

Great Lakes Chronicle

ILLINOIS * INDIANA * MICHIGAN
MINNESOTA * OHIO * WISCONSIN

SEPTEMBER/OCTOBER 2006

VOLUME 3 ISSUE 1

Welcome to the Great Lakes ADA and Accessible IT Center's monthly Newsletter

Trainings & Events

Self Advocates of Indiana 2006 Conference

ADA-Indiana will be exhibiting at the Self-Advocates of Indiana's 2006 statewide conference,

"People Power - Working Together for Change".

September 7-8, 2006
Bloomington, Indiana.

www.saind.org

Action Day Conference

The Michigan ADA Steering Committee is co-sponsoring this annual conference, featuring sessions and exhibits for people with disabilities, their families, friends, advocates, and the people who work with them.

September 14, 2006
8:00am-3:00pm

Northern Michigan University
Marquette, MI

For more information call Michigan Protection & Advocacy Service, Inc at 248-473 - 2990.

In the Headlines

The network of ten ADA Technical Assistance Centers and the U.S. Access Board has launched a new initiative called Rebuilding Accessible Communities. The initiative is designed to develop and distribute technical assistance, materials and guidance on achieving accessibility in the reconstruction of the areas impacted by last year's hurricanes. The joint effort has started with the launching of a web site containing FAQs and links to existing resources. Additional resources, best practices and other materials will be added to the site as they are developed. Read more about Rebuilding Accessible Communities at

<http://www.access-board.gov/news/rac.htm>

The U.S. Department of Education (ED) announced the completion of the new regulations for Part B of the Individuals with Disabilities Education Act (IDEA). The new standards bring IDEA into harmony with the No Child Left Behind legislation. Once the final regulations are published in the Federal Register, ED will disseminate the regulations along with a document highlighting the changes in the law, analysis of public comments submitted and model forms on creating Individual Education Programs. Read More about the new regulations for Part B of IDEA at <http://www.ed.gov/news/pressreleases/2006/08/08032006b.html#skipnav1>

The U.S. Department of Justice (DOJ) has posted an updated version of "Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities" to its web site. The ADA Guide for local governments was created to assist public entities in insuring the inclusion of individuals with disabilities in the development of emergency plans. Read More about the Updated Guide at

<http://www.ada.gov/emergencyprep.htm#anchor886584>

The U.S. Department of Transportation and British Airways reached an agreement settling complaints filed by four passengers with mobility impairments. The passengers alleged that they were denied transportation because British Airways required that they be accompanied by an attendant. The Air Carriers Access Act prohibits airlines from requiring individuals with disabilities to have a personal attendant in order to travel unless the individual is unable to assist in his/her evacuation. The DOT determined that British Airways had not done an individualized assessment of the travelers to find out if they were able to assist in their evacuation prior to denying them transportation. The Act was amended to include foreign airline flights that originate or arrive in the United States. Read More about the Agreement at <http://www.dot.gov/affairs/dot8506.htm>

ADA Audio Conference Series: "Accessible Travel Options: By Land, By Air and By Sea"

Discuss access to hotels, air planes and cruise ships continue to be one of the biggest barriers for people with disabilities. This session will explore the requirements for accessibility as well as discuss resources available for identifying accessible travel options, whether it is a trip to Chicago or a overseas destination.

September 19, 2006

1:00-2:30pm CT

www.ada-audio.org

ADA Wisconsin Partnership is co-sponsoring a Training

"Traveling, Meeting and Visiting You: How to Succeed in a Growing Disability Market". More information will be available soon at their website.

September 21, 2006

8:00am-12:00pm

Midwest Express Center
Milwaukee, Wisconsin

www.visitmilwaukee.org

Chicago Lighthouse Centennial Symposium

A thought provoking look at issues impacting people who are blind or visually impaired and solutions for a bright future.

October 3-4, 2006

Palmer House Hilton,
Downtown Chicago, IL

www.thechicagolighthouse.org

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal employment laws that prohibit discrimination on the basis of disability, race, national origin, sex, age and pregnancy has opened its newest local office in Las Vegas, NV. The office, part of the Los Angeles district, is designed to improve the EEOC's Operational Efficiency and enhance Customer Service in the fastest growing metropolitan area in the United States. The opening of the office along with the opening of a new local office in Mobile, AL will increase the number of EEOC field offices to fifty-three. Read More about the New EEOC Office at <http://www.eeoc.gov/press/8-9-06.html>

The Office of Special Education and Rehabilitation Services announced that the twenty-sixth annual report to Congress on the Implementation of the Individuals with Disabilities Education Act is available online. The 2004 Annual Report to Congress is comprised of two volumes. Volume 1 focuses on the students served under IDEA and provides profiles of individual states' special education environments. The second Volume contains the state-reported data tables. Read More about the Report at <http://www.ed.gov/about/reports/annual/osep/2004/index.html>

The National Council on Disability (NCD) has issued a report on the impact of last year's devastating hurricanes. The report titled, The Impact of Hurricanes Katrina and Rita on People with Disabilities: A Look Back and Remaining Challenges, contains information on the struggles experienced by individuals with disabilities and how elected officials can insure the inclusion of people with disabilities in emergency and response planning. The report indicates that many of the problems experienced by individuals with disabilities during the natural disasters were systemic in nature and not caused by the hurricanes. Read More about the Report at http://www.ncd.gov/newsroom/publications/2006/hurricanes_impact.htm#synopsis

The U.S. Department of Justice (DOJ) has reached a settlement agreement with Colorado College under Title III of the ADA. The resolution of the DOJ compliance review will result in the campus and services of Colorado College being more accessible to individuals with disabilities. During the compliance review violations of the new construction accessibility standards were identified as were existing architectural and communication barriers for individuals with disabilities. Read More about the Settlement Agreement at http://www.justice.gov/opa/pr/2006/August/06_crt_492.html

The Office of Special Education and Rehabilitation Services (OSERS) within the U.S. Department of Education announced its new priorities. The announcement of the availability of the priorities was made by OSERS Assistant Secretary John H. Hager. The priorities include creating a culture of student achievement, advancing the use of evidence-based practices, and achieving self-sufficiency through postsecondary education, employment or both. Read More about the

For more information please call 800-949-4232 (V/TTY) or online at:

<http://www.adagreatlakes.org/WebForms/ContactUs/>

Great Lakes ADA and Accessible IT Center

University of Illinois at Chicago

Department of Disability and Human Development (MC 728)

1640 West Roosevelt Road, Room 405

Chicago, Illinois 60608-6904

ADA Audio Conference Series: "ADA Legal Update: Current litigation trends under the ADA"

The courts and federal agencies are shaping the ADA through their decisions and settlements. This session will outline the key issues that are currently before the courts as well as discuss some trends in case law at the lower courts which will have an impact on decisions at all levels, including any future cases to be argued before the Supreme Court.

October 17, 2006

1:00-2:30pm CT

www.ada-audio.org

2006 TASH Conference

The conference entitled, "**Living the Vision Together: Today, Tomorrow and Beyond**", is the largest and most progressive gathering of individuals that focuses on strategies for achieving full inclusion for people with significant disabilities.

November 8-11, 2006

Baltimore, MD

www.tash.org/2006tash

OSERS Priorities at <http://www.ed.gov/policy/speced/guid/priorities.html>

The National Council on Disability (NCD) announced the confirmation of four new members by the U.S. Senate. The new members are John R. Vaughn FL, Victoria Carlson IA, Chad Colley FL, and Lisa Mattheiss TN. Mr. Vaughn was named chairperson replacing the outgoing chairperson Lex Frieden. Read More about the New Members at <http://www.ncd.gov/newsroom/news/2006/r06-518.htm>

Great Lakes In Focus

Public Accommodations and Places of Public Accommodation

In order to be covered under the ADA as a public accommodation with title III obligations, an entity must be private and it must be owned, leased, leased to or operate a place of public accommodation. A place of public accommodation is a facility whose operations affect commerce and, fall within at least one of the following 12 categories:

- 1) Places of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms)
- 2) Establishments serving food or drink (e.g., restaurants and bars)
- 3) Places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums)
- 4) Places of public gathering (e.g., auditoriums, convention centers, lecture halls)
- 5) Sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers)
- 6) Service establishments (e.g., Laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, and gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals)
- 7) Public transportation terminals, depots, or stations (not including facilities relating to air transportation)
- 8) Places of public display or collection (e.g., museums, libraries, galleries)
- 9) Places of recreation (e.g., parks, zoos, amusement parks)
- 10) Places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools)

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"At Your Service: Welcoming Customers with Disabilities"

is a free, accessible, self-paced web course for people interested in discovering best practices for working with customers who have disabilities. This course has recently been **revised and expanded** in response to requests from more than 10,000 participants who have taken the course. There is no cost for use of the "At Your Service" course. Registration is free and creates a login needed each time this course is used.

www.wiawebcourse.org/register.php

"ADA Basic Building Blocks", an introductory web course on the Americans with Disabilities Act of 1990 (ADA) that explores the legal requirements and spirit of the ADA.

www.adabasics.org

The Great Lakes Center offers technical assistance on a variety of issues under the ADA and Accessible Information Technology.

11) Social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies)

12) Places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses)

For questions regarding entities covered by Title III of the ADA you may contact the Great Lakes Center by calling (800) 949-4232 (V/TTY) or by visiting the on-line contact form.

Accessible Information Technology (AIT)

The Great Lakes Accessible Information Technology (AIT) Initiative provides individuals, educational institutions, advocacy groups and organizations with technical assistance, training, referrals, materials, and resources on information technology and its accessibility. The Center's trainings are customized to fit the specific needs of the organizations requesting the presentations. Visit the AIT (www.adagreatlakes.org/AIT) section of the Great Lakes web site for more information on the services provided by the Center.

To get additional information about AIT in K-12 settings, visit the K-12 Bulletin (www.adagreatlakes.org/Publications/AITBulletin/). You may reach the Great Lakes Center by calling 800-949-4232 (V/TTY) or through our on-line Contact Form.

www.adagreatlakes.org/WebForms/ContactUs/?attention=ait

The Docket

Paralyzed Veterans of America (PVA), filed suit on behalf of Californians with visual and mobility impairments against the California Secretary of State and five California counties. The suit filed in federal court in San Francisco alleges that the state and the counties are in violation of the Help America Vote Act (HAVA). The PVA alleges that during June elections individuals with disabilities were not allowed to vote in the same manner as individuals without disabilities as required by HAVA legislation. The suit has been filed in an attempt to get voters with disabilities the required access by the November elections according to the PVA. Plaintiffs in the law suit include PVA, the California Council of the Blind and the American Association of People with Disabilities. Read more about the PVA suit at

http://www.pva.org/site/PageServer?pagename=news_release_ca_voting#content

Great Lakes Vine

ADA Illinois

Following last year's highly successful conference, the 2006 Illinois ADA Project Conference, Making the ADA WORK For Business, will be held

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Federal Agency

The **U.S. Equal Employment Opportunity Commission**

(EEOC) is responsible for enforcing Title I's prohibition against discrimination against people with disabilities in employment.

www.eeoc.gov

The **U.S. Department of Justice** (DOJ) is

responsible for enforcement of Title II and Title III of the ADA and adopts the Accessibility Standards for enforcement under the ADA. Visit the site to access a copy of the currently enforced accessibility standards under the ADA.

www.ada.gov

The **Office of Civil Rights within the Federal Transit Administration of the U.S. Department of Transportation**

ensures full implementation of civil rights and equal opportunity initiatives by all recipients of FTA assistance.

www.fta.dot.gov/17851_ENG_HTML.htm

September 25, 2006 at UBS Tower in Chicago, Illinois. The conference will again focus on employment and accessibility issues affecting businesses and other organizations and will be the focus of the upcoming Steering Committee meeting on August 29, 2006.

REAPING THE BENEFITS OF ACCESSIBILITY: This panel discussion will explore best practices for businesses to reap the benefits of providing accessible environments for customers and employees. The panelists will speak from their professional and personal experiences regarding accommodations and disability. The panelists are:

- Julie Taylor, Senior Director of Guest Services and Diamond Suite Operations for the World Champion Chicago White Sox
- Christine Youngberg, ADA Compliance Specialist at Northern Trust Company, member of the Chicagoland Business Leadership Network (CBLN) and Illinois ADA Project Steering Committee
- Brigida Hernandez, Ph. D., Assistant Professor and researcher at De Paul University, has been conducting disability-related research since 1994
- Karen McCulloh, Executive Director of Chicago's disabilityworks initiative bringing together businesses, service providers, and people with disabilities to meet the workforce needs of Chicagoland Businesses.

EMERGENCY EVACUATION PROCEDURES: This important and timely safety issue affects every business and organization. Attorney E. Elaine Gardner, Director of the Disability Rights Project at the Washington Lawyers Committee for Civil Rights and Urban Affairs, Jennifer Mincin, M.P.A., Senior Project Manager at EAD & Associates, LLC, Emergency Management & Special Needs Consultants, and Equip for Equality Senior Counsel Karen Ward will present this session.

EMERGING LEGAL ISSUES

Join three nationally recognized ADA Attorneys for an exploration of: Pre-employment testing, leave policies, selecting effective accommodations, disability harassment and other timely topics. Adele Rappart, former Regional Attorney for the Detroit office of the Equal Employment Opportunity Commission, Barry Taylor, Legal Advocacy Director at Equip for Equality, and Joe Russo, Disability Rights Bureau Chief for the Illinois Attorney General's Office, will lead this workshop and answer your questions.

PRACTICAL APPLICATIONS OF THE ADA: Illinois ADA Project Manager Alan Goldstein and Equip for Equality Senior Attorney Howard Rosenblum will lead this practical, informative, and interactive session which will provide valuable information and experience in applying ADA concepts to real-life situations.

The Program is subject to change. For further information about the ADA conference, please contact: Alan Goldstein, Illinois ADA Project

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The **Office of Civil Rights within the U.S. Department of Education** ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.
www.ed.gov

The **Federal Communications Commission (FCC)** has rules requiring telecommunications manufacturers and service providers to make their products and services accessible to people with disabilities, if readily achievable.
www.fcc.gov

Great Lakes Affiliates

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2853 East Tenth Street
Bloomington, IN 47408-2696
Phone: 812-855-6508
www.iidc.indiana.edu/cpps/ada/

Michigan ADA Steering Committee
29200 Vassar Blvd.
Suite 200
Livonia, MI 48152-2116
Phone: 248-473-2990
www.adamich.org

Manager
Telephone: (877) ADA-3601 or TTY: (800) 610-2779
E-mail: Alan@equipforequality.org Website: www.ADA-IL.org

ADA Indiana **ADA Audio Conference "Accessible Travel" in six Indiana locations**

ADA Indiana is offering the Great Lakes' audio conference on Accessible Travel in six Indiana locations: Bloomington, Evansville, Indianapolis (two locations), West Lafayette, and Westville. The audio conference is free (at the ADA-Indiana sponsored site locations) and open to the public and no pre-registration is required. The site locations and times are available on the ADA-Indiana website: <http://www.adaindiana.org>.

Upcoming Conference Exhibits

ADA-Indiana will be exhibiting at the Self-Advocates of Indiana's 2006 statewide conference, "People Power - Working Together for Change", on September 7 - 8 in Bloomington, Indiana. For more information visit the Self-Advocate of Indiana website: <http://www.saind.org/>

Michigan ADA Steering Committee

The Michigan ADA Steering Committee is partly sponsoring and will be taking part in Action Day 2006. Action Day is an annual conference featuring sessions and exhibits for people with disabilities, their families, friends, advocates and the people who work with them. It is the only conference in the Upper Peninsula of Michigan that provides opportunities for education, networking, political activism and personal growth geared specifically toward the disability community. The conference will held on Thursday, September 14, at 8:00am-3:00pm at Northern Michigan University in Marquette, Michigan. For more information call Michigan Protection & Advocacy Service, Inc at (248) 473 – 2990.

The Michigan ADA Steering Committee actively working to increase ADA awareness. Here are a few projects:

- The Committee is partially funding a mailer to returning veterans in Michigan to increase awareness of the ADA among disabled veterans.
- An ADA Steering Committee member is involved with the E-Access Committee, which assists people who are visually impaired with using computers. They are currently working on developing a web page for the visually impaired in Michigan.

NEW!! The upgraded Michigan ADA Steering Committee website at www.adamich.org is now up and running.

The next Steering Committee meeting will be held on September 13th in Marquette, Michigan.

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<http://www.adagreatlakes.org/WebForms/ContactUs/>

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ADA Minnesota

1600 University Avenue
West, Suite 16
Saint Paul, MN 55104
Phone: 888-630-9793
www.adaminnesota.org/

ADA Ohio

700 Morse Road, Suite 101
Columbus, OH 43214
Phone: 800-232-6446
www.ada-ohio.org

ADA Wisconsin

1302 Mendota Street, Suite
200
Madison, WI 53714-1024
Phone: 608-244-5310
www.adawipartnership.org

The Great Lakes offers resource materials on a variety of issues under the ADA and Accessible Information Technology.

The ADA & IT Technical Assistance Centers (DBTACs*)

are your comprehensive resource for information on the Americans with Disabilities Act and accessible information technology. Call toll free at 1-800-949-4232 (V/TTY) for the MOST complete and experienced services available to American businesses, government entities and the public. Find your Local Center at www.adata.org/

ADA Minnesota

Over 250 people gathered at the Radisson Hotel on the University of Minnesota campus Wednesday evening July 26 to help celebrate the 16th anniversary of the ADA. The evening included music by Michael Deutsch, a performance by nationally known storyteller Kevin Kling, and a keynote address by Barry Taylor, legal advocacy director at Equip for Equality in Chicago, Illinois. Taylor's presentation was on recent Supreme Court decisions, what that means for the ADA Today?

Minnesota Secretary of State, Mary Kiffmeyer, attended the event and provided demonstrations on the new accessible voting equipment to be purchased and utilized throughout the state. Participants with disabilities were encouraged to "test drive" the new voting equipment and share their feed back with Kiffmeyer. Several other state and federal representatives from both sides of the aisle were present during the evening's festivities.

Sponsors of this event include: ADA Minnesota, Access Press, Minnesota State Council on Disability, Metro Center for Independent Living, UCP, Institute on Community Integration, Minnesota Department of Employee Relation, VSA Arts of Minnesota, Minnesota Department of Human Services/State Operated Services, Courage Center and Arc Greater Twin Cities.

ADA Ohio

ADA-OHIO participated in a conference designed to address the issues of domestic violence and abuse against Ohioans with Disabilities. The event was a follow-up to a successful conference in 2004. The conference was entitled, A Meeting of Minds: Part 2 - Survivors and providers meeting the challenges of domestic violence and abuse of people with disabilities, and was presented by the Ohio Domestic Violence and Disability Task Force.

The purpose of the conference was to build upon our understanding of the unique dynamics of disability and violence and to identify the next steps in working collaboratively to address this issue. Participants explored practical ways to address barriers to victim services that keep people with disabilities silent about their issues of abuse, neglect and exploitation.

Michelle Schwartz and Lee Ann Cameron of SafePlace in Austin TX, provided keynote presentations and training. Since 1996, A Safety Awareness Program (ASAP) of SafePlace has provided education, intervention, and counseling services to survivors of sexual abuse/assault, domestic violence, and caregiver abuse.

Research documents that people with disabilities face increased risks for violence and abuse. Yet, historically, people with disabilities have been

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Resources from the Technical Assistance Desk

Individuals may contact the Great Lakes Center to get materials on the Americans with Disabilities Act and other disability laws by calling 800-949-4232 (V/TTY) or via our [on-line contact form](#).

Obligations of Public Accommodations Regarding Sign language Interpreters

Obligations of Public Accommodations Regarding Auxiliary Aids

excluded from personal safety education. Workshops were presented which addressed this issue. Workshops were also presented which focused on providing concrete information on working sensitively with survivors of violence who have disabilities and how to increase access to victim services for people with disabilities.

ADA Wisconsin

Recently tourism has been a focus for ADA Wisconsin with a seminar and newsletter dedicated to travel and accessibility issues. This month we presented the 4th edition of our electronic newsletter – the Partnership LINK. In this issue of the LINK, you will find a wealth of resources to make travel more accessible to everyone...
http://www.adawipartnership.org/Newsletter/2006_08_Link.htm

We are looking forward to this upcoming training co-sponsored by Visit Milwaukee and the ADA Wisconsin Partnership:

Traveling, Meeting and Visiting You: How to Succeed in a Growing Disability Market

Thursday, September 21, 2006, 8:00am-12:00pm
Midwest Express Center, Milwaukee, Wisconsin

Travel trends show the demand for accessible tourist destinations is on the rise and travelers with disabilities are just as eager to dine in great restaurants, enjoy exciting attractions, and stay in top notch lodging facilities as everyone else. This seminar is intended for the hospitality industry and topics will include travel trends for people with disabilities, etiquette issues and practical tips for making a venue that welcomes tourists more inviting and welcoming to everyone. More information will be coming soon at www.visitmilwaukee.org.

Technical Assistance Desk

Question of the Month

Q. Would an orchestra camp for elementary and middle school youth sponsored by the community orchestra (non-profit) and with the camp space being provided by the public school be responsible under the ADA for providing a sign language interpreter?

A. The first question to ask is if and how the ADA applies to this situation. The public school is covered by Title II of the ADA. If the school is only providing space for the camp and if the school is not a partner or co-sponsor then it is not a program of the public school and there are no obligations for the school to provide effective communication.

Next it needs to be determined if the community orchestra is a Title III entity. Title III of the ADA applies to both for profit and non-profit entities as an entities tax status does not determine an entities coverage

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under the ADA. It would appear that the camp would be covered by Title III.

Title III of the ADA requires that places of public accommodation provide the same level of access to information to individuals with disabilities that are provided to individuals with out disabilities. Title III entities must furnish auxiliary aids and services in order to achieve effective communication unless doing so would result in an undue burden or a fundamental alteration in the goods or services being provided. This is perhaps where an entities tax status may come into play as some non-profits may not have the same resources as for profit businesses. That is not to say that all non-profits don't have the resources to provide a qualified interpreter. A non-profit organization should not only look at the fees charged for the single event but the entire resources it has at its disposal. If the provision of an auxiliary aid or service would result in an undue financial burden the covered entity must look at other means to provide effective communication that would not result in an undue burden.

The ADA does not state that in every instance a sign language interpreter is requested that one must be provided. The bottom line is that a covered entity must provide effective communication with individuals with disabilities. First consideration should be given to the requested auxiliary aid or service. However, if effective communication can be achieved through other means then the covered entity would be meeting its obligations under the ADA. In many instances due to the complexity of the information being provided and the duration of the delivery of the oral information a sign language interpreter is likely the only way to achieve effective communication.

If you have additional questions about effective communication and the ADA you may contact the Great Lakes ADA Center by calling 800-949-4232 (V/TTY) or by visiting the on-line contact form.

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