

Great Lakes Chronicle

ILLINOIS*INDIANA*MICHIGAN*MINNESOTA*OHIO*WISCONSIN

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In The Headlines

Health and Humans Services (HHS) Awards Grants to Help People with Disabilities Work

HHS Secretary Mike Leavitt announced the award of \$25.1 million in Medicaid infrastructure grants to 39 states to [help people with disabilities find and keep work](#) without losing their Medicaid benefits. The grants are authorized under the Ticket to Work and Work Incentives Improvement Act of 1999. The grants allow states to implement and develop Medicaid buy-in programs, increase the availability of personal assistance services through the Medicaid state plan or waiver programs, and assure access to other health care supports that may support the employment objectives of people with disabilities.

U.S. Department of Housing and Urban Development (HUD) commends California agency for \$1 million settlement in disability discrimination lawsuit

HUD commended California's Department of Fair Employment and Housing (DFEH) for winning a \$1 million disability discrimination settlement. The agreement was with a San Francisco landlord who refused a tenant's request for an accessible parking space. DFEH is one of 103 state and local agencies nationwide whom HUD funds under the Fair Housing Assistance Program (FHAP).

NCD Issues "National Disability Policy: A Progress Report"

The National Council on Disability (NCD) has issued [a progress report on national disability policy](#). The report covers the period from December 2003 through December 2004. The report reviews federal policy activities by issue areas, notes input by other federal agencies on their progress where it has occurred, and makes further

recommendations where necessary.

The report calls on the Federal Government to be more creative in program design, be more accountable in measuring the impact of civil rights compliance for people with disability, and provide greater cross-agency coordination in managing disability programs. According to Glenn Anderson, Ph.D., NCD vice chairperson, "NCD's examination of the status of disability policy discloses that incremental progress made in some areas is clouded by other major barriers and challenges that continue to block paths available to the general population."

GSA Adopts New Accessibility Standards Under the Architectural Barriers Act

The General Services Administration (GSA) has adopted [new accessibility standards for federally funded facilities](#) based on updated guidelines the U.S. Access Board issued in 2004. The adopted standards will apply to a wide range of new or altered buildings under the Architectural Barriers Act (ABA), which ensures access to facilities designed, built, altered or leased with Federal money. The standards take effect in six months and will replace the existing standards, known as the Uniform Federal Accessibility Standards (UFAS).

ODEP Issues New Fact Sheets

The [Department of Labor \(DOL\), Office of Disability Employment Policy \(ODEP\)](#) has issued [2 new fact sheets](#). ODEP is a federal agency within DOL and its mission is to provide leadership to increase employment opportunities for adults and youth with disabilities. Its customers include:

- Individuals with disabilities and their families
- Private employers and their employees
- Federal, state, and local government agencies
- Educational and training institutions
- Disability advocates
- Providers of services and government employers

The new fact sheets issued are:

1. [Employment Laws: Medical and Disability-Related Leave](#)
2. [Employment Laws: Overview & Resources for Employers](#)

Individuals may order these materials by contacting the Great Lakes ADA and Accessible IT Center at 800-949-4232 (Voice/TTY) or via our [on-line contact form](#).

ADA Audio Conference Series

The 2005-2006 ADA Audio Conference Series has a new website, www.ada-audio.org. The program offers three formats of participating in the conference: Teleconference, real-time captioning and a NEW Service: Real-time Streaming Audio via the Internet. Real-time streaming audio allows you to hear the session using Windows Media Player with a web interface to allow participation during the question and answer portion of the session.

The program will offer three special series in 2005-2006 to provide participants with a concentration in one or more special topic areas. They include Accessible IT (2 sessions), Employment (4 sessions) and Issues Associated with the Built Environment (2 sessions).

Each session is scheduled from 1:00 to 2:30 PM Central Time (90 minutes). A written transcript and digital recording of each session is archived online. To learn more or to register visit www.ada-audio.org.

Part 2 of the Accessible Information Technology Series December 13, 2005 » Accessible Web Based Communication Tools: Why are they so hard to find?

Web based chat rooms, bulletin boards and on-line meeting tools are used by many individuals and organizations to facilitate communication. The challenge is identifying tools that are accessible to individuals who use screen readers or other types of assistive technology. Many of the features of these tools render them inaccessible yet most entities do not realize this or take this into consideration when they are choosing the tools which they are going to use. This session will explore what the barriers are and how to determine whether or not a tool is accessible as well as demonstrate some accessible options.

Great Lakes ADA Center - In Depth

The Great Lakes Fall regional meeting was held November 21-22, 2005 at the Wyndham Chicago Hotel. The semi-annual regional meeting brought together representatives of the 6 state steering committees funded by the Center. In all 28 individuals from IL, IN, MI, MN, OH and WI participated in the meeting.

The first day of the meeting included presentations by Bob Alvarez, Janet Peters, Peter Berg and Robin Jones from the Great Lakes Center regarding outcomes measurements for the upcoming year. The presentations also highlighted the results of the previous year's

collection of data on reasonable accommodation training for employers, accessible IT policies in K-12 educational settings, and web site accessibility in post secondary educational settings. The first day also featured a demonstration of an on-line meeting program that is accessible to individuals that use assistive technology and to individuals that are deaf. The day concluded with an update on federal ADA cases by Barry Taylor, Director of Legal Services, Equip for Equality.

The second day of the meeting began with a presentation from Claudia Diaz on the new [ADA Audio Conference website](#). Participants were shown all of the new features of the site, which now includes an on-line credit card payment option. The meeting concluded with presentations by the state steering committees regarding their work since the Spring Regional meeting held in Overland, KS in May. The steering committees through their work attempt to foster voluntary compliance of the Americans with Disabilities Act. Several committees highlighted projects funded through the committee-s mini grant program.

For additional information on the Great Lakes ADA and Accessible IT Center or any of the state steering committees you may contact the Center by calling 800-949-4232 (Voice/TTY) or via our [on-line contact form](#).

Federal Agency Update

U.S. Access Board

Access Board Issues Second Draft of Public Rights Guidelines

The Access Board has released a second draft of its proposed accessibility guidelines for the public right-of-way. The new draft incorporates many of the industry and consumer recommendations submitted in comment to the Board's June 2002 draft. It is being released to the public in order to facilitate the development of the cost/benefit analysis that is the next step in PROW rulemaking under the ADA. The Board's guidelines, which cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, roundabouts, and other components of public rights-of-way, serve as the basis for DOJ and DOT standards. Noting that the current ADA standards were developed largely for buildings and facilities on sites and are difficult to apply to the public right-of-way, the Federal Highway Administration (FHWA) encourages use of the draft guidelines as a best practice.

U.S. Department of Justice (DOJ)

DOJ Enters into Settlement Agreement with the City of Detroit

The agreement settles a suit filed on August 17, 2004 by Lawrence Dilworth, Willie Cochran, Carolyn Reed, and Elbert Davis. The suit alleged that the City of Detroit had failed to maintain and repair the wheelchair lifts of its fixed route bus system, and otherwise denied individuals with disabilities the benefits of the fixed route bus system, in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. On March 30, 2005, the Court granted the United States' motion to intervene in the Individual Plaintiffs' action against the City.

As part of the settlement the City of Detroit shall comply with all requirements of Title II of the ADA and Section 504, and the implementing regulations at 28 C.F.R. Part 35 and 49 C.F.R. Parts 37 and 38, with respect to the provision of the services and benefits of the City's Fixed Route Transportation System to individuals with disabilities who use Wheelchairs. Additionally, buses in the Fixed Route Transportation System will continue to have wheelchair lifts that are in operative condition in conformance with the order. All buses with disabled lifts in the Fixed Route Transportation System shall be retired from the fleet.

U.S. Department of Justice and the Apollo Theater Foundation Settlement

This agreement settles a complaint that alleged that the Apollo Theater violated Title III of the ADA. The complaint alleged that the Theater failed to remove architectural barriers where it was readily achievable to do so, failed to use readily achievable alternatives to barrier removal where barrier removal was not readily achievable, and failed to make reasonable modifications to policies, practices and procedures to make the goods and services offered at the Theater accessible to individuals with disabilities.

Updates to the DOJ Web Site

The DOJ has updated its web site with additional settlement agreements, briefs that have been filed in ADA related court actions and other new materials. The filings pertain to Titles I, II and III of the ADA and to Section 504 of the Rehabilitation Act of 1973.

U.S. Equal Employment Opportunity Commission (EEOC)

Final Report on Best Practices For the Employment of People

with Disabilities In State Government

The EEOC issued a report detailing best practices undertaken by states to promote the hiring, retention, and advancement of individuals with disabilities in state government employment. An interim report was issued on October 29, 2004, which covered four states: Florida, Maryland, Vermont, and Washington. The final report covers those four states and five others - Kansas, Missouri, New Hampshire, New Mexico, and Utah.

The EEOC initiated the "States' Best Practices Project" in part because of the number of people state governments employ, and the unique opportunities to serve as model employers for other public entities and for the private sector. The purposes of this project are twofold. First, EEOC hopes that all states (as well as local governments and private employers) will learn from the best practices of the participating states. Second, EEOC is offering participating states free, informal, technical assistance to aid in voluntary compliance with the ADA.

EEOC wins National Disability Award

The EEOC received a prestigious national award from the Department of Defense for its leadership in increasing employment and accessibility for people with disabilities. The receipt of the award highlighted the successful efforts of EEOC Chair Cari M. Dominguez to make the agency a model workplace.

The Computer/Electronic Accommodations Program (CAP) of the U.S. Department of Defense presented its 2005 CAP Achievement Award to the EEOC which enforces federal laws prohibiting employment discrimination against people with disabilities, and for acting on its own principles in maintaining a disability-friendly workplace. CAP provides thousands of accommodations annually to disabled employees throughout the federal government.

Accessible IT

Janet Peters has joined the Great Lakes ADA and Accessible IT Center staff and will be leading the Accessible IT K-12 initiative. Formally, the Director of PACER-s Simon Technology Center, she has over 10 years of experience promoting equal access to technology to help individuals with disabilities reach their potential and has experience working with schools to integrate accessible technology for use by all students.

In today's schools, students regularly use technology for learning such as software and internet research, communication via e-mail or electronic chats, and productivity tools to complete assignments, such

as multimedia presentations. This wide-spread use of technology in schools has supported learning and improved educational outcomes. However, some students with disabilities find it difficult, if not impossible, to use standard educational technologies, even when provided with assistive technology.

The Great Lakes' Accessible IT initiative helps address this issue by offering free training, technical assistance, referrals, and resource material for K-12 school districts in the region. The Accessible IT initiative also works with Postsecondary institutions.

To sign up for a monthly K-12 bulletin or for more information on the initiative contact Janet Peters at 800-949-4232 (Voice/TTY) or via our [on-line contact form](#).

Disability Law Update

Kennedy and DeWine Introduce Bill to Help People with Disabilities Overcome Barriers to Independence

On Wednesday, November 2, 2005, U.S. Senators Edward Kennedy (D-MA) and Mike DeWine (R-OH) held a press conference in which they announced the introduction of the Community Living Assistance Services and Supports (CLASS) Act of 2005 (S 1951) that would create an insurance program for adults who become functionally disabled. The legislation would provide a cash benefit to help obtain services and supports in the community while providing individuals with disabilities more choices in their lives. To read more about this legislation please visit [THOMAS \(Library of Congress\)](#) and in the search field enter "S 1951" and select option to search by bill number.

Disability Groups Call for Telecom Legislation - National Association of the Deaf

The National Association of the Deaf (NAD), joined by other disability organizations called on Congress to enact legislation mandating disability access to Internet-based products and services by the end of this Congress. Following up on testimony presented at a hearing before the Subcommittee on Telecommunications and the Internet, Kelby Brick, NAD Director of Law and Advocacy, said, "People with disabilities use communications technologies everyday that were not even in existence at the time our nation's communications laws were last amended. The 1996 Telecommunications Act doesn't cover features now readily available such as instant messaging, email, video relay, peer-to-peer video or such handheld devices as the Firefly and the Tictalk." Brick further said, "Although the 1996 Act contained disability provisions for

access to telecommunications products and services, it was mainly limited to those used with the public switched telephone network, not the Internet."

The Docket

Schaffer v. Weast

The U.S. Supreme Court handed down a 6-2 decision in *Schaffer v. Weast* ruling that the burden of proof in an administrative hearing under the Individuals with Disabilities Education Act (IDEA) is on the party seeking relief. The Individualized Education Plan (IEP) is a blueprint for the services a student in special education will receive as mandated by IDEA. Normally, developing the IEP is a collaborative process between the student (and family or guardian) and the school system. When the two parties cannot come to an agreement on the appropriateness or the sufficiency of an IEP, the IDEA provides for an "impartial due process hearing," which either party can initiate to challenge the IEP. The IDEA is silent as to who has the burden of proof at these hearings.

Brian Schaffer, a student with learning disabilities and speech-language disabilities, and his parents were the Petitioners in this case, and Jerry Weast, Superintendent of the Montgomery County, MD Public School System was the Respondent. Attorneys for the Schaffers argued that the school system was better able to bear the burden of persuasion regarding the student's IEP than the student and his parents. The Respondent's argument was that Congress intended the burden to be allocated to the party initiating the hearing and seeking relief. Many parents of students in special education had hoped that the Court's decision would give them more influence in the IEP process, but school systems were concerned that a ruling on behalf of the Schaffers would force them to spend more money and time in court than in the classroom. The decision in this case will have far-reaching implications for students in special education and their families, educational funding, taxpayers, and the IDEA program as a whole.

NAD Settles Relay Complaint Against Online Retailer

The [National Association of the Deaf \(NAD\)](#), representing Heidi Forrest, settled a disability discrimination complaint against WorldWide Direct/Buydig.com, Inc. The complaint, filed with the United States Department of Justice, claimed that Buydig.com, an online retailer, refused to accept Ms. Forrest's Telecommunications Relay Service (TRS) call.

Events

National

24th Annual Perspectives of Employment of Persons with Disabilities Conference - December 7-9, 2005, Bethesda, MD

The Perspectives on Employment of Persons with Disabilities conference is sponsored by the Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Labor, Environmental Protection Agency and the Equal Employment Opportunity Commission.

Participants will have an opportunity to learn about the variety of tools, techniques, and resources that are available to assist federal managers in meeting their obligations under the Rehabilitation Act of 1973. This conference offers new and updated information on personnel policies and practices, developments in the law, technology, and the resources that will enable federal agencies to achieve its goals. For information about registration visit the [conference web site](#).

Service & Inclusion Conference - December 8-10, Alexandria, VA

This conference titled, "A Meaningful Place for All," will bring the disability and service communities together to: Celebrate and reflect upon 10 years of disability inclusion in national service, strategize about practices to improve the inclusion of individuals with disabilities in national service and build practices to ensure ongoing progress.

For more information, contact the National Service Inclusion Project at nsip@umb.edu or 888-491-0326 (Toll-free Voice/TTY).

C-SUN Annual International Technology and Persons with Disabilities Conference, March 20-25, 2006, Los Angeles, CA

The conference being held at California State University, Northridge Center on Disabilities is the largest of this type. The 21st Annual International Technology and Persons with Disabilities Conference is a comprehensive, international conference, where technologies across all ages, disabilities, levels of education and training, employment, and independent living are addressed. For registration information visit the [Conference web site](#).

2006 ADA Symposium - April 10-12, 2006, St. Louis, MO

Save the Date: The 2006 ADA Symposium will be held April 10-12, 2006 in St. Louis, Missouri. More information will be available soon. If questions please contact the Great Lakes Center at 800-949-4232 (Voice/TTY) or via our [on-line contact form](#).

Regional

Building Your Net Worth - The Annual Conference for People with Disabilities, December 5-6, 2005, Indianapolis, IN

The conference will include workshops on the ADA and other disability laws, in addition to having sessions on financial management, starting a business, grass roots strategic planning, and more. For registration and more information, visit <http://www.in.gov/gpcpd/conference/index.html>

The Great Lakes Vine

The Great Lakes Vine features information from Region V Affiliates. Our Affiliates help foster voluntary compliance with the provisions of the Americans with Disabilities Act (ADA) through a variety of activities and projects. Here's how...

Illinois ADA Project

The [Illinois ADA Project](#) began the new fiscal year with a training to 15 job developers in Sycamore, Illinois. Most of the attendees worked for the Illinois Division of Rehabilitation Services (DRS) or area high schools assisting High School students with disabilities find employment and transition out of school. Some of the main issues discussed during the training related to disclosure, confidentiality, and requesting reasonable accommodations. It was emphasized that individuals do not have to disclose a disability unless they require a reasonable accommodation. People may want to disclose for other reasons, however it is up to the individual with a disability to decide whether they want or need to disclose a disability.

Also discussed at the training were the best procedures for requesting an accommodation. It was recommended that the request be made in writing. If the disability or needs for the accommodation are not apparent, it was suggested that including a doctor's note supporting the needs for the accommodation may prevent a broad medical records request from the employer.

The Illinois ADA Project Steering Committee will be meeting on December 13, 2005 and making its plans for the upcoming year. We wish everyone a Happy Holiday Season!

ADA-Indiana

Title I Video Conference

Statewide Video Conference on Title I and Reasonable Accommodation on Thursday, December 1st. ADA-Indiana will host a training on Title I of the ADA in four Indiana communities using video conferencing technology. The site locations will be in Bloomington, Fort Wayne, Indianapolis, and West Lafayette. More than 65 participants registered for the event. The training will be conducted by Peter Berg from Great Lakes ADA and Accessible IT Center.

Indiana's Annual Conference for People with Disabilities

ADA-Indiana will once again be hosting a booth at the Indiana Governor's Council for People with Disabilities annual conference in Indianapolis on December 5th and 6th at the Westin Hotel. ADA-Indiana members will be available during the exhibition times to answer questions about ADA-Indiana and to distribute ADA information.

Funding for Local Community ADA Implementation Projects in Indiana

ADA-Indiana will be releasing their 2006 Request for Proposals for Collaborative Community ADA Implementation Projects in late November.

Each year, ADA-Indiana seeks to award funds to support Community ADA projects in Indiana. These projects are intended to expand awareness and implementation of the ADA across Indiana, and address issues and concerns of local groups. Past recipients have included disability advocacy groups, cities and towns, and state and local government entities. More details about the application for funding and past projects funded by ADA-Indiana are available on the ADA - Indiana website (www.adaindiana.org). For more information, please call Matt Norris at 812-855-6508 or email adainfo@indiana.edu.

Michigan ADA Steering Committee

The [Michigan ADA Steering Committee](#) would like to announce ADA Audio Conference host sites available in the following cities: Battle Creek, Flint, Kalamazoo, Marquette, Muskegon and Livonia. Participation in the ADA Audio Conference series is available free of

charge at the listed host sites. The audio conference schedule can be found at www.ada-audio.org.

For more information on how to participate in this valuable learning opportunity or about becoming a host site, please contact Collene Dabish of the Michigan ADA Steering Committee at 800-414-3956 or via e-mail: cdabish@mpas.org

ADA - Minnesota

[ADA - Minnesota](#) was invited to host a delegation of community leaders from Croatia and provide them with information regarding the Americans with Disabilities Act (ADA). This program was part of the U.S. State Department's International Visitor Leadership Program in collaboration with The Minnesota International Center. The goal of ADA - Minnesota's presentation was to increase their understanding of civil rights for people with disabilities and how laws and policies such as the ADA promote opportunities for individuals to participate in all aspects of society. The program was held on Friday, November 18, 2005.

ADA - Ohio

The [ADA - Ohio](#) Board of Trustees has named David Cameron as the recipient of the third annual ADA Award. The award will be presented to him at the luncheon associated with the Multiple Perspectives Conference on Monday, April 17, 2006, at the Blackwell Inn on the campus of Ohio State University.

The Award is presented annually to a person and/or organization in recognition of significant contributions in support of the Americans with Disabilities Act (ADA). The Award is made possible through a grant from the Ohio Developmental Disabilities Council. Previous recipients include Cleveland Playhouse for their unique design of a booth for persons with Multiple Chemical Sensitivities, Nancy and Cameron James and Mills-James Productions for their support of many diverse organizations which serve persons with disabilities.

Mr. Cameron recently retired after 37 years of service from the Ohio Rehabilitation Services Commission (RSC). During those years, he fulfilled many responsibilities, including that of ADA Coordinator. In that capacity, he provided the residents of Ohio with information and training about the ADA and how RSC could assist them in the employment process.

ADA Wisconsin Partnership

On November 10th the [ADA Wisconsin Partnership](#) published the first of edition of a new quarterly statewide electronic newsletter, the "Partnership LINK." The newsletter is intended to be a forum for

partners across Wisconsin associated with services, access and advocacy for people with disabilities. Understanding that there are model service programs, important events, best practices and helpful publications that could be shared by variety of stakeholders. We hope the LINK will become utilized to spread resources and news items throughout the state. Click on the following link to view the newsletter:

http://www.adawipartnership.org/Newsletter/05_11_Link.htm

Reflection of our Affiliates: Marking the ADA's 15th Celebration

ADA Illinois

Through an invitation by Steering Committee Members Martha Younger-White and Audrey McCrimon of DHS, Alan Goldstein represented the Illinois ADA Project in planning the State of Illinois' event celebrating the 15th Anniversary of passage of the ADA. The 15th Anniversary celebration - "ADA: Renew the Spirit" was held July 21, 2005 at the J. R. Thompson Center in Chicago, IL and in Springfield, IL on July 26th, 2005.

Alan Goldstein played an active role in the Program and Employment Subcommittees and several members of the Illinois ADA Project Steering Committee were involved in the event's programming. Alan Goldstein organized and facilitated two of the workshops at the Celebration.

One workshop was titled, "History of the ADA," and featured Marca Bristo, Executive Director of Access Living and long-time disability advocate and Barry C. Taylor, Legal Advocacy Director of Equip for Equality. The other Workshop was a panel discussion on reasonable accommodations and featured Howard Rosenblum, Peter Berg, and Christine Youngberg. The ADA Celebration panel also included Jill Weyer and Sue Bultman of Cornerstone Services. Over 2500 people attended this important event.

ADA Indiana

ADA Indiana celebrated the 15th Anniversary of the signing of the ADA by hosting a public reception at the Indianapolis Arts Garden on Tuesday, July 26th from 11:30 A.M. to 3 P.M. The public was invited to come celebrate the accomplishments of the past 15 years of the Americans with Disabilities Act, as well as looking to the future. Refreshments and musical entertainment were provided.

ADA-Indiana, the Indiana Institute on Disability and Community, the Governor's Council for People with Disabilities, and Indiana Protection and Advocacy Services sponsored the event.

Michigan ADA Steering Committee

The Michigan ADA Steering Committee sponsored three events to celebrate the passage of the ADA.

The Disability Network in Flint hosted a picnic at Kearsley Park and which featured music provided by a local band, demonstrations of adapted fishing equipment and a raised bed gardening display, an accessible voting machine and the opportunity to register to vote.

The Disability Resource Center of Southwest Michigan held an event at the Kalamazoo Valley Museum from 3:00 - 6:00 P.M. Roger McCarvil from the PBS program, "Disability Today" filmed the event. Duncan Wyeth from Michigan Commission on Disability Concerns was the keynote speaker, and Stan Wakefield from the Great Lakes ADA & Accessible IT Center presented.

Scheduled events included: a Leader Dog presentation and service animals in training on site, voter registration, free demonstrations in the Planetarium, hands-on assistive technology, a presentation of the upcoming Metro Transit Center and the Kalamazoo/Battle Creek International Airport, and plenty of training and resource information.

The Marquette Community Celebration block party was hosted by the Michigan ADA Steering Committee, Superior Alliance for Independent Living, Michigan Protection & Advocacy Service, Inc. U.P. Children's Museum. It was held on the 100 block of Baraga (in front of the U.P. Children's Museum) in Marquette from 11:30 A.M. - 3:00 P.M. The block party included plenty of food, fun, presentations and resource information.

ADA Minnesota

ADA 15 Years Strong: Then, Now and Beyond

In honor of the 15th anniversary of the Americans with Disabilities Act, a coalition of 16 local disability organizations held a free celebration at the Earle Brown Heritage Center in Brooklyn Center from 9 A.M. to 3:30 P.M., on Tuesday, July 26th.

The event, "ADA 15 Years Strong: Then, Now and Beyond," featured entertainment, exhibitors from local organizations, educational group sessions, food and presentations, including a talk by NBC correspondent John Hockenberry.

Hockenberry is a Peabody and Emmy-award winning journalist and correspondent for Dateline NBC. As a result of a car accident in 1976, Hockenberry severed his spinal cord and became paralyzed below his chest. His book, "Moving Violations: War Zones,

Wheelchairs and Declarations of Independence," is a memoir on living with a disability and how disability is perceived in society. He delivered the afternoon keynote address.

Barry Taylor, Legal Advocacy Director at Equip for Equality, Inc., the Illinois Protection and Advocacy system, will give the event's opening presentation. Taylor will discuss how far the ADA has come in 15 years and his visions for the future.

In addition to the presentations, six educational group sessions took place throughout the day. These session topics include, aging and disability, mental health issues in the workplace, reasonable accommodations at work, accessible web design, understanding Social Security and emergency preparedness for people with disabilities. Over 600 participants were in attendance and the event hosted over 70 vendors.

The celebration was open and free to the public. The event has been made possible by a generous donation by Cargill and by the activities of the coalition. The coalition includes, Great Lakes ADA and Accessible IT Center, ADA - Minnesota, VSA Arts Minnesota, ARC Hennepin-Carver, Institute on Community Integration, Access Press, Dept. of Human Services, MCIL, MN State Council on Disability, National MS Society, Minnesota Chapter, SMILES Center, State of Minnesota and UCP Minnesota.

ADA - Ohio

ADA - Ohio collaborated with various organizations, businesses, and the media throughout July in celebration of the 15th Anniversary of the ADA. The following events were held:

- Supported the twelve Independent Living Centers in Ohio by making special presentations on various topics covering all five titles of the ADA during celebrations by the CILs and by providing various ADA materials for distribution by the CILs
- Present the history of the ADA to businesses during on-going trainings
- Distributed an announcement regarding the 15th Anniversary to media in all of Ohio's 88 counties
- Promoted the July Audio Conference session on the status of the ADA through the ADA - Ohio listserv and web site
- Co-hosted a luncheon with the Inter-University Council, the collaboration of Presidents of Ohio's public universities, for ADA - Ohio members
- Supported the activities of the First Annual ADA Zoo Day through collaboration between the Columbus Zoo and the Columbus Advisory Committee on Disability Issues

ADA Wisconsin Partnership

ADA Wisconsin Partnership was pleased to present "The ABCs of the ADA" on Wednesday, August 10 in Wausau at Northcentral Technical College and again on Thursday, August 11, 2005 at the Crowne Plaza in Madison. A combined total of 185 registrants attended the two conferences. The mix of attendees represented counties, cities, private businesses, non-profit organizations, libraries, design firms and more.

Topics focused on providing overviews of Titles I (employment), II (government agencies) and III (public accommodations) of the Americans with Disabilities Act. Sally Conway of the U.S. Department of Justice was the featured speaker along with Robin Jones of the Great Lakes Disability and Business Technical Assistance Center, ADA Wisconsin Partnership members Sandy Popp and Diane Meredith, and Henry Kosarzycki of the Department of Commerce presented various topics. Dennis McBride of the Equal Employment Opportunity Commission's Milwaukee office presented the employment sessions.

The conference was co-sponsored by Great Lakes ADA and Accessible IT Center, Department of Health and Family Services, WI Department of Workforce Development Disability Navigator Project, Northcentral Technical College, Wisconsin Paralyzed Veterans Association and UW-Stout, SVRI-Research and Learning Resources.

From the Technical Assistance Desk:

Question of the Month

Question:

I am a new code inspector for my municipality and don't completely understand all of the ADA design standard requirements. One of the things I am struggling with is the elevator exemption under the ADA. What facilities qualify for the exemption and which ones don't?

Answer:

First, the accessible design standards under the ADA are enforced by the U.S. Department of Justice and other designated federal agencies. Second, there may be state requirements that don't allow for the elevator exception which is available under the ADA. In addition to the ADA requirements one must also be aware of state and local building code standards. Finally, state and local government entities don't qualify for the elevator exemption.

Elevators are the most common way to provide access in multistory buildings. Title III of the ADA, however, contains an exception to the general rule requiring elevators. Elevators are not required in facilities under three stories or with fewer than 3000 square feet per floor, unless the building is a shopping center or mall; professional office of a health care provider; public transit station; or airport passenger terminal.

If a two-story office building has 40,000 square feet on each floor then an elevator is not required because the building is less than three stories. To qualify for the exemption, a building must either be under three stories or have fewer than 3000 square feet per floor. It doesn't need to meet both criteria to qualify for the elevator exception. However, a two-story shopping center with 40,000 square feet on each floor is required to have an elevator, because shopping centers are not entitled to the exemption.

If a four-story office building has 3500 square feet on the first floor and 2500 square feet on each of the other floors an elevator is required. All of the stories must be under 3000 square feet to qualify for the exemption.

The ADA design standard defines a story as occupiable space, which means space designed for human occupancy and equipped with one or more means of egress, light, and ventilation. Basements designed or intended for occupancy are considered "stories. Mezzanines are not counted as stories, but are just levels within stories.

If a building isn't required to have an elevator but installs an elevator anyway that elevator must serve every level of the building, including mezzanines, unless it only provides service from a garage to one level of the building. Also, the elevator must comply with all other standards for elevators under the ADA.

Even in buildings that are exempt from the elevator requirement, all other ADAAG requirements (apart from the requirement for an elevator) must still be met. This would include making any bathrooms on the second floor accessible.

Types of facilities that don't qualify for the exemption include shopping centers or malls. A shopping center or mall is either:

- A building with five or more "sales or retail establishments," or
- A series of buildings on a common site, either under common ownership or common control or developed together, with five or more "sales or retail establishments."

Included within the phrase "sales or retail establishments" are those types of stores listed in the Title III regulations fifth category of places of public accommodations, such as, bakery, grocery store,

clothing store, and hardware store. The term includes floor levels containing at least one such establishment, or any floor that was designed or intended for use by at least one such establishment.

Buildings housing the professional offices of a health care provider also don't qualify for the elevator exemption. A "professional office of a health care provider" is a location where a State-regulated professional provides physical or mental health services to the public.

If a physician has offices on the first floor of a 2 story building and the second floor has other types of offices an elevator is not required. However, if the second floor was designed or intended for use by a health care provider, an elevator would be required. The ADA's elevator exemption also does not apply to bus or train terminals or depots, or to airport passenger terminals.

For additional information regarding the accessible design standards under the ADA contact the Great Lakes ADA and Accessible IT Center at 800-949-4232 (Voice/TTY) or via our [on-line contact form](#).

Resources and Publications

The Great Lakes ADA Center disseminates publications related to all aspects of the ADA to inform and raise awareness of disability issues and to foster voluntary compliance with the ADA. The Great Lakes ADA Center disseminates materials including posters, regulations and technical bulletins on various ADA topics. Materials are available in alternative formats.

The following documents provide information regarding the accessible design standards:

- [Title III Regulations with ADAAG](#)

Resource of the Month

[ADAAG Technical Assistance Manual](#)

The ADAAG TA manual, produced by the U.S. Access Board, contains additional information on the elevator exemption under the ADA.

To obtain the resource of the month or to receive hardcopy versions of the above materials contact the Great Lakes ADA and Accessible IT Center by calling 800-949-4232 (Voice/TTY) or via our [on-line contact form](#).

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