

**The White House**

Office of the Press Secretary

For Immediate Release

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# FACT SHEET: Celebrating the 25th Anniversary of the ADA

Every day the Obama Administration works to ensure the full implementation of the Americans with Disabilities Act (ADA). In celebration of the 25th anniversary of its passage, the Administration is excited to announce a series of new actions aimed at improving the lives of and expanding opportunities for people with disabilities. These announcements include:

## **Employment Opportunity**

- On July 6, the Department of Labor (DOL) released *Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide*, which provides new guidance for serving individuals with disabilities at American Job Centers. The new guide describes effective strategies for improving access to programs and services provided under the Workforce Innovation and Opportunity Act for both youth and adults with disabilities.
- On July 23 the Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ) will enter into a Memorandum of Understanding to streamline their coordination of investigations of disability discrimination complaints and to increase their collaboration on guidance, outreach, and training.
- By July 23, the EEOC, in consultation with the Office of Personnel Management (OPM) and DOL, will have revised all five *ABC's of Schedule A* brochures in order to provide Federal agencies and job applicants with updated information on the use of the Schedule A hiring authority for individuals with disabilities.
- In July 2015, the **Corporation for National and Community Service**(CNCS) will release a toolkit to assist AmeriCorps and Peace Corps alumni with disabilities with their transition to employment as part of President Obama's **Employers of National Service** initiative. The toolkit provides information on government programs and services, mentorship, community resources, and know-your-rights information aimed at educating those with disabilities searching for employment.

- In the coming months, the EEOC intends to issue a Notice of Proposed Rulemaking to amend its regulations implementing Section 501 of the Rehabilitation Act of 1973, which requires the Federal government to engage in affirmative action for people with disabilities.
- In August 2015, the Social Security Administration (SSA) will award approximately \$20 million in funding to Work Incentive Planning and Assistance (WIPA) organizations. WIPA organizations help beneficiaries understand the work incentives provided to beneficiaries under the Social Security Act and develop concrete plans to return to work. It also links beneficiaries to Employment Networks and State Vocational Rehabilitation programs for services and job placement. WIPAs will work to ensure high-level service to transition-aged youth with disabilities, military veterans who receive Social Security, and members of underserved groups seeking help in preparing for, obtaining, or maintaining employment.
- In the upcoming fiscal year, SSA will launch the Early Intervention and Return to Work Demonstration. This demonstration—one of several Early Intervention demonstrations called for in the President's budget—will test whether providing employment supports and wrap-around medical supports prior to receiving disability benefits helps individuals with mental health challenges remain in the workforce and reduces reliance on Federal disability and health care programs.
- This summer, the Department of State plans to open its new Office of Accommodation and Accessibility (HR/OAA) to serve as a focal point for disability customer services, such as reasonable accommodations, hiring of persons with disabilities, Section 508 compliance, and captioning.

### **High Quality Education**

- In FY15 (through June 30, 2015), the Department of Education's **Office for Civil Rights** resolved over 500 disability-related complaints, and in FY13-14, OCR resolved over 1,500 disability-related complaints.
- On July 2, DOJ and the Department of Health and Human Services (HHS) filed a brief in federal district court in New York, making clear that federally-funded Protection & Advocacy organizations (P&As) have the right to access facilities, records, and individuals in order to investigate a school's possible abuse and neglect of students with disabilities under the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI Act). The brief in *Disability Rights New York v. North Colonie Board of Education* highlights the critical role P&As play in defending the rights of individuals with disabilities, particularly children with mental illness who spend most of their day under the care and supervision of schools.
- On July 15, DOJ released a **letter of findings** to the State of Georgia regarding its investigation of the State's Georgia Network for Education and Therapeutic Support Program of segregated schools for students with behavioral disabilities. The Department found that the GNETS Program violates the integration mandate of Title II of the ADA by unnecessarily segregating

students with disabilities who could be served in more integrated settings. The GNETS Program serves approximately 5,000 students with disabilities throughout the State.

### **Civic and Community Participation**

- On July 13, DOJ released *Frequently Asked Questions about Service Animals and the ADA*.
- On July 20, DOJ announced settlements with three jurisdictions (Yakima, Washington, Merced, California, and Champaign, Illinois) under its **Project Civic Access** program to increase accessibility of their public facilities, parking, sidewalks, polling places, websites, and emergency services, as well as procedures for effective communication and ADA implementation.
- On July 20, DOJ announced **three new settlements** under its Barrier Free Health Care Initiative. The settlements address the failure to needed sign language interpretation by a nursing center in Virginia, and two medical offices in Michigan. In the Michigan cases, the healthcare providers refused sign language interpreters to a deaf patient, while in the Virginia case the healthcare provider refused to provide interpreters to deaf family members of a patient.
- In July, HHS's **Office For Civil Rights**, in collaboration with the **Administration for Children and Families** and The Department of Justice, will release a Dear Colleague letter reminding State and local child welfare agencies and courts of their legal obligation to ensure that individuals with disabilities are afforded equal access and opportunities to benefit from and participate in child welfare programs, services, and activities. This is part of a planned guidance series that will address the applicability of federal civil rights laws to child welfare programs and activities.
- In July, DOJ will release technical assistance to provide guidance on testing accommodations for individuals with disabilities who take standardized exams and other high-stakes tests. The document will describe the responsibilities of testing entities that offer exams or courses related to applications, licensing, certification, or credentialing for secondary, postsecondary, professional, or trade purposes. Reiterating the Department's extensive discussion of this provision in the regulatory guidance published with the 2010 revised regulation, the document will address who is entitled to testing accommodations, what types of testing accommodations are generally provided, and what documentation may be required of the person requesting testing accommodations.
- On July 26, the Federal Emergency Management Agency will release a Public Service Announcement, developed with the Ad Council, on the steps individuals with disabilities and the whole community can take to prepare for emergencies and disasters entitled We Prepare Every Day. We Prepare Every Day focuses on people with disabilities and features individuals with intellectual, mobility and sensory disabilities preparing themselves, their families and their communities.

- On July 26, the National Council on Disability (NCD) will release its Progress Report, which surveys how the ADA and other federal legislation has been put into practice by five state and local agencies to improve outcomes for individuals with disabilities. The Report focuses on five critical policy areas including employment, education, health care, transportation, and housing. The Report also provides NCD's vision for the next 25 years of the ADA.

### **Health Care and Healthy Living**

- The **ADA National Network** supported by the **National Institute on Disability, Independent Living and Rehabilitation Research (NIDILRR)** is engaging with local stakeholders across the country to inform the 2016 Funding Priorities for the ADA Centers, through a series of events and activities, including participation in over 80 ADA Legacy Tour events in 2015. Additionally, the ADA Participation Action Research Consortium (ADA PARC) will meet July 20-21 in Washington, DC, to report and discuss research findings with community stakeholders and policy leaders, to identify future topics and funding needs for ADA research, and to help identify collaborative opportunities.
- In July, **the National Quality Forum, under HHS contract, will release a draft report for public comment that defines the term “home and community-based services”** as an array of long-term services and supports that promote the independence, well-being, and choices of an individual of any age who has physical, cognitive, and/or behavioral health needs and that are delivered in the home or in an integrated community setting. This is the first time the term has been defined for quality measurement purposes.
- The **Administration on Intellectual and Developmental Disabilities** will release the final regulations for the Developmental Disabilities Assistance and Bill of Rights Act of 2000. The original authorizing legislation, which predates the ADA, was the first piece of Federal legislation that established civil rights for people with developmental disabilities. The final rule will strengthen the capacity for people with developmental disabilities to live fully integrated lives in the community through the work of the Developmental Disability Network, Projects of National Significance, and other activities.
- In July, the **Administration on Disabilities** awarded \$6.59 million to the Christopher and Dana Reeve Foundation **Paralysis Resource Center** to provide comprehensive information, resources and services for people living with paralysis and their families.
- On August 3, the **President’s Committee for People with Intellectual Disabilities** is scheduled to meet and vote on the approval of its 2015 Report, *Leveling the Playing Field: Improving Technology Access and Design for People with Intellectual Disabilities*.
- The **HHS Office for Civil Rights** will issue a proposed regulation to implement the non-discrimination mandates in the Affordable Care Act. The proposed rule will incorporate ADA requirements with the goal of ensuring equal access and treatment, including effective communication and the provision of auxiliary aids, in health programs and activities.

- The **Independent Living Administration** will publish a Notice of Proposed Rulemaking on independent living programs, implementing a series of legislative changes adopted by Congress to independent living programs. Under the Workforce Innovation and Opportunity Act (WIOA) independent living programs will move from the Department of Education to the Department of Health and Human Services, and a fifth core service involving transition to community living will be added.

### **Fair Housing**

- On July 8, the Department of Housing and Urban Development (HUD) released the **Affirmatively Furthering Fair Housing (AFFH) Final Rule**. The Rule will equip communities that receive HUD funding with the data and tools they need to meet long-standing fair housing obligations in their use of HUD funds. HUD will provide publicly available data for grantees to assess the state of fair housing within their communities and to set locally-determined priorities and goals. The AFFH Final Rule will operate to expand access to community assets and opportunities to live, work, and receive services in integrated settings for individuals with disabilities.

### **Accessible Transportation**

- On July 1, the Transportation Security Administration (TSA) issued an educational flyer to its frontline workforce addressing disability etiquette and sensitivity, and it will issue a **What to Expect** piece to TSA's Disability and Medical Condition coalition, in order to better inform travelers with disabilities about what they can expect in the security screening process.
- On July 13, the Department of Transportation's (DOT) **Reasonable Modification Rule** became effective. This rule clarifies that public transportation providers are required to make reasonable modifications to policies, practices, and procedures to ensure programs and services are accessible.
- In July 2015, the Federal Transit Administration (FTA) will announce five planning grants totaling close to \$800,000 for projects that showcase promising technologies and practices that improve travel planning and coordination for people who need specialized transportation. Mobility Services for All Americans Deployment Planning Project grants are awarded to organizations to plan coordinated mobility services. The projects use intelligent transportation systems to coordinate deployment of on-demand public transportation transit systems like paratransit for veterans, seniors, and people with disabilities.
- This summer, the FTA will issue guidance on transit-related ADA requirements in a comprehensive circular. The circular will provide guidance on how to comply with DOT's ADA regulations by covering, for example, transportation facility design requirements, fixed route bus and rail service, and ADA complementary paratransit.

- This summer, the FTA will announce the launch of the National Aging and Disability Transportation Center. The Center will promote the availability and accessibility of transportation options that serve the needs of people with disabilities, seniors, and caregivers.
- This summer, DOJ and the Federal Highway Administration will release a supplement to the 2013 *Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing*. The new document responds to frequently asked questions that the Federal Highway Administration (FHWA) has received since the technical assistance document was published, including what types of street projects constitute resurfacing that trigger the obligation to install curb ramps to adjacent sidewalks.

### **Information and Communications Technologies**

- On July 1, 2015, by order of the Federal Communications Commission (FCC), the FCC's funding allocations for the **National Deaf-Blind Equipment Distribution Program** (NDBEDP or **CanConnect**) was extended through June 2016. On May 21, 2015, the FCC also proposed rules to make this program permanent. The NDBEDP provides \$10 million annually to support the distribution of accessible communications equipment to low-income individuals who are deaf-blind across the country.
- Effective July 1, 2015, under FCC rules, the requirement for affiliates of ABC, CBS, Fox, and NBC to provide 50 hours of video described prime time or children's television programming (per calendar quarter) expanded from the top 25 television markets to the top 60 television markets. Video description, also called audio description, is audio-narrated descriptions of a television program's key visual elements inserted into natural pauses in the program's dialogue that makes television programming more accessible to individuals who are blind or visually impaired.
- In keeping with the ADA's goals of ensuring access to federal agencies for all citizens, the U.S. Census Bureau and the Equal Employment Opportunity Commission will soon be launching new direct video communication pilot projects to allow deaf and hard of hearing citizens to contact customer service representatives and answer Federal and non-Federal surveys in their primary language, American Sign Language (ASL), instead of via a third-party interpreter. These efforts respond to the FCC's **new initiative** to promote the use of direct video communication service by Federal agencies and private companies. The FCC has offered this direct-video calling for the past year, and the Small Business Administration began offering it in June. The FCC will continue to encourage access for deaf citizens by offering technology demonstrations to all interested agencies, and by May of next year they will deploy a free, open-source Video Access Platform (VAP) application that allows ASL users to make video calls using any computer or smartphone and agencies or companies to easily field such calls.

### **Celebration of the Americans with Disabilities Act**

From July 24-26, the Smithsonian Museum of American History will host a 25th ADA Anniversary Festival for Federal agencies to offer educational insights about the ADA, employment opportunities for people with disabilities, and the history of the disability rights movement. The festival will also present interactive demonstrations of accessible and inaccessible streetscapes, new way finding technology, assistive technology, accessible vehicles, and more. Participating Federal agencies include the Departments of Health and Human Services, Homeland Security, Justice, Labor, State, and Transportation, as well as the Equal Employment Opportunity Commission, the Federal Communications Commission, the Federal Emergency Management Agency, the National Park Service, the Social Security Administration, and the U.S. Agency for International Development. The White House will also host a series of events celebrating the ADA and the past, present, and future of the disability rights movement.