



# Access

New England

*A publication of the New England ADA & Accessible IT Center*

*A project of Adaptive Environments, Inc. [www.AdaptiveEnvironments.org](http://www.AdaptiveEnvironments.org)*

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Oce and Chris on the Green Monster at Fenway.  
(Photo: Julie Cordeiro, Staff Photographer for the Boston Red Sox)

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Karen Murray, Editor

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

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

### Regional Advisory Board

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

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David Sagi, Vermont Division of Vocational Rehabilitation

# How Do I Measure Success? Let me Account the Ways....

As the ADA Center approaches the end of our 5-year grant cycle, we are looking back and asking, "Is the world a better place as a result of our work"? The answer is "yes"! Across New England, the natural, built, and information technology environments have been made more accessible due to our endeavors. We are proud to have serviced a community of architects, people with disabilities, families, advocates, employers, businesses, and government. Health care, schools, transportation, voting polls, parks, playgrounds, recreation, entertainment and workplaces-every area of the New England community have been enhanced through the efforts of the ADA Center.

## Where have we been in the last five years?

The world has seen many new challenges over the past five years. The ADA Center, our state affiliates and networks (Independent Living Centers and Incentive Grantees) have met these challenges, addressing accessibility issues related to emergency evacuation, information technology, voting technology, multimedia, and communications etc.

This edition of *Access New England* features our stories of accomplishments in many of these areas of challenge. There have been so many successes in New England, that it is difficult to present them all, so we are highlighting a few.

On page 2, read the remarkable story of Judy Krum transforming the Town of Bennington, VT, one building at a time. See photos of Fenway Park, the oldest major league ballpark in the country and one of the most accessible in the nation (p. 4). The *National Organization on Disability* has selected Cambridge, Massachusetts as the *Accessible America 2005* grand prize award winner (p. 3). Read about a diverse playground that accommodates children of different ages and abilities in New Hampshire (p. 2).

One way the ADA Center accounts success is to tally technical assistance, training and publications provided by Center Staff and state affiliates. You may find the following accountability system informative (See p. 7).



Oce Harrison, Project Director

## Where do we go from here?

Everywhere! The work that needs to be done is intensified by awareness that diverse abilities are rapidly becoming the norm, not rare or special. When we create policies and practices and ways of measuring success for access of people with disabilities, we all win.

Have a great summer!  
Oce

# Implementing the ADA Across New England



Accessible Bennington Museum, Vermont

## Transforming Bennington

In the 1980's, Judy Krum, a seamstress, teacher, and resident of Bennington, VT, looked forward to attending an antique sewing machine exhibit that was on display at the nearby Bennington Museum. When she learned that the exhibit was located on the second floor of the museum, she couldn't help but feel disappointed. Judy, a wheelchair user, had been diagnosed with MS at the age of 40 and knew that there was no elevator in the museum that was built in 1924. Judy called the New England ADA Center and learned about her right to access the museum. She and

several other folks with disabilities returned to the museum to discuss accessibility. The museum director welcomed the suggestions and, after a capital campaign, access to the sewing machines, as well as the entire museum, was made possible. An elevator was added to allow access to the second floor, and ramps were built connecting other levels of the museum. Judy, along with Charlie Murphy and others, then made it their mission to spread the word of accessibility through the town of Bennington. The Coalition of Disabled Individuals, a grassroots group, was formed. The Coalition received training and hotline assistance from the New England ADA Center and went on to promote accessibility at other sites, including, the post office, library, courthouse, churches, and restaurants. Judy also requested sign language interpreters for Town Meeting. Judy went on to work for the Vermont Center for Independent Living, which formed a satellite office in Bennington.

## Webster Park Playground - Epsom, NH

As part of the continuing celebration of the 15th Anniversary of the ADA, the NH Governor's Commission on Disability showcased Webster Park Playground, located on Route 28, approximately two miles south

of the Epsom traffic circle. A press conference and tour were provided by Cheryl Killam, Accessibility Specialist for the Commission, and Kim Keeler, Epsom Park Commission.

Kim, a physical therapist, attended an event in Webster Park in July 2001, and noticed the three pieces of dilapidated playground equipment. She decided the town needed a new playground but wanted that playground to be accessible for children with disabilities.

With help from many volunteers, Kim created the nonprofit Friends of Webster Park. In three years, the group raised \$50,000 by holding a fall festival, dances, and an auction at the Lions Club, as well as applying for grants and persuading businesses to sponsor pieces of equipment.

Wheelchair-accessible playground equipment costs several times more than regular playground equipment. There are transfer steps for access to the slides and several ground toys mounted at wheelchair height. Using her physical therapy background, she worked at creating a diverse playground that caters to children of different ages and physical abilities. "It's important to have them integrated, instead of having these poor kids in wheelchairs standing off on the sidelines," she told Concord Monitor's Reporter Sarah Liebowitz.



Accessible playground equipment in Webster Park, Epsom City, NH

With all children playing together, Commission member Ellen Keith told Liebowitz, “there will be less stigma” attached to disabilities. “Here, what matters is that everybody is just a kid,” she said. “It’s an equalizer. This makes it possible for people to live beyond their wheelchairs.”

## Cambridge, MA Wins Accessible America 2005 Grand Prize

The National Organization on Disability has selected Cambridge, Massachusetts as the Accessible America 2005 grand prize award winner. The award recognizes Cambridge as a national model for its focus on disability issues and for its successful design of programs, services and facilities.

Many City programs and services were highlighted in the award. With respect to promoting accessible transportation, Cambridge has had an accessible taxicab program for over 10 years and recently funded a centralized dispatching service, Accessible Cambridge Taxi to improve services to the community. In addition, to contribute to the affordability of taxi services, the City funds a taxi-coupon program for disabled residents (and seniors) and has increased the face value of the coupons as taxi rates have increased.

Cambridge was also recognized for its promotion of accessibility through its annual capital funding process with funding for the removal of barriers in public buildings, for funding of the Façade Improvement Program, which requires businesses that receive matching funds to make their entrances

accessible, and for its commitment to accessibility in the review and funding of open space projects, with over two dozen parks and playgrounds having been made accessible.

With respect to promoting participation in city services and programs, the award recognizes the City’s adoption of an Inclusion Policy for Out of School Time Programs and the City’s Department of Human Service Programs Inclusion Initiative to enhance the capacity of all of its out of school time programs to better serve children with disabilities. The award notes the Department’s efforts to ensure that programs are welcoming to children with disabilities through the extensive training of staff and the hiring of an Inclusion Specialist who is available to provide on-site coaching at city programs.

Finally, the award recognizes the very important role played by the City’s Commission for Person with Disabilities in promoting accessibility. The Commission and its volunteer board, most of whom have some physical, mental or sensory disability or live with a relative who does, work tirelessly to help the City communicate a welcoming attitude. Commission staff and members sit on a variety of City entities ensuring that the

(Continued on page 4)

issues of our disabled residents and visitors are addressed. They sit on the City's Open Space Committee, the Special Events Planning Committee, and the Local Emergency Planning Committee. They work with the faith-based community to help make programs and services accessible. The Commission also ensures that there is appropriate communication to the disability community through a bi-monthly newsletter and a website. The Commission has also worked to ensure that publications about living in Cambridge include information for people with disabilities about access and services.

The City was recognized formally this Spring when the National Organization on Disability and the United Parcel Service, which is funding the \$25,000 prize, came to Cambridge to celebrate the award. The second and third prizes went to West Hollywood, CA and Austin, TX respectfully. The Accessible America Contest, administered by N.O.D.'s Community Partnership Program, is sponsored by generous grants from United Parcel Service (UPS) and Wal-Mart. West Hollywood and Austin will receive Wal-Mart sponsored cash awards of \$20,000 and \$10,000 respectively.

Source: City of Cambridge Press Release, 3/17/06



New England ADA Center Staff enjoying a game behind first base at Fenway Park.  
(Photo: Julie Cordeiro, Staff Photographer for the Boston Red Sox)

### Fenway Fever

Fenway Park in Boston, MA is the oldest Major League Ballpark in the United States, holding a special place in the hearts of "Red Sox Nation." In recent years and for various reasons, however, plans were made to close the landmark ballpark. Included among those reasons was the apparent technological infeasibility of making the park accessible. Proponents for a new stadium maintained that a new ballpark could be built to meet ADA requirements. However, in the midst of discussions, a group formed called *Save Fenway*

to help figure out how to make the park accessible. *Save Fenway* was a grassroots effort consisting of many organizations. Recommendations were made to make the ballpark accessible and Andy Washburn, formerly of the New England ADA & Accessible IT Center reviewed the plans to meet ADA obligations. Fenway Park is now one of the most accessible ballparks in the country from seating to programming. The architect for Fenway Park, Janet Marie Smith, is Vice President of Operations for the Red Sox and works at making ballparks accessible across the United States.

# Accessible ITems

## New England ADA & Accessible IT Center: Five years of Success

The ten regional ADA Technical Assistance Centers have been providing technical assistance and training on accessible information technology since 2001. The accessible IT initiative has included providing information and resources on Section 508 of the Rehabilitation Act (federal law addressing accessible IT), Section 255 of the Telecommunications Act (accessible telecommunications), and accessible IT in education.

The New England and Accessible IT Center has focused on improving the accessibility of information technology in K-12 and postsecondary schools throughout New England. The Center, along with our state affiliates, has provided on-site training, technical assistance via telephone and email, print publications, and online resources to K-12 school personnel in the New England states. Our goal has been to encourage improved access to educational technology for students, teachers, and parents with disabilities. In the past two years, the ADA Centers have collected 970 surveys nationally from participants at our K-12 accessible IT awareness training seminars.

The Center has also provided website accessibility assessment, and technical assistance and training to postsecondary schools throughout the region. Our postsecondary initiative has aimed to encourage and assist in the improvement of accessibility to postsecondary institutional websites, and to raise awareness of barriers and solutions to technology access. The ADA Centers have collected 1120 surveys nationally from our technical accessible web design trainings, and 750 surveys from our postsecondary accessible IT awareness trainings.

Source: Will Miller, Information Specialist, New England ADA & Accessible IT Center

## Accomplishments in Accessible IT

In the state of Massachusetts, Information technology is a prime example of an area that has changed (dramatically) in the past five years. We have all spent many years working with architects to create accessible design standards for the built environment, but it is only recently that we have gotten the attention of the architects who are designing information technology. Last September the Chief Information Officer of the state of Massachusetts announced that the state would be

moving toward a requirement that would mandate all documents be stored in an open document format (ODF); thus allowing any operating system access to public records. At first blush this sounded like a very smart pretty benign requirement. We quickly learned however, that platforms that supported ODF did not support assistive technology; and that changing to operating systems that would support this requirement would make information technology inaccessible to people who use assistive technology. People with disabilities from around the world spoke up. The desire to implement ODF in Massachusetts remains strong, but the process for moving forward now includes people with disabilities. The Massachusetts Information Technology Division (ITD) has made a commitment to ensuring the proposed migration to “open documents” includes access for persons with disabilities. They have even established an accessibility lab headed by a person with a disability inside their agency. Five years ago, this type of involvement would not have happened.

Source: Jeffrey L. Dougan, Assistant Director for Community Services, Massachusetts Office on Disability

# ADA Accomplishments Across New England

## Maine

The last five years have been extraordinarily busy and rewarding for those working for civil rights and access in the state of Maine.

### Maine Courthouses

One important project that happened in Maine was the surveying and evaluation of forty-six courthouses and administrative properties for the Maine Administrative Office of the Courts (MAOC). Hired by the MAOC, lead architect Denis Pratt of Alpha One's Access Design Staff successfully surveyed and evaluated all of the forty-six properties as a third party evaluator over a two-year period. The main goal of the project was to assist the MAOC in acquiring funding from the Maine legislature for upgrading court properties to be accessible and usable to persons with disabilities. To date, the MAOC has successfully acquired one third of their funding required to upgrade their facilities and are in the process of making accessibility modifications at key court properties throughout the State of Maine including historic & landmark facilities.

### Access Board Membership

As a direct result of Denis Pratt's involvement with many disability related and accessibility projects, including his involvement with the State of Maine Courthouse Project, President George W. Bush appointed Denis as a public member of the U.S. Access Board in Washington, D.C. in December, 2002. Because of his experience and knowledge on Courthouse Accessibility, Denis



Lincoln County Courthouse, High Street, Wiscasset, Maine

was also appointed to and serves on a federal Courthouse Access Advisory Committee charged with developing "best practices" guidance on Accessible Courthouse Design. The design of courthouses poses challenges to access due to unique features, such as courtroom areas that are elevated within confined spaces. The Board received many requests for guidance on how access can best be achieved while meeting traditional design features. This committee's work will be focused on developing advisory information and guidance on best practices. The committee is scheduled to deliver its final report to the Access Board in November, 2006.

### Outreach Collaborations

For the past five years, Alpha One, Husson College, and VSA arts of Maine have been working together on two separate outreach projects that impact a wide range of consumers and businesses throughout Maine and adjoining New England States. The *Accessible Maine Initiative Project*, developed by VSA arts of Maine in an effort to survey and document

accessible public accommodations (specifically cultural and arts related venues), has been working with Alpha One and the Husson College Occupational Therapy Program in Bangor within the curriculum of a multi-year "service learning" program. The program raises the awareness of disability, accessibility related design, regulatory obligations in the community, and how the disability community can benefit from compliance with the regulations. This program matriculates 15 to 20 O.T. professionals every year.

Another project that all three organizations have been involved with for the past five years is the *Access to Maine Arts, Leisure, and Recreation Project*. Working with the Maine Tourism Association, the four organizations have developed a self-reporting accessibility survey that will be available on line and managed by Alpha One. Local businesses in Maine will be able to access the survey, increase their awareness of their properties' level of accessibility to persons with disabilities, and complete a self-report that will be listed on line. This information will be available for tourists and Maine residents alike to use in their quest for accessible venues in Maine's recreational industry.

According to information from the MAOC, the original Lincoln County Courthouse, constructed in 1818, is listed on the National Register of Historic Properties and is one of the oldest operating courthouses in the country. It is now accessible.

Source: Denis Pratt, Lead Architect, Alpha One

## Rhode Island

Rhode Island, also known as “the Ocean State”, is a state where recreation and outdoor activities are an important part of the lives of the people who live in and visit the state. The American with Disabilities Act has improved the quality of life of Rhode Islanders with a disability. In the last five years, there have been many new construction projects and reconstruction projects that are now ADA compliant. Two examples include a fishing pier and a wheelchair ramp for beach access.

The Stillwater Reservoir Dam, located in Smithfield, RI, was considered a “high-hazard” dam. In 2004, Stillwater Dam was reconstructed to bring it up to current standards. The new site now includes new fishing stations and parking, and will continue to be used for recreation, and is now easily accessible to those with disabilities.

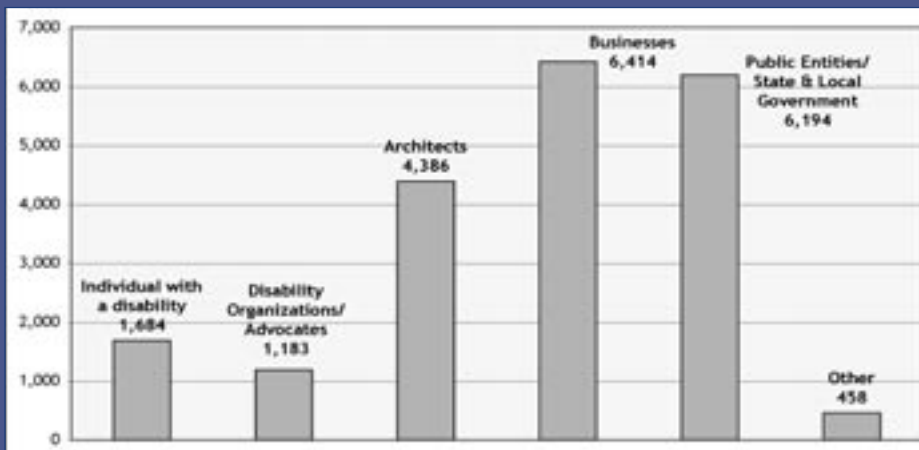
Last year, the city of East Providence began the redesign of Rose Larisa Memorial Park. The design included the addition of two stairways to a public beach. When the park was ready to open, the fact that there were no wheelchair ramps was brought to the attention of the RI Governor’s Commission on Disabilities. Harvey Salvias, the State ADA coordinator found the park was not in compliance and cited warnings that the park was now at risk for losing almost \$900,000 in federal funding. The design committee and the architects came together and came up with a plan to add a wheelchair ramp and additional

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One way the ADA Center accounts success is to tally technical assistance, training and publications provided by Center Staff and state affiliates. You may find the following accountability system informative:

## Training

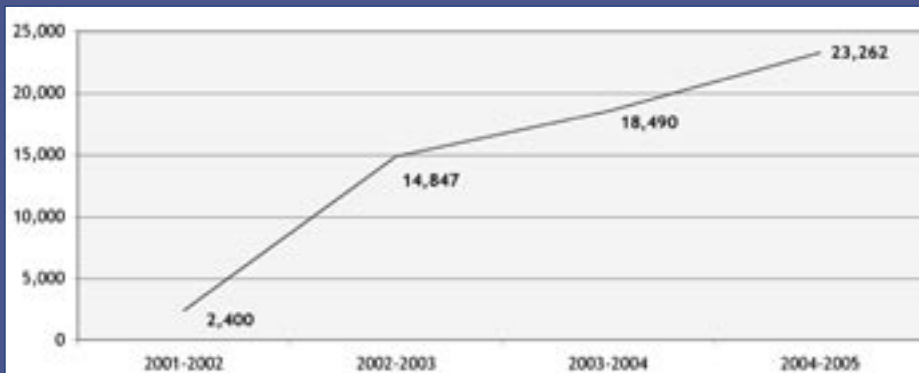
During the last 5 years, region-wide Training, has been provided by the *New England ADA Center* and state affiliates to the following participants.



Training Provided by Center Staff and State Affiliates, October 1, 2001-March 30, 2005

## Web Hits

The following table demonstrates a major increase in web hits to the *New England ADA & Accessible IT* website found at [www.NewEnglandADA.org](http://www.NewEnglandADA.org)



Total Number of Web Hits by Fiscal Year

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Rose Larisa Park, East Providence, RI

handicapped parking spaces to be in compliance with the law. When the ramp and parking spaces were completed, the city along with the Governor's Commission on Disabilities held a public opening of both the staircases and the wheelchair ramp. The opening was especially exciting as it fell on the 15th year Anniversary of the signing of the ADA.

### ADA Realtor Training

Harvey Salvas and Chris Rancourt from the Rhode Island Governor's Commission on Disabilities provided ADA training for 125 realtors. The course is now a mandatory requirement for obtaining or renewing your realtor's license in the state of Rhode Island.

Source: Christine Botts, Public Information Coordinator, RI Governor's Commission on Disabilities

### Vermont

The state of Vermont experienced many ADA accomplishments in the last five years. As a result of the hard work and dedication of

advocates for the rights and equality of persons with disabilities. Vermont citizens, towns, businesses and service organizations received the information they need about the Americans with Disabilities Act and other disability rights laws in order to become more accessible to all.

The premise of the ADA that individuals with disabilities have a right to full citizenship; and therefore to services in the most integrated setting, represents one of the major impacts of the ADA in the last five years. The Olmstead decision has confirmed what Centers for Independent Living have been saying for years, and long-term funding mechanisms are shifting in response.

### Olmstead Act

In Vermont there used to be a waiting period for community based services, but residents were told that they were entitled to a nursing home bed. Now Vermont leads the nation in having a long-term care model where the money follows the person. Both the ADA and the voices of Vermonters helped shape a new and more equitable option.

### Capacity Building

Another shift that the ADA has helped engender in the last five years is a new partnership approach to accessibility and beyond in community development. Community access initiatives have actually founded welcoming partners in local communities like Bennington and in fitness centers, health care

programs, and information technology initiatives. People are moving beyond compliance to universal design and lifespan approaches to buildings, public spaces, communication and transportation systems, service design and information. It does not happen everywhere but the ground is shifting under our feet and sometimes the moves are positive ones. This orientation to disability rights has helped us build partnerships that work for both individuals with disabilities and state and community partners.

### The Cross Disability Approach

The cross disability approach embedded in the ADA is also helping to reframe the nature of disability partnerships. About five years ago, the Vermont Center for Independent Living signed a memorandum of agreement with Vermont Psychiatric Survivors and Green Mountain Self Advocates affirming the principles and goals of the ADA and the rights of all Vermonters to integrated opportunities and services, civil rights and protection from forced treatment. The ADA shifted the discussions on our diverse and shared disability experiences away from fragmented diagnosis and single disability priorities toward a shared right to opportunity. We are all the better for it.

Source: Deborah Lisi-Baker, Director, Vermont Center for Independent Living

### Connecticut

Implementation of the ADA was very successful in the state of Connecticut over the last five years.

### Some examples of major accomplishments include:

- Mammography Initiative to ensure all women with disabilities have access to this important test.
- Nursing Facilities Transition Project –an Olmstead based effort to implement systems change and integrate persons with disabilities into the community
- Inclusive recreation program for children with disabilities in Groton
- Trainings for fire marshals and fire personnel on emergency egress and planning.
- Initiative to Prevent Domestic Violence Against Women with Disabilities
- State Library System Project to improve access and provide accommodations
- Ongoing Pilot Project to create more opportunities and services for adults with autism.

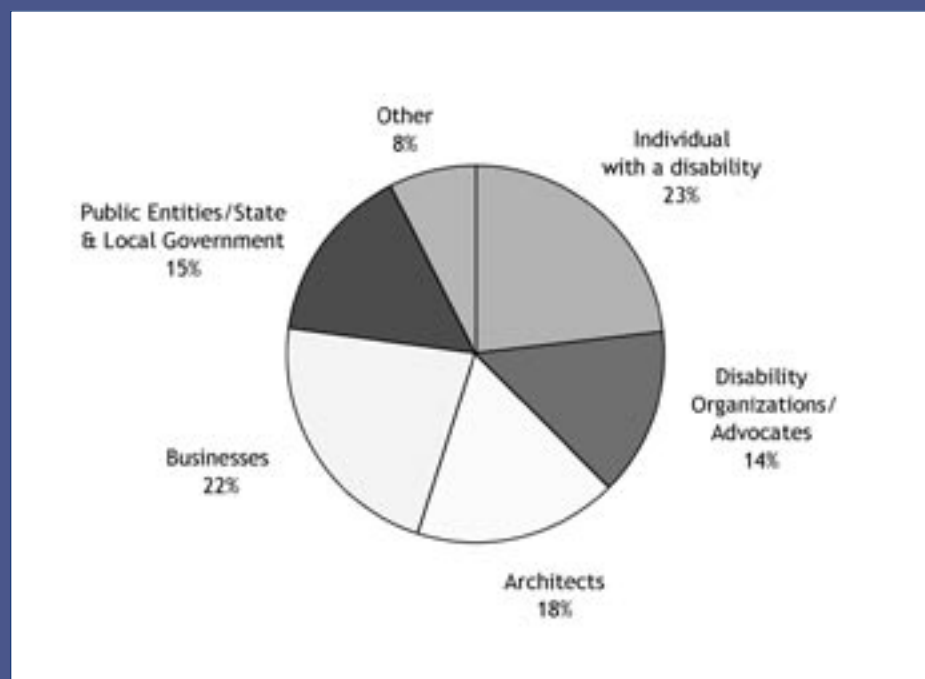
Communication access has also been a major focus in the last five years. As Candace Low, Executive Director of Independence Unlimited states, “Communication access is where we were with ramps about 20 years ago. We are way behind. Attitudinal changes need to happen in order to see significant improvements.” Despite these challenges, the state saw an important increase in the availability of captioning at movies and on television. For example, CT-N (Connecticut Television Network), now has 50 % of its hearings and legislative meetings captioned, with plans for further improvements.

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## Publications Distributed

Most outstanding, are the numbers of Publications Distributed throughout the Region. Over the past five years, 250,594 publications have been distributed (*number does not include faxed or electronic information*).

## Technical Assistance



Technical Assistance Provided by Center Staff and State Affiliates, October 1, 2001-September 30, 2005

## Events

In FY 2001-2006, the *New England ADA Technical Assistance Center* and affiliates conducted **1,158 Public Awareness Events** including exhibits, presentations, speeches, media interviews, and articles.

## Massachusetts

As we look back over the last five years we cannot help but notice that Massachusetts has seen significant changes in people's general awareness of the existence of the ADA and the rights, obligations and responsibilities under it; whether it be a small town proactively searching for solutions or a local business trying to do the right thing. Below are a few of the examples of the impact of the ADA.

The Massachusetts Office on Disability (MOD) was asked to represent persons with disabilities as a full member of the task force that was formed to rewrite the design manual used by the Massachusetts Highway Department. After three years of intense committee review the newly revised manual was completed and published in January of 2006. One of the biggest changes from the previous version is the emphasis on all aspects of how roadways are used. Great attention was paid to the needs of pedestrians with disabilities. Design requirements go beyond the minimum standards found in ADAAG and work to ensure that pedestrian routes are usable by everyone, including people with disabilities. This will impact not only the work the State Highway Department performs, but also is a tool for local governments. The Design Manual itself and the process used to gather information for it have been recognized and have received national awards.

The passage of the Help America Vote Act in 2002 was another step in increasing public awareness to the obstacles faced by people with disabilities. MOD staff



Curb Cuts for All. Photo by Kristin Schneider, Courtesy of Adaptive Environments

personally surveyed all of the 1500+ Massachusetts' polling locations to determine their level of compliance with the state's voting regulations 950 CMR 51.00, which are more stringent than those found in HAVA, and the Secretary of State's Office has followed up with those municipalities who need to undertake corrective measures. MOD has also been a key partner in the Secretary's effort to access accessible voting machines in order to meet the HAVA requirement of having accessible machines in each polling location by January 1, 2007. It is only now, 16 years after the passage of the ADA and 4 years after the passage of HAVA that the Secretary's office is finally meeting less resistance from the municipalities to making the necessary modifications

Finally, but not least of the changes that has occurred over the past five years that underscores the success of the ADA, is that municipalities are regularly requesting that MOD be part of their building review process.

They are proactively asking MOD to conduct site surveys of newly renovated or constructed municipal buildings to ensure ADA obligations. This is a direct result of the passage of the ADA and the work that has been done over the past 16 years to raise the level of awareness regarding access for people with disabilities. We are finding that this process is resulting in public buildings that are usable by people with disabilities from the first day they are open to the public. This has been a cooperative process that has saved municipalities countless dollars. Non-compliant features are now being found prior to the municipality taking ownership of the project and they can be corrected before the contractors leave the site. Five years ago MOD was receiving more calls from the general public reporting that new buildings had been constructed with access problems, now the municipalities are actively working to avoid that problem. Over the past 5 years, with awareness of the ADA becoming an integral part

of a municipality's thought process, we have seen this trend toward being proactive. There is no question that this shift is in direct relation to the passage of the ADA and the increased awareness of the rights of people with disabilities.

Source: Jeffrey L. Dougan, Assistant Director for Community Services, Massachusetts Office on Disability

## New Hampshire

New Hampshire saw many advancements in its efforts to implement the ADA in the last five years. Below is just a sampling of the many accomplishments that took place in the Granite State.

### Judicial System Access

As of June 16, 40 of the 47 courthouses in New Hampshire have been evaluated by Cheryl Killam, the Accessibility Specialist for the Commission, for compliance with accessibility standards. One courthouse remains inaccessible, which is located in Berlin. Cheryl has prepared a list of priorities for Chief Justice Broderick, which will be discussed during the meeting of the NH Courts Accreditation Committee on June 23rd. Because the Supreme Court should be the model for the state, it is number one on her list. This courthouse is accessible, but the accessible entrance is via a locked back door, and the location of the accessible restroom is in the basement.

### Accessible Recreation

In February 2006, the Commission celebrated examples of barrier free recreational programs, as a result of



Accessible playground equipment in Webster Park, Epsom City, NH

the ADA, and highlighted Northeast Passage, a self-funded program of the University of New Hampshire's School of Health and Human Services, affiliated with Disabled Sports, USA. Northeast Passage hosted an afternoon of accessible hand-cycling with participants from all over New England.

### Access to Voting

As of June 2006, 185 of the 309 polling places have been evaluated for accessibility code compliance with 5 having noncompliant ramps. Most municipalities have relocated their polling place to the local schools, which are accessible.

As a result of the Help America Vote Act (HAVA), a task force made up mostly of individuals with disabilities and election officials reviewed proposals from several vendors in order to assist Secretary of State William Gardner in choosing the voting system that will allow most people with or without disabilities to vote privately and independently. A telephone-fax system by IVS was chosen and will be in place for the September 2006 elections.

### Parking Awareness

The Commission is working with the NH Dept. of Motor Vehicles to publish and distribute a brochure on access aisles. It is nearly completed and will be distributed with all requests for walking disability parking permits and plates and will be available at all DMV substations throughout the state as well as at the Commission.

### Accommodating Patients with Disabilities

The Commission was awarded an ADA Incentive Grant to provide training and resource materials to health care professionals on how to accommodate patients who are disabled. A CD-Rom is being tested by the grant research team formed by the Commission and will soon be released and will also be distributed at the annual conferences of the NH Medical Society and the NH Hospital Association.

### Concord Area Para-Transit System

The Commission has been working with Concord Area Transit to assist them in starting up their Para-transit system.

### NH Driver's Manual

The Commission has worked with Services for the Blind and Visually Impaired to revise the driver's manual for the state so that the proper information is provided.

Source: Cheryl Killam, Accessibility Specialist, NH Governor's Commission on Disability

# Federal ADA Updates

## U.S. Access Board

### ADA Implementation Successes: Updating ADAAG

Under the ADA, the U.S. Access Board is responsible for setting design guidelines to ensure access to the wide range of facilities covered by the law. First published in 1991, the ADA Accessibility Guidelines (ADAAG) serves as the baseline for enforceable standards governing building design, construction, and alteration. In July 2004, the Access Board completed a comprehensive overhaul of the guidelines. This update of the guidelines sheds light on the ways the ADA has reshaped attitudes toward accessibility in the built environment.

The Board's guidelines, like most Federal regulations, are developed under a process that invites public comment. The updated guidelines generated considerably more interest and input compared to the original version a decade earlier. Further, comments from the public, including the design and building professions, the codes community, industry and others clearly reflected a greater understanding of accessibility and the goals of the ADA. Similarly, comments from disability groups and advocates signified a stronger understanding

of design considerations, building codes, and industry standards. As a result, issues were more clearly delineated, differences reconciled more constructively, and consensus established more firmly. In addition, this input from the public enabled the Board to make significant strides harmonizing the guidelines with key counterparts, such as the International Building Code, and with industry standards, which will greatly facilitate compliance.

The heightened interest and expertise among stakeholders brought about by the ADA greatly improved the final product. Thus, the new ADAAG promises to improve access while making it easier to achieve.

The ADA standards will be updated based on the new guidelines by the U.S. Department of Justice and, in the case of transportation facilities, the U.S. Department of Transportation. Until then, the original ADA standards remain in effect. Copies of the new ADAAG are available from the Access Board through its website at [www.access-board.gov](http://www.access-board.gov) or by calling (800) 872-2253 (voice) or (800) 993-2822 (tty).

Source: Dave Yanchulis, Accessibility Specialist, U.S. Access Board

## Employment Update

The last five years has seen important advancements for persons with disabilities in the area of employment. Earlier this spring, Sharon Rennert, Senior Attorney Advisor, for the Equal Employment Opportunity Commission (EEOC) took some time to speak with New England ADA & Accessible IT Center about her experiences and observations of ADA accomplishments over the course of this grant cycle.

**Q. Could you name two major accomplishments in employment under the ADA that you have identified in the last five years and how they have helped people with disabilities?**

A. It is harder to identify accomplishments from the perspective of a federal agency. Not being on the 'ground level' we are not usually able to see how these things affect people lives.

That being said, I find the *State Best Practices Report* to be a significant accomplishment of the last five years. In this report, 11 states were looking at and evaluating their role as employers. Many recognize that

the federal government can be a role model in the employment of people with disabilities, but so should and can State governments as well.

The states (cities, small towns, suburban and rural areas) had to evaluate what they are doing to be proactive & more inclusive. They had the chance to review what others are doing, and in the meantime evaluate themselves, take their own review and see what they are doing right and what needs improvement. They can also see what others states are doing and learn from those examples. And because this is a federal agency checking into their practices, they were paying closer attention because we're there. The participating states were able to see that certain states are excellent in computer and IT issues, while others excel with reasonable accommodations provision and review.

The EEOC has also had great success with our publications and reports that focus on individual disabilities and issues. Most Employers know the basics of how the ADA impacts employment, but they don't necessarily know how individual circumstances apply. Now they have more specific information

on particular conditions. They are able to apply a specific set of facts to their own circumstances.

**Q Can you speak a little about “trends” you’ve identified in the last 5 years?**

A . Certainly. Well legally we all know in the first 10 to 12 years the courts overwhelmingly decided in favor of the employers. The courts had a strict and very narrow interpretation of disability and because of this, people with disabilities were not winning their cases. Many felt they were losing ground, and that the ADA was being watered down.

However, in the last year or two, I think there has been a definite shift. It is more balanced in all areas of interpretation of the ADA. It is not a major shift, but it is striking—the courts have moderated themselves. They are doing more detailed, in-depth analysis and consideration of what is “substantially limiting.” These decisions now serve as blueprints for other individuals with disabilities on how they might succeed in their own cases and complaints. They are able to look at these decisions and see that this is the type of evidence they need to have in order to win.

It's important for the judges as well. They are learning from one other. When a sister court decides that something is a disability—other courts are paying attention and listening. This is true for interpretations of “qualified” and “reasonable accommodation” as well, not just the definition of disability.

The pendulum is coming back a little towards persons with disabilities.

## EVENTS AND ANNOUNCEMENTS

# ADA 16th Anniversary Celebrations!

### Massachusetts

#### Annual ADA Celebration and Picnic

Wednesday, July 26, 2006  
Dunn Pond State Park, Gardner, MA  
11 AM – 3 PM, (Rain or Shine)

**Please RSVP by July 14, 2006:**  
Steve Higgins at [steveh@masilc.org](mailto:steveh@masilc.org) or  
(866) 665-7452 (toll-free voice/tty)

### Vermont

#### ADA Celebration & BBQ

Tuesday, July 25, 2006  
State House Lawn, Montpelier, VT  
11 AM – 2 PM

**For more information:**  
contact VCIL at (802) 229-0501.

### Connecticut

#### Annual Spirit of the ADA Award Ceremony

Wednesday, July 26, 2006

**For more information, go to:**  
[www.uconnucedd.org/  
ddnetworkevents.html](http://www.uconnucedd.org/ddnetworkevents.html) or contact  
Jessica Jagger at (860) 679-1584  
or [jjagger@uchc.edu](mailto:jjagger@uchc.edu).

### Rhode Island

#### Public Forums to Commemorate the Signing of the ADA

July 24 through July 28

**For more information, go to:**  
[www.gcd.ri.gov](http://www.gcd.ri.gov) or call (401) 462-0100.

### Maine

#### ADA Celebration and Picnic

Wednesday, July 26, 2006  
Mantle Lake Park, Presque Isle, ME  
12 PM – 3 PM

Please RSVP by July 24, 2006.

**For more information or for special accommodations:** call Alpha One at (800) 974-6466 or e-mail Karen Crouser at [oranges428@yahoo.com](mailto:oranges428@yahoo.com).