

**Americans with Disabilities Act  
What municipalities need to know**

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**New England ADA Center is one of ten ADA Centers**

**Funded by the National Institute on Disability and Rehabilitation Research**

**What Is ADACC?**

- Non-profit established in 1992 to promote voluntary compliance with the ADA;
- The official affiliate of the New England ADA Center;
- Operates on a voluntary basis;
- Is membership organization that provides training and technical assistance benefits.

**Agenda**

- Facility and program accessibility
- Ensuring effective communication
- Who is protected under the laws
- General nondiscrimination requirements
- Quiz

**New Construction  
Alterations  
On or after 3/15/12  
2010 Standards**

**Facilities built before 3/15/2012 that are in compliance with the 1991 Standards or UFAS do not need to retrofit to 2010**

**Example:**

**School built in 1994 has the 1991 single user toilet room design - does not need to retrofit**

**EXCEPT..... RECREATION FACILITIES**

**Recreation Facilities**

**NEW**

**2010 ADA Standards**

**Program Accessibility**

Ensure that each program, service and activity, when viewed in its entirety, is accessible to people with disabilities.

*28 CFR Part 35 Subpart D*

Play Areas

Accessible Route

**[www.adachecklist.org](http://www.adachecklist.org)**

**Buildings built before access requirements (pre 1992)**

**“Existing” Facilities**

**Program Accessibility**

Ensure that each program, service and activity, when viewed in its entirety, is accessible to people with disabilities.

*28 CFR Part 35 Subpart D*

**Program Accessibility**

Evaluate facilities.

Provide enough access to ensure participation.

Does not have to look like new construction.

Include people with disabilities in the process and decision making.

**Accessibility Review**

**Accessible Routes**

**If Main Entrance Can't be Accessible use another entrance with sign at inaccessible entrance**

**Counter or table at 36 inches, or clipboard for filling out forms**

**Signs at Permanent Rooms**

**Braille, Contrasting Colors, Raised Characters**

## **Tactile Sign Placement 48-60 inches**

## **Visual and Audible Alarms**

## **Maintenance of Accessible Features**

### **Leaving Facilities**

#### **moving on to Effective Communication**

Communication with people with disabilities must be **as effective** as communication with others

28 CFR 35.60

#### **Communication with Everyone**

ADA requires communication with everyone, not just “primary” communicator

- \* Medical: deaf spouse of hearing patient
- \* Court: not just parties; also jurors, spectators
- \* Anyone who would be able or eligible to communicate or participate in the activity

#### **Sec. 35.160 Communication**

(a)(1) A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others...

#### **Sec. 35.160, Continued**

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.

#### **Effective Communication**

##### **People who :**

- **are blind or visually impaired**
- **are deaf or hard of hearing**  
**or**
- **have a speech disability**

#### **Auxiliary Aids and Services**

**Provide “auxiliary aids and services”  
If necessary to ensure effective communication**

28 CFR 35.60

**Assistive Listening Devices  
Amplify Sound for an Individual  
At Science Center  
Note the Sign (Required)**

**Closed or open captioning on videos, etc.**

**Computer Aided Real-time Transcription CART**

The police are told that a man who is deaf witnessed a robbery. They want to interview the man.

The man's 16 year old daughter hears and is fluent in sign language.

ADA regulations suggest a family member is the most appropriate person to provide sign language interpretation in this situation.

True or False?

**Sign Language Interpreters  
Must be Qualified**

“Able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”

**Sign Language Interpreters NEW**

Do not rely on an adult or child accompanying an individual with a disability to interpret except:

Emergency involving an imminent threat to the safety or welfare of an individual or the public

**New! Companions**

Covered entities must communicate effectively with companions with disabilities, as appropriate.

Companion defined as “family member, friend, or associate of an individual seeking access to a service, program or activity of a public entity, who along with such individual is an appropriate person with whom the public entity should communicate.”

When communicating with someone who is deaf and there's a sign language interpreter or companion is interpreting: Face and speak to the person who is deaf (not the interpreter.)

**Ensuring effective communication  
in a group**

**Video Remote Interpreting NEW**  
**One on One**  
**Video Remote Interpreting NEW**  
**Group**  
**New! Auto Attendant Systems**

These include automated voice mail, interactive voice response systems.

If provided, must ensure effective communication in real time with individuals using auxiliary aids and services (TTYs, TRS).

**New! Public Address Systems**

Section 810.7 requires that where public address systems convey audible information to the public, the same or equivalent information shall be provided in a visual format.

Includes public transportation, and emergency announcements

**New! Fire and Smoke Detectors**

Section 809.5 requires that all smoke and fire detectors newly installed or upgraded have visible strobes and interconnectivity;

This includes appliance alarms

**New! Assembly Areas**

**219.2 Required Systems.** In each assembly area where audible communication is integral to the use of the space, an assistive listening system shall be provided.

**EXCEPTION:** Other than in courtrooms, assistive listening systems shall not be required where audio amplification is not provided.

**Auxiliary Aids and Services for People Who are Blind**  
**or**  
**Have Low Vision**

**Provide material in Large Print**  
**Provide material in Braille**  
**Many people who are blind use screen reading technology**  
**Provide print material, thumb drive or email it**  
**Audio**

Title II: Primary consideration

In determining what type of auxiliary aid and service is necessary, a public entity **shall give primary consideration** to the requests of the individual with disabilities.

Both entity and PWD have obligation to engage in interactive process to find reasonable accommodation that works

**When providing an auxiliary aid or service, the town is required to provide what the person wants no matter how much it costs.**

**True or False?**

**Undue Burden**

**Provide unless it would be an undue financial and administrative burden**

**Undue burden means “significant difficulty or expense”**

**Undue Burden**

The decision needs to be made by the head of the public entity or his/her designee.

Written statement of the reasons for reaching that conclusion.

**Leaving Effective Communication moving on to**

**General Nondiscrimination**

A man who is blind and uses a service animal goes to the city museum alone for a lecture.

The security guard won't let him in because the guard is concerned that the man will walk into the art work.

Has the city violated the ADA?

**General Nondiscrimination Requirements**

Ensure an equal opportunity to participate in the most integrated setting appropriate.

**General Nondiscrimination Requirements**

When necessary to ensure equal opportunity “**reasonable modifications**” must be made to policies, practices, procedures

Reasonable Modification of Policies, Practices and Procedures?

Mr. G takes medication due to a disability. The medication causes his mouth to be dry and feel cottony (a common side effect of some medications).

The high school is putting on a play. The school has a policy: No food or beverages in the auditorium.

Mr. G asks to be able to bring juice into the auditorium.

What is the school's obligation?

Mr. F emails you. He wants to participate in a library program.

He has multiple chemical sensitivity and request that the meeting be in a building that has used only unscented cleaning products in the past week and where no one is wearing perfume, cologne and other scents.

What do you do to address his request?

Reasonable Modification of Policies, Practices and Procedures?

A senior center is planning a field trip to the Museum of Fine Arts, including lunch.

Mr. Z emails the center that he has severe multiple sclerosis. He requests a staff or volunteer to assist with feeding and toileting.

Does the ADA require the organization to provide personal services and devices?

### **ADA Service Animal**

Any **dog** individually trained to do work or provide tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability

### **Service Animals**

**For People with Mobility Disabilities**

**For People who are Deaf or Hard of Hearing**

**For People who Have Epilepsy**

### **Not considered work or tasks**

The crime deterrent effects of animal's presence

The provision of  
emotional support  
well-being  
comfort  
companionship

### **ADA Service Animals**

**What can you ask the person?**

Is this a service animal required because of a disability?

What work or task has the animal been trained to provide?

### **Service Animals**

**ADA : Miniature Horses**

### **Quiz**

1. All municipal buildings that are open to the public must meet the requirements for new construction as specified in the ADA Standards for Accessible Design.

**NO** Buildings built before the ADA went into effect must provide enough access to ensure program accessibility. They do not need to meet new construction standards.

2. The ADA is a broad civil rights law that applies to a wide range of people with disabilities, not just to people who are blind, deaf or have mobility impairments.

**YES**

3. When the Department of Justice added standards for recreation areas, such as playgrounds and swimming pools, they said that the old ones have “safe harbor” status and don’t have to be made accessible.

**NO** *No safe harbor for recreation facilities. Those facilities need to be assessed and enough access provided to assure program accessibility*

4. If a citizen who is hard of hearing requests an assistive listening device to participate in Town Meeting the town must provide the device.

**YES** – *Municipalities must ensure that communication is equally effective and provide the device (unless it would result in undue burden).*

5. Under the ADA a dog, monkey or pot-bellied pig that’s individually trained could be a service animal for a person with a disability.

**NO** - *Under the ADA the definition of service animal only includes dogs.*

6. Municipalities’ ADA obligations are in title II of the ADA.

**YES**

**Resources**

New England ADA Center  
800-949-4232  
[www.NewEnglandADA.org](http://www.NewEnglandADA.org)

ADA Coalition of CT (ADACC)  
860-297-4383  
[www.adacc.net](http://www.adacc.net)

Department of Justice  
800-514-0301  
[www.ada.gov](http://www.ada.gov)

**Resources**

[www.adachecklist.org](http://www.adachecklist.org)

Job Accommodation Network  
1-800-526-7234  
[www.AskJan.org](http://www.AskJan.org)