



Access

New England

A publication of the New England ADA & Accessible IT Center

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This Issue Highlights

Emergency Preparedness and Accessibility

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AP / Wide World Photos

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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 and commitment greatly assists the New England ADA & Accessible IT Center in its mission.

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The Best Laid Plans...

At work or at home, a natural disaster, like a hurricane, or a man-made disaster, like 9/11, can strike anyone – anytime – anywhere. If you haven't thought about emergency plans, you could be left behind. On the federal level, Senator Tom Harkin has introduced a new bill (D-IA) *Emergency Preparedness and Response for Individuals with Disabilities Act of 2005*. Harkin was the chief sponsor of the Americans with Disabilities Act (ADA), and continues to seek equality of opportunity and full participation for millions of Americans with disabilities. In our current newsletter, you can read about how his recent legislation will address the needs of individuals with disabilities in emergency planning and relief efforts (page 3). However, this issue of *Access New England* also highlights the importance of each one of us taking individual responsibility to prepare to meet his or her basic needs in a disaster by relying on ourselves, friends, co-workers, and family.

In preparing for an emergency and evacuation, ask yourself two important questions:

1. What will I need?
2. How will I get to safety?

What will I need?

Beyond our common basic human needs (food, water, and safe shelter), we all have different needs. On page 9, you will find website references with helpful lists of basic items needed in a disaster. Also, as people with disabilities, each one of us must be ready to meet our own specific needs;

such as storing sufficient oxygen, medications, and battery power, etc. In Connecticut, the Department of Public Health's 'Emergency Preparedness for Special Populations' has prepared a website with information such as, *Tips for People with Disabilities* and *Tips for People Responding to People with Disabilities* in a disaster (page 5).

How will I get to safety?

Depending on where you are, at home, work, or in the community – you will need to learn about your options, and plan accordingly. By working with your employer and community officials and learning about resources available in your town, you will be able to map out a variety of strategies to exit away from danger. This is probably the biggest challenge – whether evacuating a two or more story building or arranging transportation to a shelter. Does your workplace have a plan? Does this plan work for you? It may be time to review existing plans and modify one that includes people with disabilities. For example, *Mass Office on Disability* has been working with the *Head of Security of State Buildings* to establish policy and procedures, to create a "buddy system" and modify evacuation routes for evacuating state run buildings. Read about their suggestions to ensure safe ways to evacuate state run buildings on page 5. Their suggestions will work for many other facilities, as well.

In the event of a disaster, there will also be local responders in each town and city. Find out who they are and get to know them, in advance. Offer



Oce Harrison, Project Director

to help them in the planning process for people with disabilities. You do not want to be left behind like Benilda.

During Katrina, Benilda, a New Orleans resident who was quadriplegic and used a motorized wheelchair did have a plan. However, several factors came into play that foiled her plan and left her unable to implement a back up plan – resulting in her death. You can read her story and the lessons learned on page 2.

The bottom line is that people with disabilities have to take the lead in identifying our needs and to network with the people and resources available in our local communities in advance of a disaster. The key for each of us is to take responsibility to prepare, prepare, prepare, then practice, practice, practice. Only then can you increase your chances of survival.

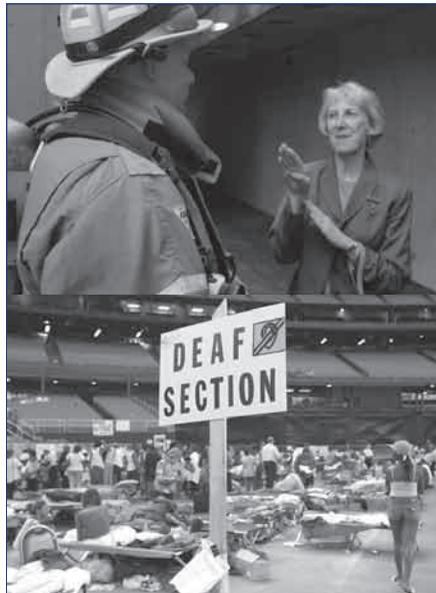
Best wishes, Oce

Hardest Hit and Least Protected

When she heard that Hurricane Katrina was about to strike, Benilda, a New Orleans resident who was quadriplegic and used a motorized wheelchair, was not that concerned. After all, she had an evacuation plan – or so she thought. She charged her cell phone, instructed her personal assistant to pack her essentials and, the moment the mayor instructed everyone to evacuate, she called Paratransit, the wheelchair accessible transit system, to take her to the Superdome.

But Paratransit appeared not to be working and the friends and family she called had already evacuated and could not get back into the city to help her. As water began first seeping, then rushing, into her apartment, Benilda tried every emergency number she could think of to no avail. Her personal assistant tried to carry her to a higher floor, but the strength of the rushing water made lifting her up the stairs impossible. The assistant finally had to flee to higher ground herself, anguished about having to leave Benilda behind. Benilda's body has not yet been identified, but her family is certain that she is gone.

Benilda's story was not an isolated incident. While Katrina and then Rita and Wilma caused widespread ravage and devastation, resulting in many deaths and forcing hundreds of thousands of people to become refugees in their own country, the mounting evidence demonstrates that the hurricanes did not affect everyone in their path equally. People with disabilities, who often have the fewest resources and the greatest barriers to evacuation, were among the hardest hit.



During Hurricane Katrina 80% of shelters did not have TTY access and only 30% had access to an ASL interpreter.

Photos by N.O.D. Emergency Preparedness Initiative and FEMA/Andrea

According to a poll conducted in mid-September by the *Washington Post*, The Henry J. Kaiser Family Foundation and the Harvard School of Public Health, of the 61 percent of people who did not evacuate before Katrina hit, 38 percent said they were either physically unable to leave or had to care for someone who was physically unable to leave. Like Benilda – who hesitated at first to evacuate because she knew she would be forced to leave her power chair and her accessible housing – many lacked accessible transportation or the resources to leave before the hurricanes struck. Once stranded, they faced difficulties making their needs for rescue known. For those fortunate enough to be rescued, disaster services were often ill-prepared to meet their needs.

Disability, Age and Poverty

An estimated 20 percent of the U.S. population has some type of disability – a broad category that includes physical, sensory, mental and cognitive impairments.

Poverty and aging compound the barriers that people with disabilities encounter in any emergency or disaster. While disability cuts across the lines of gender, race, ethnicity, age, sexual orientation and socioeconomic class, some groups are overrepresented. People with disabilities are more likely to be poor than any other minority group in the country. And as people age, they are more likely to acquire disabilities.

Too Late Means Too Little

More than ever before, the recent hurricanes brought to public consciousness how unprepared the emergency systems in many areas are to meet the needs of people with disabilities. This is not news to disability experts and advocates, who have for years been trying, with limited success, to educate the public about the issues. Well before September 11, 2001, these pioneers were making recommendations about how to address the many failures of our preparedness, relief and recovery systems.

In some places, like Houston, those recommendations have been incorporated into city plans. Inclusive planning helped to save lives and speed recovery in the Houston area after Rita hit. In many other places, like New Orleans, emergency plans

not only failed to include people with disabilities effectively, but also seemed to evaporate entirely in many cases.

Lex Frieden, a power wheelchair user and long-time resident of Houston, has lived through many major storms. Frieden – chair of the National Council on Disability, an independent federal agency that makes recommendations on disability policy to the president and Congress – participated in the planning that made Houston’s experience with Rita the opposite of New Orleans’ clash with Katrina. Frieden is quick to point out, however, that expertise like his is not a requirement for others who want to participate in local planning.

Frieden notes that the Houston Paratransit system had more than 150 vehicles. The entire fleet of vehicles was used to evacuate people from the Gulf Coast area, all the way down to Galveston and across to Beaumont. Those Paratransit vehicles were used during the three days prior to the event to get people out of the region. The city buses, all of which are accessible in Houston, were diverted from their routes to pick up people with special needs.

Making the Case

Soon after September 11, 2001, the Disability Funders Network (DFN) started a project to inform funders about and engage them in emergency preparedness and disaster relief for people with disabilities and older adults. DFN is a grantmakers’ affinity group whose mission is to promote awareness, support and inclusion of people with disabilities and disability issues in grantmaking programs and organizations. Its project will ultimately offer funders a range of print and Web-based resources to help them include

(continued, page 8)

Harkin’s Bill for Emergency Preparedness and Response for People with Disabilities

Washington, D.C. – On Friday, December 16th, Senator Tom Harkin (D-IA) introduced S. 2124, the Emergency Preparedness and Response for Individuals with Disabilities Act of 2005. The legislation will address the needs of individuals with disabilities in emergency planning and relief efforts.

“Hurricane Katrina’s aftermath has shown us that we need to have a better emergency response plan, especially one that includes preparations for assisting people with disabilities,” said Harkin. “This bill is an important step to ensure that the needs of disabled Americans will be addressed in case of an emergency.”

Under this legislation, a Disability Coordinator would be created in the U.S. Department of Homeland Security, who will report directly to the Secretary. **The Coordinator would be responsible for:**

- Working with local, state and federal authorities about the needs of individuals with disabilities in emergency planning and relief,
- Developing a curriculum for first responder training on the needs of individuals with disabilities,
- Ensure telephone hotlines and websites containing information about evacuations are accessible, and
- Provide guidance about the rights of individuals with disabilities regarding post evacuation residence and relocation, among other things.



Tip: Practice the evacuation route out of your home and workplace until it is ingrained in your memory.

Photo by N.O.D. Emergency Preparedness Initiative

The Emergency Preparedness and Response for Individuals with Disabilities Act of 2005 will also require that 30 percent of temporary housing for disaster victims be accessible, and usable by individuals with disabilities, and would provide incentives to create more accessible housing during reconstruction efforts.

Harkin is a longstanding advocate for individuals with disabilities in the U.S. and has worked tirelessly to call attention to disability rights. He was the chief sponsor of the Americans with Disabilities Act (ADA), landmark legislation which seeks equality of opportunity, full participation, independent living, and economic self-sufficiency for millions of Americans with physical and mental disabilities.

Source: American Association of People with Disabilities (www.aapd.com)

Emergency Preparedness and Accessibility



A wall of water makes it hard for Roosevelt Kyles of the Ninth Ward to walk out of his house with a bag full of medicine he needs for his diabetes. It was the only thing Kyles took from his house after the hurricane.

Photo by Chris Granger, © 2005 The Times-Picayune Publishing Co., all rights reserved. Used with permission of The Times-Picayune.

Q: What are some of the needs of individuals with disabilities in emergency situations?

It is important to realize that people with disabilities, even more than other demographic segments of the population, are not a homogeneous group. There is no single answer to this question. Each individual, their needs and their abilities are different and emergency conditions are different. Location may also make a difference. The disaster message for people with disabilities is exactly the same as that for the general population: be prepared. The difference is that an individual

with a disability is in the best position to know his or her level of ability and the gap that needs to be filled during an emergency, and that more preparedness steps and/or assistance levels might be necessary during the response and recovery phases.

Source: Elizabeth Davis, Emergency Preparedness Initiative, National Organization On Disability

Q. What Can Persons with Disabilities Do To Prepare?

To be better prepared as a nation, we all must do our part to plan for disasters. All individuals, with or without disabilities, can decrease the impact of a disaster by taking steps to prepare BEFORE an event occurs.

You are in the best position to know your abilities and needs before, during, and after a disaster. There are many sample planning templates and checklists available to guide you. However, your plans must fit your own unique circumstances.

1. Know what kinds of **disasters** could happen in your area and consider what your **environment** might look like after one occurs. Certain resources or utilities may not be available and conditions could hamper your **independence**.
2. Complete a **personal assessment**. Decide what you will be able to do for yourself and what assistance you may need before, during and after a disaster (based on the disrupted environment, your capabilities and your limitations).
3. Create a **personal support network** of family, friends, relatives, neighbors, roommates and co-workers who could assist you at a moment's notice. Discuss your special needs with them, including evacuation plans and medical information lists.
4. Make an **emergency information list** so others will know whom to call if they find you unconscious, unable to speak or if they need to help you evacuate quickly. Include the names and numbers of out-of-town contacts, as well as everyone in your network.
5. Compile a **medical information list** that contains the names and numbers of your doctors, your medications, dosage instructions, and any existing conditions. Make note of your adaptive equipment, allergies, and any communication difficulties you may have.
6. Keep at least a **seven-day supply of medications** on hand. Ask your doctor or pharmacist what you should do if you cannot immediately get more. If you undergo treatments administered by a clinic or hospital, ask your provider how to prepare for a disruption caused by a disaster.
7. Install at least one **smoke alarm** on each level of your home and test them once a month. Know the location of main **utility cutoff valves** and learn how and when to disconnect them during an emergency. Identify **evacuation routes** and **safe places** to go during a disaster.

Around the Region

8. Complete a **summary checklist** to make sure that your personal disaster plan is comprehensive. Be sure to include your medical needs, evacuation routes, care plans for your service animals, an alternative place to stay, etc.
9. Keep a **disaster supply kit(s)** in your home, car, workplace and anywhere you may spend your time. Include such items as food, water, a first aid kit, adaptive equipment, batteries, and supplies for your pets or service animals.
10. Make your **home or office** safer by checking hallways, stairwells, doorways, windows and other areas for hazards that may keep you from safely leaving a building during an emergency. Secure or remove furniture and objects that may block your path of travel

Source: National Organization on Disability: Emergency Preparedness Initiative and The American Red Cross

Q. May an employer ask employees whether they will require assistance in the event of an evacuation because of a disability or medical condition?

Yes. Some employees may need assistance because of medical conditions that are not visually apparent. Others may have obvious disabilities or medical conditions but may not need assistance. Employers, therefore, are allowed to ask employees to self-identify if they will require assistance because of a disability or medical condition.

Source: Equal Employment Opportunity Commission

Emergency Preparedness in State Run Buildings

In response to the events surrounding September 11, 2001, the Commonwealth of Massachusetts has taken a proactive stance on emergency preparedness and procedures for emergency evacuations of state run buildings. The Commissioner and the Head of Security of the Bureau of State Buildings have worked very closely with the Massachusetts Office on Disability (MOD) to establish evacuation policies and procedures including a means of self identification of persons with disabilities, the creation of a “buddy system”, and modifications to evacuation routes and evacuation destinations for persons with disabilities.

MOD worked closely with security personnel to establish a process for people with disabilities to self-identify in a respectful and confidential way. With this information, everyone involved in the planning process can establish emergency procedures that will leave no one behind. The plan also addresses how to help people who have not self-identified prior to an emergency so that they are also safely evacuated.

After engaging all the stakeholders in discussions a “buddy system” was developed so each agency is responsible and can ensure all of the employees are accounted for during an evacuation. Each agency works with their staff to pair up a person needing assistance with someone who can assist them during the procedure. For example, MOD has paired a sighted person with a person who is blind to assist that person along the

appropriate evacuation route.

And finally, MOD worked with the Commonwealth’s security in modifying evacuation routes and evacuation destinations that would otherwise be inaccessible for people with disabilities. In some cases the central meeting locations for evacuees are very difficult to get to if someone has a disability involving mobility. In these situations alternate locations have been established and emergency personnel have been advised of this change.

The Commonwealth is very aware of its obligations and responsibility to ensure the safest and appropriate way to evacuate state run buildings and is taking steps to ensure everyone is included so that no one is left behind. With the new task issued by President Bush last year which charged the Department of Homeland Security to conduct a review, in cooperation with local counterparts, of emergency plans in every major city in America, we believe the discussions will continue in Massachusetts as the awareness to include people with disabilities in all emergency evacuation plans has been highlighted.

Connecticut Department of Public Health Website on Emergency Preparedness and Persons with Disabilities

For comprehensive tips and information for the state of Connecticut, go to:

www.dph.state.ct.us/bt/specialpop.htm

The ADA Center



ADA Center Staff from Left to Right: Dennis Begany, Oce Harrison, Will Miller, Kathy Gips, Karen Murray and Ali.

Old Friends and New

In November 2005, the New England ADA & Accessible IT Center bid farewell to Andy Washburn who left us to join the Department of Justice as an Information/ADA Specialist. For eight years, Andy was the familiar voice providing technical assistance on the Americans with Disabilities Act as well as serving as editor of our newsletter. Andy joins another former New England ADA & Accessible IT Center colleague at the Department of Justice, Rachel Tanenhaus, who said goodbye in 2004. We wish Andy the very best of luck!

Joining the New England ADA & Accessible IT Center is Karen Murray and her service dog Ali. Karen and

Ali are thrilled to be a part of the Team. Karen is the new Information Specialist and looks forward to providing technical assistance and training on the Americans with Disabilities Act. In addition, Karen has taken over the editing responsibilities of our newsletter, *Access New England*. Ali is the world's friendliest service dog (and for Golden Retriever, that's saying something!). When she is not busy snoozing, Ali works hard at fetching objects, opening doors, pressing elevator buttons and turning light switches on and off. She loves helping out! We welcome them both and think they will feel right at home.

Grants Awarded

Independent Living Center (ILC) Grants awarded to 14 ILCs in the region.

Each ILC received \$2,700 to support ADA training, technical assistance, materials dissemination and public awareness, locally in the areas of employment, and access to city and state public programs and activities.

2006 Incentive Grants were awarded to six non-profits in the region, one in each New England State. Each organization received \$4,000. An Incentive Grant Committee reviewed 14 proposals. **The organizations receiving the awards were:**

1. **Connecticut:** *ADA Coalition of Connecticut*. The ADA Coalition will increase awareness of the rights of people with non-apparent disabilities through a series of workshops on the ADA. These workshops will be taught by people from *The Connecticut Legal Rights Project*, a legally based mental health advocacy agency; *Advocacy Unlimited*; and *National Alliance of the Mentally Ill (NAMI)*.
2. **Massachusetts:** *Career Works*, Brockton. Career Works, a One-Stop Career Center will sponsor employment skills trainings for individuals with non-apparent disabilities. Career Works will work with Mass Department of Mental Health, Mass Rehab Commission, Veteran's Services and Mainspring, a Brockton area homeless shelter to develop and deliver this training. As part of the training, people with non-apparent disabilities who have had success in obtaining employment will tell their stories.
3. **Maine:** *Coastal Counties Workforce in Topsham*. Coastal Counties is a non-profit, corporate Workforce Investment Board located in Maine. Their goal is to train at least 43 small to medium size employers on ADA requirements and specifically, reasonable accommodation. The WIB covers seven One-Stop Centers in the area. The staff of the One-Stops will be trained along with employers.

4. **New Hampshire:** *Governor's Commission on Disability*. The Governor's Commission will expand and improve opportunities for people with disabilities to receive quality healthcare through a comprehensive outreach, training and resource program for medical personnel in three of the largest hospitals in New Hampshire. The Commission will also work with the *NH Medical Society* to provide best practices for accommodating people with disabilities.
5. **Rhode Island:** *Governor's Commission on Disability (GCD)*. The Governor's Commission will provide training and technical assistance to increase understanding and knowledge of the ADA for ADA Coordinators in 39 communities. The classroom trainings will then be converted to a web course and made available on GCD's website.
6. **Vermont:** *Association of Business, Industry and Rehabilitation (VABIR)*. VABIR will train employers on ADA requirements and specifically, reasonable accommodation. In conjunction with the local Chambers of Commerce and the local SHRM will provide trainings to at least 35 employers at meetings, conferences and other business focused gatherings.

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 speakerphone. The toll free phone number will be available following registration. The program is available in three formats: teleconference, streaming audio via the Internet and real-time captioned on the Internet.

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

This year all registration is centralized. Go to www.ada-audio.org for information.

Planning for Emergencies in the Workplace: Inclusion of People with Disabilities

March 21, 2006
 Brian S. Parson, Advisor for Employer Policy, Office of Disability Employment Policy, U.S. Department of Labor

Survey of Employer Resources Regarding the ADA

April 18, 2006
 Andrea Haenlin-Mott, Northeast ADA & IT Center, Cornell University

2-Part Series – The Built Environment

1. *Creating Accessible Play Areas – State of the Science*

May 16, 2006
 Jennifer Skulski, Director of Marketing & Special Projects, National Center on Accessibility, Indiana University

2. *Permanent Rooms and Spaces: Accessible Signage*

June 20, 2006
 Mark Derry, Eastlake, Derry & Associates

ADA Update: 16 Years Later

July 18, 2006
 John Wodatch, Chief-Disability Rights Section, U.S. Department of Justice and Sharon Rennert, Attorney Advisor, U.S. Equal Employment Opportunity Commission

Disability Statistics: What are the “Real” Numbers and How Do You Make Sense of Them?

August 15, 2006
 Andrew Houtenville, Rehabilitation Research and Training Center on Disability Demographics and Statistics, Cornell University

Accessible Travel Options: By Land, By Air and By Sea

September 19, 2006
 Speaker TBA

(continued from page 3)

people with disabilities in all aspects of their emergency and disaster work, convening and communications, as well as direct grantmaking. One of the project's primary messages is that by becoming more inclusive in their own disaster-related activities, funders can play an important role in ensuring that broader emergency systems do the same.

Out of Sight, Out of Mind

There were also ongoing challenges. Not only were some funders reluctant to consider the needs of people with disabilities – “We don’t do disability” is a common response – but others are reluctant to think about emergency or disaster issues when there is no disaster in the headlines. Others feel that putting resources into these issues, especially emergency preparedness, should be the job of government, not foundations and corporate giving programs. DFN found that the considerable interest in its project generated by 9/11 subsided with each anniversary. The tsunami in Asia brought some revival of interest for a few months, but the recent disasters on U.S. soil brought truly renewed interest.

Although crisis-focused interest is understandable, the truth is that the kinds of changes needed to promote the inclusion of people with disabilities and older adults in emergency systems must come before disasters, not in the midst of them. Infrastructure change must occur so that transportation, communication, shelter and other disaster systems are fully accessible to people with disabilities *before* disaster strikes – so that people like Benilda are not left to die.



A man who is blind is assisted by an emergency responder in an evacuation.

Photo by N.O.D. Emergency Preparedness Initiative

A Renewed Wave of Interest

In addition to the misery and devastation they caused, the hurricanes have left us with a teachable moment. Shocked by the extent of the destruction, grantmakers are now beginning to pay attention to disaster issues in ways that go beyond their typical fund-and-forget pattern. DFN has benefited immensely from working with other groups in the nonprofit, government and private sectors. DFN funders joined an ad hoc collaboration of those groups to develop strategies to meet the immediate and long-term needs of hurricane victims with disabilities and, just as important, to provide input on policy and infrastructure changes.

Lessons Learned

This collaborative work has underscored the need for ongoing advocacy to ensure that mainstream

emergency systems and agencies become more responsive to the needs of people with disabilities. Grantmakers can be important catalysts in ensuring that the needs of people with disabilities and older adults are integrated into both disaster response and emergency preparedness.

What to Do Next Time?

Funders have demonstrated time and again that they will give after an emergency to disaster response and relief efforts.

In a recent meeting, task force members listened intently as Bill Swenson of the Disability Preparedness Center described how to avoid future tragedies.

“The important links between individuals with disabilities and communities are the groups they are part of,” he says, “like their families, social groups and workplaces, and the advocacy organizations and service providers that work with them. Many of these are nonprofits. We need to approach emergency preparedness through community-based groups and institutions that are a part of the lives and support systems of people with disabilities, and of most people in communities. That’s the way more people will be able to take effective action.”

And *that* brings us back to foundations, for whom supporting community based agencies is nothing new. We just need to think in new ways about how some of that support might be focused.

Source: *Foundation News & Commentary* November/December 2005, Vol. 46, No. 6, By Jeanne Argoff and Harilyn Rousso, Edited by Karen Murray

Building Your Rolodex

There are a great number of resources available on the Internet to inform and assist people with disabilities and emergency planners with disaster preparedness. Website with lists of what to pack in an emergency kit, how to's on developing step-by-step evacuation plans for individuals, families or businesses and disaster "do's and don'ts" are but a few of the topics that can be found on the following websites:

Many of these agencies provide materials in large font, audio or video cassettes formats, and different languages.

The American Red Cross

www.prepare.org
www.redcross.org/services/disaster/beprepared/disability.html

The Federal Emergency Management Agency (FEMA)

www.fema.gov/preparedness/
www.fema.gov/library/disprepf.shtm

The Department of Homeland Security

www.dhs.gov/disabiitypreparedness
www.ready.gov

The National Council on Disability

www.ncod.gov

The U.S. Access Board

www.access-board.gov

Department of Health & Human Services–Administration on Aging

www.aoa.dhhs.gov

The National Organization on Disability

www.nod.org/emergency
www.nod.org/index.cfm?fuseaction=Page.viewPage&pageId=11

National Fire Prevention Association

www.nfpa.org

Disaster Preparedness for People with Disabilities

www.jik.com/disaster.html

Job Accommodation Network

www.jan.wvu.edu/media/emergency.html

Easter Seals (s.a.f.e.t.y. First program)

www.easter-seals.org

Protecting your Service Dog in an Emergency

www.disabilitycentral.com/world/docs_dispatch_dc.htm

Humane Society of the U.S. (Disaster Center)

www.hsus.org/hsus_field/hsus_disaster_center/

American Association for People with Disabilities

www.aapd.com

The Disaster Management Initiative

www.disasterhelp.gov

American Foundation for the Blind

www.afb.org

National Association of the Deaf

www.nad.org

Telecommunications for the Deaf, Inc.

www.tdi-online.org

United Spinal Association

www.unitedspiral.org

Disaster Mitigation for Persons with Disabilities

www.accessiblesociety.org/topics/independentliving/disasterprep.htm

The Disability Resource Monthly

www.disabilityresources.org/DISASTER.html

Disability Preparedness Center

www.disabilitypreparedness.org

Nobody Left Behind

www.rtcil.org

Disaster Do's & Don'ts from Nobody Left Behind

www.rtcil.org/posters_orderform.htm

July 2004 Executive Order on Individuals with Disabilities in Emergency Preparedness

www.whitehouse.gov/news/releases/2004/07/20040722-10.html

Updates

Employment Update

EEOC Clarifies Association Provision of the Americans with Disabilities Act

A new publication from the EEOC clarifies that the association provision of the ADA prohibits an employer from discriminating against an applicant or employee who has a known association with an individual with a disability. The provision covers firing, hiring, and other terms and conditions associated with employment.

Examples:

1. Firing or refusing to hire someone based on concerns that the individual will acquire a condition from a family member or other individual with whom he has a relationship
2. Refusing to provide health insurance for an employee's family member with a disability when the employer generally provides health insurance for employee dependents
3. Harassing an employee based on the individual's association with a person with a disability
4. Providing lesser benefits to someone who has a relationship or association with an individual with a disability than the benefits provided to all other employees
5. Firing, refusing to hire or denying any benefit or privilege of employment to someone because of concern that the employer's image will be negatively affected by an applicants' or employee's association with individuals with disabilities

EEOC Implements Plan to Enhance Agency Presence

The U.S. Equal Employment Opportunity Commission (EEOC) began implementing a plan on Jan. 1, 2006 to reposition the Commission's field structure to enhance the agency's enforcement presence, improve customer service and public access, and increase efficiency. Under the plan, no jobs will be lost, no offices will close, and two new offices will be opened, in Las Vegas and Mobile, Ala. The plan reduces the number of managers and administrators and increases front-line staff doing investigations, mediations and litigation – delivering a more streamlined and efficient structure with greater customer service and more public accessibility.

Source: Equal Employment Opportunity Commission

DOJ Update

Federal Court Orders AMC Movie Theater Chain to Improve Wheelchair Seating at AMC Theaters Nationwide

Washington, DC – On January 10, 2006, the Justice Department announced the resolution of a lawsuit against American Multi-Cinema, Inc. And AMC Entertainment Inc., operators of one of the nation's largest chains of movie theaters, filed under the Americans with disabilities act (ADA). Judge Florence-Marie Cooper of the US District Court for the Central District of California ordered AMC to remedy violations at AMC movie theaters that do not provide access

to the stadium section for seating for individuals who use wheelchairs.

“Providing the same movie going experience for individuals in wheelchairs that other patrons enjoy delivers on the promise of the ADA,” said Wan J. Kim, Assistant Attorney General for the Civil Rights Division. These improvements will make the goals of the ADA a reality for thousands of Americans who want to enjoy this popular form of entertainment.”

The court's decision requires AMC to improve wheelchair seating at approximately 1,200 of AMC's 1,933 stadium-style auditoriums, which includes providing ramps in over 360 auditoriums. The order also requires AMC theaters built in the next five years to comply with Justice Department guidance on ADA new construction requirements. In addition, AMC is ordered to pay \$200,000 in damages to complainants who notified the Justice Department about problems with wheelchair access at AMC theaters. Finally, AMC is ordered to pay \$100,000 in civil penalties for violation of the ADA. AMC plans to appeal the judges ruling.

The department has achieved a successful record of making stadium-style movie theaters more accessible. The Justice Department recently negotiated consent orders with Cinemark USA, Inc., and with Regal Entertainment Group, which includes Hoyt's Cinemas, to improve accessibility. On January 9, The US Attorney's Office for the District of Massachusetts also reached an agreement with National Amusements

Inc., a movie theater chain based in Massachusetts, to improve wheelchair seating throughout its chain, which operates primarily in the northeastern United States.

Access Board Update

New Accessibility Standards Adopted for Federal Facilities

The General Services Administration (GSA) has adopted new accessibility standards for federally funded facilities. The adopted standards will apply to a wide range of new or altered buildings under the architectural barriers act (ABA), which requires access to facilities designed, built, altered or leased with Federal money.

The standards apply to the design and construction of new facilities, altered areas of existing facilities, and leased facilities. The new standards will apply to construction and alterations that commence after May 8, 2006 and to leases entered into after this date. Compliance with the previous standards, the Uniform Federal Accessibility Standards (USAS) will be permitted for construction and alterations that began before this date and for projects whose design is substantially complete by this date.

As adopted by the GSA, the new standards apply to all federally funded facilities, except the following, which are covered by standards maintained by other Federal agencies.

- U.S. Postal Service – U.S. Postal Standards
- Residential facilities – Housing & Urban Development
- Military facilities – Department of Defense
- Transit facilities – US Department of Transportation

Last May, the US Postal Service similarly updated its standards which govern post offices and other postal facilities. The departments of Housing and Urban Development and Defense will follow suit and complete the implementation of new standards under the ABA.

New standards based on the Board's guidelines also must be adopted under the Americans with Disabilities Act (ADA), which complements the ABA by ensuring access to facilities in the private and state and local government sectors. ADA standards are maintained by the Department of Justice. The Board updated its ABA and ADA guidelines jointly in order to establish a uniform level of accessibility under both laws.

Board Places Draft Right-of-Way Guidelines in Docket

In November, the Board released a draft of guidelines for accessible public rights-of-way to facilitate its work preparing an impact analysis. This analysis must be completed before the Board can officially release the guidelines for public comment. The guidelines cover pedestrian access to sidewalks and streets, including crosswalks, curbing ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.

The Board's aim in this rulemaking is to ensure that access for persons with disabilities is provided wherever a pedestrian way is newly built or altered, and that the same degree of convenience, connection, and safety afforded the public generally is available to pedestrians with disabilities.

Source: U.S. Access Board, *Access Currents*, Volume 11 No. 6 November/December 2005

Supreme Court Update

Supreme Court Rules Disabled Inmates Can Sue State

In a significant case, the U.S. Supreme Court unanimously ruled on Jan. 10, 2006 that states can be sued for damages by disabled inmates. In resolving the first clash over states' rights under Chief Justice John Roberts, the court said that Georgia inmate Tony Goodman could use a federal disabilities law to sue to claim that prison officials did not accommodate his disability.

In *United States v Georgia*, No 14-1203, Goodman contends he was kept for more than 23 hours a day in a cell so narrow he could not turn his wheelchair. His case had become the latest test of the scope of the 1990 Americans With Disabilities Act (ADA), a law meant to ensure equal treatment for the disabled in many areas of life.

Previously, the U.S. Supreme Court ruled that the law protects people in state prisons and the follow-up case asked whether individual prisoners have recourse in the courts.

Not a single justice agreed with the state of Georgia's argument that states should be immune from inmate lawsuits brought under the law.

Justice Antonin Scalia, writing for the court, said that states could be sued under ADA for constitutional rights violations. To read the full decision, go to www.supremecourtus.gov/opinions/05slipopinion.html

Source: Goodwill of Greater Washington

Publications

Disaster Preparedness Brochures and Tips from the National Organization on Disability (N.O.D.)

Prepare Yourself: Disaster Readiness Tips for People with Disabilities

Prepare Yourself: Disaster Readiness Tips for People with Developmental or Cognitive Disabilities

Prepare Yourself: Disaster Readiness Tips for People with Mobility Disabilities

Prepare Yourself: Disaster Readiness Tips for People with Sensory Disabilities

Available in text and PDF formats at:

<http://www.nod.org/index.cfm?fuseaction=Page.viewPage&pageId=11>

Or by contacting N.O.D.'s Emergency Preparedness Initiative:

910 Sixteenth Street, N.W., Suite 600
Washington, DC 20006
Voice: (202) 293-5960
TTY: (202) 293-5968
Fax: (202) 293-7999
Email: ability@nod.org or epi@nod.org

Emergency Evacuation Preparedness

Taking Responsibility For Your Safety, A Guide For People with Disabilities and Other Activity Limitations

This guide helps people with disabilities take responsibility and better prepare for their own safety during large or small-scale emergencies and evacuations.

www.cdihp.org/products.html

Preparing for Disaster for People with Disabilities and Other Special-Needs

A comprehensive guide from a joint effort by Federal Emergency Management Agency (FEMA) and the American Red Cross. Includes tips on getting informed, assembling disaster kits and maintaining disaster plans and supplies. **Available from your local chapter of the Red Cross or by download at:**

www.whitehouse.gov/news/releases/2004/07/20040722-10.html

Disaster Preparedness for People with Disabilities

From the American Red Cross Disaster Services. Designed to help people with various types of disabilities to prepare for disasters and their consequences. Complete with checklists and extra space to help you organize your own plans. **Available for download:**

www.redcross.org/services/disaster/beprepared/disability.pdf

Or by contacting the American Red Cross National Headquarters:

2025 E Street, NW
Washington, DC 20006
Phone: (202) 303-4498

An ADA Guide for Local Governments

www.usdoj.gov/crt/ada/emergencyprep.htm

Why and How to Include People with Disabilities in Your Emergency Planning Process?

By June Isaacson Kailes

A guide on how and why to include disability specific advisers in the emergency planning process.

www.rtcil.org/why_and_how_to_include_all.htm, Phone: (785) 864-4095

Emergency Preparedness Initiative Guide for Emergency Managers, Planners & Responders: Revised Edition

This guide highlights key disability concerns for officials and experts responsible for emergency planning.

www.nod.org/resources/PDFs/epiguide2005.pdf

Saving Lives: Including People with Disabilities in Emergency Planning

An overview of steps the federal government should take to build a solid and resilient infrastructure that includes people with disabilities and incorporates access to technology.

www.ncd.gov/newsroom/publications/2005/saving_lives.htm

Available in alternative formats and on the National Council on Disability

Accessible ITems

(NCD) web site (www.ncd.gov) or by contacting NCD at:

National Council on Disability
1331 F Street, NW, Suite 850
Washington, DC 20004
Voice: (202) 272-2004
TTY: (202) 272-2074
Fax: (202) 272-2022

New IT Publications

Two new publications from *The National Center on Accessible Information Technology* developed for the ADA Centers, staff and affiliates are:

1. Webmaster Accessibility FAQs
2. Accessible File Formats in School Environments

Two publications of interest to K-12 educators and administrators are:

1. Accessible Technology-Based Instruction: First Steps for Educators
2. Accessible Technology-Based Instruction: A Guide for Administrators

If you are interested in receiving any of these free documents, call: (800) 949-4232 or email: adainfo@NewEnglandADA.org

Target Corporation Sued for Discrimination Against the Blind

February 7, 2006

The National Federation of the Blind (NFB) has filed a class action suit in California's Alameda County Courthouse against Target Corporation, the nationwide discount retailer which operates more than 1,300 stores in 47 states.

The suit – brought by NFB, the NFB of California, and a blind Californian, Bruce “BJ” Sexton, on behalf of themselves and all blind people in California – charges that Target's website (www.target.com) is inaccessible to the blind, violating the California Unruh Civil Rights Act and the California Disabled Persons Act.

The plaintiffs are represented by Disability Rights Advocates, a Berkeley-based non-profit law firm that specializes in high-impact cases on behalf of people with disabilities, Schneider & Wallace, a plaintiff's class action and civil rights law firm in San Francisco, and Brown, Goldstein & Levy a leading civil rights law firm in Baltimore, Maryland.

“Blind customers should have the same access to Target's online services that Target offers its sighted customers,” says NFB President Dr. Marc Maurer.

Target's website – which according to its home page is “powered by Amazon.com” – contains significant access barriers that prevent blind customers from browsing and purchasing products online, as well

as from finding important corporate information such as employment opportunities, investor news, and company policies.

The plaintiffs charge that Target.com fails to meet the minimum standard of web accessibility. It lacks compliant alt-text, an invisible code embedded beneath graphic images that allows screen readers to detect and vocalize a description of the image to a blind computer user. It also contains inaccessible image maps, preventing blind users from jumping to different destinations within the website. And because the website requires the use of a mouse to complete a transaction, blind Target customers are unable to make purchases on Target.com independently.

For more information on this important story and it's implications, please go to www.drlegal.org/cases/private_business/nfb_v_target.php

Source: Disability Rights Advocates

The National Center on Disability & Access News

The National Center on Disability & Access to Education (NCDAE) hosted another in their series of webcasts with a focus for those in education on February 28, 2006. A discussion was held on National Instructional Materials Accessibility Standards (NIMAS) in Individuals with Disabilities Education Act (IDEA), What You Need To Know Now. The webcast is archived on their web site at:

www.ncdae.org/webcasts/#content

EVENTS AND ANNOUNCEMENTS

Ninth Annual National ADA Symposium & Expo

Hosted by the Network of ADA & IT Centers – April 10-12 at the America's Center in downtown St. Louis, MO.

The conference is designed to meet the specific needs and interests of professionals who are involved in implementing the American with Disabilities Act. Great for anyone interested in ADA compliance and improving their agency's or community's response to the ADA, disability rights and persons with disabilities.

This year's keynote speaker is Lex Frieden, Chairperson of the National Council on Disability, an independent federal agency charged with making recommendations on disability policy issues to the President and Congress.

This premiere event will offer:

- Pre-Conference introductory and advanced sessions.
- A session schedule offering a wide range of topics.
- Training by nationally recognized presenters, from agencies directly involved with the ADA, including the US Department of Justice, EEOC, US Access Board, US Department of Labor and the US Department of Education.
- Conference activities in a relaxed environment that emphasizes networking and group problem-solving.
- An EXPO Hall filled with the latest disability-related products and services.
- An exceptional opportunity to exhibit your products and services.

For more information:
www.adasymposium.org



The most comprehensive conference available on the Americans with Disabilities Act and disability related laws.