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FolderID:

Folder Title:

ADA [Americans with Disabilities Act] Deliverables

Stack:

S

Row:

112

Section:

1

Shelf:

5

Position:

3

SOS Meeting, 7/5

Austin Freeman
Was trying for
minutes

Page 1-3, #1a (under review)

1-3, #3. 90 coordinators identified
, #1b

www.section.sos.gov

NIPAR long term report

Status of Access America work

Need shift from GSA

FCC

- ① Policy (announced July 21)
after vote)
- ② Digital closed - copying
- ③ video description

GSA/FCC/DOED/DOJ/NOAA/OMB

Make Lisa copy of DOED pieces

Deliberables Meeting, 7/5 (in ans)

ORR

- * Synthetic
- * Larry #

QUP

- * Home ownership price — will be risky — setting & various position on taking money back?

USDA

- * nothing at once
(Completed report on employees)

DOED

~~DOED~~

- * nothing yet now

SBA

- * nothing

DOI

- * 7/5 cleared up plan
- * Natl Highway Safety etc

~~WUP~~
Still working on Rec 5

1999 Recommendations to the President from the Presidential Task Force on Employment of Adults with Disabilities

The Task Force wishes to recognize the outstanding work by the Clinton-Gore Administration in acting on the recommendations made to the President in last year's report — *Re-charting the Course: First Report of the Presidential Task Force on Employment of Adults with Disabilities*. Prompt action and strong support by the Administration on these recommendations has resulted in significant achievements that are leading to increased employment opportunities for people with disabilities. See Chapter Two for a complete review of the status of last years' recommendations.

The Task Force also wishes to acknowledge the efforts of the Task Force Committee members, particularly those who chaired the various committees established this past spring to guide and focus the work of the Task Force. The Task Force has received a report from each committee on their activities in 1999, which largely have focused on putting in place plans for more specific activity in 2000 and beyond. The Task Force will be reviewing and using these reports as the basis for future activities as appropriate. We have included highlights of these reports in Chapter Four.

The Task Force respectfully submits the following recommendations to the President of the United States of America for immediate consideration:

The Task Force recommends that:

1 *The President direct the Department of Labor to develop a proposal for consideration in the FY 2001 budget process for an Office of Disability Policy, Evaluation and Technical Assistance (ODPET) to be headed by an Assistant Secretary of Labor. ODPET functions could include:*

- *Ensuring ongoing efforts to integrate people with disabilities into the Department of Labor's mainstream employment and training programs.*
- *Establishing the National Disability Business Development Board to be comprised of the membership of the President's Committee on Employment of People with Disabilities and to serve as the advisory body to ODPET.*
- *Maintaining the principle functions of the President's Committee on Employment of People with Disabilities.*
- *Assisting the Presidential Task Force on Employment of Adults with Disabilities in implementing a coordinated and aggressive national employment strategy for people with disabilities.*

The Office of Disability Policy, Evaluation and Technical Assistance could provide a long-term, permanent force to continue the work needed to ensure that persons with disabilities are integrated into mainstream employment and training programs within the Labor Department. The Presidential Task Force would continue to be responsible in the short-term for developing, refining, and monitoring the implementation of an aggressive, national employment strategy for persons with disabilities.

The Task Force recommends that:

- 2** *The President direct the Departments of Justice and Labor, and the Equal Employment Opportunity Commission to collaborate in exploring methods for strengthening enforcement of employment-related nondiscrimination provisions of the Americans with Disabilities Act and the Rehabilitation Act. All efforts shall provide a clear and unequivocal message that expanded employment opportunities for individuals with disabilities are a high priority of the Administration. The efforts of the Department of Labor and the Equal Employment Opportunity Commission should include providing increased technical assistance to employers, strengthening compliance evaluations, and enhancing data collection as appropriate.*

Effective enforcement of employment-related, nondiscrimination requirements is crucial to increasing employment opportunities for individuals with disabilities. The agencies responsible for enforcement must continue to explore new and more effective approaches for increasing compliance with laws requiring equal opportunities for job applicants and employees with disabilities. The enforcement agencies should develop and disseminate technical assistance guides to assist employers in understanding and implementing nondiscrimination requirements. These agencies should also develop educational tools to inform individuals with disabilities of the full range of protections under the ADA and the Rehabilitation Act. The enforcement agencies also should explore

methods to strengthen their investigation processes. For example, the Department of Labor, through the Office of Federal Contract Compliance Programs, should utilize compliance evaluation procedures that allow the agency to focus on systemic barriers to the employment of individuals with disabilities. The Equal Employment Opportunity Commission, in coordination with the Departments of Justice and Labor, should explore enhancing data collection efforts with respect to the employment and the availability of persons with disabilities in the workforce, possibly through new regulations. Consistent with their complementary responsibilities for enforcement, Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Program should explore joint enforcement strategies.

The Task Force recommends that:

- 3** *The President direct the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, the Office of Personnel Management, and other appropriate Federal agencies to construct and coordinate, under the leadership of the Presidential Task Force on Employment of Adults with Disabilities, a Youth-to-Work Initiative.*

Barriers to employment for youth with disabilities include: low educational attainment; low educational and employment expectations; and confusing governmental programs with conflicting eligibility criteria and goals. As a result, many youth with disabilities transition from youth welfare to adult welfare without access to the education and training opportunities needed to make a transition to work and achieve independence. This Youth-to-Work Initiative would test alternative approaches to helping youth with disabilities gain access needed to education and training opportunities and overcome barriers to employment.

Each year, about 40,000 eighteen-year-olds are subject to an continuing disability review for Supplemental Security Income (SSI) benefits, but only 25,000 are determined eligible for such assistance. On average, the young adults deter-

mined to still be eligible will remain on SSI for 27 years, while those found ineligible are likely to live in poverty. Many youth with disabilities spend a significant portion of their lives living in poverty, dependent upon public assistance programs, and relegated to the margins of society. In addition, compared to students without disabilities, students with disabilities drop out of school much more frequently and enroll in post-secondary education less frequently.

The Task Force recommends that:

- 4** *The President direct the Department of Health and Human Services to develop a proposal to allow the Maternal and Child Health Programs for Children with Special Needs to provide Healthy and Ready to Work services to youth with disabilities who are under the age of 16.*

The Maternal and Child Health Programs for Children with Special Needs (Title V of the Social Security Act) provides Healthy and Ready to Work services to youth with disabilities that are essential to preparing them for continued education and training, but are restricted to serving only youth 16 years and older. As a result, many youth with disabilities are ready to drop out of the education stream just at a time when they become eligible to receive services that would enable them to benefit from continued education. There is a clear need to provide these services to youth with disabilities at an earlier age.

The Task Force recommends that:

- 5** *The President direct the Department of Housing and Urban Development to explore steps needed to establish an earned income disregard for tenants with disabilities living in other-than-Public Housing Authority housing who return to work, and to exempt any disability-related expenses incurred when a tenant goes to work from the "countable" income used to determine rents.*

The Department of Housing and Urban Development has promulgated rules under recently enacted legislation aimed at providing additional incentives for low-income individuals

in public housing to go to work, or work additional hours. Current rules, however, do not provide sufficient incentives for employment of people with disabilities who are assisted by the Department of Housing and Urban Development subsidies, but do not live in Public Housing Authority housing. The Department should explore ways to extend similar incentives to all HUD-subsidized tenants with disabilities.

The Task Force recommends that:

- 6** *The President continue to work with Congress to secure adequate funding, proposed in the Administration's FY 2000 budget, for their program to accelerate the development and adoption of information and communication technologies that can be used by the 54 million Americans with disabilities.*

The President should continue to push for this initiative that would: (1) help make the Federal Government a "model user" of accessible electronic and information technology through the implementation of Section 508 of the Rehabilitation Act; (2) support new and expanded State loan programs making assistive technology more affordable for adults with disabilities; and (3) invest in research, development, and technology transfer in areas such as "text to speech," speech recognition, and eye-tracking for people who cannot use a keyboard.

The Task Force recommends that:

- 7** *The President continue to work with Congress to pass the tax credit proposed in the Administration's FY 2000 budget, in order to assist adults with disabilities with expenses related to work.*

Working-age adults with disabilities are often discouraged from working because of the high cost of personal attendant services and other services or technologies required for employment. Similarly, the cost to employers of hiring an individual requiring personal attendant services can sometimes be prohibitive. Tax credits provide a flexible way to assist people with disabilities in defraying these expenses.

The Task Force recommends that:

8 *The President continue to work with Congress to pass a strong, enforceable Patients' Bill of Rights.*

It is critically important to people with disabilities that we enact a strong, enforceable Patients' Bill of Rights. This legislation must include the following: guaranteed access to needed health care specialists; access to emergency room services when and where the need arises; continuity-of care protections so that patients will not have an abrupt transition in care if their providers are dropped; access to a fair, unbiased, and timely internal and independent external appeals process, to address health plan grievances and to help govern decisions about medically necessary treatments; an enforcement mechanism that ensures recourse for patients who have been harmed as a result of a health plan's actions.

The Task Force recommends that:

9 *The President convene a White House Conference on Employment of Adults with Disabilities that will include representatives from the Administration, Congress, elected officials from State and local governments, small and large businesses, the disability community and other stakeholders.*

A White House Conference would provide heightened visibility to the issue of employing persons with disabilities and help build partnerships between public and private sectors. It would also provide the opportunity to showcase "best practices" and innovative strategies for employment of people with disabilities, and highlight actions taken by Task Force member agencies, departments, and other Federal agencies. Finally, it could commemorate the 10th anniversary of the Americans with Disabilities Act, the 25th anniversary of Individuals with Disabilities Education Act, and the 35th anniversary of the Equal Employment Opportunity Commission.

he Task Force recommends that:

10 *The President direct the Task Force members' departments and agencies to collaborate on the development and implementation of a multimedia, interagency public awareness campaign to eliminate the negative and erroneous stereotypes about employment of people with disabilities. This campaign would focus on the benefits of employing people with disabilities.*

There is an immediate need for leadership to address negative attitudes and prejudices against people with disabilities. An aggressive public awareness campaign, conducted in partnership with the disability community, businesses, and other influential entities would help to eliminate erroneous and prejudicial thinking about disability that results in limiting employment opportunities.

The Task Force recommends that:

11 *The President direct the Social Security Administration and the Department of Labor to create an "Access America for People with Disabilities" Web site that targets individuals with disabilities.*

In February, Vice President Gore announced "Access America for Seniors," a Web site providing a wide range of services to older Americans — an example of his vision of "one-stop" Web access to government services. A new Web site, "Access America for People with Disabilities," would likewise provide information and services offered by virtually every major Federal Government agency, by linking to an abundance of helpful Federal agency sites, information, programs, and services.

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The Task Force recommends that:

- 12** *The President direct the Department of Transportation to work with the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, and other relevant Task Force members to develop a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities.*

The lack of available public transportation is a major employment barrier for persons with disabilities. This factor is cited by many individuals with disabilities, at recent Town Hall meetings held by the Task Force and at other events, as being the major impediment to finding and keeping jobs. The Department of Transportation has been vigorous in addressing public and private accessibility issues for people with disabilities. This directive would be to concentrate Federal efforts on developing an interagency action plan that addresses the lack of available transportation.

The Task Force recommends that:

- 13** *The President direct all Federal agencies with customer service call centers and other appropriate services to explore ways to encourage hiring people with disabilities.*

Cutting-edge telecommunications technology has recently made it possible for customer service centers to send voice and data to home-based customer service representatives who work just as if they were in a call center. Many agencies in the Federal Government operate significant customer service call center activities. This cutting-edge technology needs to be widely available in the Federal Government, and used to increase the employment rate of individuals with disabilities as much as possible.

Research has shown that the percentage of individuals with significant disabilities who are employed is the lowest of disadvantaged groups in the nation. It is critical that we seek out as many strategies as possible to change this picture.

The Task Force recommends that:

- 14** *The President direct the Social Security Administration to explore options for raising the Earned Income Exclusion in the Supplemental Security Income program, for both adults and students, in order to encourage work efforts.*

Supplemental Security Income (SSI) is a means-tested program, but beneficiaries are able to have limited earnings without impact on their benefit amounts. Allowing such earnings not only increases overall income security, but also provides an incentive to work. The earned income exclusions for both adults and students, however, have not been raised since the early 1970's, even though the SSI Federal Benefit Rate is indexed annually for inflation. The Earned Income Exclusion remains at \$65 per month for adults and up to \$400 per month for students for a limited time period. As a result, SSI beneficiaries with non-SSI income do not receive full indexing of their benefits, and work effort is less rewarded than it was previously.

Proposed FY 2000 Information Technology Initiatives

1. Information Technology Technical Assistance & Training Ctr. (funding 2 years of a 5-year project @1.5m/year)	3,000,000
2. Information Technology Demonstration Center	750,000
3. Section 508 Web Site	100,000
4. Web Accessibility Initiative	400,000
5. Procurement Conference	125,000
6. Information Technology and Long-term Mental Illness	50,000
7. Assistive Technology Study	575,000
Total	\$5,000,000

Proposed FY 2001 Information Technology Initiatives

1. Information Technology Technical Assistance & Training Ctr.	
2. Information Technology Demonstration Center	750,000
3. Section 508 Web Site	100,000
4. Web Accessibility Initiative	500,000
5. Information Technology and Long-term Mental Illness	50,000
6. RERC on Access to Emerging Information Technologies for Persons with Disabilities (funding 2 years of a 5-year project)	2,600,000
7. Field Initiated Research Catalyst Program	1,000,000
Total	\$5,000,000

FY 2000 Information Technology Initiatives

Information Technology Technical Assistance and Training Center FY 2000 Funding: \$1,500,000

Project Period: 5 Years

Funding: NIDRR (\$1.5M)

Collaborating agencies: NIDRR with GSA, FCC, and Access Board

Purpose: Develop curriculum and training materials to facilitate the implementation of section 255 of the Telecommunications Act and Section 508 of the Rehabilitation Act.

Stakeholders: Electronic and information technology industry, industrial consortia, professional and trade associations, state procurement officers, product designers and engineers, technical writers, human resource personnel, web developers, consumers and marketers.

Activities:

- Develop and implement a needs assessment survey to determine the technical assistance and training needs relative to section 255, section 508, and universal design;
- Develop and implement relevant training materials and instructional modules that address section 255, section 508, and principles of universal design;
- Provide information, training and technical assistance about section 255 and section 508 to appropriate constituencies;
- Design and implement a web site that contains information and instructional materials that can be used by telecommunications industry and industrial consortia to assist them with implementing section 255 guidelines;
- Identify, implement and evaluate approaches that expand training capacity within the information technology professions;
- Collaborate with GSA and Access Board by contributing information and training materials for the Government-wide web site on section 508

Information Technology Demonstration Center

FY 2000 Funding: \$750,000

Project Period: 3 Years with a 2-Year Option

Estimated Joint Funding: NIDRR - \$750K; GSA - \$750K

Collaborating Agencies: NIDRR and GSA

Purpose: Provide forum for industry and consumers to share knowledge about cutting edge IT products.

Stakeholders: Consumers, electronic and information technology industry, industrial consortia, professional and trade associations, Federal and State procurement officers, product designers and engineers, technical writers, employers, small companies, human resource personnel, web developers, marketers, Congressional delegates and staff interested in accessible IT, and consumers.

Activities:

- Provide a physical location for the public to see, touch, try, and compare a wide array of cutting edge IT products;
- Provide a forum for industry to demonstrate their state-of-the-art accessible products and to be a beta test bed for future products including virtual demonstrations of yet to be developed products;
- Provide opportunities for industry to capture consumer feedback through surveys, focus groups, and individual interaction on product(s) lines, design, accessibility features and new prototype products;
- Provide training and technical assistance for a wide array of stakeholders, including small manufacturers, about accessible IT and how to interface new devices with existing systems and assistive technology;
- Disseminate information to public, including industry, about accessible IT and build awareness of a national agenda on accessible IT; build industry capacity in this area; and facilitate trade shows;
- RFP will include an invitation for applicants to partner with or be an industrial consortium.

Section 508 Web Site
FY 2000 Funding: \$100,000

Project Period: 3 Years

Estimated Joint Funding: NIDRR - \$100K; GSA - \$100K; Access Board - \$25K

Collaborating Agencies: NIDRR, with GSA and Access Board

Purpose: To create a web-based source of information on Section 508 and update the information on a regular basis.

Stakeholders: Electronic and information technology industry, industrial consortia, professional and trade associations, Federal and State procurement officers, product designers and engineers, technical writers, employers, human resource personnel, web developers, consumers and marketers.

Background and Activities:

The Access Board reserved the URL "Section 508" last year and is making the URL available for this project. The Access Board, GSA and NIDRR will jointly support the www.Section508 web page. The actual page will be located on one of GSA's servers. Much of the material posted on this web site will be developed by the Access Board, GSA and NIDRR (primarily through out IT TA Center). Other agencies will be able to post, or link to, information provided it is relevant to section 508. Training modules developed by the three agencies will be made available as well as other relevant information such as the proposed Standards, Ed's Questions and Answers, etc.

Web Accessibility Initiative

FY 2000 Funding: \$400,000-\$500,000

Project Period: 5 Years

Collaborating Agencies: NIDRR and possibly NSF, Commerce, DOT – however, they are uncertain at this time

Purpose: To support the W3C to address cross-disability access issues on the web

Stakeholders: Electronic and information technology industry, industrial consortia, professional and trade associations, Federal and State procurement officers, product designers and engineers, technical writers, employers, human resource personnel, web developers, consumers and marketers.

Background and Activities:

- Over the past 2 ½ years the Web Accessibility Initiative (WAI), hosted by the World Wide Web Consortium (W3C), has addressed cross-disability accessibility issues on the Web through a broad range of activities. It has provided a forum where numerous organizations internationally have combined their efforts toward improved accessibility of the Web. The W3C is primarily an industry consortium with over 400 Member organizations, hosted at MIT's Laboratory for Computing Sciences, the Institute National de Recherche en Informatique et en Automatique (INRIA) in France, and the Keio University in Japan. Continued support of this program will enable WAI to:
 - Develop advanced versions of WAI guidelines and techniques to cover advanced Web technologies such as XML applications;
 - Develop a superset of universal design guidelines by integrating device-independence, internationalization, and usability with accessibility considerations;
 - Track accessibility issues in 25 or more W3C specifications through all stages of development;
 - Document techniques for accessibility features of W3C specifications in appendices and example code;
 - Expand techniques for retrofitting and validating conformance with WAI guidelines;
 - Develop resource packages for accessibility of E-Commerce and distance learning;

- Provide in-house technical assistance to industry on design of accessible Web sites and software;
- Monitor and provide liaison to research and development projects which affect future Web accessibility; and
- Provide technical assistance to research projects to promote adoption of universal design approaches in development of new Web technologies.

Procurement Conference
FY 2000 Funding: \$125,000

Project Period: 1 Year

Estimated Joint Funding: GSA - \$125K; Access Board - \$25K

Collaborating Agencies: NIDRR with GSA and Access Board

Stakeholders: Federal and State Procurement Officers

Purpose: To educate relevant personnel on complying with Section 508

Background and Activities:

Federal and State Procurement Officers lack knowledge about section 508 and how to interpret/comply with 508 Standards. This project will provide information about training to increase awareness and competence.

Information Technology and Long-term Mental Illness
FY 2000 Funding: \$50,000

Project Period: 5 years

Estimated Joint Funding:

Collaborating Agencies: NIDRR with SAMHSA/CMHS

Purpose: To investigate the application of information technology in the rehabilitation of individuals with long-term mental illness

Stakeholders: Consumers and family members, mental health professionals, community-based rehabilitation agencies

Activities:

The overall RRTC will assess self-determination as a strategy in assisting persons with LTMI to live independent and productive lives in the community. The IT project will study the uses of IT in providing supports and services, information, peer communications, and self-management.

Assistive Technology Study
FY 2000 Funding: \$575,000

Agency: NIDRR

Project Period: 15 months

Purpose: To conduct an assessment of Information Technology and assistive technology use and unmet needs, an analysis of the infrastructure and delivery systems, and the role of universal design in improving access to information technology/assistive technology

Stakeholders: Consumers, State Tech Act agencies, designers and suppliers of IT/AT, and others.

FY 2001 Information Technology Initiative

RERC on Accessible Wireless Information Technology

FY 2001 Funding: \$1,300,000

Agency: NIDRR

Project Period: 60 months

Purpose: To conduct research and development to address accessibility of wireless IT and new applications of wireless IT to improve the lives of individuals with disabilities in the areas of work, health maintenance, and living independently in the community.

Stakeholder: IT industrial consortia and institutions of higher education are likely applicants.

Background and Activities:

Wireless information technology is the next wave in the information technology (IT) revolution that has swept through the society. As with other aspects of IT, wireless systems have immense potential to improve the lives of people with disabilities, but only if accessibility of the technology is maintained. This RERC will be charged with monitoring rapidly evolving wireless technology to ensure accessibility and to develop new applications of the technology that cut across the NIDRR Long Range Plan.

Combinations of microcomputer and wireless telecommunication systems have the potential to significantly enhance mobility, employment, health and function, and independence by making information, assistive services, and control and sensing systems available in any place, at any time. By developing these systems for the widest range of functional ability (physical, cognitive and sensory), the utility of these new applications will benefit all members of society. The RERC will be established to solve specific problems associated with areas of the Long Range Plan, but will be required to implement management methods to effectively accommodate the anticipated rapid changes in technology.

This RERC will be charged with developing new capacity in science, engineering and technology to realize the benefits of new IT developments for people with disabilities. Given the already large demands for new professionals in this area, it will be critical to enhance education and training opportunities for people with disabilities to fill this need.

Field Initiated Research Catalyst Program
FY 2001 Funding: \$1,000,000

Agency: NIDRR

Project Period: 36 months

Purpose: To provide incentives and support for accessible technology development by industry and academia.

Activities: Investigators will propose research that they consider to be cutting edge approaches to address the needs for accessible IT.

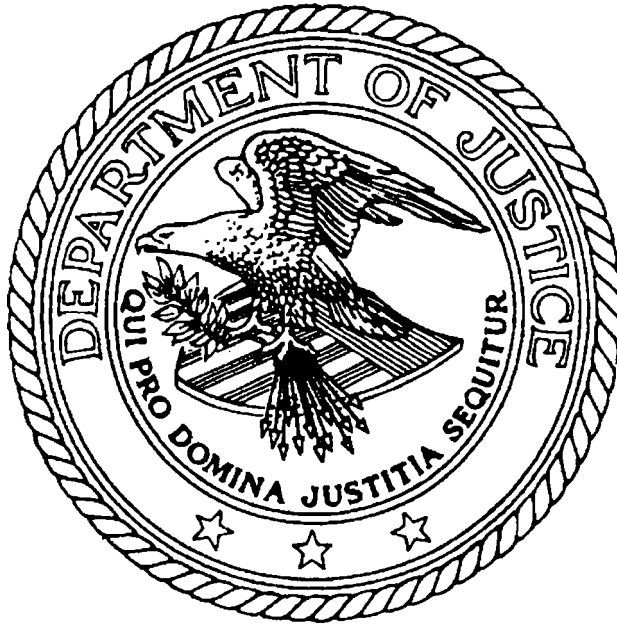
The plan is to make 4-5 awards of \$200-250K per year for three years.

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***Information Technology and People with Disabilities:
The Current State of Federal Accessibility***

**Presented by
The Attorney General
to
The President of the United States**

April 2000

Executive Summary and Recommendations



Enforcing the ADA:

Looking Back on a Decade of Progress

A Special Tenth Anniversary Status Report
from the Department of Justice



July 2000

This is a special edition commemorating the tenth anniversary of the enactment of the ADA. This report, previous status reports, and a wide range of other ADA information are available through the Department's ADA Home Page on the World Wide Web (see page 38).



A Message from the Attorney General

On July 26, 2000, the Americans with Disabilities Act celebrates its 10th anniversary. And there is so much to celebrate!

Look around. Over the past decade so much has changed. It is no longer unusual to see people with disabilities dining out at restaurants, working in the office, participating in town hall meetings, shopping at the malls, watching a movie or cheering at a stadium. That's because the ADA is making the dream of access a reality.

As Attorney General, I have made enforcement of the ADA one of my top priorities. At the Justice Department we have engaged in extensive educational outreach, and entered into hundreds of agreements ensuring greater access to thousands of businesses and governments. We have also increased the number of attorneys who enforce the law, and stepped up funding for ADA-related programs across the country. And under the leadership of Acting Assistant Attorney General for Civil rights Bill Lann Lee, and our United States Attorneys across the country, we will continue to build on this past decade of access.

As this Report illustrates, the ADA has made a difference in the lives of so many. But there are many others who still face barriers -- barriers that man-made structures create and barriers stemming from people's attitudes. Those barriers took generations to create. It will take continued vigilance and dedication to remove them. But if the past 10 years is any indication, Americans with disabilities are well on their way to experiencing all society has to offer.

A handwritten signature in cursive script that reads "Janet Reno". The signature is written in dark ink and is positioned below the main body of text.

Table of Contents

I. Enforcement Highlights	4
Participating in Everyday Civic Life	4
1. Affirming the Right to Citizen Participation	4
2. Achieving Access to Courts	6
3. Receiving Fair Treatment in Law Enforcement	6
Opening Up Jobs for Persons with Disabilities	8
1. Ensuring Equal Employment Opportunity	8
2. Opening Gateways to Opportunity	9
3. Providing Freedom from Unnecessary Inquiries into Disability	13
Enjoying the American Way of Life	13
1. Becoming Part of the Economic Mainstream	13
2. Increasing Access to Recreational Activities	16
3. Removing Obstacles to Business and Leisure Travel	20
Ensuring an Accessible Future	24
1. Establishing Architect Liability	24
2. Making Newly Constructed Buildings Accessible	24
Gaining Equal Access to Health Care	26
1. Receiving Emergency Services	26
2. Securing Access to Health Care	27
3. Being Free from Unnecessary Institutionalization	30
Enjoying Equal Access to Child Care	30
Protecting the ADA and Making it Work	33
1. Defending the ADA's Constitutionality	33
2. Building a Mediation Option	34
II. Certification Highlights	36
III. Technical Assistance Highlights	37
IV. Other Sources of ADA Information	40
V. How to File Complaints	41

I. Enforcement Highlights

A. Participating in Everyday Civic Life

The ADA protects the right of people with disabilities to have equal access to the basic institutions of State and local government. The Department has sought to eliminate physical, communication, and policy barriers in law enforcement, town halls, jails, courtrooms, and legislative chambers.

1. Affirming the Right to Citizen Participation

Wisconsin City Makes City Hall Accessible -- In resolving a complaint by a Waukesha City alderman who uses a wheelchair, the City agreed to make its city hall accessible. It agreed to hold its closed deliberations in the accessible room in which it holds general meetings, renovate the first floor bathrooms, install automatic door openers at the building's entrance, and provide a van accessible parking space.

Small Montana Town Provides Access to Civic Functions -- Manhattan, Montana, agreed to make its town programs accessible by making a few renovations and taking alternative nonstructural measures. It agreed to install a ramp at the town hall entrance, make the route to the entrance accessible, create one van-accessible parking space, and make the water fountain and bathroom on the first floor accessible. Also, town council meetings would be moved to the first floor when necessary.

Public Address System Boosts Communication -- A small New York community agreed to purchase a public address system to resolve a complaint from a hard of hearing citizen who wanted to listen to town board meetings.

Toledo To Be More Accessible to People with Disabilities -- Toledo, Ohio, agreed to make significant changes to its policies and facilities to provide greater access for persons with disabilities. The agreement resolves allegations that Toledo violated title II by failing to take the steps necessary to ensure that its programs are accessible to persons with disabilities. The city agreed to --

- Modify its facilities to ensure access to city programs, including the municipal courthouse, district and neighborhood police stations, a market-outlet complex, fire stations, parking garages, museums, community and social service centers, the health department, and other city administrative buildings. Modifications include providing accessible parking and accessible restroom facilities, installing ramps, widening doors, providing accessible public telephones, and lowering information counters;
- Adopt policies and procedures to improve accessibility at city programs, which could include moving programs to accessible locations, if necessary;
- Take steps to ensure that effective communication is available to persons with disabilities, including those with hearing, speech, and vision impairments, at city activities such as court proceedings and public meetings;

- Submit a plan to the Department that will ensure that parks, pools, ice rinks, and arts programs will become more accessible to persons with disabilities by December 2000:
- Train employees on the city's responsibilities under the ADA: and
- Publicize its new nondiscrimination policies on the city's web site and in a local newspaper.

North Dakota Town Provides Program Accessibility -- Dickinson, North Dakota entered into an agreement with the Department of Justice to resolve allegations that the Dickinson City Hall was inaccessible to individuals who use wheelchairs.

Specifically, the complaint alleged that both the upper and lower levels of the city hall were inaccessible and, therefore, that city activities on these levels, including city commission meetings, municipal court proceedings, voting, and other city hall programs and services, were inaccessible to individuals who use wheelchairs. Until it completed construction of a new city hall,

Dickinson agreed to relocate municipal court proceedings to the Stark County Courthouse. The city also relocated city commission meetings and other public meetings to the National Armory Building in Dickinson, which is fully accessible. The city also agreed to provide the services of its administrative offices in the front foyer of the existing city hall and installed an accessible counter there to enable individuals who have mobility impairments to transact business. Finally,

Dickinson agreed to train all of its employees on how to respond to requests for accommodations under the ADA.

"Martin can drive his electric scooter around town because of curb cuts. Cassandra can continue to attend junior high due to widened doors and elevators. And no one complains about 'universal access' -- it's the most used entrance for all, be they disabled, elderly, parents with babies in strollers, or John or Jane Q Public."

-- Wally Itrich, Dickinson resident



**ADA Celebration
at the Dickinson City Hall**

City Removes Barriers at Town Buildings, Country Music Museum -- The City of Georgiana, Alabama, agreed to remove architectural barriers at the City Hall, the

Police Station, the Magistrate's Court and Council Chamber, and the Hank Williams, Sr., Museum -- the childhood home of the well-known country music singer-songwriter. The City will install entrance ramps, modify existing rest rooms, and alter sidewalks to provide access to the programs offered at the sites.

Appellate Court Finds Zoning Covered by ADA -- The U.S. Court of Appeals for the Second Circuit ruled in Innovative Health Systems, Inc. (IHS) v. City of White Plains that the ADA covers all the

activities of State and local government, including zoning practices. The U.S. Attorney for the Southern District of New York filed an amicus brief supporting plaintiffs' efforts to stop White Plains, New York, from preventing them from operating an alcohol and drug dependency treatment program in its downtown area. The Court also ruled that Innovative Health Systems, Inc., the organization that operates the treatment center, has standing to challenge the City's action under the ADA, and that IHS was entitled to a preliminary injunction.

Oregon State Lottery Commission to Ensure Accessible Outlets -- Oregon agreed to make its State lottery accessible to persons with mobility impairments under a negotiated agreement with the Department. The State will require more than 3,000 retail outlets participating in the lottery program to ensure equal access to their lottery-related services by installing accessibility features, removing barriers through structural modifications, and, in some cases, using alternative methods of providing access to the services. Effective July 1, 1997, all new retailer locations and all locations sold to new owners had to be wheelchair accessible; existing retail outlets had an additional year to make their lottery-related facilities accessible. The agreement also created a procedure for dealing with complaints about inaccessible lottery retailers.

New Hampshire Sweepstakes Commission Agrees to Access Plan -- The New Hampshire Sweepstakes Commission signed an agreement with the Department of Justice to ensure program accessibility in the State's lottery program. The agreement resolved a complaint charging that establishments that sell lottery tickets were inaccessible to persons with mobility impairments. New Hampshire agreed to evaluate the accessibility of lottery sales in the 1300 retail establishments participating in the lottery program, the geographical dispersal of accessible facilities, the ratio of accessible to inaccessible sites in each town and county, and the rate of use of each retailer. It also agreed to develop and implement a plan to ensure that the lottery program as a whole is accessible to people with mobility impairments. Because of the large number of facilities participating in the lottery program, the settlement should substantially increase the overall accessibility of public accommodations and State facilities throughout New Hampshire.

2. Achieving Access to Courts

Utah State Courts Provide Interpreters for Deaf Jurors -- The Utah State Administrative Office of the Courts committed its courts to provide appropriate auxiliary aids and services, including qualified interpreters, when necessary to provide an individual with a disability an opportunity to serve as a juror. The agency agreed to establish a policy on providing interpreters for individuals serving on jury duty, notify the public about the policy, and instruct district court officials to adhere to the policy.

Rejected Blind Juror Receives D.C. Damages Award -- Donald Galloway sued

the District of Columbia Superior Court alleging that it violated the law by categorically excluding blind persons from jury service. The federal court agreed, and awarded Galloway \$30,000 in damages. The Justice Department argued in support of Galloway that compensatory damages can be obtained under both the ADA and the Rehabilitation Act of 1973.

Donald Galloway was excited to be called for jury duty in the District of Columbia and eager to fulfill his civic responsibility. At the courthouse, though, he was told that because he is blind he could have saved himself the trip -- he would not be allowed to serve.

3. Receiving Fair Treatment in Law Enforcement

Oakland Police Agree to Effective Communication in Arrests, Jails -- The Oakland, California, Police Department agreed to take the necessary steps to ensure that members of the public who are deaf or hard of hearing can communicate effectively with police officers during law enforcement situations ranging from traffic stops to arrests

to criminal interrogations. The agreement resolved three complaints involving three separate incidents between 1994 and 1997 where the Oakland Police allegedly failed to provide appropriate auxiliary aids and services to arrestees with hearing impairments. In one instance, an individual was denied pencil and paper with which to communicate with jail staff. In another, a deaf individual who had borrowed an automobile from a friend was unable to make a telephone call for approximately seven hours (because no operable TTY or text telephone was available) to clear up charges that he had stolen the automobile. Under the agreement, the police department will adopt policies for providing effective communication and publish and publicize them as official operating procedures. It also agreed to purchase an additional TTY, train jail personnel on how to operate TTY's, and initiate a testing program to ensure the TTY's are functioning properly. The Oakland Police will also ensure that one of the jail cells that provides a television set has closed captioning capability. All of the approximately 700 officers who deal with the public will receive extensive ADA training on how to implement the ADA's effective communication requirements in typical police situations. This instruction will be provided during annual police academy training that all officers are required to attend.

Supreme Court Says ADA Clearly Protects Prison Inmates -- In a unanimous opinion the Supreme Court ruled in Pennsylvania Department of Corrections v. Yeskey that a motivational boot camp operated for selected inmates by the Pennsylvania State prison system was subject to the requirements of the ADA. Prisoners who successfully complete the boot camp program were entitled to a significant reduction in their sentence. The Court agreed with the Department of Justice in ruling that the broad language of the ADA clearly covered prisons and provided no basis for distinguishing programs, services, or activities of prisons from those provided by other public entities. It rejected the State's arguments that

the law was ambiguous and that prisoners cannot be "qualified individuals with disabilities" because they are not in prison voluntarily.

DOJ Document -- "Commonly Asked Questions About the ADA and Law Enforcement" addresses the ADA obligations of police departments in interacting with the public, including effective communication, program accessibility, and reasonable modifications in policies, practices, and procedures.

Houston Police, Courts, and Jail to Improve Communication with Deaf Individuals -- The City of Houston agreed to significantly improve the way its municipal courts system, police department, and jail communicate with people who are deaf or hard of hearing. Under the settlement, the Houston police, courts, and jails would each appoint an ADA coordinator, purchase TTY devices that will enable the agencies to communicate effectively by telephone with deaf TTY users, and train staff in how to operate the devices.

The Houston Police Department will --

- Adopt a new "General Order" instructing police officers on how to interact with witnesses, victims, and suspected criminals who are deaf or hard of hearing;
- Require that a qualified interpreter be called in any time a person who is deaf and needs an interpreter is involved in a major accident, is suspected of a felony, is under arrest, is being given a test measuring alcohol consumption, or is giving a statement in a case; and
- Provide training about the new procedures for every officer at the rank of sergeant and above, and ensure that the new General Order is discussed with every officer during roll call.

The city jail will --

- Inform all people under arrest, who are deaf or hard of hearing, that they have a right to auxiliary aids and services at every step of the criminal justice process;
- Maintain a list of qualified interpreters, who generally will be available within one hour of a request; and,
- Ensure that there is effective communication between persons who are deaf or hard of hearing and the medical staff at the jail health clinic.

In addition, the municipal court system will --

- Adopt a new written policy guaranteeing appropriate auxiliary aids and services for participants in court proceedings, including parties, witnesses, jurors, and spectators;
- Provide information about the new policies on all official notices of court dates, including tickets, summonses, and other similar notices, and publish notices in legal periodicals that reach the city's legal community; and
- Provide training on the new policies for every judge and court administrator.

B. Opening Up Jobs for Persons with Disabilities

The ADA is lowering barriers to educational and professional advancement faced by many people with disabilities. The Department has attacked discrimination in pension and retirement benefits and the failure to provide reasonable accommodations. It has enforced the right to testing accommodations, to accessible educational facilities, and to be free from undue requests by professional licensing authorities for personal and private information about physical or mental conditions.

1. Ensuring Equal Employment Opportunity

Illinois Remedies Pension

Discrimination -- In response to a suit filed by the Department of Justice, Illinois enacted legislation to eliminate discriminatory provisions in its police and fire pension code. The Department had sued the board of trustees

of the Aurora police pension fund, the City of Aurora, and the State for excluding police officers and firefighters from the City's pension funds on the basis of disability. Under the challenged system, police officers and firefighters were required to undergo separate physical examinations after they were hired to determine eligibility for retirement and disability benefits.

Kevin Holmes served successfully for ten years as a police officer in Aurora, Illinois. But, because he had diabetes, he was excluded from the State's pension fund. He would not receive the retirement pension available to other officers, and if he was injured in the line-of-duty, he would not receive any disability benefits.

Even though they were performing successfully on the job, police officers and firefighters could be denied disability and retirement benefits.

Denver Police Must Pay Back Pay for Failure to Reassign -- The U.S. District Court in Denver awarded Jack Davoll full back pay with interest in the amount of nearly \$150,000 and front pay of more than \$76,000 in United States v. City and County of Denver. Davoll is a former Denver police officer who sought reassignment after he suffered injuries in the line of duty to his back, neck, and shoulder and could no longer perform the essential functions of a police officer. The Department earlier won a jury award on his behalf of \$300,000 in damages for pain and suffering because of Denver's refusal to reassign him to a vacant job that he was qualified to perform -- such as criminal investigator or probation officer. The Court also granted full back pay relief in simultaneous private litigation to two other plaintiffs who were denied reassignment. Paul Escobedo was granted \$250,000 in back pay and nearly \$60,000 in front pay and Deborah Clair received \$250,000 in back pay and more than \$65,000 in front pay.



Jack Davoll wanted to be reassigned to a vacant job after being injured in the line of duty.

"My hope from the start of the [Denver] case was that officers injured in the line of duty would be able to continue working to provide an income for their family. Thanks to the ADA ... this case has and will continue to help injured workers."

--Jack Davoll

New York Plumbing Board Agrees to Test Accommodations -- The Rockland County Board of Plumbing, Heating, and Cooling Examiners entered an agreement to resolve a complaint alleging that the Board violated title II by denying a plumber with

dyslexia a reader or oral test as an accommodation on the written portion of the County's master plumber licensing exam. The individual had been a plumber for 42 years, owned his own business until the County passed its licensing law in the late 1960's, and received numerous recommendations from former employers attesting to his quality work performance and experience as a plumber and heating mechanic. Despite his qualifications, the Board denied his requests for the testing accommodation for the past 23 years. Under the agreement, the Board was required to provide the plumber with a reader or an oral test during the written portion of the next licensing examination. The Board was also required to adopt a nondiscrimination policy on the basis of disability which was subject to Department of Justice approval. The settlement followed the issuance of a letter of findings holding that the Board had violated title II.

2. Opening Gateways to Opportunity

Bar Review Course Agrees to Auxiliary Aids, Damages -- Under a consent decree, the company that runs Bar/Bri, the nation's largest review course for students taking the bar exam, agreed to provide qualified sign language interpreters, assistive listening devices, and Brailled materials to students with disabilities. The Department had alleged that the course failed to provide appropriate auxiliary aids to students with vision and hearing impairments. The company, Harcourt Brace, also agreed to pay \$28,000 in compensatory damages, pay \$25,000 in civil penalties to the United States, adopt a policy ensuring that auxiliary aids and services are provided, educate its staff about the needs of students with disabilities, and promote the availability of auxiliary aids and services in its advertising.

Students with Disabilities Offered Additional SAT Test Dates -- The Educational Testing Service and the College Entrance Examination Board agreed to schedule more dates in 1994 for more than 20,000 students with disabilities wishing to take the new version of the Scholastic Assessment Test. Under the original testing schedule, students with disabilities requiring accommodations were offered only one date to take the updated version, as opposed to their peers who had several opportunities to take the test. The agreement also allowed approximately 2,600 students with disabilities who took the old version of the test the chance to cancel their scores and retake the new exam.

"The ADA gave me an equal chance to take the SAT. Because of that chance, I have graduated from Tufts University and have completed my first year of law school at American University's Washington College of Law. It has made a huge difference in my life."
-- Jackie Okin

C.P.A. Review Course Provides Interpreters, Assistive Listening Devices -- In a 1994 settlement resolving the first lawsuit filed by the Justice Department under the ADA, Becker C.P.A. Review, which prepares over 10,000 students annually to take the national certified public accountant exam, agreed to amend its auxiliary aids policy. Where a need can be demonstrated, Becker will provide qualified sign language interpreters and assistive listening devices to students who are deaf or hard of hearing. Becker also agreed to appoint a national ADA coordinator, train its staff regarding the policy

revision, pay \$20,000 in damages to be distributed to deaf and hearing impaired students, and establish a \$25,000 scholarship fund for accounting students at California State University who have hearing impairments.



Jackie Okin is now in law school studying to be a civil rights attorney.

"The ADA gave me empowerment. Knowing that I had the ADA on my side made me more assertive in standing up for my rights which made me a better person and allowed my talents and skills to come through. The ADA also gave me peers Before the Becker CPA Review case, there were very few deaf CPAs. Now, there are many more deaf CPAs.... Thank you ADA!"
-- Rod Jex

Social Work Board Agrees to Qualified Readers for Blind Test Takers -- In 1999, two national standardized testing agencies, the American Association of State Social Work Boards and Assessment Systems, Inc., agreed to provide qualified readers for test takers with vision impairments and to pay \$3,000 to a complainant who was not allowed to use his own reader for the social work license examination. Instead, he was allegedly required to use a college student who had been hired to work at the registration table and had never read for a person with a vision impairment. During the exam, the reader allegedly stumbled over technical terms and made mistakes in marking and recording the answers. AASSWB and ASI agreed to adopt written policies to ensure that readers are proficient in reading for people with vision impairments, that they are familiar with the examination, and that they work with the test-taker prior to the examination to allow the reader to adapt to the test-taker's style of receiving information. The agreement also makes clear that the testing entities may also simply choose to allow test-takers with vision impairments to supply their own reader.

Justice Sues for Law Admission Test

Accommodations -- In 1999, the Department filed suit against the Law School Admission Council (LSAC) for not making reasonable modifications in policy to allow individuals with physical disabilities in appropriate cases to have additional time to take the Law School Admission Test (LSAT). The suit, filed in the U.S. District Court for the Eastern District of Pennsylvania, alleged that LSAC violated the ADA when it denied four individuals with physical disabilities, including cerebral palsy and juvenile rheumatoid arthritis, additional time on the multiple choice portion of the LSAT, a standardized test administered to those seeking admission to law school. The complaint alleged that LSAC illegally followed a policy of requiring applicants with physical disabilities to submit a psychoeducational assessment as the basis for determining whether extra time is appropriate. Such assessments, which are typically used to diagnose whether individuals have learning disabilities, are not appropriate for determining whether extra time is needed for individuals with physical disabilities. The complaint also asserted that LSAC failed to individually assess requests for accommodations, provide adequate reasons for denying accommodations, and engage in an interactive process with individuals seeking testing accommodations. The lawsuit asked the court to order LSAC to change its policies, pay civil penalties, and award compensatory damages to the four named individuals.

Duke Will Make Comprehensive Changes for Campus Accessibility -- Duke University in Durham, North Carolina, agreed to make a broad range of programs and facilities more accessible to persons with disabilities including academics, dining and living facilities, and social aspects of campus life. Under the agreement, Duke will --

- Modify elevators, entrances, counters, food service lines, telephones, and bathrooms throughout campus so they are accessible to persons with disabilities;

- Create accessible circulation paths to, among, and within university buildings and other facilities by repairing sidewalks and modifying hallways, doors, and ramps;
- Ensure that all programs and classes in which individuals with physical disabilities are enrolled are located in accessible spaces;
- Modify shuttle bus route schedules to ensure that accessible buses run regularly and frequently on each route;
- Make dormitory rooms fully accessible upon enrollment of students with disabilities until two percent of all dormitory rooms on campus are accessible;
- Enlarge doorways in at least half of the rooms on floors with accessible rooms in 18 of 25 dormitories, so students using wheelchairs can visit friends;
- Provide accessible seating in the Cameron Indoor Stadium and other assembly areas, access to stages and backstage areas around campus, and assistive listening devices in assembly areas;
- Provide accessible parking throughout campus;
- Replace signs throughout campus so they can be read by people with vision impairment and so that people with mobility impairments are properly directed to accessible routes and spaces; and
- Pay \$25,000 in civil penalties to the United States and \$7,500 in compensatory damages to the complainant, a wheelchair user who graduated from Duke in 1997.

Casey Martin May Use Golf Cart, Appellate Court Rules -- The U.S. Court of Appeals for the Ninth Circuit ruled in Martin v. PGA Tour, Inc. that Casey Martin, a professional golfer from Oregon with a rare disability, Klippel-Trenaunay Syndrome,

which substantially limits his ability to walk, has the right to a reasonable modification of the PGA Tour's ban on carts that would allow him to use a golf cart in tournament competition. The PGA argued that its rules governing tournament competition were not covered by title III because the area of the golf course that is restricted to competitors is not open to the general public and is not a "place of public accommodation." It also argued that allowing Martin to use a cart would "fundamentally alter" the competition. The Department filed an amicus brief arguing that the no-carts rule could be challenged under title III and that waiving the rule in this case would be a reasonable modification required by the ADA. The court of appeals agreed with the Department and ruled that the PGA's tournament rules are covered by title III because the playing areas are part of a place of public accommodation. It also concluded that permitting Martin to use a cart would not fundamentally alter the competition because, in Martin's particular case, it would not give him an unfair advantage. The court found that the purpose of the rule was to inject fatigue into the game, but that Martin experiences more fatigue than the other golfers, even if he uses a cart, and would not gain a competitive advantage.

"All I ever wanted was the chance to play and to see how good I could be. Without the ADA I never would have been able to pursue my dream of playing golf professionally."

-- Casey Martin



Casey Martin uses his golf cart during golf tournaments.

NCAA to Revise Eligibility Requirements to Accommodate Student-Athletes with Learning Disabilities --

The National Collegiate Athletic Association agreed to modify policies that each year prevented hundreds of students with dyslexia and other learning disabilities from playing college sports and receiving athletic scholarships. The 1998 agreement in United States v. National Collegiate Athletic Association, which was filed in the U.S. District Court for the District of Columbia, stemmed from a series of complaints lodged with the Department by student athletes alleging that the NCAA's initial-eligibility academic requirements discriminate against student-athletes with learning disabilities. The agreement requires the NCAA to modify its policies while at the same time enabling it

to maintain its academic standards. The NCAA agreed to --

- Revise its rules so that classes designed for students with learning disabilities can be certified as core courses if the classes provide students with the same types of knowledge and skills as other college-bound students;
- Allow students with learning disabilities who are unable to meet the initial eligibility rules when they graduate from high school to earn a fourth year of athletic eligibility if they complete a substantial percentage of their degree work and maintain good grades;
- Direct its committees that evaluate applications filed by students who do not meet the requirements but are seeking a waiver to consider a broad range of factors in reviewing the student's high school preparation and performance when deciding whether to grant a waiver and not to use a

minimum qualifying test score on the SAT or ACT; and

- Include experts on learning disabilities on the committees that evaluate waiver applications.

In addition, the agreement required the NCAA to undertake efforts designed to prevent further violations of the ADA, including designating one or more employees as an ADA compliance coordinator to serve as a resource to NCAA staff and as a liaison with students with learning disabilities; providing training to its staff regarding the new policies; and publicizing the terms of the agreement to high schools, students, parents, and member colleges and universities. The NCAA also agreed to pay a total of \$35,000 in damages to four student-athletes.

3. Providing Freedom from Unnecessary Inquiries into Disability

Professional Licensing Reform Proceeds Nationwide -- By challenging overly broad mental health inquiries by State licensing officials of applicants for professional licenses (law and medicine), the Department has spurred reform efforts nationwide. In briefs filed in New Jersey, Florida, and Virginia, the Department argued that broad questions about an individual's history of treatment or counseling for mental, emotional, or nervous conditions that do not focus on current impairment of an applicant's fitness to practice in a given profession violate the ADA. In one case challenging an unnecessarily broad inquiry into past mental health treatment, the Federal court ordered the Virginia Board of Bar Examiners to stop asking bar applicants whether they had received

counseling within the past five years.

"I was thrilled ... The ADA and this case helped to reduce discrimination in professional licensing. I enjoy citing it in my work as a disability rights lawyer."

-- Ellen Saideman, who successfully challenged Florida's mental health questions for new lawyers.

C. Enjoying the American Way of Life

A primary goal of the ADA is to bring people with disabilities into the mainstream of the American economy. The Department has achieved greater accessibility in a wide variety of private-sector settings, including shopping, dining, recreation, and business and leisure travel.

1. Becoming Part of the Economic Mainstream

Venture Department Stores Modifies Check Cashing Policy -- The Department entered into a consent decree resolving its lawsuit against Venture Stores, Inc., a St.

Louis company with more than 90 discount department stores in eight States. Venture agreed to modify its policy of permitting only customers with drivers' licenses to pay with a personal check, and will now permit individuals who do not drive because of a disability to pay by check if they have a non-driver State ID card. It also agreed to compensate the complainants.

Joan Abbati has epilepsy and is unable to get a driver's license. When making purchases by check, she shows the cashier an ID card issued by the State of Illinois. A Venture discount department store in Chicago refused to honor the card, preventing her from paying by check.

Discount Department Store Chain

Removes Barriers -- By consent decree, the Department resolved a case against Gibson's Discount Center, the operator of 30 discount department stores in eight Midwest and Rocky Mountain States. The Department investigated complaints against several Gibson's department stores alleging that Gibson's had failed to remove architectural barriers to access and that it had made alterations that did not comply with the ADA's Standards for Accessible Design. Gibson's agreed to bring all its stores into full compliance with the Standards; provide at least one accessible fitting room and entrance at each store; and offer accessible parking, check-out aisles, and restrooms. Gibson's also agreed to pay \$30,000 in civil penalties and \$15,000 in compensatory damages.

In some Kansas communities, Gibson's Discount Center is the only place in town to shop for clothing, hardware, electronics, and sporting goods. But for Richard Knight, who uses a wheelchair, it was often impossible to shop at his hometown store because of insufficient accessible parking and inaccessible restrooms.

Smith Barney to Provide Large Print

Account Statements -- Under a formal settlement, Smith Barney, a nationwide financial planning services company, agreed in 1994 to provide, upon request, financial statements and correspondence in large print to its customers with vision impairments. (Smith Barney already provided documents in Braille.) Smith Barney also agreed to pay \$1,500 to the complainant and notify its customers of the new service.

Friendly's Agrees to Chainwide Barrier Removal Program Under Title III -- The U.S. Attorney for the District of Massachusetts and the Massachusetts-based Friendly Ice Cream Corporation entered into a consent decree under which Friendly's agreed to

engage in an aggressive barrier-removal program to increase accessibility throughout its chain of 704 restaurants in 15 States. The 1997 consent order required Friendly's to come into substantial compliance within six years. In the first year, Friendly's agreed to complete barrier removal at 117 locations, including altering the entrances (removing steps, widening doorways, and redesigning vestibules) at those 93 restaurants that currently have inaccessible entrances. Other alterations required by the consent order include redesigning dining areas to accommodate wheelchair users; striping parking areas to include accessible spaces; and altering bathrooms by widening doorways, increasing unobstructed floor space, and installing grab bars and accessible door hardware. In addition, the consent order

required the company to pay a civil penalty of \$50,000.

Waiting Lines will be Accessible at Wendy's Restaurants --

Nearly 1,700 Wendy's restaurants will become more accessible to their customers with disabilities under a 1998 agreement reached with the Department of Justice and nine State attorneys general. The out-of-court agreement stems from a joint nationwide investigation of the restaurant chain by the Department of Justice and nine States -- the first time the Department has teamed up with States to launch an investigation under the ADA. Wendy's International, Inc. agreed to either widen the queues in which customers wait to order food, or remove the railings or other dividers marking the queues to accommodate customers who use wheelchairs. Prior to the agreement, customers who use wheelchairs had to cut to the front of the line or stand outside the customer queue and wait to be recognized by a restaurant employee because

the queues were too narrow. The agreement resolved a two-year investigation into access issues at Wendy's restaurants by the Department of Justice and State attorneys general from Arizona, California, Florida, Illinois, Kansas, Massachusetts, Minnesota, Pennsylvania, and West Virginia. The joint task force visited newly constructed and older Wendy's restaurants in 12 States, which include the nine States, as well as Louisiana, Ohio, and Washington.

Under the agreement, the Ohio-based chain agreed to --

- Either remove or widen the customer queues at all of its nearly 1,700 corporate-owned or leased restaurants in 39 States;
- Modify its prototype architectural plans for future restaurants, both corporate-owned and franchised, to incorporate accessible customer queue designs;
- Notify all franchisees of the agreement and their obligations under the ADA, and provide them with technical assistance;
- Allow the task force to conduct spot checks of restaurants covered by the agreement to ensure that customer queues have been removed or widened;
- Remove various other barriers found at the 17 newly constructed restaurants visited by members of the joint task force;
- Pay the joint task force \$50,000; and
- Pay a total of \$12,000 in damages to five individuals or entities who filed complaints with the Department of Justice or State attorney generals' offices, regarding accessibility at Wendy's.

Florida Convenience Store Chain Agrees to Access Modifications -- The owners of Swifty Mart Convenience Stores agreed to remedy access violations at 53 stores. Swifty Mart will provide accessible parking spaces with appropriate signage; curb ramps where an accessible route crosses a curb; refueling assistance to any person with a disability who specifically requests refueling assistance when more than one employee is on duty and no security risk will result; and ADA training for employees. It also agreed to pay a civil penalty of \$5,000 and to ensure that any stores that it purchases or leases in the future will meet the requirements of the ADA Standards for Accessible Design.

Commercial Real Estate Firm Pays \$560,000 in Damages, Penalties for Discrimination in Leasing -- Under an agreement with the Department of Justice, TrizecHahn Corporation, a commercial real estate corporation that refused to lease space to a nonprofit organization that serves persons with disabilities will no longer discriminate against people with disabilities and will take corrective action to ensure that it does not happen in the future. TrizecHahn owns, manages, and develops retail and office properties throughout the United States, including a facility in Rosslyn, Virginia. The ENDependence Center, based in Arlington, Virginia, attempted to lease office space in TrizecHahn's Rosslyn, Virginia, building, but the leasing agent refused to enter into any negotiations with the center and refused to lease the space to the center because the center serves persons with disabilities. TrizecHahn agreed to no longer discriminate against individuals with disabilities when leasing commercial real estate; pay \$550,000 to the center and \$10,000 in civil penalties to the United States; and train employees in the Washington, D.C. area on the requirements of the ADA that pertain to the leasing of commercial real estate.

Safeway Settlement has Nationwide Impact -- Safeway Stores, Inc., entered an agreement with the Department of Justice requiring it to create at least one 32-inch opening between the security bollards or cart corrals used at the entrances to many of its stores so that customers who use wheelchairs can have greater access. Safeway will also launch a nationwide compliance plan where it will survey all of its 835 stores, determine the areas throughout the stores that do not meet ADA requirements, and take steps to ensure compliance. The agreement resolved a complaint filed with the Department regarding a Safeway store in Washington, D.C. Other parties to the agreement include two individuals with disabilities and the Disability Rights Council of Washington, D.C., which sued the chain under the ADA, as well as the Disability Rights Education and Defense Fund, which had received several complaints about Safeway's California stores.

2. Increasing Access to Recreational Activities

Empire State Building Removes Barriers to Observation Decks -- The Justice Department alleged that the owners of the Empire State Building failed to remove architectural barriers where it was readily achievable to do so. An agreement mandated changes to the lobby, entrance, observation decks, restrooms and telephones, but does not cover any privately leased office space in the building.



An accessible observation area atop the Empire State Building

South Dakota County Fair Made Accessible -- Minnehaha County agreed to a wide range of measures to ensure accessibility at the Sioux Empire Fair. The South Dakota county agreed to renovate several bathrooms, install two TTY's at pay phones, create an accessible path of travel through areas of the Fairgrounds, upgrade accessible parking, make the vending and ticketing counters and booths accessible, provide materials to Fair volunteers and patrons regarding the accommodations available for people with disabilities, and adopt a policy that allows patrons with mobility impairments to buy the same number of companion tickets to Fair concerts that other patrons are able to buy.

Disney Agrees to Interpreters, Captioning, Assistive Listening Systems -- The Department and Walt Disney World reached a comprehensive agreement resolving complaints that Disney had failed to provide auxiliary aids for effective communication for persons who are deaf or hard of hearing. Disney agreed to --

- Provide oral and sign language interpreters at numerous specified attractions at Walt Disney World in Florida and at Disneyland in California, upon notice two weeks in advance of an individual's planned visit;
- Make captioning systems available without reservation at the entrance to specified rides or shows, at both Disney resorts;
- Provide transcripts to persons who are deaf or hard of hearing at attractions and allow these individuals an opportunity to ride an attraction promptly a second time in order to better understand the written text;
- Schedule interpreters at specified shows, performances, and rides on a rotating basis so that guests can attend all interpreted

attractions in one day at one of the three parks at Walt Disney World in Florida and Disneyland in California;

renovations, including rooms with roll-in showers, bringing the total number of fully accessible guest rooms to 112;

- Provide closed captioning on video monitors in queues for attractions and other arcades throughout the parks;
- Make interpreter schedules available from Walt Disney World and Disneyland Guest Services;



Sign language interpreters at Walt Disney World.

- Provide assistive listening systems and written transcripts for most attractions for hard of hearing guests who desire them;
- Train employees to improve services for guests who are deaf or hard of hearing; and
- Advertise its services for guests who are deaf or hard of hearing.

"The interpreters were out of this world! They couldn't have been better. Our experience was wonderful."

-- Shirley Krueger, who returned with her family to Disneyworld and was able to fully enjoy the visit.

MGM Grand Hotel, Casino, and Theme Park to Become Fully Accessible to People with Disabilities -- Under an agreement reached with the Department of Justice, people with disabilities will be able to fully enjoy the entertainment and attractions at the MGM Grand Hotel, Casino and Theme Park in Las Vegas, Nevada, the world's largest hotel and casino complex. MGM Grand will--

- Increase the number of accessible guest rooms for individuals with disabilities by adding 36 rooms during the course of

- Increase the number of accessible guest rooms for individuals with hearing impairments by adding 15 rooms with visual alarms during the course of renovations, bringing the total number of fully accessible rooms for individuals with hearing impairments to 46, and making available 15 additional kits containing visual notification devices, TTY's, and door knockers;
- Make restrooms throughout the facility fully accessible to persons with disabilities by adding stalls for people who use crutches or walkers, adding grab bars, and relocating doors;
- Ensure that the casinos are fully accessible to persons with disabilities by adding more lowered gaming tables and accessible service counters and improving access to the high roller gaming areas;
- Install visual alarms throughout the facility for individuals who are deaf or hard of hearing;
- Improve access in the Grand and Hollywood Theaters and in the MGM Grand Garden, which host major sporting events and concerts, by adding accessible wheelchair and companion seating locations, lowering ticket and box office counters, and providing assistive listening devices for people who are hard-of-hearing;
- Provide full access for people with disabilities at restaurants and retail establishments within the facility by adding handrails in entrances, lowering cashier counters, and providing accessible dressing rooms and adequate knee space in dining booths;

- Make pool and spa areas fully accessible to people with disabilities; and
- Pay \$165,000 in compensation to the three complainants.

Major Racing Facility Agrees to Comprehensive Barrier Removal -- Under a consent decree, Dover Downs, a 100,000-seat horse and auto racing facility located in Dover, Delaware, agreed to bring the new and altered portions of the facility into compliance with the ADA Standards for Accessible Design and to remove architectural barriers to access in the existing portions of the facility. The facility, which features the Dover Downs International Speedway, will make the grandstands accessible by providing more than 300 accessible wheelchair seating locations with companion seating and accessible routes and ramps to these seating areas. It will provide designated accessible parking areas adjacent to grandstand entrances and develop a policy for the transportation of people with disabilities between the accessible parking areas and the gates serving the Speedway's grandstand seating. Restrooms will be made accessible, service counters and betting windows will be lowered, and other steps will be taken to make the Dover Downs Slots facility fully accessible. Dover Downs also agreed to provide annual employee training regarding nondiscriminatory service to individuals with disabilities and to pay \$20,000 in compensatory damages to the complainant.

Radio City Installs Accessible Seating -- The U.S. Attorney for the Southern District of New York filed, and resolved by consent decree, a lawsuit against the owners and operators of Radio City Music Hall, a historic theater dating from the 1930's. The theater has nearly 6,000 seats, with over 3,400 on the orchestra level, and the remainder on three mezzanine levels. Radio City agreed to install 59 wheelchair and companion seating locations and 60 aisle seats with removable armrests. It will also modify its ticketing policies to reserve accessible seats for persons

with disabilities until all other seats are sold. To compensate for the lack of wheelchair seating on upper levels, Radio City agreed to discount a portion of the orchestra wheelchair seating so that persons with disabilities will be able to purchase tickets at a range of prices comparable to the general public. Radio City also agreed to remove barriers affecting exterior and interior routes, doors, and elevators; service areas such as restrooms, telephones, drinking fountains, concession areas, and a ticket window; dressing rooms and adjacent shower/toilet rooms; and tour routes. Radio City will make available 240 assistive listening devices and install visual alarms that comply with the ADA. It will also provide signage throughout the public areas directing patrons with disabilities to accessible routes and service areas.

Yankee Stadium Increases Accessible Seating -- A consent decree entered into by the U.S. Attorney for the Southern District of New York, the New York Yankees, and the City of New York will vastly increase the number of accessible wheelchair seating locations at Yankee Stadium. In the past, a total of only 44 pairs of wheelchair and companion seating locations were available at the stadium, 12 of which were sold at the highest ticket price level and none of which were sold at any of the lowest three ticket price levels. Under the agreement, the Yankees and the city agreed to increase the number of wheelchair and companion seating locations to up to 400 pairs of seating locations and disperse those seating locations throughout the lower levels of the stadium. These areas include infield and outfield seating on the field level, in the main level boxes, the main reserve section, the bleachers, the loge, and in two entirely new seating sections to be constructed in an area near Monument Park in left field and in an area behind right center field. The consent decree also requires the defendants to provide at least 300 designated aisle transfer seats in the stadium. In addition, the defendants agreed to sell tickets to both regular season and post-season games for all but 18 of the wheelchair

seating locations at the three lowest ticket price levels (there are eight ticket price levels for the 2000 season), provide persons with disabilities the opportunity to purchase regular season and postseason tickets through all of the same methods afforded to persons without disabilities, and make components within Yankee Stadium, such as exterior and interior routes, signs, restrooms, telephones, drinking fountains, concession areas, elevators, ticket windows, restaurants, luxury suites, and press areas accessible to persons with disabilities. The Yankees also agreed to pay a \$25,000 civil penalty and to make \$10,000 in charitable contributions.

Renaissance Fair Removes Barriers --

The Department entered into a agreement with Mid-America Festivals, operator of the Minnesota Renaissance Festival in Shakopee, Minnesota, the largest renaissance festival in the country. The agreement resolved a complaint filed by a wheelchair user who alleged that he was unable to visit many of the shops and booths at the festival because they were not accessible and because some shops had ramps that were dangerously steep. Mid-America agreed to provide an accessible ticket window, as well as remove all barriers to access at several food booths and shops. They also agreed to provide accessible portable restroom facilities and accessible telephones, and pay a civil penalty of \$4,000.

Movie Theater Chain Agrees to Nationwide Settlement -- Cineplex Odeon Corporation, one of the nation's largest operators of motion picture theaters, agreed to increase significantly the number of receivers it provided for assistive listening systems in its more than 800 motion picture theater auditoriums throughout the United States. Prior to the 1996 agreement, Cineplex provided four receivers for each auditorium, regardless of its size. The company will now provide receivers at the rate of two percent of seats in all auditoriums that opened prior to January 26, 1993. It will also provide receivers at a rate of four percent of seats in all auditoriums where audio-amplification systems have been re-

placed since January 26, 1992, in order to comply with ADA provisions governing alterations to existing places of public accommodation. (The company already provided receivers at the rate of four percent of seats in new theaters, in strict compliance with the ADA Standards for Accessible Design.) Cineplex Odeon also agreed to provide one neck loop per screen in theaters with six or fewer screens and one for every two screens in theaters with more than six screens. Neck loops facilitate the use of assistive listening systems by people who use hearing aids. Additionally, the company will monitor use of assistive listening systems at all theaters and purchase additional receivers where necessary to meet additional demand, even at theaters where receivers will be provided at the rate of four percent of seats.

National Movie Theater Chain Agrees to Accessible Wheelchair Spaces, Companion Seats --

The Department entered into a formal agreement and consent decree with United Artists Theatre Circuit, Inc. (UATC), one of the nation's largest exhibitors of motion pictures, that will ensure compliance with the ADA's barrier removal and new construction provisions at more than 400 theater locations with approximately 2,300 screens throughout the United States. The 1996 consent decree, which was filed simultaneously with the Department's intervention in Arnold v. United Artists Theatre Circuit, Inc., resolved that suit. The Arnold case was a private class action suit brought on behalf of California residents with mobility impairments who encountered barriers at UATC theaters. The agreement required UATC to take the following actions in almost all of its existing theaters throughout the country —

- Provide parking spaces that comply in design and number with the requirements of the ADA Standards for Accessible Design;
- Provide an accessible path of travel from parking spaces to an accessible theater entrance;

- Provide in each auditorium the number of wheelchair seating spaces required in comparably-sized, newly-constructed auditoriums, with companion seating;
- Ensure that one percent of the total number of seats is aisle seats with folding or removable aisle-side armrests;
- Provide at least two dispersed wheelchair seating locations at a distance of from one-third to two-thirds of the way back from the screen in auditoriums with more than 300 seats; and
- Modify existing restrooms to make them accessible or construct unisex accessible restrooms that comply with the Standards.

UATC was also required to bring all theaters constructed for first occupancy after January 26, 1993, into full compliance with the Standards by no later than June 30, 1997, and to ensure that future construction complies with the Standards.

3. Removing Obstacles to Business and Leisure Travel

Avis to Provide Hand Controls for Rental Cars -- Under a formal settlement, Avis, Inc., the country's second largest car rental company, agreed in 1994 to provide rental cars with hand controls for persons with disabilities -- with as little as eight hours notice in most major airport locations. Avis also agreed to urge all existing licensees to adopt the same policy, require all new franchisees and those renewing their contracts to adopt the policy, train its staff at its corporate-owned rental locations, and allow persons who are unemployed due to a disability and who do not use credit cards, to substitute verifiable disability-related income in lieu of a verifiable employment history. Also, Avis agreed to allow persons who cannot drive due to a disability to rent cars in their own name and maintain financial responsibility for renting the car when accompanied by a licensed driver.

Hawaii Resort Hotels Agree to Accessibility Changes -- The Department sued Pleasant Travel Service, Inc., and its subsidiary, Hawaiian Hotels & Resorts, Inc., who own and operate several resort hotels in Hawaii and California. It alleged that the hotels failed to remove barriers to access and renovated the hotels in ways that did not comply with the ADA's standards. Under a consent decree, the Royal Lahaina Resort, the Royal Kona Resort, and the Kauai Coconut Beach Resort agreed to provide accessible parking; modify restrooms to make them accessible; provide access to restaurants, swimming pools and the luau areas; and offer between 12 and 14 accessible guest rooms at each hotel. Also, the defendants agreed to pay a total of \$25,000 in compensatory damages to two individuals who use wheelchairs and \$25,000 in civil penalties.

Holiday Inn and Crowne Plaza Hotels will Improve Access and Modify

Reservation Policies -- The Department signed two settlement agreements in 1998 with Bass Hotels & Resorts (BHR) and 20 separate agreements with individual hotel franchise owners to resolve ADA violations throughout BHR's Holiday Inn and Crowne Plaza hotel chains. The agreement with BHR on reservations and rental policies required that each hotel in the two chains must --

- Guarantee reservations for accessible rooms as they guarantee other types of reservations;
- Hold all accessible rooms for persons with disabilities until 6 p.m., at which time they can release all but two (one in each of the two standard categories of single and double bed rooms), which must be held until all other rooms of that type are sold; and
- Compile a list of accessibility features to be kept at the hotel's front desk and made available to anyone who calls the hotel or the central reservations system.

The second agreement required BHR to make modifications in three hotels it currently owns or manages and to pay \$75,000 to the Key Bridge Foundation to establish a mediation program for ADA complaints. BHR also agreed to pay a total of approximately \$75,000 to the United States and the complainants to resolve all outstanding issues.

The Department also reached 20 agreements with Holiday Inn and Crown Plaza franchisees resolving accessibility complaints involving hotels in Alabama, Arizona, California, Colorado, Georgia, Illinois, Kansas, Louisiana, Massachusetts, Ohio, Tennessee, and Texas. The agreements require a wide range of modifications, including removal of barriers to access, provision of auxiliary aids, and staff training.

Avis Rent A Car will Improve Access to Airport Shuttle Systems for People with Disabilities -- The nation's second largest rental car company agreed to provide accessible airport shuttle buses at all of its airport locations nationwide. The 1999 agreement between Avis Rent A Car, Inc., and the Department of Justice resolved a complaint filed by a traveler who uses a wheelchair alleging that Avis violated the ADA by not providing access to the shuttle system that operates between the terminal at the Detroit Metro Airport and its offsite rental car facilities. During negotiations, Avis agreed to expand the settlement to cover all of its airport shuttle systems nationwide. Avis agreed to ensure that --

- Each of the 36 shuttle systems at airport locations that it owns and operates will have at least one accessible vehicle by December 2000; some locations will have several accessible vehicles;

- All newly acquired large shuttle vehicles will be accessible;
- Accessible curbside service, under which rented vehicles are delivered directly to the terminal where the customer with a disability is waiting, will be provided at all locations; and
- Barriers to access will be identified and removed at each airport location.

When the Department began its investigation, Avis had only six lift-equipped vehicles out of 286 in its fleet. When Avis is in full compliance with the agreement, it will have at least 153 accessible vehicles.

Guide Dogs Will No Longer Be Subject to Hawaii Quarantine -- Hawaii agreed to allow precertified, vaccinated guide dogs for persons with vision impairments immediate entrance to the State, no longer requiring them to stay in a 120-day quarantine. The agreement resolved Crowder v. Kitagawa, in which the Department of Justice intervened to challenge the quarantine under the ADA. The quarantine, established as a rabies prevention

measure, required all dogs -- including guide dogs -- to stay at the State's quarantine facility. Although travelers with vision impairments could visit their dogs at specified times, they could not remove the dogs from the quarantine facility or otherwise use their dogs to travel in Hawaii during the quarantine period.



Tourists who are blind can now enjoy Hawaii with their guide dogs.

Under the agreement, Hawaii agreed to establish regulations to permit guide dogs with proper documentation and testing to enter the State immediately upon arrival. Under new regulations adopted by Hawaii, a guide dog owner is required to demonstrate that the dog is free of rabies through documentation of rabies vaccinations and serological testing. The owner must also have a certification of training from a recognized guide dog school.

“Oh, I could have gone to Hawaii without my guide dog, but part of traveling for me, and feeling comfortable in a place, is having the independence my dog provides. The ADA has allowed me ... to feel included in society, rather than cared for by it. I have choices. Choice is not always as available to people with disabilities as to others in our society.”

-- Jenine Stanley

Greyhound to Improve Bus Service to Passengers with Disabilities -- An agreement between the Department and Greyhound Lines Inc., will improve the availability and quality of accessible bus service for persons with disabilities. The 1999 agreement resolved a wide range of complaints including the denial of passage or boarding assistance to persons with mobility or vision impairments, injuries to passengers while being physically carried on and off buses, and verbal harassment. It required Greyhound to pay more than \$17,500 in damages, which included individual payments to 14 complainants ranging from \$500 to \$4,000. Current Department of Transportation (DOT) regulations permit carrying, but require Greyhound to provide lift-equipped bus service on 48 hours' notice beginning in October 2001. The agreement will minimize the need for carrying passengers with disabilities by phasing in accessible bus service in three stages, beginning two years before lift-equipped service is required by the DOT rules. Under the agreement, Greyhound will --

- (Through March 31, 2000 only) provide, with 48 hours' notice through its ADA

Hotline, a lift-equipped bus or assistive device on scheduled departures to and from locations where these buses are operated (generally along major routes serving a large proportion of Greyhound passengers) or where assistive devices can be made available to passengers who request such accommodations:

- On 48 hours' notice, make reasonable efforts to provide an accessible bus between any of the approximately 2,600 points served by Greyhound; and
- (Beginning no later than April 1, 2000) guarantee accessible buses between any points served by Greyhound, on 48 hours' notice, except in a limited set of "excusable circumstances" defined in the agreement.

The agreement also requires Greyhound to --

- Provide training to employees assisting any person with a disability;
- Establish an internal dispute resolution procedure for addressing complaints by persons with disabilities within 90 days;
- Inform individuals with disabilities of their rights under the ADA and the agreement;
- Convene a meeting of a specially created advisory committee of representatives from organizations advocating the rights of persons with disabilities to advise Greyhound on its training programs and policies by September 30, 1999; and
- Continue systematically removing barriers to access in Greyhound facilities.

Although Greyhound only fulfilled 44% of requests made in October 1999, Greyhound steadily improved, ultimately fulfilling 94% of passenger requests for lift-equipped buses by February 2000. In this period alone, up to 251 people were saved the humiliation and risk of being physically carried onto a bus.

"Every half hour or so, I became overwhelmed with the full significance of what we have accomplished ... It was a great day for a magnificent, VICTORIOUS ride."

-- Kathleen Kleinmann, a wheelchair user, who was able to board an accessible bus for the first time for a trip from Harrisburg to Pittsburgh, Pennsylvania.

Airport Shuttle Service to Provide Access to Service Animals -- The Arizona Shuttle Service, which operates a fixed-route shuttle service between Tucson and Phoenix International Airport, agreed to operate and maintain wheelchair-accessible vans and to permit all types of service animals, not only "seeing eye" dogs, to ride the vans. The agreement reached by the Disability Rights Section, the United States Attorney's Office for the District of Arizona, two private plaintiffs, and Arizona Shuttle resolved two private lawsuits and two complaints filed with the Department of Justice. The two complaints investigated by the Department alleged that the Arizona Shuttle Service violated the ADA by refusing to transport an individual with her service animal because the animal was not a "seeing eye dog" and by purchasing two new vans that were not accessible to people with disabilities, including people who use wheelchairs. Just before entering the agreement, Arizona Shuttle purchased two accessible vans for its fleet. The agreement requires the company to maintain its accessible vans and to post and implement a service animal policy and a written reservations policy that meet the non-discrimination requirements of the ADA. The agreement required Arizona Shuttle to pay \$10,000 in compensatory damages to the individual who was denied access because of her service animal. Another wheelchair user and a disability group in Arizona who jointly

sued the company for having inaccessible buses and vans will each receive \$2,500 in damages. Arizona Shuttle will also pay \$5,000 in civil penalties to the United States.

DOJ Document — "Commonly Asked Questions about Service Animals in Places of Business," developed in cooperation with the National Association of Attorneys General, provides questions and answers on the rights of persons with disabilities who use service animals in places of public accommodation.

South Carolina Motel Pays Damages, Penalties for Refusing Room -- The Department resolved by consent decree a lawsuit challenging the outright exclusion of people with disabilities from a motel in South Carolina. The Ocean Plaza Motel in Myrtle

Beach refused to rent a room to a group of two teenagers and their mothers because the two teenagers have cerebral palsy and use wheelchairs. Under the consent decree, the owner and operators agreed to implement and post a formal written policy that the motel will not deny persons



A hotel refused to rent a room because the teenagers were wheelchair users with cerebral palsy.

with disabilities the services, facilities and accommodations of the motel; will train its employees in the equal and dignified treatment of guests with disabilities; remove architectural barriers at the motel over a two-year period, where such removal is readily achievable; pay \$92,000 plus interest to the complainants over the two-year period; and pay civil penalties of \$5,000 to the U.S. Treasury.

D. Ensuring an Accessible Future

To ensure that the future built environment is accessible to people with disabilities, the ADA requires all new construction and alterations to meet specific architectural design standards. The Department has taken a wide range of enforcement actions to ensure that owners, architects, and others involved in the design and construction process meet their ADA obligations.

1. Establishing Architect Liability

Future Stadium Designs to Include Line of Sight Over Standing Spectators -- The Ellerbe Becket architectural firm agreed that all of the new sports stadiums and arenas that it designs in the future will be designed to provide wheelchair seating locations with a line of sight over standing spectators. The 1998 agreement specifically applies to any facility with more than four fixed seats and in which spectators can be expected to stand for all or any part of an event. The consent decree resolved the Department's lawsuit alleging that Ellerbe had violated the ADA by repeatedly designing new sports stadiums and arenas that violated the ADA new construction requirement for comparable lines of sight for wheelchair seating locations. Ellerbe argued that the court should dismiss the case because architects are not covered by the ADA and because lines of sight over standing spectators are not required. The court disagreed with both of these arguments.

DOJ Document -- "Common Errors and Omissions in New Construction and Alterations," first distributed at a conference cosponsored by the American Institute of Architects, assists architects and the construction industry in designing and constructing buildings that comply with the ADA.

2. Making Newly Constructed Buildings Accessible

Nationwide Restaurant Chain Agrees to Accessible New Construction -- Lone Star Steakhouse and Saloons, a nationwide restaurant chain operating 105 restaurants in 29 States, agreed to bring 97 new or altered facilities into full compliance with the ADA. This 1995 agreement was the first resulting from a compliance review, a process by which the Department reviews architectural plans to determine if new construction projects will comply with the ADA's standards. By reviewing the plans and visiting several sites, officials learned that Lone Star failed to provide accessible seating, restrooms, and parking, as well as accessible routes from parking areas. Lone Star also agreed to contribute a total of \$5,000 to four disability advocacy groups.

New Olympic Stadiums Are Fully Accessible -- The Department entered into agreements to ensure full accessibility at five venues newly designed and constructed for the 1996 Olympic Games and Paralympic Games in Atlanta, Georgia. The agreements with the Atlanta Committee on the Olympic Games and the Metropolitan Atlanta Olympic Games Authority make the Olympic Stadium, the Aquatic Center, the Stone Mountain Tennis Center, and the field hockey stadiums at Morris Brown College and Clark Atlanta University models for accessible stadium design nationwide.

Under the agreements, the facilities --

- Provide accessible seating as an integral part of the seating plan;
- Have at least one percent of their total seating accessible for persons using wheelchairs;
- Disperse the accessible seating throughout the stadiums, including in specialty seating

areas, such as the suites and the club level of the Olympic Stadium;

- Provide a conventional seat next to each wheelchair space so that spectators with disabilities can sit next to family and friends;
- Ensure that virtually all wheelchair seats have a comparable "line of sight" so that wheelchair users can still see the playing surface even when spectators in front of them stand up during an event;
- Provide an accessible route from parking and transportation areas to the wheelchair seating locations that connects with all public areas of the stadiums; and
- Provide full accessibility at all concession stands, restrooms, parking areas (including parking for vans), automatic bank machines, locker rooms, portable toilets, and employee common-use areas.

After the conclusion of the Olympic and Paralympic Games, the five facilities were converted into smaller, permanent sports facilities. For example, the Olympic Stadium became the new home for the Atlanta Braves and the Aquatic Center became a swimming facility for the Georgia Institute of Technology. The agreements ensured that the post-Olympic configuration of the facilities will also be fully accessible.

DOJ Document -- "Accessible Stadiums" highlights key ADA accessibility requirements, including the provision of wheelchair seats that have a comparable "line of sight" allowing wheelchair users to see the playing surface even when other spectators stand up in front of them.

Three 1999 Lawsuits Challenge Stadium-style Theater Design --

United States v. AMC Entertainment, Inc. -- The Department filed suit against AMC

Entertainment, Inc., and American Multi-Cinema, Inc., in the U.S. District Court for the Central District of California for violating the ADA in the design, construction, and operation of stadium-style movie theaters in the AMC chain. The two theaters named in the complaint are the Norwalk Theater in Norwalk, California, and the Promenade 16 Theater in Woodland Hills, California. The newly constructed AMC theaters have two types of seats -- stadium-style seats, which provide comfortable, unobstructed lines of sight to the screen, and traditional seating, which is located on the sloped floor at the front of the theater immediately in front of the screen. Although AMC marketed the theaters as providing stadium-style seating, it placed the wheelchair seating only in the less desirable traditional seating on sloped floors. Wheelchair users are therefore denied a movie viewing experience that is comparable to that afforded to other members of the general public. The complaint alleged other access violations including the failure to provide companion seating next to wheelchair seats; failure to provide handrails; inadequate space at wheelchair seating locations; and inaccessible concession counters, bathrooms, and telephones.

United States v. Cinemark USA, Inc. --

The Department filed suit against Cinemark USA, Inc., in the U.S. District Court for the Northern District of Ohio alleging that three of Cinemark's Ohio theaters, as well as its stadium-style seating theaters across the country, violated the ADA by failing both to provide comparable lines of sight to wheelchair users and to make wheelchair seating locations an integral part of the stadium-style seating.

Lonberg v. Sanborn Theaters, Inc. --

The Department intervened in an ongoing lawsuit in the U.S. District Court for the Central District of California brought by two wheelchair users against the Market Place Cinema in Riverside California, a facility that offers stadium-style seating. The suit alleges that Sanborn violated title III because it does

not provide adequate numbers of wheelchair seating locations, fixed companion seats next to wheelchair seating locations, aisle seats with removable armrests, and wheelchair seating locations with lines of sight comparable to those for other members of the general public.

Days Inns Will Promote Accessibility at New Hotels Nationwide -- The world's largest hotel chain agreed to undertake a nationwide initiative designed to make hundreds of its new hotels across the country more accessible to persons with disabilities. The 1999 consent decree resolved five lawsuits filed by the Department of Justice. The suits alleged that franchiser Days Inns of America, Inc, and its parent company, Cendant Corporation (formerly HFS, Inc), because of their significant role in the design and construction of new Days Inns hotels, violated the ADA by allowing franchisees to construct hotels that failed to comply with the ADA Standards for Accessible Design. Under the agreement, Days Inns will --

- Require new hotels to certify that they are in compliance with the ADA Standards before they open for business as Days Inns;
- Pay for an independent survey program designed to identify ADA problems at newly constructed hotels;
- Establish a \$4.75 million revolving fund to provide interest-free loans to franchisees of newly constructed hotels to finance repairs and renovations required for ADA compliance; and
- Pay \$50,000 to the United States.

The agreement ended four years of litigation that followed an 18-month investigation of newly constructed Days Inn hotels across the country. The investigation revealed that similar accessibility problems existed throughout the chain, including, for example, insufficient accessible parking, inaccessible entrances and walkways at the

facilities; inadequate space for persons who use wheelchairs to maneuver in guestrooms and bathrooms; insufficient visual alarm systems for persons who are deaf or hard of hearing; inadequate signage for persons who are blind or have low vision; inaccessible routes throughout the hotels; and guestroom and bathroom doors that were not wide enough to allow wheelchairs to pass inside. Claims against the owners, construction contractors, and architects of the five hotels were resolved in other agreements.

DOJ Documents -- "Common ADA Problems at Newly Constructed Lodging Facilities," the "ADA Checklist for New Lodging Facilities," and "Five Steps to Make New Lodging Facilities Comply with the ADA" assist hotel owners, franchisers, architects, and contractors on ADA requirements.

E. Gaining Equal Access to Health Care

The ADA requires that people with disabilities have equal access to health care provided by both the public and private sectors and that the care be provided in the most integrated setting appropriate. The Department has acted forcefully to ensure compliance by 9-1-1 systems, dentists, doctors, hospitals, and State long-term care programs.

I. Receiving Emergency Services

Nationwide Initiative Spurs 9-1-1 Accessibility -- The Department undertook a nationwide initiative to ensure that 9-1-1 emergency services provide direct, equally effective access to TTY users, including people who are deaf, hard of hearing, or who have speech impairments. Compliance reviews were conducted in over 500 locations in all 50 States including Houston, Seattle, Miami, Washington, D.C., Chicago, Indianapolis and other major metropolitan

areas by U.S. Attorneys' Offices in consultation with the Civil Rights Division. Where problems were found, the U.S. Attorneys offered technical assistance and negotiated agreements to bring those 9-1-1 systems into compliance. Those agreements required 9-1-1 providers to --

- Install a text telephone, TTY, or computer with TTY capability at every single call taker's position, so that each call taker has immediate TTY access if a TTY call comes in;
- Instruct call takers to treat every "silent" call as a potential TTY call and send a TTY prompt;
- Develop and implement a public education program to promote the use of 9-1-1 by individuals who use TTY's;
- Conduct staff training and semiannual audits of the quality of service provided to TTY users.

DOJ Document -- "ADA Access for 9-1-1 and Telephone Emergency Services" outlines ADA requirements for providing direct access to emergency services for persons using TTY's or text telephones, including individuals who are deaf, hard of hearing, or who have speech impairments.

Philadelphia Addresses HIV Discrimination -- The City of Philadelphia entered an agreement resolving a complaint alleging that emergency medical technicians (EMTs) of the Philadelphia Fire Department refused to assist an individual when they learned that he had HIV. The City agreed to conduct mandatory training of the Department's 2,300 EMTs and firefighters regarding universal precautions to prevent the transmission of HIV/AIDS, as well as to provide HIV/AIDS sensitivity training. The City also agreed to develop and publicize a written policy stating that individuals with disabilities will be given the opportunity to

benefit fully from its emergency medical services and to discipline any personnel who fail to follow the City's guidelines. In addition, the City agreed to pay \$10,000 in compensatory damages and provide a written apology to the individual denied services.

2. Securing Access to Health Care

Maine Hospital Will Provide Auxiliary Aids for Deaf, Hard of Hearing -- The U.S. Attorney for the District of Maine, a private plaintiff, and the Maine Medical Center entered into a consent decree requiring the medical center to provide qualified sign language interpreters, assistive listening devices and TTY's, captioned televisions, and other similar aids and services to persons who are deaf or hard of hearing. Maine Medical Center, which is Maine's largest hospital, also agreed to publish and distribute a new written hospital policy directing its employees to offer an interpreter whenever staff has any reason to believe a patient is deaf or hard of hearing. The interpreter is to be made available by the medical center as soon as possible and no later than one hour after the receipt of a request for an interpreter. The hospital also agreed to provide the same services including interpreters to deaf family members, relatives, companions, and friends who visit or accompany a patient. The hospital will require all of its clinical directors and department heads, as well as its supervisors, nurses, and other patient-contact personnel, to participate in mandatory and comprehensive in-service training regarding the proper use and role of interpreters and other communication needs of persons who are deaf or hard of hearing. Maine Medical Center also agreed to produce an educational video and distribute materials to all physicians with hospital privileges regarding the ADA rights of persons who are deaf and hard of hearing and to pay a civil penalty of \$10,000 and \$25,000 in damages to the plaintiff.

Connecticut Agreement Establishes Statewide Interpreter System --

The Department intervened in Connecticut Association of the Deaf v. Middlesex Memorial Hospital, a lawsuit brought by the Office of Protection and Advocacy in Connecticut against 10 acute care hospitals for failing to provide sign language and oral interpreters for persons who are deaf or hard of hearing. In a consent decree joined by all of the parties and 22 other acute care hospitals, the hospitals agreed to --

- Set up a state-wide on-call system to provide interpreters 24 hours a day, seven days a week, for persons who are deaf or hard of hearing (the system will respond to most requests in urban areas within an hour, and in rural areas within one hour and fifteen minutes);
- Use sign language pictogram flash cards that will be developed by the Department of Justice to assist in communication when sign language interpreters are not available;
- Provide TTY's through-out the hospitals' public areas and in patient rooms, when requested;
- Install visual alarms where audible alarms are provided;
- Provide other auxiliary aids and services when necessary for effective communication, including computer assisted real-time transcription services, closed caption decoders for televisions,

captioning of hospital-generated videos, qualified notetakers, assistive listening devices and systems, and written materials; and

- Train employees and volunteers about issues relating to communication with persons who are deaf or hard of hearing, including special training for emergency department personnel, psychiatric personnel, social workers, and other key personnel; offer training to all affiliated physicians; and pay \$333,000 in compensation to the named plaintiffs and individuals who filed complaints with the Department of Justice.

Supreme Court Rules Asymptomatic HIV-infected Patient is Person with a Disability --

The Supreme Court decided in Bragdon v. Abbott that asymptomatic HIV-status is a disability under the ADA. Plaintiff, a dental patient in Bangor, Maine, infected with HIV, but who had no outward symptoms of the disease, was denied treatment by a dentist. The patient filed suit under the ADA, alleging that, as a result of the virus, she was "disabled" and therefore protected by the Act. The U.S. Court of Appeals for the First Circuit ruled that the patient's asymptomatic HIV status constituted a disability because it was a physical impairment that substantially limited the "major life activity" of reproduction. The Supreme Court agreed with the amicus brief filed by the Department of Justice and upheld the court of appeals in a 5-4 decision, finding that asymptomatic HIV status met all the requirements under the statutory definition of a disability -- it is a physical impairment (from the moment of infection), it impairs the major life activity of reproduction, and it "substantially limits" that

For years, Rachel Spillane had to interpret for her family in many emergency medical situations. "...with the [Connecticut] consent decree I was relieved of this dilemma and was once again allowed to be a family member. I wish that each State had such a system in place so that the deaf community truly has equal access to the health care system."

activity. The court also emphasized that its conclusion was consistent with the Department of Justice's views on this issue as expressed in its regulations and technical assistance manual.

DOJ Document -- "Questions and Answers: The ADA and Persons with HIV/AIDS" explains the ADA's requirements for employers, State and local governments, businesses, and nonprofit agencies serving the public.

Hospital Center Pays Damages, Agrees to Nondiscriminatory Treatment of Patients with HIV -- The Department reached an agreement with The George Washington University, The George Washington University Medical Center, The George Washington University Hospital (GWUH), and District Hospital Partners, L.P., to resolve a complaint that cardiothoracic surgeons at GWUH violated the ADA by denying open heart surgery to a patient because he has HIV. The agreement required GWUH to pay \$125,000 to the complainant; to issue a hospital policy establishing that patients cannot be denied, or discouraged from seeking, surgery or other medical treatment because of infection with HIV or AIDS; to conduct annual training for staff on this new nondiscrimination policy; to amend its bylaws and regulations to provide for discipline of hospital staff who violate this nondiscrimination policy; to conduct a grand rounds symposium for local area cardiothoracic surgeons that addresses nondiscrimination against persons with HIV and AIDS who need open-heart surgery; to advise patients of GWUH's nondiscrimination policy; and to establish an internal mechanism for responding to patients' concerns that they have been denied treatment, or discouraged from seeking treatment, because of HIV, AIDS, or any other disability.

"The ADA has heightened medical and dental professionals' awareness that discrimination is against the law ... and has given ... doctors the ability to persuade their colleagues not to discriminate."

-- Daniel Brunner, Whitman-Walker Clinic, Washington, D.C.

New Orleans Dentist Liable for Refusal to Treat Patient with HIV -- A Federal court in Louisiana ruled that a dentist violated the law by referring persons with HIV or AIDS to another dentist solely on the basis of the patient's HIV positive status. Under a consent order the dentist, Dr. Morvant, agreed to pay \$60,000 in damages to the family of one deceased patient, Ismael Pena, and \$60,000 to another patient, and to no longer discriminate against persons with HIV or AIDS. Morvant may refer such patients to another dentist only when the dental treatment being sought or provided is outside his area of expertise. The order also requires Morvant and his staff to undergo training on the treatment of persons with HIV or AIDS, infection control in the dental workplace, and the ethical duty to treat persons with HIV or AIDS.

Mississippi Medical Center will Provide Interpreters for Child Birth Classes -- The U.S. Attorney's Office for the Southern District of Mississippi reached an agreement with Central Mississippi Medical Center resolving a complaint that the Center denied a request for an interpreter by a deaf individual wishing to attend child birth classes. The Center, located in Jackson, will institute a policy to ensure that individuals will receive the auxiliary aids and services needed for effective communication, including sign language interpreters. For courses or seminars offered by the Center, no more than 48 hours prior notice will be required to receive an interpreter. The Center will also provide ADA training to its employees and pay \$1,000 in damages to the complainant.

Oregon Obstetrician Pays Damages in Interpreter Suit -- The Disability Rights Section and the U.S. Attorney for the District of Oregon intervened in and, at the same time, settled a lawsuit, Drew v. Merrill, challenging a Portland obstetrician's refusal to provide a sign language interpreter for medical consultations with a nondisabled, expectant mother and a deaf father. The suit was resolved through a consent decree reached through formal mediation under which Perinatal Associates agreed to institute a policy of providing sign language interpreters for deaf patients or their partners who are deaf to ensure effective communication; provide training for doctors and staff on the requirements of the ADA; and pay \$25,000 in damages to the plaintiffs.

3. Being Free from Unnecessary Institutionalization

Supreme Court Declares that Unjustified Isolation Is Discrimination -- In Olmstead v. L.C., the Supreme Court ruled that the ADA's "most integrated setting appropriate" mandate required States to avoid undue institutionalization of people with disabilities. As urged by the Department in its amicus brief, the Court upheld the ruling of the U.S. Court of Appeals for the Eleventh Circuit that Georgia may have violated the ADA by confining two individuals with mental disabilities in an institution rather than providing services through a community-based program as recommended by the State's treating professionals. In finding that unjustified isolation is a form of discrimination under the ADA, the Court pointed to the stigma of unworthiness, and the unequal access to family and social interaction, employment, education, and cultural enrichment that result from unnecessary institutionalization. According to the Court, an institutional placement is unjustified when the State's treatment professionals have determined that community placement is appropriate, the transfer is not opposed by the individual, and the placement can be accomplished without fundamentally

altering the State's program. In applying the fundamental alteration defense, courts are to consider not only the expense of providing community-based care to the plaintiffs in a particular case, but also the "need to maintain a range of facilities for the care and treatment of persons with diverse disabilities" and "the States' obligation to administer services with an even hand."

F. Enjoying Equal Access to Child Care

The ADA protects children with disabilities from discrimination in admission to child care and guarantees reasonable modifications in policies, practices, and procedures to allow full participation in child care programs. The Department has pressed for an end to HIV discrimination and for reasonable efforts by child care providers to accommodate children with diabetes, asthma, food allergies, and other disabilities requiring monitoring, medication, or other assistance.

Child Care Chain Agrees to Glucose Testing -- The Department reached an agreement with KinderCare, the nation's largest proprietary child care provider, that will allow children with diabetes to enroll at any of KinderCare's 1100 centers nationwide. The 1996 agreement required KinderCare to perform finger-stick tests at the request of parents in order to monitor the blood sugar level of their children and to take appropriate action. It does not require that KinderCare administer insulin injections. KinderCare also agreed to engage in a three-year ADA training initiative for its employees and to appoint a disability services coordinator. The agreement resolved a Department of Justice investigation and a private lawsuit brought by the American Diabetes Association, its Ohio affiliate, and the next friend of Jesi Stuthard. Jesi had been denied the opportunity to attend a KinderCare Learning Center near Columbus, Ohio, because of his diabetes and KinderCare's refusal to perform glucose monitoring.

California Law Accommodates Glucose Testing by Child Care Centers --

A 1997 California law exempts blood glucose testing from the category of "incidental medical procedures" that cannot be done outside the presence of a licensed health care professional. The legislation followed a finding by the Department of Justice that California was violating the ADA by maintaining a licensing program that made it illegal for child care providers to perform blood glucose finger-stick tests for children with diabetes in their care, unless the tests were done under the direct supervision of a licensed nurse or physician. Such tests are required under the ADA as a reasonable policy modification necessary to integrate children with diabetes into mainstream day care centers. This restriction came to the Department's attention after it reached a settlement agreement with KinderCare Learning Centers. KinderCare was told by the California Department of Social Services that if it complied with the agreement, its child care licenses would be revoked.

Nationwide Child Care Agreement Accommodates Children with Food Allergies, Diabetes, other Disabilities -- The Department reached an agreement with La Petite Academy, Inc., the nation's second largest child care provider, protecting the rights of children with severe food allergies and other disabilities, including diabetes and cerebral palsy. La Petite Academy, Inc., which operates over 750 day care centers nationwide, has agreed to administer epinephrine, a form of adrenaline, to those children who experience life-threatening allergic reactions to certain foods, such as peanuts, or bee stings. If authorized by parents and a physician, La Petite staff will use a small pen-like device (sold as Epipen, Jr., or under other names) that carries a premeasured dose of epinephrine to alleviate a reaction. The staff person simply removes a safety cap and presses the pen against the thigh of the child, discharging the epinephrine. The 1997 agreement awards damages of \$55,000 to five children who were allegedly affected by La Petite's lack of

reasonable modifications for children with disabilities. Three were children whose food allergies prevented them from enrollment without the availability of the Epipen, Jr. Two were children with cerebral palsy, who were denied reasonable modifications in policies, practices, and procedures that would enable them to continue in child care. La Petite also adopted a policy for administering finger stick tests to measure the blood glucose levels of children with diabetes.

DOJ Document — "Commonly Asked Questions About Child Care Centers and the ADA," released in conjunction with the 1997 White House Conference on Child Care, provides a broad range of information about the ADA obligations of child care programs.

Wisconsin Child Care Center Will Assist with Leg Braces, Diapering -- The Department reached an agreement resolving a complaint filed by the mother of a child with cerebral palsy against the Sunshine Child Center in Gillette, Wisconsin. The complainant alleged that the center refused to put on and remove leg braces that her daughter needed to walk. The complaint also stated that the center, which provides separate services to children three years old and younger and children ages four through 12, intended to keep her child with the younger group of children even after her fourth birthday, because, due to her disability, she required diaper-changing at a later age than other children at the center. The agreement required the Sunshine Child Center to offer to readmit the girl, who was removed by her mother following the center's alleged discrimination. It also required the center to put on and remove the child's leg braces, if necessary, and to provide the same service to other children with the same need for assistance. In addition, the center agreed to provide diaper changing to children who require the service more frequently and/or at a later age than other children due to disabilities, without segregating them from

children in their age group; to publish a policy of nondiscrimination on the basis of disability at the center and in printed advertisements of its services; to remove certain barriers to access discovered during the Department's investigation; and to ensure that a newly-constructed facility built to house the center complied fully with the ADA Standards for Accessible Design.

After-School Program Reinstates Nine-year-old with Multiple Disabilities --

The Department participated as amicus curiae in this suit against a major daycare provider challenging the exclusion of a nine-year old boy because of his disabilities. KinderCare had decided to terminate Jeremy Orr, a child who has

developmental disabilities, low vision, and a mild seizure disorder, from its after-school program. He needed assistance in eating, walking, diapering, and interacting with other persons. After six months of serving Jeremy in its two-year-old room, KinderCare argued that it could not meet

Jeremy's individualized needs in "a group care setting." KinderCare also refused to modify its procedures to accommodate an aide for Jeremy proposed by his parents. This aide would be provided by a third party with full State support. The Department argued that Jeremy's presence had not fundamentally altered KinderCare's program and that accommodating an aide for Jeremy in the future also would not fundamentally alter KinderCare's program. The court entered a preliminary injunction that ordered KinderCare to retain Jeremy pending trial. Under a consent decree resolving the lawsuit, KinderCare agreed to retain Jeremy Orr in its after-school program and allow him to be accompanied by an aide funded by the State.



Jeremy at his after-school program

He was also to be allowed to attend the program in an age-appropriate classroom when the aide was present, and the two-year olds' room when the aide was not present. KinderCare agreed to mandatory staff training and periodic conferences with Jeremy's parents regarding how best to include him in program activities. Without admitting liability, KinderCare agreed to pay damages and attorney's fees to the Orrs.

"As a parent, the biggest benefit I received was in the day to day observation of his inclusion and acceptance by other children ... I know Jeremy has made an impact on the children in his community because when we go to the store or public events or when he is attending public school, some child will yell out "Hey Jeremy!

How are you?" I usually don't know or recognize the child, but it's enough for me to know that they know Jeremy."

-- Sherry Johnstone, Jeremy's mother.

Three Wisconsin Centers Will Admit Children with HIV

-- The U.S. Attorney for the Western District of Wisconsin entered into a consent decree resolving a lawsuit filed against ABC Nursery, Inc., in Beloit, Wisconsin, for allegedly refusing

to admit a three-year-old boy because he had tested positive for HIV. Earlier, consent decrees were filed involving two other Beloit child care centers, resolving similar allegations of discrimination against the same child. All three centers agreed that a child with HIV infection is disabled under the ADA and that such a child cannot be refused admission to child care programs because of his or her HIV-positive status. The three centers agreed to sponsor, with the participation of the U.S. Attorney's Office, an informational meeting in Beloit for interested child care providers, parents, and staff to discuss the ADA and HIV.

Child Care Center Ordered to Admit Child with Asthma -- The U.S. District Court for the Northern District of California in Alvarez v. Fountainhead, Inc., ordered a California child care center to modify its "no medications" policy and enroll a child who has asthma and uses an inhaler. It also ordered the center to provide a one-hour training session for its staff on the nature of asthma and the supervision of children who use albuterol inhalers. Fountainhead Child Care Center prohibited teachers from assisting in the administration of any medication to children enrolled in its program and required parents to either come to the facility to administer any necessary medication, forgo medication while the child is at preschool, or not enroll the child.

Jeremy Alvarez, the four-year-old child in this case, was able to use the inhaler himself, but required monitoring for signs of wheezing and supervision while he used the inhaler. The Department argued in an amicus brief in support of the child that the minimal monitoring and supervision required in this case would be reasonable and not fundamentally different from the responsibilities that all child-care operators have for the safety and well-being of their students.

"I was really happy that the ADA was there. It helped us and will prevent others like Jeremy from having to go through such an ordeal."

-- Jeremy Alvarez's mother, who worried that her son would not be able to go to the child care center because no one would take her complaint seriously.



Jeremy Alvarez is now free to use his inhaler at the child-care center.

G. Protecting the ADA and Making it Work

The Department seeks every opportunity to maintain and expand the effectiveness of the ADA. The Department has fought nationwide to uphold the constitutionality of ADA suits against States. It has also actively pursued alternative dispute resolution to increase ADA compliance.

1. Defending the ADA's Constitutionality

Supreme Court Will Review Constitutionality of ADA Damages Suits Against States -- The Supreme Court will review the decision of the U.S. Court of Appeals for the Eleventh Circuit in Garrett v. University of Alabama at Birmingham, which upheld the constitutionality of lawsuits brought by individuals seeking damages awards from States. The Department intervened to defend the ADA in numerous suits nationwide, including Garrett. Most appellate courts have agreed with the Department and upheld the

ADA suits against States. Garrett is a consolidation of two employment suits against Alabama State agencies. One involves the alleged discriminatory demotion of an individual with breast cancer by the University of Alabama, and the other a claim that the Alabama Department of Youth Services failed to reasonably accommodate an individual with chronic asthma. States have argued that, because the ADA's protections go beyond the equal protection rights guaranteed by the Fourteenth Amendment, Congress lacks authority to subject them to lawsuits under the ADA. The Department, however,

believes that the ADA is constitutionally appropriate legislation to remedy the history of pervasive discrimination against people with disabilities, and almost all of the appellate courts have agreed.

2. Building a Mediation Option

Expanded Mediation Gets Results -- The Department's voluntary ADA Mediation Program provides an efficient, effective, voluntary alternative way to resolve complaints under the ADA. Increased funding has allowed the Department to refer over 1,000 complaints to mediation in virtually every rural and urban area of the country. Over 80% of the cases in which mediation has been completed were successfully resolved.

The ADA Mediation Program has resulted in the elimination of architectural, communication, and attitudinal barriers for hundreds of people with all types of disabilities throughout the country, while allowing the Department to achieve meaningful compliance with the law without the expense and delay frequently associated with formal investigation and litigation.

The ADA Mediation Program is focused on the local community where people live, work, and play. After determining a complaint is appropriate for mediation, the Department formally contacts both parties, offering the opportunity to resolve the complaint through mediation. Under a contract with the Key Bridge Foundation, the complaints are then referred for mediation locally by the more than 450 experienced professional mediators participating in the program, all of whom have been trained in the legal requirements of the ADA. Mediators are supervised by the Key Bridge Foundation in consultation with the Department of Justice to assure quality of service and compliance with the ADA.

"I had been skeptical of using mediation. I am now convinced that it has great value. The mediator was a very capable person and played a major role in the successful conclusion."

A person who is a wheelchair user

Mediation places responsibility on the shoulders of both parties who control, with the assistance of the mediator, both the process and the outcome of the mediation. This cooperative approach requires parties to talk with each other and work cooperatively; gives an opportunity for both sides to begin to understand each other; and can preserve, rather than sever, the relationship between the parties. The very structure of mediation helps alter perceptions and change attitudes. Successful mediations produce win-win results.

"This has been a very educational experience. I now have an insight on disabilities and want to do what I can to comply."

A business owner

The following are examples of results reached through mediation in the areas of barrier removal, provision of effective communication, and modification of policies, practices and procedures --

A wheelchair user complained that a Virginia condominium sales office did not have an accessible entrance. The condominium builder agreed to renovate the sales office entrance to make it accessible. The builder agreed to display a sign stating the policies they have created to comply with the ADA. The policies include providing auxiliary aids and services upon request as needed to ensure effective communication, making informational videos available upon request, and providing a method of requesting other accommodations. The builder agreed to donate \$2,500 to a disability rights organization and to pay the complainant \$1,000.

In Arkansas, wheelchair users complained that a restaurant did not have an accessible entrance. The owner agreed to install a ramp and to properly mark accessible parking spaces and the paths of travel. The owner also agreed to work with the complainants when planning any major renovations in the future and to provide disability awareness training for all employees.

A person who is deaf complained that a Nebraska dentist's office refused to provide effective communication during an office visit. The dentist agreed to institute a policy ensuring compliance with the ADA and to attend training on both the requirements of the ADA and disability awareness. She agreed to join with a disability rights lawyer in conducting four presentations for professional organizations on the ADA and dentists, wrote a letter of apology to the complainant, and agreed to pay the complainant \$100.

A person with a vision impairment complained that a Mississippi restaurant denied her access and service because she used a service animal. The owner agreed to display a sign in the establishment stating that service animals are welcome and agreed to instruct all his employees that people who use service animals are to be welcomed, seated, and served in the same manner as all customers.

In New York, a wheelchair user complained that the accessible door to the lobby housing a bank's ATM machine was locked after business hours, leaving only an inaccessible revolving door for access after business hours. The bank agreed to keep the accessible entrance door open 24 hours a day and to install directional signage.

II. Certification Highlights

The ADA specifically recognizes the importance of the built environment in enabling people with disabilities to participate in the mainstream of American life. The ADA requires new or altered places of public accommodation and commercial facilities to comply with the Department's ADA regulations, including the ADA Standards for Accessible Design. In many cases, these facilities are also subject to accessibility requirements established under State or local laws. To facilitate compliance with both Federal and local laws, the ADA authorizes the Justice Department, upon request of State or local officials, to certify that State or local accessibility laws meet or exceed the requirements of the ADA.

Eleven States have now requested code certification. The Department has certified the accessibility codes of Washington, Texas, Maine, and Florida. Requests from California, Indiana, Minnesota, New Jersey, New Mexico, North Carolina, and Maryland are under review.

Certification has several advantages, including --

- Facilitating compliance by putting the Federal and local requirements in a single, readily available document. Rather than searching both local codes and the Federal regulations for the requirements for each element of a building, designers and builders need only refer to a single certified code;
- Ensuring that accessible design is part of each plan — not an afterthought. This enables designers and builders to provide accessibility in the most cost-efficient manner. The cost of compliance in the early

stages of design and construction is minimal. However, the cost of problems discovered after construction is completed can be significant;

- Shifting the burden of reconciling differences between local and Federal requirements from the builders and designers to the Department of Justice and the responsible local building authority. By resolving conflicts between State and Federal laws, certification lets builders and designers focus on building, rather than on deciding what to do when the Federal and local requirements conflict; and
- In an enforcement proceeding, compliance with a certified code will constitute rebuttable evidence of compliance with the ADA.

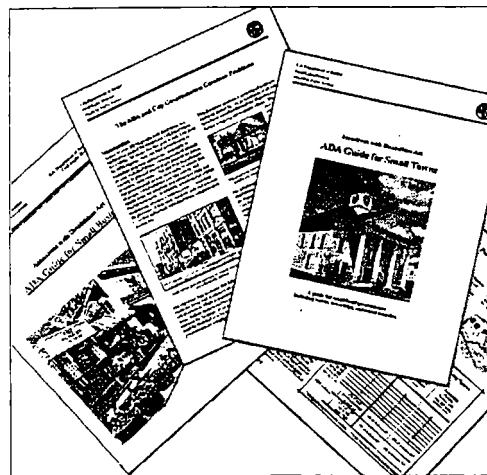
In implementing its authority to certify codes, the Department works closely with State and local officials, providing extensive technical assistance to enable them to make their codes equivalent to the ADA. In addition, the Department responds to requests for review of model codes and provides informal guidance to assist private entities that develop model accessibility standards to make those standards equivalent to the ADA.

III. Technical Assistance Highlights

The ADA mandated the establishment of an unprecedented technical assistance program to educate businesses, government agencies, and people with disabilities about their rights and responsibilities under the Act. Educating entities covered by the Act about their obligations and educating people with disabilities about their rights have been top priorities for the Department of Justice.

In the past ten years, the Department --

- Established the toll-free ADA Information Line in 1994 that averages 110,000 calls each year from the public;
- Established the ADA Home Page in 1996 that received over 6 million visits last year;
- Published more than 40 technical assistance publications, and disseminated several million copies, including technical assistance manuals, an *ADA Guide for Small Businesses*, an *ADA Guide for Small Towns*, *A Guide to Disability Rights Laws*, and a series of question-and-answer publications on a wide variety of issues.
- Developed public service announcements about the ADA featuring President Clinton and Attorney General Reno and disseminated them to TV and radio stations across the country;
- Provided \$12 million to trade associations, disability rights groups, and other organizations to develop and disseminate 130 guides and fact sheets and 20 educational videotapes aimed at educating hotels and motels, grocery stores, restaurants, retail stores, dry cleaners, travel agents, medical professionals, child care providers, small businesses and other service providers, builders and contractors, town and city officials, courts, law enforcement, emergency response centers, people with disabilities, and other groups that are affected by the ADA;
- Developed *My Country*, a documentary on people with disabilities' struggle for equality that aired on public television stations across the country in 1997 and 1998;
- Placed a collection of 94 ADA publications developed by the Department, its grantees, and other federal agencies in 15,000 local public libraries, and sent a selection of 33 publications to 6,000 Chambers of Commerce around the country;
- Each year for the past seven years, notified six million businesses through IRS mailings of their ADA responsibilities and how to obtain information about specific ADA concerns or issues;
- Translated and reproduced ADA publications in Spanish, Cambodian, Chinese, Hmong, Japanese, Korean, Laotian, Tagalog, and Vietnamese for language-minority communities;



A sampling of ADA technical assistance publications

- Conducted training seminars, answered questions, disseminated information, and promoted awareness of the ADA nationwide at over 1000 meetings of minority, disability, and professional organizations, and trade organizations representing business and government; and
- Reviewed hundreds of ADA publications, scripts, and videos developed by other agencies, grantees, and Disability and Business Technical Assistance Centers to ensure their legal and technical accuracy.

ADA Home Page

An ADA home page is operated by the Department on the Internet's World Wide Web (www.usdoj.gov/crt/ada/adahom1.htm). The home page provides information about:

- the toll-free ADA Information Line;
- the Department's ADA enforcement activities;
- the ADA technical assistance program;
- certification of State and local building codes;
- proposed changes in ADA regulations and requirements; and
- the ADA mediation program.

The home page also provides direct access to:

- ADA regulations, the ADA Standards for Accessible Design, and technical assistance materials (which may be viewed online or downloaded for later use);
- Freedom of Information Act (FOIA) ADA materials; and
- Links to the Department's press releases, and Internet home pages of other Federal agencies that contain ADA information.

ADA Information Line

The Department of Justice operates a toll-free ADA Information Line to provide information and publications to the public about the requirements of the ADA. Automated service, which allows callers to order publications, is available 24 hours a day, seven days a week. ADA specialists are available on Monday, Tuesday, Wednesday, and Friday from 10:00 a.m. until 6:00 p.m. and on Thursday from 1:00 p.m. until 6:00 p.m. (Eastern Time). Spanish language service is also available.

To obtain general ADA information, get answers to technical questions, order free ADA materials, or ask about filing a complaint, call:

800-514-0301 (voice)
800-514-0383 (TTY)

A State university administrator did not know how to accommodate a student who uses a wheelchair -- so he called the ADA hotline. An ADA specialist suggested moving courses to accessible sites as well as setting up meetings with students and staff to identify possible obstacles that limit campus access. Two weeks later, the administrator called back to say that the first meeting was a success, not only for the students, but for the school because it dispelled the myth that providing program access would be too costly.

ADA Fax On Demand

The ADA Information Line Fax Delivery Service allows the public to obtain free ADA information by fax 24 hours a day, seven days a week. By calling the number for the ADA Information Line and following the directions, callers can select from among 32 different ADA technical assistance publications and receive the information, usually within minutes, directly on their fax machines or computer fax/modems. A list of available documents and their code numbers may also be ordered through the ADA Information Line.

Currently, the FOI/PA Branch maintains more than 10,000 pages of ADA material. The records are available at a cost of \$0.10 per page (first 100 pages free). Please make your requests as specific as possible in order to minimize your costs.

The FOI/PA Branch also provides access to ADA materials on the World Wide Web at www.usdoj.gov/crt/foia/records.htm. A link to search or visit this website is provided from the ADA Home Page.

Publications and Documents

Copies of the Department's ADA regulations, ADA Standards for Accessible Design, and technical assistance publications, including the Technical Assistance Manuals for titles II and III, can be obtained by calling the ADA Information Line, visiting the ADA Home Page, or writing to the address listed below. All materials are available in standard print as well as large print, Braille, audiotape, or computer disk for persons with disabilities.

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P. O. Box 66738
Washington, D.C. 20035-6738

Copies of the legal documents and settlement agreements mentioned in this publication can be obtained by writing to:

Freedom of Information/
Privacy Act Branch
Administrative Management Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 65310
Washington, D.C. 20035-5310
Fax: 202-514-6195

IV. Other Sources of ADA Information

The Equal Employment Opportunity Commission offers technical assistance to the public concerning the employment provisions of title I of the ADA.

ADA documents
800-669-3362 (voice)
800-800-3302 (TTY)

ADA questions
800-669-4000 (voice)
800-669-6820 (TTY)

www.eeoc.gov

The Federal Communications Commission offers technical assistance to the public concerning the communication provisions of title IV of the ADA.

ADA documents and questions
888-225-5322 (voice)
888-835-5322 (TTY)

www.fcc.gov/cib/dro

The U.S. Department of Transportation through the **Federal Transit Administration** offers technical assistance concerning the transportation provisions of title II and title III of the ADA.

ADA Assistance Line for
information or complaints
888-446-4511 (voice/relay)

www.fta.dot.gov/office/civ.htm

The U.S. Architectural and Transportation Barriers Compliance Board, or Access Board, offers technical assistance to the public on the ADA Accessibility Guidelines.

ADA documents and questions
800-872-2253 (voice)
800-993-2822 (TTY)

www.access-board.gov

The Disability Rights Education and Defense Fund ADA Hotline is funded by the Department of Justice to provide technical assistance to the public on all titles of the ADA.

ADA technical assistance
800-466-4232 (voice & TTY)

www.dredf.org

The Disability and Business Technical Assistance Centers are funded by the U.S. Department of Education through the National Institute on Disability and Rehabilitation Research (NIDRR) in ten regions of the country to provide resources and technical assistance on the ADA.

ADA technical assistance
800-949-4232 (voice & TTY)

www.adata.org

Project ACTION is funded by the U.S. Department of Transportation to provide ADA information and publications on making transportation accessible.

Information on accessible transportation
800-659-6428 (voice/relay)
202-347-3066 (voice)
202-347-7385 (TTY)

www.projectaction.org

The **Job Accommodation Network (JAN)** is a free telephone consulting service funded by the President's Committee on Employment of People with Disabilities. It provides information and advice to employers and people with disabilities on reasonable accommodation in the workplace.

Information on workplace accommodation
800-526-7234 (voice & TTY)

<http://janweb.icdi.wvu.edu/english>

V. How to File Complaints

Title I

Complaints about violations of title I (employment) by units of State and local government or by private employers should be filed with the Equal Employment Opportunity Commission. Call 800-669-4000 (voice) or 800-669-6820 (TTY) to reach the field office in your area.

Titles II and III

Complaints about violations of title II by units of State and local government or violations of title III by public accommodations and commercial facilities should be filed with --

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
Post Office Box 66738
Washington, D.C. 20035-6738

If you wish the complaint to be resolved through the Department's ADA Mediation Program, please mark "Attention: Mediation" on the outside of the envelope.

Major Accomplishments by the Department of Agriculture for July 26 Event in Celebration of the 10th Anniversary of the Americans with Disabilities Act

The Secretary's Advisory Committee for Employees with Disabilities (SACED), a diverse group of USDA Senior Executives, has met for more than two years to provide outreach, raise awareness, and make USDA a model employer of persons with disabilities. The Secretary has approved a full-time staff for the SACED. The SACED has provided input directly to Secretary Glickman and has focused on achieving equal access to affirmative employment, advancement, and services for employees with disabilities at USDA. Major accomplishments include:

- Wrote and issued a Departmental Reasonable Accommodation policy to ensure that all employees have access to the equipment, software, and services they need to be productive.
- Established quarterly data collection for SACED review on the amount USDA offices are spending on accommodations, to determine the feasibility of having centralized funding and procurement of accommodations for USDA employees with disabilities. This would allow offices to acquire accommodations without taking money out of their individual budgets. The SACED supports processes to reduce costs and delivery time for employee accommodations.
- Established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.
- Designed and implemented a comprehensive SACED home page as a communications vehicle for employees and applicants with disabilities with a contact list, calendar of events, and an extensive resource list with links to information and Internet resources.
- Developed and implemented an all-employee survey on employment and service delivery issues that achieved a 30 percent response rate and published a report entitled *Employee Survey on Disability Issues* in January 2000.
- Produced a report entitled *A Time for Change*, and a brochure, entitled *Making USDA Events Accessible* with a letter from the Secretary of Agriculture detailing accessibility requirements throughout USDA.
- Established an Employment Subcommittee to develop a Department-wide recruitment strategic plan. Established Departmental employment and advancement goals for persons with disabilities in cooperation with the Presidential Task Force on Employment of Adults with Disabilities. Presented two workshops for headquarters and field personnel: *Successful Strategies for Employing People with Disabilities* and *Successful Strategies for Serving Employees and Customers with Disabilities*.
- Held four SACED forums with employees throughout the country to listen to concerns, success stories, and suggestions from the disability community and prepared an action item memo that was signed by the Secretary and distributed to the Subcabinet for action. Periodic progress reports to the Secretary will serve to monitor progress.

- Encouraged mission areas and agencies through mailings, letters, and publicity to participate in all USDA employment programs that hire employees with disabilities and disabled veterans for permanent, temporary, summer, stay-in-school, and Workforce Recruitment Program (WRP). The WRP hired 36 students last year and has been one of the top Executive Branch employers for the past three years.
- Increased the budget for sign-language interpretation to ensure that services are available for the accessibility of USDA events.
- Worked to create employment for persons with disabilities by recycling ink jet printer cartridges through community rehabilitation programs to provide opportunities for job training and productive employment for persons with disabilities.
- Working with the SACED Technology and Forum Issues Subcommittees, procurement officials, and the TARGET Center to meet equal access requirements, resolve issues, and support training on Section 508 of the Rehabilitation Act of 1973 to provide accessible computer hardware, software, and services for employees with disabilities.
- Promoted alternative workplace, telecommuting, and work at home programs as a mechanism for accommodating employees with disabilities. Addressed concerns about underutilization of these flexibilities in a memorandum entitled *Flexibilities in Accommodating Employees' Needs* that was issued to mission area personnel officers in September 1999.
- Working with the Department, Office of Operations, mission areas, and members of the Association for Persons with Disabilities in Agriculture to assess and ensure the accessibility of USDA buildings and facilities.
- Worked with internal and external organizations to publicize disability-related initiatives, with comprehensive resource list for use by committee members, managers, and employees. Appointed a USDA representative and subcommittee representatives to the Presidential Task Force on Employment of Adults with Disabilities.
- Worked with Washington Area Service Center to issue a memorandum in August 1999 entitled *Handicapped Parking, Department of Agriculture Headquarters Complex* on availability and procedures for obtaining parking for people with disabilities.
- Established a Subcommittee on Employees with Mental Retardation and Cognitive Disabilities that is working to increase networks with organizations serving employees with mental retardation and cognitive disabilities, and build on the successes of Office of Operations in contracting out services and partnering with school supported employment programs. Plans are to expand educational partnerships through Memorandums of Understanding (MOUs) with schools, state agencies, and service providers serving the disability community.

DEPARTMENT OF TRANSPORTATION

- ✓ 80% of the transit fleet is accessible.
- ✓ 82% of existing subway, commuter rail, and light rail stations are accessible.
- ✓ 23 new fully accessible rail transit systems have been funded.
- ✓ Establishment of a toll-free ADA hotline in 1996.
- ✓ In 1996 DOT established a pedestrian access initiative.
- ✓ Secretary Slater issued the Departmental Accessibility Policy Statement in 1996.
- ✓ Amended the Air Carrier Access Act to eliminate the provision that capped airline liability for loss or damage to wheelchairs.
- ✓ Regulations established in 1996 to require lifts and boarding devices for small commuter aircraft.
- ✓ Notification to foreign airlines that they are subject to the requirements of the Air Carrier Access Act on June 1, 2000.
- ✓ Proposed regulations issued in 1998 to install adaptive driving equipment to make necessary vehicle modifications.
- ✓ Publication issued in February of 2000: "Adapting Motor Vehicles for People with Disabilities."

Monday 3:30

MAASH (public awareness campaign) → send it to the desks of staff - want to get into

Separate meeting on outreach efforts
wants points of contact

DOT LIS Sarge

DOT BOM Adams

SBA Jennette (other contacts)

SSA Ken McGill

CP Juliette Kizzo / Curtis

next week -

write up the specific deliverables

US Department of Transportation
Accomplishments Since Inception of ADA
Prepared for President's Task Force on Employment of Adults with
Disabilities

- DOT's ADA implementing regulations required all transit buses purchased after August 25, 1990 to be accessible; today, 80 percent of the transit fleet is accessible.
- Of the 689 existing subway, commuter rail and light rail stations that were designated key stations under the ADA, 564 stations — 82 percent — are either accessible today or are scheduled to be by the end of next year.
- DOT has funded the construction of twenty-three new rail transit systems or extensions since 1993, all of which are fully accessible.
- In 1996, the Federal Transit Administration has established a toll-free "ADA hotline" and e-mail address dedicated to consumer assistance.
- On September 28, 1999, DOT amended its ADA regulations to require new over-the-road buses to be accessible, and to require accessible service. This rule applies to intercity and other fixed-route bus operators and to charter and tour operators.
- On July 26, 1999, DOT established a pedestrian access initiative, recognizing that an accessible pedestrian system is the foundation of an accessible transportation system.
- On July 26, 1999, Secretary Slater issued a Departmental Accessibility Policy Statement stressing access for persons with disabilities to all modes of transportation and reaffirming accessibility in transit as an important civil right.
- On August 2, 1999, the Department amended its Air Carrier Access Act regulations to eliminate a provision that "capped" the liability of airlines for loss or damage to wheelchairs and other assistive devices.
- On November 1, 1996, the Department issued regulations requiring lifts or other boarding devices for small commuter aircraft.

- On June 1, 2000, DOT notified foreign airlines serving the United States that they are now subject to the requirements of the Air Carrier Access Act (ACAA). The extension of these requirements, which protect the rights of air travelers with disabilities, implements a provision of the Aviation Investment and Reform Act for the 21st Century (AIR-21) that was proposed by the Administration.
- On September 28, 1998, the Department issued proposed regulations that will make it easier for motorists with disabilities to install adaptive driving equipment and make other necessary vehicle modifications.
- In February 2000, the National Highway Traffic Safety Administration issued *Adapting Motor Vehicles for People with Disabilities*, a consumer publication which provides information on evaluating, selecting, and modifying vehicles for use by drivers and passengers with disabilities.

DEPARTMENT OF STATE

- ✓ Will ensure that all new and altered facilities will be made accessible. (How is the this a large step? How is this different than what you are required by law?)

DRAFT

June 29, 2000

One pager...for ADA 10th Anniversary Committee...

Department of State

-Subsequent to the Embassy bombings in Africa 2 years ago, Congress has authorized a multi billion dollar allocation to the Department to replace existing facilities that pose severe security threats. The Department is therefore embarking on a major new building program. In the next several years, a significant number of the Departments overseas facilities will be replaced. This is a great opportunity to build new fully accessible facilities.

-The Department is consolidating its considerable in-house resources in order to assess ~~non-compliance of long held facilities, which may not be fully accessible~~. This activity will help to define where barrier-free accessibility improvements ought to be made. Many of these improvements will be implemented concurrently with needed security improvements.

-The Department has formalized an internal policy to ensure that ~~new and altered facilities~~ are made accessible. A recent analysis of potential conflicts between security criteria and accessibility criteria turned up very few conflicts that cannot be sufficiently resolved.

-The Department recently absorbed the former U.S. Information Agency. The Department recognizes that its facilities serve a number of important users, including Consular applicants and those seeking information concerning U.S. Culture and Trade. ~~The Department resolves to place greater emphasis on barrier-free accessibility improvements to those areas of its facilities serving these important groups.~~

-The Department will strive to make information concerning the accessibility of its facilities more readily available through its extensive web site.

DEPARTMENT OF JUSTICE

- ✓ Attorney General will announce an initiative to ensure that local government programs are accessible to people with disabilities.
- ✓ "Enforcing the ADA: Looking Back on a Decade of Access," highlighting the enforcement and technical assistance activities, will be posted on the DOJ website and will be mailed to the 8,000 disability rights activists on the mailing list. The website will also be updated to display the regional summaries of all cases and settlements dealing with ADA.

ADA 10TH ANNIVERSARY

Department of Justice

Warm Springs, GA announcement

The Attorney General will announce an initiative to ensure that local government programs (city halls, court houses, police stations, libraries, community and recreation centers, parks, etc) are accessible to people with disabilities. The Department is conducting a series of complaint investigations and compliance reviews of medium sized towns in all 50 states. Several agreements with towns across the country will be announced.

Special Edition of "Enforcing the ADA" Status Report:

The Department will publish, at the end of June, *"Enforcing the ADA: Looking Back on a Decade of Access"*, which will highlight the Department's enforcement and technical assistance activities. This report will be available on our web site and will be mailed to the 8,000 disability rights advocates currently on our mailing list. Regional summaries of all cases and settlements will also be available on our web site. We are preparing a "media outreach" memo which will be sent to 5,000 news outlets about these documents to assist reporters writing ADA stories.

Section 508

We will have one or two of the documents cited in the Recommendations section of our 508 Report ready (e.g. a policy guidance piece on reasonable accommodation and 508 which we will be doing with the EEOC and OPM). These documents will not be glitzy PR pieces.

OFFICE OF PERSONNEL MANAGEMENT

- ✓ Will announce a goal to increase the representation of persons with disabilities employed at all levels and occupations of the Federal government, including a four-year goal for all federal departments and agencies.
- ✓ Will showcase success stories of the Federal Government through *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*.
- ✓ Will highlight successful agency practices and/or employees at each torch relay stop.
- ✓ Will announce a regulation to make it easier for agencies to hire people with psychiatric disabilities.

Employment of Persons with Disabilities OPM Proposed Policy Announcements

1. INCREASE THE NUMBER OF PEOPLE WITH DISABILITIES HIRED INTO THE FEDERAL GOVERNMENT

- Announce a goal to increase the number of persons with disabilities newly hired by Federal departments and agencies and increase the representation of persons with disabilities employed at all levels and occupations of the Federal government.
- The President/VPOTUS will announce a four year goal for all federal departments and agencies to hire. _____ number of people with disabilities into the Federal workforce. (We are working with agencies on this number and are using the WTW model).

BACKGROUND

- Over 54 million Americans have disabilities. (President's radio address, October 1999)
- Nearly ½ of working age persons with disabilities are unemployed. (President's Committee on Employment of People with Disabilities)
- As of September 1999, 5.7 % (12,205) of hires were persons with disabilities. (Central Personnel Data File [CPDF])
- As of September 1999, 7.2 % (122,249) of the total Federal executive branch workforce identified themselves as having a disability. (CPDF)
- As of September 1999, 1.2 % (20,136) of the total Federal executive branch workforce identified themselves as having an EEOC specified (targeted) disability. (CPDF)

2. FEDERAL GOVERNMENT AS A MODEL EMPLOYER

- Showcase success stories of the Federal Government as a Model Employer by amplifying *Accessing Opportunity: The Plan for Employment of People With Disabilities in the Federal Government*.
- OPM is compiling success stories from federal agencies and departments. Highlighting a successful agency practice and/or successful employee at each torch relay stop or with a roundtable of employees will show how the Federal Government is leading the way and setting the standard for the employment of people with disabilities.

BACKGROUND

- The President released this landmark Plan and accompanying Guide last October. This first ever Plan serves as a framework for Federal departments and agencies to use to recruit, hire, develop, and retain more people with disabilities.
- Vice president Gore asked OPM to develop this plan.

2. EXPANDING HIRING OPPORTUNITIES FOR PEOPLE WITH PSYCHIATRIC DISABILITIES

- Announce a final OPM regulation that makes it easier for agencies to hire people with psychiatric disabilities. This regulation will level the playing field for those with psychiatric disabilities by giving them the same hiring opportunities as other people with disabilities.
- OPM just sent over the final regulation to OMB.

BACKGROUND

- At last June's White House Conference on Mental Health, President Clinton announced the Executive Order expanding hiring opportunities for people with psychiatric disabilities and the government's mental health parity initiative.
- OPM published the proposed regulation in March and is ready to announce the final reg.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

- ✓ Letter to State Medicaid Directors regarding interest in working collaboratively to provide technical assistance to states to meet their legal obligations. (but what has been done?)
- ✓ Letter offering policy clarifications or reforms to promote home and community based services for people with disabilities.
- ✓ Letter to the nation's Governors to encourage emphasis on ADA.
- ✓ Letter highlighting the work of HHS' interagency group's review of Department programs, practices and procedures consistent with the *Olmstead* decision.
- ✓ Attempting to resolve over 120 complaints against states and other public entities that have failed to provide services to people with disabilities.
- ✓ Played a key role in the development of *Olmstead* planning coalitions across the nation.
- ✓ Secretary Shalala to participate in the July 9 ADA Torch Relay Event in Chicago.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES' IMPLEMENTATION OF OLMSTEAD V. L.C.: ADA 10th ANNIVERSARY EVENTS/PRODUCTS

In June 1999, the U.S. Supreme Court ruled in Olmstead v. L.C., 119 S. Ct. 2176 (1999) that unnecessary institutionalization of individuals with disabilities is discrimination under the Americans with Disabilities Act (ADA).

In the wake of this landmark decision, the Department of Health and Human Services (HHS) committed to work both internally and externally to increase opportunities for individuals with disabilities to live in their own communities.

HHS Implementation of Olmstead: ADA Anniversary Events/Products

1. "Chapter 2" Olmstead State Medicaid Director Letter(s) [PROBABLE PRODUCT]

A joint letter dated 1/14/00 to State Medicaid Directors from HCFA CMSO director Tim Westmoreland and Office for Civil Rights (OCR) director Tom Perez provided background on the Olmstead decision, and identified six key principles for OCR investigations and compliance reviews. The letter also reiterated the Department's interest in working collaboratively and providing technical assistance to states to meet their legal obligations. This letter was forwarded to various national associations of state officials and other organizations.

HHS' major Olmstead-related ADA anniversary product is a second such State Medicaid Director letter. This "Chapter 2" missive, if cleared, will offer updates concerning: policy clarifications or reforms which HCFA can accomplish now to promote home and community based services (HCBS) for people with disabilities; regulatory changes HCFA is planning to propose to promote the development of HCBS; and technical assistance and grant opportunities available to help states transition people with disabilities from institutions to community-based services.

2. Letter to the Governors from Secretary Shalala [PROBABLE PRODUCT]

On January 14, 2000, the Secretary sent a letter to the nation's Governors, encouraging them to "place substantial emphasis on developing programs and services for individuals with disabilities that will further our shared goal of integrating individuals with disabilities into the social mainstream, promoting equality and maximizing individual choice."

Another major ADA anniversary product is a second such letter, this time highlighting the work of HHS' interagency group's review of Department programs, practices and procedures to ascertain consistency with the principles of Olmstead.

3. Progress Report on the Development of Comprehensive, Effectively Working Plans [PROBABLE PRODUCT]

In Olmstead, the Supreme Court indicated that states may demonstrate compliance with the ADA by showing that they have comprehensive and effective plans for placing qualified individuals with disabilities in less restrictive settings, and waiting lists that move at a reasonable pace.

The Office for Civil Rights at HHS has received more than 120 complaints alleging that states and other public entities have failed to provide services to people with disabilities in most integrated settings. OCR is attempting to resolve these complaints by working with all parties to build comprehensive, effectively working plans for placing qualified persons with disabilities in the most integrated setting appropriate.

The Department has played a key role in the development of Olmstead planning coalitions across the nation. In some states, special governor's commissions have been established to head these coalitions. In others, particular disability groups have taken up the challenge of coalition building. In all, some twenty states are engaged in various stages of Olmstead planning.

We are developing a "progress report" regarding states' development of comprehensive, effectively working plans as another ADA anniversary product. This product will probably be for internal use only, but we will highlight for public use the work of states which are furthest along in the planning process.

4. Secretary Shalala: July 9 ADA Torch Relay Event in Chicago

HHS Secretary Donna Shalala is committed to participate in the July 9 ADA Torch Relay Event in Chicago. OCR Director Tom Perez will also be participating in one or more Relay Events. OCR's Regional Managers, Regional Attorneys, and Olmstead Regional Coordinators will be participating in local Torch Relay Events throughout the summer. Two nationwide conference calls with OCR regions have already been held to discuss participation, and the regions have all available information on events.

DEPARTMENT OF EDUCATION

In the past:

- ✓ ED's Office of Management provided the Rehabilitation Act Section 508
- ✓ National Institute for Disability and Rehabilitation Research funded Rehabilitation Research and Training Centers
- ✓ Office of Special Education Programs conducted activities including: reinvention teams to streamline business functions within office of special Education and Rehabilitation Services, recommendations for OSER's Planning Reinvention Team (1996) implemented, Planning Coordination Team created to oversee planning process.

In the present:

- ✓ FY 1999-2001 to fund the following: Research Institute on Incarcerated Youth, Inclusion of Students with Disabilities in Large-Scale Assessments. (what is the rest of that saying??)

In the future:

- ✓ FY 1999-2001 to fund the following research projects: Inclusion of Students with Disabilities in Large-Scale Assessment, Assessment of Young Children and Youth with Low-Incidence Disabilities.
- ✓ School-wide Demonstration Projects on Improving Results for Children with Disabilities.
- ✓ Center on Achieving Results in Educations for Students with Disabilities
- ✓ Center on Accessing the General curriculum by Students with Disabilities.
- ✓ Early Prescriptive Assessment of Children with Learning and Emotional or Behavioral Disorders.
- ✓ Literacy Issues for Students with Disabilities (Research Projects)
- ✓ Instruction Models to Improve Early Reading Results for Children with Learning Disabilities (FY 1998- 1999).

(everything else, WHAT DOES THIS MEAN TO THE PUBLIC ?)

**Department of Education
List of Past, Present and Future Activities
Related to the work of the Task Force**

Past:

The Education Department's (ED's) Office of Management provided Rehabilitation Act Section 508 compliance assistance to other agencies in keeping with Task Force Recommendation #6.

The National Institute for Disability and Rehabilitation Research (NIDRR) funded Rehabilitation Research and Training Centers specifically focused on various aspects of employment in keeping with Recommendations #3, 4, 6, 10 and 12.

The Rehabilitation Services Administration (RSA) published Standards and Indicators Regulations related to the overall success of Vocational Rehabilitation programs, thereby setting benchmarks for program success.

RSA developed its 2000 Monitoring and Technical Assistance Guide. The process involved 50 or so constituents meeting in Washington to develop a new instrument that focused on outcomes, choice, due process, etc.

The Office of Special Education Programs (OSEP) conducted the following activities, some of which are designed to meet the requirements of Recommendation #3:

Reinvention teams were created to streamline business functions within Office of Special Education and Rehabilitative Services (OSERS), (strategic planning, communications, administrative processes, grants)

Recommendations of OSERS' Planning Reinvention Team (1996) implemented

Permanent OSERS-wide Planning Coordination Team (PCT) created to oversee strategic planning process

- Reading to Learn, Learning to Read—directed contract staff to get information through Trade Associations. OSEP has begun to develop reading enhancement-related materials specifically for dissemination through the Associations.
- OSERS conducted External Assessment (1997).
- Disability/Business TA Center customer-service surveys on TA are conducted and provide data on TA.
- Response times to constituent/consumer inquiries have improved.

- Monitoring reports are distributed to field in timely manner.
- Review of coordination and data functions conducted by Department's Inspector General's Office.

OSERS has improved use of telecommunications to create an environment that promotes the sharing of information and ideas in keeping with Recommendation #6.

Significant upgrades to computer resources have been implemented to meet Recommendation #6.

OSERS has undertaken major redesign of its Web pages to enhance dissemination of critical best-practice information in keeping with aspects of Recommendation #10 and #11.

NIDRR Minority Leadership Development, Recommendation #10.

Programs for Historically Black Colleges and Universities, Recommendation #10.

Funding Youth Leadership Program, Recommendation #2.

Present:

FY 1999-2001 – OSEP to fund the following projects/priorities related to Recommendation #2:

- Research Institute on Incarcerated Youth (Joint ED and DOJ collaboration – FY 1999)
- Inclusion of Students with Disabilities in Large-Scale Assessments (Research Projects)
- Assessment of Young Children and Youth with Disabilities with Low-Incidence Disabilities (Research Projects)

RSA Notice of Proposed Rulemaking on Extended Employment related to the Task Force Summit on Significant Disability

- removes extended employment as a viable employment outcome

RSA Choice Conference related to Task Force Goals under Choice/Self-Determination

- to be held in DC, discusses innovative ways to provide consumers choice in outcomes, providers, etc.

RSA National Employment Conference, related to Recommendation #10

- to be held in Philadelphia in September, and emphasizes five major theme areas, including partnering with WIA and other programs, and marketing to employers.

RSA Response to Florida Privatization/Implementation assistance

- providing statutory guidance and assistance to State government

RSA "Project Employ," related to Recommendation #10:

- Phase One: funding for the development of a marketing tool to employers
- Phase Two (implementing now): provide TA to States wishing to boost outcomes to individuals with cognitive disabilities.

RSA In a Changing Environment

- contractor holding various forum to develop a strategy for VR to adapt post-WIA, TWIA.

Future:

OSERS participation, including substantial financially, in the Task Force's National Transition Summit related to Recommendation #3.

FY 1999-2001 – OSEP to fund several projects/priorities (Recommendation #2) in the area of Assessments, including:

- Research Projects: Inclusion of Students with Disabilities in Large-Scale Assessments
- Research Projects: Assessment of Young Children and Youth with Low-Incidence Disabilities
- School-wide Demonstration Projects on Improving Results for Children with Disabilities
- Center on Achieving Results in Education for Students with Disabilities

- Center on Accessing the General Curriculum by Students with Disabilities
- Early Prescriptive Assessment of Children with Learning and Emotional or Behavioral Disorders (FY 1999)
- State Improvement Grants
- Innovative Whole-School Models to Improve Results for All Children with Disabilities
- State and Local Implementation of IDEA and IDEA, Part C (SLIDEA & SLIDEAC)
- Early Childhood Longitudinal-Kindergarten
- Kindergarten Longitudinal Study
- Secondary Longitudinal Study
- National Early Intervention Longitudinal Study
- Elementary School Longitudinal Study

FY 2001 – OSEP to Fund Several Projects/Priorities in the Area of Transition, Including:

- Promoting Postsecondary Education (Demonstration Projects)

FY 2001 – OSEP to fund the following projects/priorities:

- Literacy Issues for Students with Disabilities (Research Projects)
- Instructional Models to Improve Early Reading Results for Children with Learning Disabilities (FY 1998-99)

FY 2001 – OSEP to fund the following projects/priorities:

- Secondary School Initiative – Promoting What Works!
- Promoting Postsecondary Education (Demonstration Projects)

OSERS to fund (\$400,000) an Olmstead Disability Community Empowerment Project in conjunction with the Department of Health & Human Services.

COMMERCE DEPARTMENT

- ✓ Forming a committee to advise on accessibility.
- ✓ Establishing an accessibility page on the website.
- ✓ Aid bureaus with providing accessibility technology.
- ✓ Working with Stanford University to advance assistance technology.
- ✓ Working with the Bureau of Labor Statistics to establish the number of people with disabilities in the workforce.
- ✓ Assessing the needs of the assistance technology industry with the resources of the Federal laboratory system.
- ✓ Drafted a project to develop testing procedures to determine compliance with accessibility standards (explain what this means)
- ✓ Preparing a forecast of the growth of the market for assistive technology due to our aging society.
- ✓ Developed a Braille reader that can transform the text of e-books into Braille.

→ \$100-200 mil → took up to
my computer - reconvertible braille?

Archimedes project ready for demo
Stanford U. - interface between
person & computer, between computers,
at my station.

COMMERCE DEPARTMENT ACTIVITIES TO ASSIST PEOPLE WITH DISABILITIES

- Is establishing a committee of employees and another with customers to advise on accessibility.
- Will coordinate the Department's EIT standards to insure accessibility.
- Will establish an accessibility page on the Department's web site on which to publish research and activities
- Will establish a central capability to aid bureaus in providing accessible technology to individuals with disabilities.
- With Stanford University, has been successfully working on the "Archimedes Project" to develop assistive technology that more quickly returns injured or disabled workers to their work stations.
- With the Bureau of Labor Statistics, working to develop a methodology for accurately determining the number of people with disabilities in the workforce. This will include both those currently employed and those seeking employment
- Conducting an assessment to match the resources of the Federal laboratory system with the needs of the assistive technology industry and hopes to have a report on the subject and to begin matching activities by this Autumn.
- Drafted a project to develop testing procedures to determine compliance with accessibility standards.
- Developing statistics for a report that would highlight the size of the current market and labor force of people with disabilities, and forecast the growth of the market for assistive technology due to our aging society.
- Developed a Braille reader that can transform the text of e-books into Braille. NIST researchers developed the Braille prototype as a possible low-cost alternative to conventional electronic Braille readers. Spent about \$200 on materials for the machine. Braille readers typically carry price tags ranging from \$10,000 to \$15,000.
- Developed an electronic book project to implement new features in an electronic book reader ST has, and to construct a prototype to demonstrate these new features. This research led to the filing of a patent application, "Modular Electronic Book". Brought together all participants in the electronic book industry and under the Department's chairmanship, a standard specification was agreed upon.

SMALL BUSINESS ADMINISTRATION

- ✓ Publication and distribution of the *ADA Guide for Small Businesses* (in partnership with the Department of Justice) to help small business owners to comply with ADA regulations.
- ✓ Providing entrepreneurial training to individuals with disabilities.
- ✓ Employment of a Director of Business Development in Cross Disability Markets to aid in the following:
 - to build corporate and venture capital relations for the sponsorship of financial services for persons with disabilities
 - to build a blue ribbon executive council for the initiative toward increased participation and economic development of people with disabilities
 - to support a mentoring program with others who have disabilities and have successfully started a new business
 - to advocate for the integration and re-imaging of people with disabilities in advertising and marketing
 - to increase the education of youth with disabilities about entrepreneurships
 - to increase opportunities for small business owners to employ the workforce of people with disabilities
 - to develop links to independent living center that emphasize small business development
 - and to strengthen the ability of people with disabilities to compete for federal, state, and city contracts.

SBA'S OFFICE OF DISABILITIES REPORT

SBA commenced its formal outreach to people with disabilities as a result of the creation of the Presidential Task Force on Employment of Adults with Disabilities (Task Force) by Executive Order in March, 1998. The Administrator, Aida Alvarez, is a member of the Task Force. Since that time, SBA has marshaled its field offices and resource partners to provide information about SBA services and opportunities for people with disabilities who wish to start their own businesses.

Some of the activities that have resulted are the publication and distribution of the **ADA Guide for Small Businesses** which was published in partnership with the Department of Justice. The **ADA Guide** helps small business owners to comply with the ADA. The SBA and Social Security Administration signed a Memorandum of Understanding (MOU) in a White House ceremony presided over by the Vice President. The MOU pledges a cooperative effort between the two agencies to share program information, refer clients, and make presentations at various meetings and conferences. SBA is the lead for a national series of workshops to bring together government agencies and service providers to people with disabilities who wish to start their own business to network and to form partnerships for better service delivery. Further, SBA is providing entrepreneurial training to individuals with disabilities who wish to start or grow their small business. The workshops are a partnership with SSA, Education, HUD, President's Committee for Employment of People with Disabilities, and the Task Force.

A Director of Business Development in Cross Disability Markets was employed in late May, to strategically build the core capacity for the Small Business Administration to enhance services to cross disability markets in diverse cultures. This new position, proposes plans for the following:

- To build corporate and venture capital relations for the sponsorship of financial services, collaboration and mentoring for the person with a disability starting a new business,

- To build a blue ribbon executive council to guide the successful direction of SBAs initiative toward increased participation and economic development of people with disabilities.

- To offer tailored, rigorous, electronic distance learning certificates in Small Business Administration in collaboration with post secondary institutions.

- To support mentoring program with others who have successfully started businesses and have disability related issues

To systematically advocate for the integration and re-imaging of people with disabilities in advertising and marketing .

To increase the education of youth with disabilities about entrepreneurship by supporting the increase in internships.

To increase the nations' education about the success and potential of women, Native Americans, African Americans and other minorities who have disabilities and are entrepreneurs.

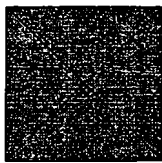
Increase the opportunities for small business owners to employ the workforce of people with disabilities.

Develop linkages to independent living centers that emphasize micro-enterprises and small business development.

Increase the opportunity and education for people with disabilities by strengthening their ability to compete for federal contracts, state contracts, and county/city contracts.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- ✓ Dedicating the July Commission Meeting to the 10th Anniversary of the ADA. (effects public??)
- ✓ Issuing a report containing EEOC's data on charge and litigation relating to the ADA, including: the amount of relief obtained for ADA complainants, the cause and settlement rates for various types of ADA claims, and the percentages and types of ADA charges that go into mediation.
- ✓ Updating and improving ADA material offered at the EEOC website.
- ✓ Plans to issue new policy guidances. (What are these?)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

TENTH ANNIVERSARY OF THE ADA
EEOC PROJECTS

1. Commission Meeting on the ADA: EEOC will dedicate its July Commission Meeting to the 10th Anniversary of the ADA. As such, the Commission will likely use this meeting as the event in which to announce EEOC's Report on ADA Title I Enforcement, the improved website, and any new policy guidance on ADA-related matters (see below).
2. Issuance of Commission Report on ADA Title I Enforcement: The Commission will issue a report containing a discrete analysis of EEOC's charge and litigation data to be used for both strategic enforcement purposes as well as to showcase the ADA's effectiveness since its enactment. Areas of analysis may include: the amount of relief obtained for ADA complainants, both through administrative enforcement and litigation, including monetary and non-monetary relief; the cause and settlement rates for various types of ADA claims, such as reasonable accommodation, hiring, and discharge; and the percentages and types of ADA charges that go into mediation and those that are successfully resolved in mediation.
3. Update and improvement of ADA material on the Commission's website including: more effective presentation and interpretation of the statistics on ADA charges and litigation, and anecdotal information regarding EEOC's enforcement efforts.
4. Issuance of New Policy Guidance on ADA Employment Discrimination Issues: The Commission hopes to issue several new policy guidances on cutting edge ADA issues as part of its observance of the ADA's Tenth Anniversary.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMSHA)

- ✓ Addressing the following challenges: Ensuring that services are available for all who need them, applying information to those entering the workforce with substance abuse and mental disabilities, and reducing the stigma of substance abuse and mental health.

Responses include:

- ✓ Educating and Informing About the ADA. Planning to release a booklet entitled, "Filing and ADA Employment Discrimination Charge: Making it Work for You."
- ✓ Reducing Discrimination. Developing and conducting activities in response to the Olmstead decision. (Too vague)
- ✓ Increasing Parity in Health Care Coverage. Working with OPM to ensure and evaluate health insurance equality for Federal employees with mental health disabilities. Including a brief to health lawyers regarding a lack of insurance coverage as discrimination. Also working with HCFA Medicaid Bureau and the States to develop early warning systems to identify problems with services for persons with psychiatric and/or substance abuse disabilities arising in public managed managed care mental health and substance abuse carve-out systems. (what??)
- ✓ Creating a National Safety Net. Working with HHS on a Community Assistance Program to aid over 30 million uninsured Americans. The \$25 million will be used to build comprehensive health care delivery systems, including substance abuse and mental health practices.
- ✓ Eliminating Stigma through Awareness. Working with the National Mental Health Awareness Campaign to educate the public, amplify the voices of people with psychiatric disabilities, eliminate negative images, and distribute fact sheets and brochures. (to whom?)
- ✓ Targeting Co-Occurrence of Physical Disabilities and Mental Illness/Substance Abuse. In corroboration with CMHS is supporting a study to address issues concerning disabilities and mental illness from the consumer perspective. In addition, released a treatment improved protocol entitled "Substance Use Disorder Treatment for People with Physical and Cognitive Disabilities" for professionals to aid in the diagnosis and treatment of individuals with disabilities in need of substance abuse treatment. And, the Recovery Community Support Program is designed to allow those persons in recovery a voice in policy and planning at the State and Local levels.

**Substance Abuse and Mental Health Services Administration (SAMHSA)
Proposals for Deliverables for the 50th Anniversary
of the Americans with Disabilities Act (ADA)**

The Issue...

Psychiatric disabilities and substance abuse disorders present unique disability issues to be addressed under the Americans with Disabilities Act (ADA) and through related activities. Actions must be undertaken to ensure the availability of treatment services and employment opportunities for individuals with psychiatric disabilities and substance abuse disorders, including dissemination of knowledge about best practices related to serving those individuals and those with co-occurring physical and cognitive disabilities. Ensuring access to appropriate care and services for adolescents and adults with specific mental health and substance abuse disabilities can significantly impact on the future success in recovery and in functioning with the disability.

Facing Challenges...

SAMHSA is challenged to ensure that the needs of those with psychiatric and substance abuse disabilities, as well as those with a co-occurring physical disability, are met. Specific challenges include:

- Closing the Treatment Gap - ensuring available services for all who need them
- Knowledge Dissemination - application of knowledge about how best to serve those with substance abuse and mental disabilities as they enter the workforce
- Stigma - lack of understanding of mental illness and substance abuse as disabilities and how to cope.

The Response...

SAMHSA is supporting actions to address these challenges in the following areas:

Educating and Informing About the ADA - People with psychiatric disabilities have staggeringly high unemployment rates. Of the many factors contributing to the high unemployment rates, discrimination by employers and co-workers is an important one. It is, therefore, important for people with psychiatric disabilities to know how to file an ADA employment discrimination charge. SAMHSA will soon be releasing a booklet explaining how the process works, entitled "*Filing an ADA Employment Discrimination Charge: Making it Work for You.*" This publication, along with other SAMHSA activities, improves the ability of those with psychiatric and substance abuse disabilities to know their rights.

Reducing Discrimination: the *Olmstead v. L.C.* Decision - In June 1999, the U.S. Supreme Court ruled in *Olmstead v. L.C.* that unnecessary institutionalization of individuals with disabilities is discrimination under the ADA. As the lead agency in the Department of Health and Human Services (HHS) on matters related to mental health and substance abuse, SAMHSA is working with a department-wide workgroup to develop and conduct activities in response to the *Olmstead* decision. In particular, SAMHSA is pursuing training and technical assistance activities with grantees to educate and inform about *Olmstead* and its implications.

Increasing Parity in Health Care Coverage - Insurance coverage plays a critical role in the employability of those with disabilities, an issue that is particularly important to those with substance abuse and mental health disabilities. In fact, SAMHSA's Employee Intervention Demonstration Program (EIDP) found that the availability of health insurance coverage is central to the ability of people with disabilities to return to and retain employment. As such, SAMHSA is working with the Office of Personnel Management (OPM) to ensure and evaluate mental health parity for Federal employees, demonstrating a model for other employers to emulate.

In addition, SAMHSA recently commissioned a legal issues brief on the ADA, in order to demonstrate the ability of health lawyers to submit legal challenges related to coverage of mental and/or substance abuse disorders in the

insurance industry. The brief demonstrates that the ADA can be used to combat the lack of insurance coverage as discrimination.

Lastly, SAMHSA is working with the Health Care Financing Administration's (HCFA) Medicaid Bureau and the States (and sub-state regions, e.g. PA), to develop early warning systems to identify problems with services for persons with psychiatric and/or substance abuse disabilities arising in public managed care mental health and substance abuse carve-out systems.

Creating a National Safety Net - SAMHSA is participating with components of HHS in the development of a new safety net initiative, the Community Assistance Program or CAP. CAP is designed to meet the needs of the some 30 million plus uninsured Americans. The objective of this \$25 million initiative is to build comprehensive, integrated health care delivery systems that will offer a seamless continuum of care for the uninsured and underinsured. Special efforts have been made to ensure that substance abuse and mental health services will be included in these systems. Awards will be made to approximately 20 communities. Applications were due on June 1.

Eliminating Stigma Through Awareness - SAMHSA's Center for Mental Health Services (CMHS) works to eliminate the stigma, discrimination, and prejudice associated with psychiatric disabilities through a number of activities, including working with the recently announced *National Mental Health Awareness Campaign* to educate the public, amplify the voices of people with psychiatric disabilities, and eliminate negative images. An anti-stigma poster has also been developed which includes fact sheets and brochures. In addition, SAMHSA is developing a guide on how to respond to stigma and is offering training and curricula to help reduce stigmatizing attitudes, behaviors, and practices in the mental health and substance abuse arenas.

Targeting Co-Occurrence of Physical Disabilities and Mental Illness/Substance Abuse - Many individuals suffer co-existing disabilities, creating special challenges in how these disabilities are accommodated. SAMHSA's CMHS is supporting a study to address issues raised by co-occurring disabilities and mental illness from the consumer perspective. An understanding of that perspective may provide insight into the barriers to service and may serve as a basis for identifying future training needs.

To further address co-existing disabilities, SAMHSA's Center for Substance Abuse Treatment (CSAT) released a best practice guideline titled "*Substance Use Disorder Treatment for People with Physical and Cognitive Disabilities*" in January 1999. This guideline, or Treatment Improvement Protocol (TIP), helps guide treatment professionals in the diagnosis, treatment, and accommodation of people with disabilities in need of substance abuse treatment. It emphasizes that treatment programs have a "legal and ethical responsibility" under the ADA to insure appropriate treatment for all clients.

SAMHSA's CSAT also supports the Recovery Community Support Program, designed to give persons in recovery a stronger voice in services policy and planning at the state and local levels. The "*Access Now! Recovery Community Alliance Project*" in Tucson, Arizona specifically targets physically and cognitively disabled populations by organizing, training, and educating individuals with disabilities and their families to affect changes in the local treatment system.

Lastly, many of SAMHSA's program announcements now target particular high-risk populations, including physically and cognitively disabled clients, in order to better meet and address their special needs.

For More Information Contact: Lorinda Daniel, HHS/ SAMHSA, Office of the Administrator (301) 443-4795

SOCIAL SECURITY ADMINISTRATION

- ✓ Signed a partnership agreement with the SBA Welfare to Work Initiative and the Social Security Disability Insurance and Supplemental Security Income programs.
- ✓ Sponsored public education forums entitled, "Federal Policy- State Opportunities: Models and Strategies for an Inclusive Workforce."
- ✓ Began a two-state Youth Continuing Disability Initiative in Maryland and Florida to assist youth in obtaining information and services to successfully transition to work. (Will be used to examine the same approach nationwide.)
- ✓ Awarded funds to the Children's National Medical Center to serve SSI youth and to improve post-secondary and employment outcomes for young people with disabilities.
- ✓ Launched *The Work Site*, which is fully accessible to people with disabilities. (Fewer than 5% of all Internet sites are accessible to people who are visually impaired, hearing impaired, or have limited dexterity.
- ✓ Will enhance service to people with disabilities in the new One-Stop system to provide information to SSDI and SSI beneficiaries who would like to work and to provide funds to States for improvements related to Medicaid for workers with disabilities.
- ✓ Filed briefs related to the *Cleveland v. Policy Management Systems Corp.* decision that expressed that an individual could be disabled within the meaning of the Social Security Act but still is able to work with reasonable accommodations.
- ✓ Provided information for the Access America for Workers web site.
- ✓ Plans to address regulatory action for the following: to increase the earnings amount that shows that a person has used one of his/her trial work months under SSDI, increase the maximum monthly and yearly Student Earned Income Exclusion.
- ✓ Supporting the "Spirit of ADA Campaign and Torch Relay" with the personal involvement of Commissioner Apfel and Deputy Commissioner Halter.

SSA Accomplishments supporting the Presidential Task Force for the Employment of Adults with Disabilities (PTFEAD) and for announcement as part of ADA celebration events:

In September 1998 the Department of Labor and SSA entered into cooperative agreements with a total of 18 States to develop innovative projects to increase employment among people with disabilities who want to work. The first annual conference was held in September 1999 and a report was provided to the Presidential Task Force for the Employment of Adults with Disabilities.

In October, 1999, SSA joined forces with the U.S. Small Business Administration (SBA) to help improve employment and entrepreneurial opportunities for Americans with disabilities by signing a partnership agreement to coordinate the efforts of SBA's Welfare-to-Work initiative and our Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs.

Beginning January 2000, the Department of Labor, Department of Education, Department of Health and Human Services, the PTFEAD, the President's Committee on Employment of People with Disabilities, the National Council on Disability and SSA have sponsored and continue to sponsor public education forums around the country entitled "Federal Policy - State Opportunities: Models and Strategies for an Inclusive Workforce." These forums focus on Federal and State employment-related policies and programs for people with disabilities.

In January 2000, SSA began a two-State Youth Continuing Disability Initiative that will involve SSI Youth in Maryland and Florida ages 15-16 who have had a continuing disability review performed. The project will assist youth in obtaining the information and services they need to successfully transition to work and will be used to examine the feasibility of such an approach on a nationwide basis.

In May 2000 we awarded funds to the Children's National Medical Center to serve SSI youth with disabilities in the District of Columbia. The project will target preadolescents and adolescents as well as health care professionals to improve post-secondary and employment outcomes for young people with disabilities.

On May 26, 2000, we launched the new Internet web site, *The Work Site*. This site contains important information and support for disability beneficiaries, employers, service providers, youth with disabilities, advocates, and others whose goal is to help those persons with disabilities work. The web site is fully accessible to people with disabilities. This is significant since fewer than 5 percent of all Internet sites are accessible to people who are visually impaired, hearing impaired, or have limited dexterity.

The Department of Labor, the Department of Health and Human Services, and SSA worked together to develop and issue program announcements on grants and cooperative agreements in May 2000 and to participate in PTFEAD-sponsored bidders

conferences in June 2000 on several new programs. The programs will enhance service delivery to people with disabilities in the new One-Stop system; provide benefits planning, assistance, and outreach services to SSDI and SSI beneficiaries who would like to work; and provide funds to States for infrastructure improvements related to Medicaid for workers with disabilities.

Up until 1999, some courts had held that an individual could not claim to be totally disabled in order to obtain benefits from SSA and also bring an ADA action against an employer saying that he would have been able to work if reasonable accommodations were made. In conjunction with DOJ and the EEOC, SSA filed amicus briefs explaining that the two Acts were not inconsistent and that an individual could be disabled within the meaning of the Social Security Act but still be able to work with reasonable accommodation. In 1999, DOJ, SSA and EEOC requested the Supreme Court to review one of these decisions. Thereafter, the Supreme Court issued a decision in *Cleveland v. Policy Management Systems Corp.* which adopted the Government's position and held that the mere fact that a disabled individual had applied for or received Social Security disability benefits did not mean that could not also be a qualified individual with a disability who could work with reasonable accommodation. As a result, disabled individuals were no longer faced with the possibility of losing their right to bring ADA actions against employers who refused to make reasonable accommodation to their handicaps if they chose to apply for Social Security disability benefits.

SSA Planned Activities supporting the PTFEAD and for announcement as part of ADA celebration:

We along with other federal agencies provided information on links to their web sites to the National Partnership for Reinventing Government for developing the **Access America for Workers** web site. NPR is developing this web site for the Department of Labor. SSA's information on employment support for people with disabilities will be featured on the disability page of **Access America for Workers** web site (to be unveiled in July).

We are discussing with OMB some possible regulatory actions that would:

Annually adjust per the average wage index the earnings guideline that shows whether work done by persons with impairments other than blindness is substantial gainful activity;

Increase (from \$200 to \$530) the earnings amount that shows that a person has used one of his/her a trial work months under SSDI, and then annually adjust the amount per the average wage index;

Increase the maximum monthly (from \$400 to \$1,290) and yearly (from \$1,620 to \$5,200) Student Earned Income Exclusion amounts used in determining SSI eligibility and payment amounts, and then annually adjust these amounts per the

consumer price index.

We are also fully supporting the **"Spirit of ADA Campaign and Torch Relay"** by the personal involvement of Commissioner Apfel, Deputy Commissioner Halter, and other senior staff.

Memorandum

To:

From:

Date:

Re: Presidential Directive on Renewing the Federal
Government's Commitment to Ensuring that Federal Programs
are Free from Disability-Based Discrimination

The Department of Justice and the Presidential Task Force on Employment of Adults with Disabilities (Task Force) have drafted the attached Presidential Directive. It contains specific steps designed to reach the goal of making federal programs free of disability-based discrimination.

Overview

The Directive's core requirement is that all agencies engage in a Five-Year Plan to ensure that today's federal programs are free from disability-based discrimination.

The Department of Justice and the Equal Employment Opportunity Commission, working in close consultation with the Task Force and the Interagency Disability Coordinating Council (IDCC), are charged with assigning additional priorities and setting schedules for further agency actions to be completed as part of the Five-Year Plan.

Background

Section 504's prohibition of discrimination on the basis of disability, 29 § USC 794, was extended in 1978 to federal agencies. Section 504 was a forerunner of the Americans with Disabilities Act (ADA), which does not apply directly to federal agencies. Section 504 applies to all agency programs, including the program of employment. Section 501 and its implementing regulations contain specific provisions related to employment.

The regulations implementing section 504, in addition to prohibiting discrimination, contain affirmative requirements designed to lower barriers to participation in federal programs and activities by people with disabilities. One of these provisions was a one-time requirement that federal agencies engage in a comprehensive self-evaluation of their programs, activities, and facilities to determine if they are accessible to people with disabilities.

Since the mid-1980's, the federal government has seen dramatic changes. Agencies have been created. Others no longer exist.

Programs and functions have changed. Many of the actions designed to comply with Section 504 may no longer be effective.

This Administration is committed to the full participation in all aspects of American society by people with disabilities and recognizes that the federal government must set a good example. Today's government programs must be readily accessible to and usable by persons with disabilities. The time has come to evaluate whether yesterday's tools meet today's needs.

Employment discrimination. The nature of the workplace has changed. Most agencies thrive on a teamwork approach, using collaborative efforts to achieve agency missions. Diversity among team members is essential to achieving customer-friendly solutions. Government cannot provide the services Americans need unless it reflects the diversity of our society. By ensuring the promise of equal opportunity for government employees with disabilities, the Administration will set an example for the rest of the country to follow.

Technology accessibility. More than any other factor, technology has changed the federal workplace and the way government serves the American public. As our society grows more technologically advanced, we must ensure that the technology upon which the federal government relies does not create new barriers for people with disabilities.

Five-Year Plan

While there is a clear need to reevaluate the tools we use to implement sections 501 and 504 in light of today's federal programs, agencies should not be overburdened with unnecessary paperwork exercises. Instead of requiring agencies to engage in a wholesale self-evaluation of all programs for compliance with section 504, we recommend that agencies engage in a "Five Year Plan" to take specific actions and focus on particular priorities. These priorities include ensuring that agency programs offered on the Internet are accessible to people with disabilities and that modern employment practices remain free from discrimination.

The first two steps under the Five Year Plan will be for agencies to:

- ensure that agency programs on federal Internet and

¹The broad language of "make all programs offered on [agency] Internet and Intranet sites accessible to and usable by

Intranet sites are accessible to people with disabilities;¹ and

- publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Rehabilitation Act.

Other targeted priorities to be determined by the Department of Justice and the EEOC may include taking specific steps to:

- eliminate disability-based discrimination in employment,
- remove barriers in buildings and outdoor environments,
- ensure accessible transportation arrangements and vehicles,
- provide effective communication,
- ensure nondiscrimination in credentialing and licensing programs,
- make policy modifications, and

people with disabilities" provides a necessary degree of flexibility to agencies to determine how they will provide accessibility. If, for example, an agency offers on its Internet site numerous historic documents in Adobe Acrobat's "portable document format" or ".pdf," which can be difficult or impossible to read for people who use assistive technology such as screen readers, agencies may be able to meet the goal of full accessibility by providing an e-mail address to which persons for whom a posted document is inaccessible could request one in an alterante format. This level of flexibility is necessary, due to the broad range of documents and formats already posted on the Internet. Guidance from the Department of Justice could address the extent to which agencies would have to retrofit existing, widely-used pages in other respects (i.e., use appropriate color combinations, changing format, etc.).

The interagency Chief Information Officers' Council has directed agencies to make their twenty most popular Internet sites fully accessible by July 27, 2000, the 10th anniversary of the ADA.

- achieve other goals.

The EEOC will continue to be the lead agency to determine policies, practices, and schedules for addressing disability-based employment discrimination. The Department of Justice will continue to be the lead agency on all other issues. Both of these agencies will consult regularly with the Presidential Task Force and the IDCC.

Expanded Membership in and Role for the IDCC

The Interagency Disability Coordinating Council (IDCC) was established under the Rehabilitation Act, 29 U.S.C. § 794c, as a mechanism for, among other things, "developing and implementing agreements, policies, and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistencies among the operations, functions, and jurisdictions of the various departments, agencies, and branches of the Federal Government . . ." The Attorney General is Chair of the IDCC, pursuant to Executive Order 12250.

The IDCC met on a regular basis throughout the 1980's, when agencies were drafting implementing regulations for "federally conducted activities" under section 504 of the Rehabilitation Act and as they modified their programs to comply with section 504. Since then, as agencies have become more focused on other issues, IDCC meetings became less frequent. Eventually, they tapered off altogether. The Administration's commitment to taking a fresh look at disability accessibility issues — especially in light of the changing nature of government — makes it desirable to revitalize the IDCC as a coordinating body.

In comparison to the Presidential Task Force on Employment of Adults with Disabilities, which contains many of the same member agencies but focuses only on employment-related issues, the IDCC's statutory charge is much broader: to coordinate the federal government's actions and policies to implement all parts of the Rehabilitation Act and its implementing regulations. 29 U.S.C. § 794c.

By statute, the IDCC includes:

- The Secretary of Education
- The Secretary of Health and Human Services
- The Secretary of Labor
- The Attorney General
- The Director of the Office of Personnel Management
- The Chair of the Equal Employment Opportunity Commission
- The Chair of the Access Board

- The Assistant Secretary of the Interior for Indian Affairs
- other officials as designated by the President.

In the Directive, the President designates the following agencies to participate, as well:

- The Administrator of the General Services Administration
- The Secretary of Defense
- The Secretary of Transportation

Although the President does not have authority over the Federal Communications Commission and the U.S. Postal Service, the Attorney General will invite those agencies to participate as ad hoc members of the IDCC. The Office of Management and Budget will also be asked to participate.

Substantively, the Directive charges the IDCC to lead executive agencies in making the federal government's electronic and information technology accessible to persons with disabilities. The IDCC, after the additional members are added, includes the Access Board and GSA — the two agencies charged with providing technical assistance under section 508 — as well as the Department of Justice and the EEOC — the two lead policy setting agencies — and the Federal Communications Commission, which has authority over the Telecommunications Act, the IDCC is the ideal body to coordinate all of these activities.

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Renewing the Commitment to Ensure that Federal Programs are Free from Disability-Based Discrimination.

As we draw near the tenth anniversary of the Americans with Disabilities Act, we have much to celebrate. This landmark civil rights law has increased opportunities for employment, education, and leisure for millions of Americans. Our country is stronger as a result.

As we celebrate the ADA, we cannot forget that it was built on the solid foundation of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended in 1978, which prohibits discrimination on the basis of disability in federal programs and activities. One important goal of section 504 is for the federal government to set an example for the rest of the country by being a model employer and providing exemplary service to its customers with disabilities. While this goal remains constant, the nature and structure of government have changed in the decades since the inception of section 504. New agencies have been formed, while others no longer exist. Government is more efficient and doing more with less.

The time has come to reaffirm the federal government's commitment to ensuring that agencies' programs are free from discrimination. The means we use to accomplish our goals should be tailored to the changing nature of government.

I call upon the Department of Justice, the Equal Employment Opportunity Commission, the Interagency Disability Coordinating Council (IDCC), and the Presidential Task Force on Employment of Adults with Disabilities to provide leadership to ensure that all agencies meet a common goal: to ensure that today's federal programs - including the program of employment - continue to be readily accessible to and usable by persons with disabilities.

To meet this goal, I hereby direct all agencies to engage in a Five Year Plan. Under this Five Year Plan, agencies will follow guidance to be provided by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to evaluate agency programs, activities, and facilities for compliance with sections 501 and 504 of the Rehabilitation Act, set targeted goals consistent with priorities developed by the Department of Justice and the EEOC, and implement all actions necessary to achieve those goals, within the next five years. As the initial steps in the Five Year Plan, agencies are directed to do the following:

- make all programs offered on their Internet and Intranet sites accessible to people with disabilities by July 27, 2001; and
- publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Rehabilitation Act.

I furthermore direct the Department of Justice and the Equal Employment Opportunity Commission, in close consultation with the IDCC and the Presidential Task Force on Employment of Adults with Disabilities, to develop priorities and establish for the Five-Year Plan under which agencies will focus on specific programs or types of programs to ensure that they are readily accessible to persons with disabilities.

I direct the IDCC to coordinate executive agencies' efforts to make the federal government's electronic and information technology accessible to persons with disabilities.

I designate the following persons to participate in the IDCC, in addition to those members set out by statute (29 U.S.C. § 794c):

- The Administrator of the General Services Administration
- The Secretary of Defense
- The Secretary of Transportation

These steps will enable federal agencies to work together as they renew their ongoing commitment to ensure that federal programs do not discriminate against people on the basis of disability.

Nothing in this memorandum is intended in any way to limit the effect or mandate of Executive Order 12250, which conveys certain authorities upon the Attorney General, or Executive Order 12067, which conveys certain authorities upon the Chair of the Equal Employment Opportunity Commission.

This memorandum is for the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

William J. Clinton

RECOMMENDATIONS FOR THE PROPOSED INITIATIVE: ACCESS HOUSING 2000

In response to the Olmstead decision, a proactive initiative that includes a comprehensive and systematic demonstration, technical assistance, policy analysis, and research agenda should be implemented. The initiative is essential to increase the opportunities for economic and community equity by expanding the availability of accessible, affordable housing, home ownership opportunities, and Individual Development Accounts (IDAs) for people with disabilities and their families.

Background: As a federal response to the Olmstead decision, Access Housing 2000 would be a partnership between HUD, HHS, and other agencies as appropriate, aimed at assisting individuals with disabilities to move from nursing homes and other institutions into the community.

This would be accomplished by improving and expanding the availability of accessible, affordable housing, including home ownership opportunities, supporting the use of individual development accounts for low to moderate income individuals with disabilities and their families, and an array of personal assistance and supports necessary to make a smooth and successful transition to living in the community.

HUD and HHS would launch this targeted initiative by:

- Supporting a set-aside by HHS or other public and private organizations of matching money, administrative costs, and research to provide opportunities for 2000 participants in 40 States to establish IDAs. Allowable uses of these savings accounts will include homeownership, post-secondary education, acquisition of technology, making necessary modifications to a home or residence and capitalization of small businesses.
- Supporting a set-aside of 2000 Section 8 certificates by HUD or public housing authorities for use by people with disabilities and families of children with disabilities who currently reside in nursing homes or institutions in select States to rent, lease or purchase accessible and affordable homes and residences.
- Funding a technical assistance exchange that will focus on demonstration, policy analysis, and research at \$750,000-1,000,000 a year for 5 years to assist States and others to support people with disabilities to rent or own homes, establish IDA's, and control the services they receive.
- Collaborating with the Robert Wood Johnson National Program Office who will work in partnership with American Disabled for Attendant Programs Today (ADAPT); National Council on Independent Living (NCIL); World Institute on Disability (WID); and Corporation for Enterprise Development (CFED), and others to carry out this initiative.

- Encouraging other Federal agencies, Fannie Mae, States, the disability community, foundations and others to make specific contributions to the work of Access Housing 2000, especially as it relates to the movement of individuals residing in nursing homes and institutions into community homes and apartments.
- Working with Fannie Mae, Federal Home Loan Banks, and Housing Finance Agencies to provide flexible underwriting criteria; mortgage loans; rehabilitation loans; reduced interest rates; and soft-second loans for down payment, closing cost, and rehabilitation assistance.
- Directing States receiving nursing home transition grants to work with HUD, State and local housing agencies and others to facilitate the use of Section 8 vouchers by individuals leaving institutions.
- Expressly permitting and encouraging States receiving WIIA infrastructure development grants to use a portion of the funds to work with these agencies and others to highlight the uses of Section 8 vouchers and otherwise expand housing, home ownership, and savings opportunities for employed individuals with disabilities.
- Urging State Medicaid Directors and other key stakeholders to tap into the initiative.

DIRECTIVES

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
<i>President of the United States</i>			
Tax Credit to Assist Adults with Disabilities with Expenses Related to Work (TF '99)	Budget Proposal	In Congress	Pending
Strong, Enforceable Patients' Bill of Rights (TF '99)	Legislation	In Congress	Pending
Create "Access America for People with Disabilities" Web Site - SSA/DOL (TF '99) *A	Announcement of Web Site	Done	July 26, 2000
Plan of Action to Address Transportation Services and Systems for People with Disabilities (TF '99)		Being Negotiated	July 26, 2000
Encourage Federal Agencies with Customer Service Call Centers to Explore Ways to Hire People with Disabilities (TF '99) *A	Executive Order	DPC	
Raise SSI Earned Income Exclusion to Encourage Work Efforts - SSA (TF '99) *A	Regulatory Change	OMB	July 26, 2000
OPM Hiring Goal *A	Executive Order	DPC	July 26, 2000
Reasonable Accommodation *A	Executive Order	DPC	July 26, 2000
Section 504 *A	Executive Order and Memorandum	DPC	July 26, 2000

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
<i>Vice President of the United States</i>			
White House Conference on Employment of Adults with Disabilities (TF '99)	TBD	TBD	
Increased Funding for HHS/OCR	Budget	Discussion - OMB	July 26, 2000
Technology: * Development/Adoption of Information and Communication Technologies Used by People with Disabilities (TF '99) * Technology/General * Technology/Section 508	Budget Proposal Pending - Curtis Pending - Curtis	Pending Pending - Curtis Pending - Curtis	? July 26, 2000 July 26, 2000
Olmstead/Home and Community-Based Services: * Medicaid Income Disregards for HCBS * Systems Change Capacity Building Grants * Medicaid Technical Assistance Consortia	Regulation Grant - \$50 Million over 5 Years Partnership - TF, Educ, SAMHSA, HHS/HCFA	Discussion: OMB/HCFA Discussion: Jeanne/Chris Done	July 26, 2000 July 26, 2000 July 26, 2000

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
<i>First Lady</i>			
Develop Youth to Work Initiative - DOL, Education, HHS, SSA, OPM, TF and Others (TF '99)	First Lady Initiative		
Develop Proposal to Allow MCH/CSHN Healthy and Ready to Work Services to Cover Youth with Disabilities Age 16 and Older - HHS (TF '99)	Executive Order/ First Lady Initiative ???	DPC	
Guidance on Non-harassment of Students with Disabilities - Education	Dear Colleague Letter from Education	Done	July 26, 2000
<i>HHS Secretary Donna Shalala</i>			
Olmstead/Home and Community-Based Services: * Helping People with Disabilities Transition from Nursing Homes to Communities * Expanding Availability and Quality of Home and Community-based Services * Reducing Unnecessary Medicalization of Home and Community-based Services * Maximizing Personal Dignity and Autonomy of People with Disabilities	Letter to Medicaid Directors - Policy Guidance/clarification	Done	July 26, 2000

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
<i>No Principal Designated Yet</i>			
Create Office of Disability Policy Headed by Assistant Secretary - DOL (TF '99)	Budget Proposal	Congress	
Strengthen Enforcement of Employment-related Nondiscrimination Provisions of ADA and Rehabilitation Act - DOJ, Labor, EEOC (TF '99)	OFCCP Regulation	OMB	
Direct Education, Labor, HUD, Interior, HHS, and SSA to develop inter-agency American Indian Disability Technical Assistance Center <i>and</i> utilized Internet tools for outreach, training and technical assistance (building on HUD's websites Native Edge and Code Talk)			July 26, 2000
Direct Interior to establish/develop Information Technology Center at the Southwestern Indian Polytechnic Institute to work on digital divide in Indian country	Part of VP's other technology announcements?		July 26, 2000

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
<i>No Principal Designated Yet</i> (continued)			
Direct Workforce Investment Board liaisons re: * Participation of youth with disabilities on youth councils * Need for states to be aggressive in ensuring that WIA structures address concerns of people with disabilities in their programs * Outreach to, and inclusion of, state MR/DD directors and state Medicaid directors on state WIBs	DOL Guidance (TIEN)		
15% set aside for technical assistance to workforce system promoting employment of people with disabilities at minimum wage or above	Letter from Secretary Herman		
WIA - Competitive grant competition focusing on use of Individual Training Accounts by people with disabilities			

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**PRESIDENTIAL TASK FORCE
ON EMPLOYMENT OF ADULTS WITH DISABILITIES
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

DELIVERABLES

POSSIBLE PRINCIPAL ANNOUNCEMENT:

INCENTIVES FOR EMPLOYMENT

HUD provides important incentives for individuals with disabilities who receive certain types of HUD housing assistance to enter the workforce. In a new regulation, finalized in March, HUD:

- excludes from annual income certain funds earned by previously unemployed individuals or individuals previously receiving certain types of public assistance, for individuals living in public housing; and
- provides a deduction to adjusted annual income for families with an individual with a disability and also provides a deduction for certain medical expenses of disabled families and certain expenses necessary to enable employment, for individuals living in public housing as well as individuals receiving assistance under §8 programs.

HUD proposes to extend these incentives for persons with disabilities to *all* of HUD's housing assistance, including §8 (to the degree not currently covered), §811, §202, the Rental Supplement program, and the Rental Assistance Program. This would be accomplished through regulatory changes and proposed statutory changes.

Factor
or
Keep

POSSIBLE HUD ANNOUNCEMENTS:

CONSOLIDATED PLANNING FOR COMMUNITY DEVELOPMENT

HUD is requiring all states and localities that have already developed a Consolidated Plan to create a new plan during the year 2000. To encourage recipients to specifically address assisting adults and families with disabilities in this plan, the Office of Community and Planning Development (CPD) will distribute a publication entitled "Piecing it All Together in Our Community: Learning to Use HUD's Consolidated Plan to Expand Housing Opportunities for People with Disabilities."

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DATA COLLECTION

HUD is modifying its Tenant Rental Assistance Certification System (TRACS) to enable the Department to identify which units of the 30,000 assisted projects in the Department's multifamily inventory are accessible to persons with disabilities. Specifically, the Department will be able to determine which units are accessible to persons with mobility impairments, persons with visual impairments, and/or persons with hearing impairments. This system will become operational during the second quarter of Fiscal Year 2001.

TAX CREDITS (to be announced only in conjunction with Treasury and Justice)

HUD is entering into a Memorandum of Understanding (MOU) with the Departments of Treasury (including the Internal Revenue Service) and Justice that sets forth the reporting and other responsibilities of each Department when a multifamily project constructed and operated using Low-Income Housing Tax Credits (LIHTC) is found to be possibly or actually in violation of the Fair Housing Act.

The MOU encourages substantially equivalent State and local agencies to include State Housing Finance Agencies administering Federal LIHTCs in regularly scheduled fair housing training. Finally, the MOU calls for an annual meeting of interested Federal Departments and agencies to discuss emerging civil rights issues and methods and programs for increasing civil rights compliance in the LIHTC program.

HOMEOWNERSHIP

HUD will send a letter from Assistant Secretary for Housing William Apgar to all approved FHA mortgagees entitled "Single Family Loan Production - Increasing Home Ownership Rates for Persons with Disabilities". This Mortgagee Letter will re-emphasize the Department's commitment to make home ownership a reality for persons with disabilities and encourage its lender partners to make this dream possible through increased, but prudent flexibility when underwriting their loan applications.

OUTREACH AND INFORMATION ON REGULATORY ENFORCEMENT

HUD will issue a notice to reemphasize the responsibility of Community Development Block Grant recipients to further affirmatively fair housing and to assess compliance with the requirements of the Fair Housing Act (the Act) concerning accessible multifamily design and construction. The notice will call upon recipients to give the same attention in their Analysis of Impediments to discrimination based upon disability as they do to other bases of discrimination such as race that have been prohibited by the Act since its inception in 1968. The notice will also encourage local elected officials to examine their building codes for inconsistencies with the design and construction requirements of the Act and find ways to inform builders and architects of the need to comply with those requirements as early as possible in the design phase of a multifamily project.

Notice in Federal Register

DRAFT

DRAFT

120 pp. are completed
24 plan to make complete

HUD will launch a web page that contains technical assistance letters, court decisions, answers to frequently asked questions and other developments in accessibility issues; permits the public to ask questions and receive answers; directs the public to relevant publications or studies; and provides text of particularly important publications.

ACCESS HOUSING 2000 (more to come in consultation with HHS)

HUD is planning to send to its housing and community development partners a joint letter with the Department of Health and Human Services to highlight the importance of the *Olmstead* principle and to encourage its partners to find ways to expand accessible, affordable housing for persons with disabilities. The letter will include a copy of HHS guidance to state Medicaid directors and a copy of a letter Secretary Shalala sent to every Governor.

NEIGHBORHOOD NETWORK CENTERS

Over the next year, HUD will review and modify the current Neighborhood Network Center's evaluation form to include questions regarding the Centers' accessibility and what need there might be to make the Centers accessible.

NATIVE eDGE

look at working group as whole

HUD has agreed to use its Internet-based Native American community resources to disseminate technical information on job development and employment for Native Americans with disabilities. These systems, the Native American Economic Development Access Center (Native eDGE) which links fourteen federal agencies to entrepreneurs and their partners seeking economic development in Indian Country, and CodeTalk, an interagency website for Native American communities, would facilitate the development of opportunities to employ Native Americans with disabilities, particularly through new business enterprises. Partner agencies would provide resources such as disabilities employment and related training to HUD staff, publications and documents to distribute on the Internet, and when necessary cooperative funding for technical enhancements and/or expansion of the services. To support this project, HUD has completed a technical review of Native eDGE and is now working to make the web site fully compliant with ADA requirements.

Ideally, the services would operate in concert with a new, Inter-Agency American Indian Disability Technical Assistance Center established through a multi-agency agreement. Such a Center would assist the 557 Federally recognized American Indian tribes and Alaska Native Villages examine the implication of, and potential for adoption of, culturally appropriate laws, policies, and programs to assist their members with disabilities in living healthy, productive, and integrated lives within their communities.

HHS/SAMHSA Deliverables for the Anniversary of the ADA

THEME#1: Increasing Health Care Coverage - Insurance coverage plays a critical role in the employability of those with disabilities, an issue that is particularly important to those with substance abuse and mental health disabilities. This issue should be raised and addressed by the President during the July 26 event.

Key Actions/Announcements:

- Federal Employee Benefit Plan- A Parity Model that Works - HHS/SAMHSA is working with the Office of Personnel Management (OPM) to ensure and evaluate mental health parity for Federal employees, demonstrating a model for other employers to emulate. Such information can help educate and inform members of Congress and others of the importance of legislative and policy fixes to promote and ensure mental health and substance abuse parity for all Americans.
- Creating a National Safety Net - Components of HHS are working together in the development of a new safety net initiative, the Community Assistance Program or CAP. CAP is designed to meet the needs of the some 30 million plus uninsured Americans. The objective of this \$25 million initiative is to build comprehensive, integrated health care delivery systems that will offer a seamless continuum of care for the uninsured and underinsured. Special efforts have been made to ensure that substance abuse and mental health services will be included in these systems. Awards will be made to approximately 20 communities.

THEME #2: Improving Employability - We must continue to strive to improve the employment rate for individuals with disabilities, ensuring opportunity, inclusion, and economic self-sufficiency for all Americans.

Key Actions/Announcements:

- Improving Rates of Employment - HHS/SAMHSA is pleased to announce the results from the Employment Intervention Demonstration Program (EIDP), which can be used to educate and inform employers in improving the rate of employment of people with psychiatric disabilities. The EIDP illustrates that, given the right support services, people with mental disabilities can work. Clients of this program worked 793,577 hours and earned \$4.2 million in the first three years of the project. The President can announce the success of this project and release a fact sheet to better inform employers about vocational rehabilitation and employment of individuals with mental disabilities. Application of the lessons learned from EIDP can ultimately help people with serious mental illnesses find and maintain employment by establishing best practices by employers and support services.
- Providing Employers with the Tools and Knowledge - HHS/SAMHSA is planning to conduct a "National Summit on Employment of People with

Psychiatric Disabilities." This summit will provide businesses with the tools and knowledge they need to make informed decisions in increasing efforts to hire people with psychiatric disabilities and implement workplace policies to support such hiring. The summit will include tracks for consumers and employers, to exchange knowledge and information about how to effectively identify, obtain, and maintain appropriate and fulfilling employment. The President could issue an Executive Directive for such a summit, directing HHS/SAMHSA to take the leadership, in collaboration with Department of Labor.

THEME #3: Eliminating Stigma In Order to Reach Families in Need - We must continue to work to eliminate the stigma, discrimination, and prejudice associated with disabilities. Individuals with psychiatric and substance abuse disabilities face the stigma every day.

Key Actions/Announcements:

- Anti-Stigma Campaign - HHS/SAMHSA is working with the *National Mental Health Awareness Campaign* and within its own programming to educate the public, amplify the voices of people with psychiatric disabilities, and eliminate negative images. Anti-stigma posters, fact sheets, and brochures, along with a guide on how to respond to stigma, are being developed. Training and curricula is being offered to help reduce stigmatizing attitudes, behaviors, and practices. These items could be released and illustrated during the July 26 event by Mrs. Gore.
- Vote: It Begins With Me! - HHS/SAMHSA is pleased to announce the development of a manual, created by the National Mental Health Association with SAMHSA's support, to encourage individuals with mental disabilities to exercise their right to vote. This campaign and manual is designed to change the way individuals with mental disabilities see themselves, demonstrating their role as contributors in society. It involves consumers themselves in the promotion of their own voter registration, education, and mobilization. This manual could be released and illustrated during the July 26 event by Mrs. Gore.

THEME #4: Reducing Discrimination - The ADA works to ensure that individuals with disabilities receive equitable and fair treatment across the board. Psychiatric disabilities and substance abuse disorders present unique disability issues for treatment, employability, and appropriate housing.

Key Actions/Announcements:

- Creating a National Coalition - HHS/SAMHSA will support the creation of a **National Mental Health Coalition** to promote community-based care, in compliance with the Olmstead Decision**. Key organizations and constituencies will come together to work in partnership with the States to develop a plan, working with consumers. This technical assistance effort will link with the Private Industry Councils (PICs) looking at employability, housing authorities,

case managers, professional organizations, social security services, and others to ensure wrap-around, integrated, community-based services. The creation of this coalition could be announced by Vice-President Gore at the July 26 event.(September 2000)

****See Also: HHS submission for complete information on Olmstead**

Contact: Lorinda Daniel, 301-443-4795

- met w/ Chris Jennings -

NEW RECOMMENDATIONS/HHS

1. HCFA will modify its policies and practices to support the integration of Title XIX beneficiaries with significant disabilities into the American workforce by **issuing new policy guidance** and offering **technical assistance** emphasizing flexible, non-categorical implementation of the Medicaid program to state **Medicaid directors** that:
 - (1). Clarifies and encourages the use of existing medicaid coverage options (such as personal care; clinic services; rehabilitative services; and HCB waiver programs) to be used to finance supported employment and other work related services for working-aged recipients with disabilities; [note: this is a particularly urgent issue for persons with psychiatric disabilities who are receiving title XIX financed intensive community supports; it will also positively affect people with mr/dd.]
 - (2). Explains options available to states to create a special income eligibility category for Title XIX beneficiaries that provides clear and reasonable incentives to engage in work and increase earnings without jeopardizing Medicaid eligibility.
2. HCFA will revise Medicaid **program manual** and issue **policy guidance** to encourage use of individual budgets that enables customer choice and control.
3. HCFA will develop **strategies** to assist states to provide **incentives** for employment by authorizing higher reimbursement rates for integrated employment outcomes.
4. HCFA will add **premium on federal financial participation** in Medicaid reimbursement to states that adopt a **Medicaid buy-in**. [note: premium could be provided in a variety of ways; the group discussed small financial but there are probably others that HCFA could identify].
5. HHS will create an **Olmstead Watch website** (integrated with Access America Web recommended by the Presidential Task Force 2nd report) that informs the public and multiple stakeholders on post-Olmstead activities, including:
 - (1). State compliance plans
 - (2). Status of state efforts to move individuals off waiting lists;
 - (3). HHS and DOJ monitoring activities and findings;
 - (4). Civil rights information on court cases and decisions regarding Section 188 of WIA, Sections 503, 504, 508 of Title IV WIA and Title II of the ADA
 - (5). Civil rights program contacts with state and federal government;
 - (6). Examples of state efforts to redirect resources to support integrated employment;
 - (7). Federal policy across agencies to support choice and individual budgets; and
 - (8). Other research and related data, as appropriate, in order to effectively disseminate information to enable movement to the community and integrated employment for people with the most significant disabilities.



"Dunham, Nancy" <Nancy.Dunham@ost.dot.gov>
07/13/2000 02:44:49 PM

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP
cc: "Workie, Blane" <Blane.Workie@ost.dot.gov>
Subject:

As requested, here is the reworked deliverable for Presidential announcement:

The Department of Transportation has conducted the initial interagency coordination, and has completed its "Comprehensive Plan of Action," addressing the lack of transportation services and systems for persons with disabilities, as directed by the President and recommended by the President's Task Force on Employment of Adults with Disabilities. The Plan, designed specifically to address barriers to "finding and keeping jobs," will issue shortly.

The remaining items, listed below, are probably not at the principal level, and we will be using them as a part of DOT's ADA event on July 21.

We expect to announce the issuance of two new regulations: one on DOT's adoption of the Access Board's Updated Accessibility Guidelines and one extensive supplemental rule on safety standards for platform lifts and for motor vehicles using platform lifts.

We will announce the impending issuance of Volume Two of "Designing Sidewalks and Trails for Access: A Best Practices Guide." This highly-anticipated guidance will provide much-needed technical advice on creating and adapting sidewalks and trails for use by all, including persons with mobility impairments, visual impairments, and other disabilities.

We are working to complete a number of other deliverables, including, issuance of a Report to Congress on Commercial Drivers Licences for insulin-dependent diabetics; completion of an interagency Air Carrier Access Act outreach plan for travelers with a disability; issuance of a new Departmental policy statement and plan on Section 501 and Affirmative Action for Persons with a Disability; and the announcement of a biennial "Secretary's Excellence in Accessibility Award."

I am also attaching our Accomplishments list, which I have previously submitted to your office. It is in the form of a Memorandum from our General Counsel, Nancy McFadden, to the Secretary of Transportation, Rodney Slater. Note that there have been major changes to the laws, strengthening



accessibility of transportation modes used to get to work, to participate in business travel, to attend job interviews, and so forth. Also, you already have a separate list of accomplishments from Michael Winter's office at FTA on accessible transit, etc. If you need the FTA report, I can get you another copy.

<<10thmemo.wpd>>



- 10thmemo.wpd

Possible Transportation Deliverables



ADA Enforcement

The June 27, 2000 Report from the National Council on Disability (*Promises to Keep*) was critical of DOT's efforts related to ADA enforcement. Given the timing of the Report, a substantive set of deliverables related to better enforcement would both respond to the Report and reaffirm a commitment to the ADA.

1. The Federal Transit Administration (FTA) should conduct periodic site visits and spot checks to determine level of ADA compliance (*as opposed to total reliance on transit agency self-reporting, which is currently the case*).
2. FTA should require transit agencies to post notices on all mainline and paratransit vehicles that complaints can be made directly to the FTA.
3. FTA should develop publications for riders with disabilities about their rights to transportation services.
4. FTA should conduct extensive public education about accessible transportation.
5. FTA, FRA (Federal Railroad Administration) and FAA (Federal Aviation Administration) should conduct ADA training for all staff involved in ADA-related enforcement and technical assistance.
6. The Office of General Counsel of DOT should convene a Summit in the Fall on improving transportation for people with disabilities, particularly as it relates to employment. This Summit can be co-sponsored with the Task Force, HHS, HUD, Education, and Labor.
7. DOT's Office of the Secretary should engage in strategic planning and evaluation, involving regular consultation with members of the disability community, for improving its ADA enforcement.

Reauthorization of TEA-21

Its current authority extends through 2003. The reauthorization affords a great opportunity to change and add programs. To do so adequately, DOT would need access to better data and would need to engage in in-depth discussions with the provider and advocacy communities.

1. DOT should collect data on the use of public and private transportation options by individuals with disabilities (including the numbers of individuals using fixed route transportation vs. paratransit, numbers who cannot drive, who own/lease their own vehicles, who use public transportation for work, who use human service-funded transportation for work, etc.). This can be done through the Transportation Research Board, perhaps in conjunction with HHS.

2. DOT, through its Access Flagship Initiative, One DOT, or other mechanism, should review the programs and funding amounts currently authorized under TEA-21 to determine how each program can be modified to better respond to the needs and capacities of people with disabilities.

3. DOT should establish a time-limited task force consisting of representatives from DOT, DOL, HHS, transit authorities, transit providers and disability advocacy groups to review existing law and practice and develop recommendations to the Secretary of DOT regarding the provision of transportation services to Americans with disabilities. Their Report should be completed and submitted to the Secretary of Transportation by June 1, 2001, prior to planning for the reauthorization.

4. The Federal Highway Administration should assess the need for additional funding and outreach for sidewalk improvements under the Surface Transportation Program.

Expansion of the Coordinating Council on Access and Mobility

The Council, formed in 1986 with certain functions mandated under TEA-21, includes representatives of all of the major programs under DOT and HHS. Recently, it has invited representatives of the Department of Labor to participate on at least an informal basis. The objective of the Council is to remove barriers to the efficient use of human services transportation. The Council is in the process of developing joint state and local guidelines for transportation coordination that are very much needed and long overdue (an October 1999 GAO Report was very critical of the Council in this respect).

1. DOT and HHS should immediately expand the Coordinating Council to include representation from several agencies within, at a minimum, the Department of Labor, Housing and Urban Development, and the Department of Education (*HHS is supportive of this*).

2. The Council should develop a strategy for including people with disabilities in all of its proposed initiatives and activities.

3. The expanded Coordinating Council should sponsor a series of regional workshops on facilitating local coordination of transportation for people with disabilities for representatives of workforce investment boards, people with disabilities, transit authorities, private providers, metropolitan planning organizations, and advocacy organizations. These workshops should emphasize local transportation's role in workforce development and the one-stop system.

Changes to Existing Programs

Job Access and Reverse Commute (Section 3037). Authorized at \$150 million but currently funded at \$75 million, it provides competitive grants for transportation to suburban employment from suburban, inner city and rural locations. It is intended primarily for TANF recipients.

- 
1. The Department of Transportation should include as a criterion for awarding grants the existence of a plan and financing strategies for including TANF recipients who have disabilities.
 2. The Department of Transportation should require each grant recipient to develop a plan for providing transportation services for TANF recipients who have disabilities.

Other program deliverables:

3. The Department of Transportation should provide funding for informational materials for individuals with disabilities that can be disseminated at one-stop centers. In addition, funding should be made available for training of one-stop counselors and administrators on transportation options and best practices related to providing transportation.
 4. The Department of Transportation should assess the effects of implementing the proposed Intelligent Transportation Systems (ITS) on the employment of people with disabilities.
 5. The Department of Transportation should send letters to States encouraging them to recruit individuals with disabilities through the On-the-Job Supportive Services program (Section 1208), including recruiting youth with disabilities for the Summer Transportation Institutes.
 6. Require the Department of Transportation to include individuals with disabilities as one of the core groups targeted (along with minorities and women) in the On-the-Job Supportive Services program.
- 
- 

From: Dunham, Nancy
Sent: Friday, July 07, 2000 11:36 AM
To: 'MeganJ.Crowhurst@who.eop.gov'
Cc: Workie, Blane; Brenman, Marc; Rupp, Jeff; McFadden, Nancy; Tochen, David; Day, John
<FTA>
Subject: DOT deliverables

As requested, the following is a list of DOT's anticipated deliverables for the end of July ADA celebration.

a. First, our priority will be to complete Recommendation 12, from the "1999 Recommendations to the President from the PTFEAD." Thus, DOT expects to have an initial "Plan of Action" to comprehensively "address the lack of transportation services and systems for persons with disabilities," especially as it relates to "finding and keeping jobs." At this point, preliminary interagency coordination has been done, and an informal draft Plan has been prepared.

As discussed in the OEOB meeting on 7/5/00, since this is a PTFEAD recommendation, this would likely be one the ADA celebration announcements by the President.

b. Second, we expect to announce the issuance of two new regulations: one on DOT's adoption of the Access Board's Updated Accessibility Guidelines and one extensive supplemental rule on safety standards for platform lifts and for motor vehicles using platform lifts.

c. Third, we will announce the impending issuance of Volume Two of "Designing Sidewalks and Trails for Access: A Best Practices Guide." This highly-anticipated guidance will provide much-needed technical advice on creating and adapting sidewalks and trails for use by all, including persons with mobility impairments, visual impairments, and other disabilities.

d. Last, we are working to complete a number of other deliverables, including, issuance of a Report to Congress on Commercial Drivers Licences for insulin-dependent diabetics; completion of an interagency Air Carrier Access Act outreach plan for travelers with a disability; issuance of a new Departmental policy statement and plan on Section 501 and Affirmative Action for Persons with a Disability; and the announcement of a biennial "Secretary's Excellence in Accessibility Award."

Department of Agriculture

The Secretary's Advisory Committee for Employees with Disabilities (SACED) as a best practice that can be replicated at other agencies. The Secretary has approved a full-time staff for the SACED.

- ✓ Established quarterly data collection for SACED review on the amount USDA offices are spending on accommodations, to determine the feasibility of Department-wide central funding. The SACED supports processes to reduce costs and delivery time for employee accommodations.
- ✓ Established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.
- ✓ Launched a SACED home page as a communications vehicle for employees and applicants with disabilities with a contact list, calendar of events, and an extensive resource list for use by committee members, managers, and employees with links to disability information and Internet resources. The home page offers an easy, accessible method for employees and applicants to contact the committee with their comments and suggestions.
- ✓ Established Employment Subcommittee to develop recruitment strategic plan with Departmental employment goals for hiring of persons with disabilities at all levels in cooperation with the Presidential Task Force on Employment of Adults with Disabilities. Promoted alternative workplace, telecommuting, and work at home programs as a mechanism for accommodating employees with disabilities.
- ✓ Assessed statistical data on representation of employees with disabilities and disabled veterans in the USDA workforce so the SACED can ensure appropriate representation at all levels. Developed and implemented an all-employee survey on employment and service delivery issues that achieved a 30 percent response rate and published a report entitled *Employee Survey on Disability Issues* in January 2000.
- ✓ Held four SACED forums with employees throughout the country to listen to concerns, success stories, and suggestions from the disability community and prepared an action item memo that was signed by the Secretary and distributed to the Subcabinet for action. Periodic progress reports to the Secretary will serve to monitor progress.

The Secretary's Advisory Committee for Employees with Disabilities (SACED): A best practice that can be replicated at other agencies

Secretary Glickman established the Secretary's Advisory Committee for Employees with Disabilities (SACED) in 1997 to provide input and focus on achieving equal access to affirmative employment, advancement, and services for people with disabilities at USDA. The SACED has expended considerable time and in-house resources to provide outreach, raise awareness, and make USDA a model employer of persons with disabilities. This year, the Secretary approved a full-time staff for the SACED. The committee operates at the highest level of executive leadership and is charged with providing advice and direction to the Secretary to:

- eliminate barriers to equal opportunity for employees with disabilities;
- provide accessible facilities, reasonable accommodations, and equal opportunity in hiring and promotions;
- promote affirmative employment opportunities for disabled veterans and persons with severe (targeted) and other (non-targeted) disabilities; and
- provide effective communication, including information in alternative formats, as needed, to all employees.

SACED has the responsibility of reviewing the Department's progress in achieving results and ensuring accountability. The SACED provides oversight for implementation of recommendations resulting from a series of nationwide listening forums for employees with disabilities. Periodic reports to the Secretary will serve to monitor progress.

Departmental Reasonable Accommodation Policy: The Secretary issued a Departmental Reasonable Accommodation policy stating that: "USDA recognizes that all of its employees need the tools necessary to be productive, and that making reasonable accommodations is simply a way of providing the tools needed to accomplish its mission. USDA is committed to a simple and streamlined process for providing reasonable accommodations."

Central Funding: The SACED has established quarterly data collection for review on the amount USDA offices are spending on accommodations to determine costs for Department-wide central funding.

Mentor Program: The SACED established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.

Communications: The SACED established a SACED home page as a communications vehicle for employees and applicants with disabilities with a contact list, calendar of events, and an extensive resource list for use by committee members, managers, and employees with links to disability information and Internet resources.

Employment: The SACED established an Employment Subcommittee to develop a Department-wide recruitment strategic plan with Departmental employment goals for hiring of persons with disabilities in cooperation with the Presidential Task Force on Employment of Adults with Disabilities.

DEPARTMENT OF THE TREASURY
REPORT ON THE WHITE HOUSE INITIATIVE ON THE AMERICANS WITH
DISABILITIES ACT(ADA)

DELIVERABLES

- The FY 2001 budget proposes tax relief for disabled workers, who may incur significant costs associated with working. Under the proposal, qualified disabled workers could qualify for a tax credit for up to \$1,000.
- The Treasury Department has been working with the IRS and the Presidential Task Force on Employment of Adults with Disabilities to improve the dissemination of information regarding tax benefits available to disabled individuals and their employers. Activities include an article in a forthcoming issue of the *SSA/IRS Reporter* (a newsletter for employers) and a mass mailing to organizations representing the disabled community.
- Three certified Community Development Financial Institutions (CDFIs) have programs that serve the disabled: the Connecticut Housing Investment Fund located in Hartford, CT and the Clearinghouse CDFI located in Orange County, CA administer financing programs for affordable housing; Washington CASH located in Seattle, WA just launched a pilot program partnering with the state's vocational rehabilitation office to provide micro-loans to disabled entrepreneurs. Background information on the CDFI Fund follows:

The Community Development Financial Institutions Fund (CDFI) is a wholly-owned government corporation within the U.S. Department of the Treasury. It's vision: an America in which all people have fair and equal access to capital and financial services. It's mission: promote access to capital and local economic growth by directly investing in and assisting in community development financial institutions (CDFIs) and expanding financial service organizations' lending, investment and services within underserved markets.

The Fund provides financial and technical assistance to many organizations that serve individuals with disabilities and other people lacking adequate access to capital, credit and other financial services.

Access to Capital and the CDFI Program

The CDFI Program has three funding components: Core, Intermediary and Technical Assistance. These three components promote the CDFI Fund's goal, articulated in its strategic plan, of strengthening the expertise and the financial and organizational capacity of CDFIs to address the needs of the communities that they serve. CDFIs include community development banks, community development credit unions, non-profit loan funds, micro-enterprise loan funds, and community development venture capital funds.

The *Core Component* builds the financial capacity of CDFIs by providing equity investments, grants, loans or deposits to enhance the capital base—the underlying financial

strength – of these organizations so that they can better address the unmet community development needs of their target markets. In addition, under the Core Component, the Fund provides technical assistance grants in conjunction with loans and investments in order to maximize the community development impact of the Fund's awards.

The Fund selects awardees that clearly demonstrate private sector market discipline and the capacity to positively impact underserved communities. The Core Component leverage encourages additional private and public sector investments into these same organizations through its one-to-one non-federal match requirement.

The *Intermediary Component* allows the Fund to invest in additional CDFIs indirectly, through intermediary organizations that support CDFIs. These intermediary entities, which are also CDFIs, generally provide intensive financial and technical assistance to small and growing CDFIs, thereby strengthening the industry's financial and institutional capacity.

The *Technical Assistance (TA) Component* of the CDFI Program is the Fund's newest funding program. Introduced in 1998, this component builds the capacity of startup, young and small institutions. The TA Component allows the Fund to direct relatively small amounts of funds to CDFIs that demonstrate significant potential for generating community development impact but whose institutional capacity needs to be strengthened before they can fully realize this potential.

Through the first four rounds of the CDFI Program, the CDFI Fund has made \$215.7 million in investments in CDFIs. These organizations serve both rural and urban areas in local, regional, statewide, and multi-state markets in 46 states and the District of Columbia, Puerto Rico, and the Virgin Islands.

In addition to our CDFI funding programs, the Fund administers a CDFI Certification Program. CDFI certification increases the credibility of community lending organizations in the eyes of potential funders and investors. An organization that is certified is better able to attract private sector investments from local banks, corporations, foundations, and individuals. As of June 30, 2000, the Fund has certified 437 organizations in 49 States plus the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Wyoming has no certified CDFIs.

POTUS

SSA Planned Activities supporting the PTFEAD and for announcement as part of ADA celebration:

We expect to be able to announce some major regulatory actions that would:

1. Annually adjust per the average wage index the earnings guideline that shows whether work done by persons with impairments other than blindness is substantial gainful activity;
2. Increase (from \$200 to \$530) the earnings amount that shows that a person has used one of his/her trial work months under SSDI, and then annually adjust the amount per the average wage index;
3. Increase the maximum monthly (from \$400 to \$1,290) and yearly (from \$1,620 to \$5,200) Student Earned Income Exclusion amounts used in determining SSI eligibility and payment amounts, and then annually adjust these amounts per the consumer price index.

Numbers 1 and 2 above are appropriate for announcement by the President or Vice President. Number 3 could accompany them, or be packaged for announcement with other youth activities by any of the principals.

ANNOUNCEMENT

EEOC ISSUES GUIDANCE LIMITING EMPLOYER ACCESS TO MEDICAL INFORMATION ABOUT EMPLOYEES

- * Today, the Equal Employment Opportunity Commission issued guidance that explains the kinds of medical information employers may and may not obtain about employees.
- * The Americans with Disabilities Act strictly limits employers' access to medical information about their employees. The reason for this is simple: **Employees should be judged on their actual performance, not on the basis of their medical conditions.**
- * This guidance will help to ensure that qualified workers are not discriminated against because of medical conditions they have or medications they are taking that are unrelated to job performance, or because an employer thinks the worker may acquire some condition in the future.
- * Generally, employers are prohibited from asking employees questions about
 - * whether they have or have ever had a disability;
 - * the kinds of prescription drugs they are taking;
 - * the results of any genetic tests an employee has had.
- * Medical examinations are also generally prohibited.
- * On the other hand, an employer may be permitted to obtain medical information about an employee:
 - * where the employee requests a reasonable accommodation;
 - * if the employer observes performance problems that appear to be the result of a medical condition; or
 - * if the employer needs to verify that the employee is able to return to work.
- * Moreover, the guidance does not affect the ability of employers to offer certain kinds of programs, such as Employee Assistance programs and voluntary health programs that are helpful to employees in dealing with personal and/or health-related problems.

PROPOSED ANNOUNCEMENT

EEOC issues guidance to explain Executive Order prohibition on genetic discrimination in federal employment.

Background

- President Clinton signed EO 13145 on February 8, 2000.

President Clinton expressed the hope that this EO would "set an example and pose a challenge for every employer in America" to adopt a policy not to discriminate on the basis of protected genetic information, "because . . . no employer should ever review your genetic records with your resume."
- EEOC has responsibility for coordinating the policy of the Government to prohibit discrimination based on protected genetic information.
- On June 26, 2000, President Clinton joined Francis Collins and other prominent scientists to announce the completion of a first draft of the human genome.
 - The identification of specific genes heralds tremendous advances in science and medicine but also carries with it tremendous risks of misuse.

Highlights

- The EO protects the federal civilian workforce.
- It prohibits employment discrimination based on genetic test results of the employee, family medical history, and genetic test results of family members.
 - Together, these three types of information are "protected genetic information."
- Federal departments and agencies cannot require genetic testing.
- Federal departments and agencies only may request family medical history from applicants and employees.
 - Departments and agencies are limited to using family medical history only for medical evaluations assessing current ability to do the job.
 - Job-related decisions cannot be based on family medical history alone.
- Federal departments and agencies must follow strict rules about confidentiality and



disclosure of protected genetic information.



**DEPARTMENT OF EDUCATION
ADA ANNIVERSARY
DELIVERABLES
(17 July 00)**

PRINCIPALS:

- 1) **Disability Harassment Guidance:** The Department will issue a "Dear Colleague letter" to offer schools guidance to address student harassment based on disability. July 26th.
- 2) **Information Technology:** The Department will award a contract, in conjunction with the General Services Administration, to create an Information Technology Demonstration Center. This Demonstration Center will provide a forum for industry and disabled technology users to share knowledge about cutting edge information technology products. Mid September.
- 3) **Information Technology:** The Department will award a competitive grant to create an Information Technology Technical Assistance and Training Center. This Center will develop curriculum and training materials to facilitate the implementation of Section 255 of the Telecommunications Act and Section 508 of the Rehabilitation Act. Mid September.
- 4) **Self-Employment Guide:** The Department's Rehabilitation Services Administration will publish a technical assistance Guidance on Self-Employment and Business Ownership for Individuals with Disabilities for vocational rehabilitation agencies. July 26th.
- 5) **Students with Disabilities & Assessment:** The Department will issue guidance in the form of commonly asked questions and answers around the inclusion of students with disabilities in statewide and district assessment. Late July or early August.
- 6) **Disability Community Leadership in a Post-Olmstead Environment:** The Department of Education will fund a

disability community empowerment project, in conjunction with the Department of Health & Human Services and the Task Force. July 26th.

OTHERS

- 1) **High Stakes Testing Guide:** The Department recently published for public comment a guide to high stakes assessment which includes a section that discusses the "Testing of Students with Disabilities." Final version to be published in September.
- 2) **ADA/504 Success Stories Fact Sheet:** Examples of successful efforts to educate Americans with disabilities.
- 3) **Charter Schools and Students with Disabilities:** The final report of this study is scheduled for a late summer/early fall release. The study examined, in part, the reasons parents enroll students with disabilities in charter schools, the nature of services provided, and the outcome goals charter schools have for students with disabilities.
- 4) **Guide to Vocational Rehabilitation:** Publication of a layman's guide to the Federal/state vocational rehabilitation program is anticipated in late July.
- 5) **Consumer Choice Guidance:** The Rehabilitation Services Administration will issue guidance promoting consumer choice in the vocational rehabilitation program. July.
- 6) **IEP Guide:** The Department published an easy-to-understand guide on the Individuals with Disabilities Education Act requirements for a student's Individualized Education Program to be used by teachers and parents. Released on July 4th by Secretary Riley.
- 7) **Youth Leadership Project:** The Department will publish a grant announcement in late August to establish a Youth with



Disabilities Leadership Development project. This project, to be awarded in October, is jointly funded with the Task Force, the Department's of Labor and Health & Human Services, the Social Security Administration, and the President's Committee on the Employment of People with Disabilities and the National Council on Disability.



POTOS

PROPOSED WHITE HOUSE ANNOUNCEMENT ON INCREASING THE FEDERAL GOVERNMENTS' HIRING OF PEOPLE WITH DISABILITIES

HH
Ref.
Lab
Ag
Justice
Energy

Objectives:

- To set a realistic "stretch" goal to increase the number of persons with disabilities hired by Federal department and agencies.
- To increase the representation of persons with disabilities employed at all levels and occupations of the Federal government.

PROPOSED ANNOUNCEMENT

Federal government will hire 100,000 people with disabilities over the next five years

- This represents a **60% increase** in the hiring level of people with disabilities for Federal government
- 100,000 new hires represents **9.2%** of all new Federal hires . . . almost 1 in 10

=====

BACKGROUND

Current State of Play

- Federal government is our nation's largest employer – 1.8 million employees
- Government hires 200,000 employees each year
- Of those, 12,000 are people with disabilities (5.9%)
- 1,600 are people with targeted disabilities (0.8%)

What Happens If We Do Nothing

- Federal new hires over the next five years will be 1,082,000
- Of these, 62,500 will have a disability (5.8% of all hires)
- Of these, 8,000 will have a targeted disability (.7% of all hires)



"Elliot E. Maxwell" <EMaxwell@doc.gov>
07/14/2000 06:25:29 PM

Please respond to EMaxwell@doc.gov

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP

cc:

Subject: re: ADA event

I have attached a draft contribution from DOC that is in clearance. I think the items likely to be of greatest interest are the funding of the Harvard study on disability and employment, the ongoing TOP grant program which the President has proposed tripling in the 2001 budget, and the study designed to increase technology transfer between the federal labs and the assistive technology industry.

Elliot E. Maxwell
Special Advisor to the Secretary
for the Digital Economy
U.S. Department of Commerce

(t) 202-482-0211
(f) 202-501-1173
e-mail: emaxwell@doc.gov
Room 5039
U.S. Department of Commerce
Washington, D.C. 20230
----- Original Text -----

From: <Megan_J_Crowhurst@who.eop.gov>, on 07/13/2000 5:11 PM:

I have not yet received either a deliverable or an accomplishment sheet from the following departments:

Treasury
Labor
Justice
SBA
Defense
Commerce
NPR

I need to receive a deliverable (at least one important step your department has made relating to ADA in the last year) that has not yet been announced for one of the principles to announce at the event on the south lawn on July 26.

In addition, I need a revised list of your departments accomplishments in



"Minton, Michael R" <MintonMR@state.gov>
07/14/2000 09:32:55 AM

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP

cc:

Subject: RE: Deliverables

Megan:

Thanks for the phone message yesterday. The accomplishments that I sent you represent only the Department of State Foreign Buildings Operations progress in our diplomatic missions abroad. Since our focus is on buildings, our mission is to deliver every building, whether newly constructed or renovated, as a fully accessible facility for its workers and visitors alike. This is something we already do and will continue to do. Like security, accessibility for the disabled is a priority in our building program. As noted in our list of achievements, the Department of State continues to demonstrate to the world of our commitment to improving the quality of life for all who work in and visit our diplomatic facilities.

Following recent world events, the Department of State is currently planning for a significant increase in new embassy office building design and construction. All of these new diplomatic facilities will represent America's commitment to leadership in all aspects of design including accessibility.

I hope that you and Marsha will accept this message as the deliverable from the Foreign Building Operations. If you have any questions, please contact me at (703) 516-1740.

Thank you,

Michael R. Minton, Architect
Foreign Buildings Operations
U.S. Department of State

-----Original Message-----

From: Megan_J._Crowhurst@who.eop.gov
[SMTP:Megan_J._Crowhurst@who.eop.gov]
Sent: Thursday, July 13, 2000 5:21 PM
To: schmueckerbl@state.gov; thomassonpl@state.gov;
tomassorj@state.gov; mintonmr@state.gov;
CN=wendell_sutton/OU=pmb/OU=os/O=doi@doi.gov
Cc: Marsha_Scott@who.eop.gov
Subject: Deliverables

Thanks so much for the timely arrival of your list of

A SAMPLE OF ACCOMPLISHMENTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

At the dawn of the new millennium, America is enjoying the greatest prosperity in recent history. Some segments of our diverse national population, however, are being left behind. At HUD, our job is to ensure that all persons including the 50 million Americans with disabilities, have an equal opportunity to fully participate in this economy and all aspects of American life. As we celebrate the tenth anniversary of the Americans with Disabilities Act, the following few pages describe what HUD has been doing to make sure no one is left on the threshold in this new millennium.

I. BUDGET

HUD has increased its funding for fair housing activities and disability-rights related activities dramatically over the last several years. In FY 1998, the budget for fair housing was \$30 million. In FY 1999, it increased to \$40 million (a 33% increase) to its highest level ever. In FY 2000, the Department surpassed even the 1999 level, obtaining a fair housing budget of \$44 million. For FY 2001, HUD has proposed \$50 million for fair housing activities, recognizing that the steady budget increases during Secretary Cuomo's tenure have better positioned the Department to make substantive gains in reducing housing discrimination.

The budget increases over the last several years have benefitted two major HUD programs designed to attack housing discrimination. The **Fair Housing Assistance Program (FHAP)** provides Federal funds to support a network of State and local civil rights agencies that enforce laws that are substantially equivalent to the Federal Fair Housing Act; these agencies process housing discrimination complaints based on race, color, religion, sex, national origin, disability, or family status. The **Fair Housing Initiatives Program (FHIP)** funds fair housing groups and other organizations and agencies that carry out enforcement (including private litigation), provide education and outreach activities, and monitor the activities of developers and real estate companies for compliance with the Fair Housing Act.

As discrimination based on disability continues to be the second most frequent complaint filed with the Department and the substantially-equivalent state and local fair housing agencies, much of this funding goes to promote housing opportunities for people with disabilities. The budget has also supported the following disability-specific activities:

- In FY 1998, the Department provided a set-aside of \$900,000 in the Fair Housing Initiatives Program to fund five organizations whose focus was to pursue fair housing rights and opportunities on behalf of people with disabilities.
- In both FY 1999 and FY 2000, the Department set aside \$750,000 for organizations that

perform education and outreach regarding the requirements of the Fair Housing Act pertaining to individuals with disabilities.

- The Department's FY 2000 FHIP Notice of Funding Availability earmarks \$1 million to fund collaborative activities involving disability rights advocacy groups, housing industry organizations, and other agencies and institutions to encourage the adoption of building codes at the state and local levels that are consistent with the accessibility requirements of the Fair Housing Act.
- The Department has provided a \$1 million grant to fund a two-year pilot program, the Project of Accessibility Training and Technical Assistance, to assist builders, developers, architects, building code officials and others on the accessibility requirements of the Fair Housing Act. The pilot will establish a training and technical assistance center in one region of the country. The Department has proposed \$2.5 million in its FY 2001 budget to expand this program to four regions of the country.
- The Department was authorized in the FY 2000 budget to spend up to 25% of the section 811 budget on tenant-based housing, which resulted in approximately 1800 vouchers for mainstreaming individuals with disabilities. The Department has requested authorization to spend up to 50% of its FY 2001 811 budget on tenant-based housing.

II. Enforcement of Fair-Housing and Disability-Rights Laws

Under the Fair Housing Act, after complaints of race discrimination, complaints alleging housing discrimination on the basis of disability have been the most frequent type of complaint filed with HUD and state and local fair housing agencies with substantially-equivalent authority. HUD and state and local agencies have obtained successful resolutions in disability cases more frequently than in any other category of cases. Since 1997, HUD and substantially-equivalent state and local agencies have obtained over \$7.2 million in over 830 cases it has helped resolve, or, on average about \$8,600 per case.

III. Collaboration with the Department of Justice

HUD and the Department of Justice have worked together in identifying cases where it is alleged that the respondent has built inaccessible housing, in violation of the Fair Housing Act. HUD and the Department of Justice create teams consisting of representatives from both agencies to review complaints filed with HUD to determine which are pattern and practice cases that will be handled by the Department of Justice.

IV. PUBLIC NOTICE ON ACCESSIBILITY

HUD issued in December 1999 a public notice reminding recipients of Federal funds of their obligation to comply with pertinent laws and implementing regulations which provide for non-discrimination and accessibility in Federally funded housing and non-housing programs for people with disabilities. The notice included information on key compliance elements of the relevant regulations and examples and resources to enhance recipients' compliance efforts.

V. AROUND THE COUNTRY

Florida. On August 2, 2000, in Miami, Florida, HUD is sponsoring a Workshop on Affordable Housing for Citizens with Disabilities. The workshop is geared for non-profits, lenders, developers, and other interested persons. The objectives of the workshop are to: discuss the housing needs of citizens with disabilities; provide information about various housing assistance programs and opportunities for developing affordable housing for people with disabilities; and educate on fair housing requirements.

Kentucky. The Housing Authority of Jefferson County, in partnership with the Center for Accessible Living, operates the Mainstream Housing Opportunities program which provides rental assistance vouchers and supportive services to non-elderly persons with disabilities. This rental assistance promotes affordable and independent living for people with disabilities, a group who has been identified by HUD as having one of the worst-case housing needs of any group in the United States.

Delaware. The Terry Apartments, a housing development in Wilmington, DE, for the elderly and non-elderly persons with disabilities, established a Neighborhood Network computer center in September 1999, out of a partnership among HUD, the Interstate Realty Company, and the University of Delaware. Through a Memorandum of Understanding between HUD and the University of Delaware, graduate students are helping train residents with disabilities on general computer skills and how to use the Internet for job searches and other purposes.

Pittsburgh. HUD's partnership with the REALTORS Association of Metropolitan Pittsburgh is an on going association designed to increase awareness among REALTORS, and housing choices for persons with disabilities. The partnerships has produced a training session, "Opening New Markets - Resources for REALTORS." The event was attended by The Pennsylvania Human Relations Commission, Pennsylvania Housing Finance Agency, Urban Redevelopment Authority of Pittsburgh, Accessibility Development Associates, Inc., HUD Community Builders and a number of officers and members of the REALTORS Association of Metropolitan Pittsburgh. The session focused on identifying, advertising and promoting accessibility features in the sales listings for single family homes. The training also identified sources of home mortgage and home rehabilitation financing for persons with disabilities.

VI. A FEW BEST PRACTICES

- **HUD Work on Uniform Building Codes for Compliance with Fair Housing Accessibility Guidelines:** Reviewed building codes and prepared report regarding their respective consistency with the Fair Housing Act accessible design and construction requirements.
- **Contract with William Worn Architects to Further Design Accessibility Compliance:** Provided technical assistance on how housing providers can achieve compliance with the Fair Housing Act's design and construction requirements.
- **Mississippi Home of Your Own - A Program for Disability Studies at the University of Southern Mississippi:** The program helps counsel and provide financial support to prospective homebuyers with disabilities.
- **Disabled Dealer Magazine of Georgia:** Each issue advertises houses with accessible features and publishes articles on accessible public buildings, vans, meeting spaces, and other information to help people with disabilities fully participate in society.
- **Truckee Meadows Fair Housing - Building Permit Tracking Process:** Sent letters to builders and owners who were preparing to construct new multifamily housing to remind them of their Fair Housing Act obligations to regarding accessibility prior to construction.
- **Massachusetts Housing Finance Agency:** Prepared a program that was later repeated in other parts of the country that educated housing providers on their Fair Housing Act obligations to make reasonable accommodations in rules and procedures for people with disabilities in order to afford those persons equal enjoyment of their housing.

HHS/Substance Abuse and Mental Health Services Administration

Key Accomplishments 10th Anniversary of the ADA

- (1) Ensuring a Voice for the Disability Community: Mental Health Planning Councils - Under SAMHSA's Community Mental Health Services Block Grant authorizing language, mental health planning councils are required to be consulted for use of the block grant funds. Most significantly, those councils are required to have consumer representation, ensuring that consumers have a voice in the direction of the dollars spent.
- (2) Providing Information to Improve Services - SAMHSA regularly releases guidelines, data, and other publications that are disseminated to communities on how to better serve individuals with psychiatric and substance abuse disabilities. For example, SAMHSA released a best practice guideline titled "*Substance Use Disorder Treatment for People with Physical and Cognitive Disabilities*" in January 1999. This "Treatment Improvement Protocol" (TIP) helps guide treatment professionals in the diagnosis, treatment, and accommodation of people with disabilities in need of substance abuse treatment. It emphasizes that treatment programs have a "legal and ethical responsibility" under the ADA to insure appropriate treatment for all clients.
- (3) Supporting Communities and Systems - SAMHSA works through its discretionary programs under its Knowledge Development and Application Grants to improve service delivery for individuals with psychiatric and substance abuse disorders. For example, the Recovery Community Support Program is designed to give persons in recovery a strong voice. The "*Access Now! Recovery Community Alliance Project*" in Tucson, Arizona specifically targets physically and cognitively disabled populations by organizing, training, and educating individuals with disabilities and their families to affect changes in the local treatment system. SAMHSA's program announcements often target high-risk populations, including physically and cognitively disabled clients, in order to better meet and address their special needs.
- (4) Improving Health Care Coverage - SAMHSA collaborates with partners, conducts services research, and informs policy debates to ensure attention to the needs of individuals with psychiatric and substance abuse disorders in health care coverage. SAMHSA's Employee Intervention Demonstration Program (EIDP) found that the availability of health insurance coverage is central to the ability of people with disabilities to return to and retain employment. SAMHSA is beginning to develop reports, information, and projects around these findings to improve employability and insurance coverage. SAMHSA also commissioned a legal issues brief on the ADA, in order to demonstrate the ability of health lawyers to submit legal challenges related to coverage of mental and/or substance abuse disorders in the insurance industry. The brief demonstrates that the ADA can be used to combat the lack of insurance coverage as discrimination.

- (5) Working From Within to Make A Difference - SAMHSA has assessed its own hiring practices and has conducted training and orientation sessions for managers and supervisors on the subject of "reasonable accommodations for all employees. SAMHSA created a disability committee to focus on employment matters within the agency to continue to identify areas of need and make improvements. SAMHSA hosted a Disability Film Fest in recognition of Disability Awareness Month to increase staff awareness of the issues and concerns that affect persons with disabilities.

**MEMORANDUM FOR THE SECRETARY
THE DEPUTY SECRETARY**

FROM: NANCY E. MCFADDEN

**SUBJECT: Tenth Anniversary of the ADA-July 2000:
Disability-related Accomplishments and New Initiatives**

As I mentioned at the senior staff meeting, I had asked my staff to pull together a list of disability-related accomplishments and new initiatives related to the work of the Office of General Counsel, in preparation for the tenth anniversary of the passage of the ADA on July 26, 2000. We have also included accomplishments or initiatives related to other offices to the extent we are aware of them. While we know that much good work is being done in the disability area by the Departmental Office of Civil Rights and our Modal Administrations, we may not have captured each and every possible accomplishment or initiative, but have primarily focused on those to which this Office has made a contribution.

Attachment

cc: Jerry Malone
Norma Krayem
Eugene Conti
Mary Trupo
Ronald Stroman
Michael Winter

I. Accomplishments

- * Issued DOT Final Rule on Over-the-Road buses in September 1999, requiring accessibility of new Over-the-Road buses and bus service.
- * Issued DOT Final Rule in August 1999 eliminating \$2,500 cap on liability of airlines to passengers for loss or damage to their wheelchairs and other assistive devices.
- * Secretary issued Departmental Accessibility Policy Statement in July 1999, stressing access for persons with a disability to all modes of transportation and deeming accessibility in transit as an important civil right.
- * Issued DOT Final Rule requiring priority seating for disabled travelers to accommodate their disabilities and incorporating a general ADA requirement on reasonable accommodations into DOT's Air Carrier Access Act (ACAA) rules.
- * At request of DEAF-DOT and DOT/ADA, General Counsel issued March 27, 2000 memorandum to all Departmental managers and supervisors, stressing their legal obligations of affirmative action for persons with disabilities under Section 501 of the Rehabilitation Act.
- * Distribution of new DOT publications comprehensively outlining maximum access and guidelines on accessibility for sidewalks, trails, and airports.
- * Unveiling of new DOT website on accessibility, coordinating and integrating links to DOT, the federal government, and advocacy organizations.
- * Announcement of two million dollars in FTA Over-the-Road bus grants to assist in capital costs of making Over-the-Road buses accessible.
- * Worked to strengthen enforcement provisions of the ACAA, resulting in new AIR-21 provisions requiring investigations of each ACAA complaint; increasing the maximum civil penalty for ACAA violations to \$10,000; and bringing foreign air carriers under ACAA coverage.
- * Began investigating and enforcing cases against foreign air carriers for unreasonable discrimination against disabled air travelers for the first time. Until April 5, 2000, foreign air carriers were not covered by the ACAA, but unreasonable discrimination against disabled air travelers was otherwise prohibited by law. Two precedent-setting cease and desist orders – one against Lufthansa and the other against Alitalia – have already been issued by DOT.

- * Began to publish, on a monthly basis, in DOT's Air Travel Consumer Report, the number of disability-related complaints DOT receives for each major airline, providing useful information to disabled travelers.
- * Issued DOT Final Rule requiring lifts for small commuter aircraft to facilitate the boarding by individuals with disabilities; harmonizing requirements relating to airport facilities in the Department's Section 504 and ACAA regulations; and clarifying provisions concerning communicable diseases.

II. New Initiatives

**** Starred items are new initiatives requiring future action that we are trying to complete before the July 26, 2000 ADA anniversary**

- * Developing initiative for biennial Secretarial "Excellence in Accessibility" Award.**
- * Issuing Notice of Proposed Rulemaking to Adopt Access Board's Updated Accessibility Guidelines.**
- * Finalizing DOT Rule on Lifts for Aircraft w/31 plus seats which will require air carriers and airports to work jointly to make lifts or other boarding devices available for persons with a disability on aircraft of any size where level entry loading bridges or existing lifts are not currently available.
- * Issuing Notice of Proposed Rulemaking which will require air carriers to file with DOT detailed information on the disability-related complaints they receive, to be used for enforcement, educational, and other relevant purposes by DOT, disabled air travelers, and Congress.
- * Issuing Notice of Proposed Rulemaking seeking to amend DOT's ACAA regulation to cover foreign air carriers operating to and from the United States or code sharing with U.S. carriers.
- * Examining feasibility of DOT conducting regulatory negotiation on airline travel and additional accommodations needed for hearing-impaired passengers under the ACAA, including the elimination of barriers faced by deaf and hard-of-hearing airline travelers.
- * Working on proposals to establish two new safety standards for motor vehicles: first, an equipment standard specifying requirements for platform lifts, and, second, a vehicle standard for all vehicles equipped with lifts. The proposal would regulate platform lifts installed on all motor vehicles, including over-the-road buses, school buses, and multi-purpose vehicles and would impose additional interlock requirements, improved

wheelchair retention and platform slip resistance tests, and, in some instances, lesser compliance standards for lifts installed on vehicles typically used solely for private transport.

- * Providing legal advice and assisting the Departmental Office of Civil Rights in implementation of the next phase of the Section 504 Self-Evaluation process, including drafting portions of the Self-Evaluation, analyzing data from DOT personnel, planning publication and public comment period.
- * Working with Disability Resource Center personnel to assess and develop centralized job vacancy site on DOT's internet website for employees/applicants with a disability.
- * Providing legal counsel to Departmental Office of Civil Rights and ONE-DOT Section 501 Task Force to establish the DOT "Plan For Employing Persons with a Disability," to be submitted to the Secretary in June 2000, in response to Presidential and Office of Personnel Management directives.**
- * Providing legal advice and drafting a new Departmental Policy Statement on Section 501 Affirmative Action for Persons with a Disability, to be submitted with the DOT Plan, above, for Secretarial signature, in June 2000.**
- * Developing initiative to ensure that performance appraisals of all Departmental managers and supervisors and the Secretarial performance agreements of senior management at DOT reflect the mandates of Section 501 of the Rehabilitation Act, including recruiting, hiring, mentoring, training, and promoting individuals with a disability, in response to a listening session held by the General Counsel with the two disability advocacy groups at DOT.
- * Developing initiative to establish a competitive leadership development program for qualified persons with a disability, as part of the Department's affirmative obligations under Section 501 of the Rehabilitation Act, as well as the Administration's request that federal executive agencies develop new initiatives in this area.
- * Developing with the Department of Justice and the National Council on Disability the ACAA outreach plan mandated by AIR-21.**
- * Working with the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, and other relevant "Presidential Task Force on Employment of Adults with Disabilities" members to develop by this summer a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities.**

Department of Agriculture Accomplishments

The Secretary's Advisory Committee for Employees with Disabilities (SACED) is a best practice that can be replicated at other agencies. The Secretary has approved a full-time staff for the SACED. The committee launched a SACED home page and held four SACED forums with employees throughout the country to listen to concerns, success stories, and suggestions from the disability community.

- ✓ Issued Departmental Regulation 4300-8 on reasonable accommodation, which announces a new policy to ensure that all employees have access to the equipment, software, and services they need to be productive.
- ✓ Established quarterly data collection for SACED review on the amount USDA offices are spending on accommodations, to determine the feasibility of Department-wide central funding.
- ✓ Assessed statistical data on representation of employees with disabilities and disabled veterans in the USDA workforce so the SACED can ensure appropriate representation at all levels. Developed and implemented an all-employee survey on employment and service delivery issues that achieved a 30 percent response rate and published a report entitled *Employee Survey on Disability Issues* in January 2000.
- ✓ USDA and GSA, working with the Federal Information Technology Accessibility Initiative, a federal interagency group, are planning to establish accessible technology centers, similar to the USDA TARGET Center, around the nation. The USDA TARGET Center provides demonstrations of assistive technologies and ergonomic solutions, evaluation of accommodations, and individual and work site needs assessments. Current locations under consideration include Georgia, Denver and California.
- ✓ Established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.
- ✓ Established an Employment Subcommittee to develop recruitment strategic plan with Departmental employment goals for hiring of persons with disabilities at all levels.

TREASURY

ACCOMPLISHMENTS

Tax Policy Initiatives

- The Work Opportunity Tax Credit, enacted in 1995, provides tax credits of up to \$2,400 per worker for businesses that hire individuals from certain targeted groups. One targeted group includes vocational rehabilitation clients who have completed state vocational rehabilitative services programs in accordance with approved individualized written plans for employment. A second targeted group consists of blind or disabled individuals who receive Supplemental Security Income (SSI) benefits.
- Since 1990, small businesses have been able to claim a 50% credit (up to \$5,000) for expenses incurred to comply with the ADA. Other businesses are allowed to expense currently (rather than to capitalize and deduct over time) preferential tax treatment for up to \$15,000 of expenses incurred to remove architectural barriers that impede access by the handicapped and elderly.

Community Development Financial Institutions (CDFI) Fund Initiatives

- **Bank Enterprise Award Program**

The Bank Enterprise Award (BEA) Program is the Fund's primary tool for pursuing its strategic plan goal of expanding banks' and thrifts' community development lending and investment activity. By providing incentives to these mainstream financial institutions, the Fund encourages them to increase their investments in underserved communities. These financial institutions do this in two ways: by providing loans, investments and services directly to the communities in need; and indirectly, by investing in local CDFIs or other community development programs, that then provide financial and development services to the communities.

The leveraging involved in this program is impressive. To date, the CDFI Fund has awarded \$88.6 million to banks and thrifts. This \$88.6 million reflects \$1.8 billion of investments by banks and thrifts in underserved communities. The Institutions awarded have invested \$1.4 billion in direct loans, investments and services in distressed communities, and \$437.4 million in equity investments and financial support to CDFIs.

- **Presidential Awards for Excellence in Microenterprise Development**

The Presidential Awards for Excellence in Microenterprise Development is a non-monetary program created and administered by the Fund at the request of the President. The awards, presented by the President, First Lady and the Secretary of the Treasury in an East Room ceremony, recognize and seek to bring attention to organizations that have demonstrated excellence in promoting micro-entrepreneurship. By recognizing outstanding microenterprise organizations, the Presidential Awards seek to promote sound lending practices and bring wider public attention to the important role and successes of



microenterprise development especially in enhancing economic opportunities among women, low-income people and minorities who have historically lacked access to traditional sources of credit. This program is one of the ways that the Fund is promoting performance best practices in the industry.



Internal Department and Bureau Noteworthy Accomplishments

DEPARTMENT

Treasury provided a recruiter to the President's Committee on Employment of People with Disabilities, and hired four (4) students from the Workforce Recruitment Program for College Students with Disabilities during the summer of 1999.

BUREAUS

- **INTERNAL REVENUE SERVICE (IRS)**

The Chiefs of EEO/Diversity and Communications and Liaison signed a captioning policy memorandum implementing the practice of captioning informational and all-employee broadcasts that originate from the IRS TV studio.

In an effort to improve the method of securing interpreting services, the Servicewide EEO/Diversity Office is conducting a pilot for centrally funded interpreting services.

The Information and Resources Accessibility Program (IRAP) Office was established to ensure employees with disabilities have access to a diverse selection of specialized electronic resources. The goal of the IRAP Office is to choose adaptive technology that will enable employees with disabilities to perform their essential job duties.

A team of managers and national Treasury Employees Union representatives developed a booklet to identify career paths for deaf employees.

The Brooklyn District participated in the Summer Youth Employment Program, affiliated with the Lexington School for the Deaf, by employing two summer interns.

The Disability Program Manager of the Arkansas-Oklahoma District participated in the "Young Adult Forum for Disability Concern and Challenge Air Program. This program assists people with disabilities to pursue college degrees and provides mentors to enhance their leadership qualities and learning skills.

- **THE BUREAU OF PUBLIC DEBT (BPD)**

BPD conducted a "Hidden Disabilities Panel" in which employees with hidden disabilities discussed their disabilities and stressed that not all disabilities are visible.

**Department of the Interior
ADA Compliance**

- DOI currently employs approximately 634 people with Targeted Disabilities
- The Department has established an aggressive process to hire and place many students identified by the Federal Workforce Recruitment Program for College Students with Disabilities. In 1999 DOI led all non-DOD agencies by hiring 40 students under this program.
- The Fish and Wildlife Service developed a partnership with the California Department of Vocational Rehabilitation to ensure that all employees and applicants receive reasonable accommodations and access to programs, facilities and activities.
- FWS completed construction on fishing piers, parking areas, observation decks, sidewalks and boardwalks to increase accessibility at several National Wildlife Refuges. In addition, several mobile wheelchairs were purchased to assist with movement in other spaces.
- Bureau of Land Management is engaged in identifying and removing barriers that restrict the hiring and placement of individuals with disabilities.
- The Bureau of Reclamation has an innovative program that allows professional staff to instruct at various colleges and universities to identify potential employees. As a result, four college students with disabilities were hired.
- In 1999 the Bureau of Indian Affairs completed the elimination of over 150 barriers to accessibility at a cost in excess of \$1,279,000. Projects included; entrance modifications, plumbing changes, ramps and alarm systems.
- Managers and supervisors of the Minerals Management Service have developed special appointment authorities under the Disability Employment Program.
- OSM (Office of Surface Mining) conducted and completed accessibility compliance reviews at several of their field locations.
- The National Park Service has provided training in accessibility to over 2000 Park and recreation professionals. It has also provided seminars on accessibility issues such as trail access, historic site access and playground design.

- NPS established a telephone HelpLine to provide technical advise to park and recreational professionals seeking to solve access problems.
- There have been a total of 339 projects approved by NPS that included accessibility as at least one of the components of the project. The total amount of funds involved in these projects exceeds \$82,500,000.
- The U.S. Geological Survey has designed and presented seven outstanding conferences featuring various issues related to employing people with disabilities. Some of the information presented included; companion dog program, accessibility technology, legal issues and improved communications.
- USGS has developed a pilot mentorship program that matches Federal employees with disabilities to students with similar disabilities.

SSA Accomplishments supporting the Presidential Task Force for the Employment of Adults with Disabilities (PTFEAD) and for announcement as part of ADA celebration events:

In September 1998 the Department of Labor and SSA entered into cooperative agreements with a total of 18 States to develop innovative projects to increase employment among people with disabilities who want to work. The first annual conference was held in September 1999 and a report was provided to the Presidential Task Force for the Employment of Adults with Disabilities.

In October 1999, SSA joined forces with the U.S. Small Business Administration (SBA) to help improve employment and entrepreneurial opportunities for Americans with disabilities by signing a partnership agreement to coordinate the efforts of SBA's Welfare-to-Work initiative and our Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs.

Beginning January 2000, the Department of Labor, Department of Education, Department of Health and Human Services, the PTFEAD, the President's Committee on Employment of People with Disabilities, the National Council on Disability and SSA have sponsored and continue to sponsor public education forums around the country entitled "Federal Policy - State Opportunities: Models and Strategies for an Inclusive Workforce." These forums focus on Federal and State employment-related policies and programs for people with disabilities.

In January 2000, SSA began a two-State Youth Continuing Disability Initiative that will involve SSI Youth in Maryland and Florida ages 15-16 who have had a continuing disability review performed. The project will assist youth in obtaining the information and services they need to successfully transition to work and will be used to examine the feasibility of such an approach on a nationwide basis.

In May 2000 we awarded funds to the Children's National Medical Center to serve SSI youth with disabilities in the District of Columbia. The project will target preadolescents and adolescents as well as health care professionals to improve post-secondary and employment outcomes for young people with disabilities.

On May 26, 2000, we launched the new Internet web site, *The Work Site*. This site contains important information and support for disability beneficiaries, employers, service providers, youth with disabilities, advocates, and others whose goal is to help those persons with disabilities work. The web site is fully accessible to people with disabilities. This is significant since fewer than 5 percent of all Internet sites are accessible to people who are visually impaired, hearing impaired, or have limited dexterity.

The Department of Labor, the Department of Health and Human Services, and SSA worked together to develop and issue program announcements on grants and

cooperative agreements in May 2000 and to participate in PTFEAD-sponsored bidders conferences in June 2000 on several new programs. The programs will enhance service delivery to people with disabilities in the new One-Stop system; provide benefits planning, assistance, and outreach services to SSDI and SSI beneficiaries who would like to work; and provide funds to States for infrastructure improvements related to Medicaid for workers with disabilities.

Up until 1999, some courts had held that an individual could not claim to be totally disabled in order to obtain benefits from SSA and also bring an ADA action against an employer saying that he would have been able to work if reasonable accommodations were made. In conjunction with DOJ and the EEOC, SSA filed amicus briefs explaining that the two Acts were not inconsistent and that an individual could be disabled within the meaning of the Social Security Act but still be able to work with reasonable accommodation. In 1999, DOJ, SSA and EEOC requested the Supreme Court to review one of these decisions. Thereafter, the Supreme Court issued a decision in *Cleveland v. Policy Management Systems Corp.* which adopted the Government's position and held that the mere fact that a disabled individual had applied for or received Social Security disability benefits did not mean that could not also be a qualified individual with a disability who could work with reasonable accommodation. As a result, disabled individuals were no longer faced with the possibility of losing their right to bring ADA actions against employers who refused to make reasonable accommodation to their handicaps if they chose to apply for Social Security disability benefits.

We are also fully supporting the **"Spirit of ADA Campaign and Torch Relay"** by the personal involvement of Commissioner Apfel and Deputy Commissioner Halter.

**EEOC ACCOMPLISHMENTS
10th ANNIVERSARY OF THE ADA**

EEOC POLICY DEVELOPMENT UNDER ADA

- Policy guidance, which helps employers and employees understand their rights and responsibilities under the ADA, plays a central role in the Commission's enforcement efforts. The Commission uses policy guidance to instruct Commission staff on what legal principles to apply in investigating, conciliating, and litigating cases, to enhance voluntary compliance by employers, and to shape the development of disability law.
- Since the ADA was enacted in 1990, the Commission has issued a steady stream of policy and technical assistance documents dealing with every aspect of employment discrimination under the ADA.
- In 1991 the EEOC issued both the Final Rule and Interpretive Appendix implementing the ADA.
- In 1992 EEOC issued the ADA Technical Assistance Manual which covers much of the Final Rule's subject matter – but in plain language. It swiftly became an indispensable guide for laypersons needing to know how the ADA affects the workplace.
- Subsequent policy guidances and related documents have filled in the basic framework set forth in the Final Rule. Below are described some of the most significant policy documents.

1. Compliance Manual Section on the Definition of the Term "Disability" (1995):

Published in 1995, this document thoroughly and systematically sets out the manner in which EEOC investigators should approach the most fundamental issue in almost every ADA case – whether a charging party has a "disability" within the meaning of the Act.

2. Preemployment Questions and Medical Examinations (1995): This guidance offers a common-sense approach in "plain English" to issues that are critical in ensuring that people with disabilities are not discriminated against in the hiring process.

3. Effects of Representations in Applications for Disability Benefits on the Determination of Whether an Individual is a "Qualified Individual with a Disability" Under the ADA (1997): This guidance was instrumental in changing the course of judicial decision-making on an issue of paramount importance to many people with disabilities.

- In its guidance, the Commission said that the fact that someone claimed to be disabled for purposes of receiving certain benefits should not automatically prevent him or her from maintaining an ADA suit against a particular employer.

- In *Cleveland v. Policy Management Systems Corp.* (1999), the Supreme Court essentially endorsed the position advanced in EEOC's guidance. The court said that application or receipt of disability benefits would not automatically bar an ADA suit, although the plaintiff would have to explain how the statements in the benefits application could be reconciled with a claim that he or she was 'qualified' within the meaning of the ADA.

4. ADA and Psychiatric Disabilities (1997) : This guidance addresses challenging questions about disabilities that are frequently not understood by employers or the general public in a manner that is accessible to the reader. Prior to issuance of the guidance, many people did not even know that the ADA protected individuals with psychiatric disabilities. The guidance was the catalyst for a constructive public discussion about psychiatric disabilities in the workplace, and it has worked to expose many of the myths, fears, and stereotypes surrounding psychiatric disabilities.

5. Reasonable Accommodation and Undue Hardship (1999): This guidance provides clear responses to some of the most commonly-asked questions about reasonable accommodation, and sets out several agency positions on novel or complex issues.

6. Instructions to Field Offices on Analyzing ADA Charges After Supreme Court Decisions Interpreting "Disability" and "Qualified" (1999): Issued only one month after three Supreme Court decisions interpreting Title I of the ADA, this document provided EEOC investigators with critical guidance on evaluating ADA charges involving people who use medications or assistive devices to eliminate or reduce the effects of an impairment. Application of the Instructions has demonstrated in many instances that charging parties who use mitigating measures still have disabilities, and therefore, are protected by the ADA.

ADA LITIGATION HIGHLIGHTS

- EEOC has sought through litigation to strategically enforce all aspects of the ADA provisions prohibiting disability discrimination, including issues such as coverage, reasonable accommodation and egregious discrimination.
- EEOC has filed dozens of briefs as a friend of the court, confronting fundamental issues on how the ADA should be applied, including the critical issue of who should be protected by the Act. Consistent with the intent of Congress when drafting the Act, EEOC has argued that the ADA should be applied expansively.
- EEOC filed numerous briefs arguing that individuals who seek disability benefits are not estopped from claiming they are qualified individuals with disabilities within the meaning of the ADA. This position was ultimately ratified by the Supreme Court in *Cleveland v. Policy Management Systems Corp.*, 526 U.S. 795 (1999).

- In *EEOC v. The Kroger Company*, the Commission sought the removal of physical barriers that prevented a cashier with **paraplegia** from using defendant's restroom or break room because they were located down a flight of stairs. After he filed a discrimination charge with EEOC, the company built an accessible restroom and break room, which he could reach in his wheelchair. The defendant further agreed to provide the cashier with \$225,000 in compensatory and punitive damages.
- Some barriers are embedded in the way a job is done. Often people with disabilities can work productively with simple and inexpensive accommodations. In *EEOC v. Bloomingdale's, Inc.*, the Commission challenged the defendant's refusal to allow an employee to **sit on a stool 5 to 10 minutes per hour** when she became fatigued by her **systemic lupus**. The defendant settled the suit by providing her with \$75,000 in monetary relief and by agreeing to train its managers on the requirements of the ADA.
- In *EEOC v. United Public Workers, AFSCME, Local 646*, the Commission sought the provision of **sign language interpreters** at union meetings for two union members who are deaf. The union has now agreed to provide interpreters for hearing impaired members and accommodations for its members who have other disabilities. The union also provided the two union members with nearly \$50,000 in monetary relief.
- The Commission's litigation also has been directed at eliminating the barriers that exist only in the minds of people. Employers often operate on the basis of misapprehensions about individuals with disabilities. For example, in the very first lawsuit filed by EEOC under the ADA, *EEOC & Charles Wessel v. AIC Security Investigations, Ltd, et. al.*, EEOC won a jury verdict finding the defendant had unlawfully fired its Executive Director because he had **terminal brain cancer**. The former director was awarded \$222,000.
- In *EEOC v. Showbiz Pizza Time Inc., d/b/a Chuck E' Cheese*, EEOC claimed that a district manager fired a **developmentally disabled** custodian because the company did not employ "those type of people." A jury awarded the custodian back pay, \$70,000 in compensatory damages for emotional distress, and \$13 million in punitive damages (the punitive damages award was later reduced to \$230,000 because of the statutory cap on damages). The judge also ordered the company to give the custodian his job back.
- In *EEOC & John Doe v. Campbell University, Inc.*, the Commission successfully challenged the university's termination of a physical education instructor because he had **AIDS**. At the outset of the lawsuit, the court ordered the defendant to continue paying the instructor's health insurance benefits, pending trial. The university later agreed to provide the instructor with continued employment, salary and benefits, and with \$325,000 in monetary relief.
- In *EEOC v. Chomerics, Inc., et al.*, the Commission claimed that a chemical worker's coworkers and supervisor harassed and mocked him because of his disability (**cerebral**

palsy). The company agreed to provide the worker with \$98,000 in back pay and compensatory damages.

- In *EEOC v. Wal-Mart Stores, Inc.*, a jury found the store's hiring official had illegally asked a job applicant about his disability (**amputated arm**) in a job interview and then refused to hire him. The applicant was awarded \$7,500 in compensatory damages and \$150,000 in punitive damages. The judge also ordered the company to stop questioning applicants about their disabilities.
- In *EEOC v. Southwestern Bell Telephone Co.*, EEOC alleged that the company refused to allow an air conditioning specialist to return to work following his treatment for **depression**. The company agreed to give the specialist his job back, restore his seniority rights and benefits, and pay him over \$24,000 in monetary relief. In addition, the company agreed to improve its assessment of each employee's ability to resume work after a medical leave of absence.

EEOC ADA CHARGES

- From the ADA's enactment through September 30, 1999, parties have filed 125,946 charges with EEOC alleging disability discrimination.
- From FY 1993 (the first full year of ADA enforcement) through FY 1999, ADA receipts were 21.4% of total receipts.
- In FY 1999 ADA charges were 24.4% of total pending inventory. From FY 1993 through FY 1999 ADA charges averaged 23.3% of total pending inventory.
- From July 26, 1992, when the ADA first went into effect, through FY 1999, a total of \$261,296,676 in monetary benefits was awarded under the Act. During the same period, a total of 19,490 individuals received monetary benefits, an average of \$13,407 per person benefitted.
- In FY 1993 monetary benefits in ADA charges were \$15,946,811, 12.6% of total monetary benefits obtained by EEOC. By FY 1999, ADA monetary benefits increased to \$49,879,456, 23.7% of the total.
- Over \$18.5 million was awarded in compensatory and punitive damages.
- Since FY 1992, in addition to persons receiving monetary benefits in ADA charges, 10,023 individuals received non-monetary benefits as well.

EEOC ADA MEDIATION ACTIVITY

- During FY 1999, EEOC mediated approximately 1,813 ADA charges, and had a success

rate of 63%.

- In FY 1999, more than 24% of the cases mediated in EEOC's overall ADR program involved the ADA. Of those mediations, 22% involved the issue of reasonable accommodation, 4% involved the issue of hiring, 28% involved the issue of discharge, 8% involved the issue of harassment, and 10% involved the issue of terms and conditions of employment.
- During the two-year life of the mediation program, a total of \$17,182,754 in monetary benefits have been awarded through mediation in ADA cases. This is an average of \$11,231 for each of the 1,530 persons benefitted monetarily. In FY 1999, average mediated monetary benefits in ADA charges were \$11,172.
- Often ADA charges involve non-monetary relief, and 46% of ADA charges that were resolved through mediation involved a non-monetary benefit such as reasonable accommodation, rehire, policy change or training, for example.
- When mediated, the average charge processing time for ADA complaints is nearly cut in half; that is the time from the charging party walking in the door of EEOC to the time of resolution or impasse. On average, ADA charges take 286 days to reach a determination in EEOC's administrative process; while the processing time for mediated ADA charges took 151 days which results in a final resolution of the matter.
- In 1997, EEOC resolved a class disability claim affecting 27 individuals who had complained that a pre-placement health-screening questionnaire violated the ADA by requiring them to disclose medical conditions. In the settlement, the company agreed to stop using the questionnaire, offered the 27 individuals an opportunity to be reconsidered for employment under a modified application process, paid \$950,000 to the individuals, and augmented an internal training program, procedures, to ensure compliance with the ADA.
- Another EEOC mediation resolved a case involving a charging party who alleged that when an employer learned of his disability, cancer, it fired him. As a result of the mediation, the charging party was reinstated to his former position, with back pay. He also was given a reasonable accommodation of time off to attend any future chemotherapy treatments.
- Another mediation involved a charging party who had a serious health condition of congestive heart failure and was on a medical leave of absence. She filed a charge concerning her employer's alleged failure to reasonably accommodate her when she attempted to return to work. The charging party, who was no longer interested in returning to work for the employer, settled her charge for long term disability benefits and \$65,000.

EEOC OUTREACH

- EEOC conducted 3,439 outreach and education activities in which the ADA was the principal topic during the period 1991-1998.
- In FY 1999, EEOC field offices conducted 119 outreach events for disability rights audiences of nearly 7,000 persons. These included 63 oral presentations, 11 training sessions and 18 "stakeholder input" meetings where information was obtained on issues concerning this constituency.
- In 1999, EEOC conducted 2,550 field outreach events covering all laws enforced by the Commission. In approximately 24 % of those events, major topics of discussion were the ADA and "reasonable accommodation."
- Through a little over three quarters of FY 1999, EEOC conducted over 30 Technical Assistance Seminars, addressing topics on the ADA that included reasonable accommodation, psychiatric disabilities, leave issues, policy guidance, and a host of others. In those seminars EEOC reached over 5,000 participants all across the country.

DEPARTMENT OF EDUCATION
ADA-RELATED
ACCOMPLISHMENTS
(12 July 00)

- Through reform efforts such as Goals 2000, the Department has promoted a national commitment to enabling *all* students to learn to high standards. Programs that direct elementary and secondary school reforms positively impact students with disabilities as well as their peers. Initiatives like Class Size Reduction, Smaller Learning Communities and 21st Century Community Learning Centers help create opportunities for individual attention and a learning environment conducive to multiple learning styles and a diverse student body. Title I funds served over 1 million children with disabilities in the 1996-97 school year. Further, the Department has raised public awareness about the needs for school construction and renovation, including addressing facilities and technology accessibility issues.
- Learning Disabilities One-Stop Learning Centers Project: This initiative provides the latest diagnostic, assessment, instructional strategies, and research findings to assist adults with learning disabilities.
- Collaborating with the Department of Justice in a five year project for Youth with Disabilities: The program focuses on three broad areas of prevention programs, education programs, and reintegration and transition programs for youths between the ages of 16 and 22 who are in county, state or federal correctional facilities.
- Collaboration with the National Institute for Literacy on the Welfare-to-Work System for Learning Disabled Adults: One product of this effort is *Bridges to Practice*, a comprehensive research-based guide to serving adults with Learning Disabilities (LD). In addition, four LD hubs have been funded that provide training and technical assistance in the use of *Bridges to Practice* as a tool for improving services and results. Thus far 37 States and District of Columbia have been trained.
- Initiated a new demonstration program designed to increase college graduation rates of students with disabilities through improved faculty

development.

- Developed a Resource Bulletin and other targeted resources for School-To-Work and youth with disabilities.
- Worked with Department of Labor to develop a manual on disability issues in Welfare-to-Work.
- “Applying Federal Civil Rights Laws to Public Charter Schools: Questions and Answers” was recently published by the Department of Education's Office for Civil Rights (OCR) and is available at <http://www.uscharterschools.org>. These Q&As were developed, with input from the Department of Justice's Civil Rights Division, as part of our continuing effort to support innovation and choice within the public school system and in response to increasing requests for technical assistance regarding charter schools.
- **The reauthorization of the Individuals with Disabilities Education Act (IDEA):** With the signing of the 1997 amendments to the IDEA, the focus of IDEA changed from one that merely provided children with disabilities access to an education to one that improves results for all children in our educational system. The IDEA '97 strengthens the role of parents in educational planning and decision making on behalf of their children. It focuses the student's educational planning process on promoting meaningful access to the general curriculum. The new law also reduces the burden of unnecessary paperwork for teachers and school administrators. All of this was accomplished without compromising the Clinton/Gore Administration's fundamental principle of protecting the basic rights of children with disabilities to a free appropriate public education. Through Part D of IDEA four partnership projects were funded to assist educators, parents, and policy makers in the implementation of the re-authorized law.
- **The revamping of the Administration's approach to monitoring the regulatory and statutory requirements of the IDEA:** Over the past five years, OSEP has worked with States, parents, advocates and other key stakeholders to shape its accountability work in a way that drives and supports improved results for infants, toddlers, children and youth with

disabilities., without sacrificing protection of individual rights. In order to ensure compliance with IDEA 97 that supports positive results for children with disabilities, OSEP designed a continuous improvement monitoring system that includes:

- Increased collaboration between the Department of Education, State Educational Agencies and special education stakeholders
- Providing ongoing technical assistance to the State to support the process
- A State self-assessment
- Increased stakeholder involvement in the process including parents, students, and advocacy organizations
- Continued on-site review of State and local programs
- An improvement planning process that is driven by the unique needs of the State

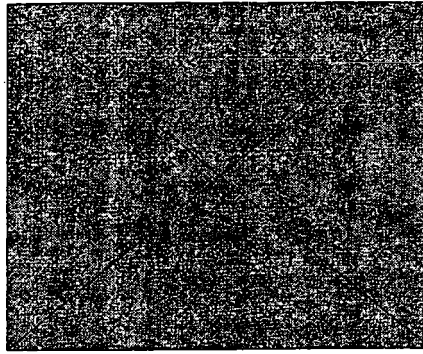
➤ **Expansion of the Part C Infants and Toddlers Program:** The last eight years have seen a dramatic expansion in services to infants and toddlers with disabilities and their families. Since the program is predicated on the belief that earlier intervention leads to better child outcomes, it is especially gratifying that the number of infants and toddlers served has shown steady growth and there is increasing evidence that infants and toddlers are being identified for services at an earlier age. Recognizing the interagency nature of services for young children with disabilities and their families, Congress established a Federal Interagency Coordinating Council (FICC) to coordinate and mobilize all available resources to assure appropriate services for the nation's infants and young children with disabilities and their families. This was done as a part of the reauthorization of P. L. 99-457, which became the Individuals with Disabilities Education Act Amendments (IDEA) of 1991

➤ **Sustained and effective support of IDEA through the Part D National Activities:** Part D National Programs continue to enhance the capacity of states to develop infrastructures to support the full and effect implementation of IDEA through a variety of strategies including: research, personnel preparation, technical assistance and dissemination, technology, and studies and evaluations. Activities under Part D have improved results for children with disabilities as well as their non-

disabled peers in families and schools throughout the United States and abroad. Three areas of significant investment are access to the general curriculum, inclusion in assessments and behavior. Investments in **access to the general curriculum** include a newly funded technical assistance center and a number of useful publications including: A Guide to the Individualized Education Program, A synthesis of the Literature that Informs Best Practices about Inclusive schooling and a series of synthesis on Improving instructional Practices for Students with Learning Disabilities. Our major investment in **assessment and accountability** is the funding of the National Center on Educational Outcomes. This Center conducts research and provides technical assistance on a variety of issues surrounding the assessment of children with disabilities. Several Part D investments have addressed **behavior** issues. These investments have resulted in improved outcomes for both students with disabilities as well as their non-disabled peers. The Center on Positive Behavioral Support offers technical assistance to states and districts helping to create safe effective learning environments. Notable publications in this area include the Early Warning Timely Response Guide and The Early Warning Action Guide both published in collaboration with the Department of Justice and Education and distributed nationwide. An additional technical assistance publication, Applying Positive Behavioral Support and Functional Behavioral Assessment in Schools has also been widely distributed.

- Completed reauthorization of the Rehabilitation Act which increased focus on consumer choice and involvement in the vocational rehabilitation process, incorporated automatic eligibility for SSDI and SSI recipients, and provided for increase collaboration with generic employment and training programs (August 1998).
- Release of final regulations implementing standards and indicators for the state vocational rehabilitation program focusing on quality employment outcomes and access to services for underserved populations (June 2000).
- Release of proposed rulemaking soliciting comment on a proposal to eliminate "extended employment" as a successful outcome under the vocational rehabilitation services program (June 2000).

- Issued joint letter with Department of Labor to provide guidance to the field on vocational rehabilitation involvement on State Workforce Boards.
- Sponsored, with Task Force, the very successful National Transition Summit "Bridging Systems to Improve Transition Results" (June 2000).
- Secretary Riley establishes (1993) a Disability Work Group on the Recruitment, Advancement and Access for People with Disabilities to conduct an evaluation of ED's policies and practices for compliance with Section 504 and make modifications, based on recommendations of the Work Group, if current policies and practices are in need of modification(s). (Co-chaired by Assistant Secretary/OSERS).
Outcomes: Many recommendations were made and implemented to strengthen policies covering accessibility, facilities, alternate formatting of materials, technology, training, etc.
- Establishment of a 504 coordinator position for the Department and subsequent hiring of a 504 coordinator in the Office of Management. Assistant Secretary (OSERS) was primary catalyst.
- Establishment of a Department managed Alternate Format Center to provide employees and customers with print materials in alternate format (braille).
- Establishment of a Department wide (annual) central pool of funds to directly support reasonable accommodations hires for individuals with disabilities.
- Development of a Department wide disability awareness training course for all employees that has become part of the Department's 20 hours of core curriculum training for managers.
- Development of Department guidelines and requirements covering information technology accessibility in compliance with section 508 of the Rehabilitation Act.
- Development of a handbook and policy guide for employees and



U.S. Department of State
Foreign Buildings Operations

Accomplishments Sheet

The U.S. Department of State Office of Foreign Buildings Operations is responsible for the design and construction of new U.S. embassies, consulates and embassy staff housing worldwide. In addition, FBO is responsible for renovating existing diplomatic facilities in order to bring them into current code and Department standards.

In 1998, FBO adapted the Policy and Procedures Directive entitled **Barrier-Free Accessibility Action Plan and Policy Implementation Plan** that provides guidance on barrier-free accessibility requirements.

All of FBO's designs for new and renovated diplomatic facilities represent and outreach to all Americans with disabilities and demonstrates to the world that we are committed to advancing the quality of life for all who work in and visit our diplomatic facilities.

Some of FBO's recent accomplishments in providing fully accessible buildings worldwide include:

Recently Completed New Embassy Office Buildings

Ottawa, Canada

Moscow, Russia

Recently Completed Ambassador's Residence Renovations

Ljubljana, Slovenia

London, England

Havana, Cuba

Berlin, Germany

New Embassy and Consulate Office Buildings Under Design or Construction

Istanbul, Turkey

Zagreb, Croatia

Dar Es Salaam, Tanzania

Nairobi, Kenya

Tunis, Tunisia

Kampala, Uganda

Doha, Qatar

Luanda, Angola

Embassy Staff Housing Facilities:

Rome, Italy

New Delhi, India

Paris, France

Kuwait City, Kuwait

Barrier Free Accessibility Action Plan

Where functional renovations of existing facilities are not planned, FBO has developed a

Barrier-Free Accessibility Action Plan that identifies those facilities in need of fundamental accessibility improvements and investigates opportunities for continued progress in providing accessible facilities.

COMMERCE DEPARTMENT ACTIVITIES TO ASSIST PEOPLE WITH DISABILITIES

The Department is:

- Conducting an assessment to identify which resources of the Federal laboratory system can be matched to the needs of the assistive technology industry. Matching specific assistive technology companies with specific Federal laboratories will begin in the Autumn.
- Funding, with the Department of Labor, a Harvard study which will develop a methodology for accurately determining the number of people with disabilities in the workforce. This will include both those currently employed and those seeking employment.
- Funding programs to assist those with disabilities through the Technology Opportunity Program (TOP). TOP has contributed funding to eleven projects over the past year that improve the accessibility of people with disabilities. A list of these projects is attached.
- Developing, with Stanford University, assistive technology that more quickly returns injured or disabled workers to work in the "Archimedes Project." This new technology is portable, enabling employees with disabilities greater mobility to change work stations rather than being restricted to particular upgraded ones. (Featured at the July 25 demonstration)
- Creating an accessibility page on the Department's web site on which will be published accessibility research and activities.
- Establishing a central capability to aid bureaus in providing accessible technology to individuals with disabilities.
- Serving as an advisor to GSA and its contractors in the development of testing procedures to determine compliance with section 508 accessibility standards.
- Investigating overseas markets for US assistive technology exports. US assistive technology exports will drive down the cost of these products and stimulate the development of more assistive technology.

The Department has:

- Developed a low cost prototype as a possible alternative to conventional electronic Braille readers, spending about \$200 on materials for the machine. Braille readers typically carry price tags ranging from \$10,000 to \$15,000.
- Developed an electronic book reader and constructed a prototype. This research led to the filing of a patent application, "Modular Electronic Book". Under the Department's



1996 TOP Grant
Madison, WI
Total Project Cost \$78,945
Federal Share \$37,505

Using a planning grant funded by TOP, Society's Assets goal was to determine the most cost effective technological approach to Connect American Sign Language (ASL) users with interpreters through the use of video teleconferencing. The VITAL (Video Interpreting Transmission Access Link) project could serve approximately 3,000 persons with hearing impairments. The VITAL project could investigate innovative ways to apply information technology to the needs of ASL users. This project can provide significant potential for replication in other communities across the country.





*Understanding Disabilities
Creating Opportunities*

THE WHITE HOUSE

JULY 2000



UCP STRUCTURE

UCP - A national network of over 137 local affiliates

- A advocacy force at the federal, state and community level***
- A health care provider delivering a range of services to over 1 million customers annually***
- 2/3 of UCP customers have a disability other than Cerebral Palsy***

UCP SERVICES

- ▲ Over 1,000,000 “customers” per year
- ▲ Over 30,000 per day
 - Employment training
 - Independent living
 - Assistive Technology
 - Community Outreach
 - ... and much more



UCP



Bigger than the American Heart Association



Bigger than March of Dimes & Easter Seals combined



Bigger than the American Cancer Society



TOP TEN HEALTH CHARITIES

CHARITY	INCOME (000)	% TO SERVICE
UCP	\$611,101	84.8%
American Cancer Society	\$601,747	51.5%
National Easter Seals	\$483,688	76.0%
American Heart Association	\$398,669	66.9%
March of Dimes	\$164,763	72.5%
American Lung Association	\$156,309	68.9%
Muscular Dystrophy Association	\$130,315	66.8%
American Diabetes Association	\$115,753	74.1%
Arthritis Foundation	\$113,423	68.9%
National Multiple Sclerosis Society	\$113,180	66.2%





OPPORTUNITIES

PUBLIC EDUCATION CAMPAIGN

- ▲ Will provide a platform for UCP corporate sponsors to “tell their story”
- ▲ Will help extend the understanding of UCP mission
- ▲ Designed to change the way people view people with disabilities

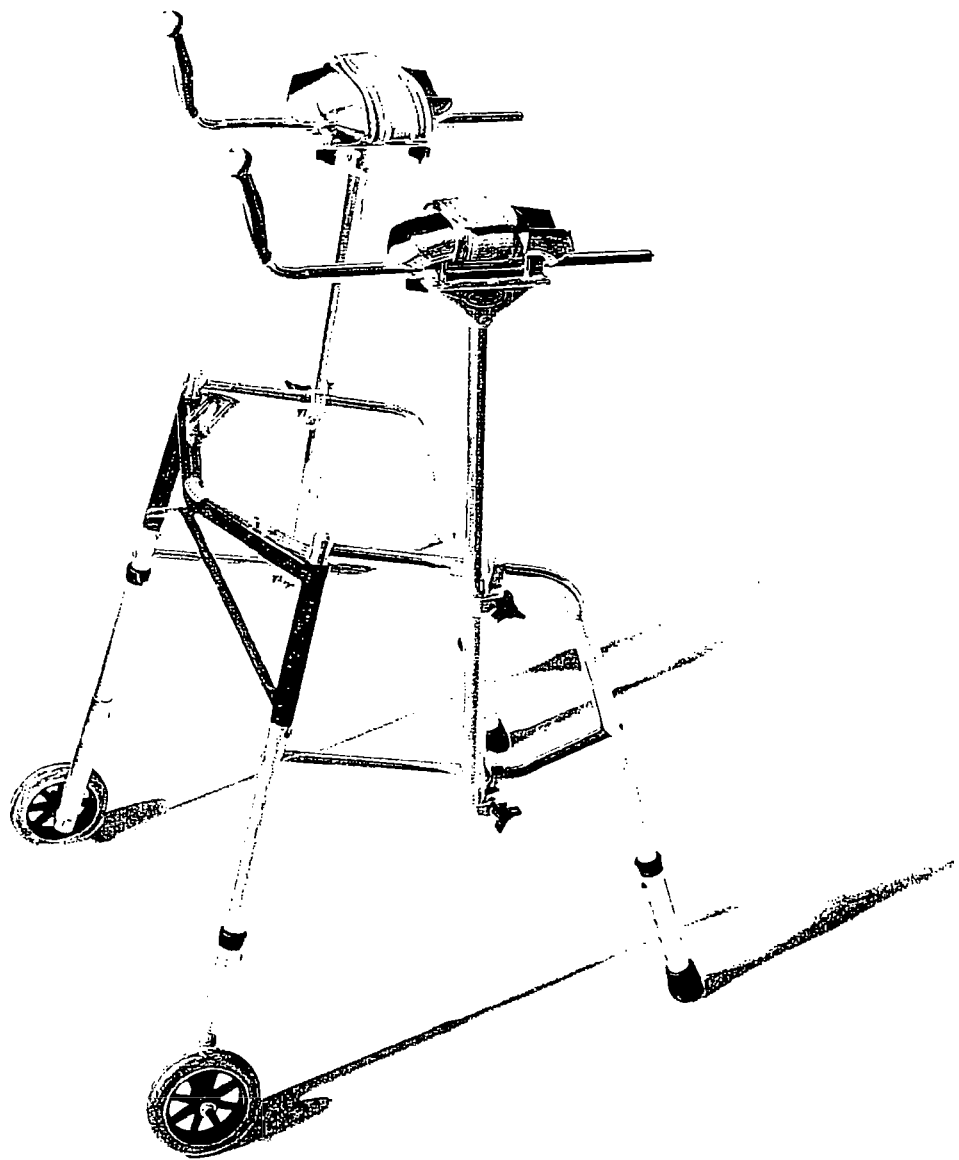
IT'S NOT MY WHEELCHAIR. IT'S MY HOT ROD.



1-800-USA-5UCP

It's how I run around. It's how I get to school. It's how I do it on my own. UCP helps me and kids like me understand that we can do it on our own. They help my family and my community understand that, too. Because we may have disabilities, but we are not unable. UCP is a non-profit organization that helps people with disabilities lead independent lives—one person at a time. To get involved, call or visit us at www.ucp.org.

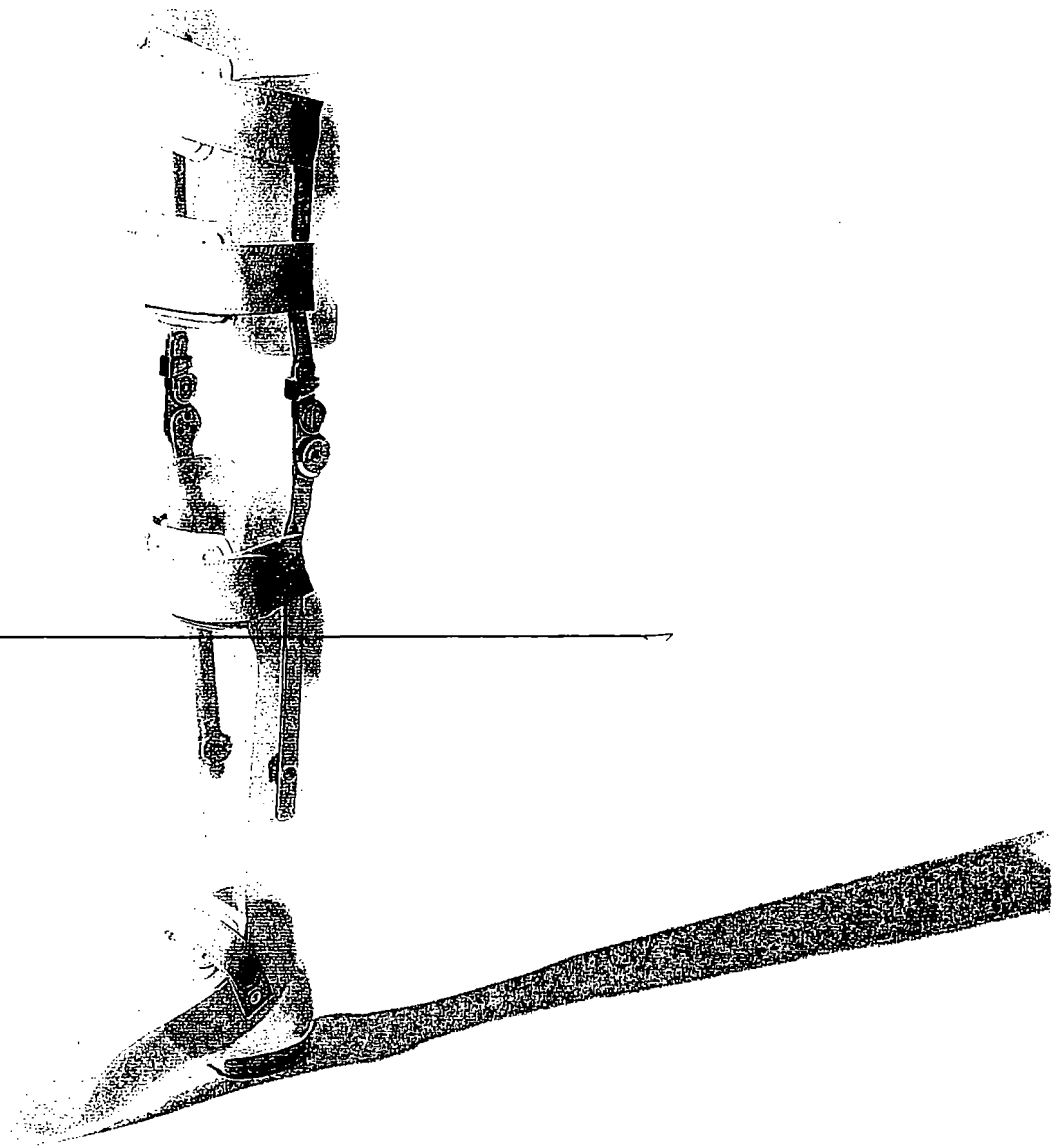
IT'S A WALKER. SO AM I.



1-800-USA-5UCP

I may have a disability, but I am not unable. I'm just going about my life like everybody else. I live on my own. I take care of myself. And UCP helps me and people like me do that. UCP is a non-profit organization that helps people with disabilities lead independent lives—one person at a time. To get involved, call or visit us at www.ucp.org.

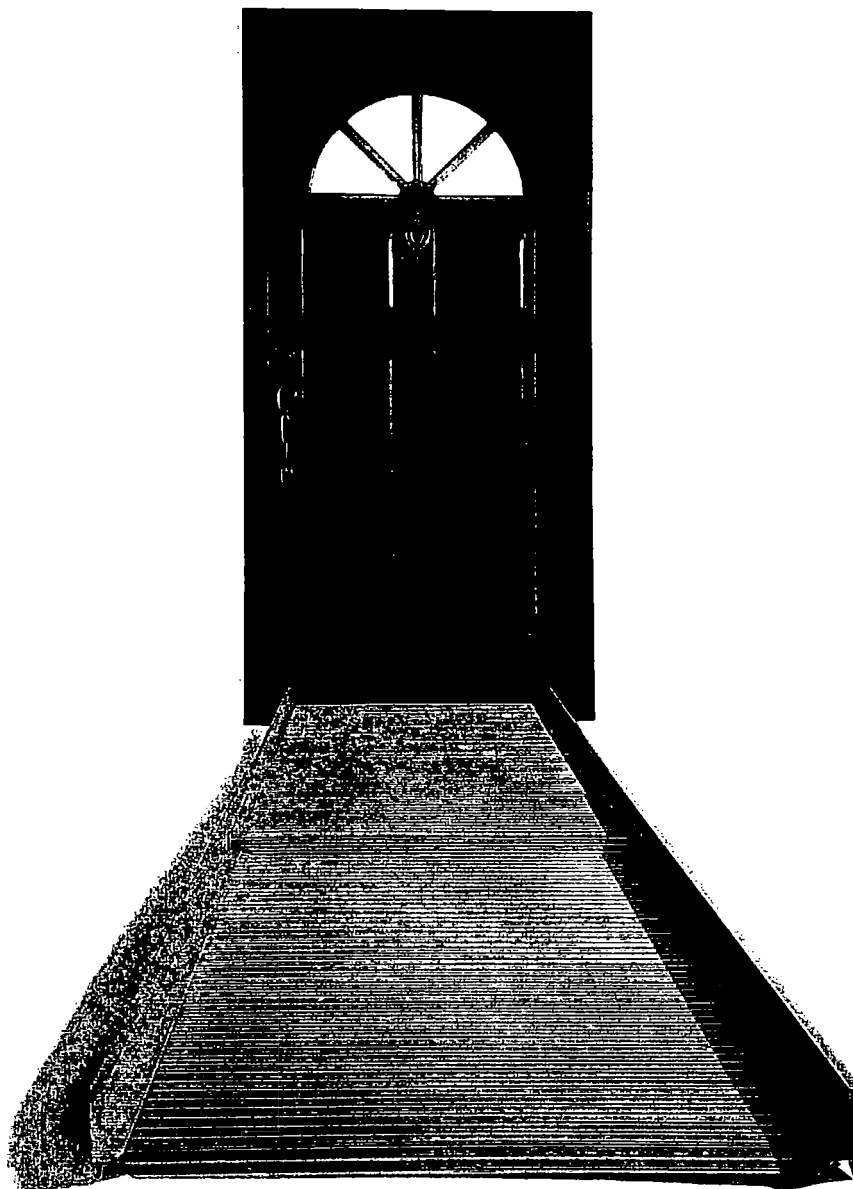
IT'S NOT A BRACE. IT'S A RELEASE FROM ONE.



1-800-USA-5UCP

I may walk differently than you. But I walk. I walk to work. I walk in the park. I walk wherever I need to go. UCP helps me get the physical therapy I need so I can keep on walking. Because I may have a disability. But I am not unable. UCP is a non-profit organization that helps people with disabilities lead independent lives—one person at a time. To get involved, call or visit us at www.ucp.org.

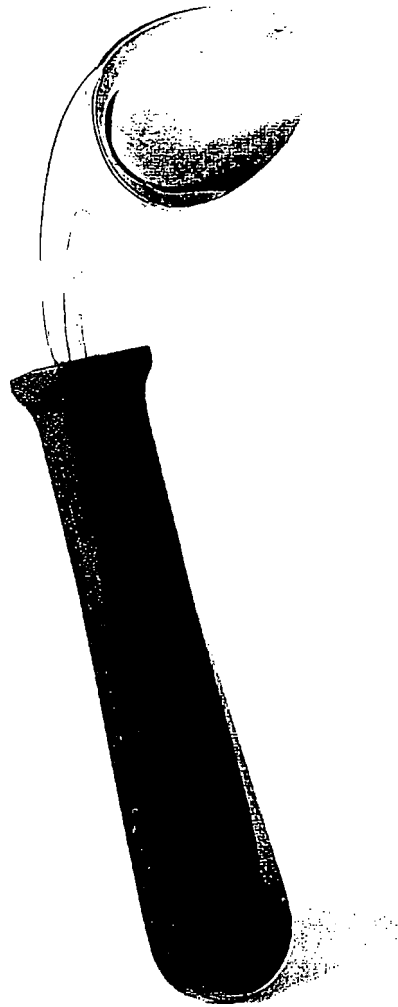
IT'S NOT A RAMP. IT'S MY WELCOME MAT.



1-800-USA-5UCP

I have a disability. But I am not unable. I go about my life like everyone else does. I get up in the morning. I make breakfast. I go to work. And thanks to UCP, I do it all on my own. They help people like me find the housing we need. But they provide us with more than places to live. They provide us with freedom. **UCP** is a non-profit organization that helps people with disabilities lead independent lives—one person at a time. To get involved, call or visit us at www.ucp.org.

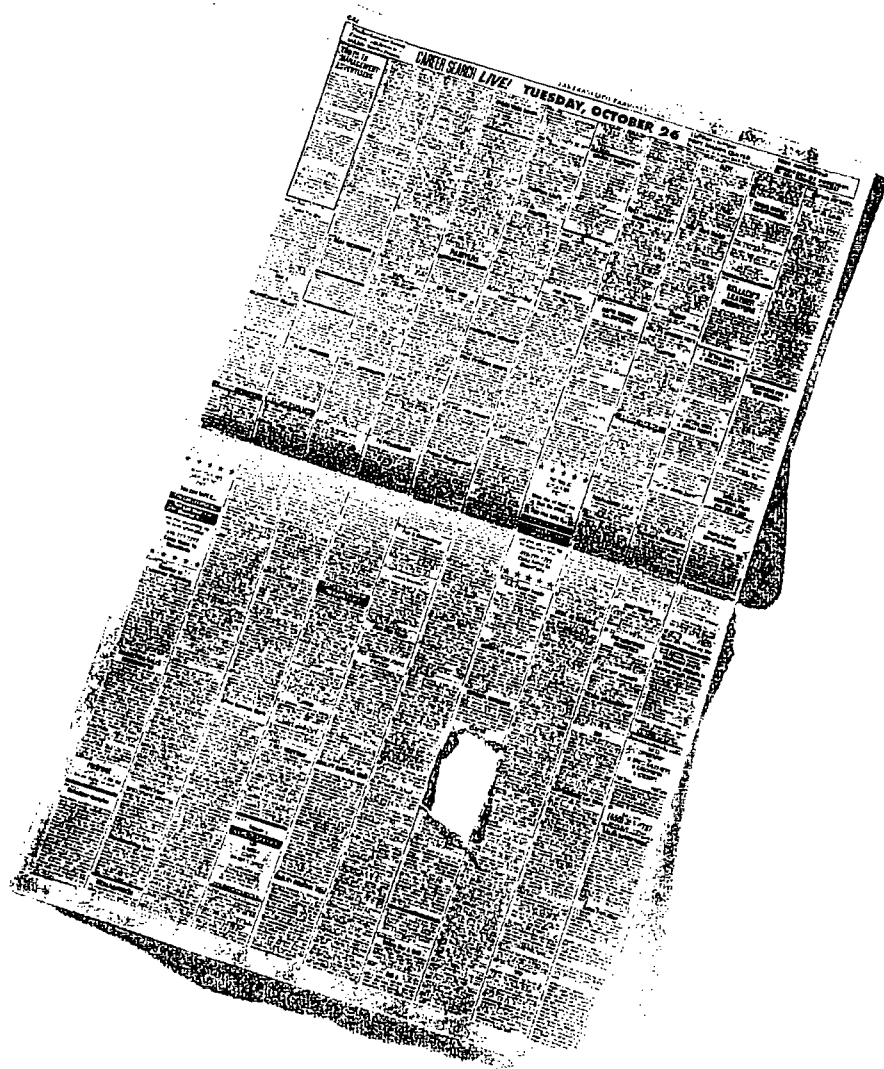
IT'S NOT A SPOON. IT'S DIGNITY.



1-800-USA-5UCP

I may have a disability. But I am not unable. I need to eat just like everyone else does. This spoon is the difference between being fed and feeding myself. It doesn't make me different from you. It makes me the same. UCP makes sure that I know that this spoon and other assistive technology is out there. And that people like me get it. **UCP is a non-profit organization that helps people with disabilities lead independent lives — one person at a time. To get involved, call or visit us at www.ucp.org.**

SOMEONE WITH A DISABILITY JUST GOT THIS JOB.



1-800-USA-5UCP

And that someone is me. Yeah, I have a disability. But I am not unable. I have a mind. I have skills. And like everybody else, I have bills to pay. UCP has made a difference in my life by helping people like me get jobs. Thanks to UCP, every week I get a paycheck. And every day I'm more independent. UCP is a non-profit organization that helps people with disabilities lead independent lives—one person at a time. To get involved, call or visit us at www.ucp.org.



Hearst Print Titles

- Classic American Homes
- Cosmopolitan
- Country Living
- Esquire
- Gardener
- Good Housekeeping
- Harpers Bazaar
- House Beautiful
- Marie Claire
- Popular Mechanics
- Redbook
- Smart Money
- Town & Country
- Victoria
- CosmoGirl
- Offspring
- O - The Oprah Magazine
- Talk



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adult with a disability or special
healthcare needs

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MEDICAL RESEARCH UPDATE

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PROMISING RESEARCH
AND TREATMENTS

GENETICS: WHERE ARE WE GOING?

- The Human Genome Project
- Gene Therapy

Readers Talk About Summer Programs

Toy Adaptations: Fun For All!

UNITED CEREBRAL PALSY (UCP)

Strong History. Powerful Future



is a nationwide network of more than 140 state and local voluntary agencies (UCP affiliates) which provides programs and services and conducts public and professional education programs relevant to children and adults with cerebral palsy and other disabilities. "We started out just wanting a better life and chance for our children. It is amazing to see how far our effort has come. In those days, we were the only voice for our children and it is incredible now to see children with disabilities develop their own voice" says Nina

Eaton, UCP co-founder and current national board member.

What UCP can do

Direct services provided by UCP affiliates include:

- physical and occupational therapy;
- assistive technology;
- information and referral;
- early intervention;
- employment skills training;
- individual and family support;
- social and recreation programs;
- community inclusion and independent living;
- advocacy and community education.

Looking ahead

In April, UCP began a year-long, fiftieth anniversary commemoration which celebrates the rich history of the organization with an eye toward further growth and success in the future. As part of UCP's "eye toward the future," the organization is preparing for the launch of a new and dynamic public education campaign featuring a new Web site as well as radio, print, and television advertising which captures the essence of the agency's commitment to people first.

An integral component of the new public education campaign is the debut of a new, contemporary UCP logo (which appears on this page) and tagline "Understanding Disabilities, Creating Opportunities." This universal tagline and theme resonates throughout UCP as an organization, and especially with the people and families they serve. "UCP is about making a difference in the lives of children and adults with disabilities with cutting-edge, innovative programs one person at a time," says UCP National Volunteer President, Charles Moses III, Esq.

UCP on the Web

The innovative programs at the local level are only a small sampling of what is happening at UCP. In an effort to provide the latest information on a wide variety of

As the tenth anniversary of the passage of the Americans with Disabilities Act approaches and the world begins life in the twenty-first century, now is a good time to reflect on the powerful, positive changes that have occurred in the world of disability. These fundamental changes and advances in such areas as technology, barrier-free architecture, employment, and education have contributed to the goal of full inclusion of children and adults with disabilities in all aspects of the community. Over the years, one organization that has been a tireless advocate, innovative service provider, and powerful visionary in their quest to fulfill their mission of advancing the independence, productivity, and full citizenship of people with disabilities is the United Cerebral Palsy (UCP).

A proud history

The group was founded in 1949, when a group of parents of children with cerebral palsy banded together in New York City to find ways to provide a better life for their children.

This small group of parents, headed by Leonard Goldenson, founder of the American Broadcasting Company, and his wife, Isabelle, Jack Hausman and his wife, Ethel, and Nina Eaton, has grown into a powerful national organization. Today, UCP

"UCP is about making a difference in the lives of children and adults with disabilities with cutting-edge, innovative programs, one person at a time."

These programs and services support people with disabilities as they strive to reach their full potential and become full, productive members in their local communities.

happenings in the disability field, from new medical therapies, to important legislative information, to activities in each state, UCP has built a new, fully accessible

continued on page 54

FESTIVAL TIME IN CHARLESTON AND EDINBURGH * WINNING AT JEOPARDY

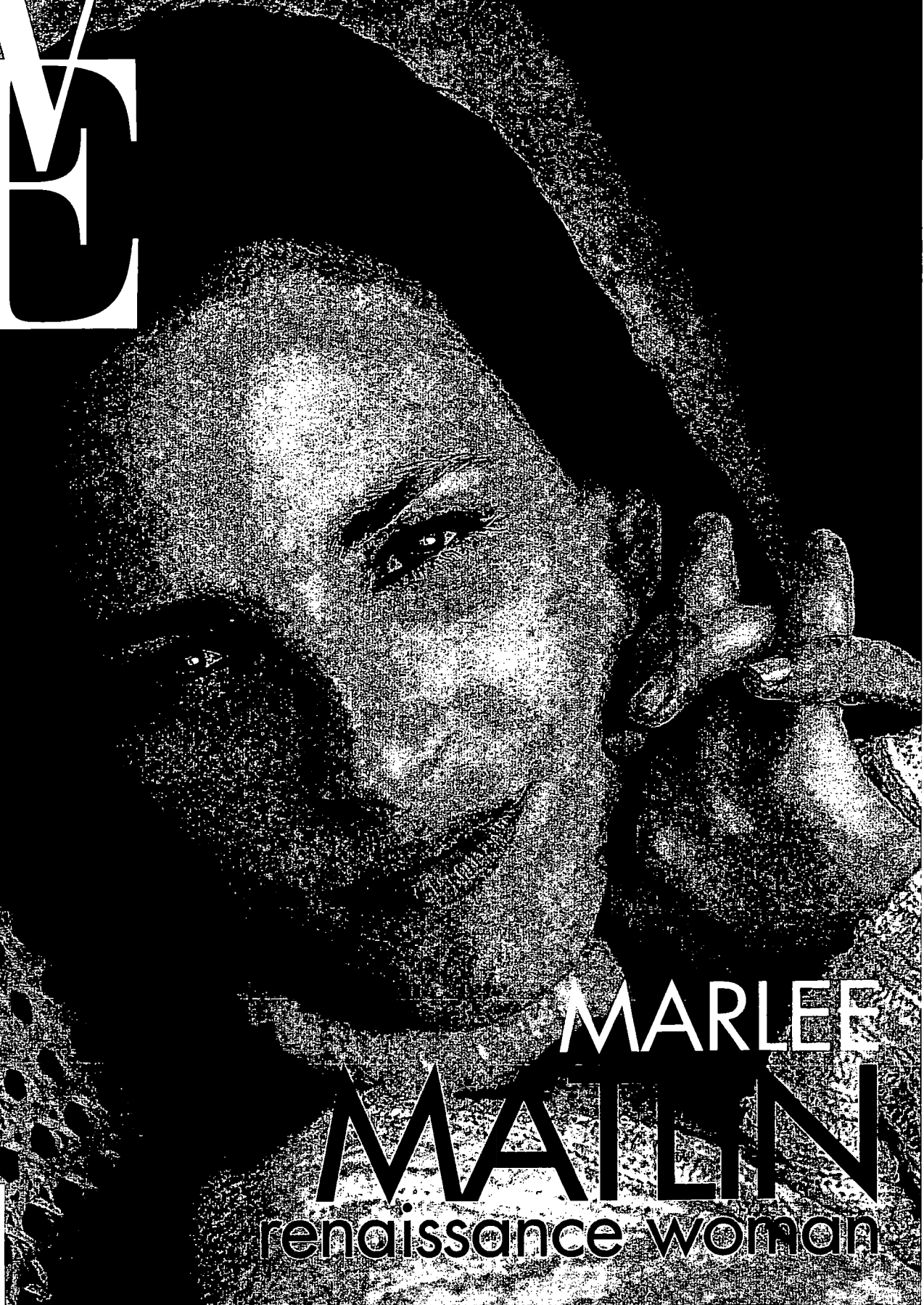
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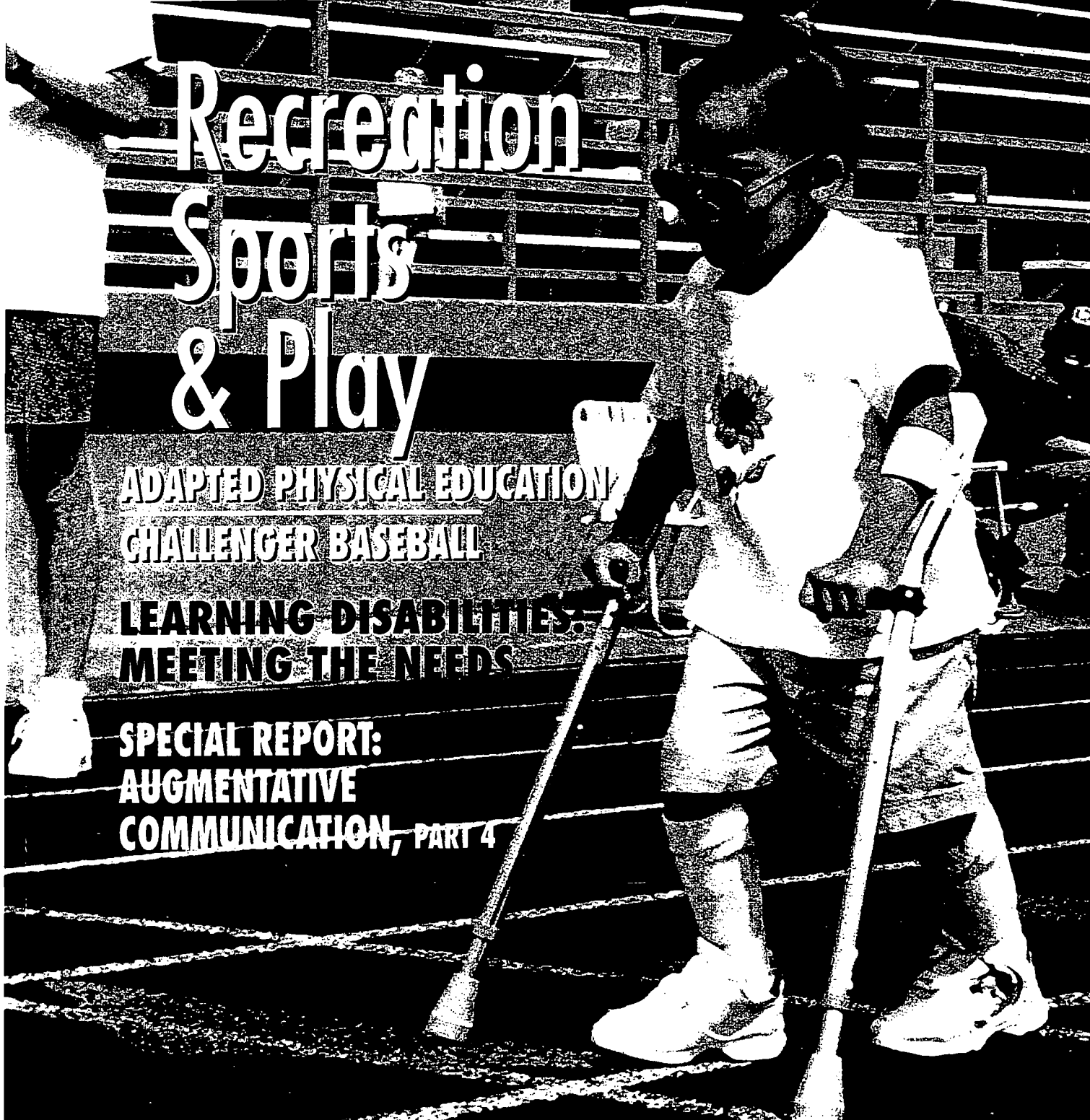
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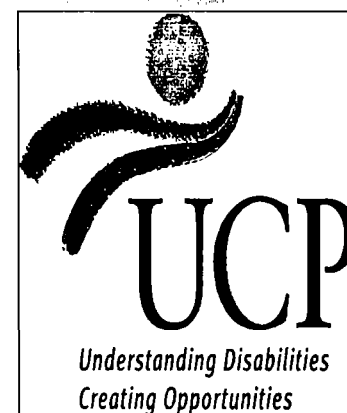
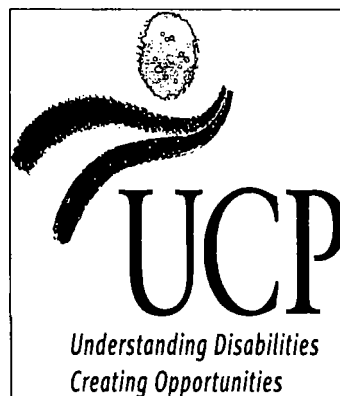
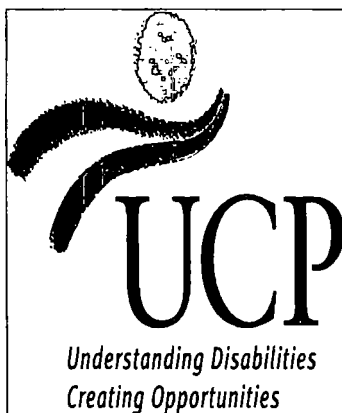


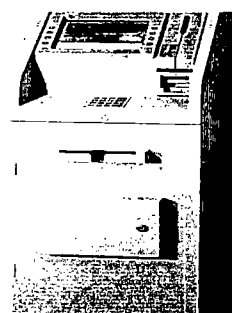
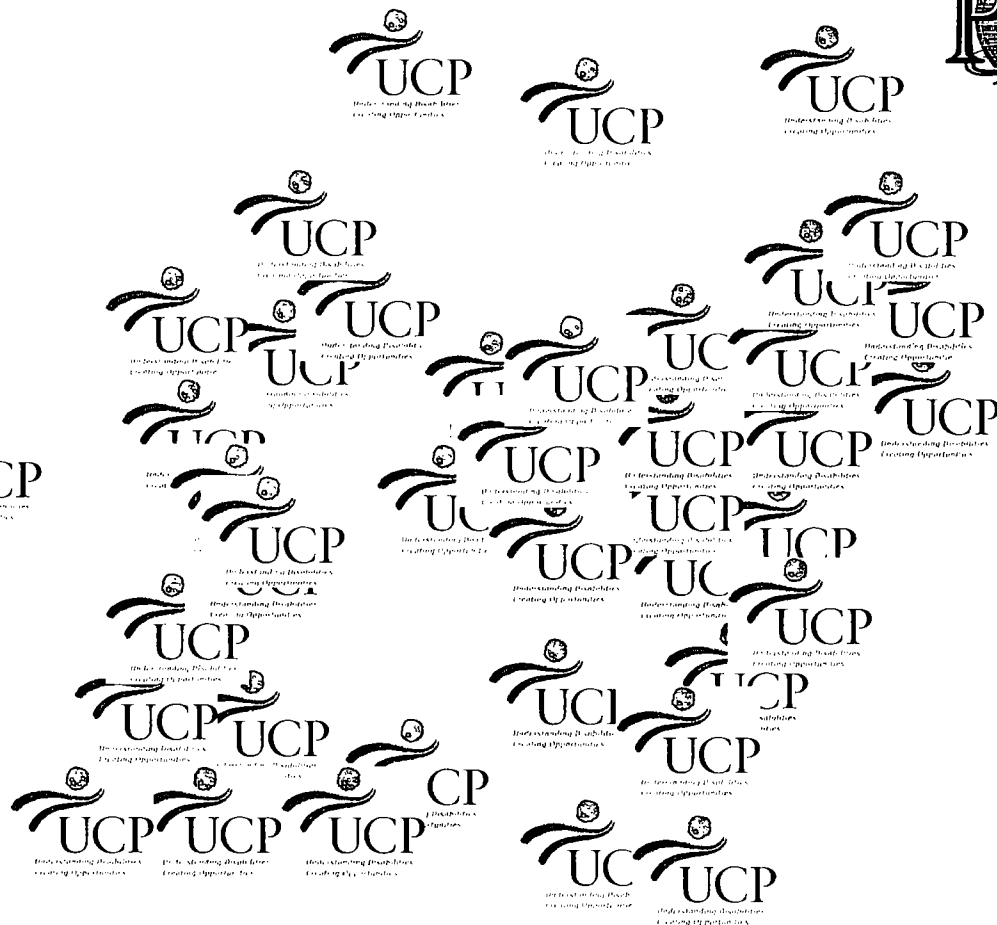
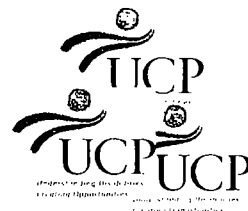
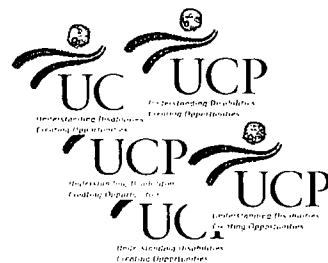
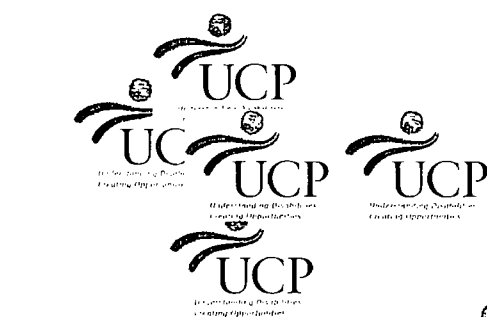
1-800-USA-5UCP

It's how I run around. It's how I get to school. It's how I do it on my own. UCP helps me and kids like me understand that we can do it on our own. They help my family and my community understand that, too. Because we may have disabilities, but we are not unable.

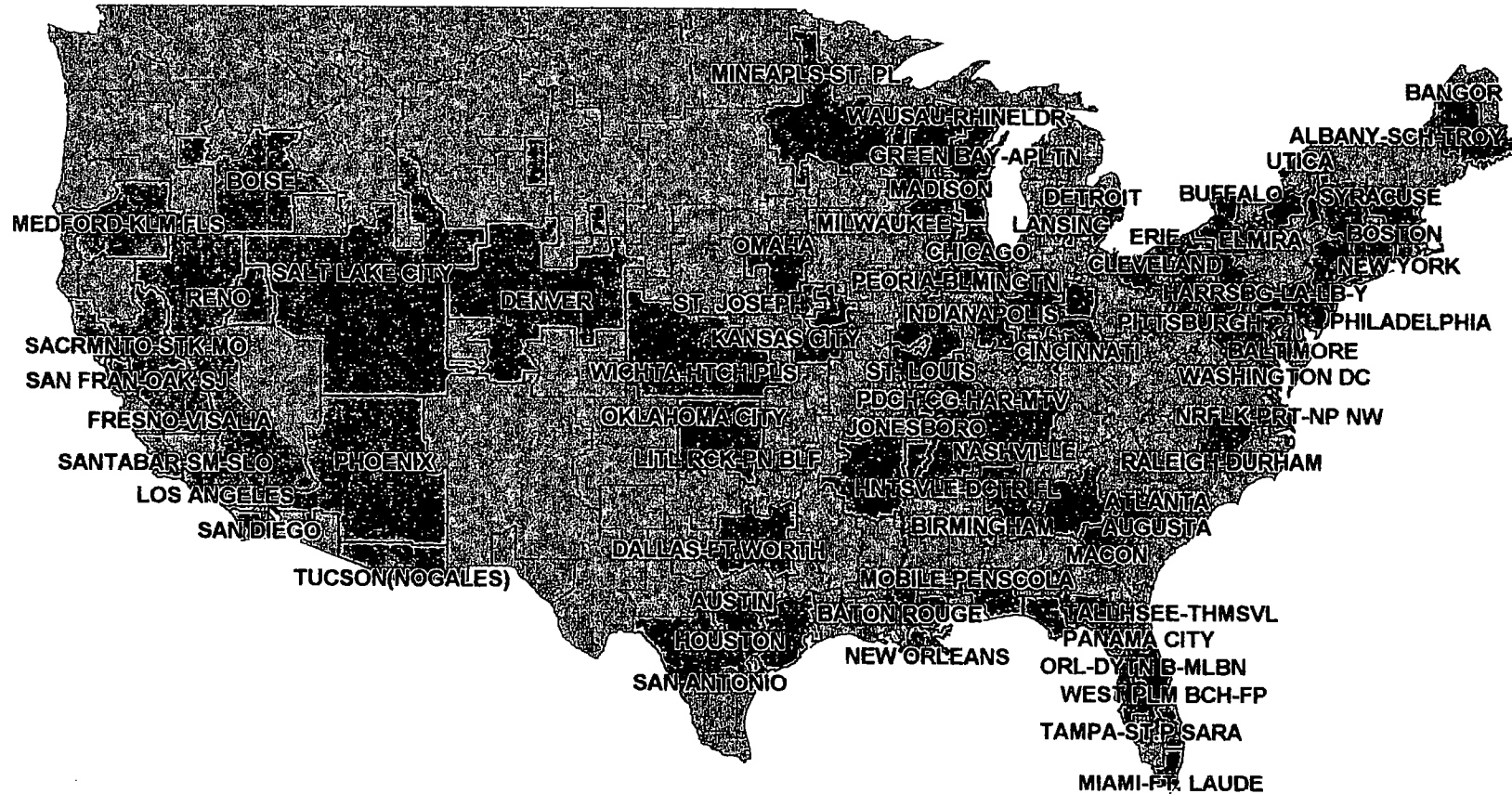
UCP is a non-profit organization that helps people with disabilities lead independent lives—one person at a time. To get involved, call or visit us at www.ucp.org.

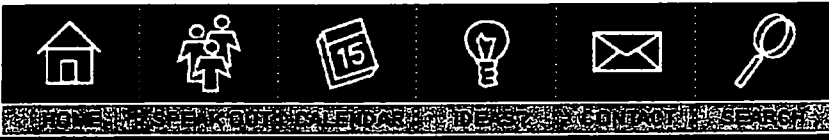
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UCP PSA COVERAGE
(TV AND RADIO)





CHANNELS:

Education	Employment	Health & Wellness
Housing	Parenting & Families	Products & Services
Sports & Leisure	Transportation	Travel

Understanding Disabilities, Creating Opportunities

Your UCP: **National**

May 16, 2000

Why Non-Profit Disability Services Agencies Must Register Their Customers To Vote

This is the first of a series of weekly articles published by UCP in support of VOTE 2000, a national effort to increase the number of voters with disabilities by 700,000 by the year 2000 elections.

> See article on voter registration

national topics and events

Support the ADA in its 10th Anniversary

Exceptional Parent Article *February 29, 2000*

Register to vote on-line at the Federal Election Commission Web site.

Ticket to Work and Work Incentives Improvement Act of 1999 Letter

National Voter Registration Act Implementation

UCP Endorses Grassley/Kennedy Bill to Expand Medicaid "Buy Ins" by Families of Children with Disabilities

highlights

in Products & Services:

• **What is a wheelchair?**

in Products & Services:

• **What is a scooter?**

in Products & Services:

• **What is a walker?**

in Travel:

• **Airlines, Hotels and Trains**

in Travel:

• **Other Travel Tips**

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Welcome!

Welcome to UCP of Central Maryland.

Serving children and adults with cerebral palsy and other disabilities in Baltimore City and eighteen counties in Central and Western Maryland and the Eastern Shore.

UNDERSTANDING DISABILITIES,
CREATING OPPORTUNITIES

news

- [Bull Roast - Essex town Center](#)
- [Casual Day is June 9th!](#)
- [Vehicle Donation Program - Your Wheels Turn Our Wheels](#)
- [Golf America UCP Golf Tournament](#)

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Understanding Disabilities, Creating Opportunities

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- Flash Technology

- W3C Web Accessible

- Sophisticated Search Engine

- Content Service to PWD

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