

ADA Update: Revised Regulations for Disability Accommodations for the Public

ADA Update: Revised Regulations for Disability Accommodations for the Public

Wednesday, February 16, 2011

Time: 12pm-1pm

Speaker: [Mary Minow](#)

Agenda

- 1- Service Animals and Other Accommodations
- 2- Ebooks, Web pages, Mobile Devices
- 3- New Accessible Building Design Standards
- 4- ADA Best Practices Tool Kit for State and Local Government, Grievances etc.

1. Service Animals and Other Accommodations

Effective March 15, 2011

- Service Animals
- Wheelchairs and Other Mobility Devices
- Effective Communication & Auxiliary Aids
- Ticketing

Source: <http://www.ada.gov/regs2010/ADAREgs2010.htm>

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ADA Update: Revised Regulations for Disability Accommodations for the Public

Service Animals – DOGS ONLY

Must permit service animals in all public areas, unless

- out of control
- not housebroken

IF dog evicted, must permit patron in without dog

Library not responsible for dog

and may charge for any damage

*Library must consider allowing
miniature horses if size, weight can
be accommodated

28 CFR § 35.136 Service animals
See also Calif. Civil Code § 54.2 Service dogs

Harness

Service dogs must be harnessed, leashed, tethered
unless: patron unable to use because of disability or
it would interfere with dog's ability to perform

**... then service dog must be otherwise under
handler's control**



e.g. voice control, signals, other effective means

Can Service Dogs be for Emotional Support?

- Federal law: No. "Support animals" that provide emotional support do not qualify
- Dogs for crime deterrence do not qualify
- But service dogs can be used for psychiatric and neurological disabilities

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ADA Update: Revised Regulations for Disability Accommodations for the Public

Don't Ask for Certification

Library may **not** ask about patron disability
nor for animal certification (may be self-trained)

Library may ask (if not apparent):

"Is animal required because of disability?"

"What task is animal trained to perform?"

examples: navigation, assisting during seizure,
retrieving items, support for mobility

28 CFR § 35.136 Service animals
See also Calif. Civil Code § 54.2 Service dogs

IMPORTANT: Check local ordinances MAY GIVE MORE RIGHTS TO PATRONS



San Francisco requires libraries to allow:

Service animal: "any animal" trained to
perform tasks for person with a disability,
such as dogs, birds, monkeys...

Support animal: "any animal" assisting
people with psychological disabilities,
such as cats, snakes

Hesperia City Council
Vote scheduled March 1st

Facebook "Save our service animals"
Source: <http://www.sfgov2.org/ftp/uploadedfiles/mod/SvcSupportAnimal.pdf>

Service and Support Animals
SvcSupportAnimal.pdf

Is that marmoset really a legally designated service animal?



No longer recognized by
the ADA

... but local ordinances
might give patrons the
right to any animal

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Wheelchairs and Mobility Devices

1. Manually-powered wheelchairs, walkers, canes, etc.
 - access to all pedestrian areas
2. "Other power-driven mobility devices" like the Segway® PT
 - library must permit unless legitimate safety concerns

Factors:

size, weight of device
volume of pedestrian traffic
facility design
safe operation
risk of harm to cultural resources



§ 35.137 Mobility devices at
www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm

Inquiries to Patrons Using Power-Driven Mobility Devices

- Do not ask patron about the nature of disability
- May ask patron using power-driven mobility device (not wheelchair) to provide credible assurance that device is required because of disability
 - May ask for State-issued disability placard or card, but must accept verbal representation not contradicted by observable fact



§ 35.137 Mobility devices.
www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm

Effective Communication and Auxiliary Aids

New: Video remote interpreting services are permissible for effective communication

High speed, quality, large enough to show interpreter and patron's face, arms, hands

Library should not rely on patron's companion for interpretation unless patron requests this

... and never rely on child unless emergency safety issue



§ 35.160 General
More detail at: http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm

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ADA Update: Revised Regulations for Disability Accommodations for the Public

Ticketing



New ticketing regulations
e.g. upon inquiry, must describe seating in enough detail for patrons to assess if it meets needs

Much detail if tickets are SOLD at § 35.138 Ticketing
www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm

Accommodations Not Possible?

(not new)

Library must show fundamental alteration in the nature of the service or undue financial burden

Financial Burden Requirements:

- All resources available considered
- Written statement by agency head or designee
- Action to ensure maximum access to people with disabilities



§ 35.164: http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm

2. Web pages, mobile devices, ebooks

In flux.

Department of Justice just held three hearings to revise web accessibility, movie captioning, video description regulations.

ADA.GOV



Department of Justice. Proposed Rulemaking (public comment period ended Jan. 24, 2011)
Archived webcasts and transcripts of public hearings at <http://www.ada.gov/anprm2010/anprm2010.htm>
Department of Justice. Accessibility of State and Local Government Websites (2003) <http://www.ada.gov/websites2.htm>;
see also The Americans with Disabilities Act: Application to the Internet – Nancy Lee Jones, Congressional Research Service
October 13, 2010 R40462 http://ipmail.info/hosted_resources/crs/R40462_101013.PDF

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Section 508 Standards

Rehabilitation Act

Text equivalent for non-text elements

Equivalent alternatives for multimedia

...

Nearly all commenters recommended WCAG 2.0 over 508 guidelines

Source: <http://section508.gov/>

State Initiatives for Accessible E-Resources

State	Application Development	Procurement	Website
Alabama			<ul style="list-style-type: none"> • Policies (2) • Guidelines (1)
Alaska			<ul style="list-style-type: none"> • Policies (1)
Arizona	<ul style="list-style-type: none"> • Statutes (2) 	<ul style="list-style-type: none"> • Statutes (1) 	<ul style="list-style-type: none"> • Statutes (2) • Policies (1) • Others (1)
Arkansas		<ul style="list-style-type: none"> • Statutes (1) • Guidelines (2) 	<ul style="list-style-type: none"> • Statutes (1)
California	<ul style="list-style-type: none"> • Statutes (1) 	<ul style="list-style-type: none"> • Statutes (1) • Policies (1) • Others (1) 	<ul style="list-style-type: none"> • Statutes (1) • Policies (1) • Guidelines (1) • Others (1)
Colorado		<ul style="list-style-type: none"> • Statutes (2) • Guidelines (1) 	<ul style="list-style-type: none"> • Statutes (1) • Guidelines (1)

In large part, follow Section 508 guidelines

Source: <http://accessibility.gtri.gatech.edu/sitid/stateLawAtGlance.php>

Web Accessibility Standards – WCAG 2.0

World Wide Web Consortium

(W3C) sets standards

accessibility, mobile

devices, privacy and more

– Web Accessibility Initiative (WAI)

• Web Content Accessibility Guidelines (WCAG 2.0) Level AA

– Voluntary standards

– May soon become law



Sources: <http://www.w3.org/TR/WCAG20/> & <http://www.w3.org/WAI/WCAG20/quickref/>

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Mobile Devices

- Significant overlap between making web sites accessible for mobile device and for people with disabilities
- W3C – MWBP (Mobile Web Best Practices)

Source: <http://www.w3.org/WAI/mobile/>

Purchasing Accessible Electronic Resources

American Library Association Resolution

- Libraries should require vendor compliance with Sect. 508, WCAG 2.0
- Libraries should test for compliance
- Funding authorities provide adequate funding to comply with accepted standards

Source: www.ala.org/ala/aboutala/offices/wo/reference/colresolutions/PDFs/electronicresources.pdf

Library Vendors and Accessibility Wiki

[1 Accessibility of specific vendors](#)

[1.1 DATABASE VENDORS](#)

[1.2 E-BOOKS](#)

[1.3 E-JOURNAL PACKAGES](#)

[1.4 FEDERATED SEARCH ENGINES](#)

[1.5 MULTIPLE ONLINE RESOURCES](#)

[1.6 OTHER](#)

[2 Strategies/experiences evaluating resources](#)

Assn. of Specialized & Cooperative Library Agencies (ASCLA) <http://tinyurl.com/ascla-vendor-accessibility>

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ADA Update: Revised Regulations for Disability Accommodations for the Public

Sample License Clause

Licensor shall comply with the Americans with Disabilities Act (ADA), by supporting assistive software or devices such as large print interfaces, voice-activated input, and alternate keyboard or pointer interfaces in a manner consistent with the Web Accessibility Initiative Web Content Accessibility Guidelines, which may be found at <http://www.w3.org/WAI/GL>.

Sources:
[Wikipedia article on Accessibility to Library Databases and Other Online Library Resources for People with Disabilities &](#)
<http://www.libraries.edu/libraryaccessibility.html>

Ebooks

Kindle

- National Federation of the Blind and American Council of the Blind filed complaint
- Settlements (2010):
 - Six Universities will not recommend, provide or require Kindle DX or other ebook readers in manner that violate obligation to provide access to print impaired
- 2011 Kindle Accessibility Plugin for PC (good reviews)

iPad

- Great reviews on accessibility



Sources: <http://readingrights.org/>
Los Angeles Public Library letter: <http://www.readingrights.org/477>

New! Internet Archive's Open Library

Over 1 million books in Digital Accessible Information System (DAISY) format for patrons with print disabilities – public domain and protected by copyright

Patrons eligible for Library of Congress Blind and other Physically Handicapped program get key to open protected texts

Source: http://openlibrary.org/subjects/accessible_bookdaisy.org

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3. New Accessible Building Design Standards

Effective March 15, 2012

Commencement of physical construction or alterations on March 15, 2012 or later



Source: http://www.ada.gov/2010ADASTandards_index.htm

Highlights

Accessible route of travel – Entire route

Freight elevators are not for people

Reach range no higher than 48 inches (was 54)

Restrooms – forward and parallel approach

Parking structures leading to library – need accessible entrance

Source: http://www.ada.gov/regs2010/factsheets/2010_Standards_factsheet.html

26

ADA National Network Webinars

2010 archives

Oct 7 Accessible Routes

Sept 2 ADA Standards

July 1 Signage

May 6 Parking

March 4 Toilets



Source: <http://www.accessibilityonline.org/Archives/> - DBTAC Great Lakes ADA Center

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4. ADA Best Practices Tool Kit for State and Local Government, Grievances etc.

Department of Justice Project Civic Access
Over 180 settlements with cities and towns
Typical Accessibility Issues:

- Parking
- Restrooms, drinking fountains, telephones
- ADA grievance procedures for communities with >50 employees
- Auxiliary aids (qualified sign language interpreters, etc.)
- Assistive listening systems in auditoriums
- Telephone communication via TTY or state relay service
- Procedures to relocate activities to accessible locations on request

SETTLEMENTS: COMPLY WITH TOOL KIT

Sources: <http://www.ada.gov/civifac.htm>
<http://www.justice.gov/opa/pr/2011/January/11-crt-120.html>

ADA Best Practices Tool Kit for State and Local Governments

[Chapter 1. ADA Basics: Statutes and Regulations \(HTML\)](#) | [PDF](#)
[Chapter 2. ADA Coordinator: Notice and Grievance Procedure \(HTML\)](#) | [PDF](#)
[Chapter 2. Addendum: Title II Checklist \(HTML\)](#) | [PDF](#)

[Chapter 3. General Effective Communication Requirements Under Title II of the ADA \(HTML\)](#) | [PDF](#)
[Chapter 3. Addendum: Title II Checklist \(HTML\)](#) | [PDF](#)

[Chapter 4. 9-1-1 and Emergency Communications Services \(HTML\)](#) | [PDF](#)
[Chapter 4. Addendum: Title II Checklist \(HTML\)](#) | [PDF](#)

[Chapter 5. Website Accessibility Under Title II of the ADA \(HTML\)](#) | [PDF](#)
[Chapter 5. Addendum: Title II Checklist \(HTML\)](#) | [PDF](#)

[Chapter 6. Curb Ramps and Pedestrian Crossings \(HTML\)](#) | [PDF](#)
[Chapter 6. Addendum: Title II Checklist \(HTML\)](#) | [PDF](#)

[Chapter 7. Emergency Management under Title II of the ADA \(HTML\)](#) | [PDF](#)

Source: <http://www.ada.gov/pcatoolkit/toolkitmain.htm>

Grievance Procedure

[Name of public entity] Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the [name of public entity]. The [e.g. State, City, County, Town]'s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

[Insert ADA Coordinator's name]

ADA Coordinators are required for all public entities with 50+ employees

For full procedure, see <http://www.ada.gov/pcatoolkit/chap2toolkit.htm>

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Guidance on Auxiliary Aids

Brief exchanges – basic aids are ok

e.g. exchange written notes when deaf person asks for copy of form at library

Advanced aids necessary for programs

e.g. qualified interpreters, captioning, assistive listening devices

<http://www.ada.gov/pcatoolkit/chap3toolkit.htm>

Emergency Management

Notification – combine visual and audible alerts

Evacuation – establish procedures

e.g. San Francisco Public Library

Guidelines for Assisting People with Disabilities During Main Library
Emergency Evacuations

Helping someone who is blind – announce presence, offer elbow

Helping someone limited mobility – keep stairwells safe from smoke

Source: <http://www.ada.gov/pcatoolkit/chap7emergencygmt.htm>
San Francisco Public Library: http://infopeople.org/training/past/2006/beyond-ramps/handout4_accessibilityemergencyevac.pdf

Summary

1- Service Animals and Other Accommodations

2- Ebooks, Web pages, Mobile Devices

3- New Accessible Building Design Standards

4- ADA Best Practices Tool Kit for State and Local
Government, Grievances etc.

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(Archived)
**Disability Accommodations for the
Public**



Infopeople Webcast Series 2:
Third Thursday

Thursday, March 20, 2002

http://www.infopeople.org/training/webcasts/webcast_data/51/index.html

Instructor:
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