



Access

New England

A publication of the New England ADA & Accessible IT Center

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

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Cover Image: Everyday People artwork courtesy of Advocates in Action

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Regional Advisory Board

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

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Deborah Lisi-Baker, Vermont Center for Independent Living

David Sagi, Vermont Division of Vocational Rehabilitation

A New Name, a New Attitude and Hopefully – New Results



Oce Harrison, Project Director (right) with Carolina Avila, Project Assistant and Dulce, Office Dog

The 2004 report from the *President's Committee for People with Mental Retardation* features the committee's new name – the *President's Committee for People with Intellectual Disabilities (PCPID)*. The name change was made to emphasize a more positive approach aimed at counteracting discriminating attitudes.

As part of their comprehensive report, the President's Committee stated that 90% of people with intellectual disabilities are unemployed. Some of the report's recommendations include working with employers to help them resolve issues regarding employing people with intellectual disabilities. The recommendations coincide nicely with several findings in a recently published book, *The Decline in Employment of People with Disabilities* (Stapleton and Burkhauser, 2003). These authors examine potential causes for the decline

of employment for people with disabilities during one of the most economically expansive decades in US history – the 1990's. Their findings detail:

1. Increases in the severity of impairments and health conditions among those with disabilities;
2. The unintended consequences of the passage and implementation of the ADA; and
3. Eligibility and benefits expansion in the SSI and SSDI program.

Stapleton and Burkhauser's book also outlines the implications for policy change and successful efforts to increase the employment of people with disabilities. **Some strategies include efforts to clarify:**

- Whom the ADA protects and under what circumstances, and
- What constitutes reasonable accommodation.

The authors believe that continued education to employers on these issues will significantly reduce ADA compliance costs and increase the employment of people with disabilities who are determined to be protected under the law – especially new hires.

This issue of *Access New England* highlights a new *Equal Employment Opportunity Commission (EEOC)* publication dealing with the rights of workers with intellectual disabilities. This publication dispels myths and fears

and can be a useful guide in promoting employment opportunities (See page 11). On page 2, an international study reveals stereotypical views as one of the greatest barriers to a better quality of life for individuals with intellectual disabilities.

The ADA & IT Centers have been providing the employer training & technical assistance vital to facilitating voluntary compliance under the ADA.

As we approach the 15th year anniversary of the ADA, we continually see the need for changing not only attitudes, but actions. Will new language and strategies invigorate efforts to increase the employment rate for people with intellectual disabilities? We at the ADA & IT Centers nationwide are planning on finding out. Lots of hard work and time will tell....

Best Wishes, Oce

References:

President's Committee for People with Intellectual Disabilities. *A Charge We Have To Keep: A Roadmap to Personal and Economic Freedom for People with Intellectual Disabilities in the 21st Century*. A Report by the US Department of Health and Human Services. Phone: (202) 619-0634, www.acf.hhs.gov/programs/pcpid/index.

Stapleton, David and Richard Burkhauser. 2003. *The Decline in Employment of People with Disabilities: A Policy Puzzle*. W.E. Kalamazoo, Michigan: Upjohn Research Institute for Employment of People with Disabilities.

Stereotypes and Intellectual Disabilities: A Multinational Study

For decades, many have believed that the doors to inclusion of individuals with intellectual disabilities in mainstream society have been shut tight because of misconceptions, ignorance and fear. Now, those suspicions have scientific validation, according to a groundbreaking study commissioned by Special Olympics. Results of the international study document how the general population across cultures view persons with intellectual disabilities, and how they should fit into society — views which have far-reaching, negative consequences for the more than 170 million individuals with intellectual disabilities worldwide. The study was conducted in 10 countries across the world, with 8,000 persons responding.

Highlights of the Findings

- **53 percent** of those surveyed believe that the negative attitudes of others in society — their neighbors — pose a major obstacle towards inclusion in society.
- **74 percent** believe that people with intellectual disabilities are capable of performing a simple task like sustaining a friendship;
- **67 percent** believe that people with intellectual disabilities can wash and dress themselves;

- But, only **36 percent** of the respondents believe that those with intellectual disabilities could perform more complex tasks, such as understanding a news event;
- And, only **19 percent** believe that people with intellectual disabilities could handle an emergency.
- Additionally, **79 percent** of the respondents agree that children with intellectual disabilities should be educated in a segregated setting, either in the home or in special schools, with the remainder believing that they should attend a regular school, either in special classes or inclusive classes.
- **54 percent** believe that the inclusion of people with intellectual disabilities in the workplace increases the risk of accidents.
- **49 percent** of the respondents believe that the best living arrangement for people with intellectual disabilities is in the home; **9 percent** believe that institutions are the best; **17 percent** believe that group homes are best; and only **25 percent** believe that people with intellectual disabilities should live in either a supervised apartment or totally independently.

Overall, the survey shows that the general population lacks an appreciation of the range of capabilities of individuals with intellectual disabilities, and therefore has

low expectations of how much people with mental disabilities can achieve. The study also revealed that the world still believes individuals with intellectual disabilities should work and learn in separate settings, apart from people without disabilities. It is very important that the results be viewed in a global context, as cultural values and practices vary from country to country. Thus, country-to-country comparisons are unlikely to give an accurate representation of the true attitudes behind the results.

The goal of the Multinational Study of Attitudes toward Individuals with Intellectual Disabilities was to document the social acceptance level of individuals with intellectual disabilities worldwide. In particular, the study focused on: how the general population views the capabilities of individuals with intellectual disabilities; the extent to which they should be able to employ those capabilities in inclusive settings; and exactly how far average people believe that persons with intellectual disabilities should be integrated into everyday society.

It is hoped that this survey will spur individuals, families, educators, young people, healthcare professionals, employers, service providers, sports and community organizers, and government leaders to address what can be done to promote the inclusion of individuals with intellectual disabilities in every segment

of society. Suggestions include: more volunteerism with groups/organizations affiliated with the intellectually disabled, identifying and erasing attitudinal misconceptions of individuals with intellectual disabilities, and better education across all sectors of society as to what capabilities individuals with intellectual disabilities truly possess.

Commissioned by Special Olympics, the two-year study, led by Dr. Gary Siperstein of the University of Massachusetts, Boston, is the largest and most comprehensive study ever conducted on this subject, reporting how people across the world view the roles and capabilities of persons with intellectual disabilities in the workplace, the classroom and in daily social life. The results will help researchers and laypeople alike better understand and document evidence of public perceptions and negative attitudes which millions of individuals with intellectual disabilities struggle with each and every day.

“By exposing the often latent beliefs of ordinary people towards individuals with intellectual disabilities, scientists, educators, social service workers, parents, friends and many others will be better equipped to combat the negative stereotypes exposed by this research. They will also be better equipped to encourage and grow the positive beliefs,” said Dr. Siperstein.

“Our greatest hope is that this study will serve as the catalyst for a real and lasting change in the public’s attitudes toward the inclusion of individuals with intellectual disabilities in every aspect of society in every country on the planet.”

The study uncovered a definite presence of negative attitudes — both within and across the countries surveyed — toward persons with intellectual disabilities. It also demonstrates the relationship between public attitudes toward intellectual disabilities and the practices within countries that impact the quality of life of these individuals. Attitudes, beliefs and expectations are, in part, influenced by the distinct cultural norms, values and variety of resources and services that are available.

Detailed Results

Education

- **78 percent** believe that a lack of school resources presents a major obstacle towards inclusion of persons with intellectual disabilities in the classroom.
- **78 percent** believe that the lack of teacher preparedness presents a major obstacle to inclusion of individuals with intellectual disabilities in the classroom.

- **53 percent** believe that persons with intellectual disabilities pose a safety risk to others in the classroom.
- **53 percent** believe that inclusion of persons with intellectual disabilities into regular schools will impede the learning of the other students.
- **53 percent** believe that including children with intellectual disabilities in the regular classroom will likely create discipline problems.

Employment

- **76 percent** believe that the lack of job training programs for persons with intellectual disabilities presents a major obstacle towards their inclusion in the workplace.
- **61 percent** believe that the negative attitudes of other workers present a major obstacle towards inclusion in the workplace, as well.
- **51 percent** of the respondents believe that persons with intellectual disabilities should work in either skilled or unskilled positions, with the remainder believing they should either not work or should work in a special workshop.
- **50 percent** believe that inclusion also will reduce the productivity of the other workers.

(Continued, page 4)

Supreme Court Hears ADA Case on Cruise Vessels

On February 28, the Supreme Court heard oral arguments in *Spector v. Norwegian Cruise Line, 03-1388*, a case concerning the ADA's application to foreign cruise vessels sailing in US waters. Disability advocates, who boarded a Norwegian Cruise Line in 1998, say they weren't given adequate access to ship pools, restaurants and emergency equipment. They also alleged they were forced to pay additional fees for accessible rooms. Norwegian Cruise Line counters that only an express statement of Congress can justify imposing the ADA on a ship sailing under a foreign flag, even if docked at a US port.

The case is an appeal from the 5th US Circuit Court of Appeals in New Orleans, which ruled in January 2004 that foreign-flag cruise ships are not covered by the ADA. Both the cruise lines and disability groups urged the Supreme Court to take the case, noting a conflict with an 11th US Circuit Court of Appeals decision in 2000 saying foreign ships must comply with the law.

Source: "Court Agrees To Hear Cruise Ship Access Case," Associated Press, September 28, 2004.

Community

- **67 percent** believe that the public's beliefs about the limitations of individuals with intellectual disabilities interacting in public pose a major obstacle to their inclusion in society.

Healthcare

- **27 percent** believe that persons with intellectual disabilities receive better health care than the general population, while 39 percent believe they receive the same treatment and
- **34 percent** believe they receive worse treatment.

Media Portrayals

- **54 percent** believe that negative media portrayals of persons with intellectual disabilities pose a major obstacle to their inclusion in society.

Across every continent, the survey shows that each individual's image of people with intellectual disabilities affects the degree to which they believe persons with intellectual disabilities should be included in society. A curious finding is that most respondents believe that it is others' attitudes about persons with intellectual disabilities — and not necessarily their own — that affect how persons with intellectual disabilities are included in general society. This was found in respondents' answers across the three areas of work, school and community. They also feel that the lack of resources affected inclusion across the three areas.

i A copy of the study can be obtained at: www.specialolympics.org/special+olympics+public+website/english/initiatives/research/multinational+study.htm.

"Our greatest hope is that this study will serve as the catalyst for a real and lasting change in the public's attitudes toward the inclusion of individuals with intellectual disabilities in every aspect of society in every country on the planet," said the Chairman of Special Olympics, Timothy Shriver.

About the Study

Special Olympics and the Center for Social Development and Education collaborated with the Gallup Organization, Research and Evaluation Services of Northern Ireland and Center for Survey Research on the creation of the survey. It was conducted in 10 countries: Brazil, China, Egypt, Germany, Japan, Nigeria, Republic of Ireland, Russia, Northern Ireland and the United States. Sampling of the public was random, and respondents were selected from either a nationwide pool or from selected cities. The approximate sample size was 800 of the general public of each country, and 200 people from Special Olympics convenience samples of "family members" in Japan and the United States.

Source: "Groundbreaking international study reveals stereotypical views greatest barriers to better quality of life for individuals with intellectual disabilities," Special Olympics, www.specialolympics.org.

The ADA Center

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

Phone: (800) 949-4232 (voice/tty)

Fax: (617) 482-8099

Email: adainfo@NewEnglandADA.org

Online: www.adaptiveenvironments.org/neada/

Send name, affiliation, address, email address, phone number, date of session(s) and non-profit or business fee. Registration and payment is required prior to audio conference sessions.

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.

Session Descriptions

Reasonable Accommodation: Best Practices for an Interactive Process
April 19, Speaker: TBA

What Are The Courts Saying About Reasonable Accommodation?
May 17, David Fram, National Employment Law Institute

Getting on the Bus: Update on the accessibility of our public transportation systems
June 21, Representative from Project Action

ADA Update: 14 Years Later
July 19, John Wodatch, Chief-Disability Rights Section, US Department of Justice and Sharon Rennert, Attorney Advisor, US Equal Employment Opportunity Commission

Gaining Access to the Doctor's Office: What is the state of the art of accessible medical equipment?
August 16, Representative from the RERC on Accessible Medical Instrumentation

Readily Achievable Barrier Removal: What does it mean 15 years later?
September 20, Speaker: TBA

ADA Center Awards Independent Living Center Grants

The New England ADA & Accessible IT Center is pleased to announce the recipients of our 2005 Independent Living Center Grant awards. Awardees include: the Disabilities Network of Eastern Connecticut in Norwich, CT; the Disability Resource Center of Fairfield County in Stratford, CT; Independence Unlimited in Hartford, CT; Alpha One in South Portland, ME; Ad-Lib in Pittsfield, MA; the Boston Center for Independent Living; the Center for Living & Working in Worcester, MA; the ILC of North Shore and Cape Ann in Salem, MA; Independence Associates in Taunton, MA; the Metrowest Center for Independent Living in Framingham, MA; Northeast Independent Living Program in Lawrence, MA; Stavros Center for Independent Living in Amherst, MA; and Granite State Independent Living in Concord, NH.

The incentive grant program is part of the ADA Center's capacity building goal. Thirteen grants of \$2,700 each have been awarded. This initiative supports collaboration among the New England states and the ADA Center and is intended to enhance the work of independent living centers in implementing the ADA.

Around the Region

New Hampshire ADA Coalition Activities

Cheryl Killam, Accessibility Specialist for the Governor's Commission on Disability, is working with NH Supreme Court Chief Justice John Broderick and has developed a courthouse access checklist for all clerks to use in evaluating their facility. Justice Broderick has made access to all courts in NH one of his priorities. He has visited all of the local and superior courthouses and has ordered that all be surveyed for compliance with accessibility standards. Cheryl has evaluated over 25 courthouses.

Ongoing projects

1. Providing access codes seminars
2. Advising Main Streets Programs and places of worship on how to provide access
3. Improving accessibility into and within NH State Parks and Public Water Access Areas
4. Working on the "visitability" movement and "EasyLiving" collaboration building as part of Housing Committee agenda.

Partnership with EEOC and the NH Human Rights Commission

To increase employment of people with disabilities, the US Equal Employment Opportunity Commission (EEOC) is partnering with the NH Governor's Commission on Disability (GCD) and the NH Human Rights Commission. This will be a collaborative study of selection criteria and other practices that may affect individuals with disabilities who

are either employees or applicants for state employment. The review will (1) showcase best practices that could be used as models in other states; and (2) provide confidential technical assistance on employment practices that may pose barriers for the hiring or retention of individuals with disabilities.

The Institute on Disability at University of NH has been working on a grant "Working Together: Responding to Domestic Violence Against Men and Women with Disabilities", funded by the NH Administration for Children and Families. The project addresses the needs of domestic violence shelters and disability-related organizations in assisting people with disabilities. The Institute is also working on bringing universal design into colleges and secondary schools in NH and MA, so students with disabilities do not have to identify themselves as disabled in order to access classes.

Lead to Opportunities for Youth with Disabilities

Lead to Opportunities for Youth with Disabilities (LOYD) is an initiative of Build the Out-of-School Time Network (BOSTnet), which works with parents, providers and policy makers to build out-of-school time opportunities for children, youth and families. LOYD seeks to strengthen the capacity of community organizations to create or expand programming for children and youth with disabilities by increasing access to out-of-school programs, by developing the skills of program providers and enable them to operate

effective inclusive programs, by advocating for inclusive opportunities and the related needs of youth with disabilities, and by developing the skills of youth with disabilities to empower them to become leaders.

LOYD also offers consulting services and grants to youth agencies that wish to begin, improve, or enhance out-of-school time activities by including children and youth with disabilities. LOYD serves as a powerful advocate for children and youth with disabilities and for these inclusive programs. The Massachusetts Office on Disability is a member of LOYD's steering committee.

In Massachusetts, there are approximately 150,000 students with disabilities and over 1,000 students in private, residential facilities. Although out-of-school time activities and after-school programs are critical for all children, there are few in Massachusetts that offer youth with disabilities an opportunity to participate in a quality and inclusive experience. A recent study with transition aged youth indicated that children with mental retardation, emotional disturbances, autism, or multiple disabilities, including deaf-blindness, are the least active in extracurricular activities; about 30% or more of these youth had not participated in any extracurricular endeavor in the past year.

i If you would like more information on the LOYD initiative or would like to discuss replicating this initiative please call Susan Tufts at (617) 720-1290 ext. 241 or email her at tufts@bostnet.org.

RI Families PLAN for Quality of Life

Two recent episodes of Rhode Island Governor's Commission on Disabilities' weekly television show, *Able Too...*, focused on developmental disabilities and ways that families can develop networks to support their loved ones now and beyond their own care giving years.

Struck by the success of Personal Lifetime Advocacy Networks (PLAN), an organization in Vancouver, British Columbia, a group of Rhode Island parents are duplicating it for the benefit of their sons and daughters with developmental disabilities. Funded by member families, the organization hires facilitators for a few hours each month. Each facilitator builds and maintains a network of friends around the focus person.

John Susa, Chair of the PLAN RI Steering Committee, said, "We meet while we are still here and able, so that as parents, we can influence the vision that the network will maintain beyond our lifetime. This informal, community support does not replace government services, but rather provides quality of life for our loved ones as we increase peace of mind for ourselves."

i John Susa may be contacted at (401) 785-9541.

ADA Coalition Conducts Polling Place Access Surveys

The ADA Coalition of Connecticut (ADACC), under a contract with the state Office of Protection and Advocacy for Persons with Disabilities (OPA), conducted polling place assessments for over 300 sites during the summer and fall of 2004. Sixty eight of Connecticut's 169 towns were covered. The project was funded by OPA as a part of its Every1Counts Voter Accessibility Project, using funding received under the Help America Vote Act.

In July 2004, volunteers participated in two workshops designed to acquaint them with the basics of access surveying. The survey form focused on parking, path of travel to the site entrance, the entrance itself, and the path of travel from the entrance to where the voting machines were located. A section of the survey form also included interviews with town representatives on policy and protocol.

Materials were distributed by ADACC as part of the training activity. These materials included a copy of the Voter's Rights Bill, as amended in 2004, a FAQ sheet based on questions raised during the training activity, and a copy of a Voter Information Card developed primarily for people with disabilities.

One particularly interesting feature of the project was the engagement of individuals from the League of Women Voter chapters from the Bridgeport and Hartford areas. Both chapters have recently integrated disability access into their voting rights initiative.

Riders of Vermont

Riders of Vermont or RoVer is a new organization of individuals advocating for improved public transportation services. Recently RoVer received a grant from the Vermont Developmental Disabilities Council to expand awareness of the transportation needs of individuals with intellectual disabilities. Members of Green Mountain Self Advocates, a statewide organization of self advocates will be trained to help transit providers, planning commissions and others to make their programs and services accessible and to better work with individuals with disabilities. They will also help individuals with disabilities get involved in local and statewide transportation advocacy efforts. The Vermont Center for Independent Living (VCIL) helped with grant planning and will be assisting with training and outreach activities.

i For more information about RoVer, contact Peter Johnke at VCIL (800) 639-1522.

Green Mountain Self Advocates has also produced other training materials including an innovative video that highlights the self-advocacy movement's relationship to America's Bill of Rights.

i For more information about the video and the work of Green Mountain Self Advocates, call (800) 564-9990.

Intellectual Disabilities and Employment

Q: May an employer ever disclose the fact that someone has an intellectual disability?

A: Yes, in limited circumstances. The ADA's confidentiality requirements also include limited exceptions. An employer may disclose the fact that someone has an intellectual disability:

- To supervisors and managers where necessary to provide a reasonable accommodation or to meet an employee's work restrictions;
- To first aid and safety personnel if an employee would need emergency treatment or require some other assistance in the event of an emergency;
- To individuals investigating compliance with the ADA and similar state and local laws; and
- Where required for workers' compensation or insurance purposes.

Q: How does a person with an intellectual disability request a reasonable accommodation?

A: The request for a reasonable accommodation must be communicated to the employer. However, no magic words (e.g., "reasonable accommodation" or "ADA") are needed. The request may be made in "plain English," orally or in writing, and it may come from a family member, friend, job coach or other representative.

Q: Are there circumstances when an employer must ask whether a reasonable accommodation is needed when a person with an intellectual disability has not asked for one?

A: Yes. An employer has a legal obligation to initiate a discussion about the need for a reasonable accommodation and to provide an accommodation if one is available if the employer: (1) knows that the employee has a disability; (2) knows, or has reason to know, that the employee is experiencing workplace problems because of the disability; and (3) knows, or has reason to know, that the disability prevents the employee from requesting a reasonable accommodation.

Q: Do persons with intellectual disabilities need more supervision than other employees?

A: The type and amount of supervision required for employees with intellectual disabilities will depend on the type of work and the person's individual strengths. It may take persons with intellectual disabilities longer to master the tasks associated with a job. However, studies have established that when workers with intellectual disabilities are properly trained, they can perform as effectively as workers without intellectual disabilities in the same job. In other situations,

modifying supervisory methods may be an appropriate form of reasonable accommodation. Some employees with intellectual disabilities may benefit from additional day-to-day guidance or feedback, or from having a large task broken down into smaller parts that are easier to understand.

Q: How does an employer determine if a person poses a direct threat?

A: The employer must evaluate the person's ability to safely perform the essential functions of the job. Factors the employer must consider are the duration of the risk, nature and severity of the potential harm, the likelihood that it will occur, and the imminence of the potential harm. The effect of any reasonable accommodation that would reduce or eliminate the risk of harm must also be considered. The employer's assessment of direct threat must not be based on fears, myths or stereotypes, but on credible and objective evidence.

Q: May an employer discipline a person with an intellectual disability for violating a conduct rule?

A: An employer does not have to excuse violations of a uniformly applied conduct rule that is job-related and consistent with business necessity. An employer may discipline an employee with a disability for engaging in misconduct,

Building Your Rolodex

as long as the employer imposes the same discipline on an employee without a disability. This means, for instance, that an employer does not have to tolerate or excuse violence, threats of violence, stealing, or destruction of property.

Q: What constitutes actionable harassment under the ADA?

A: The ADA prohibits offensive conduct that is sufficiently severe or pervasive to create a hostile or abusive work environment. Acts of harassment may include verbal abuse, such as name-calling, behavior such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. The law does not protect workers with disabilities (or any workers) from merely rude or uncivil conduct. To be actionable, conduct related to an employee's intellectual disability must be sufficiently severe or pervasive as to be both subjectively hostile and abusive (to the person) and to a reasonable person.

Source: "Questions & Answers about Persons with Intellectual Disabilities in the Workplace and the Americans with Disabilities Act," EEOC, www.eeoc.gov/facts/intellectual_disabilities.html.

President's Committee for People with Intellectual Disabilities (PCPID)

www.acf.hhs.gov/programs/pcpid

PCPID is a federal advisory committee, established by presidential executive order to advise the President of the United States and the Secretary of The Department of Health and Human Services on issues concerning citizens with intellectual disabilities, coordinate activities between different federal agencies and assess the impact of their policies upon the lives of citizens with intellectual disabilities and their families.

National Association of Councils on Developmental Disabilities (NACDD)

www.nacdd.org/

NACDD is a national, member-driven organization consisting of 55 State and Territorial Councils. NACDD places high value on meaningful participation and contribution by Council members and staff of all Member Councils, and we advocate and continually work towards positive system change on behalf of individuals with developmental disabilities and their families.

Association of University Centers on Disabilities

www.aucd.org/

A network of interdisciplinary Centers advancing policy and practice for and with individuals with developmental and other disabilities, their families, and communities.

Self-Advocates Becoming Empowered (SABE)

www.sabeusa.org

SABE is a private nonprofit whose mission is to ensure that people with disabilities are treated as equals and that they are given the same decisions, choices, rights, responsibilities, and chances to speak up to empower themselves; opportunities to make new friends; and to learn from their mistakes.

The Arc of the United States

www.thearc.org

The Arc is the national organization of and for people with mental retardation and related developmental disabilities and their families. It is devoted to promoting and improving supports and services for people with mental retardation and their families.

Best Buddies International

www.bestbuddies.org/home.asp

Best Buddies is a non-profit organization dedicated to enhancing the lives of people with intellectual disabilities by providing opportunities for one-to-one friendships and integrated employment.

ADA Document Portal

www.adaportal.org

The ADA Document Portal allows visitors to search through over 7000 technical assistance documents related to the Americans with Disabilities Act of 1990.

DOJ

Proposal to Issue Revised ADA Design Standards

The US Department of Justice (DOJ) has published an Advance 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 published by the Architectural and Transportation Barriers Compliance Board (also known as the Access Board) on July 23, 2004. The ADA requires the Department to publish regulations that include accessibility standards that are consistent with the Access Board's guidelines. Until the Department's rulemaking is complete, the revised ADA Guidelines are effective only as guidance to the Justice Department and to the US Department of Transportation (DOT). The revised guidelines currently have no legal effect on the public.

The ANPRM is the first of three steps in the regulatory process. The ANPRM will be followed by notice of proposed rulemaking (NPRM) 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.

ADA standards apply to places of public accommodation, which encompass those facilities open to the general public, commercial facilities, state and local government facilities, and transportation facilities. These standards are maintained by the Department of Justice and, in the case of transportation facilities, the Department of Transportation.

i Members of the public may submit comments regarding the ANPRM until May 31, 2005. Comments can be submitted to www.adaanprm.org or www.regulations.gov or by mail to P.O. Box 1032, Merrifield, VA 22116-1032.

i All comments will be available to the public online at www.adaanprm.org and, by appointment, at the offices of the Disability Rights Section.

New DOJ Publication

ADA/Section 504 Design Guide: Accessible Cells in Correction Facilities.

A publication providing guidance on preventing discrimination against inmates with mobility disabilities through the design of accessible cells in State and local correctional facilities. 5 pp.

i Available at no cost from the ADA Center at (800) 949-4232 (voice/tty) or downloadable from the Department of Justice at www.ada.gov/publicat.htm#Anchor-ADA-Cells-49575.

Access Board

Advisory Body on Courthouse Accessibility Begins Work

A newly created advisory committee on courthouse access held its first meeting November 4 and 5 in Washington, DC. The Courthouse Access Advisory Committee was organized by the Board to explore issues related to the accessibility of courthouses, particularly courtrooms, including best practices, design solutions, promotion of accessible features, and educational opportunities. The committee's work will help address a variety of challenges to access in such facilities.

The committee's 31 members include designers and architects, disability groups, members of the judiciary, court administrators, representatives of the codes community and standard-setting entities, government agencies, and others with an interest in the issues to be explored. Cheryl Killam from the NH Governor's Commission on Disability and Denis Pratt from Alpha One in South Portland, ME represent New England on this new committee.

At the meeting, members discussed issues the committee should address and explore in fulfilling its mission. Most recommendations addressed topics and opportunities pertaining to education and outreach, design and construction, and existing facilities. The agenda also included briefings by the Board on the protocols

governing the work of Federal advisory committees, guidelines it previously established for judicial facilities under the ADA, and design issues it has identified. In addition, the committee organized three subcommittees focused on education, courtroom access, and courthouse spaces other than courtrooms. Subcommittees will allow work to proceed in between committee meetings, which will take place on a quarterly basis, and in past Board experience have enabled greater public participation beyond committee membership.

The committee's next meeting was held February 10 and 11 in Phoenix. As part of this meeting, members toured area courthouses, including a Federal and a municipal facility. Several architects on the committee made presentations on courthouse design, including traditional and customary courtroom features. Committee meetings are open to the public and provide opportunities for interested persons to provide comment.

i For further information on the committee, contact Elizabeth Stewart at (202) 272-0042 (voice), (202) 272-0082 (tty), or stewart@access-board.gov (e-mail).

i To be added to the list for e-mail updates on the work of the committee, send a message to caac@access-board.gov with "add to list" in the subject field.

Source: Access Currents, Volume 10, No. 6, November/December 2004.

Employment

New EEOC Fact Sheet About Intellectual Disabilities and Employment

The US Equal Employment Opportunity Commission (EEOC) has released a fact sheet on the application of the ADA to persons with intellectual disabilities in the workplace. The new publication is available at www.eeoc.gov.

The term "intellectual disability" describes the condition once commonly referred to as "mental retardation." Approximately one percent of the United States' population, an estimated 2.5 million people, has an intellectual disability. Estimates indicate that only 31 percent of individuals with intellectual disabilities are employed, although many more want to work.

Persons with intellectual disabilities successfully perform a wide range of jobs, and can be dependable workers. The types of jobs people with intellectual disabilities are able to perform depend on individual strengths and interests. Examples include: animal caretakers, laundry workers, building maintenance workers, library assistants, data entry clerks, mail clerks, store clerks, messengers, cooks, printers, assemblers, factory workers, photocopy operators, grocery clerks, sales personnel, hospital attendants, housekeepers, statement clerks, automobile detail workers, and clerical aides.

Yet, many employers still exclude persons with intellectual disabilities from the workplace. For instance, some employers believe that workers with intellectual disabilities will have a higher absentee rate than employees without disabilities. Studies show that this is not true and that workers with intellectual disabilities are absent no more than other workers. Another misperception is that employing people with intellectual disabilities will cause insurance costs to skyrocket.

"With this fact sheet, the EEOC aims to break down myths, fears and misperceptions that stand in the way of employment opportunities and sometimes even lead to harassment on the job. People with intellectual disabilities want to work and have a lot to contribute. Employers who are not tapping into this community are missing out," said Commission Chair Cari Dominguez.

The fact sheet addresses such topics as:

- When an intellectual impairment is covered by the ADA;
- When an employer may ask an applicant or employee questions about his or her intellectual disability;
- What types of reasonable accommodations employees with intellectual disabilities may need on the job;
- How to address safety concerns and conduct issues in the workplace; and
- How an employer can prevent harassment of employees with intellectual disabilities.

New Public Schools Accessible IT Kit Available

Access to information technology in schools is increasingly important for student success. However, many students with disabilities do not have access to the information technology that other students are using. The New England ADA and Accessible IT Center (funded by the US Department of Education) has available, an information kit – *Breaking Down Barriers: K-12 and Beyond* that demonstrates how to make IT accessible to students with disabilities.

This free kit includes

- A CD-Rom demonstrating the benefits of accessible IT for students with disabilities
- A checklist to help school personnel survey their school's technology for accessibility
- A printed information booklet for parents
- A poster depicting examples of accessible information technology

i Schools, parents, and others interested in information on making technology in schools accessible can order a kit by calling (800) 949-4232 (voice/tty).

Web Accessibility and Cognitive Disabilities

It is an unfortunate fact that the Web accessibility community has struggled for some time to come to a consensus on guidelines that can be applied to Web content for individuals with cognitive disabilities. Many authors propose specific, commonsense, considerations while others wait for more definitive research. WebAIM believes that promoting a dialogue on this important issue will be helpful in two ways.

First, the collective thoughts of a number of individuals can be gathered and distilled. This may aid researchers in forming their questions as well as the ways in which they approach answering them. It may also aid Web developers who want to design their content now in a way that does not exclude the largest population of individuals with disabilities.

Second, ongoing interaction on the topic holds the promise to further refine important areas and subtle distinctions between issues that will be important.

i WebAIM currently has a two part article on their web site speaking to this issue. The first article, entitled *Cognitive Disabilities Part 1: We Still Know Too Little, and We Do Even Less*, is available at www.webaim.org/techniques/articles/cognitive_too_little/. Part two of the article, entitled *Cognitive Disabilities Part 2: Conceptualizing Design Considerations*, is available at: www.webaim.org/techniques/articles/conceptualize/.

Source: "Cognitive Disabilities Part 2: Conceptualizing Design Considerations," WebAIM, <http://webaim.org/techniques/articles/conceptualize/>.



ADA Symposium

Attend this event! It is co-sponsored by the ten ADA & Accessible IT Centers (DBTACs). Cost is \$295 per person prior to April 15th, \$345 per person after April 15th.

The National ADA Symposium and Exposition 2005 will be held on May 17-19 at the Overland Park Convention Center-Kansas City Metro.

For schedule and registration form:

www.adaproject.org

Questions:

Kathy Gips, (800) 949-4232 (voice/tty), kgips@adaptiveenvironments.org

Intellectual Disabilities and the ADA

All Kids Count: Child Care and the Americans with Disabilities Act (ADA)

A resource manual to help child care center operators comply with Title III. 89 pp. 1996.

The ADA Title III: A Guide for Making Your Business Accessible to People with Mental Retardation

Information on Title III prohibiting discrimination against people with disabilities in places of public accommodation, such as restaurants, hotels, retail sales/rental/service businesses, recreational and social service facilities. Contains strategies for accommodating people with cognitive disabilities in places of public accommodation. 16 pp. 1994.

Serving Passengers with Cognitive Disabilities: A Training Program for Fixed Route Bus Operators

Includes presentations and exercises to help bus operators improve their communication skills and more effectively serve passengers with cognitive disabilities. 143 pp. 1993.

Know your rights if you get arrested

Two-sided, reproducible brochure slick of information for self-advocates on what to do when in contact with law enforcement and/or the courts. 1996.

A police officer's guide when in contact with people who have mental retardation

Two-sided, reproducible brochure slick for law enforcement officers describing their responsibilities under the ADA and how to effectively work with people who have intellectual disabilities. 1996.

When people with mental retardation go to court

Brochure for attorneys, judges and other court personnel describing their responsibilities under the ADA and how to effectively work with people who have intellectual disabilities. 1996.

Making America Liveable

A curriculum to help self-advocates learn about title II and III of the ADA. Curriculum is accompanied with audiotape and masters for transparencies and handout materials. It is designed for co-presentation by a person without a disability and a self-advocate, 178 pp. 1999.

The Americans with Disabilities Act at Work

A handbook which provides specific answers to commonly-asked questions about title I. The handbook can either accompany the video or be used as a stand-alone instructional publication. 12 pp. Revised 1994.

The Americans with Disabilities Act and People with Mental Retardation: A Blueprint for Promoting Employment

Results of the Access ADA Employment Forum held to outline a national plan for improving employment opportunities for people with intellectual disabilities. 1993.

The Americans with Disabilities Act (ADA) and Working

Booklet for people with intellectual disabilities in easy-to-read language to explain basics of Title I and what to do if discrimination occurs. 12 pp. 1993.

Learning about the Americans with Disabilities Act and Working: A curriculum to teach older self-advocates about the ADA and employment

This training guide can be used to teach self-advocates, and especially older self-advocates, about the ADA, discrimination and how to resolve disability and age-related employment problems. 97 pp. 1994.

Learning about the Americans with Disabilities Act and Title II: Opening up government services & activities for people with disabilities

This easy-to-read guide is geared toward self-advocates to teach about the ADA and title II, the ADA's provisions for state and local government. The guide carefully describes title II, how to recognize discrimination and "special rules" that might apply to various government activities and services. 90 pp. 1996.

Learning about the Americans with Disabilities Act and Title III: Opening up places of public accommodations for people with disabilities

Describes in easy-to-read language, the ADA title III including how to recognize and solve issues of discrimination. Included are ideas that self-advocates can give to public accommodators, resources and inserts that can be photocopied and handed out to title III entities. 72 pp. 1996.

i All publications are available from The Arc by calling (301) 565-3842 (voice/tty) or by ordering online at <http://209.183.228.233/>. Many publications can be downloaded.

EVENTS AND ANNOUNCEMENTS

Need CEUs?

Valuable HSW (Health, Safety and Welfare) CEU credits. Starting Wednesdays March 2nd through June 22nd from 3:30-5:30 pm at the Moakley Courthouse, Boston Earn Continuing Education Credits from the experts.

Session Descriptions

ADA – AAB Comparison: Untangling the Confusion (2 CEUs)

First Wednesday in March, April, May & June

ADAAG '04: What's New? What's Different? (2 CEUs)

Second Wednesday in March, April, May & June

Universal Design: Going Beyond Access Requirements to User-Friendly Design (2 CEUs)

Third Wednesday in March, April, May & June

A Case Study/On-Site Review (2 CEUs)

Fourth Wednesday in March, April, May & June

Fee

\$80/person, for 1 session (2 CEUs)
\$145/person, for 2 sessions (4 CEUs)
\$199/person, for 3 sessions (6 CEUs)
\$249/person, for all 4 sessions (8 CEUs)

Registration

Phone: (800) 949-4232

Online: www.NewEnglandADA.org.

Sponsored by the New England ADA and Accessible IT Center, a project of Adaptive Environments.

Access Expo of Northern New England

Exhibits, workshops, presentations on accessibility products and services for people with disabilities.

Saturday, April 9, 2005

The Mall of New Hampshire in Manchester, NH

For more information:

Granite State Independent Living
(800) 826-3700 or www.gsil.org.