

Great Lakes Chronicle

ILLINOIS * INDIANA * MICHIGAN
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MAY 2007

VOLUME 3 ISSUE 7

Welcome to the DBTAC:
Great Lakes ADA Center's
monthly Newsletter

Trainings & Events

ADA Audio Conference Series: "ADA Restoration Act - Legislative Update"

The ADA Restoration Act as it is currently known is intended to restore the ADA to its "original intent" and address several decisions made by the US Supreme Court over the past 16 years. Participate in this session to learn about the history and intent of the ADA Restoration Act and the future of legislation that may affect the civil rights of individuals with disabilities.

May 15 2007
1:00-2:30pm Central Time
www.ada-audio.org

Accessibility Coordinator Training: Accessibility Management for Parks and Recreation

This NCA training course is designed to give Accessibility Coordinators in parks and recreation the foundation for implementing an accessibility management program. This course is ideal for

In the Headlines

The U.S. Access Board has released for public comment draft revisions to its vehicle accessibility guidelines for busses and vans. The Access Board guidelines, published in 1990, cover various vehicles in addition to busses and vans including, rail cars, trams, and other modes of public transportation. The other sections of the vehicle guidelines covering these other modes of transportation will be released for public comment as they are revised. When the Access Board publishes final revisions the guidelines need to be adopted by the U.S. Department of Transportation and the U.S. Department of Justice before they become enforceable standards under the Americans with Disabilities Act. Read More about the Draft Revisions at <http://www.access-board.gov/news/vehicle-draft1.htm>

The U.S. Department of Justice resolved a lawsuit against a Springfield, IL developer that alleged violation of the Fair Housing Act. The \$60,000 settlement resolves a lawsuit filed in November 2005. The agreement settles allegations that the defendants refused to sell property in a Springfield-area subdivision because the buyer, Bethesda Lutheran Homes, was planning on using the property to build a group home for 6 developmentally disabled individuals. Read More about the Settlement at http://www.usdoj.gov/opa/pr/2007/April/07_crt_235.html

The U.S. Department of Labor, Office of Disability Employment Policy, announced the release of a new publication for faith-based and community organizations on serving people with disabilities. The brochure explains the requirements of Section 504 of the Rehabilitation Act of 1973 that apply to recipients of federal funding. The document highlights the requirements that faith-based and community organizations have to insure that activities, services and facilities are accessible to individuals with disabilities. The department of Labor's Center for Faith-Based and Community Initiatives and Civil Rights Center also contributed to this new publication. Read More about the Publication at <http://www.dol.gov/opa/media/press/odep/odep20070512.htm>

The National Fire Protection Association (NFPA) has developed and issued an Emergency Evacuation Planning Guide for People with Disabilities. The document provides general information to assist in identifying the needs of people with disabilities related to emergency evacuation planning. The document may be downloaded free of charge from the NFPA web site. Read More about the Guide at <http://www.nfpa.org/categoryList.asp?categoryID=824>

The U.S. Access Board has posted the results of research it sponsored on improving the performance of engineered wood as a surface material for trails and play grounds. The completed portions of the project involved the testing of different treatments for wood chip material that would make the woodchips firmer and more stable for wheelchair traffic. The methods and materials found to be most effective by the research are being used to improve access at various locations, including at an outdoor performance center in the Washington, D.C. area. Read More about the Research at <http://www.access-board.gov/news/ewf-research.htm>

professionals with newly appointed responsibilities and for those looking to brush up on the latest information for accessibility compliance.

May 14-17, 2007

Bloomington, IN

www.ncaonline.org

Road to Freedom Bus Tour

The Road to Freedom Bus Tour is a year-long cross country bus ride that began on November 15, 2006 in Washington, DC. The tour plans to educate audiences across the United States on the story of the Americans with Disabilities Act and the history of the disability rights movement. Visit the Road to Freedom web site for information on the dates and times for the stops along the tour at

<http://roadtofreedom.wordpress.com/freedom-bus-tour-schedule/>

Job Accommodation Network (JAN) 2007 Conference

The 2007 JAN conference will be held at the Hyatt Regency Crystal City in Alexandria, VA. The annual JAN Conference will cover employment law, innovative employment practices, and disability issues. Visit the JAN web site for information about conference registration and program descriptions.

August 6-7, 2007,
Alexandria, VA

www.jan.wvu.edu/enews/2006/Enews-V4-I4.htm#1

Purdue University's Breaking New Ground program has issued the 5th edition of its toolbox for farmers and ranchers with disabilities. The Toolbox CD contains information about more than 770 assistive technology products to assist individuals with disabilities in managing and maintaining their farms and ranches. Read More about the Toolbox and How to Order it at <http://www.bngtoolbox.info/>

The U.S. Department of Justice (DOJ) has announced the latest settlement agreement in its Project Civic Access initiative. The most recent agreement is with Hernando, MS. Project Civic Access was launched to insure that residents with disabilities have full access to the wide range of programs, services and activities offered by state and local government entities. The DOJ investigation was part of a compliance review of the cities obligations under Title II of the ADA. The review focused on the cities self evaluation plan, designation of an employee to handle ADA matters, establishment of a grievance procedure, proper notification to the public, delivery of programs and services in a non-discriminatory manner, and facility accessibility issues. Read more about the Settlement at <http://www.ada.gov/hernandos.htm>

The National Association of the Deaf (NAD) has filed two complaints with the U.S. Department of Justice against Chase Bank for rejecting relay service calls. The NAD complaints state that Chase Bank's Bank-by-Phone and twenty-four hour customer phone services are not available to individuals that use relay services or TTYs, which NAD alleges is a violation of Title III of the Americans with Disabilities Act. Read More about the Complaints at <http://www.nad.org/site/pp.asp?c=foINKOMBF&b=2687445>

The U.S. Access Board released an On-Line Training Program on its Play Area Accessibility Guidelines. The on-line training resource is intended to provide training for designers and operators in using the accessibility guidelines for play areas. It was developed in collaboration with several organizations including the National Center on Accessibility and the National Parks and Recreation Association. The course covers all sections of the guidelines, including the number of play components required to be accessible and technical provisions for accessible play equipment, surfacing in play areas, ramp and transfer system access, and access to soft contained play structures. Read More about the Online Course at <http://www.access-board.gov/news/play-course.htm>

The U.S. Department of Justice has settled a discrimination complaint under the Fair Housing Act against the city of Chapel Hill, NC. The settlement resolves charges that the Chapel Hill housing authority failed to provide a reasonable accommodation to Sonya Dixon and her daughter with a disability. Ms. Dixon alleged the housing authority failed to accommodate her multiple requests to move into an accessible unit. The settlement, pending court approval, requires the city to pay \$30,000 to Ms. Dixon and that city staff undergo training on the Fair Housing Act. Read More about the Settlement at http://www.usdoj.gov/opa/pr/2007/April/07_crt_274.html

The U.S. Department of Labor, Office of Disability Employment Policy, issued a new document titled, "Entering the World of Work: What Youth with Mental Health Needs to Know about Accommodations". The fact sheet provides guidance to assist youth with hidden disabilities by providing answers to questions regarding disability disclosure, accommodations and resources. Read More about the document at <http://www.dol.gov/odep/pubs/fact/transitioning.htm#content>

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 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.

Federal Agencies

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 U.S. Access Board held a workshop as part of its project to develop guidance on construction tolerances, primarily ones pertaining to the slope, flatness, and smoothness of ground and floor surfaces. Participants of the workshop included individuals from trade associations, professional societies, government agencies, and research organizations. Discussions centered on the available measurement protocols for surface flatness, smoothness and slope. The construction tolerances project is being conducted for the Access Board by Architectural Research Consulting. Read More about the Workshop at <http://www.access-board.gov/news/tolerances-workshop.htm>

The U.S. Department of Education (ED) has announced new regulations under No Child Left Behind allowing states to test certain students with disabilities using an alternate assessment tool. The Department of ED is also making available \$21.1 million in grant funds for technical assistance as states develop new assessments for students with disabilities. The Department also released written guidance to states on the implementation of the new regulations. The fact sheet containing the guidance may be found on the Department's web site. Read the Fact Sheet at www.ed.gov/policy/speced/guid/nclb/fr040407-web.doc

The U.S. Department of Justice announced settlement agreements with DeNunzio's Restaurant, Jeannette, PA, and with Inova Health Care Services, Falls Church, VA. The consent decree with DeNunzio's's requires the restaurant to remove architectural barriers that prevent individuals using mobility devices from full enjoyment of the goods and services being offered. The settlement with Inova Health Care requires the provision of needed auxiliary aids and services to insure that deaf and hearing impaired individuals have the same level of access to information that non-disabled patients and visitors have at the facility. Read More about the Settlements at <http://www.ada.gov/new.htm#Anchor-49575>

The National Council on Disability (NCD) is seeking researchers to assess the effectiveness of the implementation of the Rehabilitation Act of 1973. The focus of the research is specific to the transition from school to work and/or post-secondary education for individuals with disabilities. NCD expects that the resulting report will be used by policy makers and the public to refine and strengthen the on-going implementation of the Rehabilitation Act. Read More about the Research Opportunity at http://www.ncd.gov/research_opportunity/040507prerelease.html

Great Lakes In Focus

Online Ticketing Accessibility

Buying tickets online to a game, concert, or other event is a great convenience for many people. But, if you have a disability, buying these tickets may be cumbersome and slow or in some cases completely inaccessible.

One major problem is the increased use of verification. Verification involves the display of a picture of text which the computer user must then copy into an edit box. The theory behind this verification scheme is that a human is smart enough to extract the text from the graphic and it will protect data from automation software designed to sweepingly collect it. The most common accessibility solution now is to offer an audio verification of the text and at the very minimum there should be a toll-free telephone number for a person to use.

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

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

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**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](http://www.fta.dot.gov/17851_ENG_HTML.htm)

**The Office of Civil Rights
within the U.S.**

Department of Education

ensures 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

**The Great Lakes Center
offers customized
trainings on a variety of
issues under the ADA and
Accessible Information
Technology.**

Another technical issue that may cause accessibility problems for individuals with disabilities is the timed response required to complete the ticket order. Sometimes, this technique is used for security reasons or to reduce the demands on the computer serving the web pages. Someone's disability can have a direct impact on the speed with which he or she can read, move around, or fill in a web form. Ideally, when a timed response is required, the user should be alerted and given sufficient time to indicate more time is required. This is actually one requirement of the [Section 508 Guidelines](http://www.section508.gov) <http://www.section508.gov> on website accessibility. Again, at the very minimum there should be a toll-free telephone number for a person to use. In many cases, the response time can be moderately extended without compromising the intent of the feature.

Accessible Information Technology (AIT)

The DBTAC Great Lakes Accessible Technology Initiative can assist organizations, community groups, businesses and public government entities with information and training on information technology issues. You may Visit the [accessible technology section](http://www.adagreatlakes.org/AIT/) <http://www.adagreatlakes.org/AIT/> of the Great Lakes web site for more information on the services provided by the Center.

For technical assistance questions contact Janet Peters at the Great Lakes Center by calling (800) 949-4232 (V/TTY) or by visiting the [on-line contact form](http://www.adagreatlakes.org/WebForms/ContactUs/) at <http://www.adagreatlakes.org/WebForms/ContactUs/>.

The Docket

EEOC V. Schneider National Inc.

<http://www.ca7.uscourts.gov/tmp/2J0U3TB3.pdf>

7th Cir., No. 06-3108

March 21, 2007

The 7th U.S. Circuit Court of Appeals ruled that Schneider National's discharge of a driver with a health condition that was not a disqualifying factor under federal safety regulations did not regard that employee as having a disability under the Americans with Disabilities Act (ADA). Jerome Hoefner was fired from his position as a driver after he was diagnosed with neurocardiogenic syncope. Neurocardiogenic syndrome is a condition that is treatable with medications and it does not prevent a person from meeting federal driving standards. The Equal Employment Opportunity Commission (EEOC) filed a lawsuit against Schneider arguing that the company violated the ADA by regarding Hoefner as being disabled in the major life activity of working.

The 7th Circuit Court of Appeals affirmed the lower court's dismissal of the case. The appeals court found that Schneider was entitled to determine how much risk it was willing to take regarding drivers with neurocardiogenic syndrome. The Court also concluded that a policy that the company would not employ drivers with a particular medical problem did not rise to the level of disability discrimination.

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

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

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Great Lakes Affiliates

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www.ada-il.org

ADA Indiana

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

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

Technical Assistance Desk

Question: I am enrolling my daughter in a park district summer camp program. Part of the paperwork includes a questionnaire on medical conditions and her ability to participate in various camp activities. Can the park district ask these types of questions or is it prohibited by the ADA?

Answer: The questionnaire used by the park district, which is covered by Title II of the ADA, is acceptable if they can demonstrate that each piece of information requested is needed to ensure safe participation in camp activities. The park district, however, may not use this information to screen out children with disabilities from participating in the camp.

The park district may not impose eligibility criteria for participants in its programs that screen out individuals with disabilities. The park district may impose legitimate safety requirements necessary for the safe operation of its programs. However, the park district must ensure that its safety requirements are based on real risks and not on speculation, stereotypes, or generalizations about individuals with disabilities.

You may contact the Great Lakes Center by calling (800) 949-4232 (V/TTY) or by visiting our on-line contact form at <http://www.adagreatlakes.org/WebForms/ContactUs/>

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The ADA & IT Technical Assistance Centers (DBTACs)

Your comprehensive resource for information on the Americans with Disabilities Act and accessible information technology. Call toll free at **800-949-4232 (V/TTY)** for the **MOST** complete and experienced services available to American businesses, government entities and the public. To find you local Center or for more information, visit their website.

www.adata.org

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

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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](#).

[ADA Best Practices Tool Kit for State and Local Governments](#)

www.ada.gov/pccatoolkit/toolkitmain.htm

[Nondiscrimination on the Basis of Disability in State and Local Government](#)

www.ada.gov/reg2.html

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

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