



Access

New England

A publication of the New England ADA & Accessible IT Center

A project of Adaptive Environments, Inc. www.AdaptiveEnvironments.org

This Issue Highlights:

International Human Rights & Design



London's Millennium Bridge

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Andy Washburn, Editor

Access New England is published by the New England ADA & Accessible IT Center

The center is one of ten Regional Disability and Business Technical Assistance Centers funded by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials and technical assistance to individuals and entities that are covered by the Americans with Disabilities Act (ADA). However, please be aware that NIDRR is not responsible for enforcement of the ADA. The information, materials and/or technical assistance are intended solely as informational guidance and are neither a determination of your legal responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.

Regional Advisory Board

The Regional Advisory Board meets twice a year. The members' input & commitment greatly assists the New England ADA & Accessible IT Center in its mission.

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James P. Dorsey, Vermont Department of Employment and Training
Deborah Lisi-Baker, Vermont Center for Independent Living
David Sagi, Vermont Division of Vocational Rehabilitation

As Disability is Emerging Globally, So Is Advocacy for Full Participation of People with Disabilities

As disability emerges globally, we are also beginning to witness a rise in political, economic, social and environmental advocacy by and for people with disabilities internationally.

The 1990 passage of the *Americans with Disabilities Act (ADA)* in the United States was a watershed event for civil rights, setting the stage for changes internationally. Unlike previous civil rights laws enacted for other historically disadvantaged groups, ADA and other disability-related civil rights laws link the notion that disability-based discrimination is tied to the inaccessible design of facilities. This law recognized that discrimination against people with disabilities in the form of purposeful unequal treatment and historical patterns of segregation and isolation were the major problem confronting people with disabilities and not their individual impairment.

In addition to the United States, a number of nations adopted legislation in the 1990's prohibiting discrimination against persons with disabilities. Great Britain passed the Disability Discrimination Act 1995, later adopted by Australia as well. The constitutions of such diverse countries as Germany, Austria, Finland, Brazil, South Africa, Malawi, Uganda and the

Philippines have been amended to outlaw discrimination on the basis of disability. These actions are representative of a flurry of legislative activity on a worldwide basis to promote the rights of people with disabilities.

The number of people with disabilities in 175 nations of the world today was recently estimated to range between 235-549 million. Worldwide, disability will be on the rise for many decades to come, fueled by an aging population, technology environmental degradation & destruction, and violence. Both developing and developed nations endure an oppressive relationship between disability and poverty. Even in the most economically developed nations of the world today, unemployment rates for people with disabilities approach the 80% mark.

This month's issue is filled with stories regarding the rise of political advocacy by and for people with disabilities internationally. On page 2, you will read about the role *Adaptive Environments* is playing in opening an international dialogue between the developing and developed worlds concerning design in social justice, see *The Growing International Appetite for Information About Accessibility and Universal Design. An International*



Oce Harrison, Project Director

Convention on the Human Rights of People with Disabilities, highlights the United Nations' work towards requiring its 191 member nations to prohibit discrimination on the basis of disability (see page 6). In *International News*, the US Agency for International Development (USAID) has announced a new policy to ensure access in construction projects it funds around the globe.

Sometimes we're determined to make a change, other times we're given a nudge.

Best Wishes,
Oce

The Growing International Appetite for Information About Accessibility and Universal Design

For more than 30 years, attention to and policy development about accessible design has evolved. Most of that time, activity was concentrated in the developed nations though the catalysts varied. People with disabilities took the lead and staked a claim to civil and human rights in the US, Canada, and to some extent, the United Kingdom, Western Europe and Australia. This focus on design as an element of civil rights and social justice is a shift from the paternalism that characterized attitudes toward disability. In other nations, like Japan, the demographics of aging drove design change.

The US has been a unique model for any nation seeking to move forward with accessibility. The commitment of federal resources for compliance, design guideline development, research, training, information and enforcement has not been matched elsewhere. Other nations initiating accessibility policy have been able to build from the policies and design guidelines of the US.

Beginning with the Architectural Barriers Act of 1968, government structure to support compliance, information and enforcement took shape. The US Access Board was founded in 1973 when it was clear that reliable compliance and design standards for accessibility were keys to making the ABA meaningful.

The Americans with Disabilities Act provided a powerful claim on society by extending responsibilities beyond entities receiving federal funds to state and local governments, as well as “places of public accommodation” and commercial facilities. With the ADA Standards for Accessible Design (commonly called ADAAG), a more comprehensive set of legally enforceable standards was introduced than had been used else in the world. With the ADA, the US also reinforced a public agency model for implementation and enforcement. The Access Board’s mandate expanded to include developing accessibility guidelines for facilities and transit vehicles covered by the ADA, providing technical assistance and training on these guidelines and conducting research to support and maintain the guidelines. The ADA is enforced by other federal agencies such as the US Department of Justice, US Department of Transportation, and US Equal Employment Opportunity Commission.

Japan is an example of a culture that promotes the welfare of people with disabilities by stressing responsibilities of others rather than the rights of people with disabilities. A tradition of ‘warm heart’ laws relies on voluntary commitment in reducing environmental barriers. Separate experience for people with disabilities, such as specialized schools, is the norm. Educational mainstreaming

has recently been promoted if the family can secure the agreement of a local school and the municipality. In 2000, Japan passed a transportation accessibility law, the most stringent obligation to date, but applicable primarily to new construction.

However, Japan has an unrivalled awareness and commitment to universal design. It’s driven by the dramatic demographic of aging and the urgent need to make design a tool to support independence. Japan’s population is expected to peak this year at 127 million and decline to 69 million by 2050. In 2050 40% of their population will be 60 or older, with 15% aged 80+. It is not surprising that the International Association for Universal Design (IAUD) was created in Japan in 2003 and began operations with 120 corporate partners.

The United Kingdom, like the US, has a vibrant disability community. Some disability-related legislation was enacted during the post-World War II years, but required primarily voluntary measures. Not until the Disabilities Discrimination Act 1995 was there legislation that required public and private entities to make facilities, transportation, housing, employment and other services accessible. In 1999, a related law was passed that emphasized rights and created the Disability Rights Commission. The Secretary of State



Curb cuts on a city street in São Paulo, Brazil.

has enforcement responsibilities, but the UK has nothing comparable to the US Access Board. Many people are concerned about the lack of a structure for information and training, as well as oversight, regarding these laws. On a positive note, the Royal College of Art's Helen Hamlyn Institute and a number of other academic initiatives have made inclusive design a compelling and prestigious priority for young designers.

Brazil is an interesting example of a developing nation that is moving quickly toward a national policy on universal design. Brazil is the most populous nation in Latin America; it has the world's 9th largest economy and the 4th largest economic gap between rich and poor. President Luiz Inácio Lula da Silva was elected in 2002 to address disparities in social equity. His slogan – *a nation for all* – has been a stimulus in advancing the concept of design that works for everyone. Pockets of activism

are creating new transit models, accessible affordable housing and other government initiatives that make inclusive design a public policy priority.

Aging population demographics is driving a renewed attention to accessible design. In developed nations, lifespans average 30 years longer than in 1900. Even though people with disabilities have increased as a proportion of the population in developed nations, 80% of the world's people with disabilities live in the developing nations. Population growth and economic expansion for the next hundred years will occur in the developing world. While the population of developed countries is expected to rise to 1.2 billion by 2050, the population in developing nations will surge by 55 percent to 8 billion. Africa and southern Asia will see the largest increases. [Source: *Population Reference Bureau, August 2004*] In China alone, there are expected to be 400 million people over the age

of 60 by 2050. These early years of the century offer an opportunity to build an international consensus that sustainable development must be linked to accessible design.

Other factors enhance the potential for consensus. For the first time, the World Health Organization's (WHO) new classification of Functioning, Disability and Health, issued in 2002, offered a common definition of disability. It also posits that functional limitation exists in the interaction between the person and the built and information environments. By anticipating diversity of ability, design could minimize functional limitation.

As the century opened, the United Nations made a renewed commitment to people with disabilities. In 2001, the UN General Assembly adopted a resolution to promote and protect the rights and dignity of persons with disabilities. The resolution intended to knit disability into the fabric of UN human rights protections and into development policy. It committed to 'consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination.' The resolution also established an Ad Hoc Committee to carry out this work. The next meeting of the Ad Hoc Committee will take place in January 2005 and will devote substantial time to the topic of accessibility.

(Continued, page 4)

FEATURE STORY (CONTINUED)



Accessible design will be a key to sustainability as population increases in the developing world. Providing access to a home will allow an individual with a disability or an elder to remain in that home for a longer period of time.

Even the major international development banks are looking at issues of inclusive design. All of the banks are in the process of requiring accessibility as a condition of funding. Judy Heumann, former Assistant Secretary of Education and co-founder of the World Institute on Disability, is the Special Advisor on Disability to the World Bank.

As lead sponsor of *Designing for the 21st Century III, An International Conference on Universal Design, Adaptive Environments* chose dialogue between the developed and developing nations as its theme. The conference is December 7-12 in Rio de Janeiro, Brazil. There are

over 200 sessions with presenters from 32 nations. Sessions will be translated into Portuguese, Spanish and English with computer-aided real time transcription (CART) in English and sign language in Portuguese. Approximately 800 delegates are expected from 50 nations. The UN and development banks are participating. For the first time, the US Access Board will provide consultation to share their experience with people from around the world. A draft declaration on the role of design in social sustainability is planned as a conference outcome and will be submitted to the UN's Ad Hoc Committee before their January meeting.

Perhaps the most gratifying testament to the rightness of the timing for the dialogue is that we have been deluged with stories from people across the developing nations and applications for sponsorships so that they can attend the conference. The number of disability activists, designers and government policy makers is evidence of both appetite and readiness. The architect in El Salvador who is writing design guidelines for accessibility, the person with a disability in Nepal who is educating the government about accessible design, the woman in Columbia writing guidelines on accessible web design for her state are just a few of the stories. Although international tensions and instability dominate the news, this is also a time of unparalleled opportunity for exchange and collaboration. Dramatically expanded options for communication, especially the internet, allow us to build bridges across *all* of the world. We feel honored to play a role.

Please see more about the conference: www.designfor21st.org.

ADAAG '04

Answers to Common Questions About the New ADA-ABA Guidelines

On July 23, 2004, the Access Board issued updated accessibility guidelines for new or altered facilities covered by Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA). These guidelines address a wide range of facilities in the private and public sectors.

Q. How were the guidelines developed?

A. The Board organized an advisory committee to review the original guidelines and to recommend changes in order to get input from a cross section of stakeholders at the outset of the process. The ADAAG Review Advisory Committee, which included representation from the design and construction industry, the building code community, and people with disabilities, among others, submitted a report to the Board that detailed recommended revisions to the substance, organization, and format of the guidelines. The finalized guidelines are based largely on these recommendations. The Board published the guidelines in proposed form in November, 1999 and made them available for public comment for six months. The Board received over 2,500 public comments on its proposal and finalized the guidelines based on this input.

Q. Should the new guidelines be followed at this time?

A. No. The Board's guidelines are not mandatory on the public, but instead serve as the baseline for enforceable standards (which are) maintained by other Federal agencies. In this respect, they are similar to a model building code in that they are not required to be followed except as adopted by an enforcing authority. Under the ADA, the Department of Justice (and in the case of transit facilities, the Department of Transportation) are responsible for enforceable standards based on the Board's guidelines. These agencies will update their ADA standards based on the new guidelines. In doing so, they will indicate when the new standards are to be followed. Several other agencies (the General Services Administration, Department of Defense, Department of Housing and Urban Development, and the US Postal Service) hold a similar responsibility for standards under the ABA.

Q. "Guidelines"... "Standards"... what's the difference?

A. Guidelines versus standards...it's an important distinction under the ADA and ABA. Guidelines are issued by the Board, standards by designated agencies such as the Department of Justice. Standards are what the public must follow to comply with the laws; the guidelines are what these agencies must follow in setting or updating their standards. When the Board issues guidelines, it does not change compliance for the public until the standards are similarly changed and an effective date set.

Q. What standards should be followed at this time under the ADA? Under the ABA?

A. The existing standards are to be followed until the effective date of the updated standards. ADA standards issued by the departments of Justice (DOJ) and Transportation (DOT) in 1991 based on the Board's original ADA Accessibility Guidelines (ADAAG) remain the standards to follow at this time. (DOJ's regulations permit state and local governments the option of using an earlier standard known as the Uniform Federal Accessibility Standards (UFAS) as an alternative.) Under the ABA, UFAS remains the applicable standard until its replacement by new standards based on the Board's updated guidelines (some Federal agencies have a policy of applying ADAAG in addition to UFAS).

The ADA standards are contained in regulations issued by DOJ and DOT. The current edition still in effect at this time is based on the ADA Accessibility Guidelines (ADAAG) as published by the Board in 1991.

For further information on the ADA standards, contact DOJ or, in the case of transit facilities, DOT.

DOJ: (800) 514-0301 (voice), (800) 514-0383 (tty), www.ada.gov.

DOT: (888) 446-4511, www.fta.dot.gov.

Source: Access Currents, Volume 10, No. 4, July/August 2004.

International News

An International Convention on the Human Rights of People with Disabilities

A United Nations panel drafting a treaty to promote and protect the rights of the world's estimated 600 million people with disabilities is moving at a fast pace and hopes to complete its work late next year.

One of the central principles of the treaty is that all people should be able to enjoy their basic human rights – the right to a decent education; the right to vote; the right to due process; the right to participate in the life of the community, whether through eating at a restaurant or attending a movie theater, without the threat of violence or harassment. The proposed treaty

The process of crafting such an international treaty may also generate a number of additional benefits including:

- Raising public awareness about disability related issues;
- Highlighting human rights abuses;
- Developing the knowledge-base of governmental and non-governmental participants; and
- Offering capacity-building opportunities for disability groups as a result of increased global focus on their issues.



UN Delegates Gather for the August 2004 Meeting of the Ad Hoc Committee

“It is a very important convention because it guides a process of change, not only of legal change but also a change in societies – as to how we view and integrate people with disabilities into our societies,” said Ambassador Luis Gallegos of Ecuador, chairman of the UN Ad Hoc Committee charged with writing the treaty. “I think there is a willingness amongst the delegations and nongovernmental organizations to reach a consensus.”

Gallegos’ goal is to have a treaty ready by September 2005 for signature and eventual ratification by the United Nations’ 191 member-nations. One of the main stumbling blocks to this process has been to what extent the treaty will oblige wealthy nations to assist developing countries with the financial resources and technology they will need in order to provide people with disabilities equal opportunities. Another potential sticking point is the form and powers

The treaty will likely require ratifying nations to adopt laws that prohibit discrimination on the basis of any form of disability. The disability movement, both within the United States and internationally, is working to embrace rights already enjoyed and to a large extent secured by non-disabled people.

will, for example, require governments – as resources permit over time – to build ramps and provide other means of access to existing buildings and facilities and to guarantee medical treatment to newborn babies with physical or mental disabilities

of the system to be set up to monitor abuses and ensure compliance with the treaty. Information regarding the Ad Hoc Committee's work can be found at the following web sites: www.rightsforall.org and www.un.org/esa/socdev/enable/rights/adhoccom.htm.

Source: "Progress on International Disability Rights," by Irwin Arieff, Reuters, June 4, 2004.

Access Board Participates in European IT Access Conference

The European Commission, the Access Board, and other organizations held an international workshop on accessible information and communication technologies October 19-21, 2004 in Brussels, Belgium. The conference focused on harmonizing accessibility requirements for use in public procurement of information technology and communication products and services. Briefings were given on approaches taken and policies implemented in European Union member nations, the United States, Canada, and Japan. Additionally, the Board provided information on its standards for electronic and information technology and its guidelines for telecommunication products. For further information, contact Doug Wakefield by e-mail at wakefield@access-board.gov.

Source: Access Currents, Volume 10, No. 4, July/August 2004.

USAID Issues New Access Policy for Overseas Projects

In July, the US Agency for International Development (USAID) announced a new policy to ensure access to construction projects it funds worldwide. USAID operates programs and services in over 100 countries to help improve economic growth, agriculture, trade, governance, education, and health. Some of these projects involve the construction or renovation of facilities. The new policy promotes universal design, which focuses on accommodating the broadest range of people, including those with disabilities, and recognizes available standards used in a host country. USAID will also require that the access provided meet or exceed what is specified in the Board's new

ADA and ABA accessibility guidelines. Under this policy, the Board will serve as USAID's consultative partner in developing and maintaining accessibility requirements and providing technical assistance and training on accessibility criteria.

The policy applies to all construction activities funded by USAID, including those undertaken by contractors and other government agencies through inter-agency agreements. The policy will also recognize certain exceptions, such as emergency construction that is temporary in nature, and sets up a waiver process. For further information on this policy, contact USAID at (202) 789-1500.

Source: Access Currents, Volume 10, No. 4, July/August 2004.

ATTEND THIS EVENT!



Co-sponsored by the ten ADA & Accessible IT Centers, the National ADA Symposium & Exposition 2005 will be held on May 17-19 at the Kansas City-Overland Park Convention Center in Kansas City, MO.

For schedule and registration form:
www.adaproject.org

Questions:
Kathy Gips, 800-949-4232 voice/tty, kgips@adaptiveenvironments.org

From the Center

The New ADAAG: Should We Use It Now?? No, Not Yet!

Confused? You are not alone. On July 23 the US Access Board issued updated accessibility guidelines for new or altered facilities covered by the Americans with Disabilities Act and the Architectural Barriers Act. The ADA applies to state and local governments and to the private sector. The ABA applies to federal agencies.

These new ADA guidelines will become enforceable standards when the US Department of Justice adopts them as part of their ADA regulations. The ABA guidelines will become enforceable standards when the four federal standard setting agencies adopt them. In late September the US Department of Justice issued an Advanced Notice of Proposed Rulemaking (ANPRM) to begin the process of revising the Department's ADA regulations to adopt design standards that are consistent with the revised ADA Accessibility Guidelines.

The ANPRM is the first of three steps in the regulatory process. The ANPRM will be followed by notice of proposed rulemaking and a final rule. The Department published the ANPRM to solicit public comment on several issues relating to the potential application of the revised guidelines and to obtain background information needed for the regulatory impact analysis (a report analyzing the economic costs and benefits of a regulatory action) that will accompany the proposed and final rules. Members of the public may submit comments

until January 28, 2005 – electronically to www.adaanprm.org or by mail to Box 1032, Merrifield, VA 22116-1032.

Meanwhile continue to use the ADA Standards that are in the 8"x10" grey and white book "Nondiscrimination on the Basis of Disability by Public Accommodations and Commercial Facilities Revised as of July 1, 1994" (28 CFR part 36) - yes it's ten years old but it is the current legal standard. You can order them from us (no charge) or get them from the Department of Justice's website www.ada.gov.

Several architects have called and said they plan to use the ADAAG '04 instead of the current ADA Standards. Our concern is that in some places the requirements provide less or different access requirements. Here are a few examples:

1. ADAAG '04 – Small parking lots of 1-4 cars will need one accessible space, but that space won't require a sign or any other designation.

Current ADA Standards requires an accessible space with appropriate above grade signage in all parking lots

2. ADAAG '04 allows the distance from the centerline of the toilet in an accessible restroom to be 16-18 inches from the wall.

Current ADA Standards requires the centerline to be at 18 inches.

When the Department of Justice issues their new regulations they will give us plenty of time from when we get building permits to when the new design standards will go into effect. It may be a bit of a messy transition period.

Meanwhile perhaps the best use of the ADAAG '04 is where the current ADA Standards don't address an issue or are confusing. The ADAAG '04 can be used for clarification.

ADA Distance Learning Opportunities

ADA Distance Learning provides continuing education on regulations and trends under the ADA. All you need is a telephone. Participate by yourself or invite colleagues to sit around a speaker phone. The toll free phone number will be sent to registrants prior to each session. Each session is real-time captioned on the host website so that people who are deaf and people who prefer to read the presentation and questions and answers can participate.

Fee

\$40 businesses; \$25 non-profit organizations.

Registration

By phone: 800-949-4232 (voice/tty),
fax: 617-482-8099 or **email:**
adainfo@NewEnglandADA.org.

Send name, affiliation, address, email address, phone number, which sessions and non-profit or business fee. We will send you an invoice after the teleconference has occurred.

All sessions are on Tuesdays from 2:00-3:30 pm Eastern.

We will email you the toll free call-in number a few days before each session.

Building Your Rolodex

November 16

Ask the Equal Employment Opportunity Commission

Speaker: Sharon Rennert, Senior Attorney, ADA Division, US Equal Employment Opportunity Commission

December 14

Emergency Preparedness for People with Disabilities: Have we made progress?

Speaker: Elizabeth Davis, Director of Emergency Preparedness Initiative, National Organization on Disability

January 18

Historical Properties: There is no such thing as a “grandfather” clause!

Speaker: James Aaron McCullough, Disability Law Project, ILRU

February 15

Ask the Department of Justice

Speaker: John Wodatch, Chief, Disability Rights Section, US Department of Justice

March 15

A Perspective on Reasonable Accommodation: Sears Corporation

Speaker: EEO Manager for Sears

April 19

Reasonable Accommodation: Best Practices for an Interactive Process

Speaker: TBA

Disability World

www.disabilityworld.org

Disability World is a new web-zine dedicated to advancing an exchange of information and research about the international independent living movement of people with disabilities. The web-zine is the heart of a larger project, IDEAS for the New Millennium, funded in 1999 by the National Institute on Disability and Rehabilitation Research as a five-year project.

Disability Discrimination Act 1995

www.disability.gov.uk/dda/

Disability.gov.uk is the website of the UK Government's Disability Policy Division, a part of the Department for Work and Pensions. On the website you will find policy information about disabled people's rights and information about UK disability legislation. This link provides information about the UK's Disability Discrimination Act 1995, a law roughly equivalent to the Americans with Disabilities Act in America.

ADA Basic Building Blocks

www.adabasics.org

The ADA Basic Building Blocks is a self-paced web course that explores the legal requirements and the spirit of the ADA. It is organized into 12 topics that cover the basic principles and core concepts contained in the ADA.

International Association for Universal Design (IAUD)

www.iaud.net/en/index.html

Through further popularization and realization of universal design, IAUD hopes to revitalize Japan, thereby contributing to the healthy development of society and to make known to the world “universal design”, a concept originated in Japan, so that it will contribute to the improvement of the welfare of all mankind.

International Commission on Technology & Accessibility (ICTA)

www.ictaglobal.org/

ICTA's mission is global promotion and implementation of more equitable and accessible environments, technology and information. This is a best practices accessible website incorporating continuing information technology research and input from Europe and North America.

WorldEnable

www.worldenable.net

WorldEnable is an international consortium of experts in various fields providing advocacy and training in Internet accessibility supporting the international goals of equalizing opportunities for, by, and with persons with disabilities. Results and documents of some 2002-2003 UN-sponsored disability meetings and technical seminars are posted on the site.

From Around the Region

\$2.4 Million in Telework Grants Awarded

The US Department of Labor has awarded more than \$2.4 million in grants to help fund initiatives that will increase employment opportunities for people with disabilities in Connecticut, Minnesota and Virginia. The three winners selected for departmental grants were Virginia Commonwealth University, Richmond, VA; The Workplace Inc., Bridgeport, CT; and Resource Inc., Minneapolis, MN.

The telework grants are being funded through the Department's Office of Disability Employment Policy (ODEP) to operate the three projects for the next 36 months. The work will include investigating, developing and validating strategies likely to yield the largest number of telework positions for people with disabilities in cooperation with federal and state agencies. According to the Office of Personnel Management, telework (also called telecommuting) is the ability to do your work at a location other than your "official duty station."

For more information, visit ODEP's Labor Department Web site at www.dol.gov/odep.

Rhode Island's Public Art Law

The Rhode Island State Council on the Arts, in collaboration with the Governor's Commission on Disabilities and VSA arts of Rhode Island held a reception to celebrate the purchase and presentation of

works by artists with disabilities to several state agencies, for permanent display in their offices. The reception took place on July 19 at the Atrium Gallery at One Capitol Hill, the state's main administration building in Providence. Artists presented artwork to representatives of 17 state agencies for prominent display in their department headquarters.



Artist Bijan Shadravan presents his artwork entitled "Reflection" to Bob Cooper from the Rhode Island Governor's Commission on Disabilities.

Rhode Island allocates 1% of the cost of accessibility renovations to bring state facilities in compliance with 504/ADA to the purchase of artwork by people with disabilities. RI has a 1% for Public Art Law that requires 1% of all public (non-road) construction

projects be used to purchase art. Since the Commission controls the funds used to renovate state facilities, we entered into an arrangement with the State Council on the Arts to use our 1% to purchase art made by people with disabilities, that is then exhibited in the facilities we have renovated. About \$50,000 has been set aside for this purpose.

Maine School District Sued After Playground Banning

The playground banning of a child with autistic-like behavior could end up having repercussions for the way school districts treat children with neurological disorders. The parents of 9-year-old Jan Rankowski are suing school officials in Falmouth, ME for banning their son, who has Asperger's Syndrome, from the town's public playground. School officials say Jan was never permanently barred. They only wanted a psychologist to evaluate his playground behavior after complaints from students and staff. Jan's parents say previous assessments of the boy were sufficient and that his suspension was meant to exclude their son.

Jan's family moved from New York to Falmouth after the 9/11 attacks and he attended second grade special education classes. He improved so much over the year that school officials wanted to move him to a regular class in the third grade. However, Jan's parents wanted him to stay in special education classes. His mother felt that

putting Jan into mainstream classes was “a disaster waiting to happen” so she taught him at home. Jan’s parents were pleased when he asked to go to the school’s playground after a year of home-schooling.

In the year that Jan attended public school, there were no incident reports filed about his playground behavior. School administrators said they began fielding complaints shortly after he began playing there last fall. Students reported that Jan swore and threatened them, played roughly with younger children and kicked one child. Teacher’s aides said he defied their commands. School officials say Jan’s suspension was not disciplinary. They wanted to return him to the playground once a psychologist could evaluate his behavior and determine ways for him to interact better with other children.

A state judge last month denied a request by Jan’s parents for an injunction to allow him to visit the playground while the case was decided. No trial date has been set. The boy’s parents say they hope their lawsuit will force schools to treat disabled or home-schooled children the same way as other children. Others across the country are watching the case as the number of children diagnosed with Asperger’s continues to climb.

Source: “Boy With Disability Banned From Playground,” by Sara Leitch, Associated Press, September 22, 2004.

Massachusetts Voting Place Access Update

From October 2003–June 2004 the Massachusetts Office on Disability (MOD), under an agreement with the Office of the Secretary of the Commonwealth (SOC), conducted surveys of all 1488 polling places throughout the state to determine compliance with Massachusetts voting accessibility requirements. The survey results were published in August. Since the report’s publication, MOD has received notification from municipalities indicating the steps that they are taking to ensure their polling locations meet the accessibility requirements.

For a copy of the complete report, visit MOD’s website at www.mass.gov/mod.

Accessible Outdoor Recreation Opportunities in New England

A new project operating in New England to promote accessible outdoor recreation opportunities is called Project INSPIRE - Initiative for National and State Park Inclusive Recreation Expansion. The Massachusetts Department of Conservation and Recreation (DCR), along with All Out Adventures, an outdoor recreation organization of Easthampton, MA, are working together under this 3 year federally-funded grant. DCR’s Universal Access Program has been providing adaptive rowing, cycling, hiking, kayaking,



Naturalist Ted Watt leads a nature walk on a wheelchair accessible trail at the Hitchcock Center for the Environment in Amherst, MA.

cross country skiing, and other outdoor activities for 10 years in the Massachusetts state park system.

Under Project INSPIRE, DCR’s successful model for inclusive recreation will grow to include new activities - bird watching, orienteering, and competitive sled hockey - by making use of already established resources within border communities, including birding clubs, nature centers, hiking and orienteering clubs, and skating rinks. Project INSPIRE will provide training for state park personnel and recreation organizations. In addition, Project INSPIRE will collaborate with state parks in Connecticut, Rhode Island, New Hampshire, New York and Vermont to host public events to introduce more Northeast residents to accessible outdoor recreation.

For further information and to obtain a program calendar, contact DCR’s Universal Access Program: 413-545-5353.

Voluntary National File Format Endorsed

In a landmark announcement for students with sensory and other print disabilities, the US Department of Education endorsed the National Instructional Materials Accessibility Standard (NIMAS), version 1.0 on July 27th, 2004. Deputy Secretary of Education Gene Hickok discussed the new standard at an event commemorating the 14th anniversary of the ADA. The voluntary standard will guide the production and electronic distribution of flexible digital instructional materials such as textbooks so they can be more easily converted to Braille, text-to-speech, and other accessible formats.

When textbooks and classroom materials are produced using this voluntary standard, they will be in a standard electronic format that can be adapted to products ranging from Braille editions of textbooks to on-screen displays of text and graphics. In past years, the lack of a standardized format meant that publishers had to produce materials in multiple formats - often causing delays that meant students with disabilities did not receive their textbooks in time for the beginning of the school year.

While there are many barriers to accessibility, the problems that are caused by multiple formats are particularly frustrating and easily remedied. The adoption of a common,

“The lack of a standardized format meant that publishers had to produce materials in multiple formats—often causing delays that meant students with disabilities did not receive their textbooks in time.”

or standard, format is a simplifying step that has been crucial to progress in many other fields - from railroads (adopting a common track gauge), to video technology (adopting a common format for DVD, and HDTV). Similarly, progress in accessibility will be greatly abetted by defining a common national file format. With that single change, a number of barriers at many points in the educational system can be addressed.

1. With one clear and consistent file format to produce, publishers would be able to deliver a high quality digital version expeditiously and simultaneously to all authorized entities for further conversion and distribution.
2. With one consistent file format coming from different publishers, “authorized entities” would be able to efficiently transform these common formats into accessible formats (accessible digital versions and printed Braille, for example) and deliver them to local schools and school districts expeditiously.

3. With one basic digital format from vendors, schools and school districts could adopt simpler, less costly, and timelier methods for acquiring materials, storing and retrieving them, purchasing additional assistive technologies, and training teachers and others in their use.
4. With one basic digital format from their districts, teachers could get their accessible materials in a timely fashion, in a consistent format that will work with their classroom technologies, and in a consistent format that will be easier for them to learn.
5. With one basic file format, students would finally get the accessible materials they need, when they need them.

The Department of Education’s Office of Special Education Programs provided funding to the National Center on Accessing the General Curriculum (NCAC) at CAST, Inc. to convene an expert panel to establish a voluntary, standardized format for materials.

For more information on the National Instructional Materials Accessibility Standard, please visit: www.cast.org/ncac.

Source: “The Need for A National File Format,” www.cast.org/ncac/TheNeedforANationalFileFormat3140.cfm.

New Publications Available from the ADA Center

[An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities](#)

DOJ publication. 4 pp. Available online at www.ada.gov/emergencyprep.htm.

[Project Civic Access Cities and Counties: First Steps Toward Solving Common ADA Problems](#)

DOJ publication. 15 pp. Available online at www.ada.gov/civiccommonprobs.htm.

[Questions and Answers About Epilepsy in the Workplace and the ADA](#)

EEOC publication. 12 pp. Available online at www.eeoc.gov/facts/epilepsy.html.

[Questions and Answers About Diabetes in the Workplace and the ADA](#)

EEOC publication. 12 pp. Available online at www.eeoc.gov/facts/disabetes.html.

[ADA Checklist for Polling Places](#)

DOJ provides guidance on making polling places accessible. 33 pp., \$4

[Signs of Civic Access](#)

Geared for voting sites, includes the alphabet in sign language, twelve basic signs and tips on communicating with people who are deaf or hard of hearing. 24"x18", \$3

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[Barrier Free Voting](#)

Includes 8 ideas for increasing access at voting sites. 24"x18", \$3

[Accessibility of State and Local Government Websites to People with Disabilities](#)

DOJ provides guidance on making state and local government websites accessible. 5 pp.

[Accessible Temporary Events: A Planning Guide](#)

Center for Universal Design's handy guide to making street festivals, fairs, music events, sports tournaments, parades, rallies, marathons and other events more accessible to all. Great illustrations and diagrams. 103 pp., \$7

[Access Board's Guides on Recreation Facilities](#)

Helpful diagrams, photographs and text clarify and expand on the US Access Board's Guidelines for Recreation Facilities:

- Amusement Rides. 15 pp., \$1
- Boating Facilities. 16 pp., \$1
- Fishing Piers and Platforms. 12 pp., \$1
- Golf Courses. 11 pp., \$1
- Miniature Golf Courses. 9 pp., \$1
- Sports Facilities. 14 pp., \$1
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All publications are available from our Center by calling (800) 949-4232 (voice/tty) or by ordering online using our shopping cart at www.AdaptiveEnvironments.org/neada/adapublications.php. Many publications can be downloaded.

ADAAG '04: ADA Accessibility Guidelines 2004

[Copies of the new guidelines are available from the Access Board and are posted on its website at:](#)

www.access-board.gov/ada-aba.htm.

To order a copy, call the Board's publications order line at (800) 872-2253 (voice), (800) 993-2822 (tty), or send an e-mail to pubs@access-board.gov and request publication S-50.

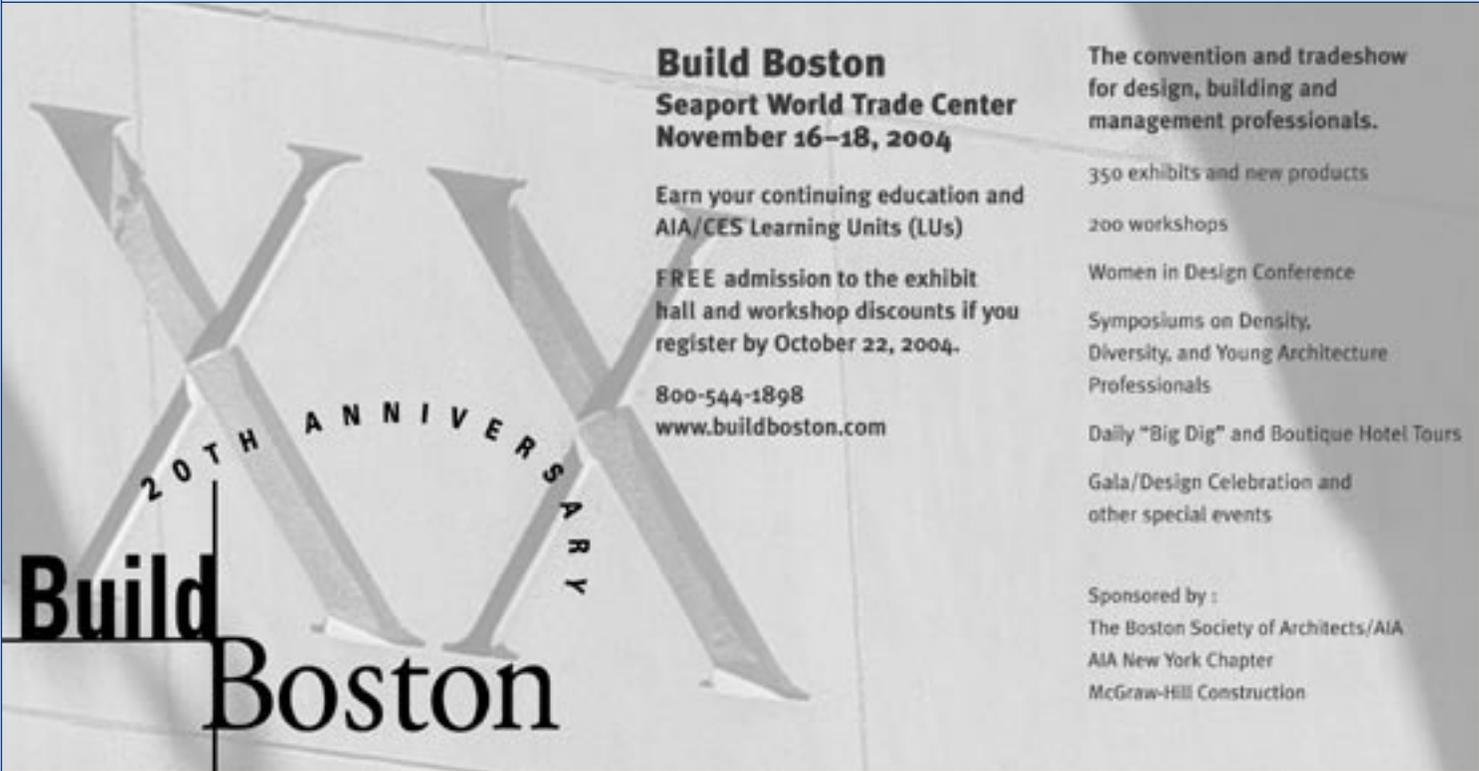
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