

**Title II entities may not impose eligibility criteria that directly or indirectly screen out people with disabilities, unless criteria are necessary to the program.**

## Community Referral Assurance

It is the policy of Town/City of Organization that surcharges are never charged to staff/participants (nor any other interested person) for reasonable accommodations under any circumstances.

# [Slide Title]

# Integrated Settings

- Programs must be provided in the most integrated setting possible.
- Separate programs *MAY* be permitted if necessary to ensure equal opportunity.
- Persons with a disability may choose to participate in the integrated program.

# Community Referral Assurance

Whenever the Town or Organization refers consumers to other programs and services (such as counseling agencies etc.) as a condition of participation or make reference to other programs, it is the Town's or organization policy that such programs and services must be accessible.

# Training Assurance Regarding Non-Discriminatory Operations

The training assurance should state that training or other staff development activities provided by and/or to agency personnel and volunteers will include information about ADA requirements that programs operate in a manner that is not discriminatory towards people with disabilities. Trainings should be reviewed with all new employees and on a yearly basis for all employees.

# Effective Communication Policy

It is the policy of – {your organization} that auxiliary aids and services will be provided when necessary to ensure effective communication with persons whose disabilities effect communication.

It is the policy of the Organization that all documents and publications are available, to anyone who requests them, in accessible formats. These formats include large print, audiotape, Braille, and be sent electronically. Primary consideration is given to the type of aid or service preferred by the person with a disability.



# Effective Communication Policy

- Assures commitment to providing effective communication.
- States that people with disabilities have the opportunity to request **their** preferred form of auxiliary aid or service.
- An effective means of communication will be provided unless doing so poses undue burden or fundamental alteration.
- Procedure for requesting aid or service.
- Respond to request on a reasonable notice.

# Auxiliary Aids - Communication

- Qualified ASL interpreters
- Hand written notes
- Amplified sound
- Assistive listening systems
- CART
- Open and closed captioning

# Interpreter Service Policy

It is the policy of the Organization that sign language interpreters, will be provided upon request to any person needing interpreter services in order to participate in any meeting, program, or activity.

Requests should be made 30 days in advance of the scheduled event or meeting. If an interpreter service cannot be obtained, the ADA Coordinator or other member of the staff will offer the option of an alternative effective form of communication or the opportunity to postpone the meeting.

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# **Discussion of Website Accessibility Barriers**

# . Examples -of Website Accessibility Barriers

- . **Use of color alone to give information.** People who are color-blind may not have access to information when that information is conveyed using only color cues because they cannot distinguish certain colors from others.
- . Also, screen readers do not tell the user the color of text on a screen, so a person who is blind would not be able to know that color is meant to convey certain information (for example, using red text alone to show which fields are required on a form).

# Issues Concerning Lack of text alternatives

**Lack of text alternatives (“alt text”) on images.** People who are blind will not be able to understand the content and purpose of images, such as pictures, illustrations, and charts, when no text alternative is provided. Text alternatives convey the purpose of an image, including pictures, illustrations, charts, etc.

# **Web Content Accessibility Guidelines (WCAG), and what it means**

- **Ensuring web accessibility for people with disabilities is a priority for the Department of Justice. In recent years, a multitude of services have moved online and people rely on websites like never before for all aspects of daily living.**
- **For example, accessing voting information, looking up mass transit schedules and fare information increasingly depend on having access to websites.**

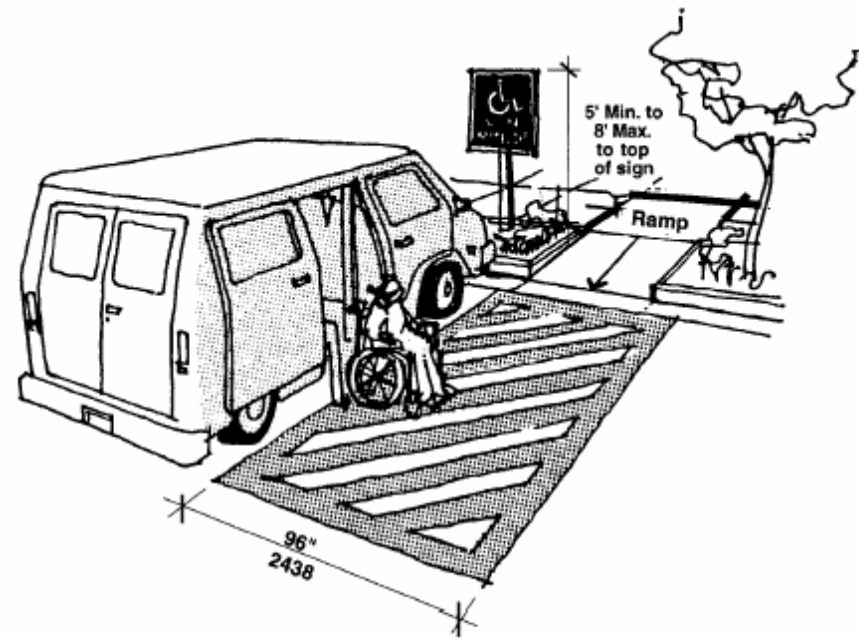


## WCAG, (Continued)

- **Businesses and state and local governments have flexibility in how they comply with the ADA's general requirements of nondiscrimination and effective communication. But they must comply with the ADA's requirements.**
- Businesses and state and local governments can currently choose how they will ensure that the programs, services, and goods they provide online are accessible to people with disabilities.

# READILY ACHIEVABLE BARRIER REMOVAL

- Lists all barriers whose removal is readily achievable.
- Specifies cost for removal of each.
- Specifies date for completion of each.
- Describes program access solutions (how programs and services are offered at alternative locations or by means to overcome barriers without compromising quality of service).

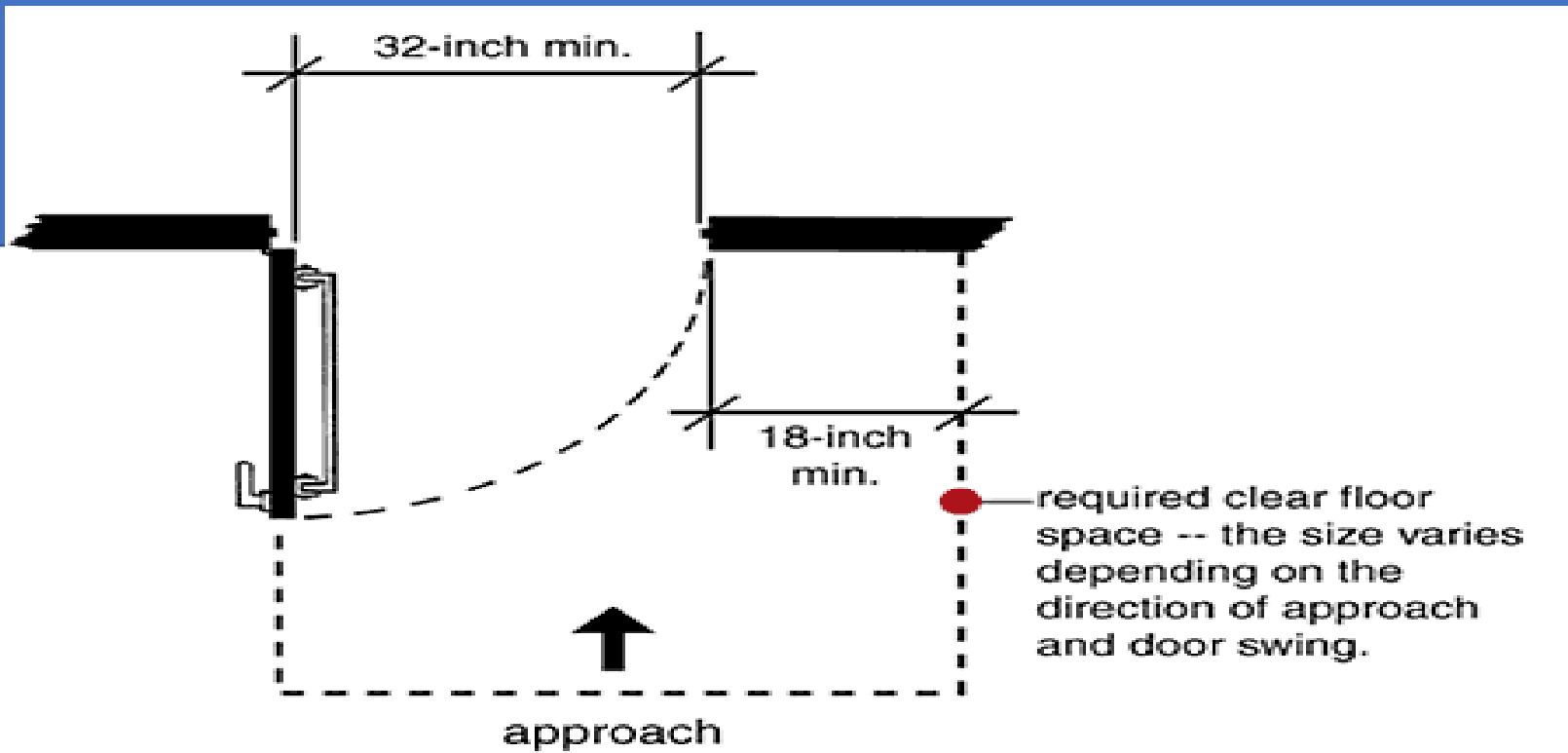


Van Accessible Space  
Figure 23c

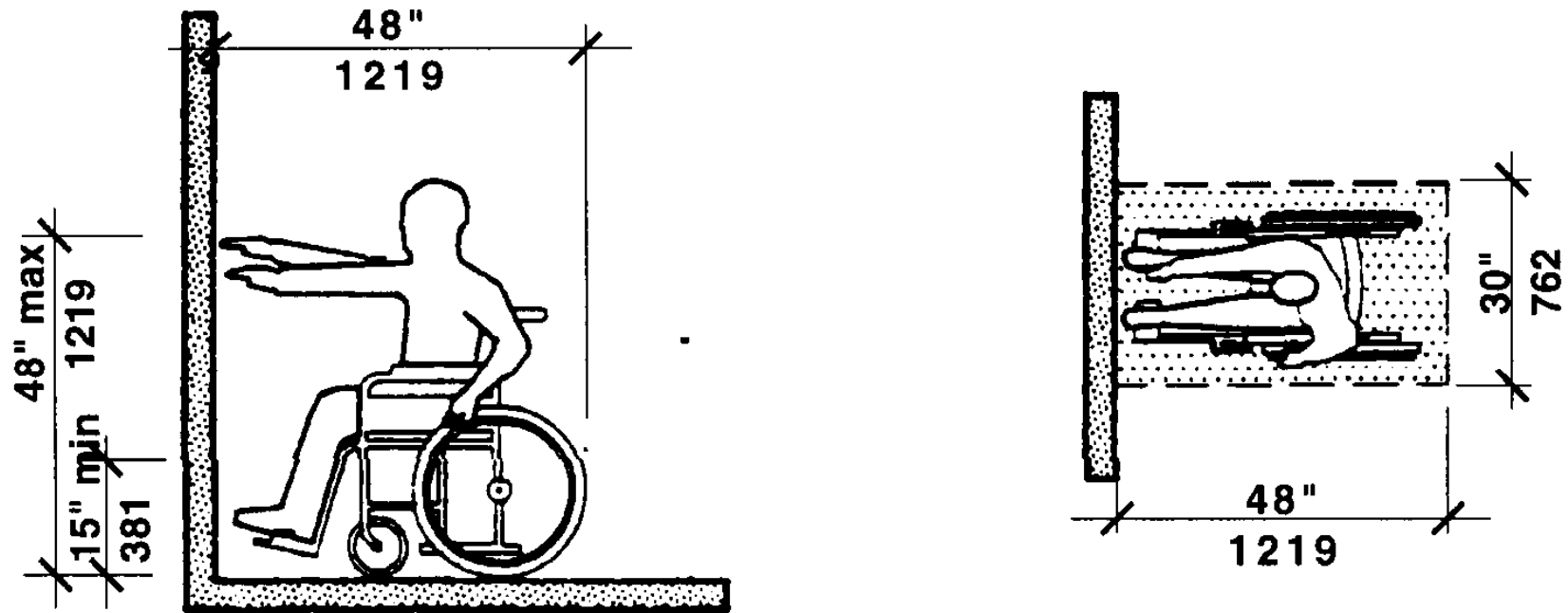
- b. Each *space* shall have a sign designating it "Van Accessible" as required by 521 CMR 23.6, **Signage.**
  - c. All such *spaces* may be grouped on one level of a parking structure.
  - d. Eight foot minimum (8' = 2438mm) wide *space*.
  - e. Provide an *access aisle* of eight feet (8' = 2438mm).
- Each space shall have a sign designating it "Van Accessible" as required by 521 CMR 23.6.
    - Eight foot minimum (8'0) wide space and an access aisle of eight feet (8'0).
  - Sign shall be permanently located at a height of not less than five feet (5'0) nor more than
    - eight feet (8'0) to the top of the sign.



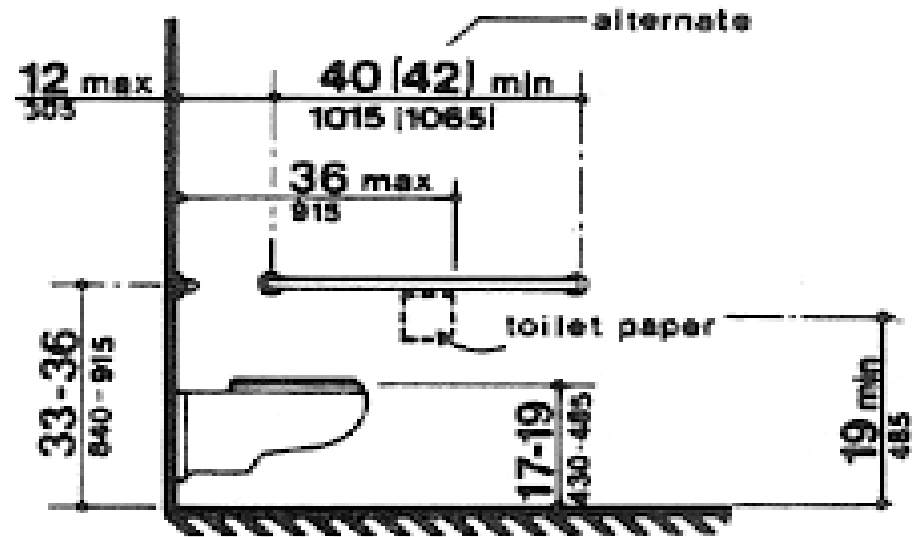
Any entrance not accessible by persons in a wheelchair shall have a sign clearly indicating the location of the accessible entrance.



32 inch clear opening – 18 inch clear floor space on the pull side of the door. – Lever type door handle not a knob. – Door opening force 15 lbs. exterior, 5lbs interior. – Thresholds exceed 1/2in in height shall be beveled. – Closing speed from an open position of 90 degrees, should take at least six seconds to close.

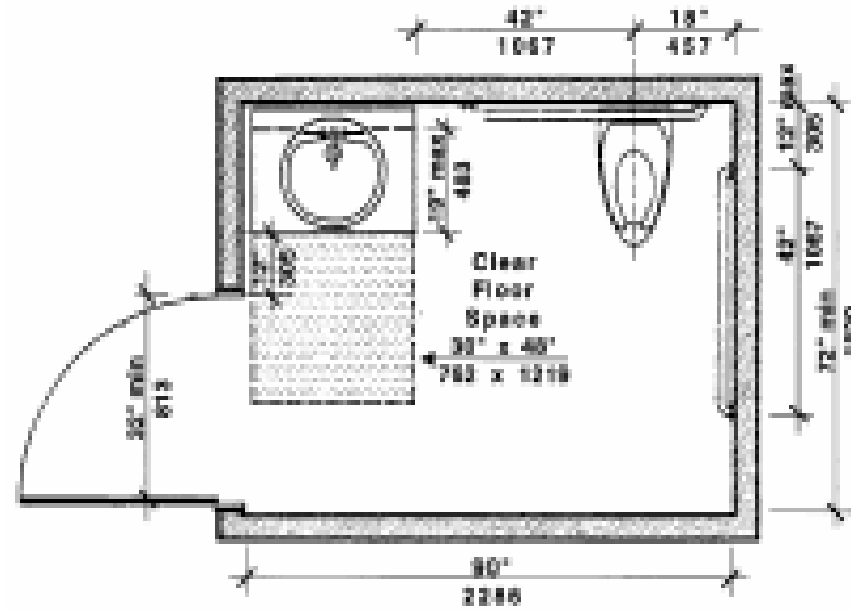


High Forward Reach Limit  
Figure 6k



(d)  
Side Walls

- Two grab bars 42 inches long, 33 to 36 inches from the floor, non-rusting and a roughened surface.
- Toilet paper holder ADA 19 inches from floor and 6 inches from the front of the toilet.
- Toilet shall be 17 to 19 inches high to the top of the seat.



Accessible Unisex Toilet Room  
Figure 30d

Clear floor space from the center of the water closet to the nearest fixture or wall shall be 42 inches from the center of the water closet and the nearest wall shall be 18 inches.





**MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH (MDPH)  
TRANSITION PLAN SUMMARY FOR READILY ACHIEVABLE BARRIER REMOVAL**

Agency/Corporate Name\* \_\_\_\_\_ Total number of facilities \_\_\_\_\_

Worksheet completed by \_\_\_\_\_ Telephone \_\_\_\_\_ Date \_\_\_\_\_

Facility Name	Description of Structural Changes	Cost Estimate	IMPLEMENTATION SCHEDULE			
			Month One	Month Two	Month Three	Month Four Completion
TOTAL COST ----->						

SUMMARY OF TRANSITION PLAN      Sign-off: ADA Coordinator \_\_\_\_\_ Page \_\_\_ of \_\_\_

\* Note that a Facilities Inventory and a Transition Plan for Readily Achievable Barrier Removal (when applicable) is required for ALL of the MDPH contracted vendor's program sites.

# NILP ADA Competency Test

**1.** How many Titles are there in the ADA?

- A. One Title
- B. Three Titles
- C. Five Titles
- D. Seven Titles

**2.** The ADA addresses disability issues as they relate to:

- A. Employment
- B. Public accommodations
- C. Telecommunications
- D. All of the above

**3.** Title II addresses issues related to:

- A. Telecommunications
- B. Miscellaneous provisions
- C. Employment
- D. Public Entities

# NILP ADA Competency Test

**4.** Title III addresses issues related to:

- A. Employment
- B. Public accommodations operated by private businesses
- C. Telecommunications
- D. Public services of state and local government

**5.** An employer must give preference to a qualified applicant with a disability over the other applicants.

True or False?

**6.** The employer must provide reasonable accommodation to the individual with a disability whether or not it knows of the disability.

True or False?

# NILP ADA Competency Test

**7.** Approximately 50% of accommodations for people with disabilities will cost:

- A. \$1 to \$100
- B. \$250 to \$400
- C. Over \$500-\$1,000.00
- D. Over \$5,000.00

**8.** Which of the following actions could be considered a reasonable accommodation for applicants or employees with a disability:

- A. restructuring a job
- B. modifying work schedules
- C. modifying examinations
- D. all of the above.

**9.** The ADA prohibits an employer from inquiring as to whether a prospective employee has a disability.

True or False?

# NILP ADA Competency Test

**10.** Title I provisions cover hiring, firing, and promoting processes among other employment activities.  
True or False?