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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Domestic Policy Council

Series/Staff Member: Diana Fortuna

Subseries:

OA/ID Number: 12029

FolderID:

Folder Title:

ADA [Americans with Disabilities Act]

Stack:

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Row:

97

Section:

3

Shelf:

1

Position:

2

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. note	Handwritten Note to Mr. Herr; RE: Personal (3 pages)	12/17/0000	b(6)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12029

FOLDER TITLE:

ADA [Americans with Disabilities Act]

2007-0143-F

db4490

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
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P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

McDonald's Bans Smoking at All the Sites It Owns

By PHILIP J. HILTS
Special to The New York Times

WASHINGTON, Feb. 23 — The McDonald's Corporation said today that all its 1,400 wholly owned restaurants would ban smoking immediately. At the same time, the association representing 90,000 chain restaurants backed a bill to end smoking in all restaurants and other buildings used by the public.

The announcements were prompted by the increasing numbers and outspokenness of nonsmokers who have demanded freedom from smoke in restaurants, said Terrie Dort, executive director of the trade association, the

National Council of Chain Restaurants. She said 30,000 of the nation's chain restaurants already banned smoking, and the proposed law "provides a level playing field that our industry needs to reach the 100 percent mark."

Until now, restaurant managers have been afraid to ban smoking for fear that their smoking customers would rebel, giving their competitors an advantage.

Tobacco Group Protests

Ms. Dort said today that "the only way to resolve this issue fairly" was for Congress to ban smoking in all buildings in one stroke.

Brennan Dawson, a spokeswoman for the Tobacco Institute, which represents the major tobacco companies in Washington, said of the restaurant group, "These people really have overstepped their bounds, and are trying to decide what is best for everybody, from the bingo halls to every workplace in the United States."

She said that if smoking was banned in all restaurants, smokers would not be the only ones to suffer. She said a ban would hurt restaurateurs too. She cited polls by the tobacco industry in which smokers have said that they might go to fast-food restaurants less often if smoking is banned there.

The council of chain restaurants and McDonald's both said they would support the Smoke-Free Environment Act of 1993, sponsored by Representative Henry A. Waxman, Democrat of California, who is chairman of the House Health and Environment Subcommittee. Last week, the bill was endorsed by the Clinton Administration and six former Surgeons General.

McDonald's is the nation's largest fast-food chain, and today's announcement brings to about 3,600 the number of its restaurants that prohibit smoking, said Rebecca Caruso, a spokeswoman. That is about 40 percent of the 9,100 McDonald's restaurants.

The restaurants in the chain that have not banned smoking are franchise operations and cannot be ordered by McDonald's to halt smoking. But Ed Rensi, president and chief executive of

McDonald's U.S.A., said the company would "continue to actively encourage our franchisees to make their restaurants smoke-free, and more are voluntarily doing so every day."

At a news conference with chain restaurant representatives, Representative Waxman praised the "smart business decision" of the restaurants. "In the most elementary terms, members of Congress must now choose between Ronald McDonald and Joe Camel," he said.

The Waxman bill would ban smoking in every building regularly entered by 10 or more people at least one day a week, not including residences. It would permit building owners to have special smoking rooms in public buildings if they were not used for anything else and were ventilated so that air went directly outside.

The bill would also ban smoking within the immediate vicinity of the entrance to the buildings.

The Administrator of the Environmental Protection Agency, Carol M. Browner, has said that her agency estimates that if the bill becomes law, the lives of 5,000 to 9,000 nonsmokers would be spared each year, along with the lives of 33,000 to 99,000 smokers who would quit or cut back cigarette smoking. The savings in medical costs and lost wages would be \$6.5 billion to \$19 billion a year, she said.

The bill provides penalties for those who run buildings that fail to comply with the law, but relies on court action by local individuals to enforce the ban. The bill authorizes any aggrieved person or agency to take complaints to Federal District Court, where a fine of up to \$5,000 per day could be assessed.



National Association of Protection & Advocacy Systems

900 Second St., NE, Suite 211, Washington, DC 20002 (202) 408-9514

FAX: (202) 408-9520 TDD: (202) 408-9521

FACSIMILE TRANSMISSION SHEET

Date: 3/18/94

Time: _____ am/pm

To: STANLEY HERR

Firm: OFFICE OF DOMESTIC POLICY

Fax Number: _____

From: GARY GROSS, Staff ATTORNEY

Number of Pages to Follow: 8

Please call (202) 408-9514 if you did not receive
the complete number of pages

Notes: Curtis Decker thought you would
be interested in these reports regarding
recent P+A litigation activities.



National Association of Protection & Advocacy Systems

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Massachusetts

At-Large
Vivianne Hardy-Townes
Washington, D.C.

Executive Director
Curtis L. Decker, J.D.

MEMORANDUM

To: Interested Parties

From: Curtis L. Decker 
Executive Director

Re: Recent Protection and Advocacy System Settlements Involving
Community Placement

Date: February 1, 1994

Two protection and advocacy system agencies -- California's Protection & Advocacy Inc. (PAI) and the Wisconsin Coalition for Advocacy -- have reached very significant case settlements which mandate the provision of community based mental health and developmental disability services.

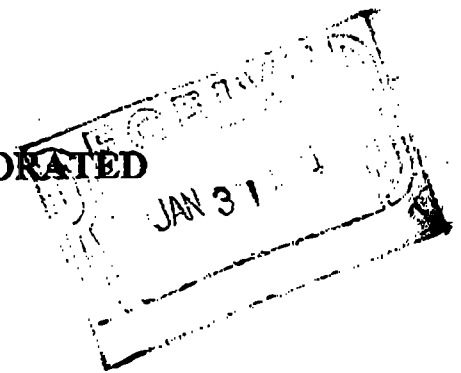
The PAI settlement, Coffelt v. Department of Developmental Services (approved by a California state court on January 21, 1994) apparently is the largest of its kind in U.S. history. It provides for, among other things, community placement for over 2000 Californians with developmental disabilities statewide.

The Wisconsin settlement, Joan S. v. Gudeman (approval of the settlement by a state court is still pending), requires that Milwaukee County, among other things, develop 500 new community support program slots, a case management system and expanded housing opportunities for persons with mental illness and developmental disabilities.

Detailed summaries of these settlements follow.

PROTECTION & ADVOCACY INCORPORATED

1330 Broadway, Suite 1250
Oakland, CA 94612-2511
Telephone/TDD (510)839-0811
Toll Free (800)776-5746
FAX (510)839-5780

**MEMORANDUM**

TO: Interested Persons

FROM: PAI Litigation Team: Ellen Goldblatt, Cathy Blakemore, Eric Gelber and Kim Swain

RE: **COFFELT SETTLEMENT APPROVED BY JUDGE**

DATE: Thursday, January 20, 1994

Late yesterday, Judge Pollack, before a packed courtroom, approved class certification and the Settlement Agreement in Coffelt, et al. v. DDS, et al. which provides for community homes for over 2000 Californians with developmental disabilities statewide. The settlement was approved over the objections of CASH/PCR, the state hospital parent association. The hearing lasted over three and a half hours and consisted of arguments by attorneys for the parties and CASH/PCR and testimony by a small number of the parents who objected to the settlement. Many of the individual named plaintiffs, class members and representatives from the organizational plaintiffs filed declarations in support of the settlement agreement prior to the court date and attended the hearing to let the judge know how important the decision would be. It was clear that all your efforts made a difference and were instrumental in winning this case.

The class action was originally filed in San Francisco Superior Court in February, 1990, by PAI on behalf of more than 950 class members, 14 individual named plaintiffs and six disability organizations including People First, the Oaks Parents' Group (of Sonoma State Hospital), the Association for Retarded Citizens-California, United Cerebral Palsy Association of California, the California Association of Persons with Severe Handicaps, and the Autism Society of California. The suit was filed against the Department of Developmental Services (DDS) and four northern California regional centers – East Bay, North Bay, Golden Gate, and San Andreas. The complaint claimed that the defendants were remiss in providing community residential services for consumers who were either institutionalized or inappropriately served in the community and on the waiting list for services in violation of the Lanterman Developmental Disabilities Services Act and the state constitution. Joe Gross from the law firm of Heller, Ehrman, White & McAuliffe co-counseled the case with PAI.

Memo re: Coffelt Settlement Approval
January 20, 1994
Page 2

After months of arduous negotiations with defendants, a five-year settlement agreement was reached and agreed upon by all the parties. The settlement agreement expanded the case to include statewide relief, covering all of the six state developmental centers and 21 local regional centers. Since the case was filed as a class action suit, the court required the parties to notify potential members of the class regarding the terms of the settlement and held a hearing, described above, to consider objections made and decide if the agreement was fundamentally fair and reasonable.

The settlement agreement, the largest of its kind in U.S. history, provides for the following, over the next five years:

- ◆ Development of quality community living arrangements and other necessary supports individually tailored to meet the needs and preferences of approximately 2,300 class members;
 - ◆ Development of a person-centered assessment/planning process which will be used in all persons' individual program plan team meetings;
 - ◆ Funding for additional consumer service personnel at regional centers;
 - ◆ Actions to increase the variety of living options in the community from which consumers can choose;
 - ◆ Development of emergency and crisis intervention services statewide;
 - ◆ Adoption of a values-based quality assurance system for all community living arrangements in the state;
 - ◆ A survey to evaluate the satisfaction of persons placed under the agreement and the quality of the community living arrangements into which they move;
 - ◆ Participation by representatives of plaintiffs' counsel and the organizational plaintiffs in systems change work groups;
 - ◆ Monitoring of all provisions of the agreement by plaintiffs' counsel; and
 - ◆ Adequate funding of \$334,000,000 to accomplish all of the above activities.
- The state legislature has already appropriated 20 million dollars for the first year of implementation.

Date: January 20, 1994

To: Persons Interested in Outcome of Milwaukee Lawsuit Concerning Community-Based Mental Health Services - Joan S. v. Gudeman

From: Dianne Greenley, Wisconsin Coalition for Advocacy
Roy Froemming, Wisconsin Coalition for Advocacy
Tom Dixon, Wisconsin Coalition for Advocacy
Jim Walrath, Legal Aid Society of Milwaukee
Rock Pledl, Legal Aid Society of Milwaukee
Jeff Myer, Legal Action of Wisconsin

Subject: Settlement of the Lawsuit

In June 1991 the Joan S. case was filed challenging Milwaukee County's lack of community based mental health and developmental disability services. The suit focused on persons who were discharged from the Mental Health Complex with inadequate housing and follow-up services, persons who were stuck on the long term care units at the Complex because of an inadequate number of community treatment programs, and persons with developmental disabilities who frequently spent long periods of time on the acute psychiatric units or at Rehab South due to lack of community placements.

After two and a half years of discovery, the filing of a massive motion for summary judgement with the court, and extensive negotiations with the County, the plaintiffs and the County have reached agreement on a settlement. The final step will be court approval.

We believe that the settlement is a very significant beginning in the development of a more adequate community based system of care and treatment in Milwaukee County. It also fits in well with the larger master plan for mental health services which is being developed by the County.

The settlement covers a four year time frame and includes the following provisions:

1. Development of 500 new community support program slots by December 31, 1996. At least 168 of this new capacity will be in supported apartments.

were settled without litigation. Advocacy Inc. has recently begun Phase II of the campaign - during which its ten regional attorneys will file ADA cases which are designed to bring about systemic change and have a great positive impact overall on the lives of Texans with disabilities. Most recently, Advocacy, Inc. reached a settlement with Texas lottery officials in which the state has agreed to enforce the ADA's accessibility standards at 15,000 stores that sell lottery tickets.

New York's Empire State Building Settlement

The following article, which appeared in the Washington Post on March 4, describes a settlement of a complaint filed with the Department of Justice by the contractor to the New York P & A (the New York Lawyers for the Public Interest) which requires the Empire State Building to make renovations to comply with the ADA's accessibility requirements.

A Landmark Access Overhaul At Empire State

By Liz Spayd
Washington Post Staff Writer

The Justice Department yesterday settled one of the first complaints filed under the Americans with Disabilities Act, reaching an agreement that will require nearly \$2 million in changes to New York City's Empire State Building.

Over the next nine months, the landmark tourist site will be revamped, starting at its Fifth Avenue entrance and ascending 86 flights, in order to bring the structure into compliance with the disability



ASSOCIATED PRESS
Settlement will bring \$2 million in renovations.

law. Ramps will be added, bathrooms will be redesigned, ticket counters will be lowered, stairs will be removed, even walls will be modified so visitors in wheelchairs will be able to reach the 86th-floor observation deck.

Justice Department officials said they believe the building's national prominence will help set the pace for future settlements. "This is more than just one building. It is a symbol," said John Wodatch, who oversees disability issues at Justice. "It shows that what ADA is talking about involves a wide variety of American life, including enjoying tourist attractions."

The most comprehensive law protecting the rights of the disabled, the ADA requires that workplaces, restaurants, movie theaters, doctors' offices and other public spaces be accessible to all.

Since provisions of the law went into effect two years ago, federal agencies have received thousands of complaints. The complaint against the Empire State Building Co. was filed on Jan. 27, 1992, the day after the ADA took effect. It took two years for the Justice Department and building owners to negotiate a settlement—a time lapse that riled the disability rights group that filed the charge.

"We're obviously pleased that the complaint is finally settled but dismayed at how long it took. . . . the building is still not accessible, and it won't be for almost a year," said Cary LaChien, an attorney with New York Lawyers for the Public Interest, which filed the suit.

A spokesman for Helmsley-Spear Inc., the property management company for the Empire State Building, said negotiations were protracted because the building is a landmark site and many architectural changes required approval by city officials and historic preservation groups.

Withdrawal/Redaction Marker

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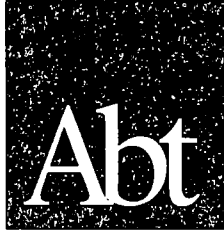
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Associates Inc.

*Center for the Advancement
of
Rehabilitation and Disability Studies*

**Disability- and Rehabilitation-Related
Projects from the
Twenty-Nine Year History
of Social Policy Research
by
Abt Associates Inc.
1965-1994**

Raymond E. Glazier, Jr.
Center Director
March 1994

Abt Associates Inc.

Abt Associates Inc., founded in the Commonwealth of Massachusetts in early 1965, is an employee-owned social science research firm with approximately 460 full-time professional employees. Our areas of specialization are in research, evaluation, and analysis of social problems, programs, and policies under contract to federal, state, and local government agencies, including the Department of Defense, private industry, and educational institutions in the U.S. and overseas. The company's main offices are located in Cambridge, Massachusetts, with a Washington, D.C., area office in Bethesda, Maryland, and an office in Chicago, Illinois.

Approximately 25 percent of the professional staff have Ph.D.s or equivalent degrees, while another 50 percent hold master's level degrees. Staff educational and professional backgrounds cover a broad range of disciplines including, economics, sociology, psychology, law, statistics, mathematics, public administration, urban planning, anthropology, medical and biological sciences, architecture, and engineering. Our skills include systems analysis, interviewing, survey design, simulation/gaming, computer processing, and management science. The union of these qualifications provides a unique basis for Abt Associates' long experience and high level of capability in such fields as program planning and demonstrations, large-scale program and policy evaluations, statistics and methodology, computer technology, information systems development and management, training, and curriculum development.

The firm is divided into 13 substantive areas:

- Health Policy Research
- Health Services Research and Evaluation
- Housing, Income Security and Employment
- Education and Child Development
- Law and Public Policy
- Biostatistics and Epidemiology
- Business Strategy Group
- Environmental Research
- Financial Services Area
- Agriculture and Natural Resources
- International Health and Economic Development
- Statistical and Evaluation Surveys
- Survey Research Group

Coordination and communications among these areas, access to outside sources of information concentrated in the nearby academic communities, and effective management systems enable Abt Associates to offer the wide range of capabilities, experience, and skills necessary to fulfill its contractual agreements successfully.

CENTER FOR THE ADVANCEMENT OF REHABILITATION AND DISABILITY STUDIES

Background:

Over the past 28 years Abt Associates has undertaken over 40 contracted research projects in the general area of rehabilitation and disability studies with a total worth of almost \$22 million and an average size of nearly \$533,000. This body of work has dealt with issues in education, employment, health care, housing, income security, insurance, law, transportation, and other substantive areas. The passage and signing of the Americans with Disabilities Act (ADA) of 1990 and its phasing in over the next thirty years is certain to create policy research opportunities in all areas of American life and hence cut across all areas in which Abt conducts social research.

Purpose:

The cross-cutting nature of rehabilitation- and disability-related research, combined with the desirability of having a specific locus for specialized expertise, has suggested strongly the advisability of establishing a Center for the Advancement of Rehabilitation and Disability Studies within Abt's Health Policy Research Area. The Center's current core area of operations is in service to the grant and contract shops within the Office of Special Education and Rehabilitative Services (OSERS) of the U.S. Department of Education: NIDRR (National Institute on Disability and Rehabilitation Research), RSA (Rehabilitation Services Administration), and OSEP (Office of Special Education Programs); as well as the Department of Veterans Affairs, the Department of Housing and Urban Development, the Social Security Administration of the U.S. Department of Health and Human Services, and other federal and state agencies. However, the Center can lend expertise to contract proposals, grant applications, and actual project performance in any substantive research Area with a rehabilitation/disability component, while drawing upon specialized and often little known experience scattered throughout the company, as well as the outside academic community and other organizational resources. The Center also maintains an important relationship with the non-profit Abt Health Care Research Foundation.

The Model:

The paradigm for the Center is not altogether unlike an academic research institute which has a Director, Fellows (Senior Analyst/Project Director level staff drawn from around the firm), Associates (less senior level Abt people), and Adjunct Fellows (academicians and other outside consultants willing to participate in Center activities). The Center also plans in future to offer summer internships to graduate students from appropriate disciplines, giving priority to those who themselves have disabilities. Publication of Abt research findings in this field are actively encouraged and relationships with other research organizations.

Rehabilitation/Disability Projects by Client

Dept./Office of Education (includes all Dept. of Health, Education, and Welfare)

Rehabilitation Services Administration:

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
AMIS	Evaluate, Revise, and Develop the RSA Data Retrieval and Management System Using New Data Elements	RSA HEW	09/30/78 06/30/82	D
RESTOR	An Evaluation of the Rehabilitation Services Administration Research and Training Center Program	OHD HEW	10/01/76 11/12/77	B
REVUE	Evaluation of Eligibility Determination in State Vocational Rehabilitation (VR) Agencies	RSA DoEd	09/30/86 01/31/89	C
RSVB	Feasibility Study of Retirement and Health Insurance for Blind Vendors	RSA HEW	06/30/75 11/08/75	B

Bureau of Education for the Handicapped:

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
CASE	Preparation of Case Studies to Improve Education of Handicapped Children	HEW	06/27/72 03/27/73	B
EXIT	Assessment of the Adjustment of Deinstitutionalized Mentally Retarded People to Community Life		07/02/74 12/31/76	
IVY	National Study of Higher Education Facilities and Services for Handicapped Students	BEH OfEd	07/01/74 07/30/76	B
NOTICE	Identifying Strategies for Assisting LEAs and SEAs to Meet Procedural Safeguards Afforded Handicapped Children and Their Parents	BEH OfEd	10/01/78 05/29/81	C

*\$ Values: A = < \$100K, B = \$100K-500K, C = \$501K - \$1 Mil., D = > \$1 Mil.

Abt Associates Inc. REHABILITATION & DISABILITY RESEARCH, Page 2

Office of Human Development:

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
ALPHA	Comprehensive Review and Evaluation of the Instruments Used by Programs for the Developmentally Disabled	OHD HEW	09/27/77 07/09/78	B
3D	A Special Study of the Definition of Developmental Disabilities	OHD HEW	09/30/76 10/31/77	B

National Institute on Disability and Rehabilitation Research and Other:

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
ARCH	Assessment of Selected Resources for Severely Handicapped Children and Youth	OfEd	07/05/73 04/30/76	C
FARTRAN	Integrated Assessment and Skills Transfer: Applications to Transition from School to Work	OfEd	09/30/86 03/29/87	A
FLEX	Functional Assessment in Vocational Rehabilitation: Validation, Extension, and Application	NIHR DoEd	04/01/83 03/31/86	B
STP	Special Teens and Parents Study of the Impact of P.L. 94-142	OfEd HEW	10/01/78 11/20/80	B
TACKLE	NIDDR Americans with Disabilities Act (ADA) Technical Assistance Coordinator	NIDDR	09/30/91 09/29/94	D

Department of Health and Human Services

Alcohol, Drug Abuse, and Mental Health Administration:

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
MAMA	AIDS Outreach to Pregnant Women and Their Children	NIDA PHS	09/30/88 09/29/91	D

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Abt Associates Inc. REHABILITATION & DISABILITY RESEARCH, Page 3

Alcohol, Drug Abuse, and Mental Health Administration: (continued)

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
PARTNERS	AIDS Outreach to Female Prostitutes and Sexual Partners of Intravenous Drug Abusers	NIDA PHS	03/28/88 03/27/91	D

Health Care Financing Administration:

HELPERS	Staff-Assisted Home Dialysis Demonstration Project	HCFA	06/01/91 12/01/95	C
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National Institute of Mental Health:

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
AIDSTRAIN	Training of Health Care Providers to Address AIDS	NIMH	02/10/88 02/09/91	C

Social Security Administration:

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
NETWORK	Evaluation of Project Network	SSA	06/30/92 12/30/97	D

Department of Housing and Urban Development

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
SECTN811	Evaluation of the HUD Supportive Housing Programs for Persons with Disabilities (subcontract from AREA, Inc.)	AREA for OPDR	10/01/92 09/30/94	C
SPLUSC	Evaluation of the Shelter Plus Care Program for Severely Disabled Home- less Persons	OPDR	02/23/93 06/15/95	C

*\$ Values: A = < \$100K, B = \$100K-500K, C = \$501K - \$1 Mil., D = > \$1 Mil.

Department of Veterans Affairs

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
DISABLED	Updating VA Schedule for Rating Disabilities:	DVA	08/8/90 09/13/90	A
DISABLED-2	Updating the Medical Criteria for VA's Disability Rating Schedule: Muscular, Respiratory, and Orthopedics Systems	DVA	03/27/91 06/07/91	B
DISABLED-3 (no descrp)	Updating the Medical Criteria for the VA's Disability Rating Schedule	DVA	08/23/91 01/17/92	B

Department of Transportation

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
DCTRANS	Accessibility of the Washington D.C. Transit System	DOT	10/01/71 12/31/72	A
HANDI	Study of the Transportation Needs of the Handicapped	DOT	04/18/68 08/30/69	B

Committee for Purchase from People Who Are Blind or Severely Disabled

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
PURCHASE	Methodology Development for a Benefit-Cost Analysis of the Javits-Wagner O'Day (JWOD) Program	Comm.	10/01/93 06/30/94	B

General Accounting Office

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
GAO-2 (no descrp)	Study Methodology and Sample Design to Identify Weaknesses in Social Security Disability Criteria and Determination Process	GAO	04/04/90 06/30/90	A

Abt Associates Inc. REHABILITATION & DISABILITY RESEARCH, Page 5

General Accounting Office (continued)

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
GAO-3 (no descrp)	Study Methodology and Sample Design to Determine Reasons for Racial Differences with Social Security Disability Denial Rates	GAO	04/04/90 06/30/90	A
GAO-5 (no descrp)	Study Methodology and Sample Design to Determine Reasons for Wide Variance Among States in Social Security Disability Allowance Rates	GAO	04/04/90 06/30/90	A

State and Local

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
MIFLEX	Functional Assessment Rating System Pilot Installation and Test	St of MI	08/25/86 06/30/87	A
MS (no descrp)	Epidemiological and Psychosocial Aspects of Multiple Sclerosis	Nat'l MS Society	04/16/90 04/15/91	A
MS2 (no descrp)	Produce the Multiple Sclerosis Fact Book	Nat'l MS Society	07/01/91 06/30/92	B
OHFLEX	Functional Assessment Rating System Distributed Access in Multi-User Environment	St of OH RSC	10/01/85 03/31/86	A
PA-PAS	Feasibility Study for a Personal Assistance Services Home and Community-Based (2176) Medicaid Waiver Program	St of PA	01/07/93 08/30/94	B
PASHN	Assessment of the Rehabilitation Needs of Individuals with Severe Handicaps	St of PA	02/01/88 04/30/89	B
TRURO	The Development of Concepts for Small Business Enterprises to be Operated by the Handicapped in Nova Scotia	Sub Abt CAN	05/08/81 07/31/81	A

*\$ Values: A = < \$100K, B = \$100K-500K, C = \$501K - \$1 Mil., D = > \$1 Mil.

State and Local (continued)

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
WISFLEX/ WISFLEX2	Functional Assessment Rating System Office Aggregation and Forms Production/Phase II Installation of FARS	St of WI	09/30/85 09/29/86	A
WYFLEX	Functional Assessment Rating System Statewide Installation	St of WY	12/15/85 06/15/86	A

International

<u>Code Name</u>	<u>Project Title</u>	<u>Client</u>	<u>Dates</u>	<u>\$ Size*</u>
TANZAIDS	Economic Impact of Aids in Tanzania	World Bank	12/10/90 02/01/91	A

41 Projects Total \$21,851,731 Ave. Worth \$532,969

(Range: \$4,668 - \$5,388,922)

NOTE: In the following section are presented 1-2 page project summaries, arranged alphabetically by Abt project code name for ease of reference. No written project summary exists for those annotated "no descrp" (no description) in the preceding listings.

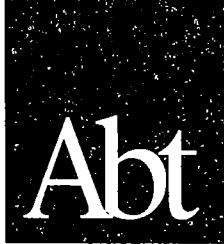
* * * * *

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55 Wheeler Street
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02138-1168

Telephone (617) 349-2481
Facsimile (617) 349-2675
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Associates Inc.

Center for the Advancement of Rehabilitation and Disability Studies

14 March 1994

Mr. Stanley Herr
Old Executive Office Building, Room 224
Seventeenth Street and Pennsylvania Avenue, NW
Washington, DC 20500

Dear Stan,

As follow-up to our phone conversation Friday, I am sending (enclosed) a bound copy of the published version of our report on *The Second Year (FY-1993) of the NIDRR ADA Technical Assistance Initiative: Promoting Implementation of the Americans with Disabilities Act of 1990*. At your suggestion, I did also send a copy to Carol Rasco at the White House; enclosed also are a copy of my letter to her and the projects booklet I sent her.

As I told Ms. Rasco, although the Department of Education and NIDRR have no enforcement authority or responsibilities under the ADA, Congress funded NIDRR to help promote the implementation of the ADA by providing technical assistance to key constituencies affected: businesses that are "covered entities" under the Act, cities and towns and other public service providers, and persons with disabilities of all kinds. The "Overview" chapter of the enclosed annual report demonstrates what an impressive volume of technical assistance, training, materials dissemination, etc. is being provided to the public by the fifteen NIDRR grantees across the country. Anyone can directly access the ten regional Disability and Business Technical Assistance Centers via the national toll-free information and referral line (1-800-949-4ADA), which electronically routes calls to the appropriate local office.

In our management of this telephone set-up and coordination of the NIDRR grantee activities, it is obvious to us that NIDRR and its grantees are doing an amazing job of promoting voluntary compliance with the ADA and advising citizens of their rights. We constantly hear of ADA information lines at other federal agencies ringing off the hook till callers give up in despair. NIDRR, with Abt's help, is carefully monitoring the volume of "busied out" calls on a region-by-region basis in order to know where more lines or more staff are needed to meet demand for services. When other federal agencies ran out of copies of their ADA information materials, NIDRR funded reprints. Where gaps in written information on the ADA were identified, NIDRR sponsored the development of print materials, video cassettes, etc. Abt Associates is proud to be a part

of the NIDRR ADA Technical Assistance Initiative.

The long and short of it is that I think the funds appropriated for NIDRR's ADA Technical Assistance Initiative are well spent and very well leveraged - "a great bang for the buck!" If you take a look at the sheer volume of activity ("Overview" section of the report), you can't help but be impressed with what is being accomplished. I'd like to add that NIDRR, perhaps alone among the federal agencies doing ADA implementation activities, is quite astute and sensitive in insisting that ADA materials be made available in alternative format (Braille, audiotape, ASCII disk, captioning for the deaf and voice description for the blind on video cassettes, etc.) The disregard for these issues by some other agencies is, in itself, a violation of the letter of Section 504 and the spirit of the ADA.

I shall be hosting the next Directors Meeting of the NIDRR ADA Technical Assistance Initiative in a few weeks (29-31 March) at the Ritz Carlton at Pentagon City in Arlington, VA. I will actually be staying in the DC area through April 5th, as I have an important meeting in Baltimore on the 5th with the Health Care Financing Administration. If I can meet with you, I'd be glad to provide what information I can on the ADA Initiative or on Abt's other corporate capabilities and experience. Just let me know when is good for you. April 1st would be by far the best day for me, but I might be able to duck out of the meeting briefly on another day, if necessary. My direct line is (617) 349-2481. I look forward to hearing from you.

Sincerely yours,



Raymond E. Glazier, Jr.

Director, Abt Center for the Advancement of Rehabilitation and Disability Studies
Project Director, NIDRR National ADA Technical Assistance Coordinator Project

C.c.: David Esquith, NIDRR

Enclosures: 3

Chris K. 11-23

ADA

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PUBLIC INTEREST LAW JOURNAL



Volume 1

Winter 1991

Number 1

DEDICATION

MARY JOE FRUG AND THE PUBLIC INTEREST

MARTHA MINOW

COMMENTARY

LAWYERS AND THE PUBLIC INTEREST

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ALL AMERICANS

DICK THORNBURGH

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President's Committee on Employment
of People with Disabilities

NEWS RELEASE

Contact: Dina Dorich
or
John Donnelly
(202) 376-6200

For Immediate Release:

**MARRIOTT, UAL AND NORDSTROM EXECUTIVES TO ADDRESS
BUSINESS FORUM ON AMERICANS WITH DISABILITIES ACT**

WASHINGTON, D.C., Nov.23-- A full-day forum to provide businesses with examples of successful and innovative ideas for implementation of the Americans with Disabilities Act (ADA) will be conducted in Washington, D.C. on December 7 by the President's Committee on Employment of People with Disabilities.

Included among the featured speakers who will report on successful programs for hiring workers with disabilities are J. Willard Marriott, chairman and president of Marriott Corporation, Stephen Wolf, chairman and chief executive officer of UAL, and Nordstrom co-chair John Nordstrom. Dozens of small business and association executives will also present and attend.

The emphasis of the forum, says Rick Douglas, executive director of the President's Committee, will be on helping small businesses understand ADA, identifying resources and opportunities, and providing practical information based on successful experience.

Owners, operators and representatives of businesses have been invited to participate in the program, which will include panel discussions, presentations of case histories and comments by government officials and members of Congress, including Senator Tom Harkin and Representative Major Owens.

During the morning program, to be moderated by Roscoe Swann, Jr., director of Minority Business Development for Amtrak, panelists from trade associations are scheduled to outline efforts to educate their membership on business opportunities and market potential.

The afternoon session will focus on how small businesses can build effective local partnerships with public and private

vocational rehabilitation organizations and the disability community. John Kemp, executive director of the United Cerebral Palsy Association, will moderate.

The Americans with Disabilities Act, which was passed by Congress in 1990, prohibits discrimination in the workplace and guarantees civil rights to America's 43 million people with disabilities.

Beginning in July of 1994 the legislation's provisions on employment will take effect for businesses with 15 or more employees. The law now covers those with 25 or more.

Douglas says the forum will be "a real dialogue with the business community, not a monologue" and will provide opportunity for an exchange of information between those small businesses affected by ADA.

Among the participants will be disability leaders, Administration officials, representatives of organized labor and trade associations, franchisees, corporate executives and small business owners.

The information presented at the forum will assist the President's Committee in the development of ADA informational materials which will be distributed to small businesses to assist them in their ADA implementation. The forum is a first step in a multiyear and multipronged long-range national program.

The forum will be held in the Dirksen Senate Office Building, Room G-50 from 9 A.M. to 3:30 P.M. on December 7, 1993. For additional information, contact the President's Committee on Employment of People with Disabilities, 1331 F Street NW, Washington, D.C. 20004.

Towns slow to remove barriers

Few complying with 2-year-old Disabilities Act

By Kim Quintal
SPECIAL TO THE GLOBE

Dennis Polselli of Framingham faces daily frustrations as a blind person, but what annoys him most is his inability to read the newspapers, magazines and other information most take for granted.

Polselli commends the efforts of area radio stations that now read the news for the "print disabled," but he often must rely on his wife, coworkers and friends to connect him with the rest of the print world.

He faced the problem again during a recent city vote when he had to ask others to read the ballot to him, but told officials the problem could be easily solved by having the town clerk record official information on audio tape for those who cannot see.

Knowing he had the force of a two-year-old law, the Americans with Disabilities Act, behind him, Polselli convinced the town to initiate a taping program soon.

For Polselli and others in his situation, improvements arrive slowly.

For example, in some towns west of Boston, officials and business owners are dragging their feet in complying with the law, which requires buildings and programs to provide access for the disabled. A few towns, such as Southborough and Maynard, have already made costly renovations, but others are just beginning to comply.

Only two towns in the area, Stow and Medway, have filed ADA-required transition plans with the state office that oversees the law, which has been criticized in various quarters as both complex and costly and as lacking needed enforcement.

Lorraine Greiff of the Massachusetts Office on Disability said towns are not required to file the plans with her office, although she encourages them to do so. Still, few towns report having completed either their transition plans, which ADA required by July 1992, or the self-evaluations that were due in January.

"The delay is not all their fault," Greiff said of the towns behind schedule. "But by now they should have done their transition plans or be almost finished with them."

Most communities have appointed an ADA coordinator, a requirement.

ADA, Page 8

PHOTOCOPY
PRESERVATION

Few towns in compliance with Disabilities Act

■ ADA

Continued from Page 1

ment for municipal governments with more than 50 employees.

In Needham, ADA coordinator and Town Administrator Carl Valente said the town must renovate the public works building, sidewalks and schools at a high cost. Each department has completed a self-evaluation, he said, but the transition plan is still in the works.

"It's a tremendous amount of work for any community, although the broadness of the law also means flexibility," Valente said. He estimated renovations will cost \$1 million on each of two buildings and more for others.

Needham's Commission on Disabilities helps officials with both the ADA and an earlier state law regarding access to buildings that receive public money. But member

Adrienne Dey, who is blind, said the commission has a small budget and is not Needham's highest priority.

"A lot of things are a disgrace. The Council on Aging meets in a basement that has a ramp, but the bathrooms are totally out of code. You can't get a walker in the ladies' room," she said, and the school administration building is completely inaccessible.

Dey said she sees a lot of resistance to the law. Needham's budget had no capital-expenditure items for ADA changes in fiscal year 1994 even though the law requires compliance by January 1995.

The town is budgeting some capital items in fiscal year 1995, she said, but compliance does not have to cost a lot of money. In many cases, a problem may be solved by simply moving a meeting or program to another location.

"ADA requires being more in-

ventive and imaginative than before. It doesn't require access into every corner," said Joan Webster, ADA coordinator in Framingham and director of the town's Human Relations Commission.

The town has completed the self-evaluation and has a transition plan, she said, but is reluctant to staff her office, which provides ADA information to Framingham departments.

Webster said the law is difficult to enforce because it makes no provisions for fines, only litigation.

"People can sue, but we prefer to find a resolution to the problem," Webster said, citing the audio-tape solution to Polselli's voting problem.

Because the law does not supply a team of inspectors to check on compliance, enforcement rests on the people denied access who must be active and verbal in pointing out problems and finding solutions. Supporters say town leaders should embrace ADA even if the disabled do not insist.

"The problem with the law is the problem with many," said state official Greiff. "It requires affirmative action on the part of people with disabilities to make sure rights are upheld."

Some towns are already making changes. In Wellesley, officials are installing automatic doors in public buildings and planning more.

In Southborough, administrative



GLOBE STAFF PHOTO / BARRY CHIN

Dennis Polselli, an assistant in residence life at Framingham State College, works with clerical assistant Gloria Lansperry. Polselli, who is blind, helped improve accessibility for the disabled in his town.

assistant and ADA coordinator Janice Conlin said the town has had no complaints to date, but has an ADA committee, has held workshops and recently completed the self-evaluation.

Officials hope to have the transition plan ready by the April Town Meeting. "Our understanding is that

as long as we're moving forward on the plan, we're OK," Conlin said.

Upgrading access to Southborough Town Hall will cost about \$20,000 for a chair lift, she said, and the arts center may require a \$100,000 elevator and a ramp.

"We haven't found any money provided by ADA. Our funding has

to come from our tax base," she said in the town of 6,800.

In Maynard, officials are well ahead of many towns after spending nearly \$50,000 renovating the town building, according to administrator Michael Gianotis.

Another \$15,000 will go to the School Committee to address access problems, he said, and more money will be spent on the library.

"It's not something any town can handle without strain because it's a federal mandate without funding," Gianotis said.

Meanwhile, business owners are also anxious about ADA expenses, although the law provides a tax credit to small businesses.

Again enforcement falls to those who are denied access, according to Greiff, although her office has received a \$100,000 grant to help owners comply in some communities.

Some owners are already making changes, she said. Stanley Sydney, a Newton businessman, has built a ramp to his apartment building and has installed a buzzer to signal for assistance at a clothing store.

In Framingham, Ken's Steak House has installed a ramp to comply with ADA, according to manager Ken Bender. "We have had repeated requests for a ramp, but it was very expensive. We hope it will pay for itself by the next century as we attract more disabled patrons."

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WEST WEEKLY

DECEMBER 5, 1993

Leaving workshop behind

South Middlesex program seeks 'real' jobs for retarded

By Nancy Walser
SPECIAL TO THE GLOBE

For 10 years, Sue Zerbini worked in a "sheltered workshop," elbow to elbow with other retarded adults in a large, industrial warehouse in her hometown of Ashland, collating papers and doing other piecework for \$20 to \$30 a week.

She hated it.

"The pay was lousy, the atmosphere was lousy, the people were lousy," said Zerbini, remembering her days in the workshop run by the South Middlesex Association for Retarded Citizens, or SMARC.

But two years ago, SMARC staffers helped Zerbini, who is mildly retarded, find a job with Franklin Caterers. For 30 hours a week at \$5.50 an hour, she takes charge of a food cart in the lobby of a Framingham office building, doling out coffee, making change, checking supplies and, in spare moments, fussing over her display of snacks arranged carefully on paper doilies.

Her paycheck goes to her parents, but now she has spending money to go out to eat and to the movies. "I didn't think I could do this," said Zerbini, who is 40. "If I can do this, I can do anything."

Zerbini is a success story that SMARC is soon hoping to repeat on a larger scale.

Buoyed by the benefits of "outside" employment for their clients and no longer willing to sustain financial losses from its sheltered workshop, SMARC is closing the workshop, which is housed next to its offices, by January or February.

The 111 workers, primarily from Framingham and Natick, will be transferred into



Sue Zerbini arranges her food-cart wares in a Framingham office building lobby.

GLOBE STAFF PHOTO / BARRY CHIN

smaller groups that will meet to polish resumes and practice interviewing and job skills in six different sites donated to SMARC. So far, only two sites have been determined. The workshop space will be leased, saving the organization about \$125,000 annually. Its yearly budget is about \$5-million.

William H. Garr, SMARC's executive director, believes it is the first sheltered workshop of its size to close in Massachusetts. The state has an estimated 80 to 90 such workshops, where retarded adults do

mostly assembly-type work for manufacturers; they earn 2 or 3 cents for each part that gets boxed or for each bow that is glued onto the top of a candy container.

It is dull work in an environment that provides no challenge, Garr said. "The problem is, they never grow when they're here. It's better than what they had in the institutions, but only slightly better."

When placed in jobs at restaurants, nursing homes, grocery stores and other settings, his clients behave differently.

SMARC, Page 9

Leaving sheltered workshop behind

■ SMARC

Continued from Page 1

"They won't run over to you, or jump out at you. They say 'Hi' and go on working. Once they're out there, they never want to come back to the workshop," he said.

"We believe in 10 years, there won't be workshops and we hope to be a leader in this area," he added.

"It's a marvelous and ambitious undertaking," said Nancy Dumart, service coordinator for the Middlesex West area office of the state Department of Mental Retardation. The department contracts with SMARC and other nonprofit organizations for vocational training for eligible adults.

"These individuals, who have been in a sheltered setting all these years, have been in a training facility. Is it normal to be in a training facility all their lives? When are they going to go out and have jobs?" said Dumart.

Families haven't complained about the closing of the Ashland workshop, but they are concerned about making sure their adult children "won't be set up for failure," she said.

A few in the SMARC workshop have asked to be transferred to other workshops and a few others may opt to stay at home, staffers said.

"There are some risks involved," said William Kiernan, vice president

of the American Association on Mental Retardation and director of the Training and Research Institute for People with Disabilities, based at Children's Hospital in Boston.

"People can lose their jobs and then the question is, where do they go? We have to figure out ways to support those folks, to get them back into jobs."

The vast majority of federal and state money for mentally retarded adults is still spent on segregated programs, even though research has documented that they are happier in integrated settings, he said. "Staff and facilities haven't been as courageous in making the decision to close sheltered workshops," he said. SMARC "is one of the few that are doing it."

But it is really the retarded adults themselves who are fueling the nascent movement among service organizations to concentrate on getting them jobs in the real world, he said. "They are saying, 'I don't want to assemble widgets. I don't want to make a dollar an hour,'" Kiernan said.

New Hampshire made a push to close most of its 13 workshops beginning in the late 1980s, after complaints about the lack of "meaningful" work from their disabled clients, said Donald Shumway, director of mental health and developmental services. A concerted effort to find

jobs for each individual according to their abilities, rather than transporting them all to one worksite, resulted in significant job gains even during a recession, he said.

Even so, working is still a struggle for these disabled adults, said Shumway. Moving up within a company has been difficult, and changing jobs - something most of the population does with regularity - is traumatic. Finding opportunities for the more severely disabled is also a major problem, he said.

Still, SMARC staffers believe the time is ripe for converting workshops, in which as many as 10 workers are supervised by a job coach who may or may not have the time to devote to finding them jobs outside the workshop.

Due to the passage of the Americans With Disabilities Act two years ago, private employers are becoming

more conscientious about hiring disabled adults, they say. And despite continued layoffs in the state, there are special niches that mentally disabled adults can fill even in the current economy, said George Macomber, jobs development coordinator for SMARC.

"Someone who's getting \$270 a week from unemployment isn't going to want to work 10 to 2 in a restaurant for \$5 an hour," he said, but SMARC's workers will.

Increasingly, too, sheltered workshops are being shunned by parents of a new generation of disabled: those who have graduated from special needs programs in public schools and are used to being in the mainstream, in normal settings.

"They don't want their children in workshops," said Macomber. "They won't even come here for an interview."

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