

# RAP Sheet

The Latest in Disability Research, Advocacy, Policy, and Practice

Summer Issue 2012

## ACCESSIBILITY IN THE GRANITE STATE

### WORKING FOR MORE ACCESSIBLE COMMUNITIES

By Dick Cohen, Executive Director, Disabilities Rights Center

*Welcome to the Summer Issue of the RAP Sheet on accessibility. The Americans with Disabilities Act (ADA) was passed 22 years ago this July. This landmark legislation, along with advances in technology, has significantly increased access for people with disabilities in all areas of life. While there is much to celebrate, the fight for full and equal access continues. This issue looks at efforts to improve accessibility in the Granite State.*

Over the past 40 years, our state and country have made substantial progress to improve access to public buildings and spaces. This is especially true for new construction where physical access for wheelchair users or others with mobility impairments is part of the architectural design. For pre-existing buildings that accommodate the public, including government and professional offices, stores and other businesses, the track record for accessibility is not nearly so good.

While the Americans with Disabilities Act (ADA) and other federal and state laws have been enacted to promote accessibility, these laws do not require owners to make their building accessible under all circumstances. The ADA does require that a pre-existing building be made accessible when this is "readily achievable" and can be carried out without much difficulty or expense. Re-grading a sidewalk or installing a simple ramp is an example of this. The ADA requires buildings undergoing renovations or alterations be made readily accessible to and usable by individuals with disabilities "to the maximum extent feasible."

Federal and state accessibility laws attempt to strike a balance between the need for and goal of equal access and the interests of businesses and owners, particularly in regard to costs.

*(Continued on next page)*



Photograph - Julia Freeman-Woolpert

SUSAN COVERT, EDITOR

A COLLABORATIVE EFFORT BY THE

DISABILITIES RIGHTS CENTER, INSTITUTE ON DISABILITY, AND NH COUNCIL ON DEVELOPMENTAL DISABILITIES

*(Cover story continued)*

Despite the common sense and fair nature of these rules, they are all too often flaunted in practice. This is exacerbated when towns and cities charged with ensuring compliance with accessibility requirements do not do an effective job of enforcement.

A New Hampshire example of this is the Phenix Hall case (*Davis, et. al. v. Ciborowski Family Trust, et.al.*) that DRC recently filed on behalf of three persons with physical disabilities. In this case, the owner and other parties failed to make entrances accessible when they undertook renovations to a building on Main Street in Concord.

Changes in societal attitudes and legal protections for minorities are not new in this country. Throughout our history, we have witnessed the enactment and enforcement of laws protecting individual rights and giving women, gays, racial, and other minorities access to places in which they had previously been banned.

Similarly, as we have become more knowledgeable about environmental hazards and the need for life and fire safety laws, we have required pre-existing, renovated, and newly constructed buildings to add features. There is generally little dispute about the need for fire and life safety measures.

Why is there so much resistance to make even relatively simple changes that enable people with mobility impairments to have access to public spaces and to participate in community life? Surely, it is not sufficient to make sidewalks and other public ways accessible, but then give stores on those very streets permission to keep people out.

We need to continue to work on multiple fronts to change attitudes and enforce existing laws. As the civil rights movement has taught us, these two go hand in hand.

To that end, DRC has begun working with ABLE-NH to revive "Regional Action Committees" (RACs). This was a statewide initiative that DRC was involved with about ten years ago. Regionally based groups made up of persons with physical disabilities approached local businesses and other places whose interiors or exteriors were in violation of federal or state accessibility laws. The RACs generally were able to convince businesses to make changes that improved accessibility. DRC stepped in when a legal approach was needed.

DRC is working to replicate and improve the RAC model by forming a partnership with local chapters of ABLE-NH.

This project to improve community accessibility has the added value of empowering self-advocates to identify and address problems at the local level. DRC is available to provide technical assistance, primarily in the form of legal advice and interpretation. In cases where the responsible party is not responsive to the legitimate demands of the local ABLE-NH chapter, DRC can initiate a more formal legal strategy.

Ultimately improving accessibility is a win-win for everyone. Persons with physical disabilities enjoy full and equal access, businesses expand their customer base, and communities benefit from an active and diverse population.

## AXS MAP APP

Check out this new website and mobile app initiated by filmmaker Jason Dasilva and funded by Google. AXS Map (*pronounced access map*) is designed to provide people with reliable and detailed user-generated information about which restaurants, shops, and other businesses are truly accessible. AXS Map is a first-of-its-kind resource that will give people with mobility and other disabilities the power to share knowledge about their local communities, and to help anyone, anywhere find the places that accommodate their needs. It will let users rate on a five-star scale the wheelchair accessibility, spaciousness, and noise levels of local businesses, educational and public institutions, social hangouts, and more. To see the AXS Map video and find out more got to [www.axsmap.com](http://www.axsmap.com).





## ABLE NH – MAKING A DIFFERENCE

**ABLE Leaders worked to make Conval High School accessible to all students and community members**

By Linda Quintanilha, ABLE NH

Built in 1970, Conval High School serves nine towns, including Bennington, Antrim, Greenfield, Dublin, Frankestown, Hancock, Peterborough, Temple, and Sharon. Conval is not in compliance with the Americans with Disabilities Act.

The school board and administration's attempts to convince voters in the district to pass a bond to make the school accessible failed - twice. In 2010 the warrant article was defeated by just 23 votes.

This close vote was a catalyst for three community members to take action. Linda Quintanilha of Bennington, along with Bob English and Marie Primeau of Peterborough, realized that if they wanted to bring about changes, they needed help.

In January 2011, members of the Peterborough community with leaders from the North Country went to Concord for an ABLE NH training. They pushed the organization to shift its focus from statewide issues to helping support leaders in local communities to tackle challenges, like accessibility at Conval and isolation in the North Country. At the meeting Linda Quintanilha observed, "The disability community is very good about showing up in Concord and testifying on statewide legislation, but where do I get help when something as important as an accessible school is on the line?"

ABLE NH rose to the challenge. Realizing the need to compliment its statewide work - an arena where the disability community historically has had great success - ABLE turned its attention to building strong local chapters.

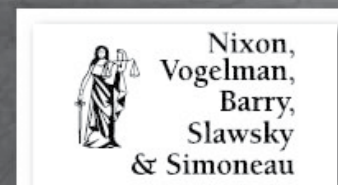
ABLE brought in trainers from the Gamaliel Foundation in Chicago to teach leaders how to organize their communities. Linda Quintanilha, Bob English, Marie Primeau, and Kathy Manfre used the strategies they learned through Gamaliel to build strong coalitions in their own backyards. They held public meetings and inspired new members to become involved. The Peterborough chapter of ABLE NH began to build power.

When it came time to reconsider a bond to bring Conval High School in compliance with ADA, leaders of this local ABLE chapter were organized and ready. They wrote letters

to the editor supporting the bond and, with school board members and administrators, developed talking points on the issue. They worked throughout the district, meeting with voters at transfer stations and other community gathering places, to educate them about the importance of passing the bond.

At the school district meeting, it was all hands on deck! ABLE Leaders gathered outside the meeting, handing out free coffee and water. They explained to voters that for less than the cost of one small coffee per week, taxpayers could make the high school accessible for *all* students and community members. Inside the meeting, leaders like Alex Skinner, a recent Conval graduate, received a standing ovation when they spoke about the need for their high school to be in compliance with the ADA.

Their efforts paid off. Peterborough leaders of ABLE NH are proud to announce that the construction project to make Conval High School fully accessible is now underway. Not only that, two of the members of this ABLE chapter ran and were elected to the school board and one is serving on the building committee overseeing the Conval construction project.



Nixon, Vogelman, Barry, Slawsky & Simoneau P.A. is proud to support the RAP Sheet, the DRC, IOD/UNH, and NHDDC, and the Disability Community in this the 22<sup>nd</sup> Anniversary Year of the ADA.

Considered by many to be the state's preeminent personal injury and medical malpractice law firm, Nixon, Vogelman, Barry, Slawsky & Simoneau P.A. also has a diverse practice which includes employment discrimination, Social Security disability claims, and civil rights, particularly protecting the rights of persons who are deaf or have disabilities.

Offices are located at 77 Central Street,  
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For more information, see <http://www.davenixonlaw.com>.



# AWESOME iPad APPS, ACCESSORIES & ADAPTATIONS PROMOTING INDEPENDENCE

By Therese Willkomm, Institute on Disability

Since 2010 there has been an explosion of iPad apps that benefit individuals with disabilities. Communication apps were among the first apps developed to support independence for people with disabilities. For example, Proloco2go using pictures, photos, icons, words, and voice output has all the bells and whistles to enable someone to communicate. There are over 180 different apps that support communication, 60 apps to help people remember specific tasks, 36 sign language apps, 80 apps for people who are blind or have low vision, 400 apps for autism, and hundreds of apps for reading and writing. Today's challenge is not if "there is an app for that," but rather how to decide and select the most appropriate app to meet your specific needs. Guess what - there are even apps for helping you choose apps and over 20 different websites that provide assistance in selecting apps.

Over the past two years, I have reviewed more than 900 apps. The sheer volume of apps coming onto the market makes it impossible to remember what each and every one does and does not do. To help sort through all of this, I have developed a comprehensive list of apps organized by category (i.e. social and behavioral skill apps, autism apps, math apps, etc.) With new apps constantly coming out and old apps updated with new features, I am now posting monthly app updates in the Assistive Technology section on the Institute on Disability website.

I am often asked for my top 25 "Must Have" apps. This is a challenge given that each category could have its own top 25 list. In addition, my list reflects my personal preferences and may or may not match up with other people's interests. In any case, here are my current favorites.

## Therese's Must Have Apps

- *Reminding Apps* - Reqall, VoCal, Forgetful, Alarmed, Nudge, Due, Timetimer
- *Organizational Apps* - Priority Matrix, Popplet
- *Scanning Apps* - DocScan, Google Search with Google Goggles, Worldcard Mobile
- *Transfer apps* - Dropbox, Transfer
- *Writing apps* - Abilipad, Iannotate PDF, Dictation, Audionote, Google Search
- *Reading Audio apps* - Audible, Learning Ally, iScroll, Overdrive
- *Low Vision apps* - VisionAssist, Super Zoom, Text Grabber, Recognizer
- *Deaf and Hard of Hearing apps* - iASL Translator, ASL Dictionary, Ears, Decible, Uhear
- *Communication apps* - Touchchat, Assistive Chat, Soundingbrd
- *Other apps* - Scenespeak, Algebra Touch, iMovie

While the iPad is being promoted as a universally designed device, it still needs adaptations and accessories to accommodate specific disabilities. There are hundreds of Bluetooth and Wi-Fi accessories that will interface with the iPad. For example, switchamajig lets you use the iPad as a big switch remote control to operate toys wirelessly. You can use the iPad to interface with a camera from Withings to monitor activities in remote locations. The iPad also may be used to turn on and off lamps, television sets, fans, and appliances. Bluetooth switches, such as Blue2blue, enable the iPad to interface with various communication apps. Bluetooth speakers like Jambox by Jawbone amplify iPad audio for individuals using communication apps. There are protective cases, including Big Grips and Gumdrop, to keep the iPad from being damaged if it's dropped. With Ibackflip the iPad can be attached to your body, allowing it to be used with one hand. To accommodate for physical disabilities there are several mounting solutions to attach the iPad to a table, bed, or wheelchair.

(Continued on page 9)

Photographer - Dan Habib



Thasya Lumingkewas, 8 (right), uses her augmentative communication device to chat with classmates during snack time at Maple Wood Elementary School.

From "Thasya" which is part of Dan Habib's new documentary film project, *Who Cares About Kelsey?* To watch the film about Thasya go to <http://www.whocaresaboutkelsey.com/multimedia>

# ◆◆ NORTHEAST PASSAGE – LIVING BEYOND DISABILITIES ◆◆

For more than 20 years, Northeast Passage (NEP) has been committed to the relentless pursuit of a barrier-free world for individuals with disabilities. NEP works to create an environment where individuals with disabilities can enjoy recreation with the same freedom of choice, quality of life, and independence as their non-disabled peers.

We do this by developing, delivering, and evaluating innovative barrier-free recreation and health promotion programs. Our guiding principles are promoting independence through education and problem solving, creating opportunities, and collaborating with others to create a strong network of accessible recreation. NEP offers both Recreational Therapy and Adaptive Sports and Recreation programs.

NEP's Recreational Therapy program provides person-centered treatment for individuals or groups in their home communities, using recreation to improve quality of life, health and independence. We offer wellness education, fitness plans, functional skill development, community integration, resilience techniques, resource and network development, individual and family recreation, and peer advising.

Our Community/Home Based program works with veterans in New Hampshire and Maine returning from the current war, as well as veterans from past wars. In the last three years, we have worked with over 100 veterans through the Manchester, NH VA and Martin's Point Health Care's U.S. Family Health Plan. We work one-to-one with vets in their home communities helping them remove the barriers preventing them from accessing their life and community to the fullest. This unique approach to veterans' adjustment to civilian life and life with a disability is state-of-the-art in the field of Therapeutic Recreation.

Through NEP's School Based program we work with parents, students, administrators, physical education, special education, and classroom teachers to ensure equal opportunity for students with physical and developmental disabilities. The program's mission is to facilitate the inclusion of students into the school curriculum (including Physical Education), sports, after school programs, or summer programs. Through the use of adaptive equipment, direct instruction, and a focus on social awareness, students can develop their skills to a level where inclusive participation in recreation-based activities is successful.

For students between the ages of 14 and 21 NEP offers a Transition Program to give students the skills needed for successful transition from high school to community life. This program provides community recreation experiences designed



Photo: Courtesy of Northeast Passage

*Northeast Passage's Community/Home Based program works with veterans in New Hampshire and Maine.*

to help students become happy, healthy, independent members of their community. Activities for transition groups run from outdoor adventure activities like rock climbing and snowshoeing to art projects. The goals are all related to a student's strengths and focus on removing barriers to independent living.

Our Adaptive Sports and Recreation program offers a spectrum of service, from entry-level instruction to ongoing recreation and competitive sports. This program provides the appropriate level of support and challenge for all abilities. We have ongoing programs in 12 different sports including cycling, skiing, golf, and soccer. NEP also has equipment rentals for an extensive array of sports.

To learn more visit the NEP website at <http://nepassage.org/about/> or email [northeast.passage@unh.edu](mailto:northeast.passage@unh.edu)

## HAMBLETT & KERRIGAN

Hamblett & Kerrigan is pleased to support the RAP Sheet and the organizations in New Hampshire that strive to make the state a better place for individuals with disabilities. Hamblett & Kerrigan is a full service law firm located in Nashua, New Hampshire.

Attorney Beth Lorschach and the trusts and estates department offer estate planning, Medicaid planning, and estate and trust administration services, including assistance with special needs trust planning.

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# JOINING FORCES FOR ACCESSIBLE TRANSPORTATION

By Sönke Dornblut, UNH Institute on Disability

What do energy prices, demographic shifts, and obesity have to do with accessible transportation? A lot.

*Energy Prices.* Persistently low energy costs over the past century have enabled an American lifestyle that is dominated by individual car ownership. Dependence on the automobile has profoundly influenced the economy and the land use patterns in our country.

With oil prices rising, this reality is shifting.

The effects of oil dependence and the suburban sprawl it created are coming into question. We have eaten up our land, have an increasingly obese population, and are unable to pay for the upkeep of our roads and bridges.

*Demographic Shift.* New Hampshire is aging faster than other states in our region. In twenty years, we are projected to be home to a *much* older population. Older residents drive less or do not drive at all.

Residents with disabilities already know that the lack of transportation can make living in the Granite State extremely challenging. As New Hampshire's population ages, many more people are about to find this out. In order

for our communities to thrive, alternative transportation options must be developed. Transportation is a key issue for AARP and a major concern for land use planners.

*Obesity.* Obesity and its effects on health are frequently in the news. We have not heard as much about community response to this epidemic.

In New Hampshire, Healthy Eating Active Living (HEAL) is working to combat obesity and improve public health. HEAL sponsors projects that foster students walking to school, increase community recreational opportunities, promote healthy nutrition, and expand access to transportation options.

## Why is all this important?

The disability community has long known that the present transportation system doesn't work for people who do not drive. However, we have not been in a position to overcome the dominance of car-based transportation. Well, times are changing. New allies are joining the fight and old allies have renewed vigor.

The state's environmental community is interested in a sustainable transportation system, one that reduces our CO2 emissions. The health care community is pushing for walkable and accessible communities to promote healthy lifestyles and build community. Municipalities are interested in accessible transportation to respond to the needs of a general population that is growing older.

The rising price of oil, sky rocketing obesity rates, and an aging population are all catalysts for change. We have an opportunity to join together and make policy and funding decisions that will enable New Hampshire to build a transportation system that benefits *all* users.

Accessible transportation is a function of accessible communities and, in an age of diminishing resources, only accessible communities are sustainable communities.

As New Hampshire's transportation system is evaluated and redesigned, it is critical that the disability community participate in this effort. We need to ensure the outcome is a responsive system that offers cost effective transportation options that can be used by everyone.

Join the cause as if your life depended on it - because it does.

## The RAP Sheet has Gone Electronic!

In order to:

- Reach more readers
- Reduce costs
- Be more environmentally friendly

The RAP Sheet, is **now** sent electronically via email. We will no longer be mailing hard copies to our distribution list.

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<http://www.drcnh.org/rapsheet.htm>

**Sign up today** to ensure continued access to the latest in disability research, advocacy, policy, and practice you have come to depend upon.

For those who do not have access to email, a limited number of RAP Sheets will still be printed. To continue to receive paper copies by mail, or if you have questions about RAP Sheet distribution, **please call Mary at (603) 271-7039.**

## NH TRANSPORTATION PLANNING RESOURCES

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steering committee vice-chair  
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*Health Eating Active Living – HEAL*  
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Foundation for Healthy Communities  
125 Airport Road  
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E: TJohnson@healthynh.com

*State Coordination Council for Community Transportation*  
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For more information and to view articles written by members of our firm visit our website at **[www.butenhofbomster.com](http://www.butenhofbomster.com)** or contact our office at (603) 296-0428.

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# VOTER IDENTIFICATION BILL PASSED INTO LAW

## What you can do to protect your right to vote

By Julia Freeman-Woolpert, Disabilities Rights Center

This June, a law was passed over the Governor's veto that requires voters to present photo identification at the polls on Election Day in order to vote. Voters with disabilities, who are less likely to have a driver's license or other photo identification, will be unfairly burdened by this requirement. It also may mean a longer wait in line to cast your ballot.

Voting is one of our most important rights. Don't let the voter ID bill stop you from voting! Your vote counts the same as every other voter, and your voice needs to be heard.

The new law has a long list of photo identifications that will be accepted this year, including the usual drivers' licenses and passports, but also expired photo IDs, student IDs, and individual verification by the moderator or the town clerk. After September 1, 2013, the list of accepted IDs will be limited to: a driver's license or a non-driver's identification card issued by any state or the federal government, a U.S. armed services identification card, a U.S. passport, or a qualified voter affidavit.

If you do not have an approved photo ID, you can get a free photo ID for voting. To get a free voter ID, start at your Town Clerk's office. The clerk will have you sign an affidavit that you do not have a valid photo ID, verify that you are on the voter checklist, and give you a voucher. Take the voucher to any Division of Motor Vehicles (DMV) office and get your free voter ID.

**IMPORTANT:** A voter ID is NOT THE SAME as a non-driver's ID. The free voter ID is for voting purposes only.

A non-driver ID is an official photo ID issued by the NH Division of Motor Vehicles (DMV). There is a \$10 fee for a non-driver ID, and you must complete the same paperwork and show the same documentation of identity and residency that you would for a driver's license. You can apply for a non-driver's ID at any Division of Motor Vehicles (DMV) Office. A non-driver ID is valid for voting purposes, and also can be used as an alternative to a driver's license for other purposes where a government-issued ID is required.

If you do get to the polls without a photo ID, you can still vote. You will have to fill out a sworn affidavit saying you are who you say you are, and (after September 2013) have your photo taken. You will receive a letter several weeks later from the Secretary of State's office to verify your identity. You will need to send this letter back verifying that you live there and did vote. If you don't send the letter back, you could be investigated. This new law does not affect people who vote by absentee ballot.

If you are not yet registered to vote, now is the time! You can register at your town or city clerk's office at least 10 days before the election. You can also register by mail. In New Hampshire, you can also register at the polls on Election Day, but to avoid problems, it is better to register in advance.

The next election will be the state primary on September 11. The voter ID system may not be in place by that election, but will be by the general election on November 6. See you at the polls!

For more information about your voting rights <http://www.drcnh.org/Issue%20Areas/Voting.htm>.

If you have any problems accessing the polls on Election Day, call the Disabilities Rights Center toll free at 1-800-834-1721.



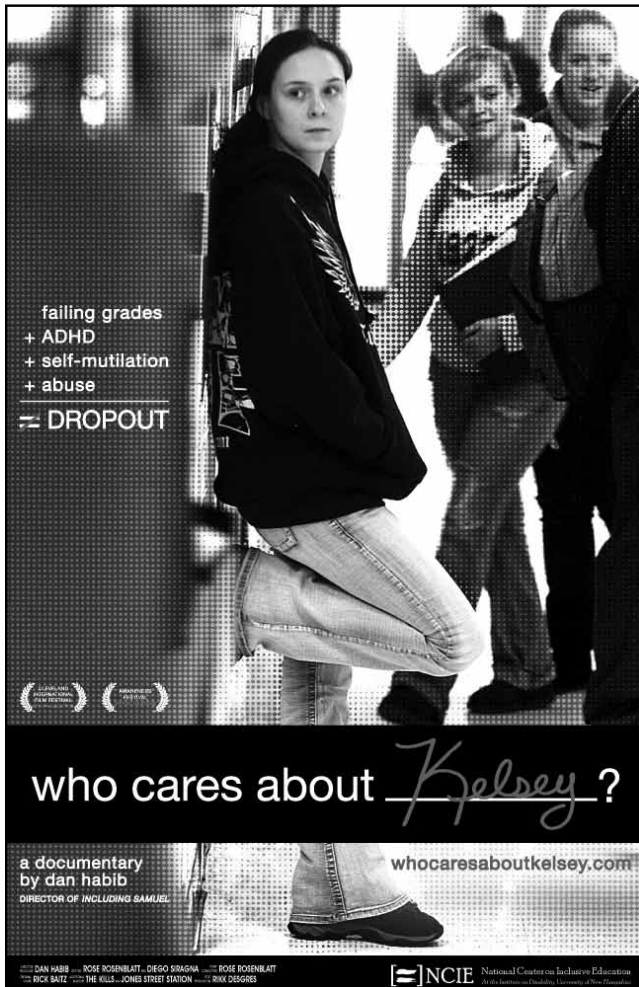
*Your voice needs to be heard. Don't let New Hampshire's Voter ID bill stop you from voting!*



*Who Cares About Kelsey?* is the newest film project by Dan Habib, filmmaker in residence at the Institute on Disability and creator of the internationally acclaimed documentary, *Including Samuel*. Habib's latest project documents the lives of students with emotional/behavioral challenges, and shows innovative educational approaches that help these students to succeed – while improving the overall school culture and climate.

The *Who Cares About Kelsey?* film project includes an Education Kit now available for pre-order through the IOD Bookstore.

For more information go to <http://www.whocaresaboutkelsey.com/about>



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**Attorney Greg Van Buiten** is pleased to support the RAP Sheet, the Disabilities Rights Center, Institute on Disabilities, and the NH Council on Developmental Disabilities and the great work they do for and with individuals with disabilities

Greg Van Buiten is an attorney admitted in New Hampshire and Vermont. For over 25 years he has worked with the parents of students with disabilities, in an effort to ensure that these students receive the services they need in school, and that they are prepared for life after graduation.

*(Continued from page 4)*

Unfortunately, many iPad accessories are too expensive or do not adequately accommodate all individuals with disabilities. There are a number of simple homemade adaptations that can help. For example, wearing a knit glove with the tip cut off the middle finger enables a person's hand to rest on the iPad without inadvertently activating other features and allows the exposed finger to activate the desired app. Tactile overlays can be made for the iPad for individuals who are unable to see the pictures and graphic features in an app.

An adjustable iPad mount that can secure the iPad to a table or to your thigh can be easily made for less than \$5.00. Flagpole brackets used with a tubular clamp and 3/4 inch PVC can be used to attach an iPad to a wheelchair or bed. A 17" industrial twist ties can be used to create over 10 different kinds of iPad adaptations. These are just a few examples of the many ways that an iPad can be adapted to accommodate for a specific disability.

To learn more about iPad adaptations, accessories, and assistance in selecting apps, visit [ATinNH.org](http://ATinNH.org) and click on the Resources page.



# MAKING THE ADA WORK FOR YOU

By Cindy Robertson, Esq., Disabilities Rights Center

Have you ever been unable to enter a restaurant or other public building because of the front stairs, or found yourself unable to use the restroom because you use a wheelchair or have other mobility difficulties? Or have you been unable to get your employer to provide you with an interpreter at monthly staff meetings and now your job performance is being affected. These are all examples of ADA (Americans with Disability Act) violations. The question is - How can you make the ADA work for you?

## Employment

The ADA is divided into three primary titles or sections. Title I covers private employment situations. In order for the ADA to apply, a company must have 15 or more employees. Title I prohibits an employer from discriminating against a person with a disability who meets the job-related requirements and who can perform the "essential functions" of the job with or without a reasonable accommodation. Employers are required to provide a reasonable accommodation once an individual's physical or mental limitations are known. It is up to you to request the reasonable accommodation if you need one.

Such accommodations can range from providing interpreters and other assistive technology to installing ramps or modifying bathrooms. The large majority of "reasonable accommodations" are very inexpensive and readily done. However, an employer cannot be required to provide an accommodation that would cause "undue hardship." An undue hardship is one that would be very difficult or very

expensive. For example, requiring a small business to install an elevator at a very high cost could be considered an undue hardship.

If a reasonable accommodation is requested but the employer refuses to provide it, you can file a complaint with the EEOC (Equal Employment Opportunity Commission) within 180 days of when the discrimination occurred. The EEOC will then conduct an independent investigation into your complaint. The EEOC can make several findings including resolving the complaint or issuing a "right to sue" letter that gives you the right to file a lawsuit in court against the employer. You can recover monetary damages as well as have the EEOC or the court order the provision of a reasonable accommodation.

## Government and Other Public Entities

Title II of the ADA covers public entities such as state and local government, schools, and county jails. Most of the requirements of Title II are based on section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of a disability in federally assisted programs or activities. The primary goal of the ADA is to integrate individuals with disabilities and provide them with an equally effective opportunity to participate in the public service or benefit.

As under Title I, the public entity is required to provide a reasonable modification to its program when requested. For example, if a town welfare application is too difficult for you to understand because of a mental disability, the town may be required to make the form simpler or provide you with individualized help to complete the form.

*The ADA National Network provides information, guidance, and training on the Americans with Disabilities Act (ADA), tailored to meet the needs of business, government and individuals at local, regional, and national levels. The ADA National Network consists of ten Regional ADA National Network Centers that provide local assistance to ensure that the ADA is implemented wherever possible. The ADA National Network is not an enforcement or regulatory agency, but serves as a resource supporting the ADA's mission to "make it possible for everyone with a disability to live a life of freedom and equality."*

*To learn more about the ADA National Network visit <http://adata.org/>*

*To learn more about the New England Regional ADA Center visit <http://www.newenglandada.org//site/home>*

## ATECH SERVICES

Since 1991 ATECH Services has assisted over 20,000 New Hampshire residents affected by disabilities or the aging process in achieving their goals at home, school, work, or play through the provision of assistive technology, education, or community health services.

With offices in Concord and at Crotched Mountain, ATECH Services include:

**NH Assistive Technology Evaluation & Consultation (NH-ATEC)** provides specialized evaluations and consultations for:

- ◆ Wheelchair seating and mobility services
- ◆ Augmentative and Alternative Communication (AAC) services for those who are unable to effectively use speech to express themselves
- ◆ Computer access services for individuals who require special hardware or software to use a computer at home, school or work
- ◆ Home and worksite modification services
- ◆ Modification and fabrication services to modify commercial products and fabricate equipment not otherwise available

**ATECH Vision & Hearing Services** coordinates several projects that assist students who are blind, visually impaired, deaf, hard of hearing, or deaf/blind.

**Refurbished Equipment Marketplace (REM)** has an inventory of donated and refurbished durable medical equipment (wheelchairs, mobility aids, hospital beds, bath aids, scooters, portable ramps, etc.) for persons who find the cost of new technology prohibitive.

**ATECH Workshops and Training Services** offers a variety of educational opportunities for professionals, families and the public. For a current schedule of programs visit - <http://www.crotchedmountain.org/crotchedmountain/html/nhatecworkshops.htm>

For more information about ATECH Services contact:

Lorraine Halton	800-932-5837
NH-ATEC	603-226-2900
57 Regional Drive Suite #7	603-226-2907(fax)
Concord, NH 03301	LorraineH@atechservices.org

The public entity is not required to provide a reasonable modification, however, if such modification would "fundamentally alter" the nature of the service or program or if it would be a financial burden. For example, the town is not required to change the architectural structure of a building if it can simply hold its meeting in another location that is accessible.

If you request a reasonable modification and it is refused, you can file a complaint with the appropriate Federal agency within 180 days of when the discrimination occurred or bring a lawsuit in Federal court. You can recover money damages under Title II for intentional discrimination as well as get the Federal agency or court to order the public entity to modify its program in accordance with the ADA.

### **Public Accommodations: Stores, Restaurants, Theatres...**

Finally, Title III of the ADA covers places of public accommodations such as hotels, restaurants, and grocery stores. A public place must make a reasonable modification unless such modification would fundamentally alter the goods or services offered or be an undue burden. For example, the local movie theatre must provide an auxiliary listening device to you if you are deaf or hard of hearing and request one, but a small business does not have to modify its entranceway if the cost of doing so would essentially put it out of business.

If you feel you have been discriminated against by a place of public accommodation, you can file a complaint with the U.S. Department of Justice or bring a civil action in court. The Department of Justice and/or the court can only order the business to provide the reasonable accommodation; it cannot give you money damages under Title III.

We always encourage self-advocacy as the first course of action. Make sure you have specifically requested whatever accommodation you need. If this request is refused, ask to speak to someone in authority and discuss the situation with that person. If you are still not satisfied, then you should consider taking further action, including contacting the Disabilities Right Center for assistance.

*This article first appeared in the Summer 2005 RAP Sheet; it has been amended by Lucy Sammis, DRC legal intern, to reflect current ADA regulations.*



# GETTING IN THE DOOR WITH YOUR SERVICE DOG

By Amy H. Frechette, A.S. and Judah, Institute on Disability

For those of us who own service dogs, taking our dog into a public building can sometimes be a challenge. Imagine walking into a store and being told, "You cannot bring your dog in here!"

*Now what do I do?* You should know that under the Americans with Disabilities Act (ADA) you have the right to have your service dog with you when you're in public places, including places that do not normally allow animals. Many stores and restaurants now have someone to greet customers at the door, not all greeters will know about service animals. You may need to explain to them that you have a right to bring your dog in with you.

According to the ADA - *Service animals are defined as animals that are individually trained to do work or perform tasks for people with disabilities. Businesses and organization that serve the public must allow people with disabilities to bring their service animals into all areas of the facility where customers are normally allowed to go. The ADA applies to all businesses open to the public including restaurants, hotels, taxis and shuttles, grocery and department stores, hospitals and medical offices, theaters, health clubs, parks, and zoos. A business cannot ask you about your disability or ask you for proof that your dog is licensed as a service animal.*

Service animals can help people with disabilities in a number of different ways, including guiding people who are blind, alerting people who are deaf, pulling a wheelchair, opening a door, or keeping a person calm during stressful situations. Many people recognize the most familiar breeds of service dogs - German Shepherds, Golden Retrievers, and Labradors. However, any dog, including mixed breeds, can be trained as a service animal.

While they are sometimes confused, service dogs are different from therapy dogs. Service dogs are individually trained to help their owner; therapy dogs are trained to provide comfort to people other than their handlers. The ADA protections do not apply to therapy dogs and their handlers.

My advice to people who use service dogs is to know your rights and keep educating yourself, as sometimes laws change. While the law does not require you to register your

service animal, it is very helpful to have identification on either yourself or your service dog. The more identification you have, the less likely you will be asked to leave a business. I have found that with my service dog Judah, who is a Keeshond, we do not get asked to leave places as often as I did with my first Autism Service Dog, Eden, who was a much smaller breed. Sadly, Eden passed away on June 29, 2010 from cancer.

There are companies that specialize in equipment for service animals including vests, harnesses, and ID cards. I have used and would recommend Activedogs.com LLC. There also are a number of websites with helpful information about service animals. Here are a few favorites:

<http://www.pleasedontpetme.com/>

<http://www.ada.gov/>

<https://www.deltasociety.org/>

## Remember DO NOT PET A SERVICE DOG!

If you want to know more about service dogs, please contact [Amy.Frechette@unh.edu](mailto:Amy.Frechette@unh.edu)



Nikki Guntz - Photographer

Amy Frechette with her service dog, Judah.

## New Law Regarding Service Dogs in the Granite State

On June 13th, 2012 Governor John Lynch signed into law HB1362. This law accomplishes three things:

- I. It exempts service dogs that have been certified by a recognized dog training agency (or dogs that have served with the armed forces and have been honorably discharged) from licensing and registration fees.
- II. It allows the owner of a service dog to opt for a one-time licensing and registration of his or her service animal provided they meet the established criteria.
- III. It requires the Governor's Commission on Disability (GCD) to oversee the optional permanent registration and licensing of service dogs and issue special tags and certificates denoting this registration.

This law will go into effect on **August 12th, 2012**. Please note that this is an **optional** benefit extended to persons

who use service dogs in their daily lives. It is **not required** that owners of service animals take these steps. Under the Americans with Disabilities Act, a federal law, certification or registration of a service animal is **not required** under any circumstances for the animal to perform the tasks for which it has been trained, including accompanying the owner in places open to the general public.

Also, please note that normal state and local ordinances regarding certification of rabies vaccination **still apply even if you permanently register your service dog**.

For more information on waiving the registration fee for a service dog, obtaining a permanent registration for a service dog, or getting tags denoting permanent registration of a service dog, please contact the Governor's Commission on Disability at 1-800-852-3405 or [Disability@nh.gov](mailto:Disability@nh.gov)

## THE ARCHITECTURAL BARRIER-FREE DESIGN COMMITTEE

The Governor's Commission on Disability is pleased to host the Architectural Barrier-Free Design Committee (AB Committee). The Committee is mandated under state law (RSA 275-C) to ensure the accessibility of new public buildings and older buildings undergoing substantial remodeling. The AB Committee represents people from diverse backgrounds, with the majority of members having disabilities. Committee members are committed to using a common sense approach to make New Hampshire accessible to people with disabilities.

The AB Committee has the following responsibilities:

- ◆ To develop, enforce and distribute the New Hampshire Code for Architectural Barrier-Free Design (which mandates accessibility to new public buildings and older buildings undergoing substantial remodeling)
- ◆ To educate the public, architects, and contractors about the many cost-effective, common sense approaches to providing access
- ◆ To provide technical assistance and guidance regarding access
- ◆ To review State agency leases to ensure accessibility for persons with disabilities

- ◆ To provide information about the Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines
- ◆ To advise property owners, code enforcement officials, and the design community on accessibility compliance
- ◆ To review complaints alleging violations of accessibility code

The AB Committee strives to remove both structural and attitudinal barriers that prohibit access to people with disabilities. The AB Committee promotes UNIVERSAL DESIGN to benefit individuals of all ages and abilities.

The Architectural Barrier-Free Design Committee meets the third Tuesday of every month from 1:00-4:00 at the Governor's Commission on Disability, 57 Regional Drive in Concord. All AB Committee meetings are open to the public.

*Jillian Shedd is an accessibility specialist at the Governor's Commission on Disabilities. If you encounter situations that are not accessible or would like additional information, please call (603) 271-4177 or email [Jillian.Shedd@nh.gov](mailto:Jillian.Shedd@nh.gov)*



## HAVING TROUBLE WITH ACCESS AT YOUR DOCTOR'S OFFICE OR HOSPITAL?

By Julia Freeman-Woolpert, Disabilities Rights Center

When you visit your doctor for a physical exam, you have your height and weight measured and blood pressure and pulse taken. You get on the examining table, answer questions about your health, and discuss your health concerns with your doctor. Right?

What if these things were not a part of your examination? What if your doctor didn't weigh you or you never got up on the examining table? What if you couldn't tell your doctor about your symptoms or understand your doctor's advice?

Incredibly, many medical providers still are not accessible. Examination tables, scales, and medical equipment often are not usable by someone in a wheelchair. In its publication, *Access to Medical Care for Individuals with Mobility Impairments*, the US Department of Justice lays out the legal requirements for access. [http://www.ada.gov/medcare\\_mobility\\_ta/medcare\\_ta.pdf](http://www.ada.gov/medcare_mobility_ta/medcare_ta.pdf)

Individuals who have mobility impairments, who are deaf, blind, or have other disabilities, must have full and equal access to medical services. Doctors, dentists, clinics, hospitals, and other medical providers cannot deny you services just because their medical equipment is inaccessible or they don't want to hire an interpreter.

When you go to your doctor's office you should be able to access the waiting room, examining room, and bathroom. You should be able to get onto the examining table, if this is necessary. While some health problems, like an injury to your hand, can be assessed without the need for a table, general physicals and many other examinations are conducted on an exam table. There are accessible exam tables that can be lowered or a lift may be used to move a patient onto the table. If you require assistance in getting onto an examination table, the staff must be trained in transfer techniques.

A record of your weight over time is an important part of your health care. You should be routinely weighed as part of examinations. There are scales that patients in wheelchairs can roll onto and examination tables or lifts with built in scales. The staff providing your care should be trained in the proper use of all accessible medical equipment.

Health care providers also must modify any policies, practices, or procedures necessary to ensure patients with disabilities have equal access to care. For example a guide dog would be permitted to accompany its owner to a doctor's appointment, even if dogs are not allowed in the building. The NH Association for the Blind and Concord Hospital have created a video, "How Can I Help You?" that discusses accommodations in medical settings for people with vision impairments. <http://www.youtube.com/watch?v=xIP7mCr3LmQ>

If you have trouble remembering things, your doctor may need to write down health care instructions for you. If you are unable to read, the provider may need to read instructions to you. Your provider may also need to allow extra time to conduct your examination, in order for you to have full and equal access to care.

If you are deaf or hard of hearing, your health care provider must have effective means for communicating with you. Methods to ensure effective communication are different for different people and different situations, but for many deaf patients, a licensed interpreter, paid for by the provider, should be available. The provider *cannot* tell the patient he or she must bring along someone to interpret or to assist in other ways.

There are some things your medical provider is not required to do. Providers cannot be expected to fundamentally alter their services. For example, general practitioners are not required to provide specialized care for medical conditions that they would generally refer to a specialist. However, health care providers must provide you with medical care that is within their area of expertise.

Providers also are not required to assume an undue financial burden in order to provide accommodations. What is considered an undue burden under the ADA varies; for example, expectations for large hospitals and solo practitioners would be different. Each situation needs to be considered individually.

If you are having problems with access or accommodations in a medical setting, you can call the Disabilities Rights Center for further information and assistance, at 1-800-834-1721.



INSTITUTE ON DISABILITY / UCED  
 A University Center for Excellence on Disability

# IOD EVENTS CALENDAR

## Lights, Camera, Action! 101 Creative Uses for the iPad Camera to Support Individuals with Disabilities

The iPad camera provides incredible opportunities for individuals with disabilities to fully participate in all life activities. This workshop will demonstrate over 100 apps that use photos, videos, and scanned images captured with the iPad camera to support individuals who experience vision, hearing, communication, intellectual, and neurobehavioral impairments.

**Date:** July 23, 2012  
**Time:** 9am - 3pm  
**Location:** IOD Professional Development Center, Concord, NH  
**Registration Fee:** \$140  
**Presenter:** Therese Willkomm, Ph.D., ATP

## The 14th Annual Autism Summer Institute - Express Yourself: Supporting Communication through the Arts, Advocacy, and Education

*Self-expression is the key to people with autism communicating, learning, achieving their dreams, and having a rich and rewarding life.*

Keynote presenters include Judy Endow, International Consultant and Author; Christy Ashby, Research Director, Institute on Communication and Inclusion, Syracuse University; Michael McSheehan, Clinical Assistant Professor, Communication Sciences and Disorders, University of New Hampshire; Julia Bascom, Autistic Self Advocacy Network; and Larry Bissonnette and Tracy Thresher from the film "Wretches and Jabberers."

**Dates:** August 6-8, 2012  
**Time:** 8am - 4pm, plus evening activities  
**Location:** Grappone Conference Center, Concord, NH

**Registration Fees:**  
 \* Professional: \$399  
 \* Students/Parents/Self-Advocates: \$349  
 \* Single Day Registration: \$150

## The 7th Annual APEX Summer Institute - Multi-tiered Systems of Support:

*Teamwork, Leadership, and Data-Based Decision-Making to Prepare Every Student for Career and Adult Life*

The APEX Summer Leadership Institute is designed for middle and high school teams to build their skills and knowledge in implementing Positive Behavioral Interventions and Supports (PBIS) in order to improve their school culture and climate, improve student engagement, and produce higher graduation rates for all students.

Keynote presenters include Lucille Eber, Ed.D., Hank Bohanon, Ph.D., Howard Muscott, Ed.D., JoAnne Malloy, Ph.D., MSW, and Dan Habib.

**Dates:** August 15-16, 2012  
**Time:** Wednesday: 8am - 5pm, 6pm dinner  
 Thursday: 8am - 1:15pm  
**Location:** Attitash Grand Summit Hotel & Conference Center, Bartlett, NH  
**Registration Fee:** \$299

### 4 EASY WAYS TO REGISTER!

- 1  online  
**WWW.IOD.UNH.EDU**
- 2  call to register or to request a registration form  
**603.228.2084**
- 3  mail a completed registration form  
**INSTITUTE ON DISABILITY  
 56 OLD SUNCOOK ROAD, SUITE 2  
 CONCORD, NH 03301**
- 4  fax a completed registration form  
**603.228.3270**

# RAP Sheet

The Latest in Disability Research, Advocacy, Policy, and Practice

Summer Issue 2012

## NH COUNCIL ON DEVELOPMENTAL DISABILITIES

21 South Fruit Street, Suite 22, Room 290

Concord, NH 03301-2451

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## INSIDE THIS ISSUE

- ◆ *Making the ADA Work for You*
- ◆ *Awesome iPad Apps*
- ◆ *NH Voter ID Bill*
- ◆ *Organizing for Accessibility at Conval High School*

◆ **The RAP Sheet Has Gone Electronic** - see inside for details on how to subscribe ◆

### DISABILITIES RIGHTS CENTER, INC.

18 Low Avenue, Concord, NH 03301-4971

Voice and TDD: (603) 228-0432 ◆ 1-800-834-1721 ◆ FAX: (603) 225-2077

TDD access also through NH Relay Service: 1-800-735-2964 (Voice and TDD)

E-mail: [advocacy@drcnh.org](mailto:advocacy@drcnh.org) ◆ Website: [www.drcnh.org](http://www.drcnh.org)

*"Protection and Advocacy System for New Hampshire"*

*The Disabilities Rights Center is dedicated to eliminating barriers to the full and equal enjoyment of civil and other legal rights for people with disabilities.*

### INSTITUTE ON DISABILITY/UCED – UNIVERSITY OF NH

10 West Edge Drive, Suite 101, Durham, NH 03824-3522

Phone (Tel/TTY): (603) 862-4320 ◆ Fax: (603) 862-0555 ◆ Website: [www.iod.unh.edu](http://www.iod.unh.edu)

### Institute on Disability/UNH – Concord

56 Old Suncook Road, Suite 2

Concord, NH 03301

Phone (Tel/TTY): (603) 228-2084

*The Institute on Disability advances policies and systems changes, promising practices, education and research that strengthen communities and ensure full access, equal opportunities, and participation for all persons.*

### NH COUNCIL ON DEVELOPMENTAL DISABILITIES

21 South Fruit Street, Suite 22, Room 290

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Phone: (603) 271-3236 ◆ TTY/TDD: 1-800-735-2964 ◆ Website: [www.nhddc.org](http://www.nhddc.org)

*Dignity, full rights of citizenship, equal opportunity, and full participation for all New Hampshire citizens with developmental disabilities.*

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