DIA ACTIVIST

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THE OTHER MOVEMENT THAT ROSA PARKS INSPIRED

by Charles Wilson

By Sitting Down, She Made Room for the Disabled

October 30, 2005 - Washington Post - On an unseasonably warm September day in 1984, about a dozen men and women rolled their wheelchairs in front of a city bus that was pulling onto State Street in Chicago. Then they sat there and didn't move. The group had no secret agenda; they simply wanted to make a point. Days before, the Chicago Transit Authority had announced that it was purchasing 363 new public buses -- and that none of them would be equipped with wheelchair lifts to serve disabled passengers because the lifts had been deemed too expensive. This ragtag group of wheelchair riders, who were affiliated with a disability rights organization called ADAPT, or Americans Disabled for Accessible Public Transit, decided to protest that decision by obstructing a bus until the police carted them away. Every one of them wore a simple paper name tag, the sort that you would normally see at a meet-and-greet. They all said: "My name is Rosa Parks."

Rosa Parks
Photo by Montgomery Advertiser

Rosa Parks' act of courage in Montgomery, Alabama, in 1955 did more than dismantle the system of racial segregation on public transportation. Her refusal to give up her seat to a white man also created a legacy she never could have foreseen. It was through Parks' example that the disabled community transformed its own often disorganized cause into a unified disability rights movement. "Had it not been for Parks and the bus boycott, there is no question that the disability rights movement would have been light-years behind, if it would have ever occurred," says Michael Auberger, a disability rights activist who was one of the first to place his wheelchair in front of a bus in the early 1980s. "Her genius was that she saw the bus as the great integrator: It took you to work, it took you to play, it took you to places that you had never before seen. We began to see the bus the same way, too, and it empowered a group of people who had been just as disenfranchised as African Americans."

The disability rights movement could in no sense have been called a movement when Parks refused to yield her seat. At that time, the unemployment rate for people with disabilities reached over 70 percent, and organizations that rallied for rights for people with disabilities focused on solutions that were specific to a single disorder. "The disability community was fragmented," says Bob Kafka, a quadriplegic who broke his neck in 1973 and who was an early organizer for ADAPT. "The deaf community wanted interpreters. People with mobility issues wanted curb cuts. The blind wanted more sensory communication. Everyone saw themselves as a deaf person, or a blind person, or a mental health person. We were tossed salad, not fondue."

Parks's action offered these separate communities a strategy that unified their various wishes. "Rosa Parks energized us in that she was the perfect symbol for when the meek become militant," says Kafka. "She was someone who was willing to cross the line." And the fight for accessible public transportation was to be the single issue that catalyzed disparate disability groups into a common cause.

By the 1960s and '70s, many cities had introduced paratransit services that picked up disabled patients. The officials who controlled city budgets, though, typically stipulated that these buses could be used by an individual only a few times a month and that the buses could be used only by appointment. So, in the late '70s and early '80s, some activists began to extend the logic of Parks' silent act of defiance to their own cause: Buses that divided people into separate categories, they said, were inherently unequal. Disabled people shouldn't be limited to using paratransit buses. They deserved to ride the city buses, just like everyone else.

"How could you go to school, or go on a date, or volunteer somewhere if the only trips deemed worth funding for you were medical trips?" wrote ADAPT member Stephanie Thomas in her introduction to ***To Ride the Public's Buses,*** a collection of articles about the early bus actions that appeared in Disability Rag. "How could you get a job if you could only get 3 rides a week? If you were never on time?"

Parks's method of dissent -- sitting still -- was well suited to a community in which many people found themselves having to do that very thing all day long. Within two decades of her refusal to give up her seat, disabled people in cities across the country began staging their own "sit-ins" by parking their wheelchairs in front of ill-equipped city buses -- or, alternatively, by ditching their wheelchairs and crawling onto the stairs of the bus vestibules.

Some of the sit-ins were individual acts of defiance. In Hartford, Connecticut, 63-year-old Edith Harris parked her wheelchair in front of 10 separate local buses on a single day after waiting nearly two hours for an accessible bus. Increasingly, though, the sit-ins were organized by ADAPT and involved many wheelchair users at a single location.

These actions began to change both how disabled people were perceived and how they perceived themselves. "Without the history of Parks and Martin Luther King, the only argument that the disability community had was the Jerry Lewis Principle," explains Auberger. "The Poor Pathetic Cripple Principle. But if you take a single disabled person and you show them that they can stop a bus, you've empowered that person. And you've made them feel they had rights."

The sit-ins also began to bring about concrete changes in the policies of urban transportation boards. In 1983, the city of Denver gave up its initial resistance and retrofitted all 250 of its buses with lifts after 45 wheelchair users blocked buses at the downtown intersection of Colfax Avenue and Broadway. Similar moves were made by Washington's Metro board in 1986 and by Chicago's transit authority in 1989. And in 1990, when the landmark Americans With Disabilities Act cleared Congress, the only provisions that went into effect immediately were those that mandated accessible public transportation.

If Rosa Parks left a lasting legacy on the disability rights movement, it is important to recognize that it is a legacy that is largely unfinished. A restored version of the bus that Rosa Parks rode in Montgomery recently went on display at the Henry Ford Museum near Detroit, the city where Parks lived her last decades and died last Monday. Detroit's mayor, Kwame Kilpatrick, who is up for reelection on November 8, memorialized Parks by saying that "she stood up by sitting down. I'm only standing here because of her."

Kilpatrick failed to mention a further irony, though: The Justice Department joined a suit against his city in March. It was initially filed in August 2004, by Richard Bernstein, a blind 31-year-old lawyer from the Detroit suburb of Farmington Hills, on behalf of four disabled inner-city clients. His plaintiffs said that they routinely waited three to four hours in severe cold for a bus with a working lift. Their complaint cited evidence that half of the lifts on the city's bus fleet were routinely broken. The complaint did not ask for compensation. It demanded only that the Motor City comply with the Americans With Disabilities Act. The city recently purchased more accessible buses, but the mayor didn't offer a plan for making sure the buses stayed in good working order. He has publicly disparaged Bernstein on radio as an example of "suburban guys coming into our community trying to raise up the concerns of people when this administration is going to the wall on this issue of disabled riders."

Mayor Kilpatrick is not going to the wall, and neither are many other mayors in this country. A 2002 federal Bureau of Transportation Statistics study found that 6 million Americans with disabilities still have trouble obtaining the transportation they need. Many civic leaders and officials at transit organizations have made arguments about the economic difficulty of installing lifts on buses and maintaining them. But they are seeing only one side of the argument: More people in the disability community would pursue jobs and pay more taxes if they could only trust that they could get to work and back safely.

Public officials who offered elaborate eulogies to Parks' memory last week should evaluate whether they are truly living up to the power of her ideas. During a visit to Detroit in August to speak to disabled transit riders for a project I was working on, I met Robert Harvey, who last winter hurled his wheelchair in front of a bus pulling onto Woodward Avenue after four drivers in a row had passed him by. (He was knocked to the curb.) I met Carolyn Reed, who has spina bifida and had lost a job because she could rarely find a bus that would get her to work on time. Her able-bodied friends had also recently stopped inviting her to the movies. She guessed why: A few times over the past months, they had found themselves waiting late at night with her for hours to catch a bus with a working lift. "I'd say, 'Go ahead, go ahead, I'll be all right,' " she told me. "And they'd say, 'We're not leaving you out here.' " I also met Willie Cochran, a double amputee who once waited six hours in freezing temperatures for a bus that would take him home from dialysis treatment.

None of this should be happening in America. "Rosa Parks could get on the bus to protest," says Roger McCarville, a veteran in Detroit who once chained himself to a bus. "We still can't get on the bus." A true tribute to Parks would be to ensure that every American can.

HOW CLOSE ARE WE TO EQUALITY?

by Paula Wolff

In July, 2005, Carr Massi, Ellen Nuzzi, Elliot Schloss and I did a workshop at the Disability Film Festival at Long Island University Brooklyn Campus. I was the moderator and started the panel with this opening speech.

Since the passage of the American With Disabilities Act (ADA) we now see signs for assistive listening devices in some movie theatres, electronic wheelchair door opening devices in many public buildings such as at Lincoln Center, and departments to provide accessibility to persons with different types of disabilities at museums and other public facilities. Our struggle for accessible public transportation has resulted in bus lifts on MTA buses, making it possible for people with disabilities to get to events (although our fight for accessible taxis, car services, and ferries and improved subway accessibility continues). We see more people with disabilities out on the buses, at cultural events, and around the community.

Unfortunately, the increased awareness that the ADA and other events have helped lead to have not yet lead to the full equality that is our goal. We see this when we look at the employment figures for persons with disabilities which have remained at an unemployment rate of approximately 70% for working age persons with disabilities, the same level as it was prior to the enactment of the ADA. In spite of the vast improvements in assistive technology including computer technology that enable persons with disabilities to perform tasks that were previously impossible without assistance enabling people with disabilities to live and work more independently, relatively few persons with disabilities have such equipment provided by their employers if they are able to overcome the attitudinal barriers that still keep most of our community unemployed, although studies have shown that accommodations for most employees cost under $500.

Employment is not the only area in which we see that we still have to struggle to achieve equality. We see continued attacks on the Americans With Disabilities Act in the Supreme Court which has sought to limit its interpretation of the law and its enforcement.

A Supreme Court decision, the Olmstead Decision, which requires that persons with disabilities receive treatment in the most integrated setting is now often thought of in our community as a type of declaration of independence for many thousands of persons with disabilities currently living in nursing homes and other institutional settings who wish to return to living in the community. But the promise of independence of the Olmstead Decision will remain unfulfilled if the government fails to provide accessible housing that people can afford on a Supplemental Security Income level income and the support services persons with disabilities need to live in that community. To date, the Olmstead Decision demonstrates increased awareness of persons with disabilities without the resources for full equality.

LESSONS OF KATRINA

by T.K. Small

It would almost be cliché to write a column offering the usual heartfelt sympathies to the recent victims of Hurricane Katrina. Certainly everyone has been moved by the scenes of devastation and despair, and has contributed to the recovery effort in some way. Beyond assisting people in the Gulf Region with donations and prayers, there are some important lessons about disaster preparedness that people with disabilities must understand.

The Disability Community needs to get involved with all levels of disaster preparedness planning. Whether it is the city, state or federal Government, there are (or should be) plans for responding to disasters either natural or manmade. Part of any official disaster plan must deal with people with disabilities. If the official recommendation is for citizens to evacuate, and the Government is providing transportation, are the vehicles accessible? A person that uses a wheelchair is more likely to ask this question than an able-bodied person. Also, people generally are unaware of the poverty that most people with disabilities experience. Allowing and encouraging people to stockpile medications and supplies would help people survive a disaster. Although it would cost Medicaid and insurance companies some money, it is definitely a worthwhile expense and should be part of disaster preparedness in New York State. When we are part of the planning process, we are more likely to get a better result.

We also need to hold public officials accountable for the failure of disaster plan development and the failures of how they respond in the midst of a crisis. It is not acceptable that in one nursing home alone in New Orleans, more than 30 people perished because they were not evacuated. Last year in July, 2004, President Bush signed Executive Order 13347 which mandated that the Department of Homeland Security create an Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (see http://www.whitehouse.gov/news/releases/2004/07/20040722-10.html). Somehow I don't think that the promise of Executive Order 13347 has been fulfilled when it is discovered that a large percentage of the those who lost their lives had some form of disability.

Probably the most important lesson of Hurricane Katrina is that we must take more personal responsibility for our own safety. Regardless of what comprehensive disaster plans that the Government may have prepared, when the crisis hits, anything can happen. As one NYC official told me "When buildings are falling, all bets are off."

For our community, even under the best circumstances, transportation is difficult. In the middle of a disaster it is possible that you will get stuck wherever you are for a couple of days. In locations where you spend most of your time, you should gather the things you will need to survive. During the blackout two years ago, my telephone didn't work and I didn't have any water. Now I have a telephone that works without electricity and I always keep bottled water on hand. Perhaps I should make this recommendation to FEMA.

Editor's Note: Everyone, disabled or not, is also advised to keep an ICE entry (under ICE) in your cell phone. ICE stands for In Case of Emergency. Put there the several numbers you would want people to contact should anything happen to you: such as your family member, your doctor, your friend. You should also keep an ICE card in your wallet.

VISITABLE HOMES

by Mary Johnson

Let's build in access as we go

September 20, 2005 - Bradenton, Florida - Herald Tribune – Already the homes are going up in Louisiana and along the Gulf Coast.

Thousands of mobile and manufactured housing units are being hauled to sites. There's talk of a new federal agency to oversee the rebuilding of businesses and homes.

We saw the pictures of the evacuees. We saw the wheelchairs, the canes, the people lying on makeshift conveyances because they couldn't walk. We've heard the stories of the people trapped in their homes, disabled, unable to negotiate stairs to get out, or drowned, unable to climb to the attic.

Wake up, America. People need housing they can get in and out of.

Is anyone in the Katrina rebuilding effort giving any thought to this most basic design need -- the need for wheelchair access?

There's a growing movement in this country called "visitability."

"Visitable" homes are homes you can get into and out of in a wheelchair. The movement is powered by Atlanta wheelchair user Eleanor Smith, who started acting on the idea out of frustration that people who use wheelchairs can never visit other people's homes, even if they themselves might have a home they can get in and out of.

But all too often, when people are poor, their own homes are old and barrier-ridden as well. We have now seen the awful consequences of being unable to get out of one's home.

Smith says all new homes should simply be built with three modest, virtually no-cost features to make them "visitable":

1. one "no-step" entrance,

2. doorways and hallways wide enough to get through in a wheelchair, and
3. one bathroom a wheelchair-user can get into.

The movement has gained steam in recent years. Because it's practically cost-free and because "visitable" homes look like any other new home, a number of communities now have visitability ordinances that require some or all new single-family homes to be built with these features. Tucson, Ariz., and Atlanta are two. Bolingbrook, Ill., has perhaps the most far-reaching visitability requirement in the nation. All of its thousands of new homes are visitable.

Visitability should be a requirement in the rebuilding of Katrina- devastated areas. Figures provided by the National Council on Disability, a federal agency, show that up to a quarter of the residents of New Orleans, Biloxi, Miss., and Mobile, Ala., are considered by census figures to have disabilities; in New Orleans, 61 percent of that group are people 21 to 64.

The people who lost everything -- the ones needing the new housing -- were by and large from these populations. Yet if the past is any indication of the future, the most rudimentary basic-access requirements -- the ones spelled out by the visitability movement -- are again being overlooked. Why? There should be no clearer mandate for providing safe and accessible housing than the knowledge that so many people found themselves trapped in this last disaster.

"Inaccessible houses impede our lives," says Smith. The horrendous images from Katrina are certainly enough to more than confirm that.

Whatever it's called -- accessible housing, universal design, visitability -- basic access in all homes is an idea that's long overdue. We are taking about making all new housing basically accessible. This is not about creating "niche marketing" for "special populations."

It's about correcting current building practices, which have disabled people desperately seeking ways to manage in homes that have turned into virtual prisons.

The visitability movement has produced an Inclusive Home Design Act, now before Congress. But no federal law yet requires single-family housing to include basic wheelchair access.

Those rebuilding the Gulf Coast shouldn't need a federal law to act, though. They have a moral obligation.

Editor's Note: Mary Johnson is the editor of The Ragged Edge Online at www.ragged-edge-mag.com, a wonderful source of disability rights information and opinion. Her latest book is *Make Them Go Away: Clint Eastwood, Christopher Reeve & The Case Against Disability Rights.*

MEDICARE PART D IN NEW YORK STATE

by Edith Prentiss

MEDICARE PART D

- Check with your pharmacy to see if they participate in the plans you're interested in. (Or ask which plans they are participating in.)
- Part D begins on January 1, 2006; enrollment period (November 15, 2005 - May 15, 2006).
- There will be a monthly premium (approx $32 in NYS), a $250 deductible, and 25% co-payment until you reach $2,250 in co-payments. From $2,251 to $5,100 ("donut hole") there is no coverage. Over $5,100 the cost reduces to 5% per prescription. The Medicare Rights Center estimates the annual out of pocket will be $3,600 for those whose prescriptions exceed $5,100.
- Low-income beneficiaries are eligible for assistance through the "Extra Help" program (Low Income Subsidy). (See Below)
- You are not mandated to enroll but the penalty for late enrollment is quite high (1% per month).
- Part D is not offered by Medicare but by companies approved by Medicare. It is available to all beneficiaries with Medicare Parts A and B.
- You can only switch plans (Medigap, MHO/PPO and Part D) during the Annual Coordinated Election Period (November 15 to December 31) or if you qualify for a Special Enrollment Period. (except Dual Eligibles – See Below)
- Beginning in 2006, beneficiaries can only switch plans during the Annual Coordinated Election Period (November 15 to December 31) or if there is a Special Enrollment Period caused by particular circumstances.
- Each plan will have its own formulary (list of medications) but they are required to carry drugs in all categories. Since they will be allowed to change their formulary, finding one with all of your medications may not be worth the time.
- There is a process for a health care provider to request your plan cover a particular medication not on its formulary.
- You cannot buy insurance to pay the deductible, co-payments or the "donut hole" of Part D plans.
- Medigap plans H, I and J can no longer be purchased, but if you have one you can keep it. There will be 2 new high deductible Medigap plans (K and L).

DO YOU HAVE MEDICARE & NO DRUG COVERAGE?

- **EPIC:** Are you eligible? You must be 65+; with an annual income less than $35,000.00 (one person); $50,000.00 (couple) 1-800-332-3742. Both EPIC plans have been deemed "credible" (equal or better than Part D); therefore members do not have to enroll in a Part D and can simply remain in EPIC. If you are only eligible for the deductible plan ($20,001 - $35,000 for 1 / $26,001 - $50,000 couple), you may pay less in a Part D or Part D and EPIC. EPIC members with high drug expenses, who are eligible for the Low Income Program – Extra Help (See Below) partial subsidy may pay less in a Part D. These cases need to be carefully assessed. http://www.wnylc.net/pb/docs/SEPT_05%20LSJ_MEDICARE_PART_D.pdf

- Are you considering a Medicare HMO?: Information and comparative information is available in the ***Medicare & You 2006*** handbook or at www.medicarerights.org.

- Beginning in 2006, you can only switch plans during the Annual Coordinated Election Period (November 15 to December 31)

DO YOU HAVE MEDICARE & NO DRUG COVERAGE? (includes EPIC)

- Is your present coverage equal or better than Part D? Have you received a letter to that effect from the company or plan? If not, call your insurance company or union/retiree plan for information. If it has been certified as "credible," it is equal or better, and you do not need to purchase a Part D plan and will not be penalized if you lose that coverage through no fault of your own.

- If you are in a Medicare HMO, without better options, you may as well keep it. If your HMO is offering a **stand alone** plan, that any beneficiary can purchase, you can enroll in either their Part D or a "stand alone" plan. If your HMO does not offer a "stand alone" plan and you enroll in one, you will lose your HMO coverage.

- Part D coverage will coordinate with your present coverage, paying after other coverage.

- EPIC: both plans have been deemed "credible"; therefore members do not have to enroll in a Part D and can simply remain in EPIC. See EPIC (above). http://www.wnylc.net/pb/docs/SEPT_05%20LSJ_MEDICARE_PART_D.pdf

- If you have a Medigap plan H, I or J, you cannot purchase a Part D plan unless you drop the Medigap plan.

MEDICARE DUAL ELIGIBLES (MEDICARE & MEDICAID)

- As of January 1, 2006, you must use your Part D card at the pharmacy. The enrollment period begins on November 15, 2005 and if you have not enrolled by December 31, 2005, you will be randomly assigned to a Part D plan.

- You can switch plans every month, effective the first of the following month. But this will cause problems as you wait for a new card.

- Questions remain as to how items and products covered by Medicaid but not by the plans will be covered.

- You automatically qualify for the "Extra Help" "Low Income Subsidy" program, and you do not need to apply for it.

DO YOU NEED ASSISTANCE?

- Many politicians' offices and community agencies offer assistance.

- NYS's SHIP (State Health Insurance Assistance Program): Medicare Rights Center (MRC) Consumer Assistance Hotline (800-333-4114).

- NYC's HIICAP (Health Insurance Information Counseling Assistance Program): NYC Department for the Aging (DFTA) HIICAP Hotline (212 333-5511) Monday - Friday, 9 AM – 3:30 PM. HIICAP volunteers are based though out the five boroughs. HIICAP workers will also be deployed in additional locations. Call 311 for information.

- MRC and HIICAP can help regardless of your age! You cannot be refused.

WHAT TO DO IF A DUAL ELIGIBLE IS AUTO ASSIGNED

- Try to enroll all Dual eligibles as early as possible!

- Go to http://www.cms.hhs.gov/medicarereform/enrollmentqa9-08-05withcoversheet.pdf to see a sample of the letter that will be sent to clients who are auto enrolled.

- Warn clients, families, staff, etc. that you must see it (keep a copy in your file) and any other letter (CMS, SSA or plans) received about drug plans.

- This other than the card will probably be the only communication with information about the plan and the contact information.

- Contact the plan to help client assess if the plan is good for them. Remember Dual Eligibles can switch plans monthly effective the first of the next month but there will be a time lag getting a new card although there is still confusion as to the process of obtaining medications before receiving a card.

EXTRA HELP / LOW INCOME SUBSIDY (LIS)

- Those who receive SSI, or who are a dual eligible or in a Medicare Savings Program are automatically eligible for the full subsidy and should not apply. They should have received a letter from CMS ("Important Information from Medicare about Paying for Prescription Drugs"). If they did not receive this letter, call SSA at 1-800-772-1213 to request a duplicate. Save it in your files.

- There are 2 categories in the LIS program, full and partial subsidy depending upon income/assets. Those only eligible for partial subsidies will need more assistance in assessing their options.

- General Eligibility: With a monthly income less than $1,197 for a single person ($14,355 annual income) or less than $1,604 for a married couple living together ($19,245 annual income), the full covers about 85-100% of costs, saving about $2,100 per person.

- **In NYS, Medicare Savings Plans (MSP) do not have an asset limit for those with higher incomes / assets than the limits set in the SSA application process. Apply for MSP at your local Medicaid office.** http://www.cms.hhs.gov/medicaid/allStateContacts.asp.

- A Low Income Subsidy (LIS) application does not enroll the client in Part D. They must enroll in a Part D plan. Applicants approved for Low Income Subsidy but who have not enrolled by May 15, 2006, will automatically be enrolled in a plan effective June 1, 2006. It is to their advantage to enroll earlier.

- If an applicant, who applied directly to SSA is rejected, there is an appeal process; the applicant can request a case review. Appeals must be requested within 60 days (at a SSA office in person, by mail, by fax, or call 1-800-772-1213). Determinations will be reviewed on a telephone hearing and the applicant will receive a written decision. SSA's appeal decision is binding, unless an appeal is made in Federal district court within 60 days. Those applications submitted to Medicaid would go to a Medicaid Fair Hearing.

TO APPLY:

- Applying directly through SSA will be faster than applying through Medicaid. Therefore, if an applicant meets SSA's eligibility, you should apply directly.

- A question by question application guide is at www.accesstobenefits.org.

- Application submitted must be on an original scannable SSA, either the form the beneficiary received in the mail or a replacement available from your local SSA office.

General Instructions for Completing The SSA Application (SSA 1020 form):

- Paper forms will be scanned by SSA so you must use an **original form**. Determinations of eligibility of applications on any photocopied forms (or downloaded and printed) will be delayed as SSA has to key them into their computer. To obtain scannable forms contact your local SSA (1-800-772-1213) office. Although instruction sheets are available in multiple languages (www.ssa.gov/organizations/medicareoutreach2/), applications must be in English.

- Write or mark only in the boxes with black ink or #2 pencils.

- Make CAPITAL Xs, no checks or dashes, or write in CAPITAL LETTERS only in boxes.

- Since the $ is printed on the form write amounts rounded to nearest dollar.

- Refold form as originally folded.

- Use preaddressed envelopes or mail to: SSA -Wilkes Barre Data Operations Center, P.O. Box 1020, Wilkes Barre, PA 18767-9910.

Apply online: www.ssa.gov or www.socialsecurity.gov

- If information is not complete, the program will not accept the application. An application is complete when the "click and sign" electronic application is selected.
- Do not use your web browser's BACK button or ENTER button.
- Do not use the Enter key to move between questions or use dropdown lists.
- Each page has a time limit, and you will be warned if you are going too slow.
- You can stop and save an application if you need more information or more time.

More Information on Part D:

- www.medicareadvovacy.org Center for Medicare Advocacy
- www.medicarerights.org Medicare Rights Center
- www.wnylc.net Western New York Law Center
- www.familiesusa.org Families USA
- www.accesstobenefits.org Access to Benefits Coalition
- www.cms.hhs.gov Centers for Medicaid and Medicare Services
- www.ssa.gov Social Security Administration

Information and Action for People With Disabilities:

- A great deal of Medicare Part D information is written as if all beneficiaries are seniors. Medicare Part D is the same regardless of the beneficiary's age.
- Our problem is that New York State's EPIC does not include us unlike all other State Pharmaceutical Assistance Programs (SPAP) in the Northeast.
- Be sure you contact your state legislators to complain that we are still not eligible for EPIC and how you will be adversely affected. Many people do not understand we're not eligible for EPIC! Let them know the facts!

HUMAN RIGHTS BILL ADDS SAFEGUARDS FOR

PEOPLE WITH DISABILITIES AND OTHERS

October 3, 2005 (source unknown) - Today, Mayor Bloomberg signed Intro 22-A, legislation introduced by Council Member Gale A. Brewer (D-Manhattan) that strengthens the City's existing Human Rights Law (HRL). The bill, known as the Local Civil Rights Restoration Act of 2005, increases protections for New York City residents, including adding domestic partners to the list of protected classes of people, increasing safeguards against retaliation, and requiring that the City's HRL be construed independently of similiarly worded State and Federal laws.

As it currently stands, the City's residents are protected agaisnt discrimination as a result of the "the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, sexual orientation or alienage or citizenship status of any person." Intro 22-A adds "partnership status" to the list of protected classes, which further demonstrates the City's commitment to the equal rights of LGBT and heterosexual unmarried couples.

Intro 22-A clarifies the City's standard for retaliation cases brought under the HRL. It is currently illegal to retaliate against a person for voicing opposition to someone who is violating the HRL. This bill ensures that any amount of retaliatory action that would be "reasonably likely" to deter someone from engaging in a protected activity would be illegal. This change will guarantee that government and judicial officials know that the City's standard is different from similarly worded standards set by State or Federal law that are not triggered until more sever retaliatory action occurs.

Finally, the provision that may have the farthest-reaching ramifications is the Restoration Act's requirement that the City's HRL be interpreted independently of its federal and state counterparts.

In practice, this means that those laws will be used as a floor below which civil rights protections cannot fall, not a means by which local protections are unfairly restricted.

Intro 22-A allows the courts to award legal fees to lawyers for their participation in cases in which there is no final judgment or court-approved settlement, including "catalyst cases," in which the defendant makes policy changes, regardless of whether policy change is enacted voluntarily, as a result of a settlement or as a result of a judgment. Intro 22-A changes the law so that any of these cases would be eligible for attorney fees. In addition, the legislation requires a "thorough" investigation of allegations of human rights violations, require the City to designate representatives to receive copies of complaints and set a time table by which these complaints must be served, and raise the cap on civil penalties paid to the City for the first time in nearly 15 years.

"This bill broadens the scope of the City's Human Rights Law, and adds protections for people who may currently be slipping through the cracks: couples who have entered into domestic partnerships and people who have experienced retaliation for reporting violations of the Human Rights Law," said Council Member Brewer. "Perhaps more importantly, it clearly sets out the principle that judges need to interpret our law consistent with the intention that protections are to be construed expansively and exemptions narrowly, and always with a view towards achieving the uniquely powerful remedial and deterrent purposes of the law. Judges, for example, will need to revisit the current rule in sexual harassment cases that kick victims out of court because they haven't been harassed enough."

Councilmember Bill de Blasio (upper left), Jean Ryan (lower left), Councilmember Gale Brewer (center), Craig Gurian (right) and others at press conference

"Years of Republican administrations have taken their toll on State and Federal laws designed to protect people from discrimination," said Council Member Bill de Blasio, chair of the General Welfare Committee of the City Council. "We have every reason to believe that the assault on civil rights will continue as President Bush continues to appoint conservatives to the federal bench. The message is clear: We need to act to protect all New Yorkers. Intro 22-A does just that."

"The tendency of judges to treat the City's Human Rights Law as nothing more than a carbon copy of its federal and state counterparts has been an ongoing scandal," said Craig Gurian, the Executive Director of the Anti-Discrimination Center of Metro New York. "Gale Brewer's bill is a wake-up call to the courts to fulfill their obligation to interpret the City law liberally to accomplish the local law's uniquely broad purposes, regardless of how narrowly federal and state civil rights laws come to be interpreted. The bill is especially important at this time as a means by which to fight the rollback of civil rights that continues to intensify in Washington and Albany, and will result in the reconsideration of numerous areas of anti-discrimination law."

Intro 22-A is sponsored by 40 Council Members and the Public Advocate, and has the support of 40 organizations, including the Asian American Legal Defense and Education Fund; Disabled In Action; Habitat for Humanity - NYC Chapter; Lambda Legal; the New York Civil Liberies Union; and the Puerto Rican Legal Defense and Education Fund. It will go into effect immediately upon enactment.

IN NEED, THEY'LL FEEL THE HEET

by Ray Sanchez

Newsday.com – *October 24, 2005* - The remote-controlled bombs were to be concealed in suitcases and baby strollers. At least that's what an overseas informant told authorities about a recent terror plot against the subway.

But Lynn Zelvin's dog, a German Shepard named Kona, may have been mistaken for the world's first suicide pooch the other morning. A police officer followed Zelvin, who is blind, into the 110th

Street station on the Broadway line.

"You can't have that dog in the subway," he said.

"It's a guide dog," she said.

"You need a special license for that dog. Where is it?"

"There is no such thing."

Zelvin turned and walked to the platform.

"I thought he was a crank," she said. "But he followed me and started harassing me for evidence that this was a trained dog. I said, 'You're violating the American with Disabilities Act. Are you aware of it?'"

"Oh, you have a disability," the cop said.

"You know what a guide dog is?" she asked.

"I'm just doing my job," the cop answered.

Kona was no bomber. The Broadway line was safe.

"I figured the cop thought I was walking in with an attack dog that was going to take over the subway," Zelvin said.

But the misunderstanding occurred in a city that Zelvin described as the most accessible place in the nation for a blind person comfortable with using public transportation.

"There are people who chose to live or move here because the rest of the country is so car-dependent," said Zelvin, 46, who has been taking the trains since her teens.

Still, Zelvin and other advocates for disabled riders said the subway's increasing reliability on High Entrance/Exit Turnstiles, or HEETS, is putting lives in danger. Also known as high-wheels, the turnstiles are impossible to crawl under or scramble over. They were designed to keep the transit agency from losing even a single fare as it permanently shuts down station booths throughout the city.

"If there was a fire, I'd shove my dog into the HEET and, if her tail got caught, we'd un-catch it and she'd be yelling and we'd get out," she said.

For people stuck in even a small fire underground, the immediate reaction is to rush to the nearest exit. Now imagine the nearest exit for a throng of panicked riders is a wall of HEETS. Now throw in a rider with a motorized wheelchair and another with a guide dog.

"If you put a HEET in a nightclub, the fire department would shut you down," said Michael Harris, campaign coordinator for the Disabled Riders Coalition.

On Friday morning, seven subway lines were halted by an electrical fire at the West Fourth Street station in Manhattan. The smoky fire started in an underground storage room. Seven firefighters had minor injuries. Riders complained of confusion and conflicting instructions from transit workers.

"If I had been at West Fourth Street, I would have had a major problem, given that all three elevators there are out of service," said Harris, who uses a 350-pound motorized wheelchair.

"You have a lot people who couldn't get out or couldn't get in," including firefighters with heavy equipment, he said. "I do worry what would happen in an evacuation. What's supposed to happen? I'm not even sure."

Harris said NYC Transit's own evacuation information offers little help.

"The evacuation plan brochure says disabled riders should wait for assistance," he said. "OK, wait for assistance from whom? Am I waiting for Larry Reuter to show up and say, 'Hello, have fun dying in the fire?' What am I waiting for?"

Lawrence Reuter is president of NYC Transit, the architect of the booth closing plan. In fact, a half dozen booths were shuttered last month on the fourth anniversary of 9/11.

"That sends a very powerful message about rider safety," Harris said.

TRANSPORTATION BILL ENHANCES TRAVEL OPPORTUNITES FOR PEOPLE WHO ARE VISUALLY DISABLED

San Francisco, California - PRNewswire -- By signing the Transportation Equity Act - A Legacy for Users, (TEA-LU), the President authorized the funding of a major project evaluating remote infrared audible signage (RIAS). This project is another important step in the efforts to make the built environment accessible to people with disabilities originally launched by the signing of the Americans with Disabilities Act in 1990.

The technology operates by the installation of infrared light transmitters that broadcast repeating, human voice messages, providing directional, wayfinding information that can be heard by visually, cognitively, or learning disabled users through small, hand-held receivers. RIAS systems have proven effective for navigation in transit stations, bus shelters (providing the user the destination and time of arrival of the next bus), and at street crossings. They enable a user to tell what bus is coming when it is up to one hundred feet away and to locate its entrance. In addition to transit applications, the system has been installed in libraries, city halls, convention centers, museums, and parks; primarily in the U.S. and Japan.

The project, entitled the Remote Infrared Audible Signage Model Accessibility Project (RIAS MAP) authorized in the new act, will provide funding for a regional, multi-modal/intra-modal evaluation of the technology. The impact of RIAS on education, work, personal economics and quality of life will be studied. Its use for emergency egress will also be evaluated. The Transportation Equity Act - A Legacy for Users (TEA-LU), authorizes the Secretary of Transportation to spend a minimum of $500,000 annually on the RIAS program from 2006-2009.

Congressman Richard Baker, 6 District, Louisiana along with Representatives Eleanor Holmes-Norton of Washington, D.C. and Stephen LaTourette, District 14, Cleveland, Ohio, championed the inclusion of the RIAS MAP.

Invented in 1981 at the Smith-Kettlewell Rehabilitation Engineering Research Center in San Francisco, the technology was researched, developed and evaluated through the next two decades.

Today, Henry Metz, Director of the Smith-Kettlewell Eye Research Institute said: "RIAS has already demonstrated a new freedom to individuals whose independence has been limited by lack of access to signs on buses and in other public transit environments. The technology is as useful to people with visual disabilities as curb cuts and ramps are to people who use wheel chairs. This new Congressional action to create RIAS MAP will provide portal-to- portal, seamless orientation access to wayfinding signage and hopefully will add significantly to its present national and international deployment."

RIAS is currently being installed in the U.S. and Canada by Talking Signs, Inc. of Baton Rouge, LA and in Japan and Norway by Mitsubishi Precision Co., Ltd. of Tokyo.

Contact: Bill Crandall, Ph.D., Smith-Kettlewell Eye Research Institute

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VISUALLY IMPAIRED PEOPLE USE THE WEB, TOO

by Carl R. Augusto

October 25, 2005 – Huntington (WV) Herald Dispatch - Despite high gasoline prices and security concerns, Americans are traveling in record numbers and using the Internet to do it. According to the Travel Industry Association of America, about 30 percent of the U.S. adult population uses the Internet for travel planning each year.

And why not? The multitude of travel Web sites offers a host of benefits such as comparing discounts, viewing hotel rooms online and reserving tickets to hot attractions. But not everyone gets to share in the fun. Millions of Americans with vision loss are unable to reap the benefits of the Web.

Last summer, the New York attorney general took notice and announced settlements with two major travel retailers to make their Web sites more accessible to users with vision loss. The attorney general successfully argued that the Americans with Disabilities Act (ADA) means all places of "public accommodation" must be made accessible to disabled citizens, including Web sites.

While these specific sites have made changes, the Internet is still largely inaccessible to the millions of Americans with vision loss.

Visually impaired people depend on "screen reader" software that enables the computer to read the text and images displayed on the monitor. When a blind person clicks on a picture, this adaptive software reads whatever descriptive text has been programmed into the page.

But too often, Web designers fail to consider accessibility and label pictures blankly as "image" instead of "family in the mountains." Fancy features like flash animation and multiple pop-ups, while annoying to any computer user, are even more frustrating for people with vision loss as they disrupt the text flow being translated by assistive technology. Many Web sites aren't even compatible with screen readers to begin with, leaving the user with nothing but gibberish.

With the Internet becoming increasingly important for employment and educational opportunities, timely access to news and connection to communities around the world, it's imperative that businesses start taking action now.

Today, 7.3 million older Americans report some form of vision impairment even while wearing glasses or contact lenses, according to the National Vision Rehabilitation Association. As Baby Boomers age, this number is expected to increase significantly. Organizations need to start implementing adaptations to technology now -- many of which are uncomplicated and not cost prohibitive -- so they can retain these older, computer savvy consumers.

What's more is that the same accessibility tools that benefit people with vision loss help other segments of the population. We've come to rely on Blackberries and cell phones to do everything from checking e-mail to monitoring stock prices. Consumers would be able to get information more quickly and efficiently on these devices if viewing content without graphics and pop-ups was the norm.

As we approach travel planning and gift shopping for the winter holidays, we're hoping more companies will take the time to assess their Web sites -- and other technology products -- for accessibility. It's not just the right thing to do for people with vision loss. It's a smart business decision.

Carl R. Augusto is president and chief executive officer of the American Foundation for the Blind.

EMPLOYERS AND THE ADA: MYTHS AND FACTS

by the U.S. Department of Labor, Office of Disability Employment Policy

The Americans with Disabilities Act (ADA) is a landmark federal law that protects the rights of people with disabilities by eliminating barriers to their participation in many aspects of living and working in America. In particular, the ADA prohibits covered employers from discriminating against people with disabilities in the full range of employment-related activities, from recruitment to advancement, to pay and benefits.

The foundation for the ADA is America's promise of equal access to opportunity for all citizens.

Being inclusive of people with disabilities—in recruitment, retention, promotion, and in providing an accessible environment—gives businesses a competitive edge. Below are some of the common myths about how the ADA affects employers and research and facts that negate them.

Myth: The ADA forces employers to hire unqualified individuals with disabilities.

Fact: Applicants who are unqualified for a job cannot claim discrimination under the ADA. Under the ADA, to be protected from discrimination in hiring, an individual with a disability must be qualified, which means he or she must meet all requirements for a job and be able to perform its essential functions with or without reasonable accommodations.

Myth: When there are several qualified applicants for a job and one has a disability, the ADA requires the employer to hire that person.

Fact: An employer is always free to hire the applicant of its choosing as long as the decision is not based on disability. If two people apply for a data entry position for which both speed and accuracy are required, the employer may hire the person with the higher speed and level of accuracy, because he or she is the most qualified.

Myth: The ADA gives job applicants with disabilities advantages over job applicants without disabilities.

Fact: The ADA does not give hiring preference to persons with disabilities.

Myth: Under the ADA, employers must give people with disabilities special privileges, known as accommodations.

Fact: Reasonable accommodations are intended to ensure that qualified individuals with disabilities have rights in employment equal—not superior—to those of individuals without disabilities. A reasonable accommodation is a modification to a job, work environment or the way work is performed that allows an individual with a disability to apply for a job, perform the essential functions of the job, and enjoy equal access to benefits available to other individuals in the workplace.

Myth: Providing accommodations for people with disabilities is expensive.

Fact: The majority of workers with disabilities do not need accommodations to perform their jobs, and for those who do, the cost is usually minimal. According to the Job Accommodation Network (JAN), a service from the U.S. Department of Labor's Office of Disability Employment Policy, two-thirds of accommodations cost less than $500, with many costing nothing at all. Moreover, tax incentives are available to help employers cover the costs of accommodations, as well as modifications required to make their businesses accessible to persons with disabilities.

Myth: The ADA places a financial burden on small businesses that cannot afford to make accommodations for individuals with disabilities.

Fact: Businesses with fewer than 15 employees are not covered by the employment provisions of the ADA. Moreover, a covered employer does not have to provide a reasonable accommodation that would cause an "undue hardship." Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an organization's size, financial resources and the nature and structure of its operation.

Myth: ADA lawsuits are flooding the courts.

Fact: The majority of ADA employment-related disputes are resolved through informal negotiation or mediation. The Equal Employment Opportunity Commission (EEOC), which enforces the ADA's employment provisions, carefully investigates the merits of each case and offers many alternatives to litigation as a way to resolve any potential problem. The number of ADA employment-related cases, whether filed privately or by the EEOC, represents a tiny percentage of the millions of employers in the U.S.

Myth: The ADA is frequently misused by people with vague complaints or diagnoses.

Fact: If an individual files a complaint of discriminatory treatment, denial of accommodation or harassment under the ADA and does not have a condition that meets its definition of disability, the complaint is dismissed. While claims by people with false or minor conditions may get considerable media attention, the reality is that these complaints are usually dismissed.

Myth: The ADA protects employees who have difficult or rude personalities or are troublemakers.

Fact: Improper behavior in and of itself does not constitute a disability, and having a disability does not excuse employees from performing essential job tasks and following the same conduct standards required of all employees. The courts have consistently ruled that "common sense" conduct standards, such as getting along with co-workers and listening to supervisors, are legitimate job requirements that employers can enforce equally among all employees.

Myth: Under the ADA, an employer cannot fire an employee who has a disability.

Fact: Employers can fire workers with disabilities under three conditions:

- The termination is unrelated to the disability, or
- The employee does not meet legitimate requirements for the job, such as performance or production standards, with or without a reasonable accommodation, or
- Because of the employee's disability, he or she poses a direct threat to health or safety in the workplace.

A number of resources are available to assist employers in understanding their responsibilities under the ADA:

Job Accommodation Network (JAN) http://www.jan.wvu.edu/
1-800-526-7234 (V/TTY)

JAN is a free, confidential service from the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) that provides individualized accommodation solutions and technical assistance on the ADA. Among the areas that JAN can address are:

- Accommodation options and low-cost solutions
- Hiring, retaining and promoting qualified employees with disabilities
- Employer responsibilities under the ADA
- Reducing workers' compensation and other insurance costs
- Addressing accessibility issues

Equal Employment Opportunity Commission (EEOC) http://www.eeoc.gov/
1-800-669-4000 (V); 1-800-669-6820 (TTY)
The EEOC enforces the ADA's employment provisions. The section of its Web site titled "Disability Discrimination" provides access to numerous publications, including several specifically designed to answer employer questions and concerns.

U.S. Department of Justice (DOJ) ADA Home Page - www.ada.gov
The ADA Home Page includes many excellent resources for employers. The "ADA Business

Connection" section of the site includes business briefs and tax incentive information.

ADA and IT Technical Assistance Centers www.adata.org
1-800-949-4232 (V/TTY)
Ten regional ADA and IT Technical Assistance Centers, which aresponsored by the U.S. Department of Education's National Institute on Disability and Rehabilitation Research, provide ADA information, training and technical assistance across the nation.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210
1-866-633-7365
TTY: 1-877-889-5627
Fax: 1-202-693-7888
http://www.dol.gov/odep/contact/index.htm

REACHING OUT TO CUSTOMERS WITH DISABILITIES

An online ADA course for businesses from the
U.S. Department of Justice

As a business owner or operator, or someone thinking about opening a business, you may have wondered what you have to do to comply with the Americans with Disabilites Act (ADA) This course explains how the ADA applies to businesses in ten short lessons. Putting these lessons into practice will allow you to comply with the ADA and welcome a whole new group of customers to purchase your goods, products, and services. And you may find that making your business more accessible and welcoming to people with disabilities is not as difficult as you thought.

Did you know?

More than 50 million Americans with disabilities - 18% of our population - are potential customers for businesses of all types across the United States.

This group has $175 billion in discretionary spending power, according to the U.S. Department of Labor. That figure is more than twice the spending power of American teenagers and almost 18 times the spending power of the American "tweens" market.

Accessibility attracts not only people with disabilities but also their families and friends. Like others, these customers often visit stores, restaurants, movie theaters, and other businesses accompanied by family or friends. This expands the potential market exponentially!

This market is growing fast. By the year 2030, 71.5 million Baby Boomers will be over the age of 65 and demanding products, services, and environments that address their age-related physical changes.

This huge customer market can represent additional business and profit for your enterprise. The course will help you learn how to attract and successfully provide your services to this market.

To make this course easier to fit into your busy schedule, we divided it into individual lesson modules. Go through the lessons at your own pace, and as your time allows. As you progress through the course, you will find links to additional information, but you can also access a wealth of information by visiting the ADA Website at www.ada.gov. If you have questions about a specific situation.

A key point to remember as you start the course: everyone benefits when businesses give customers with disabilities an equal opportunity to obtain their goods and services. By positively addressing the issues discussed in this course, businesses can make it easier for people with disabilities as well as other customers to access and purchase the services or products they have to offer. Accessibility pays dividends and makes good business sense.

To visit this course go to http://www.ada.gov/reachingout/intro1.htm.

COLLEGE AND THE DISABLED STUDENT

by Doug Lederman

Inside Higher Education - July 29, 2005 - Nearly a third of young people with disabilities have taken at least some postsecondary classes within the first two years after they leave high school, according to a U.S. Education Department study released Thursday. The study finds that disabled students over all are less than half as likely as their peers to have attended college in the two years after high school, but the college-going rate varies greatly by type of disability: Students with hearing or visual impairments are as likely as nondisabled students to have done some postsecondary work.

The report of the study, "After High School: A First Look at the Postschool Experiences of Youth With Disabilities," was prepared by SRI International, a research group, for the Education Department's Office of Special Education Programs. Its underlying purpose is to help gauge the success of federal laws and programs aimed at ensuring that elementary and secondary schools prepare young people with disabilities for later life. But along the way, the study provides some unusually in-depth data about a relatively little-studied group of college students.

The study looked at a group of students who were in high school in 2001 and who had finished or left high school two years later.

Of those, 31 percent of disabled students had attended a postsecondary institution since leaving high school, although a small proportion of those were attending college exclusively (most were working, too). Nearly 20 percent of the students were attending college currently at the time the study was conducted in 2003, just under half of the proportion for the general population.

Disabled students were far less likely than their peers to attend a four-year institution: 5.7 percent were enrolled at a four-year institution in 2003, compared to 28.3 percent of all students. But disabled students were nearly as likely as other students (9.7 percent versus 12.2 percent) to be enrolled at a community or two-year college. Another 5 percent of disabled students were attending postsecondary vocational, business, or technical schools in 2003.

Among the study's other key findings:

- Fewer disabled students went on to college than were expecting to. About 77 percent of students interviewed while in high school said they aspired to get a postsecondary education, but only 31 percent had taken some postsecondary classes in the period after they finished. But students who aspired to go to college were far more likely to do so: Only 5 percent of those who did not envision attending postsecondary school have enrolled in two-year colleges, compared with 36 percent of those who expressed the goal of attending a two-year or four-year institution.

- Students with disabilities were less likely than their peers to be expected to go to college. Sixty-one percent of parents of young people with disabilities expected them to get a postsecondary education, compared to 92 percent of those in the general population.

- 67 percent of students with hearing impairments and 69 percent of students with visual impairments had attended some college since high school. They were also far likelier than other disabled students to be at a four-year college; 40 percent of them had enrolled in such colleges. Only one in five students with emotional disabilities had received some postsecondary education since they left high school.

- Nearly 80 percent of disabled students who had attained some postsecondary education were enrolled steadily, and three-quarters were enrolled full time.

- About two-thirds of postsecondary students with disabilities received no accommodations from their colleges. That was attributed in large part to the fact that about half of postsecondary students with disabilities said they do not consider themselves to have a disability, and another 7 percent acknowledged having a disability but had not told their colleges about it.

In one other noteworthy way, disabled students were very much like their peers: They show a gender gap in college-going rates. Female students with disabilities were 6 percentage points more likely than male students to have enrolled in college since high school, controlling for other differences.

Source: Inside Higher Ed (www.insidehighered.com/news/2005/07/29/disabled)

HUD STUDY SHOWS PEOPLE WITH DISABILITIES FACE DISCRIMINATION IN UP TO HALF OF RENTAL INQUIRIES

New study the most comprehensive disability housing discrimination study conducted

July 25, 2005 - Washington - Today, the U.S. Department of Housing and Urban Development released a groundbreaking study, Discrimination Against Persons With Disabilities - Barriers at Every Step, that showed people with disabilities are often discriminated against when trying to rent apartments. The agency plans to use the comprehensive study to educate consumers and landlords on their rights as well as provide fair housing advocates with new guidelines and strategies that will allow them to investigate and detect discrimination against people with disabilities. In addition, the study will assist the agency in continuing to monitor the progress of discrimination against persons with disabilities in the Chicago area and nationwide.

"The Americans with Disabilities Act, the landmark legislation signed fifteen years ago tomorrow, has made great strides in reducing barriers to people with disabilities in employment, government, and public places." HUD Secretary Alphonso Jackson said. "At HUD, that means breaking down the barriers to affordable rental housing and homeownership that disabled individuals sometimes face. Through a combination of outreach, technical assistance, and enforcement of the Fair Housing Act, we've already accomplished a great deal but, we know more has to be done."

In the Chicago-based study, hearing-impaired people were discriminated against approximately 50 percent of the time when using a telephone-operator relay to search for rentals. Mobility impaired people using wheelchairs faced discrimination about a third of the time when they visited rental properties.

"We would all like to think we have made more progress in educating landlords about the Fair Housing Act but, this study paints a different picture of the problems faced daily by people with disabilities," said Jackson. "It is imperative that landlords provide people with disabilities the same attention and respect afforded all potential renters. We intend to educate both consumers and landlords about the rights of disabled individuals."

The study, conducted for HUD by The Urban Institute, is the most comprehensive effort to date to measure the extent of housing discrimination in the United States against people with disabilities. It specifically provides statistically valid measures of the level of discrimination faced by two groups in the Chicago metropolitan area: deaf persons using a TTY (text-telephone) relay system to inquire about apartments advertised for rent and persons in wheelchairs visiting rental providers in person in response to an advertised rental unit.

Discrimination Against Persons With Disabilities - Barriers at Every Step uses "paired testing," where researchers compare the treatment of the person with a disability against a similarly qualified non-disabled person inquiring about the same advertised unit. Analysts look at objective measures, such as whether or not they were told the advertised unit was available, how many units they were told about, and if they were offered an application to complete.

Highlights of the study include:

- Deaf people using the TTY system to inquire about advertised rental units were refused service in one out of four calls. When leasing agents accepted TTY calls, users received significantly less information, than comparable hearing customers, about the application process.

- People with disabilities are frequently denied their requests for reasonable modification and reasonable accommodation necessary to make the available housing fully accessible.

- Both wheelchair users and deaf people using the TTY system received significantly less encouragement to pursue a rental agreement and were less likely to be offered a rental application than non-disabled customers.

- Nearly 20 percent of housing providers with on-site parking refused to make the reasonable accommodation of providing a designated accessible parking space for a wheelchair user.

- Discrimination is not the only obstacle that people with mobility impairments face in searching for rental housing. At least a third of the advertised rental properties in the Chicago area are not accessible to wheelchair users.

Based upon the methodology and results, HUD is releasing with this report, Guidance for Practitioners for fair housing advocates and include the study as part of the Fair Housing Academy's core curriculum. The findings of the study were also a major consideration when HUD recently decided to continue running its highly successful fair housing public service announcements.

HUD has also placed a greater emphasis on combating disability discrimination in recent years. The Department has invested over $5 million in the Fair Housing Accessibility FIRST initiative, which has trained over 3500 builders, developers, and others on the how to design and construct apartments and condominiums with legally required accessibility features. Earlier this month, the Department announced a landmark settlement of a disability discrimination complaint, where a California developer will pay $1.2 million to help retrofit units and common areas at San Diego condominium complex that allegedly failed to comply with the accessibility provisions of the Fair Housing Act. Under its authority to enforce Section 504, the Department has also conducted over a hundred compliance reviews of recipients of HUD funds in the past eighteen months, resulting in the creation of thousands of accessible dwelling units.

Copies of the study are available as a free download on the HUDUSER.org website at http://www.huduser.org/publications/hsgspec/dds.html or in printed form for a nominal charge by calling 1-800-245-2691.

HUD is the nation's housing agency committed to increasing homeownership, particularly among minorities, creating affordable housing opportunities for low-income Americans, supporting the homeless, elderly, people with disabilities and people living with AIDS. The Department also promotes economic and community development as well as enforces the nation's fair housing laws.

Anyone who believes they have experienced housing discrimination should contact HUD at 1-800-669-9777 or TTY 1-800-927-9275 or visit HUD's fair housing website at www.hud.gov.

HOLDING NYLA
An inclusion classroom becomes the stage for learning and acceptance

by Katie Kissinger

Nyla came into our Head Start classroom wheeled by her special assistant and surrounded by three early intervention (EI) specialists. I could barely see her for the equipment, adults, and silence that encapsulated her.

Nyla had "severely involved" cerebral palsy. In addition to muscle dysfunction, she had orthopedic impairment, vision impairment, and was medically fragile. Her "feeding regimen" and "handling regimen" both involved technical training.

I was completely overwhelmed. My Head Start class had just merged with the early intervention program. It was 1992, and we were embarking on our first experience with inclusion classrooms, and although Nyla's special assistant and her three EI specialists had all been through the necessary training, I was one of her classroom teachers and I was intimidated.

Realities of Inclusion

The model we developed for our newly formed Head Start service was to merge the traditional "handicapped preschool," which had been serving all of the children ages three to five with disabilities, with typically developing low-income Head Start children, also ages three to five.

The special education teachers and the early childhood teachers merged into a classroom team of four to plan for and address the needs of all the children.

I mostly loved the *idea* of inclusion. I had been struggling to teach about diversity and social justice in a northeastern corner of Oregon where there was almost no racial, linguistic, or economic status diversity. I thought including kids with disabilities in our classroom would help the preschoolers make meaningful connections with people who are different from them. I had no clue what we were getting into.

Facing Fears

After the second week of school, I have a tradition of spending the weekend thinking of each child in my class. I review what I learned about them, what I want to learn more about, and the ways I am beginning to feel connected to them. When I thought of Nyla, I drew a blank: a blank instead of a child with an emerging story, instead of a smile or a funny anecdote. I was surprised at myself, mad at myself, disappointed in myself. How could I have a child in my classroom for two weeks and not have one story or even an irritation to reflect on? What was this really about?

Then I had a memory. The summer I turned five, my family went on our annual family vacation to visit relatives in Colorado. We went to the nursing home to see my Great Granddaddy Greenwell. We had on our church clothes. It was hot, and my brothers and I were grouchy about having to dress up. Almost 50 years later, I can still remember the odor when we walked through the doors of the nursing home. We hovered in the hallway and eventually saw a nurse wheeling Great Grandpa toward us. He was a tall man, more than six feet, but in the wheelchair, he looked old, very wrinkled, and very scary to me. And he smelled even worse than the hallway. As the only girl child in our family, I suddenly became the designated representative. "Go hug Great Grand-daddy Greenwell," someone said. I took one trembling step forward and then whirled around and ran toward the door.

Recalling that memory, it struck me: That was the only close encounter I had ever had with a person using a wheelchair in my entire life up to that point. I was avoiding Nyla because I was afraid. It may sound odd, but once I realized this, I knew what to do. I had faced fears before.

On Monday morning, I went into the classroom and told the early intervention team that I wanted to take both the handling and feeding trainings for Nyla's caregiving. I completed both of those, but I had serious doubts when they introduced the feeding topic by telling us how many children had died in feeding incidents the prior year. When I was approved for safe caregiving, I asked the specialists if I could get Nyla out of her wheelchair and hold her for circle time. They were hesitant because this was not standard practice but decided we could try it.

As soon as I had Nyla in my arms, my relationship with her began. From that day on, for circle time, Nyla was either in my arms or in her "corner chair," which put her on the same level as the other seated children.

As soon as I changed my behavior and began a relationship with Nyla, the other children began to see her as a classmate. I have never had a clearer lesson about the power of the teacher as a role model.

Our class talked often about all of Nyla's equipment. The kids were really interested in her wheelchair and all of the equipment she used. We all talked together each time she used a different piece of equipment or if we were going to try to make her safe and comfortable on any of the traditional "toys" like the wagon and the wheelbarrow. And because holding her involved keeping her muscles supported, we looked at the ways her wheelchair and other pieces supported her muscles, including her footrest.

We began to address the ways her equipment got in the way of her connection to the other children. I started asking questions like, "Can't she be at the table with everyone else?" "Can't she stay in the room for this exercise and invite other kids to join her?" "Can't she ride in the wagon or wheelbarrow instead of the wheelchair when we play outside?"

Sometimes those questions led to my education about her fragile muscle system. Other times they led to the EI/special ed team's education about the value of Nyla's relationship to the other children or to play. These conversations and experiences transformed us all.

Questioning Injustice

After learning how to integrate Nyla and other special-needs children into the classroom community, we found that our inclusive classroom provided opportunities for students to question and address things that are unfair in the world.

For example, we ordered a set of rubber people dolls for children to play with in the dollhouse. We were all excited when we found the Lakeshore Learning Materials Company sold dolls that represented people with disabilities. When the toys arrived, we brought the boxes to circle time and opened them up together. Joshua unwrapped a man in a wheelchair. He exclaimed, "Here he is, the guy with the wheelchair just like Nyla's." Josh passed the doll around the circle and when Mikey got it, he said, "Wait a minute. There's a problem. This guy's feet don't reach the footrest on his wheelchair."

Sure enough, there was about a half-inch gap between the guy's feet and the footrests.

Another student said, "That would make his legs really tired, if they couldn't rest."

"What could we do about this problem? How could we make this work?" I asked.

"Let's look at Nyla's chair and see how it works first," said Mikey.

Then another child shouted, "What if we make a wood block to put in the hole between his feet and the foot rest?"

Several kids went scurrying over to the woodworking table and grabbed small scraps of wood. We were eventually able to craft a little wooden filler for the gap. The children were delighted with their invention and very pleased that the "guy" now could sit comfortably in his wheelchair.

I wanted to take things one step further, so the next day I asked the children, "Do you think we should tell the company about the problem we found with the guy's wheelchair?" They all agreed that we should. I set up our flip chart so I could write down their ideas. "What should we tell them?" I asked.

"Tell them it's stupid to make a chair that doesn't work," said Josh.

"Dear Mr. Lakeshore, that's a bad wheelchair you made," added another child.

"How about making better wheelchairs for kids to play with?" someone asked.

"We're not paying for this wheelchair because it's broke," Marisa declared.

Nyla was there in the circle, and although she did not have any formal expressive language at that point, she showed her excitement by squealing.

Eventually we wrote a letter to Lakeshore, saying we thought they made a mistake. We sent them a picture of our redesigned wheelchair and asked them if they knew how uncomfortable their wheelchair would be. We also said that we would not be buying more Lakeshore toys until they fixed this problem. We all went together to the post office to mail the letter, Nyla leading the way in her wheelchair with Mikey, the proud young engineer, helping to push her.

By the way, we never got a response from Lakeshore, but they have now fixed the gap problem with the wheelchairs. Another day, our class started out on a field trip to the local feed store. It was a trip we had made the year before and loved. When we arrived, I had the horrifying realization that Nyla would not be able to visit the second floor, which had all the great farm tools. (This was part of our machines study.) I gathered up the children and said, "I just realized that I made a really big mistake. I forgot that this store does not have wheelchair access to the second floor."

I was going to ask the children what they thought we should do when one of the children interrupted me and said, "No, Katie. The store guy made a big mistake. He didn't think we would be friends with Nyla, but we are. And we're mad, because if she can't go, we're not going." Needless to say, we wrote another letter.

Nyla's Best Friend

In the process of developing the inclusion model, there was a great deal of questioning and, in some cases, trepidation on the part of parents. Nyla's mother, in particular, had expressed concerns about Nyla leaving the "handicapped preschool." She was used to working with the EI team and reluctant to have her daughter in a Head Start classroom. She wondered how Nyla's needs and safety could be ensured with so many other children in the classroom. And she wondered how Nyla's classmates would respond to her.

We were not always able to answer these questions to Nyla's mom's satisfaction. After about five months of indecision, she decided to pull Nyla out of the program. When we could not talk her out of her decision, I asked that we at least have a few days of closure and time for the children to say their good-byes. It was a very hard few days.

On the last afternoon, Nyla's mother came to pick her up and we were finishing our "good-bye circle," where the child who is leaving sits in the middle of the circle and we go around with each person taking a turn saying what they like about the person and what they will miss when they're gone. It is always both a heart-warming and heart-wrenching ceremony. This one was particularly wrenching.

Andy, a student who had overcome initial fear of Nyla's differences, got up from his seated space, knelt by Nyla and said, "Nyla, you are my best friend. I love you and I don't want you to go." I heard the classroom door close and when I looked up through my tears, I saw that Nyla's mom was gone. One of the other teachers came over to me and whispered, "She has changed her mind."

Later, Nyla's mom told me that in her wildest dreams, she had never believed that Nyla would have a best friend. And she was moved to see a whole classroom of children welcoming her daughter into their community.

I made important discoveries in those first years of working in an inclusion classroom. By facing my own fears and connecting with Nyla, I became a better role model for my students, who quickly grew to love and accept her. I realized that solidarity is something we can nurture from the youngest ages.

*From **Rethinking Schools Online**, Vol. 19. No. 3. Spring 2005. Katie Kissinger is an early childhood education consultant and part-time college instructor. She lives in Boring, Oregon.*

SOCIAL SECURITY REVAMPS DISABILITY BENEFITS

by Mary Dalrymple

AP - July 26, 2005 - WASHINGTON - People seeking disability benefits from Social Security can expect to spend less time waiting for a decision under changes rolled out Tuesday on the anniversary of the Americans with Disabilites Act. Social Security Commissioner Jo Anne Barnhart said people who are clearly disabled could be approved for benefits in as little as 20 days under the new procedures, which the agency expects to start putting into action next spring.

The rest of the roughly 2 million people who seek disability benefits each year can expect to spend less time working through thr process for appealing decisions when benefits are denied.

"Everybody recognizes that there's a need for change and we need to improve the process," Barnhart said in an interview.

The Social Security disability insurance program pays cash assistance to people who cannot work for a year or more because of a disability. To qualify, an individula must have worked long enough, paid Social Security taxes and met the criteria for disability assistance. More than 11 million people, including some family memebers of disabled workers, receive benefits.

Among the changes, the new procedures will screen applicants for cases of clear disability that can be quickly approved for benefits by a special unit. For other applicants, the changes replace a step that sent cases back to a state agency for review if the state agency had denied a claim.

Barnhart said that state review rarely overturned a decision and is considered a "rubber stamp" by many.

Under new procedures, the claim would be sent to federal reviewing officials, a standardized unit within the federal Social Security system. Barnhart said the federal review means many applicants could get a more meaningful reconsideration of their claims more quickly.

The new process also establishes a unit of medical and vocational experts available to those evaluating disability applications at all stages of the process.

When designing the new system, the Social Security Administration determined that it could take an individual 1,153 days to move through the entire application and appeal process if the claim had been denied at each step.

Combining the new procedures with an electronic system that alleviates the need for Social Security officials to mail paper files around the country, Barnhart said that process should shrink about 25 percent.

The Social Security Administration plans to publish proposed regulations for public comment on Wednesday and issue final regulations by the end of the year. The administration expects it will take a couple years to implement the new system throughout the country

On the Net:
Social Security Administration
http://www.ssa.gov

BROOKE GRADUATED HARVARD, AND?: "THE BROOKE ELLISON STORY" – A REVIEW

by Anthony Trocchia

I recently rented *The Brooke Ellison Story* on DVD (Christopher Reeve's last directorial effort). It's one of those syrupy based-on-actual-events Lifetime cable movies.

Brooke becomes disabled at a young age as the result of being hit by a car and is severely disabled. She can do nothing by herself whatsoever. Fortunately, her cognition is not affected. She is so bright, as a matter of fact, that she attends Harvard University for undergraduate and graduate studies. This is where the story gets sickening.

Brooke's mother serves as her Personal Care Attendant throughout her college years. She leaves her husband and children behind to ensure her daughter makes it at Harvard. Excuse me, but I fail to see the achievement here on Brooke's part. Her mother is her PCA. It's important to mention that Brooke's mom is an educated woman (she was a teacher).

Anyone who depends on PCAs knows what a fine line he/she must walk (pardon the pun). It's all about communicating one's needs and working together. If you hire your own PCAs, like I do, you have the responsibility of recruiting, interviewing, hiring, training, supervising, and, when necessary, terminating/replacing. The process never ends. Sometimes (actually, most of the time) this happens when it's least convenient. At any given moment, the situation may become unbearable with your PCA and you know you need to find someone else. I call it a sixth sense since I'm almost always able to predict when the end is near for me and a PCA. Brooke didn't have to worry about that. Her mother would never quit on her and leave.

Additionally, Brooke's mother was able to meet her daughter halfway intellectually in regards to doing research. I've been in situations where I have had to do research for school and I'm providing Orientation to Library Services to a PCA who has never been in a library and wouldn't know a call number from a telephone number! I've needed my PCA to be with me since I'm not physically able to handle books, journals, and magazines to make copies, nor can I physically manipulate a microfilm reader. Brooke had her mom beside her all the way.

Apart from screwing up any chance of having a social life, having your mother as your PCA ensures you have dependable care available all the time. That's because a parent performs the duties out of love, not for the money.

I'm sure Harvard could have paid for her to have student aides which would have assisted greatly in her quest to become independent, if she truly desired to be independent. Brooke required a high-level of care, but so do most disabled folks who have 24 hours of service per day.

I tip my hat, not to Brooke, who had an ideal arrangement, but to the many disabled individuals who have learned to work with their PCAs and have acquired the crucial skills of interviewing and articulating one's personal needs over and over and over.

REVIEW OF "39 POUNDS OF LOVE"

by Jean Ryan

The documentary movie, "39 Pounds of Love," directed by Dani Menkin, is now playing in several theatres around the country including the Sunshine in NYC. At a recent preview, I laughed and cried my way through the movie and found myself thinking about it days later, unlike most movies which I forget as soon as I leave the theater.

Who is the 39 Pounds of Love? A 34-year-old man named Ami Ankilewitz who has a form of SMA, Spinal Muscular Atrophy II, a congenital disease which is a form of muscular dystrophy. Ami lives in Israel and was born in Texas, where a doctor predicted that he would only live to be six years old. His mother has devoted her life to him at the expense of her other son and her grandchildren. But Ami also has attendants and he lives a very full life for someone who can only move one finger.

Ami hangs out in bars with his friends and loves to party. He's also a 3-D computer animator and we see some of his very expressive, wordless cartoons, especially about his love for a beautiful and vivacious former attendant, Christina.

A large part of this interesting, thought-provoking, touching, and funny movie shows Ami with his friends and family on a cross-U.S. road trip. One of my favorites was the scene in the RV where everyone was dancing to "La Cucaracha."

This movie does not pretend that Ami's whole life is rosy, and it shows his physical suffering when he pushes himself to the limit. We also glimpse some of the care that Ami needs. We learn of the affects that Ami's condition had on his whole family.

Some of the blurbs about the movie call it inspirational, but I wouldn't call it that. I would call it more a slice-of-life movie that is about a man with a severe disability and his family and friends. Why is it supposed to be inspirational when a person with a disability has a "normal" life? I think it is because nondisabled people do not know us very well. They wouldn't call their lives inspirational and they shouldn't call ours that, either.

Go see this movie and see what you think about it. I guarantee that it will make you think.

FALL 2005 ELECTION RESULTS FOR DIA OFFICERS AND BOARD OF DIRECTORS

Go to http://www.disabledinaction.org/board.html

Moving Right Along

AMTRAK Can Charge Disabled Extra

by Patrick Walters

AP – Philadelphia - June 22, 2005 - A federal judge ruled that Amtrak can charge a group of wheelchair users extra to ride in the same car together.

The wheelchair users, members of Disabled in Action of Pennsylvania, travel to Washington regularly to lobby. They sued after Amtrak told them that they could ride together on a Philadelphia-to-Washington train but that some of them would have to pay $200 more than the usual ticket price to cover the cost of removing seats.

The group sued, saying the policy violated the federal Americans With Disabilities Act.

U.S. District Judge Harvey Bartle III said Friday that under federal law, Amtrak must have one space to park a wheelchair and one space to store an unoccupied chair per passenger coach. It can charge extra for anything beyond that, Bartle ruled.

About three-quarters of those who were to go on the February trip are on fixed incomes of about $600 a month, the group said. Executive director Nancy Salandra said the charge on top of the $90 round-trip ticket price was too much for them to bear.

"If you and your family and friends and sisters and brothers and cousins, more than 20, wanted to travel to Washington, you would get a discount as a group," said Stephen Gold, an attorney for the group.

Amtrak spokeswoman Marcie Golgoski said the policy of charging for the removal of seats does not apply to just the disabled. If people wanted to have party on a train and seats had to be removed, they would be assessed the fee, too, she said.

DOT Launches New Website to Assist Persons with Disabilities For Emergency Preparedness

Thursday, July 21, 2005 - The U.S. Department of Transportation today launched a new web site containing information to help ensure safe and secure transportation for persons with disabilities in the event of a disaster or emergency.

The new site includes advice on emergency preparedness, transportation accessibility, and evacuation methods for certain modes of transportation, such as rail and transit systems. Disabled individuals can learn how to react in situations ranging from evacuations of mass transit systems to being trapped in a car during a blizzard or hurricane.

The site also includes links to Department of Homeland Security web pages that provide information on preparing for specific emergencies, including natural disasters such as severe weather, fire and earthquakes, as well as man-made disasters such as spills of hazardous materials. In addition, the site also provides information for transportation providers on how to respond to the unique needs of people with disabilities during an emergency.

The new site was developed in response to an executive order issued by President Bush on July 22, 2004, which directed federal agencies to support safety and security for individuals with disabilities during natural and man-made disasters.

The web address for the new site is http://www.dotcr.ost.dot.gov/asp/emergencyprep.asp.

Disability Rights Online News

Disability Rights Online News is a bi-monthly update about the Civil Rights Divisions activities in the area of disability rights. The Division enforces laws prohibiting discrimination based on disability in employment, housing, access to businesses serving the public, access to government programs and services including voting and public transportation, and unconstitutional conditions in institutions of confinement.

To view the Online news visit: http://www.ada.gov/newsltr1005.htm

Source: U.S. Department of Justice www.ada.gov

New EEOC Publication Addresses Employment Rights Of People with Cancer under Disabilities Act

The U.S. Equal Employment Opportunity Commission (EEOC) issued a question-and-answer document on the application of the Americans with Disabilities Act (ADA) to persons with cancer in the workplace. The new publication is available on EEOC web site at http://www.eeoc.gov/facts/cancer.html.

Barry Winthrop Dies

by Marvin Wasserman

It is with great sadness that I report to you the passing on August 17, 2005, of Barry Winthrop, activist and former Executive Committee member of both the 504 Democratic Club and Disabled in Action.

Barry, who was 71 years of age, had multiple disabilities and was legally blind. Despite this, he had several advanced degrees, including one in law and a doctorate in psychology. He went into long term rehabilitation following an accident in which he slipped in the snow about two and a half years ago, around Thanksgiving. Since then, he had spent much time in Cabrini Rehabilitation Center and, most recently, in Coler Memorial Hospital on Roosevelt Island. At the time of his passing, he was at Bellevue Hospital.

He has no close relatives, but warm friends such as Ed and Gerry Law of Upstate New York, Sam Brown of Brooklyn, and Robert Furman from Coler Hospital.

Applying for Disability Rent Increase Exemption (DRIE)

The Mayor's Office for People with Disabilities will be handling the application process for DRIE. They have advised that individuals start contacting them at the end of September to request applications. Below is their contact info:

Mayor's Office for People with Disabilities
100 Gold Street, 2nd Floor
New York, NY 10038

1-212-788-2830

http://www.nyc.gov/html/mopd/home.html

A New Disability Law Blog

A new disability law blog can be reached at: http://disabilitylaw.blogspot.com. What is a blog? A blog is short for **weblog** and it is a web-based publication consisting primarily of periodic articles, often written by one person. They may be on one topic or many topics.

$55 Million Pool and Ice Skating Complex in Flushing Meadows Corona Park

Complex Will Include Special Features to Accommodate People With Disabilities

September, 28, 2005 – (adapted from press release) Mayor Michael R. Bloomberg today joined Queens Borough President Helen Marshall, Parks and Recreation Commissioner Adrian Benepe and Mayor's Office for People with Disabilities Executive Director Matthew P. Sapolin to break ground on a new pool and ice skating complex in Flushing Meadows Corona Park in Queens. The $55.2 million project will include an Olympic-sized indoor pool and an NHL regulation-sized skating rink, and will be completed by Fall 2007. The site, which will be utilized by schools, leagues, and community members of all ages, will be Parks and Recreation's first in Queens. The complex includes a number of special features to allow for recreation activities designed for the physically disabled.

During the planning phase of the project, the City engaged the Mayor's Office of People with Disabilities and the United Spinal Association to review the facility and implemented their suggestions to ensure it would best accommodate people with disabilities.

"The Flushing pool will be furnished with lift equipment providing recreational swimming for people with disabilities, and the accessible ice-rink will allow them to play sled hockey," said Executive Director Matthew Sapolin.

Updated Information on Pooled Trusts (Supplemental Needs Trusts)

Updated information on pooled trusts, including HRA Medicaid Alert from July 7, 2005, is available at: http://www.wnylc.net/pb/docs/Medicaid.pdf
Additional information on Supplemental Needs Trusts is available at: http://www.wnylc.net/pb/docs/SNT_Materials.htm

Williamsburg Bridge Pedestrian Walkway Being Made ADA Compliant

In late September, 2005, work began on the pedestrian walkway of the Williamsburg Bridge to make the 26 expansion joints ADA compliant. Previous to this, the expansion joints were several inches high like little steps instead of being low and beveled. Bicyclists and people with disabilities were having a hard time going over them, and ended up tripping or falling, and some bicyclists lost control and flipped over, getting injured. United Spinal and Transportation Alternatives, a bicyclist advocacy group, teamed up with other organizations, including DIA, to have the bumps pared down to an almost-smooth level.

Hurricane Emergency Funds for People with Disabilities

The U.S. Office of Special Education and Rehabilitative Services announced in October, 2005 that they were committing emergency funds to help people with disabilities in the states most affected by Hurricanes Katrina and Rita. One of their goals was to move people with disabilities out of nursing homes. The announcement said, "Because many shelters are not accessible, a large number of people with disabilities are being funneled into nursing homes and it is extremely difficult for them to relocate into community-based housing once they are there.)" They are also studying what happened to see if better planning can be done to help people with disabilities when their area is hit by a hurricane.

Editor's Note: Wouldn't some of this been obvious beforehand? I hope they also help get people out of nursing homes who were already there and wanted to get out.

New ADA Transportation Guidance From DOT

Recently, four new guidance documents interpreting the Department of Transportation (DOT) Americans with Disabilities Act Regulations were released by DOT. These four guidance documents faithfully carry out the intent of the ADA and its regulation to protect the civil rights of people with disabilities. For example, one of the documents states that transit agencies must provide paratransit service in a way that goes beyond "curb-to-curb service" if necessary to actually get the passenger from his or her point of origin to his or her destination.

The documents are entitled:

1. Origin to Destination Service
2. Full-Length, Level-Boarding Platforms in New Commuter and Intercity Rail Stations

3. Paratransit Requirements for "5311-Funded Fixed-Route Service" Operated by Private Entities

4. Use of "Segways" on Transportation Vehicles

The new DOT documents can be found at www.fta.dot.gov/ada under the first heading, "DOT Disability Law Guidance." A current direct link is http://www.fta.dot.gov/14531_17511_ENG_HTML.htm. Note that the first link has a number of other important ADA transportation tools for advocates, including:

- The FTA ADA complaint form at http://www.fta.dot.gov/14531_14889_ENG_HTML.htm

- A growing list of FTA ADA assessments of transit agencies at http://www.fta.dot.gov/14531_16159_ENG_HTML.htm

EEOC Explains Employment Rights of Persons Who Are Blind or Visually Impaired – New Document Answers Frequently-Asked Questions, Challenges Stereotypes

October 25, 2005 - WASHINGTON - The U.S. Equal Employment Opportunity Commission (EEOC) today issued a question-and-answer document on the application of the Americans with Disabilities Act (ADA) to people in the workplace who are blind or who have vision impairments. The new publication, is available on EEOC's web site at http://www.eeoc.gov/facts/blindness.html.

The latest Q&A document is the fifth in a series of fact sheets issued by the EEOC for persons with disabilities, and/or focusing on the ADA and specific disability issues, in accordance with President Bush's New Freedom Initiative. It is the second ADA document made available by the Commission in the past two weeks, in observance of National Disability Employment Awareness Month.

"This publication will help eliminate unfounded fears and stereotypes that lead to employment discrimination against so many people who are blind or visually impaired," said EEOC Chair Cari M. Dominguez. "As with prior ADA fact sheets, our goal is twofold: first, to make clear that all people with disabilities are protected from workplace discrimination and, second, to educate employers and promote access and inclusion."

Among the issues the new Q&A document addresses are:

- When a vision impairment is a "disability" within the meaning of the ADA;

- What questions employers may ask job applicants or employees about their vision impairments and when employers may conduct medical examinations that test vision;

- What accommodations people who are blind or visually disabled may need to apply for a job, to perform a job's essential functions, or to enjoy equal benefits and privileges of employment, such as the ability to take advantage of training and other opportunities for advancement; and

- How employers should handle safety concerns they may have about applicants or employees with vision impairments.

The fact sheet helps to advance the goals of the President's New Freedom Initiative, a comprehensive strategy for the full integration of people with disabilities into all aspects of American life. The New Freedom Initiative seeks to promote greater access to technology, education, employment opportunities, and community life for people with disabilities. An important part of the New Freedom Initiative's strategy for increasing employment opportunities involves providing employers with technical assistance on the ADA. Information about other EEOC activities under the Initiative also is available on the agency's web site at www.eeoc.gov.

In addition to enforcing Title I of the ADA, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments, and the Rehabilitation Act's prohibitions against disability discrimination in the federal government, EEOC enforces laws prohibiting race, sex, color, national origin, religion, and age discrimination in employment.

Report Available on Wheeled Mobility Study

A report, Standards and Anthropometry for Wheeled Mobility, is now available from a study the [Access] Board commissioned on wheeled mobility and human measures. The report was prepared by the Center for Inclusive Design and Environmental Access (IDEA Center) at the State University of New York at Buffalo which is undertaking a major multi-year project to collect human measures data on people who use wheeled mobility aids. Started in 1999, this work will continue at least through 2006. The research team is gathering data at various locations across the U.S. to ensure a representative sample.

According to Dr. Edward Steinfeld, Project Director, sufficient data has been collected to start a dialogue on some of the findings, which suggest that current accessibility standards may not be adequate for today's population of people who use wheeled mobility aids. Drawing upon information collected and developed in completed phases of the project, the report reviews research conducted in other countries (Australia, the United Kingdom, and Canada) and its influence on their access standards. The comparative analysis developed for this report provides a framework for the future comparison of research findings and standards and offers a foundation for improving the utilization of research for standards development. The analysis highlights the importance of integrating research with standards development, organizing international research collaborations, and developing international standards, all of which the IDEA Center is helping to advance with support from the Board in addition to its ongoing work collecting human measures data. The report is available on the IDEA Center's website at http://www.ap.buffalo.edu/idea/Anthro/index.asp.

Upcoming Research on Detectable Warnings

Detectable warnings, a distinctive surface pattern of domes detectable by cane or underfoot, are used to alert people with vision impairments of their approach to streets and hazardous drop-offs. Under the ADA Accessibility Guidelines (ADAAG), they are required at curb ramps, which remove a tactile cue otherwise provided by curb faces, and other areas where pedestrian ways blend with vehicular ways. They are also required along the edges of boarding platforms in transit stations. In its rulemaking on public rights-of-way, the [Access] Board is revisiting the requirements for detectable warnings on curb ramps and other sidewalk areas. In light of some of the questions and issues raised, the Board has promoted the need for research on various aspects of detectable warnings which can help inform its rulemaking. One project on durability is to be undertaken and another on visibility issues is underway.