

**REPORT OF THE  
VIRGINIA BOARD FOR PEOPLE  
WITH DISABILITIES ON**

**ACCESS TO BUILDINGS AND  
SERVICES BY PEOPLE WITH  
DISABILITIES IN VIRGINIA**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



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## ACKNOWLEDGMENTS

### STUDY STAFF

#### **The Disability Commission**

- **Virginia Board for People with Disabilities**
  - Brian S. Parsons, Director
  - Barbara Ettner, Ph.D., Policy Analyst
  - Rhonda F. Newsome, VBPD Policy Fellow

### TECHNICAL ASSISTANCE

#### **Department for the Rights of Virginians With Disabilities**

Sandra K. Reen, Director  
Clyde Matthews, Esq., Legal Counsel

#### **Department of Rehabilitative Services**

Kathy Hayfield, Chief of Staff  
Kristin Lieser, Disability Services Board Coordinator  
Theresa Preda, Director, Independent Living  
Delores Martin, Independent Living Specialist

#### **Department of Housing and Community Development**

- Division of Building and Fire Regulation  
Jack Proctor, Deputy Director
- Program Evaluation and Technical Support Office  
William Ernst, Manager

#### **Department of General Services**

- Division of Engineering and Buildings  
Irv Broocke, Director
- Bureau of Capital Outlay Management  
Henry G. Shirley, Director
- Bureau of Real Property Management  
Karen Glagola, Assistant State Real Property Manager

#### **Reviewers**

Mr. James Rothrock  
W.A. Duke, Jr., The Opening Door  
Cheryl T. Duke, The Opening Door

### MEMBERS OF THE DISABILITY COMMISSION

The Honorable Donald S. Beyer, Jr., Chair  
The Honorable Kenneth R. Melvin  
The Honorable Alan A. Diamonstein  
The Honorable Richard L. Saslaw  
The Honorable Joyce K. Crouch  
The Honorable Marian Van Landingham  
The Honorable Yvonne B. Miller  
The Honorable Joseph V. Gartlan, Jr.

The Honorable Jane H. Woods  
Dr. Richard C. Craven  
Brenda T. Williams  
Dr. Worthington G. Schenk III  
Dr. Charles H. Bonner  
The Honorable Frank W. Nolen  
The Honorable Alan E. Mayer  
The Honorable Robert C. Metcalf, *ex officio*

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## Preface

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Senate Joint Resolution 353 of the 1997 General Assembly directed the Disability Commission to study "physical access to public buildings by disabled persons." The legislation, and this report, were developed in response to concerns about the accessibility of public and private facilities and services in Virginia to people with disabilities.

The report presents staff findings from surveys and interviews of government and business officials at the state and local level throughout the Commonwealth. In addition, the report contains statewide survey information concerning the extent to which people with disabilities reported encountering physical and programmatic barriers to the community resources to which they are legally entitled.

Findings indicate that agencies of the public and private sectors have made substantial progress toward achieving compliance with access requirements since passage of the Americans with Disabilities Act (ADA) in 1990. The strongest progress in the public sector appears to have been achieved by agencies changing service practices to insure overall accessibility in accordance with Title II of the ADA. The report found that the monitoring and reporting of the status of access to public buildings and services need to be improved. In addition, the physical accessibility of many older state and local government buildings remains a continuing issue.

The present study also found that overall progress has been made during the past five years in achieving physical access to privately-owned businesses and services in the Commonwealth. However, findings demonstrate that the private sector needs to give increased attention to achieving full compliance with all accessibility requirements of the ADA, including the timely removal of many physical barriers that still exist and better compliance with accessibility provisions of state and federal building codes.

In accordance with the findings, the study contains ten recommendations that address the need for improved reporting, monitoring, education, and awareness of accessibility issues by government and private-sector entities. In addition, the report recommends that every locality in the Commonwealth identify and provide appropriate training for an ADA Coordinator and that the State continue pursuing Department of Justice certification of the Uniform Statewide Building Code. Finally, the report recommends that resources and appropriate technical expertise be made available to study the impact of the lack of assistive and communication technologies on community living by people with disabilities in Virginia.

On behalf of the Disability Commission, I would like to thank all agency staff and other individuals, including people with disabilities, their family members and caregivers, who provided valuable assistance, input, and technical advice for the study.



Brian S. Parsons  
Director, Virginia Board for People with Disabilities

November, 1997



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## EXECUTIVE SUMMARY

The 1997 General Assembly adopted Senate Joint Resolution 353 which directed the Disability Commission, with technical assistance from the Department of Rehabilitative Services, the Department of Housing and Community Development, and the Department of Rights for Virginians with Disabilities, to:

- (1) Review the requirements of current federal and state laws relative to the rights of persons with disabilities;
- (2) Determine the extent to which state and local government buildings and facilities are in compliance with such laws;
- (3) Determine ways to improve and enhance access to public accommodations and services;
- (4) Consider other related issues as may be necessary to address the needs of disabled persons in accessing public buildings, accommodations, and services; and
- (5) Offer such recommendations as the Commission may deem necessary and appropriate.

The rationale for the study was that “barriers to employment, transportation, public accommodations, public services, and telecommunications impose staggering economic and social costs on our society.” Indeed, many of the country’s 48 million people with disabilities are prevented from living full, productive, independent lives in their communities because access to buildings or goods and services in the public and private sectors is denied to them.

The Americans with Disabilities Act, signed into law on July 26, 1990, established access to buildings and services in the public and private sectors as a fundamental civil right for people with disabilities. In the five years since the effective date of this legislation much progress has been made in breaking down barriers and improving access for people with disabilities; however, repeated examples of lack of access indicate that there is still much work to be done.

This study sought to obtain a “snapshot” of the status of accessibility for people with disabilities in Virginia. Input from diverse sources such as state agency ADA coordinators, local building code officials, regional planners, service providers, business representatives and local government officials was obtained to determine the extent to which public and private entities are accessible to people with disabilities in the Commonwealth. State and local government staff were primary sources of information because they interact most closely with people with disabilities and because they are most likely to have knowledge of access issues. The study also sought input on the extent to which people with disabilities perceive goods and services in their communities as being accessible to them. Finally, the study considered ways to enhance and improve access to public accommodations and services.

Information is presented in the study in six sections as follows:

- Introduction
- Overview of Federal and State Legislation Concerning Accessibility
- Access to Government Buildings and Services in Virginia
- Access to Private Buildings and Services in Virginia
- Other Access Issues
- Summary of Recommendations

## **FINDINGS**

### ***State and Local Government***

- State agency staff and local building code officials reported that, in general, the majority of state and local government buildings in the Commonwealth are accessible to people with disabilities. However, not all government buildings are fully accessible, and the access status of some state and local government buildings has not been documented or is unknown.
- Staff of state and local agencies that deliver disability-related services reported that they provide adequate and appropriate accommodations to people with disabilities in the Commonwealth concerning access to programs, services, and activities.
- Many state and local agencies do not appear to be systematically monitoring, reviewing, or evaluating access-related information.
- Approximately one-fourth of local governments in the Commonwealth do not have designated ADA Coordinators.
- Many local building code officials reported the need for additional and ongoing training because of the complexity and changes that occur in access guidelines.
- All Centers for Independent Living (CILs) reported that they conduct access related activities and promote barrier removal in localities throughout the Commonwealth.
- Many Disability Services Boards (DSBs) reported fulfilling their mandated role to “provide information and resource referral to local governments regarding the Americans with Disabilities Act.” (Code of Virginia § 51.5-47). Some DSB members reported that they do not perform this function.



- Community Services Boards (CSBs) reported that they provided client services in fully-accessible state and local government buildings, and private-sector facilities throughout the Commonwealth. No recent serious complaints concerning physical access to local CSB facilities or to services were reported in the past year.
- Several Executive Directors of Planning District Commissions (PDCs) throughout the state reported that they were taking steps to incorporate accessibility into regional planning activities and of working closely with DSBs on access issues.
- The Department of Rehabilitative Services is mandated by the Virginians with Disabilities Act to “evaluate the effectiveness of the Statewide Building Code...” and to coordinate its activities concerning other buildings with appropriate state agencies. The Department’s role in these activities needs to be re-evaluated due to limits in personnel, staff expertise, and resources.
- Approximately one in five consumers who responded to a survey for this report have encountered physically inaccessible state and local government buildings in the Commonwealth (some respondents included federal buildings). The most frequently cited reasons for lack of accessibility included (1) not being able to find handicapped parking; and (2) not being able to use facilities inside government buildings such as restrooms, drinking fountains, dining facilities, etc.
- Approximately seven percent of consumers reported having encountered inaccessible state and local government programs and services in categories of voting, public meetings, social services and health, museum programs, and library activities. Eleven percent reported encountering inaccessible local park and recreation activities.

### *Private Sector Businesses and Services*

- Findings indicate that many private-sector businesses that identified themselves as physically accessible often lack other supports or assistive technology needed by people with diverse or multiple disabilities to ensure full accessibility.
- Reasons for the existence of physical barriers in the private sector included: lack of knowledge about barrier removal efforts; lack of awareness about the needs of people with disabilities; high costs associated with making renovations; and delays in plans to implement barrier removal.
- In the past, litigation has been the major driving force behind improvements in access to goods and services in the public and private sectors. Currently, negotiation, mediation, and education are seen as the most effective tools in achieving full access for people with disabilities.

## ***General***

- The Department of Housing and Community Development has explored certification of the state's Uniform Statewide Building Code by the Department of Justice.
- Increasing numbers of trained mediators are becoming available in the state for resolving access disputes.
- Findings indicate an overwhelming need for increased awareness and education concerning access issues in Virginia.
- An ADA Coalition has been developed in the state which will serve as a clearinghouse for information and resources concerning all titles of the ADA.

## **CONCLUSIONS:**

The findings from this study present a picture of the status of government buildings and services in the Commonwealth. In the complete absence of centralized data regarding accessibility within the agencies of state and local government, the study has highlighted considerable differences between the perspectives of service providers and consumers concerning accessibility.

Clearly, agencies of the public and private sectors have made substantial progress toward achieving compliance with access requirements. The strongest progress in the public sector appears to have been achieved by agencies changing service practices to ensure overall accessibility of their programs, services, and activities in accordance with Title II of the ADA. Yet, the actual physical accessibility of many older state and local government buildings remains a continuing issue for many consumers.

Indeed, consumer experience, as documented in this study, indicates that additional attention to full compliance with access requirements deserves increased attention. Though the percentage of consumers reporting total inaccessibility of services was small in this study, no less than full accessibility of the programs, services, activities, and facilities of government should be deemed acceptable. To the individual whose participation in the activities of the public and private sectors has been hindered due to lack of access, the occurrence amounts to a violation of that individual's civil rights.

This report underscores the need for better overall monitoring and coordination of accessibility concerns by agencies of state and local government. Agencies need to be proactive in order to ensure that facilities and services are fully accessible. The training of local building code officials needs to be enhanced. In the private sector, the need for increased awareness regarding accessibility remains vital. Ensuring accessibility goes beyond mere compliance with construction standards. It requires changes in attitudes

which lead to conducting business in a manner that encourages the full participation of all citizens, including individuals with disabilities.

### **RECOMMENDATIONS:**

Ten recommendations emerged from this study:

Recommendation (1): The State's primary disability service agencies, Centers for Independent Living, and Disability Services Boards should review mechanisms by which they implement the access reporting provisions specified in the Code of Virginia. These agencies should consider developing more formalized procedures for collecting, reviewing, and distributing information concerning access to facilities and services by people with disabilities in the Commonwealth.

Recommendation (2): The Department of Rehabilitative Services should examine and develop recommendations concerning the appropriateness and feasibility of the agency's role in carrying out the provisions of §51.5-12 of the *Code of Virginia*.

Recommendation (3): All state agencies in the Commonwealth should prepare and review, on a regular basis, summary reports concerning the status of access to facilities and services in their agencies.

Recommendation (4): The Department of Housing and Community Development should conduct an in depth analysis of the accessibility-related training needs of local building code inspectors. Additional training or enhanced continuing education should be provided as needed.

Recommendation (5): The Department of Housing and Community Development should examine the manner in which local building code officials resolve access complaints in localities and should consider developing a standardized process for resolving accessibility complaints. The Department should consider including these procedures in the training of building code officials.

Recommendation (6): Government and private-sector entities need to examine and address the impact of lack of assistive technologies on community living of people with disabilities. The examination should promote use of assistive and communication technologies in achieving full access to public and private-sector services. Sufficient resources and appropriate technical expertise should be provided for this activity.

Recommendation (7): Each local government entity in Virginia should identify and provide appropriate training for a designated ADA Coordinator.

**Recommendation (8): The Department of Housing and Community Development should continue pursuing certification of Virginia's Uniform Statewide Building Code by the Department of Justice.**

**Recommendation (9): The Virginia Department of Education should continue to monitor school construction and renovations and continue to provide a high level of information and technical assistance to school districts concerning access to local public school buildings. The Department of Education should pursue the inclusion of accessible elements for children with disabilities in its access provisions for public schools.**

**Recommendation (10): The use of trained mediators knowledgeable about the ADA should be promoted in the resolution of ADA Title II and Title III disputes in Virginia. The training of mediators by the Department of Justice should be pursued.**

# Access to Buildings and Services by People with Disabilities in Virginia

## I. INTRODUCTION

### A. Background

Approximately 48 million Americans striving to live independently and productively in their communities are functionally disabled, including 6.1 million children, 25.7 million working-age adults, and 15.8 million elderly. In Virginia, tens of thousands of people with disabilities work, play, attend school, and contribute to their communities throughout the Commonwealth. Unfortunately, many people with disabilities are denied the benefits of full inclusion in the life of their communities by physical and attitudinal barriers that restrict their access to the supports, services, and opportunities needed to maximize their independence. Significant among the efforts to optimize the independence of people with disabilities has been enactment of the Americans with Disabilities Act (ADA; Public Law 101-336 ) which was signed into law on July 26, 1990.

Nationally, the ADA's performance over the past seven years in ensuring access to buildings and services for people with disabilities has been mixed. In a 1996 national survey conducted by the United Cerebral Palsy Associations ("The ADA Snapshot of America") nearly all of the 578 respondents with disabilities (approximately 50 percent of the sample) reported that the ADA had made a difference in the lives of people with disabilities as a whole and in their own lives as well. Access to public accommodations and public places was among the areas reported to have improved most significantly since passage of the ADA. Nevertheless, some respondents observed, "there is still a long way to go." There are numerous examples of the need for continued improvement in access for people with disabilities, as demonstrated in the following May 28, 1997, Virginia-Pilot news story:

*Virginia Beach-- The city and Cellar Door agreed Tuesday to modify seating, parking, and accessibility for the disabled at the GTE Virginia Beach Amphitheater to settle a lawsuit filed last fall by the Endependence Center. The attorney for disability advocates said the amphitheater segregated parking by providing it only in one location -- near the VIP entrance and not near the ticket offices or other entrances. Also, the advocates maintained that seating inside the facility was segregated and that it did not afford disabled patrons a line of sight [unobstructed by patrons standing up around them].*

Barriers to access at sports stadiums in other cities, such as Boston, Buffalo, Cleveland, Philadelphia, Portland, and Washington, D.C., have also been reported. In the

Virginia Beach case, access to the facility for people with disabilities was obtained through local initiatives. In the other cities, the Department of Justice (DOJ) sued the architectural firm that designed the facilities in order to obtain appropriate access for people with disabilities.

A 1994 GAO Report also found that the ADA had improved awareness and access to goods and services provided by businesses and local state governments. A recent in-depth Virginia news series on accessibility issues in the Commonwealth (Richmond Times-Dispatch, August 10-12, 1997) characterized progress on accessibility as being notable since passage of the ADA, but still a “work in progress.” Despite steady gains, both the “Snapshot of America” Survey and the GAO Report noted the need for “continuing educational outreach and technical assistance to businesses and government agencies. . .” in ensuring access to facilities and services for people with disabilities.

In Virginia, the issue of access to public and private buildings and services by people with disabilities, which is required by federal law, has not been systematically studied since passage of the ADA in 1990. Only two legislative studies have dealt with ADA access-related issues in the Commonwealth: (1) A study of state agency compliance with the administrative requirements of Title II of the ADA was conducted by the Department for the Rights of Virginians with Disabilities (DRVD) in 1993 (Summary provided in Appendix 1); and (2) In 1996, a joint subcommittee examined abuse and enforcement of laws concerning handicapped parking in the Commonwealth (Summary provided in Appendix 2).

## **B. Study Directives**

The 1997 General Assembly adopted Senate Joint Resolution 353 (SJR 353, Appendix 3) which observed that the ADA “established a national policy that disabled citizens shall be afforded the assistance that they require to fully participate in every area of society.” SJR 353 observed that “barriers to employment, transportation, public accommodations, public services, and telecommunications . . . impose[d] staggering economic and social costs on our society,” and directed the Disability Commission to:

- (1) Review the requirements of current federal and state laws relative to the rights of persons with disabilities;
- (2) Determine the extent to which state and local government buildings and facilities are in compliance with such laws;
- (3) Determine ways to improve and enhance access to public accommodations and services;
- (4) Consider other related issues as may be necessary to address the needs of disabled persons in accessing public buildings, accommodations, and services; and
- (5) Offer such recommendations as the Commission may deem necessary and appropriate.

## **C. Study Objectives**

This study was undertaken with two primary objectives: (1) to obtain a “snapshot” of the status of overall access to buildings and services in Virginia in the public and private sectors; and (2) to develop recommendations based on the findings to improve and enhance access to all facilities and services by people with disabilities in the Commonwealth.

Information in this report is presented in six sections as follows:

- Introduction
- Overview of Federal and State Legislation Concerning Accessibility
- Access to Government Buildings and Services in Virginia
- Access to Private Buildings and Services in Virginia
- Other Access Issues
- Summary of Recommendations

It is important to note that a more detailed study of the implementation of ADA or of accessibility in Virginia was beyond the scope of SJR 353 and was not possible given staffing, time, and financial limitations. In accordance with the legislative mandate, the study focused on physical access to buildings and access to services generally provided by public and private entities in the Commonwealth. Other highly significant issues relating to access, including access to equal employment, housing, transportation, communication, assistive technology, and so forth, were not examined.

## **D. Study Activities and Methodology**

Information for this report was obtained from federal and state document reviews, mailed, and faxed surveys, analysis of data provided by public and private agencies and organizations, and telephone interviews. Study activities focused on the extent to which state government agencies and businesses were accessible as outlined broadly in the ADA and as experienced in every day life by people with disabilities.

Time, staffing, and fiscal limitations precluded (1) conducting a building-by-building inventory of the highly diverse types of public and private buildings and services in Virginia, or (2) analyzing statistically rigorous data. Rather, the study sought to obtain broad-ranging perceptions and feedback from a variety of sources to serve as a reliable basis for formulating appropriate recommendations.

Table I-1 provides an overview of the study activities undertaken in response to SJR 353. Appendix 4 contains a description of survey design and methodology used in collecting information contained in this report.

**Evaluation of Access to  
State and Local Buildings and Services in Virginia**

<b>Level of Evaluation</b>	<b>Focus</b>	<b>Methodology</b>
<b>Federal Government</b>		
Legislation	Legislation  Code of Federal Regulations	Review of federal legislation & Department of Justice reports Document Review
<b>State Government</b>		
Legislation	Legislation	Review of <i>Code of Virginia</i>
Buildings	Leased Property State-owned Property	Analysis of DGS <sup>1</sup> database Analysis of DGS database
Services	State Agencies	Review of CIL <sup>2</sup> Annual Reports Telephone Survey of State Agencies Consumer Survey
<b>Local Government</b>		
Building Code	Virginia Uniform Statewide Building Code (USBC)	Code Review (USBC and the ADA Accessibility Guidelines [ADAAG])
Buildings	Locally-owned Property	Local Code Official Survey
Buildings and Services	Local facilities & services offered by local governments or state government in localities	Surveys of: Disability Services Board Members Community Services Board Directors Planning District Commission Directors Consumer Survey
<b>Private Sector</b>		
Buildings and Services	Buildings	Telephone interviews -- business and professional association representatives Local code official survey Consumer responses to survey questions
	Services/Recreation/Tourism	Consumer responses to survey questions Telephone interviews -- business and professional association representatives Virginia Tourism Guide

1 DGS = Department of General Services

2 CIL = Center for Independent Living

**Table I-1**



## **II. OVERVIEW OF FEDERAL AND STATE LEGISLATION CONCERNING ACCESSIBILITY**

### **A. Federal Legislation**

#### **1. The Architectural Barriers Act of 1968 (Public Law 90-480)**

The Architectural Barriers Act requires that buildings and facilities be accessible if, since 1968, they were designed, built or altered with certain federal funds, or leased for occupancy by federal agencies. Covered buildings and facilities must meet the standards for accessibility issued by four federal agencies: the General Services Administration (GSA), Department of Defense (DOD), Department of Housing and Urban Development (HUD), and the U. S. Postal Service. In 1984, these four agencies jointly issued the Uniform Federal Accessibility Standards (UFAS), which apply to such areas as walks, ramps, curb ramps, entrances, elevators and rest rooms. The UFAS indicates how many of a certain item, such as accessible parking spaces, are required, where they must be located, and how they must be built or installed.

The U. S. Architectural and Transportation Barriers Compliance Board, an independent federal agency, enforces the Architectural Barriers Act.

#### **2. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112)**

Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in programs or activities that are either conducted by federal agencies or by non-federal organizations that receive federal funds. Under Section 504, all new construction and newly-altered facilities must be accessible. In older facilities, accessibility may be achieved either by making physical changes to the facility or by relocating the activity to an accessible facility.

Section 504 is not centrally enforced by any one federal agency. Instead, enforcement is the responsibility of each federal agency providing funds.

#### **3. The Air Carriers Access Act of 1986 (Public Law 99-435)**

The Air Carriers Access Act prohibits discriminatory treatment of people with disabilities when traveling by air. This act is also enforced by the U. S. Department of Transportation.

#### **4. The Fair Housing Amendments Act of 1988 (Public Law 100-430)**

The Fair Housing Amendments Act prohibits discrimination on the basis of disability in the sale, rental, or financing of housing. It also provides for certain architectural accessibility requirements in new, multi-family housing. Complaints may be filed with the U.S. Department of Housing and Urban Development.

## **5. The Americans With Disabilities Act of 1990 (Public Law 101-336)**

The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in employment, state and local government services, public accommodations and commercial facilities. The ADA is not limited to just facilities or activities that receive federal funds, but applies broadly to public and private entities such as restaurants, hotels, theaters, shopping centers and malls, museums, libraries, parks, private schools and daycare centers, buses, rail stations, and state and local government buildings.

The ADA has four major titles that are enforced by one or more federal agencies:

- Title I prohibits discrimination based on disability in employment. Complaints may be filed with the U. S. Equal Employment Opportunity Commission.
- Title II prohibits discrimination by state and local government in their services, programs or activities. It is enforced by the U. S. Department of Justice or its designated agencies. It also requires public transportation vehicles and facilities to be accessible. Transportation complaints may be filed with the U. S. Department of Transportation.
- Title III prohibits discrimination on the basis of disability in places of public accommodation. It also requires that private transportation systems serving the public be accessible. The U. S. Department of Justice enforces this title.
- Title IV requires telephone companies to provide telecommunications relay services to allow persons with hearing and speech impairments to communicate over the telephone. Complaints may be filed with the Federal Communications Commission (FCC).

A summary of Access-Related Federal Legislation is presented in Table II-1.

## **B. State Legislation**

### **1. The Virginians With Disabilities Act (*Code of Virginia §51.5-40 et. seq.*)**

The Virginians with Disabilities Act (VDA) provides broad legal protection to persons with disabilities and is the state complement to the Americans with Disabilities Act. The VDA prohibits discrimination against persons with disabilities in a broad range of programs and activities including:

### Summary of Access-Related Federal Legislation

Federal Statute	Covered Activities	Enforcement Agency
<b>Architectural Barriers Act</b>	Facilities leased by federal agencies or designed, built or altered with federal funds	U.S. Architectural and Transportation Barriers Compliance Board
<b>Section 504 of the Rehabilitation Act</b>	Any program or activity conducted by federal agencies or receiving federal funds	The federal agency providing funds
<b>Air Carriers Access Act</b>	Accessibility of airline travel	U.S. Department of Transportation
<b>Fair Housing Amendments Act</b>	Sale, rental or financing of housing; accessibility of new multi-family housing	U.S. Department of Housing and Urban Development
<b>Americans with Disabilities Act</b>	State and local government services, public transportation, public accommodations and commercial facilities, employers with more than 15 employees, telecommunications	Department of Justice, Department of Transportation, Equal Opportunity Employment Commission, Federal Communications Commission

**Table II-1**

- Any program or activity operated by the state or receiving state financial assistance
- Any employer of an otherwise qualified person with a disability
- Public and private educational institutions which receive state funds
- The opportunity to register and to vote
- The right to access public places and places of public accommodation
- The right to full and equal opportunity to housing

There is no state regulatory agency which enforces the provisions of the VDA. Rather, individuals have a right of private action in the circuit courts, and may seek injunctive and compensatory relief as well as attorney's fees; punitive or exemplary damages are not allowed. A claimant must provide a potential defendant with written notice within 180 days of the occurrence giving rise to such action, and must commence legal action within one year.

## **2. Uniform Statewide Building Code (*Code of Virginia §36-97 et. seq.*)**

The Uniform Statewide Building Code prescribes regulations to be complied with in the construction of buildings and structures, which include barrier-free provisions for people with disabilities and the elderly. State buildings are not subject to the provisions of the Uniform Statewide Building Code regarding ready access and use by people with disabilities, but, rather, are subject to the UFAS and separate standards prescribed by the Department of General Services pursuant to *Code of Virginia §2.1-516*. Enforcement of the Uniform Statewide Building Code is the responsibility of each local building department.

## **3. Virginia Fair Housing Law (*Code of Virginia §36-86 et. seq.*)**

The Virginia Fair Housing Law prohibits discriminatory practices with respect to residential housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, or disability. Unlawful discrimination under the Act includes the refusal to permit reasonable modifications at the expense of the tenant which are necessary to afford a person with disabilities full enjoyment of the premises. Further, multi-family dwelling units constructed after March 13, 1991 must be readily accessible to and usable by people with disabilities.

The Virginia Real Estate Board investigates complaints of discrimination under the Fair Housing Law and attempts to resolve complaints by conference and conciliation. Unresolved complaints are referred to the Attorney General's Office for civil enforcement action. Also, the Law confers a right of private action by an aggrieved individual.

## **4. Parking For People With Disabilities (*Code of Virginia §46.2-1240 et. seq.*)**

This Act provides a uniform system for the issuance of disabled parking placards to persons with disabilities. The Act also regulates the improper or unauthorized use of disabled parking license plates or placards to ensure that accessible parking is reserved for persons whose disabilities limit or impair their ability to walk. Any violation of these provisions is a misdemeanor enforceable through the criminal courts of the Commonwealth.

## **5. Miscellaneous Statutes**

There are numerous additional provisions in state law which provide persons with disabilities with either access to programs or activities, or exemptions to other provisions of state law. These statutes cover such activities as voter registration and access to polling places, curb ramps in localities, insurance, and hunting licenses, and are identified in Table II-2.

## Summary of State Access-Related Legislation

State Statute	Covered Entity or Activity
Virginians with Disabilities Act §51.5-40 <i>et. seq.</i>	Activities operated by the state or receiving state funds, all employers, educational institutions receiving state funds, voter registration and voting, access to public places and public accommodations, and equal housing opportunity.
Uniform Statewide Building Code §36-97 <i>et. seq.</i>	Prescribes regulations for construction which include barrier-free provisions for people with disabilities.
Standards for State Buildings §2.1-516	Authorizes the Division of Engineering and Buildings to establish standards for the design and construction of state buildings to ensure access by people with disabilities.
Virginia Fair Housing Act §36-86 <i>et. seq.</i>	Prohibits discrimination based on handicap with respect to residential housing; requires new multi-family dwellings to be accessible by people with disabilities.
Parking for Persons with Disabilities §46.2-1240 <i>et. seq.</i>	Provides for disabled parking placards for persons with disabilities that limit or impair their ability to walk, and proscribes criminal penalties for the misuse of disabled parking license plates or placards by non-disabled persons.
Voting §§24.2-310 and 24.2-413	Requires that voter registration locations and polling places be accessible to persons with disabilities.
Insurance §38.2-508	Prohibits unfair discrimination regarding insurance rates or coverage based on mental or physical impairments.
Court Appointed Interpreters §§8.01-384.1, 19.2-164.1, 37.1-67.5	Requires the court to appoint an interpreter for speech-impaired or hearing-impaired persons in civil court proceedings, and for deaf persons in criminal cases and civil commitment proceedings.
Curb Ramps §15.1-381	Requires local governments to construct ramps on curbs of certain streets.
State Library Services §63.1-74.1	Authorizes the Department for the Visually Handicapped to maintain and operate a library service for eligible persons who are blind, or visually or physically handicapped.
State Interpreter Services §63.1-85.4:1	Authorizes the Department for the Deaf and Hard-of-Hearing to establish, maintain and coordinate a statewide service to provide courts, state and local legislative bodies and agencies with interpreters for the hearing impaired.
Hunting Licenses §§29.1-306, 29.1-521.3	Allows the Board of Game and Inland Fisheries to issue special archery licenses to persons with disabilities, and allows persons with impaired mobility to hunt from vehicles under certain prescribed conditions.
Real Estate Tax Exemption §58.1-3210	Allows local governing bodies to exempt or defer taxes on real estate owned and occupied by a person who is totally and permanently disabled.
Personal Property Tax Rates §58.1-3506.1	Allows local governing bodies to tax at a different rate one motor vehicle owned and used primarily by or for a person who is totally and permanently disabled.

Table II-2

## **C. ADA and VDA Enforcement and Monitoring**

Since the ADA is a federal law, compliance is ensured through an array of federal enforcement mechanisms including formal and informal negotiations, mediation, and litigation. At the state level, the *Code of Virginia* requires compliance with all provisions of the ADA and reinforces the Commonwealth's commitment to people with disabilities in the "Virginians with Disabilities Act" that contains various provisions for monitoring and reporting the status of accessibility in the Commonwealth by various state agencies.

### **1. Federal Enforcement Activities**

Various titles of the ADA are enforced by different federal agencies as shown in Table II-3. Titles II and III, which are the focus of the present study, are enforced by the Department of Justice (DOJ) which may file lawsuits in federal court to enforce the ADA and may obtain court orders including compensatory damages and back pay to remedy discrimination. Under Title III of the ADA, the DOJ may also obtain civil penalties of up to \$50,000 for the first violation and \$100,000 for any subsequent violation. Through its federal enforcement activities including both formal and informal settlement agreements and lawsuits if necessary and warranted, DOJ reports that greater access has been achieved for people with disabilities in hundreds of cases nationwide in recent years.

Individuals may file complaints directly with DOJ when problems are encountered (Titles II and III complaint procedures are presented in Appendix 5). Previously, it appears that there were few formal mechanisms for enforcing compliance with accessibility provisions of the ADA prior to filing a complaint. Consequently, ensuring access in the public and private sectors to buildings and services by people with disabilities has been primarily a litigious process. Recently, DOJ has established a mediation process to facilitate resolving some of these disputes before they get to court. The mediation initiative is described in Section V of this report. DOJ is also required to attempt to resolve disputes through negotiation prior to filing lawsuits.

Because parties can also file lawsuits through private attorneys, and since there is little systematized data on ADA Titles II and III violations, DOJ has recently initiated a project to monitor all legal actions involving violations of the ADA. The goal of the monitoring project is to improve coordination between the DOJ and private attorneys by "locating problems and issues, sharing successful strategies, and promoting winning arguments." No data are available from the monitoring project at this time.

## ADA Titles, Effective Dates, and Enforcement Agencies

Titles II and III of the ADA, which are the focus of this study, are shaded.

ADA Title	Effective Dates	Enforcement Agency
<b>I</b> Employment	25 or more employees: 7/26/92  15 or more employees: 7/26/94	Equal Employment Opportunity Commission  Equal Employment Opportunity Commission
<b>II</b> Government Buildings and Services  Public Transportation	1/26/92  Newly acquired vehicles: 7/26/90  Paratransit: 1/26/92	Department of Justice  Transportation Department  Transportation Department
<b>III</b> Public Accommodations and Services (by private entities)	1/26/92	Department of Justice
<b>IV</b> Telecommunications	7/26/93	Federal Communications Commission

*Source: ADA Instruction and Overview from ADA Handbook*

**Table II-3**

### ***2. State Monitoring and Reporting Activities***

Access provisions of the ADA are enforced by DOJ; however, Title 51.5 of the *Code of Virginia*, also called the “Virginians with Disabilities Act” (VDA), prescribes specific reporting responsibilities concerning access to public and private goods and services to various state agencies, as depicted in Table II-4. Much of the data contained in this report was obtained from staff, consumers, executive directors and constituents of

**The Virginians with Disabilities Act:  
Access-Related Responsibilities of Disability Agencies**

State Entity	Powers/Duties
<b>Board of Rehabilitative Services</b>	(4) "...advise the Governor, Secretary of Health and Human Resources, Commissioner and General Assembly on delivery of public services to and protection of the rights of people with disabilities." (§ 51.5-5)
<b>Department of Rehabilitative Services (DRS)</b>	A. "The Department shall promote cooperation in the efforts of public and, when requested, private agencies to prevent or eliminate environmental barriers which infringe upon the rights of persons with disabilities . . . B. To carry out the purposes of this section the Department shall: 1. Make surveys of the nature and extent of environmental barriers and issue reports thereon; 2. Provide information to the public concerning standards for the ... elimination of barriers and serve as liaison for groups of persons with disabilities. 3. Evaluate the effectiveness of the Statewide Building Code, the provisions of this chapter, and other buildings with the Department of Housing and Community Development; and 4. Coordinate its activities concerning state buildings with the Division of Engineering and Buildings, and coordinate its activities concerning other buildings with the Department of Housing and Community Development." (§ 51.5-12)
<b>Independent Living Services (Centers for Independent Living (CILs) are operated under the auspices of DRS)</b>	(A) "Independent living services ...may include provision of... (6) Surveys, directories, and other activities to identify appropriate housing and accessible transportation and other support services..." (§ 51.5-24)  (A) "Projects with employers...shall be designed to provide vocational rehabilitation in a realistic employment setting and... (B) Services provided by an employer may include (6)...building alteration...(§ 51.5-26)
<b>Disability Services Boards (DSBs)</b>	(A) [ <i>Shall be established in every city and county to...</i> ] "provide information and resource referral to local governments regarding the Americans with Disabilities Act ... (§ 51.5-47)
<b>Department for the Rights of Virginians with Disabilities (DRVD)</b>	"The Department shall have the following powers and duties... (3) To monitor the implementation of Chapter 9 (§ 51.5-40 et seq.) including]...§ 51.5-44 (B) which pertains to access to places of public accommodation. (§ 51.5-37)

**Table II-4**



disability-related agencies since there is no centralized source for access data in the Commonwealth. According to staff from the various agencies, data concerning access to agency facilities, programs and services -- while available within each agency or in local offices of the agencies -- are not systematically collected or made available in summary reports. In addition, in most agencies, neither data collection nor compliance monitoring activities appear to be conducted on a regular basis or reviewed systematically.

***a. Department of Rehabilitative Services***

In the *Code of Virginia*, the Department of Rehabilitative Services (DRS) is charged with “mak[ing] surveys of the nature and extent of environmental barriers and issue[ing] reports thereon; provid[ing] information to the public concerning standards for the elimination of barriers...; and evaluate[ing] the effectiveness of the Statewide Building Code...and other buildings with the Department of Housing and Community Development.”

DRS staff evaluates workplace accessibility and provides information on and technical assistance to employers concerning accommodating employees with disabilities. These activities are not summarized or tracked in formal reports. DRS has not been involved in evaluating the effectiveness of the Statewide Building Code. It appears that DRS’s role concerning this activity needs to be re-evaluated due to limits in personnel, staff expertise, and financial resources.

***b. Independent Living Services***

Independent Living Services are implemented by DRS through Centers for Independent Living (CILs) and CIL Satellites throughout Virginia. Among other community-based services designed to promote the independence and integration of people with significant disabilities, CILs provide advocacy and community education services.

Advocacy is one of the required core services provided by all CILs in accordance with state and federal law and its purpose is to maximize the integration and full inclusion of individuals into the community. *Individual* advocacy services assist people with disabilities to address their own accessibility issues. *Community* education and advocacy services assist communities to become more accessible to persons with disabilities.

According to DRS staff, these activities have included providing training and consultation to local governments, businesses, and employers, as well as advocating for improved accessibility on behalf of persons with disabilities. CILs are required to submit annual reports to DRS which include data on community education and advocacy activities. This information is for federal reporting purposes and is not used for any formalized state analysis concerning accessibility to buildings and services in the Commonwealth. However, CILs maintain logs of their advocacy and community

education efforts and outcomes and CILs report highlights of these activities in narrative form to DRS annually.

***c. Disability Services Boards***

In 1992, the General Assembly legislated the development of volunteer Disability Services Boards (DSBs) to assist localities in identifying and addressing the needs of persons with sensory and physical disabilities in their communities. The mission of the DSBs is to provide input to state and local agencies on the service needs and priorities of persons with physical and sensory disabilities, to provide information and resource referral to local governments regarding the ADA, and to provide other advice and assistance to local governments as may be requested.

Many DSBs are actively involved in assessing and improving community accessibility. Boards produce a biennial report provided to local and state government assessing the needs of persons with physical and sensory disabilities, which includes information on accessibility. In addition, DSBs are involved in a variety of activities to educate government, business, and local citizens on the ADA and ensure compliance. However, findings from a survey conducted for this report (Section III) indicated that not all DSB members were aware that they are performing this function.

***d. Department for the Rights of Virginians with Disabilities***

The Department for the Rights of Virginians with Disabilities (DRVD) maintains a written log of requests for information, referral, and/or technical assistance on a variety of areas including access under Title III of ADA. However, DRVD currently tracks specific information regarding a complaint only when a case has been opened for either advocacy or legal representation services.

According to staff, DRVD receives complaints regarding a wide array of ADA issues which frequently involve access to government and private facilities, including stores, state parks, medical offices, recreational facilities, and voting places.

The agency's 1997 priority under the Protection and Advocacy for Individual Rights (PAIR) program focused on access to public accommodations under Title III, and the 1998 proposed priority includes plans for increased training and technical assistance to consumers. In addition, under DRVD's proposed priority under the Virginians with Disabilities Act (VDA) program for 1998, DRVD will provide training and technical assistance to consumers and professionals relative to Title II of the ADA.

Presently, DRVD has no state-wide data available concerning access complaints made to other enforcement entities.

***Recommendation (1): The state's primary disability service agencies, Centers for Independent Living, and Disability Services Boards should review mechanisms by***

*which they implement the access reporting provisions specified in the Code of Virginia (§ 51.5-12). These agencies should consider developing more formalized procedures for collecting, reviewing, and distributing information concerning access to facilities and services by people with disabilities in the Commonwealth.*

*Recommendation (2): The Department of Rehabilitative Services should examine and develop recommendations concerning the appropriateness and feasibility of the agency's role in carrying out the provisions of § 51.5-12 of the Code of Virginia.*

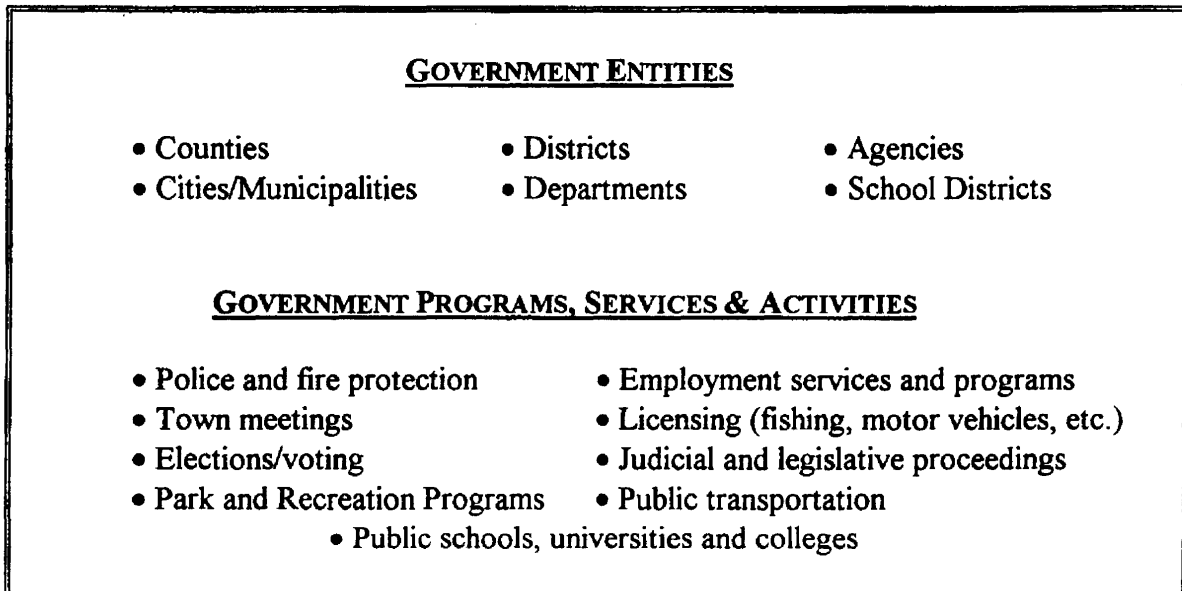
### III. ACCESS TO GOVERNMENT BUILDINGS AND SERVICES

Under the provisions of Title II of the Americans with Disabilities Act (ADA), it is illegal for a qualified individual with a disability, by reason of the disability, to be excluded from participation in or denied the benefits of services, programs, or activities of any government entity. It should be understood, however, that the intent of the ADA is to allow government entities to effectively use existing buildings, some of which may not be fully accessible, as long as the programs and services of the government entity, when viewed in their entirety, are accessible.

Section A of this report discusses findings concerning (1) Access to state leased buildings and properties; (2) Access to state-owned buildings; (3) Access to state government services; and (4) Consumers' perspectives on access to state government buildings and services. Section B discusses findings concerning access to local government buildings and services and presents a discussion of access from the perspectives of Virginia's local planning and services delivery systems.

Figure III-1 provides examples of the types of government entities and the programs, services, and activities to which people with disabilities must have access.

#### Scope of Title II The Americans with Disabilities Act



Source: *The Peer and Family Training Network Project*

Figure III-1

## **A. Access to State Government Buildings and Services**

Title II of the ADA permits public entities to employ either the ADA Accessibility Guidelines (ADAAG) or the Uniform Federal Accessibility Standards (UFAS) to ensure access in building design. UFAS is the standard referenced in most regulations promulgated according to section 504 of the Rehabilitation Act of 1973 and is the standard under which all state government buildings have been constructed since December 31, 1990 (Appendix 6). UFAS predates the ADAAG, but both outline accessibility standards and, although they differ in many areas, the Technical Assistance Manual for Title II does not interpret one standard as being stricter than the other. Both are used widely. According to staff in the Bureau of Real Property Management, the Department of General Services (DGS) is responsible for all state-funded buildings.

### **1. Access to State Leased Buildings**

The Department of General Services (DGS) maintains a database on 1,354 state-leased properties and some of the documentation in the database encompasses the accessibility status of buildings as indicated on lease agreements (Appendix 7 contains the accessibility provisions of state-leased properties). According to staff in the DGS Bureau of Real Property Management, the standard lease form language represents the minimum expectations regarding accessibility and it is incumbent upon all agencies that lease space to ensure that the facilities are physically accessible.

Although the database was not designed to function as a source of information concerning ADA compliance, the present study sought to determine if it could provide some indication of the level of access of leased state government buildings. In a preliminary analysis, only about one-third (34 percent) of the buildings were listed in the database as being “accessible” and the accessibility status of over half of the buildings (54 percent) was not recorded. A small percent of buildings were listed as being “not accessible.”

Two subsets of the database -- buildings leased by institutions of higher education and buildings leased by disability-related state agencies -- were also examined to determine if the database could yield helpful information regarding the accessibility status of these types of state government facilities.

Overall, information in the database indicated that institutions of higher education and disability-related agencies leased accessible space, however, the status of some buildings was not listed or was listed as “not accessible.” Given the fact that many state-leased buildings are used for storage, as non-public office space, or are otherwise not required to be accessible to people with disabilities, and that data in the database is not updated or verified, it was not possible to make meaningful conclusions about the accessibility status of state leased buildings using the database information.

According to staff at the State Council of Higher Education, all colleges and universities in the Commonwealth are highly aware of their responsibilities to ensure full access of all facilities and programs to people with disabilities. Accreditation and receipt of federal funding are contingent upon full compliance with the ADA and many institutions of higher education are proactively involved in increasing the level of services to students with disabilities (Appendix 8). In a telephone survey of state agency ADA Coordinators, many agencies reported being proactively involved in ensuring the full accessibility of their programs and services to people with disabilities.

## **2. Access to State-Owned Buildings**

DGS maintains a database for state-owned properties which includes information on land, buildings, and facilities. The database contains information on 8,227 state-owned properties; however, no accessibility information is maintained in this database. In Virginia, there is no registry or central source for information concerning the accessibility status of state-owned buildings. Rather, facility access is monitored on a building-by-building or agency-by-agency basis.

In the Capitol area, the Bureau of Facilities Management within DGS's Division of Engineering and Buildings is responsible for more than forty state-owned buildings located in the vicinity of the State Capitol. Many of these buildings house agencies that provide key public services to people with disabilities or are the location of executive, legislative or judicial offices.

According to DGS staff, most of these forty buildings are accessible to people with disabilities but there are several which are inaccessible because modification would interrupt their historic integrity. The historic buildings include the Old Bell Tower, which houses the Virginia Visitor Center; two Morson Row townhouses (219 and 221 Governor's Street), occupied by the Department of Historic Resources; and the Aluminum Building, which houses the DGS-managed state mail system.

## **3. Access to State Government Services**

Every qualified individual with a disability is entitled to access to the programs, activities, services and benefits provided by a state or local government. However, a state or local government does not have to provide program access where the government can show that to do so would result in a fundamental alteration of the program, or result in an undue burden. In existing facilities, a state or local government is required to operate each program so that, when viewed in its entirety, the program is readily accessible and usable by people with disabilities. If a program can be made accessible by some method other than providing architectural access, providing architectural access is not required. The following are possible methods that may be used:

- redesign of equipment
- reassignment to accessible buildings

- use of aides
- home visits
- delivery of services at alternative accessible sites
- use of accessible vehicles

As part of this study, selected state agencies were surveyed by telephone using a standardized set of questions (Appendix 9) aimed at determining: (1) if the agencies provide accessible services; (2) how the policies governing the accessibility of each agency's buildings and services are monitored, and (3) if the results of monitoring are reported or submitted for review to an accountable department within each agency or to an external agency.

The state's twelve primary agencies providing services to people with disabilities were included in the telephone survey. Altogether, they serve hundreds of thousands of individuals throughout the Commonwealth each year.

Table III-1 summarizes mechanisms that agencies use to ensure access to services. Strategies included reviewing vendor contracts for compliance with accessibility requirements, developing agency-specific policies for accommodating people with disabilities, training staff to recognize the need for accommodation, and seeking input on consumer needs for accommodation.

Findings indicated that all state agencies have proactive policies for ensuring that people with disabilities receive accessible services. All agencies had a designated ADA coordinator and reported having procedures in place for handling complaints about access to programs and services and about physical access. Some agencies reported on-site monitoring of physical access to facilities and some reported ongoing staff training.

This information is consistent with findings from a 1993-94 study of the administrative procedures of state agencies regarding ADA compliance (Appendix 1). That study found that all responding agencies had designated ADA coordinators, and each entity reported that it provided full accommodation to people with disabilities in obtaining access to services and programming.

Prior to the 1993-94 study, all government agencies were required to conduct self-evaluations within one year of the effective date of §35.105 of the Code of Federal Regulations (January 26, 1992) of current services, policies, and practices relative to access. Agencies were to proceed with making modifications required for full access to people with disabilities. The mandate required agencies to keep the evaluations on file for three years and make them available for public inspection during that time. The ADA contained no mandate for long-term record-keeping or for follow-up review and assessment of progress in achieving access. Preliminary information obtained for this

**Access to Selected State Agency Facilities and Services  
by People With Disabilities**

<b>Agency</b>	<b>Selected Agency Activities</b>	<b>Mechanisms for Ensuring Access to Facilities &amp; Services</b>
Department of Rail and Public Transportation (DRPT)	Establishes, maintains, improves and promotes public transportation services and passenger transportation systems that offer citizens mobility and transportation choices	Applicants for funding must conduct ADA certifications; ADA plans must be approved by the Federal Transit Administration; DRPT provides site reviews and provides technical assistance on ADA; Staff conduct ADA training with emphasis on providing appropriate passenger assistance .
Governor's Employment and Training Department (GETD)	Administers the federal Job Training and Partnership Act in 14 local Service Delivery Areas statewide.	Agency administers Job Training Partnership Act funds that must be used in compliance with ADA accessibility guidelines and the Rehabilitation Act of 1973. Sub-contractors must provide assurances of compliance with all accessibility rules and regulations.
Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS)	Provides comprehensive health and mental health services to people with developmental disabilities and many people with severe and multiple disabilities	Each major treatment facility has a facility management office that manages access issues; staff at service agencies are aware of administrative requirements of ADA and other access rights laws. The department manages approximately 400 facilities and, next to life safety, ADA access is a priority.
Department of Rehabilitative Services (DRS)	Provides vocational rehabilitation, education, job training and other services for people with disabilities; the DSBs and CILs come under the purview of DRS	Agency operates under several federal civil rights laws that require compliance with access to facilities and to services. Woodrow Wilson Rehabilitation Center has on-site staff to monitor accessibility. Access is also a part of accreditation of training facilities. Accommodations are provided as needed by their diverse clientele. A recent consumer satisfaction survey revealed that 5% of consumers had experienced disability-related access problems.
Department of Education (DOE)	Provides a free, inclusive education for individuals with disabilities, ages 2-21	ADA Facilities Manager provides technical assistance and advice to elementary and secondary schools concerning physical access. Has conducted 40-50 site visits in the past 4-5 years to assist with improving access at schools, but there is no formal compliance monitoring. The Code (§ 35.151) requires all architects and engineers to use ADA Accessibility Guidelines in school construction. Schools work on a case-by-case basis to make educational services appropriately accessible to each student.
Department of Health (DOH)	Provides health care services for children aged birth-21 in over 150 facilities in health districts statewide.	State-owned buildings are accessible and assumed to be monitored by state officials; DOH has a person in each district responsible for facility access. Local buildings are accessible under local codes but some older buildings are not physically accessible. Services are accessible through special accommodations. Agency has a formal complaint procedure but has not had recent complaints concerning accessibility.

Table III-1



Table III-1 cont'd

Agency	Selected Agency Activities	Mechanisms for Ensuring Access to Facilities & Services
Department of Housing and Community Development (DHCD)	Promotes suitable, safe housing and viable communities; provides community services assistance, policy analysis and research in community planning and management.	Administers provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) of the <i>Code of Virginia</i> . Operates the Building Code Academy which trains local code officials about the provisions of the ADA.
Department of Social Services (DSS)	Eligible clients include people with disabilities; services include child welfare, job training, vocational rehabilitation, public assistance.	Most of the 123 local service provider facilities are accessible and for the few that are not, reasonable accommodations are made. Staff are trained to accommodate clients. Federal civil rights monitors conduct on-site evaluations of compliance with access laws and subcontractors are required to assure compliance.
Virginia Department for the Aging (DOA)	Provides social services, housing, transportation for the persons age 60 or over who are frail or homebound by reason illness or disability.	Central office is located in leased space which, according to staff, is accessible. All services, provided to approximately 200,000 consumers annually through 25 local offices statewide, are delivered in facilities which are accessible through contract provisions. No ADA training provided to staff.
Department of Medical Assistance Services (DMAS)	Administer Medicaid payments for those who qualify.	Does not provide consumer services directly; service providers ensure ADA accessibility through contract provisions. No mechanism for ensuring that contractors deliver services in physically accessible facilities or that services are made accessible since they have no direct consumer contact.
Department for the Rights of Virginians with Disabilities (DRVD)	Provides protection and advocacy for consumers to ensure their legal rights under all federal and state laws.	Regional offices are fully accessible; all programs and services are fully accessible. Staff are trained fully in access provisions of all federal and state laws; agency develops and distributes publications concerning access issues.
Department for the Deaf and Hard of Hearing (DDHH)	Provides an array of rehabilitative, supportive, and assistive services to people who are deaf and hard of hearing.	Compliance with physical access to buildings is ensured primarily through contract stipulations with subcontractors who deliver accessible services in accessible facilities. VA School for Deaf and Blind, where services are delivered, is accessible.
Department for the Visually Handicapped (VDVH)	Provides phone assistance, library resources and professional services (vocational rehabilitation, training, employment, mobility and orientation training) to over 10,000 consumers with visual disabilities each year.	Professional services are provided to people primarily in their homes. All offices are located in accessible state-owned or leased buildings; all client services are provided in accessible buildings. Campus buildings associated with the Virginia Center for the Blind are ADA compliant. Client training materials are provided in accessible formats; ADA administrative regulations followed.

Table III-1

study indicated that the transitions plans developed as the result of the self-studies have not, in some agencies, been updated or revised. The self-studies and transition plans could provide information that agencies could use to measure progress and accomplishments in achieving the goal of full accessibility for people with disabilities under Title II of the ADA.

Based on information obtained from agency interviews for this study, there appeared to be little management-level monitoring of access policies or of implementation activities within state agencies. No documented, summarized information was available for this report, for example, concerning (1) the number or types of complaints received by agencies concerning accessible facilities or services; (2) the types of actions taken by staff to address complaints; or (3) the level of progress made in achieving improved access to services or facilities within agencies.

***Recommendation (3): All state agencies in the Commonwealth should prepare and review, on a regular basis, summary reports concerning the status of access to facilities and services in their agencies.***

#### **4. Consumer Perspectives -- Access to Government Buildings and Services**

In this study, it was deemed important to acquire a "user's perspective" on physical access to government buildings and of consumer experiences with access to programs and services offered by state government agencies. Therefore, a sample of people with disabilities were surveyed in order to gain a more complete illustration of physical accessibility in the Commonwealth. (Appendix 10, Consumer Survey).

Table III-2 presents consumer perceptions concerning physical access to government buildings in the Commonwealth. Information includes consumer responses for public buildings including state and local facilities.

In all categories of access, over half of the consumer respondents reported having difficulty "sometimes" or "often/always." Open-ended questions were included in the survey so that respondents could express particular concerns and include comments about other aspects of access not specifically asked on the survey. Examples include:

*Check out the handicapped ramp at [a Southwest county courthouse]. It is a cage and you must find someone with the right key to even make it go up to the outside ground level.*

\* \* \*

*There are significant problems in some places...[with] totally inaccessible government facilities, for example, with no plan for improvement. My understanding was that a plan for compliance should have been done five years ago.*

### Access to Government Buildings Consumer Responses<sup>1</sup>

	% Never	% Sometimes	% Often/Always
<b>Have you had difficulty:</b>			
• Finding Handicapped Parking	20	50	24
• Getting from Parking Area to Building	27	46	18
• Entering Building	30	45	19
• Getting Around Inside Building	28	48	16
• Using Building Facilities (restrooms, drinking fountains, etc.)	31	38	24

<sup>1</sup> N=173; Consumers = people with disabilities, caregivers of people with disabilities, & family members. Numbers in table = percent of respondents. Numbers may not add up to 100 percent because non-responses were not included in the table above. *Source: 1997 Survey of People with Disabilities, VBPD Staff*

**Table III-2**

*The courthouse in my county has no fire alarms for the hearing impaired and only partially accessible restrooms.*

\* \* \*

*In our city, attempts to improve access have resulted in increased accessibility. Some cases require preplanning because wheelchairs may need to be routed along side entrances in the case of historic buildings. In a nearby county, the entrance doors to one government building are very heavy and that makes it difficult for a wheelchair user to gain access.*

The survey also asked consumers to rate the accessibility of various types of government services including those available at state and local agencies.

In all categories of services, less than twelve percent of the respondents indicated that the services were not accessible to them (Table III-3). Most consumers indicated that government services in the Commonwealth were accessible or accessible with assistance. Selected comments from the open-ended portion of the survey included:

**Access to Government Services  
Consumer Responses<sup>1</sup>**

	% Accessible	% Accessible with Assistance	% Not Accessible
<b>Please Rate the Accessibility of:</b>			
• Voter Registration & Polling Places	44	38	7
• Public Hearings & Meetings	39	42	5
• Social Services Department--Services and Programs	40	37	6
• Health Department--Services and Programs	45	31	4
• State/city/county Museum Programs	35	35	6
• County/city Library Activities	50	32	5
• Local Parks and Recreation Activities	32	41	11

<sup>1</sup> N=173; Consumers include people with disabilities, caregivers of people with disabilities, and family members. Numbers = percents and may not add up to 100 percent because non-responses were not included in the table above. Source: 1997 Survey of People with Disabilities, VBPD Staff

**Table III-3**

*I have often found that when I go to vote that only the side of the building with steep steps is open and the door is locked where the ramp and rail are [located].*

\* \* \*

*Voting machines are not accessible, parking is often poorly planned, some counties are using electric ballots which are difficult for people with vision disabilities to use.*

\* \* \*

*Local parks and recreation activities are very good in some areas but not in mine.*

\* \* \*

*Why not hold a "service fair" all day long with a lot of advertising? Too many people have to hunt a long time for what they need. Don't hide services--let us know about them!*

\* \* \*

*In many cases there is total access to buildings and in others there is not. I completed this survey based on my personal experiences but [they] may not be applicable to everyone else with different types of disabilities.*

Overall, consumers reported mixed experiences concerning physical access to state buildings and services in the Commonwealth. Although state agency staff report that compliance with access is monitored and consumers are informed of their rights to accessible facilities and services there are still facilities and basic services that remain inaccessible and that are clearly out of compliance with federal and state law in Virginia.

Along with this finding it is important to note that lack of access would undoubtedly have been magnified if other types of barriers--in addition to physical barriers--had been considered in this study. Evaluation of lack of access to facilities and services for people with hearing, speech, coordination, cognitive and other impairments were beyond the scope and resources available for this study, but these issues are equally as important as the state of physical access to facilities and services.

## **B. Access to Local Government Buildings and Services**

This section of the report discusses the status of physical access to local government buildings and services in the Commonwealth. Since there is no centralized source for this information either at the state level or at the county level, data were obtained from various sources including local building code officials, executive directors of local planning district commissions and community service boards, members of local disability service boards, and consumers.

Findings from the diverse array of information resources indicated that while instances of inaccessibility remain, most localities and local service providers have achieved a moderate but not full level of accessibility in terms of physical access and a substantial degree of access to services. Localities and local service providers appear to recognize the need for further awareness and education in responding to and solving access-related problems. Access issues are included on the agendas of some local regional planning groups, and many Centers for Independent Living (CILs) reported working proactively on behalf of consumers through education and awareness initiatives to achieve the access to which people with disabilities are legally entitled.

This section begins with an overview of the Uniform Statewide Building Code (USBC) and presents the results of a statewide survey of building code officials concerning physical access to local buildings. Findings concerning consumer experiences with access to local government buildings and services are also examined.

## **1. The Uniform Statewide Building Code (USBC)**

The standard for the physical accessibility of local buildings is contained within the Uniform Statewide Building Code (USBC) of Virginia. The USBC provides a single, standardized set of performance-based criteria for the construction and maintenance of buildings and structures throughout the Commonwealth. The Department of Housing and Community Development (DHCD) is responsible for promulgating regulations pertaining to the building code. DHCD supports the periodic revision of the USBC; offers training and technical assistance to local code enforcement personnel, building design professionals, and other concerned parties; and provides assistance for the state-level administrative appeals process.

The accessibility standards contained in Chapter 11 of the USBC are believed to be equivalent to the ADA Accessibility Guidelines (ADAAG). The current edition of the USBC became effective in mid-April 1997 and incorporates the accessibility standards outlined in the Building Officials and Code Administrators International model code (BOCA). In addition to the accessibility guidelines contained in the USBC, local governments may also adopt accessibility standards beyond those included in the USBC which are applicable to buildings constructed or altered using local funds (§2.1-517 of the *Code of Virginia*).

## **2. Physical Access to Local Government Buildings**

To evaluate the status of physical access to local government buildings in Virginia, a survey was mailed to all of the state's 165 local building code officials, including officials responsible for cities, counties, and multi-jurisdictional entities (Appendix 11). The survey asked local building code officials about physical access to buildings in their localities, about receiving and processing complaints concerning access to local buildings, and about training and continuing professional education in the area of accessibility. Sixty-five percent (N=109) of the building inspectors representing all areas of the state responded to the survey. Sixty-three counties, 27 cities, and 19 towns from localities throughout the state are represented in the data.

### ***a. Physical Access to Local Buildings***

The responses of the building code officials concerning physical access to local buildings are presented in Table III-4. Sixty-four percent of local building code officials reported that most of the government buildings in their localities (80 percent) are classified as accessible.

A small proportion of local building code officials (14 percent) reported having less than 80 percent accessible local government buildings in their localities. These tended

**Accessibility of Local Government Buildings  
Survey Responses of Building Code Officials**

<b>1. What percentage of all government buildings are classified as accessible sites?</b>			
90% - 100%	80% - 89%	less than 80%	not sure
<b>46%</b>	<b>18%</b>	<b>14%</b>	<b>19%</b>
<b>2. What percentage of all government buildings are classified as historic sites?</b>			
0% - 10%	10% - 20%	more than 20%	not sure
<b>52%</b>	<b>15%</b>	<b>10%</b>	<b>18%</b>
<b>3. What percentage of all government buildings are classified as NEW construction?</b>			
0% - 10%	10% - 20%	more than 20%	not sure
<b>68%</b>	<b>13%</b>	<b>7%</b>	<b>9%</b>
<b>4. Are there any new state/local government buildings in your locality which are not in compliance with Title II ADAAG?</b>			
Yes	No	Not sure	
<b>&lt;1 %</b>	<b>79%</b>	<b>17%</b>	

<sup>1</sup> These numbers do not add up to 100% because the percentages of "no responses" were not included.  
N=109. *VBPD Staff Analysis: Local Building Code Survey, 1997*

**Table III-4**

to be localities with a high percentage of historical sites in the Commonwealth or were more rural counties. In fact, 10 percent of local building code officials responded that over one in five buildings in their localities were classified as historical sites which typically do not fully comply with the ADA.

Only a small proportion of building code officials (7 percent) reported that government buildings in their localities represent new construction. This is significant in terms of physical access because newer buildings tend to have more accessibility concepts incorporated into their design and construction than older buildings. One building code official, however, noted on the survey, "a non-accessible building in this jurisdiction is county owned, however, a new county government complex is under construction and it will be fully accessible."

The newness of construction, however, does not guarantee that the buildings will be physically accessible. For example, several building code officials reported that there were newly constructed buildings in their localities that were inaccessible (including warehouses or other types of space not mandated to be accessible) or about which they were unsure.

***b. Building Code Training and Continuing Education***

Training in the ADA accessibility requirements is included in training that building code officials receive to become certified inspectors. Local code officials also receive continuing professional education every three years through the Virginia Building Code Academy which is operated by DHCD. Continuing education is important because of the complexity of the code and the fact that provisions of legal requirements concerning accessibility change frequently or because of inconsistencies in various access standards used to determine compliance with accessibility requirements .

Public entities which receive federal or state funds use UFAS standards. Generally, the ADAAG and the UFAS address the same issues of accessibility. However, there are some substantial differences between the two. The Technical Assistance Manual for Title II of the ADA points out various areas where there are inconsistencies between UFAS and ADAAG accessibility requirements such as:

- ◆ work area requirements
- ◆ equivalent facilitation as an alternative
- ◆ structural impracticability exemptions for new construction
- ◆ exemptions from standards for alterations
- ◆ requirements for additions
- ◆ parking and signage requirements
- ◆ entrance requirements
- ◆ water fountains
- ◆ Specific requirements for different types of facilities, including historic structures, residential and lodging facilities, restaurants, medical facilities, jails and prisons, etc.
- ◆ storage standards
- ◆ TDD requirements
- ◆ bathroom requirements
- ◆ refuge and rescue assistance areas
- ◆ trigger provisions relating to alterations
- ◆ assembly area requirements
- ◆ curb warnings
- ◆ telephone volume controls

In response to the survey conducted for this study, 77 percent of the local building code officials who responded expressed the need to receive additional training due to the complexity and inconsistencies in the access guidelines. In general, additional training is provided primarily when USBC is changed or updated.

Continued training is important because of the complexity of interpreting various accessibility standards -- UFAS, USBC, and the ADA Accessibility Guidelines -- and because misinterpretations or confusion can cause costly mistakes in cases where buildings are constructed without being accessible.

In addition, some building code officials expressed a need to have a good understanding of the many ways that buildings can be made accessible without incurring



significant costs. On the survey, local building code officials underscored with written comments the need for additional training especially concerning interpreting building code standards, responding to consumers, and monitoring access. Selected comments included:

*More information is needed from the state code office concerning which regulations localities should use in order to enforce the ADA.*

\* \* \*

*There has been a lot of confusion about the requirements and standards of Title II vs. Title III of the ADA. Most local government groups do not understand that building officials do not enforce Title II.*

\* \* \*

*General guidance or interpretation from the State would be helpful and would provide for uniform enforcement.*

\* \* \*

*Stop using UFAS and use model codes and new accessibility standards.*

\* \* \*

*Historic buildings require more in-depth training on how to achieve accessibility through modification.*

\* \* \*

*Need more training on ADA requirements.*

\* \* \*

*Need more information on retro-fitting existing buildings to meet new ADA requirements.*

***Recommendation (4): The Department of Housing and Community Development should conduct an in depth analysis of the accessibility-related training needs of local building code inspectors. Additional training or enhanced continuing education should be provided as needed.***

### ***c. Receipt and Processing of Complaints Concerning Lack of Accessibility***

***Incidence of Complaints.*** Local building code officials were asked about the incidence of complaints concerning physical access to buildings they received in their localities. Although not all accessibility complaints would necessarily come to the attention of local building code officials, it is likely that serious problems with inaccessibility would come to the attention of local building code officials.

The majority of local building code officials (65 percent ) stated that their offices seldom received complaints concerning access to buildings, and 34 percent replied that their offices never received accessibility complaints. Two building code officials (Northern Virginia localities) reported that their offices frequently received complaints. Follow-up phone calls revealed that the high level of complaints were due mostly to the

large number of historic sites in those localities. Information obtained from selected follow-up phone calls to building code survey respondents indicated that none of the building code officials formally documented the access complaints they received.

***Processing Complaints.*** In response to complaints, over 70 percent of local building code officials reported that they investigated access complaints on-site; however, the response process was reported to vary from jurisdiction to jurisdiction. For example, some building code officials refer accessibility complaints to the locality's local ADA coordinator, some to the local public works department, and some to zoning officials. A number of local building code officials work in conjunction with local public works departments or similar local government bureaus and Disability Services Boards in order to investigate or remedy complaints.

A major reason given for not referring complaints to the local ADA coordinator was that the locality did not have one. More than a third of the local building code officials indicated that their locality did not have an identified ADA coordinator and 17 percent of respondents were uncertain as to whether or not their localities had an ADA coordinator.

In the absence of a standardized process for resolving complaints concerning accessibility at the local level, it is difficult to know if the problems are being resolved in accordance with legal requirements, if the actions of local building code officials are timely and responsive.

***Recommendation (5): The Department of Housing and Community Development should examine the manner in which local building code officials resolve access complaints in localities and should consider developing a standardized process for resolving accessibility complaints. The Department should consider including these procedures in the training of building code officials.***

### ***a. Planning District Commissions***

The present study examined whether accessibility issues for people with disabilities are addressed in local or regional planning activities in Virginia. Information was obtained from surveys of the Executive Directors of the Commonwealth's 21 PDCs. The goals of the survey (Appendix 12) were (1) to determine the types and prevalence of technical or professional services or programs that PDCs have provided to localities, and (2) to determine if any of the PDCs have dealt with systemic or frequent problems related to the inability of people with disabilities to access facilities or services in their localities.

PDCs were created to foster intergovernmental cooperation in addressing issues of regional importance throughout the Commonwealth. Each PDC is required to involve local government officials, local business representatives, citizens, organizations, and other interested parties in diverse activities on behalf of the localities in its jurisdiction. PDCs, having overarching responsibilities in regional and local planning, are potential forums for addressing accessibility issues confronted by people with disabilities

Seventeen PDC Executive Directors responded to the survey (81 percent response rate). Eight of the seventeen PDC respondents reported having engaged in activities related to ADA Title II as depicted in Table III-5. Four respondents reported interacting closely with -- or as -- Disability Services Board staff. Two PDCs, Mount Rogers and Middle Peninsula, reported being involved in both ADA Title II and Title III activities, but the level of involvement varied dramatically. Most PDCs appear to be focusing appropriately on access issues within the context of the activities of local government.

Results of the PDC survey indicate that some localities in the Commonwealth are taking steps to be involved with designing accessibility into the infrastructure of their localities through education, provision of technical assistance, and incorporating awareness of the needs of people with disabilities into regional planning activities. However, only eight of the seventeen respondents reported such activities, so there appears to be a need for increased awareness in these area.

### ***b. Disability Services Boards***

In 1992, the General Assembly legislated the development of Disability Services Boards (DSBs) to assist localities in identifying and addressing the needs of persons with physical and sensory disabilities in their communities. The mission of the DSB's is to provide input to state agencies on service needs and priorities of persons with disabilities; to provide information and resource referral to local governments regarding the ADA; and to provide other advice and assistance to local governments as may be requested. There are currently 20 single jurisdiction DSBs and 24 multijurisdictional DSBs in the Commonwealth.

**Activities of Virginia's Planning District Commissions (PDCs)  
Concerning Titles II and III of the ADA**

-- = no activity reported

Name	PDC #	Title II Activities <sup>1</sup>	Title III Activities <sup>2</sup>
LENOWISCO	1	✓ Has assisted localities with accessibility section (504) of community development block grant application.	--
Cumberland Plateau	2	✓ Has assisted local School Boards, towns, and community college with technical assistance (plans, drawings and construction) related to ADA compliance.	--
Mount Rogers	3	✓ Has provided technical advice concerning local government building and services access and 504 design specifications.	✓ Has expertise to provide this service if requested.
New River Valley	4	✓ Has provided assistance to the DSB <sup>3</sup> and serves as fiscal agent for transportation services	--
Lord Fairfax	7	✓ PDC serves as DSB for local governments who handle access responsibilities directly.	--
Rappahannock-Rapidan	9	✓ Has provided meeting space for DSB.	--
Thomas Jefferson	10	✓ PDC serves as DSB staff which is currently updating its 1993 self-assessment. In FY '96, used RSIF <sup>4</sup> grant to purchase and distribute portable hearing assistance devices at area agencies that serve the deaf and hearing impaired.	--
Middle Peninsula	18	✓ Middle Peninsula DSB hired the PDC to plan and construct access ramp; also conducts accessibility workshops for contractors.	✓ Created a database of qualified accessibility contractors and consultants; created information and referral center; accessibility workshops and guide books available for private businesses

1. Technical/ programmatic assistance related to access to government buildings and services.
2. Technical/ programmatic assistance related to access to private-sector buildings and services.
3. Disability Services Board
4. Rehabilitative Services Incentive Fund

Source: VBPD staff analysis: PDC Survey, July, 1997

**Table III-5**

This study surveyed DSB members concerning their perspectives on local access issues. Forty-one of the 44 DSBs in Virginia were included in the survey<sup>1</sup> which was randomly distributed to seven board members<sup>2</sup> at each DSB (approximately half of the membership of most DSBs). In all, two hundred and eighty-seven surveys were distributed to DSB members through the DRS liaison office (Appendix 13).

Responses were received from members of 36 of the DSBs throughout the Commonwealth (88 percent representation rate). Responses were received from 119 DSB members: 48 people with disabilities; 16 people with multiple disabilities; 12 family members, 26 local government officials, 4 local business representatives; 12 “other” and one “unknown.”

Even though there were a relatively small number of respondents in this category, their observations are important because they represent the perceptions of community leaders concerning access in localities as well as their own experiences and the experiences voiced to them by local constituents.

Overall, DSB members reported a notable lack of physical access to local government buildings (Table III-6). Lack of access was reported to occur “often” or “always” by over ten percent of DSB respondents in all aspects of ADA-mandated accessibility including finding parking, entering and getting around in government buildings, and using building facilities. In these categories, lack of access was reported to occur “sometimes” by a considerable proportion of the respondents -- 50 percent.

DSB members were also asked about accessibility of various types of government services in their localities. In Table III-7, government services were reported to be more accessible than government buildings. For example, in all categories of services, less than 10 percent of the respondents indicated that the services were not accessible. Most respondents indicated that services were generally accessible or accessible with assistance. Small proportions of services were reported by this respondent group as being inaccessible.

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<sup>1</sup> Rappahannock-Rapidan, Westmoreland County and Richmond County DSBs were not surveyed because there was no Department of Rehabilitative Services (DRS) liaison for those Boards.

<sup>2</sup> Some DSBs had less than seven members and in those cases all Board members would have received surveys

**Access to Government Buildings  
Disability Services Board Member Responses<sup>1</sup>**

	% Never	% Sometimes	% Often/Always
<b>Is there difficulty in your locality:</b>			
• Finding Handicapped Parking	20	56	20
• Getting from Parking Area to Building	26	55	13
• Entering Building	34	46	16
• Getting Around Inside Building	29	52	12
• Using Building Facilities (restrooms, drinking fountains, etc.)	24	48	18

Table III-6

**Access to Government Services  
Disability Services Board Member Responses<sup>1</sup>**

	% Accessible	% Accessible/w Assistance	% Not Accessible
<b>Please Rate the Accessibility of:</b>			
• Voter Registration & Polling Places	55	38	2
• Public Hearings & Meetings	55	35	3
• Social Services Department--Services and Programs	51	35	2
• Health Department--Services and Programs	53	31	2
• City/county Museum Programs	38	34	2
• City/county Library Activities	60	30	3
• Local Parks and Recreation Activities	35	38	9

Table III-7

<sup>1</sup> N=119; numbers in both tables are percents (%) and may not add up to 100 percent because nonresponses were not included. Respondents included DSB members who identified themselves as people with disabilities, including multiple disabilities, family members, local government officials, local business representatives and "other."

Source: VBPD staff analysis: Survey of Disability Services Board Members, 1997

**c. Access to Facilities and Services Provided by Community Services Boards**

Community Services Boards (CSBs) provide services to people with mental disabilities including mental illness, mental retardation, and substance abuse. CSBs serve nearly 200,000 clients each year, many with physical and sensory disabilities. In terms of accessibility, CSBs provide government-sponsored services in both state and locally-owned buildings, in some leased facilities, and in privately-owned facilities. It was of interest in the present study to determine the types of facilities that CSBs use, the kinds of complaints these local agencies may have received concerning lack of physical access to the facilities, and compliance with Title II administrative provisions.

Surveys were sent to 38 CSBs in Virginia (Appendix 14) and twenty-five responded (66 percent response rate). Findings are presented in Table III-8.

Responses indicated that CSB facilities are, for the most part, accessible to clients and that services are provided primarily in accessible settings regardless of whether services were provided in local government, state-owned or private buildings. CSB's reported that they had received very few access complaints-- only one complaint was recorded on the survey.

**Access to Facilities and Services Provided by CSBs in Virginia  
Survey Results**

	Number of CSB Respondents	Percent of Respondents
Number of State-Owned Buildings	5	20
Any Access Complaints?	0	0
Number of Local Government Buildings	15	60
Any Access Complaints?	0	0
Number of Privately-Owned Buildings	23	92
Any Access Complaints?	1	0
• Consumers are provided notice concerning their rights under ADA for access to facilities and services.	25	100
• CSB has procedures for receiving or managing complaints concerning access to programs or services.	25	100

N=25; numbers may not add up to 100% because respondents could answer in multiple categories.  
Source, VBPD staff analysis of CSB Survey, 1997.

**Table III-8**

All respondents indicated that consumers are provided notice concerning their rights to access to facilities and services. All CSB's reported having formal policies and procedures for receiving or managing complaints concerning access to programs and services. Several CSB respondents provided additional comments as follows:

*A 6-bed residential facility operated by our CSB has been identified as being inaccessible, however, funding is needed to replace the facility (privately-owned).*

\* \* \*

*Some minor modifications have been made to some buildings and not all facilities are completely barrier-free at this time.*

\* \* \*

*Though we have not had complaints, we have some areas that are inaccessible which we are trying to correct.*

\* \* \*

*We do not necessarily mention the ADA when we notify consumers of their rights to access and services. We inform all clients about their rights, in general, including the right to be accommodated in any needs they may have.*

#### ***d. Centers for Independent Living***

Across the Commonwealth, a network of 10 Centers for Independent Living (CILs) provide comprehensive services to over 2,000 individuals with disabilities annually. Briefly summarized, CIL activities are designed to maximize the independence, productivity, and inclusion of people with disabilities in their communities.

Access to public and private services and facilities in the community is a vital component of independence and productivity for people with disabilities. For this reason, community education, technical assistance, and advocacy with regard to accessibility and the ADA are among the main services provided by all CILs.

In annual performance reports to the federal Rehabilitation Services Administration, CILs indicate whether they "Advocate for and conduct activities that promote the equal access to all services, programs, activities, resources, and facilities in society, whether public or private for individuals with disabilities." Also, CILs indicate whether they:

- Ensure equal access, including ...physical access to the CIL's services, programs, activities, resources, and facilities whether publicly or privately funded, and
- Provide technical assistance to the community on making services, programs, activities, resources, and facilities in society accessible to individuals with significant disabilities.



In the present study, the FY 1996 Annual Performance Reports of the state's ten CILs were reviewed to determine the types of ADA-specific activities each organization reported addressing in their localities during that year. Findings from the review of the CILs Annual Performance reports are provided in Table III-9.

All CILs reported that they had conducted activities and provided advocacy related to accessibility during FY 1996. Several of the CILs' reports also contained detailed descriptions of the types of access-related activities they had undertaken. For example, one CIL reported that:

*[The CIL] continues to distribute letters which the Center developed regarding new accessible parking requirements under the ADA. Not only do businesses and others learn about the technical assistance [we] can provide, they also become more familiar with other Center services. [The CIL] has continued to publish a newsletter ... some topics include updates on the ADA.*

Most activities outlined by the CILs in their FY 1996 annual reports involved providing accessibility training and advocacy. The annual report does not require CILs to report specific accessibility-related activities, although most CILs did report highlights of these types of activities in their FY 1996 annual reports. It is not possible, from these reports, to determine the level or intensity of training activities or the outcomes of those activities. According to DRS staff, however, individual CILs do maintain logs of these activities as well as their impact on the community. CIL staff collaborated with Virginia Board for People with Disabilities staff in obtaining consumer input for the present study and provided information regarding changes which have come about locally due to their efforts and advocacy.

**Access-related Activities of the Centers for Independent Living (CILs)  
Information from FY 1996 Annual Performance Reports**

✓ = CIL responded "Yes" to this activity in the Annual Report

NAME/LOCATION OF CIL	ADVOCATES/CONDUCTS ACTIVITIES PROMOTING EQUAL ACCESS TO ALL SERVICES, PROGRAMS, ACTIVITIES, RESOURCES, AND FACILITIES; PROMOTES BARRIER REMOVAL	TYPES OF ACCESS-RELATED ACTIVITIES REPORTED	NEEDS REPORTED
Access Independence Winchester	✓	Accessibility consultation <sup>1</sup>	
Appalachian Independence Center, Inc. / Abingdon	✓	ACTION members requested and received ADA training; Educated businesses about accessible parking	Staff training on ADA
Blue Ridge Independent Living Center, Inc. Roanoke	✓	Constructed accessible "house" at the Roanoke Regional Home Builders Association Home Show	--
Central Virginia Independent Living Center, Inc. / Richmond	✓	Provided technical assistance on compliance issues	Future activities will include ADA training of consumers
the disAbility Resource Center of the Rappahannock Area, Inc. Fredericksburg	✓	Through contract with DSB has provided 9 workshops on ADA; Task Force to develop court access program; Provided technical assistance concerning universal access	Accessible meeting space
Independence Center Inc. Norfolk	✓	--	--
Independence Center of Northern Virginia Arlington	✓	Provided testimony about access; Improved voter accessibility; Instituted use of peer counselors to demonstrate affordability of accommodating individuals with disabilities	--
Insight Enterprises, Inc. Peninsula Center for Independent Living Hampton	✓	Held disability conference to discuss issues of interest to people with disabilities, including ADA; Conducted ADA training for local government employees	--
Independence Resource Center / Charlottesville	✓	--	--
Junction Center for Independent Living Big Stone Gap	✓	--	--

1-- 1.25 hours reported for this activity for 2 clients in FY 1996. Source: VBPD staff analysis: CIL 1996 Annual Reports  
Table III-9

## IV. ACCESS TO PRIVATE BUILDINGS AND SERVICES

As noted in the legislative overview at the beginning of this report, Title III of the ADA prescribes that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public business by any person who owns, leases, or operates a place of public accommodation. The types of entities to which the accessibility provisions of Title III apply are presented in Figure IV-1.

**Title III of the Americans with Disabilities Act  
Scope**

<u>TYPES OF ENTITIES COVERED</u>	<u>EXAMPLES*</u>
<ul style="list-style-type: none"> <li>• Eating &amp; drinking establishments</li> <li>• Entertainment facilities</li> <li>• Places of lodging</li> <li>• Stores providing goods for sale or rent</li> <li>• Businesses that provide services</li> <li>• Public gathering places</li> <li>• Private recreational facilities</li> <li>• Exhibits, displays, and collections</li> <li>• Privately-owned public transportation</li> <li>• Social Service Centers</li> <li>• Places of exercise</li> <li>• Places of private education</li> </ul>	<ul style="list-style-type: none"> <li>• Restaurants and bars</li> <li>• Sports stadiums, arenas, concert halls, theaters</li> <li>• Hotels, motels</li> <li>• Grocery and bakery stores, clothing and hardware stores, shopping centers</li> <li>• Gas stations, shoe repair shops, private hospitals, clinics, doctors' and lawyers' offices, salons, laundromats, insurance offices, funeral parlors</li> <li>• Convention centers, auditoriums, lecture halls</li> <li>• Amusement parks, zoos, parks</li> <li>• Museums, libraries, galleries</li> <li>• Terminals, depots, stations</li> <li>• Child care and senior citizen centers, homeless shelters, food banks, adoption agencies</li> <li>• Gymnasiums, health spas, golf courses, bowling alleys</li> <li>• Nursery, elementary, secondary, undergraduate, or postgraduate schools</li> </ul>

\* These are selected examples

Source: *The Peer and Family Training Network Project, 1994*

**Figure IV-1**

Nationwide, examples persist of continued lack of access to buildings and services in the private sector. For example, numerous complaints and lawsuits are brought annually by individuals and advocacy organizations against private-sector entities for failure to comply with the ADA, as exemplified in the following cases:

*Safeway stores (over 800 nationwide) was required to create at least one 32-inch opening between the security bollards or cart corrals used at the entrances to many of its stores so that customers who use wheelchairs can have greater access (April-Sept., 1995 DOJ Report).*

\* \* \*

*A woman who uses a wheelchair sued Burger King Corporation , with the assistance of the Disability Rights Council, because she maintained that the restaurant's service line was too narrow for her wheelchair, and she got stuck in the line's metal barriers. After two years of negotiations, an out-of-court settlement was reached in which Burger King Corp. agreed to hire a consultant to survey its 502 company-owned stores, looking for -- and fixing -- any barriers that could impede people with disabilities.*

\* \* \*

*Marc Fiedler, a vice president of the Disability Rights Council, said that fast food chains were no more likely to be inaccessible to disabled persons than other types of businesses. But because millions of disabled people visit these restaurants every day, he said, there are greater odds that one of them would note the inconvenience and contact a lawyer (Washington Post, July 9, 1997).*

As directed by SJR 353, this section provides an overview of physical access to private-sector buildings in the Commonwealth as well as access to private-sector goods and services. Because there is no centralized source for obtaining this information, the following strategies were used:

For examining physical access to private-sector buildings:

- Survey of local code officials and Disability Services Board members
- Review of Department of Justice Reports
- Telephone interviews and publications reviews-- business, professional, travel and tourism, and advocacy organizations

For examining access to private-sector goods and services:

- Review of Department of Justice Reports
- Consumer Survey

## **A. Access to Private-Sector Buildings**

Findings in the present study indicate that the overall incidence of physical inaccessibility to private-sector buildings does not appear to be extensive but that lack of access does exist and, as such, remains a serious breach of individual civil rights for people with disabilities in the Commonwealth. Lack of access is a serious impediment to full inclusion in the community for people with disabilities because it impedes their capacity to be productive members of society.

Examples of inaccessibility were reported in both new and existing private-sector facilities and in all localities throughout the Commonwealth. Lack of access appeared to be related to locality characteristics such as the general age of buildings, the number of buildings designated as historic sites, and the level of awareness about access issues by businesses, builders, local officials and government representatives in communities. Although inaccessibility exists, findings also indicate that progress has been made and that efforts to raise awareness about the need for full accessibility has made an impact in selected instances.

Information for this section of the report was obtained from local building code officials and members of local Disabilities Services Boards (Appendices 11 and 13 respectively). These resources were used to obtain information about the status of physical access to private-sector buildings because there is no single source for obtaining this type of access data in Virginia.

### **1. Local Building Codes and Consumer Input**

In Virginia, the provisions of the Uniform Statewide Building Code (USBC) apply to nearly all new, non-farm construction taking place in the Commonwealth. Thus, commercial structures such as those subject to the provisions of Title III of the ADA, are subject to the ADA Accessibility Guidelines (ADAAG) and must be constructed following the USBC, whose accessibility standards are believed to be equivalent with the ADAAG.

**Existing Buildings.** There are in Virginia existing buildings that have inaccessible features. Lack of access may exist for several reasons. First, for existing buildings, ADA regulations do not specify a date by which barrier removal efforts must be completed. Rather, according to the regulations, efforts by businesses to achieve accessibility remain “a continuing obligation” under the law, and it is *generally* understood that businesses are working toward barrier removal that is achievable *in the future* (GAO Report, 1994, p.3). However, the degree to which businesses are working to achieve compliance is not well-defined in the law and is generally an unknown entity.

Second, businesses are required to remove barriers if it is “readily achievable” to do so. “Readily achievable” is described in very broad terms and is generally interpreted to mean, “easy to accomplish and able to be carried out without much difficulty and expense.” In addition, the ADA states that alterations to existing buildings must be accessible; however, compliance is not required if the added accessibility-related costs are disproportionate to the overall cost of the alteration.

Third, many existing buildings -- that may be inaccessible and may even be out of compliance with the ADA -- are primarily those that are not frequented by people with disabilities. The 1994 GAO Report findings and several consumers who responded to the survey for this report indicated that people with disabilities go to places they know they can get in to and do not attempt to do business with establishments that are known to be inaccessible.

***New Buildings.*** ADA compliance of all newly-constructed buildings is legally mandated. Noncompliance is enforced by the Department of Justice (DOJ) through various mechanisms including: lawsuits, negotiation, mediation, formal agreements, filing amicus briefs and consent decrees. According to building code staff, ignorance of the law and lack of awareness about accessible design are the primary reasons why new, inaccessible buildings may be built. Also, for new construction, allowable exceptions may render a building inaccessible for some. For examples, elevators are not generally required in buildings under three stories or with fewer than 3000 square feet per floor unless the building is a shopping center, mall, or a professional office of a health care provider.

#### ***a. Survey of Local Building Code Officials***

In the survey of local building code officials conducted for this study officials were asked, “***Are there any new, non-government buildings in your locality which are not in compliance with Title III ADA Accessibility Guidelines?***” Sixty-five percent of the respondents answered “No,” eight percent answered “Yes,” and 20 percent indicated that they were “Unsure.”

It is not possible to generalize the results of this survey to the entire number of new, private-sector facilities in the Commonwealth. However the data indicate that inaccessibility continues to be problematic even in new construction. Some inaccessibility reported in the survey may be the result of respondents including non-public retail space or warehouse facilities-which are exempted from ADA requirements-in their responses. The exceptions, however, do not account for the eight percent reported lack of accessibility in new construction.

According to follow-up phone calls to building code survey respondents and advocates concerned with access issues, lack of compliance with the ADA in new construction results primarily from the reasons noted above as well as from ignorance on the part of architects, building designers, contractors, and builders about access provisions of the law and/or lack of awareness and sensitivity to the needs of people with disabilities.

For *new* construction these can be costly mistakes because infringements of the ADA are enforced and fines are levied for non-compliance in successfully litigated cases.

According to local building code officials, lack of access to *existing* facilities also results from the same reasons but may also occur because some existing buildings are historic sites or because the owner is “working toward achieving compliance.”

A number of building code official survey respondents remarked that continued educational efforts are needed to inform construction personnel about the ADA and about the need to comply in all respects with access requirements. Efforts are also needed to increase public awareness of access issues so that lack of access can be addressed proactively. A list of agencies and organizations that can provide technical assistance, information, and answers to commonly asked questions concerning access is presented in Appendix 15.

#### ***b. Survey of Disability Services Board Members***

Findings from the survey of Disability Services Board (DSB) members concerning access to local private-sector facilities in Virginia are presented in Table IV-1.

Responses were received from 119 individuals serving on 36 DSBs throughout the Commonwealth. Respondents included 48 people with disabilities; 16 people with multiple disabilities; 12 family members, 26 local government officials, 4 local business representatives; 12 “other;” and one “unknown.”

Although the number of respondents in this category was small, the survey found that a considerable proportion of private-sector facilities were reported to be inaccessible or accessible with assistance. The highest proportion of accessible facilities was reported to be in the categories of shopping centers/malls and grocery/bakery stores (69 percent and 68 percent respectively).

In this study, clinics, doctors offices and private hospitals were reported almost as accessible as shopping malls, however, any lack of access in this category of private-sector buildings is likely to have serious impact on consumers. During the course of this study several people reported encountering physically inaccessible medical professional buildings.

Least physically accessible facilities in this study were reported to be exercise and fitness facilities and service agencies such as homeless shelters and food banks. Restaurants and concert halls were reported to be only marginally accessible in this survey.

**Access to Private-Sector Facilities**  
**Disability Services Board Member Responses**

	% Accessible	% Accessible with Assistance	% Not Accessible
<b>Medical Services</b> • Private hospitals, clinics, doctors offices	53	35	<1
<b>Shopping</b> • Shopping centers and malls • Retail stores (clothing, hardware, etc.) • Grocery/bakery	69 45 68	18 34 24	<1 6 <1
<b>Entertainment</b> • Restaurants and bars • Amusement parks, Zoos • Concert halls, theaters • Sports stadiums, arenas	30 38 40 35	52 28 42 34	8 3 <1 6
<b>Exercise, fitness</b> • Gymnasiums, health spas, golf courses, bowling alleys	36	36	6
<b>Community Events</b> • Convention centers, auditoriums, lecture halls • Private museums, libraries, galleries	42 40	34 35	<1 3
<b>Service Agencies</b> • Homeless shelters, food banks, adoption agencies	26	30	6

Numbers = percent of DSB respondents. N=119. Respondents represented 36 DSBs in Virginia. Percents may not add up to 100 because non-responses were not included in the table.

Source: VBPD staff analysis: DSB Survey, 1997.

Table IV-1



## 2. Review of Department of Justice Reports for Building Access Cases in Virginia

The Department of Justice (DOJ) Quarterly Reports were reviewed to examine the frequency and types of Title III (access to private-sector facilities) cases in Virginia since 1994. DOJ receives complaints concerning lack of access to buildings and enforces compliance with the federal law. Results are presented in Table IV-2.

Although all instances of inaccessibility are unacceptable, the relatively few number of Virginia-specific cases reported in DOJ Reports is a somewhat positive finding. According to a DOJ spokesperson, compared to other states Virginia has had relatively few physical access cases brought for legal resolution.

### Enforcement of Title III of the ADA in Virginia by the Department of Justice Access to Private-Sector Facilities (cases since 1994)

Report Date	Type of Action	Summary of Case
Apr-June, 1994	Formal Settlement	A gas station in Arlington agreed to provide gas dispensing services to persons with disabilities and implement a procedure that would ensure that persons with disabilities could bypass the electronic card reader devices when dispensing their own gasoline. Furthermore the gas station agreed to install detailed signage describing this procedure.
Apr-June, 1994	Formal Settlement	A luxury hotel in a large VA city agreed to provide two accessible restrooms in the lobby area, accessible signage throughout the building, and six accessible guest rooms.
Apr, 1996-June, 1996	Mediation	A Virginia restaurant agreed to change the location of a buffet in order to ensure availability of accessible seating in the nonsmoking area. The restaurant also agreed to send the complainant an apology letter and a \$50 check to be used in any restaurant chosen by the complainant.

Table IV-2

### **3. Access to Private-Sector Facilities in Virginia**

#### ***a. Hotels and Motels***

To obtain a general overview of the status of access to facilities and services offered by hotels and motels in Virginia, VBPD staff analyzed descriptions of accommodations for people with disabilities at twenty hotels/motels in thirteen of the state's largest cities. Descriptive information on accessibility of the hotels/motels were selected randomly from listings available in The Virginia Travel Guide for Persons with Disabilities (3rd Edition) edited by William A. Duke, Jr. and Cheryl T. Duke. Findings included:

- accessible parking available at all facilities
- wheelchair accessible rooms available in all facilities
- Braille signage in ten of the facilities
- TTY available in eight facilities
- closed-captioned TV or decoder available in eleven facilities
- room light flashes when phone rings available in seven of the facilities
- amplified phones available in eleven of the facilities
- lowered drinking fountains available in seven of the facilities
- smoke alarms with flashing lights available in ten of the facilities

Findings show that while accessible parking and rooms may be available, other supportive services that aid people with diverse types of disabilities are found with far less regularity. And although physical access to facilities may be available for the mobility impaired, lack of other types of supportive features create equally unjust barriers to access for people with other types of disabilities. In addition, the number of accessible establishments in various localities is likely to vary from place to place, making travel for business or pleasure difficult or impossible for people with disabilities.

Virginia was the second state (after North Carolina) in the nation to publish the specialized, comprehensive tourism guide and make it available to citizens in the Commonwealth and to tourists. The guide should go a long way to assist people with disabilities and their families as they enjoy traveling throughout the state. It also provides examples of the types of accommodations businesses can make to enhance the travel and enjoyment experiences of people with disabilities. For example, according the Guide, some hotels train staff to serve guests who have mobility, visual, and hearing impairments. One business establishment noted that staff receive training 2-3 hours each year to assist people with disabilities; another noted that staff receive training in serving people with disabilities every six months.

#### ***b. Theaters and Auditoriums***

Other published reports of improved access to private sector facilities include a May, 1997 Richmond Times-Dispatch article that described how, in the Richmond metro

area, most theaters, and many churches, auditoriums, and movie houses have installed Assistive Listening Systems (ALS) to enhance the speech, music, and sound effects of performances for individuals with hearing impairments. Results of an informal telephone survey revealed that most theaters in Virginia's largest cities also have these technologies available.

*c. Other Businesses*

According to the article, many businesses in the state reported having accessible parking, entrances, hallways, meeting rooms, service windows, telephones, water fountains, restrooms, and elevators. Banks reported that many ATM machines have been lowered to wheelchair height and have Braille markings. Telephone companies are required to provide a relay service for customers who are hearing impaired. Reasonable workplace accommodations for people with visually impairments include screen-reading software and voice synthesizers. Five of Virginia's six Amtrak stations offer wheelchair lifts for boarding, automatic doors and fully-accessible restrooms; four have wheelchair accessible parking; and six have wheelchair accessible entrances (Duke & Duke, 1997).

However, other experiences of people with disabilities tell a different story. For example, one consumer noted in her county:

- *a retail store with an inaccessible public restroom*
- *a conference center with inaccessible restrooms on the lower level*
- *three restaurants with inaccessible restrooms*
- *a dentist's office and a chiropractor's office that are inaccessible*
- *a pastry shop that is inaccessible*
- *a drycleaning establishment that is inaccessible*
- *a mattress store that is inaccessible*

This consumer goes on to note, however:

*Congratulations to area malls on complete accessibility. Local shopping centers are progressing, but require work on curb cuts and heavy doors.*

Businesses can and should take proactive action to ensure compliance with the ADA. In Illinois, for example, the Disability and Business Technical Assistance Center has developed a survey for businesses to use to obtain feedback from consumers about lack of physical access to facilities (Appendix 16). The surveys are placed on cars with handicapped placards parked outside of business establishments. Information received from consumers in this manner helps businesses become more accessible. Of the numerous business associations in Virginia contacted for this study, none had conducted any studies or surveys of the status of accessibility to private-sector businesses in the state.

Serving Virginia, the ADA Information Center for the Mid-Atlantic Region provides training, information, and technical assistance on the ADA to businesses, consumers, and state and local governments (Appendix 17). Within the state, Virginia's Association for Retarded Citizens (ARC) has received seed funding to establish an ADA Coalition to assist in promoting awareness of the benefits of complying with the ADA for individuals and communities. Examples of progress toward full physical access demonstrate that it can be achieved with the proper knowledge, expertise, and motivation.

## **B. Access to Services Provided by Private-Sector Businesses in Virginia**

In addition to operating in facilities that are physically accessible to people with disabilities, private businesses under the ADA must ensure that their programs and services are also accessible to people with disabilities.

Just as there is little information concerning the status of access to private-sector buildings and facilities by people with disabilities in Virginia there is also little information concerning access to programming and services offered by private-sector entities.

This section of the report examined DOJ cases brought nationally and in Virginia during the past three years concerning lack of access to programs and services by people with disabilities. The cases are illustrative of the types of barriers to services that can occur and the types of accommodations that businesses were required to provide. The section also contains consumer perspectives on access to private-sector programs, facilities and services in the Commonwealth.

### **1. Department of Justice (DOJ) Cases**

#### *a. National Cases*

Nationally, numerous lawsuits attest to the frequent lack of compliance by the private sector with Title III requirements for accessible services. Examples include,

*In response to a lawsuit brought by the Department of Justice, a national rental car company is now offering a wide variety of rental cars equipped with hand controls to customers with disabilities at all company-owned locations across the country. (April-June, 1994 DOJ Report).*

\* \* \*

*Dollar, Inc., one of the largest car rental establishments, agreed to modify its rental policies to permit people with disabilities to rent cars when accompanied by licensed drivers. Prior to the agreement, Dollar required the licensed driver to be the financially responsible*

*party. The policy made it impossible for people with disabilities who cannot drive (e.g., people with visual impairments) to rent cars, even when they had a licensed driver accompanying them (Jan.-March, 1995 DOJ Report).*

\* \* \*

*Sears, Roebuck and Company was required to make its "Models Club Program" more accessible to children with disabilities. An 11-year-old girl with spina bifida who uses a wheelchair was not allowed into the program since the class used a runway that was one foot off the ground. In the settlement, Sears was ordered to pay \$3500 in compensatory damages and to provide for the girl to attend a four-session course tuition free. In addition, Sears was required to provide training materials to all program instructors about ADA requirements, insure that all ramps and runways used by the program comply with the ADA, and distribute a policy statement confirming that Sears will not discriminate against children with disabilities who want to participate in the Models Club Program (April-Sept., 1995 DOJ Report).*

#### ***b. Virginia Cases***

DOJ cases brought against private-sector businesses specifically in Virginia under Title III of the ADA for lack of compliance with accessible services provision are presented in Table IV-3. As a result of litigation and educational efforts, increased accommodation in the programming and services offered by Virginia's businesses is becoming more apparent. For example,

*In a letter to staff at one of Virginia's largest private amusement park a woman wrote to thank staff for accommodating her handicapped son. "I am writing this letter to commend the park on how they handled my handicapped son. It was obvious to me that every employee in your park is trained to handle such situations."*  
(Duke & Duke, 1997)

Many, but not all businesses are accommodating people with disabilities in their services and programming.

*Crestar has produced a video about home mortgages specifically for people who are deaf and hard of hearing. The video uses American Sign Language and open captioning...to improve services to people who are deaf and hard of hearing.*

\* \* \*

*In an effort to make their programs more accessible to the visually impaired, the Smithsonian's National Museum of Natural History--in collaboration with 29 individuals having various*

**Enforcement of Title III of the ADA in Virginia by the Department of Justice  
Access to Private-Sector Services  
(cases since 1994)**

Report Date	Type of Action	Summary of Case
July-Sept, 1994	Amicus Brief	<i>Clark v. Virginia Board of Bar Examiners</i> --amicus brief filed to support a challenge to inquiries into past treatment for mental illness made by the Virginia Board of Bar Examiners in certifying candidates for admission to the Virginia Bar [Court ruling in 1995 ordered the Virginia Board to stop asking applicants about past mental, emotional or nervous disorders.] This case had national significance for applicants for other types of professional licenses.
Apr-Sept, 1995	Informal Settlement	A Virginia financial planning association agreed to provide an interpreter for a deaf student at one of its seminars
Oct, 1995-Mar, 1996	Lawsuit	<i>U.S. v. Commonwealth of Virginia</i> -- two lawsuits alleged that the state failed to establish a process in which an individualized, professional determination is made as to what type of setting, among the range of institutional and community-based options available, is most appropriate for the needs of each resident.
Oct, 1995-Mar, 1996	Formal Settlement	An individual allegedly was denied a temporary clerical job with a Virginia county police department because she had epilepsy. In a settlement under the ADA, she was awarded \$2500 in monetary damages and was offered a similar job in another position. The Police Department was also required to continue efforts to educate employees about the ADA.
Jul-Sept, 1996	Mediation	A private Virginia preschool agreed to hire a specialist to educate staff about behavior modification techniques to be used with children with behavioral disabilities and to have an ADA specialist educate staff about ADA requirements.
Oct-Dec, 1996	Informal Settlement	A Virginia county court developed and disseminated a policy to inform attorneys, parties, witnesses, jurors, spectators, and other individuals that auxiliary aids and services are available and that the court will provide such aids and services at the court's expense.

Table IV-3

*degrees of vision impairment—has launched a new audio tour that takes visitors through the marine ecology exhibit.*

## **2. Consumer Perspectives: Access to Private-Sector Buildings and Services**

In speaking to consumers and reviewing written comments received as part of the survey process designed for this study, Virginia consumers acknowledge that improvements have been made and that their communities are more accessible than they have been in the past. However, many respondents expressed continued frustration with encountering barriers that limit their full participation in community life. Frustration with lack of accessibility spanned all types of private sector buildings and services included under the purview of Title III of the ADA. Some comments were:

*In many cases, there is total access to buildings and services and in other cases it is not so easy. (Note that my completion of this form is based on my personal experiences but may not be applicable to all individuals with different types of disabilities.) I patronize businesses that are accessible and ignore those that are not.*

\* \* \*

*The situation continues to improve with better accessibility. Some very small, private businesses operate in older facilities which are difficult to renovate in accordance with ADA standards. These small businesses cannot afford to build new facilities or move to new rental facilities. For wheelchair users there are some private doctors' offices and post offices that are not accessible. In some stores, the aisles are either not wide enough or cluttered with boxes. Stores provide mechanized scooters but you still can't get around.*

\* \* \*

*Most services are accessible, usually some assistance is needed regarding opening doors.*

\* \* \*

*Since I live in a rural area, there are limited facilities for recreation purposes but these are somewhat accessible. Some small stores are not accessible.*

\* \* \*

*The majority of private facilities in my county have complied with the ADA however my observation is that handicapped parking spaces are often misused and poorly policed.*

\* \* \*

*Our city's bus station is not accessible and neither are the vehicles. Our Amtrak station is desperately in need of*

*renovation. The station pitifully uses portable ramps to assist passengers [embarking and disembarking].*

Of significance for people with disabilities is the finding in this study that, although much progress has been made in ensuring access to buildings and services in the private sector, much work remains to be done.

Survey information was obtained from consumers concerning their experiences with physical access to private-sector buildings throughout the Commonwealth. Consumers included graduates of the Virginia Board for People with Disabilities' "Partners in Policymaking" course, DSB consumers, consumers of Centers for Independent Living (CILs) services throughout the state, and other interested individuals. Consumer responses presented in Table IV-3 indicate that although a considerable proportion of private sector facilities in Virginia were reported to be fully accessible, a significant proportion of private facilities were reported to be accessible only with assistance (between 25 and 50 percent overall) and a smaller proportion was reported to be "not accessible" at all.

Because of the focus of the survey, the relatively small proportion of inaccessibility reflects primarily the experiences of people with mobility limitations. However, it must be remembered that accessibility includes accommodating individuals who may have disabilities other than mobility limitations, or individuals with multiple disabilities. Included in this group are people who may have visual, hearing, speech, or cognitive limitations or a combination of disabilities that require special accommodations, individualized types of assistive technology, or other forms of assistance in addition to physical access in order for them to receive the services to which they have a right. Had more of these individuals responded to the survey it is likely that the proportion of "not accessible" facilities and the services they provide would have been much greater.

The ADA requires private-sector businesses to accommodate individuals with disabilities in all disability categories. In fact, according to people with disabilities, family members, caregivers and advocates, lack of access to services through lack of accommodations other than physical access, often presents a more formidable and pervasive barrier to them than physical barriers. There has been no evaluation of the extent to which barriers other than physical barriers exist in the Commonwealth.

***Recommendation (6): Government and private-sector entities need to examine and address the impact of lack of assistive technologies on community living of people with disabilities. The examination should promote use of assistive and communication technologies in achieving full access to public and private-sector services. Sufficient resources and appropriate technical expertise should be provided for this activity.***



**Access to Private-Sector Facilities  
Consumer Responses**

	<b>% Accessible</b>	<b>% Accessible with Assistance</b>	<b>% Not Accessible</b>
<b>Medical</b> • Private hospitals, clinics, doctors offices	44	40	6
<b>Shopping</b> • Shopping centers and malls • Retail stores (clothing, hardware, etc.) • Grocery/bakery	62 38 63	23 39 26	3 13 3
<b>Entertainment</b> • Restaurants and bars • Amusement parks, Zoos • Concert halls, theaters • Sports stadiums, arenas	32 38 35 32	50 32 43 34	8 9 5 11
<b>Exercise, fitness</b> • Gymnasiums, health spas, golf courses, bowling alleys	24	40	15
<b>Community Events</b> • Convention centers, auditoriums, lecture halls • Private museums, libraries, galleries	36 33	32 35	6 12
<b>Service Agencies</b> • Homeless shelters, food banks, adoption agencies	21	25	13

Numbers = percent of consumers; Consumers include people with disabilities, caregivers of people with disabilities, and family members. N=173. Percentages of non-responses were not included in the data in this table and so numbers may not add up to 100 percent.

Source: 1997 Survey of People with Disabilities, VBPD Staff

**Table IV-3**

## V. OTHER ACCESS ISSUES

This section discusses several access-related issues that emerged during discussions with agency staff and local area representatives concerning the ADA during this study. Issues include: designation of local ADA coordinators; certification of the statewide building code; access standards for local public schools; and using mediation in resolving access disputes. Recommendations were developed in each of these areas.

### A. Designation of Local ADA Coordinators

Based on survey information obtained from building code inspectors, approximately two-thirds of Virginia's counties have designated county ADA coordinators. ADA coordinators function to handle and direct information and complaint calls to individuals or agencies that can provide the most accurate and helpful information to callers concerning questions or concerns about compliance with the ADA.

Counties are not required to have ADA coordinators but, according to a spokesman at the National Association of ADA Coordinators, having an identified person at the local government level with expertise to handle general information questions and provide referral services can help to improve communication and promote goodwill between those with access complaints or questions and those who will be responsible for solving access-related problems. At times, these issues can get contentious and are sometimes highly complex. In addition, according to findings in this study from local building code officials and others it is sometimes difficult to know where to go for accurate information.

This study also found there is often confusion as to who or what agency is responsible for implementing and enforcing the ADA. This appears to be particularly problematic for the ADA because the law is multifaceted: it includes ensuring fundamental civil rights of persons with disabilities to full access to programs and services in the public and private sectors; access to all buildings and facilities open to the public; and access to equal employment opportunities in the public and private sectors. Because of its sweeping nature involving an array of different compliance and monitoring entities, it is sometimes difficult to locate the local ADA coordinator even in counties that already have one since,

*Local ADA coordinators can be located in either personnel and human resources departments or public works departments. In the former capacity, ADA coordinators are responsible for monitoring and addressing Title I violations of the ADA; however, they are not necessarily familiar with ADA accessibility guidelines (ADAAG). Moreover, they would not address physical access issues under normal circumstances. In the latter capacity, ADA coordinators are responsible for specific Titles II and III issues and would know*

*little about equal employment opportunities of job accommodation for people with disabilities.*

Local governments that do not have identified ADA Coordinators may be at a disadvantage in being able to respond adequately to the needs for information and referral of citizens and others in their communities.

***Recommendation (7): Each local government entity in Virginia should identify and provide appropriate training for a designated ADA Coordinator.***

## **B. Certification of the Uniform Statewide Building Code**

The ADA requires that newly constructed or altered facilities comply with the ADA Standards for Accessible Design (Standards). The Department of Justice (DOJ) is authorized to certify building codes that meet or exceed the ADA standards. In litigation, an entity that complies with a certified code can offer that compliance as refutable evidence of compliance with the ADA.

In implementing its authority to certify codes, the DOJ responds to requests for review of model codes and provides informal guidance to assist private entities that develop model accessibility standards to make those standards equivalent to the ADA.

The Department has certified the accessibility codes of Washington and Texas and is currently reviewing the codes of Utah, New Mexico, Florida, Maine, Minnesota, New Jersey, Maryland, California, the Village of Oak Park, Illinois, and the County of Hawaii. The Department is also reviewing a model code submitted by the Building Officials and Code Administrators, International (BOCA).

In Virginia, the current edition of the Uniform Statewide Building Code (USBC) which became effective in mid-April 1997, incorporates the accessibility provisions of the BOCA model code whereas previous editions of the USBC had referenced the ADAAG standards. The model code writing organizations, including the American National Standards Institute (ANSI), the Council of American Building Officials (CABO), the Southern Building Code Congress International (SBCCI), and others have invested considerable effort in the attempt to develop uniform provisions so that states and localities could adopt standards eligible for DOJ certification.

Virginia has recently initiated the process for obtaining certification the USBC. The Department of Housing and Community Development (DHCD) requested the necessary materials from DOJ to begin the certification process and plans to submit its application later this year. At the request of the BOCA organization, the Department is currently reviewing the model code used by Virginia and several other states and localities. Although the Department cannot certify or "precertify" model codes, the Attorney General may issue guidance "whether and in what respects the model code is consistent

with the ADA's requirements." Although not binding, this guidance could assist in facilitating the certification of Virginia's building code.

According to DHCD staff, certification of state and local building codes would increase compliance with the new construction and alteration provisions of the ADA. A certified code would effectively incorporate the standards of the ADAAG, increasing the likelihood that buildings constructed according to code automatically meet the accessibility standard.

Building designers and owners also stand to benefit if the building code applicable to their project or facility were certified under the provisions of Section 308(b)(1)(A)(ii) of the ADA. Furthermore, in any enforcement proceeding, defendants may use the Attorney General's certification as rebuttable evidence that the building code met or exceeded the minimum requirements of the ADA. In effect, if the code met or exceeded the standard and the facility met the code, then, unless a plaintiff can show that either or both presumptions were false, the designer or owner has a substantial defense against claims of unlawful discrimination.

Certification, by promoting the incorporation of ADA-equivalent accessibility requirements into local codes, would make the requirements more familiar and readily-accessible to builders and architects and would eliminate future conflicts with federal law.

Finally, certification of the building code would benefit people with disabilities because builders and code officials would be more aware of building access requirements and it is more likely that accessible features would be incorporated into building code design and construction under a certified code.

***Recommendation(8): The Department of Housing and Community Development should continue pursuing certification of Virginia's Uniform Statewide Building Code by the Department of Justice.***

### **C. Access Standards for Local Public Schools**

A separate portion of the *Code of Virginia*, §22.1-138 exempts schools from either local or state standards. Instead, the Department of Education (DOE) must prescribe its own minimum standards for areas not addressed in the USBC. As with DGS and local governments, DOE's responsibilities preceded passage of the ADA. DOE has not issued specific standards addressing accessibility issues under this authority; instead, school designers have generally been referred to the provisions of the USBC and the ADAAG -- which do not contain provisions specifically directed at children's unique accessibility requirements. As a consequence, it is often difficult to ensure that school buildings and facilities are truly accessible for children with disabilities even though they might be accessible under "adult-sized" regulations.

DOE has been cognizant of this issue for quite some time. Of all state agencies, DOE provides on-site consultation and technical assistance to local schools on construction and renovation projects to ensure that they comply ADA Accessibility Guidelines. Routine reassessment of ADA compliance at all schools by school district superintendents were found to be regularly encouraged by DOE (Appendix 18).

DOE is currently considering whether to continue, modify, or revoke its guidance for school construction. In addition, DOE has noted that revisions to the ADAAG requirements may be pending that would address the question of accessibility for children. DOE is planning to delay issuing new guidelines pending final approval by the Access Board of new guidelines that include accessible elements for children.

***Recommendation(9): The Virginia Department of Education should continue to monitor school construction and renovations and continue to provide a high level of information and technical assistance to school districts concerning access to local public school buildings. The Department of Education should pursue the inclusion of accessible elements for children with disabilities in its access provisions for public schools.***

#### **D. Mediation**

In an effort to resolve complaints concerning accessibility quickly, inexpensively, and without litigation, problems concerning title II (public entities) and title III (private entities) can be mediated under a new DOJ program being piloted in cities throughout the U.S.

Using mediation to resolve access disputes is known to be far less costly and to be far more constructive than litigation. Under the DOJ's initiative to promote use of mediation in resolving access disputes, the Key Bridge Foundation has trained over 300 professional mediators in cities and counties in 42 States concerning the legal requirements of the ADA. In Virginia, ADA mediators have been trained in Alexandria, Arlington, Falls Church, Hampton, Marion, McLean, Powhatan, and Virginia Beach. Over 70 percent of the cases in which mediation has been completed have been successfully resolved.

Appendix 19 contains a description of the purposes and methodology used in mediation. Information on mediation and the program being sponsored by DOJ can be accessed on the internet on the ADA Home Page on the World Wide Web (<http://www.usdoj.gov/crt/ada/adahom1.htm>).

***Recommendation(10): The use of trained mediators knowledgeable about the ADA should be promoted in the resolution of ADA Title II and Title III disputes in Virginia. The training of mediators by the Department of Justice should be pursued in the public and private sectors.***

## **VI: SUMMARY OF RECOMMENDATIONS**

**Recommendation (1):** The State's primary disability service agencies, Centers for Independent Living, and Disability Services Boards should review mechanisms by which they implement the access reporting provisions specified in the Code of Virginia. These agencies should consider developing more formalized procedures for collecting, reviewing, and distributing information concerning access to facilities and services by people with disabilities in the Commonwealth.

**Recommendation (2):** The Department of Rehabilitative Services should examine and develop recommendations concerning the appropriateness and feasibility of the agency's role in carrying out the provisions of §51.5-12 of the *Code of Virginia*.

**Recommendation (3):** All state agencies in the Commonwealth should prepare and review on a regular basis summary reports concerning the status of access to facilities and services in their agencies.

**Recommendation (4):** The Department of Housing and Community Development should conduct an in depth analysis of the accessibility-related training needs of local building code inspectors. Additional training or enhanced continuing education should be provided as needed.

**Recommendation (5):** The Department of Housing and Community Development should examine the manner in which local building code officials resolve access complaints in localities and should consider developing a standardized process for resolving accessibility complaints. The Department should consider including these procedures in the training of building code officials.

**Recommendation (6):** Government and private-sector entities need to examine and address the impact of lack of assistive technologies on community living of people with disabilities. The examination should promote use of assistive and communication technologies in achieving full access to public and private-sector services. Sufficient resources and appropriate technical expertise should be provided for this activity.

**Recommendation (7):** Each local government entity in Virginia should identify and provide appropriate training for a designated ADA Coordinator.

**Recommendation (8):** The Department of Housing and Community Development should continue pursuing certification of Virginia's Uniform Statewide Building Code by the Department of Justice.

**Recommendation (9):** The Virginia Department of Education should continue to monitor school construction and renovations and continue to provide a high level of information and technical assistance to school districts concerning access to local public school

buildings. The Department of Education should pursue the inclusion of accessible elements for children with disabilities in its access provisions for public schools.

**Recommendation (10):** The use of trained mediators knowledgeable about the ADA should be promoted in the resolution of ADA Title II and Title III disputes in Virginia. The training of mediators by the Department of Justice should be pursued.

## **Appendices**



## Appendix 1

### Study of State Agency Compliance With the Americans with Disabilities Act 1994

#### *SUMMARY*

In the study directed by Senate Joint Resolution 259 of the 1993 General Assembly (Senate Document 40, 1994), 158 state agencies were surveyed concerning compliance with the five administrative requirements specified in the Americans with Disabilities Act, including completion of a self evaluation; development of an agency transition plan; designation of an ADA coordinator; development and adoption of grievance procedures; and notifying consumers of their rights under the ADA.

One-hundred and twenty agencies responded that they were in full compliance with the administrative provisions. In addition, procedures for assuring compliance with the ADA by entities that benefit from State financial assistance were found to be adequate. Recommendations resulting from the study were: (1) all agencies that did not respond to the ADA compliance survey should be contacted to remind them of their responsibilities and potential liability under the administrative requirements of the ADA; and (2) the Department of General Services should continue to promote sound non-discrimination contracting practices.

To date, no follow-up on either of these recommendations has been documented.

## **Appendix 2**

### **Report of the Joint Subcommittee Studying Handicapped Parking 1997**

#### *SUMMARY*

Senate Joint Resolution Number 86 and House Joint Resolution Number 198 passed during the 1996 General Assembly Session established a joint subcommittee to study the abuse and enforcement of laws related to handicapped parking. That study resulted in 12 recommendations concerning an array of procedures and proposed legislation for reducing abuse of handicapped parking provisions in the Commonwealth.

It is too early to evaluate the impact of the recommendations on access to parking by people with disabilities in Virginia.



## Appendix 4

### Notes on Survey Methodology

Since there was no centralized resource for data concerning the status of accessibility in the Commonwealth, information was gathered from various sources in order to optimally address the study directives of SJR 353. Mailed surveys and structured telephone interviews comprised the primary data-gathering techniques used in this study. This section provides definitions and describes some of the assumptions and limitations of the research methodology.

#### Survey Mailings and Response Rates<sup>1</sup>

Survey	Number of Surveys Distributed	Response Rate	
		Number Returned	Percent Response
Building Code Official	165 -- all Virginia localities	109	66
Consumers <sup>2</sup>	120 -- CIL <sup>3</sup> Consumer 72 -- Partner <sup>4</sup> 15 -- Others <sup>5</sup>	71 20 4	59 28 25
Disability Services Board Members <sup>6</sup>	287	119	41
Community Service Boards	38 -- Executive Directors	25	66
Planning District Commissions <sup>7</sup>	21 -- Executive Directors	17	81

**NOTES:**

1. All mailed surveys were sent out accompanied by (1) a cover letter from the Virginia Board for People with Disabilities (The Board) -- except for the Building Code Official Survey which was accompanied by a letter from the Department of Housing and Community Development, (2) a copy of SJR 353, and (3) a stamped, self-addressed return envelope. The cover letter explained the purpose of the survey and provided information about completing and returning the survey. Community Service Board Director surveys were distributed and returned by FAX.

2. In this report, the term “consumer” includes survey respondents in the following categories: people with disabilities serving on Disability Services Boards who identified themselves as consumers (N=78), graduates of the Partners in Policymaking course sponsored by VBPD (N=20), individuals receiving services at Centers for Independent Living (CILs) between June 16-20 or June 24-27, 1997 (N=71), and others who requested a survey after its availability was announced in the Board’s June Information Bulletin (the Information Bulletin is mailed to over 1500 persons) (N=4). Also included in the consumer group were individuals who identified themselves as caregivers or legal guardians of people with disabilities (this latter group comprised a small percentage of respondents).

Information from 78 individuals who identified themselves as persons with disabilities or family members of persons with disabilities on the DSB member survey were included in consumer data presented in Tables III-3 and IV-3.

3. Center for Independent Living. There are 10 CILs in Virginia

4. Graduate of the Board’s Partners in Policymaking course. These individuals were all considered consumers for purposes of this study

5. Includes consumers who requested a survey in response to the Board’s announcement of its availability in the June VBPD Information Bulletin and those who heard about the survey on the internet, etc.

6. Disability Services Board members were mailed their surveys through an indirect mechanism which precluded knowing the exact number of individuals in each of the DSB membership categories who received the surveys. Surveys were prepared by VBPD staff and given to DRS for distribution through the Department’s DSB liaison network. In all, 287 surveys were mailed to each of seven randomly-selected individuals at each of 41 DSBs in the Commonwealth (except Rappahannock-Rapidan, Westmoreland County and Richmond County DSBs that, at the time of the survey had no DRS liaisons). Responses were received from members of 36 of the DSBs throughout the Commonwealth (88 percent representation rate). In all, 119 DSB surveys were received including 48 people with disabilities, 16 with multiple disabilities, 12 family members, 26 local government officials, 4 local business representatives, 12 “other,” and 1 unknown. As to types of disabilities, for those who answered this item (N=67) there were 16 individuals with multiple disabilities, 8 with visual disabilities, 6 hearing-impaired, 33 mobility impaired and 4 “other.”

7. Because of a low initial response rate Executive Directors of Planning District Commissions were sent reminder letters and a second survey. No other groups or agencies were sent reminder letters.



## How to File a Title II Complaint

This is in response to your request for information on how to file a complaint under title II of the Americans with Disabilities Act.

Title II prohibits discrimination based on disability in all programs, activities, and services of State and local governments.

If you feel you or another person have been discriminated against by any agency, organization, or institution covered by title II, send a letter to the Department of Justice, at the address below, including the following information:

- Your full name, address, and telephone number, and the name of the party discriminated against;
- The name of the agency, organization, or institution that you believe has discriminated;
- A description of the act or acts of discrimination, the date or dates of the discriminatory acts, and the name or names of the individuals who you believe discriminated; and
- Other information that you believe necessary to support your complaint. Do not send original documents. (Retain them.)

Sign and send the letter to the address below:

U.S. Department of Justice  
Civil Rights Division  
Coordination and Review Section  
P.O. Box 66118  
Washington, D.C. 20035-6118



## How to File a Title III Complaint

This is in response to your request for information on how to file a complaint under title III of the Americans with Disabilities Act.

Title III prohibits discrimination based on disability in public accommodations. Private entities covered by title III include places of lodging, establishments serving food and drink, places of exhibition or entertainment, places of public gathering, sales or rental establishments, service establishments, stations used for specified public transportation, places of public display or collection, places of recreation, places of education, social service center establishments, and places of exercise or recreation. Title III also covers commercial facilities (such as warehouses, factories, and office buildings), private transportation services, and licensing and testing practices.

If you feel you or another person have been discriminated against by an entity covered by title III, send a letter to the Department of Justice, at the address below, including the following information:

- Your full name, address, and telephone number, and the name of the party discriminated against;
- The name of the business, organization, or institution that you believe has discriminated;
- A description of the act or acts of discrimination, the date or dates of the discriminatory acts, and the name or names of the individuals who you believe discriminated; and
- Other information that you believe necessary to support your complaint. Please send copies of relevant documents. Do not send original documents. (Retain them.)

Sign and send the letter to the address below:

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
Post Office Box 66738  
Washington, D.C. 20035-6738

The Disability Rights Section will consider your complaint and inform you of its action. The office will investigate the complaint and determine whether to begin litigation. We will not necessarily make a determination on each complaint about whether or not there is an ADA violation. If we believe there is a pattern or practice of discrimination, or the complaint raises an issue of general public importance, we may attempt to negotiate a settlement of the matter or we may bring an action in U.S. District Court. Any such action would be taken on behalf of the United States. We do not act as an attorney for, or representative of, the complainant.

You also have the option of filing your own case in U.S. District Court.

Depending on the nature of your complaint, other information would also be helpful to our investigation:

1. Small businesses have limited protection from lawsuits. Except with respect to new construction and alterations, no lawsuit can be filed concerning acts or omissions that occur before --
  - 1) July 26, 1992, by businesses with 25 or fewer employees and gross receipts of \$1,000,000 or less.
  - 2) January 26, 1993, by businesses with 10 or fewer employees and gross receipts of \$500,000 or less.
2. The name or names of the individuals or entities who have an ownership and/or managerial interest in each facility or business that is the subject of your complaint, with phone numbers and addresses, including zip codes, if you have them.
3. Information specifying whether the facility is owned and/or operated by a private entity or a state or local government.
4. The nature of the activity or service provided by the business.
5. If you are alleging failure to remove architectural barriers, a description, including as much detail as possible, of the barriers. If possible, please provide pictures, videotapes, diagrams, or other illustrations that accurately set forth the alleged violation.
6. Any suggestions for remedying the alleged violations of the ADA.
7. Information about whether you have filed a related complaint with a U.S. Attorneys Office, or any other Federal, State, or local agency, or any court, or whether you intend to file such a complaint.



## Privacy Act Statement

The authority for collecting this information is contained in 42 U.S.C. 12188(b). We need this information in order to investigate your complaint. The personal information will be used primarily for authorized civil rights compliance and enforcement activities conducted by the Department of Justice. The Department will not disclose the name of, or other identifying information about, an individual unless it is necessary for enforcement activities against an entity alleged to have violated federal law, or unless such information is required to be disclosed under the Freedom of Information Act, 5 U.S.C. 552, or as is allowed through the publication of a routine use in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. To further the Department's enforcement activities, information we have about you may be given to appropriate Federal, State, or local agencies. Additional disclosures of information may be made: to Members of Congress or staff; to volunteer student workers within the Department of Justice so that they may perform their duties; to the news media when release is made consistent with the Freedom of Information Act and 28 C.F.R. 40.2; and to the National Archives and Records Administration and General Services Administration to perform records management inspection functions in accordance with their statutory responsibilities. Furnishing of the requested information is voluntary except that the failure to provide such information may result in our being unable to process your complaint.

## Appendix 6

### Chronology of Handicapped Accessibility Design Standards For State-Owned Buildings

- July 1, 1970** Division of Engineering and Buildings (DEB) Memorandum dated June 19, 1970, adopted: **Design Standards for State-Owned Buildings** so as to provide Accessibility and Usability for Physically Handicapped Persons in accordance with Chapter 539 of the Acts of the Assembly of 1970 effective June 26, 1970 by the Commonwealth of Virginia, Division of Engineering and Buildings.
- April 1, 1981** DEB Directive 32 dated March 25, 1981, adopted: **ANSI A117.1-1980** (American National Standards Institute) Specifications for Making Buildings and Facilities Accessible to, and usable by, Physically Handicapped People.
- December 31, 1990** Capital Outlay Manual adopted: **Uniform Federal Accessibility Standards**, April 1, 1988, supplemented by DEB directives.
- December 1, 1991** Capital Outlay Manual, Revision 4 adopted: **Uniform Federal Accessibility Standards**, April 1, 1988, supplemented by revised DEB directives.
- December 31, 1993** Capital Outlay Manual, Revision 5 adopted: **Uniform Federal Accessibility Standards**, April 1, 1988 supplemented by revised DEB directives. Added the statement indicating that when ADAAG-SLGF was adopted it would become the standard.
- December 1, 1996** Construction and Professional Services Manual adopted: **Uniform Federal Accessibility Standards**, April 1, 1988, supplemented by revised DEB directives.

## 4 ACCESSIBILITY BY PERSONS WITH HANDICAPS

A. In addition to any other requirements or covenants in this Lease, and at all times during the Lease term and during any renewal or option terms or Lease extensions, Lessor covenants that, as to the demised premises, and the facility in which the demised premises is located, including all common areas appurtenant thereto, it has fully complied, or will comply, with (1) the facilities accessibility laws, regulations and standards required by the "Americans With Disabilities Act of 1990," including Titles II and III thereof, and the regulations and standards promulgated thereunder, including the regulations promulgated by the U.S. Department of Justice (28 CFR Chapter 1, Part 36 and the Standards for Accessible Design Pt. 36, App. A entitled "ADA Accessibility Guidelines for Buildings and Facilities"), as amended, and with (2) the minimum requirements of the Virginia Uniform Statewide Building Code (VUSBC), Volume I-New Construction, as amended, pertaining to access by the physically handicapped and aged persons, including Chapter 11 ("Accessibility") of said VUSBC, which, in part, incorporates the regulations and referenced standards of the U.S. Department of Justice identified above, to the fullest extent required by law, as if the Lessor's facility and the demised premises will be newly constructed. To the extent the minimum requirements of the VUSBC are more restrictive than applicable federal requirements, the more restrictive of the two shall control. Lessor further covenants that the demised premises, as well as parking lots, entrances, common areas, restrooms and passageways which form a part of Lessor's facility, will be so constructed and maintained as to cause the Lessee to be and remain in compliance with the ADA and all regulations promulgated thereunder applicable to handicapped accessibility, as the same are applicable to Lessee as a "public entity" and as the same would be applicable to Lessee if a private entity operating a place of public accommodation (except as noted below with respect to trade fixtures). Lessor further covenants that, following the date of execution of this Lease, all construction at and alterations of the demised premises and other facilities areas, including common areas and parking facilities, that shall be undertaken by Lessor, to the extent the same could otherwise affect the accessibility/usability of the demised premises by the disabled, shall be undertaken in such a manner that, to the maximum extent feasible, the path of travel to the altered areas or facilities or to the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities and that the ADA and the regulations and standards promulgated thereunder and the VUSBC are fully complied with to the extent required by law and as herein provided. Should the Lessee discover that an element of the demised premises, or the construction or design of the demised premises, as well as the other facilities areas noted above, or alterations thereto, are not in compliance with the requirements, including the referenced standards or guidelines pertaining to the ADA, Lessee shall promptly notify Lessor (or Lessor's Agent) in writing detailing both the requirement and the noted deficiency and specifying the action required to bring about compliance. Should the Lessor fail within a period of more than thirty calendar days following such notice from the Lessee to comply or to propose in writing an alternative for compliance which the Lessee deems acceptable, or, alternatively, fail to convince the Lessee that compliance is not required, either because such accommodation as would otherwise be required would constitute an undue hardship when measured against the financial resources of the Lessor or because the facilities are nevertheless accessible and usable by individuals with disabilities, then Lessee may undertake with its own resources to accomplish the work needed to achieve such compliance and may deduct the reasonable costs of such accommodation from the rents or other sums then otherwise due Lessor under the terms of this Lease, or any renewal or extension thereof, or may terminate this Lease by giving three months written notice to Lessor.

**B.** Without in any way limiting the foregoing requirements, Lessee has identified below certain minimum design considerations and general handicapped accessibility requirements which are applicable to the demised premises and related facilities, unless marked "Not Applicable":

1. If public or private parking is provided, at least one accessible parking space, dedicated to the demised premises and properly designated for handicapped parking, shall be provided as close as possible to an accessible route to the primary building entrance.
2. Walks used as accessible routes to the Lessor's facility and the demised premises shall comply with applicable accessibility standards.
3. An accessible primary entrance into the Lessor's facility shall be at grade or ramped to grade in accordance with applicable accessibility standards.
4. At least one route (consisting of walkways, corridors, doors and common areas), from the location of accessible parking spaces into the Lessor's facility and the demised premises shall be accessible.
5. If support areas within the Lessor's facility (e.g. lunch rooms, stockrooms, meeting rooms, etc.) are used by Lessee, its employees or the public, such areas shall be accessible.
6. If Lessee occupies floors other than the main floor of access to the building, at least one accessible elevator shall be provided.
7. An accessible unisex rest room shall be provided, or, in the alternative, separate male and female accessible rest rooms; and, in either case, with accessible equipment.
8. All corridors, doors and spaces within or about the demised premises and used by the public or employees of Lessee shall be accessible.
9. Where appropriate, directional signs complying with the standards shall be provided directing handicapped persons to an accessible route or entrance to the demised premises.

**C.** The foregoing provisions of this paragraph, as applied to Lessor, shall not apply to trade fixtures used or installed by Lessee or Lessee's layout of such trade fixtures.

## **5. DELIVERY OF POSSESSION**

**A.** Lessor covenants to deliver quiet possession of the demised premises at the commencement of the initial term and further covenants quiet enjoyment of the demised premises during the initial term and any renewal term.

**VIRGINIA COMMONWEALTH UNIVERSITY**

**OFFICE OF ACADEMIC SUPPORT**

**SERVICES FOR STUDENTS WITH DISABILITIES**

Shyla M. Ipsen, Coordinator  
109 North Harrison Street  
(804) 367-1139 VOICE/TDD

Virginia Commonwealth University is committed to making its facilities, services, and programs accessible to all students including those with disabilities.

The Office of Academic Support houses Services for Students with Disabilities, which was created to provide information on auxiliary support services to students with various disabilities enabling them to derive equal benefits from the University's offerings. The services are designed to assure the integration of students with disabilities as fully as possible into all aspects of University life and to assist them in reaching higher levels of independence.

Services For Students with Disabilities is designed to provide information and assistance in the area of academic planning and advising. Information is provided to the University community and, through the Admissions Office, communicates with public school special education administrators, high school counselors, parents and prospective students concerning the University's services for students with disabilities.

Services for Students with Disabilities is responsible for the identification of students with disabilities and determining reasonable accommodations.

Services provided by the Office of Academic Support are as follows:

- priority registration*
- physical access*
- use of auxiliary aids*
- program and course adjustments*
- special exam/quiz procedures*
- oral or sign language interpreters*
- library assistance*
- registration with the Recordings for the Blind*
- ordering of cassette taped texts*
- cassette taping of texts and other educational materials*
- tutors*
- note takers*
- readers*
- scribes*



Virginia Commonwealth University

## FACT SHEET THE AMERICANS WITH DISABILITIES ACT AND THE REHABILITATION ACT

Virginia Commonwealth University is committed to a policy of nondiscrimination in employment and education and complies with the requirements of the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973, which prohibit discrimination against persons with disabilities. The University ADA Coordinator works closely with the Human Resource Division, the Office for Students with Disabilities on both the Academic and MCV Campuses, and other units to ensure equal opportunity for persons with disabilities in employment and education.

A person with a disability is someone who has a physical or mental impairment that substantially limits one or more major life activities; has a history of such impairment; or, is regarded as having such impairment.

### EMPLOYMENT ACCESS

A qualified employee is an individual who, with or without reasonable accommodation, can perform the essential functions of his/her job. In general, it is the responsibility of the employee to inform the department head that an accommodation is needed to perform the essential job functions or to receive equal benefits and privileges of employment. Medical documentation of the disability from a qualified professional must be presented to the department head upon request.

Reasonable accommodations may include, but are not limited to:

- \* Making existing facilities used by employees accessible to persons with disabilities;
- \* Job restructuring, modifying work schedules, reassignment to a vacant position; and,
- \* Acquiring or modifying equipment or devices.

The Human Resource Division has professional staff available to department heads, faculty and staff for information, consultation and advice regarding accommodation issues. Information also is available in the Employee Handbook.

### EDUCATIONAL ACCESS

Students with disabilities are responsible for self-identification. Those who require services must first contact the Coordinator of Services for Students with Disabilities. To be eligible for services, documentation of the disability from a qualified professional must be presented to the Coordinator upon request.

Academic adjustments may include, but are not limited to:

- \* Priority registration
- \* Auxiliary aids
- \* Program and course adjustment
- \* Exam modifications
- \* Oral or sign language interpreters
- \* Library assistance
- \* Cassette taping of text/materials
- \* Note takers
- \* Readers

Students or faculty seeking additional information regarding academic-related issues and services should contact:

Academic Campus

Dr. Shyla M. Ipsen, Coordinator  
Services for Students with Disabilities  
Voice/TTY: (804) 828-2253

MCV Campus

Mr. Donald G. Roebuck, Coordinator  
Services for Students with  
Disabilities  
Voice: (804) 828-9782  
TTY: (804) 828-4608

Additional resources include:

- \* Handbook on Educational Access: Faculty Guide to Reasonable Accommodations and Academic Adjustments for Students with Disabilities
- \* ACCESS VCU: A Handbook for Students with Disabilities
- \* Information from these handbooks also is available on the University's website at <http://www.vcu.edu/provost/eoaa/pubs/>
- \* VCU Resource Guide

### FILING A COMPLAINT

INTERNAL

Any faculty, staff, administrator or student who feels that he or she has been denied a reasonable accommodation or been discriminated against because of his/her disability is encouraged to report the incident(s) and/or pursue recourse through established University procedures.

Informal complaints may be verbal or in writing. Formal complaints must be submitted in writing. Complaints should be directed to the University ADA Coordinator, Office of EEO/AA Services, Box 843022, Richmond, Virginia 23284-3022. Individuals desiring additional information or requiring special accommodation should call (804) 828-1347 or (804) 828-1420 (TTY).

EXTERNAL

Students and employees of educational institutions may file complaints of disability discrimination with the U.S. Department of Education, Office of Civil Rights, 3535 Market Street, Room 6300, Philadelphia, Pennsylvania, 19104-3326. Information is available by calling (215) 596-6787 or (215) 596-6794 (TTY).

Employees also may file complaints of disability discrimination at any field office of the U.S. Employment Opportunity Commission. Field offices are located in 50 cities throughout the United States and are listed in most local telephone directories under U.S. Government. Information on all EEOC-enforced laws can be obtained by calling (804) 278-4651 or (800) 699-6820 (TTY).

In addition, employees may file complaints with the Commonwealth of Virginia, Department of Personnel and Training, James Monroe Building, 101 North 14<sup>th</sup> Street, Richmond, Virginia, 23219. Information is available by calling (804) 225-2136 or (804) 371-7671 (TTY).

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Virginia Commonwealth University is an equal opportunity institution and does not discriminate on the basis of race, color, national origin, gender, age or disability.

## Appendix 9

### State Agency Telephone Interview Questions

1. Are you the designated agency ADA Coordinator?
  
2. How do you ensure physical access for people with disabilities to the buildings in which your agency operates?
  - 2A. Do you (or your agency) conduct on-site monitoring visits for accessibility (field or local offices or branches)?
  
3. Do you receive complaints from people with disabilities concerning lack of physical access to buildings in which your agency is housed?
  - 3A. How are the complaints handled?
  
  - 3B. Do you compile any reports or summaries of complaints?
  
4. How do you ensure the accessibility of the programs and services conducted by your agency for people with disabilities?
  
5. Does your agency provide staff training concerning ADA access issues?



## Appendix 10

### Consumer Survey Survey of People with Disabilities

In accordance with the directives of SJR 353 to “study physical access to public buildings by disabled persons,” this survey sought to obtain a consumer perspective on the status of access in the Commonwealth. It was realized early on that access issues are highly complex and individual. A facility or service that may be accessible to one person with a disability might be totally inaccessible to another.

The survey sought information in three major areas which were prescribed by the legislation that directed the study: physical access to government buildings, access to government programs and services, and access to private-sector facilities and services in communities in the Commonwealth.

In addition to providing “standardized” information by checking boxes, consumers were encouraged to relate their own personal experiences with accessibility in the open-ended question boxes.

This survey was not intended to be a scientific analysis and the data should not be interpreted as such. Rather, it is better described as a “snapshot” of the opinions and experiences of a cross-section of Virginians with disabilities in 1997. Surveys were sent randomly to individuals through various service agencies that provide support and assistance to people with disabilities. See also information in Appendix 4 for other methodological notes.

The following charts provide demographic information provided by respondents to the consumer survey. In many instances, consumers did not complete the demographic portion of the survey, and so the information may not be representative of the sample as a whole.

#### Consumer Survey Respondents

(N=173)

	Percent of Respondents
Consumers	61%
Family Members	17%
Caregivers	2%
Other (multiple disabilities, in remission, etc.)	20%

*VBPD staff analysis of Consumer Survey, 1997*

**Type of Disability of Respondents**

*(N=173)*

	Percent of Respondents
Visual	10
Speech	0
Cognitive	2
Mobility	46
Hearing	6
Other/Multiple	26

*Ten percent of the respondents left this question blank*

**Demographic Profile of Consumer Respondents**

*(N=92)<sup>1</sup>*

Percent of Respondents	
<b>Age</b>	
<i>N=87</i>	
Under 18	<1
18-35	44
35-55	44
55+	10
<b>Employment Status</b>	
<i>N=84</i>	
Employed full-time	27
Employed part-time	27
Not employed	45
<b>Ethnicity</b>	
<i>N=89</i>	
White	85
Black	15
Hispanic	0
Other	0

<sup>1</sup> For the sake of brevity, some consumer surveys did not include a request from the respondents for this information. Numbers may not add up to 100% due to rounding.

SURVEY OF PEOPLE WITH DISABILITIES

ACCESS TO BUILDINGS AND SERVICES in VIRGINIA

We are interested in obtaining your input about accessibility to government buildings and public services or programs. This survey will only take a few minutes to complete and all information will be kept strictly confidential. If you are unable to complete the questionnaire yourself, someone else can help you fill in your responses on this form.

GENERAL INFORMATION (Please check the appropriate box)

- Are you: [ ] a consumer, [ ] a family member of a consumer, [ ] a personal assistant to the consumer, [ ] an agency or department appointed caretaker, [ ] other (Please describe: \_\_\_\_\_ )?

Type of disability you have (Please check all that apply):

- [ ] Visual, [ ] Hearing, [ ] Speech, [ ] Mobility, [ ] Cognitive, [ ] Other (Please describe : \_\_\_\_\_)

Your Age (Please check one): [ ] Under 18 [ ] 18-35 [ ] 35-55 [ ] 55+

Employment status (Please check one): [ ] Not employed [ ] Employed full-time [ ] Employed part-time

Ethnicity: [ ] White [ ] Black [ ] Hispanic [ ] Other \_\_\_\_\_

ACCESS TO GOVERNMENT BUILDINGS

(NOTE: Examples of government buildings are: the DMV, court buildings, city hall, bureau of vital statistics, the state capitol, IRS building, social security building)

Have You Had Difficulty: Never Sometimes Often Always

1. Finding handicapped parking at government buildings? [ ] [ ] [ ] [ ]

1A. Reason for lack of access: [ ] Limited spaces [ ] Size of spaces [ ] Location of spaces [ ] Other (Please describe \_\_\_\_\_)

Have You Had Difficulty: Never Sometimes Often Always

2. Getting from parking areas to government buildings? [ ] [ ] [ ] [ ] Skip to #3 on back

2A. Was this difficulty due to: [ ] Location of parking area [ ] Design of parking area [ ] Lack of ramps and/or curb-cuts [ ] Lack of signage [ ] Other (Please describe: \_\_\_\_\_)

Please go to next page --> -->

Have You Had Difficulty: Never Sometimes Often Always

3. Gaining entrance to government buildings?

Skip to #4

3A. Was this difficulty due to:  Lack of ramps or curb-cuts  Narrow doorways  
 Lack of signage  
 Other (Please describe: \_\_\_\_\_)

Have You Had Difficulty: Never Sometimes Often Always

4. Getting around in government buildings?

Skip to #5

4A. Was this difficulty due to:  Narrow doorways  Heavy or awkward doors  
 Awkward door hardware  Lack of ramps or elevators  
 Insufficient signage  Narrow aisles  
 Other (Please describe: \_\_\_\_\_)

Have You Had Difficulty: Never Sometimes Often Always

5. Using facilities such as restrooms or drinking fountains in government buildings?

**ACCESS TO GOVERNMENT SERVICES**

(NOTE: Examples of government services include: voter registration services, attending town meetings or legislative hearings, participating in city or county programs, attending educational or self-help programs offered by state or local health or social service agencies.)

Please rate accessibility to services/programs offered by the following government agencies:

Access to services/programs (check appropriate box)

	<u>Accessible</u>	<u>Accessible with Assistance</u>	<u>Not Accessible</u>
Voter registration and polling places	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public hearings and meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
County/city library activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State/city/county museum programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local parks and recreation activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social Services Department--services & programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health Department--services & programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**OTHER COMMENTS:**

Concerning physical accessibility to government buildings or about access to programs and services offered by state, local and county agencies:

Please go to next page >>

**ACCESS TO PRIVATE BUILDINGS AND SERVICES**

Please rate accessibility to the following types of buildings in your area:

**Access to buildings**  
(Please check appropriate box)

	<u>Accessible</u>	<u>Accessible with Assistance</u>	<u>Inaccessible</u>
Restaurants and bars	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sports stadiums, arenas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Concert halls, theaters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grocery/bakery stores	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Retail stores (clothing, hardware, etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shopping centers and malls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private hospitals, clinics, doctors' offices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laundromats, salons, dry cleaners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convention centers, auditoriums, lecture halls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amusement parks, zoos, parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private museums, libraries, galleries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homeless shelters, food banks, adoption agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gymnasiums, health spas, golf courses, bowling alleys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please use this space to make your own comments concerning accessibility to private buildings or access to services from private entities: (Please be as specific as possible)

Thank you for your responses to this survey! PLEASE RETURN TO:

The Virginia Board for People with Disabilities  
 Ninth Street Office Building  
 202 North 9th Street, 9th Floor  
 Richmond, Virginia 23205

Phone: (804) 786-0016 or 1-(800) 846-4464 Voice/TDD or FAX: (804) 786-1118

## SURVEY OF LOCAL BUILDING CODE OFFICIALS

### ACCESS TO LOCAL GOVERNMENT AND NON-GOVERNMENT BUILDINGS BY PEOPLE WITH DISABILITIES

This survey concerns access to government buildings and to non-government buildings in your locality/jurisdiction. Please complete all items as requested. If you are unsure or unable to respond to an item on this survey, please contact Bill Ernst at DHCD in Richmond at (804) 371-7017. In all items, ADA refers to the most recent provisions of the Americans with Disabilities Act

#### GENERAL INFORMATION:

1. Name of locality/jurisdiction: \_\_\_\_\_ Is this a: county  city  town ?

2. Does this locality/jurisdiction have an ADA coordinator? Yes  No  Unsure

3. Does your local office receive complaints concerning physical accessibility to buildings?

Frequently  Seldom  Never  (If never, skip to #5)

4. How does your office respond to accessibility complaints? (e.g. Do you investigate the complaint, refer it to another office, etc.?) \_\_\_\_\_

5. Does staff receive ongoing training concerning accessibility standards?

No

Yes  If Yes, indicate annual frequency of staff training concerning accessibility standards: \_\_\_\_\_

5A. Should additional accessibility training be provided by the Virginia Building Code Academy?  Yes  No

6. Has your locality applied its own accessibility standards, as permitted by §2.1-517 of the Code of Virginia, for public buildings constructed with local funds?

YES If YES, answer question 6A

NO If NO, skip to question 7

6A. Does your office currently enforce and monitor these accessibility standards?

YES If YES, answer question 6B

NO If NO, skip to question 7

6B. Has your office received any complaints concerning accessibility at public buildings built in compliance with your locality's accessibility standards?

YES

NO

Please continue on other side -->

**ACCESS BY PEOPLE WITH DISABILITIES TO GOVERNMENT BUILDINGS IN YOUR LOCALITY**

*(For purposes of this survey, "Government building" is any building, site, facility, or fraction thereof which houses services or programs sponsored by the local government-- e.g. real and personal property taxes, public library, city hall, social services, etc.)*

7. What percentage of all government buildings in your locality are classified as accessible sites?

*Note: "Accessible site" describes a site, building or facility which complies with sections 1102.1 of the current Virginia Uniform Statewide Building Code (USBC) or 3.5 of the Uniform Federal Accessibility Standards (UFAS).*

90% - 100%       80% - 89%       less than 80%       not sure

8. What percentage of all government buildings are classified as historic sites?

*Note: "Historic site" is defined as a site which is listed or is eligible to be listed in the National Register for Historic Places or has been designated as such by state or local law.*

0% - 10%       10% - 20%       more than 20%       not sure

9. What percentage of all government buildings in your locality are classified as "new construction?" *(Note: "new construction" is defined as having been built after 1993).*

0% - 10%       10% - 20%       more than 20%       not sure

9A. Are there any new state and local government buildings in your locality which are not in compliance with the Title II ADA Accessibility Guidelines?

YES       NO       NOT SURE

9B. Has your office received any complaints concerning access to new government buildings (state or local) in your locality? *(Note: include parking)*

YES       NO       NOT SURE

**ACCESS BY PEOPLE WITH DISABILITIES TO NON-GOVERNMENT BUILDINGS IN YOUR LOCALITY** *(Note: "new" is defined as having been built after 1993)*

10. Are there any new non-government buildings in your locality not in compliance with the Title III ADA Accessibility Guidelines? *(Note: include parking)*

YES       NO       NOT SURE

10B. Has your office received any complaints concerning access to new, non-government buildings (state or local) in your locality? *(Note: include parking)*

YES       NO       NOT SURE

Please continue on next page -->

Please use this space to provide OTHER comments concerning accessibility to state and local government buildings in your locality.

Please use this space to provide OTHER comments concerning accessibility to non-government buildings in your locality.

Thank you for your assistance with this survey! Please return your completed survey using the attached, self-addressed envelope to the Virginia Board for People with Disabilities (202 N. 9th Street, Richmond, Virginia 23205) by June 18th.



**ACCESS TO PUBLIC BUILDINGS AND SERVICES  
BY PEOPLE WITH DISABILITIES IN VIRGINIA**

*SURVEY OF EXECUTIVE DIRECTORS  
OF  
PLANNING DISTRICT COMMISSIONS IN VIRGINIA*

Name of PDC: \_\_\_\_\_ Planning District #: \_\_\_\_\_

Your responses to the following questions will assist the Virginia Board for People with Disabilities in responding to SJR 353. Please answer the following questions as they pertain to your PDC's functional activities (e.g.: strategic planning, economic development, local government collaboration, etc.) during the past 5 years. Space is provided at the end of the survey for specific comments on accessibility issues, problems, or concerns.

**I. TITLE II ADA (SEE ATTACHED OVERVIEW OF TITLE II)**

1. Has your PDC been asked to consider or provide technical or programmatic services to local entities concerning accessibility to government buildings (county, city, town) by people with disabilities? [*“Technical services” include planning, studies, training, etc.; “Programmatic services” include forums, meetings, conferences, etc.*]

NO

YES If “YES” please complete the following:

What technical services concerning accessibility to government buildings were considered or provided?

What programmatic services concerning accessibility to government buildings were considered or provided?

2. Has your PDC been asked to address accessibility to government services (e.g. at local social service agencies, health departments, employment offices, etc.) by people with disabilities?

NO

YES If “YES” please complete the following:

What accessibility issues were addressed?

PLEASE CONTINUE ON BACK >>>

**II. TITLE III ADA (SEE ATTACHED OVERVIEW OF TITLE III)**

3. Has your PDC been asked to consider or provide **technical or programmatic** services to local businesses concerning physical accessibility to privately-owned public buildings (e.g. motels, restaurants, auditoriums by people with disabilities? [*“Technical services” include planning, studies, training, etc.; “Programmatic services” include forums, meetings, conferences, etc.*]

NO

YES If “YES” please complete the following:

What technical services concerning accessibility to privately-owned buildings were considered or provided?

What programmatic services concerning accessibility to privately-owned buildings were considered or provided?

4. Has your PDC been asked to address **access to services** provided by local private-sector entities by people with disabilities? [*“Private sector services” include vocational schools, private social service agencies, etc. “Services” include closed-captioning, sign-language interpreters, note-taking, etc.*]

NO

YES If “YES,” describe the accessibility issue(s) that was addressed:

**Other comments:**

***Thank you for your response! Please return the completed survey in the attached, self-addressed stamped envelope.***

*The Virginia Board for People with Disabilities  
202 North Ninth St., 9th Floor  
Richmond, Virginia 23205*

FAX: 804-786-1118 PH: 1-800-846-4464 (voice/TDD)

survey4

**SURVEY OF DISABILITY SERVICE BOARD MEMBERS**

**Access to Local Buildings and Services**

We are interested in obtaining your input about accessibility to **government buildings and services** and to **non-government buildings and services** in your locality. Please answer the following questions based on experiences that others have brought to your attention as a member of a Disability Service Board or your own experiences in your locality. This survey will only take a few minutes to complete and all information will be kept confidential. If you are unable to complete the questionnaire yourself, someone else can assist you and/or fill in the responses for you.

Name of DSB (or Locality): \_\_\_\_\_  
 Please check the appropriate box:  county  city  multijurisdictional

**INFORMATION ABOUT YOU** (Please check the appropriate box)

- Are you:
- a person with a disability
  - a family member of a person with a disability
  - a local government official
  - a local business representative
  - other (describe: \_\_\_\_\_ )?

If you have a disability, please check appropriate box(es) below:

- Visual  Hearing
- Speech  Mobility
- Cognitive  Other (describe : \_\_\_\_\_ )

**PART I. ACCESS TO GOVERNMENT BUILDINGS**

(NOTE: Examples of government buildings are: the DMV, court buildings, City Hall, human services agency buildings, Virginia Employment Commission buildings, city/county buildings, etc.)

Is there difficulty in your locality: Never Sometimes Often Always

1. Finding accessible parking at government buildings?      
 Skip to #2

1A. Reason for lack of access:  Limited spaces  Size of spaces  Location of spaces  
 Other (Please describe: \_\_\_\_\_ )

Is there difficulty in your locality: Never Sometimes Often Always

2. Getting from parking areas to government buildings?      
 Skip to #3

2A. Was this difficulty due to:  Location of parking area  Design of parking area  
 Lack of ramps/curb-cuts  Lack of signage  
 Other (Please describe: \_\_\_\_\_ )

PLEASE CONTINUE ON OTHER SIDE --> -->

Is there difficulty in your locality: Never Sometimes Often Always

3. Gaining entrance to government buildings?      
Skip to #4

3A. Was this difficulty due to:  Lack of ramps or curb-cuts  Narrow doorways  
 Lack of signage  
 Other (Please describe: \_\_\_\_\_)

Is there difficulty in your locality: Never Sometimes Often Always

4. Getting around inside government buildings?      
Skip to #5

4A. Was this difficulty due to:  Narrow doorways  Heavy or awkward doors  
 Awkward door hardware  Lack of ramps or elevators  
 Insufficient signage  Narrow aisles  
 Communication difficulties  
 Other (Please describe: \_\_\_\_\_)

Is there difficulty in your locality: Never Sometimes Often Always

5. Using facilities (restrooms, drinking fountains, etc.) in government buildings?

**PART II. ACCESS TO GOVERNMENT SERVICES**

(NOTE: Examples of government services include: voter registration services, attending town meetings or legislative hearings, participating in county or city programs, attending educational or self-help programs offered by state or local health or social service agencies.)

6. Please rate accessibility to services/programs offered by the following government agencies:

Access to services/programs  
(check appropriate box)

	<u>Accessible</u>	<u>Accessible with Assistance</u>	<u>Inaccessible</u>
Voter registration and polling places	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public hearings and meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
County or city library	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State/city/county museums	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State/local parks/recreation programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social Services- programs and services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health Department- program and services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please write in your response to the following question:

What types of programs, activities, or services does your Disability Service Board use to provide information and resources to local government entities regarding the Americans with Disabilities Act?

Check this box if your DSB does not perform this function.

Please continue on next page >>>

### Part III. ACCESS TO PRIVATE BUILDINGS AND SERVICES

Please rate accessibility to the following types of buildings in your area:

Access to buildings  
(check appropriate box)

	<u>Accessible</u>	<u>Accessible with Assistance</u>	<u>Inaccessible</u>
Restaurants and bars	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sports stadiums, arenas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Concert halls, theaters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grocery/bakery stores	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Retail stores (clothing, hardware, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shopping centers and malls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private hospitals, clinics, doctors' offices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laundromats, salons, dry cleaners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convention centers, auditoriums, lecture halls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amusement parks, zoos, parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private museums, libraries, galleries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homeless shelters, food banks, adoption agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gymnasiums, health spas, golf courses, bowling alleys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please use this space to make your own comments concerning accessibility to private buildings or access to services from private entities (Please be as specific as possible)

Please return this completed survey in the attached envelope as soon as possible. Thank You!

*The Virginia Board for People with Disabilities*

*202 North 9th Street, 9th Floor*

*Richmond, Virginia 23205*

*Phone: 1-800-846-4464 (Voice or TDD) FAX: 804-786-1118*

## ACCESSIBILITY QUESTIONNAIRE: COMMUNITY SERVICE BOARDS

The Virginia Board for People with Disabilities (VBPD) was directed by the 1997 General Assembly to conduct a study of accessibility to government programs and services by people with disabilities and to assess needs in this area in Virginia (Senate Joint Resolution 353, copy attached). In response to this study directive, we ask that you complete the following questionnaire and FAX it to VBPD at (804) 786-1118 no later than June 20th.

Name/Location of CSB: \_\_\_\_\_

### PHYSICAL ACCESS TO BUILDINGS *(please check the appropriate box:)*

Does your CSB provide client services in:	
State-owned buildings?	YES <input type="checkbox"/>
NO <input type="checkbox"/>	<ul style="list-style-type: none"> <li>● If "Yes," have there been complaints/issues concerning physical accessibility to the buildings?</li> </ul> YES <input type="checkbox"/> * NO <input type="checkbox"/>
Local government buildings?	YES <input type="checkbox"/>
NO <input type="checkbox"/>	<ul style="list-style-type: none"> <li>● If "Yes," have there been complaints/issues concerning physical accessibility to the buildings?</li> </ul> YES <input type="checkbox"/> NO <input type="checkbox"/>
Privately-owned buildings?	YES <input type="checkbox"/>
NO <input type="checkbox"/>	<ul style="list-style-type: none"> <li>● If "Yes," have there been complaints/issues concerning physical accessibility to the buildings?</li> </ul> YES <input type="checkbox"/> * NO <input type="checkbox"/>
*If you answered YES to any of the sub-questions above, please describe the complaint or issue:	

### ACCESS TO SERVICES AND PROGRAMS *(please check the appropriate box)*

Does your CSB provide notice to consumers of their rights and protections under the Americans with Disabilities Act?	
	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does your CSB have procedure(s) for receiving or managing complaints concerning access to programs or services?	
	<input type="checkbox"/> YES <input type="checkbox"/> NO

### OTHER COMMENTS

Please describe any particular <u>problems or needs</u> your CSB has concerning accessibility issues (e.g., training, monitoring, compliance, etc.):

Questions? Need more information? Contact

(804) 786-0016.

**Please FAX this completed form to: (804) 786-1118 by June 20, 1997**

Thank You !

## Appendix 15

### CONTACT INFORMATION ACCESSIBILITY ISSUES

V=voice  
T=TTY

**Architectural and Transportation Barriers Compliance Board (Access Board)**

1331 F St. NW, Suite 1000, Washington, DC 20004; 202-272-5434 V or 202-272-5449 T, 800-872-2253 V or 800-993-2822 T for publications, 202-272-5447 fax, e-mail [info@board.gov](mailto:info@board.gov).

**AT&T Office of Devices for People with Disabilities**; 1224 Fernridge Pkwy. Creve Coeur, MO 63141; 800-233-1222 V, 800-896-9032 T

**Commission on on Mental and Physical Disability Law** (catalog), American Bar Assn., 740 15th St. 90th flr, Wash., DC 20005; 202-662-7570 V, 202-331-1012 T, 202-331-1032 fax, Internet address: <http://www.abanet.org> (search for "disabilities").

**Federal Communications Commission**, 1919 M St. NW, Wash., DC 20554; 800-225-5322, 202-418-0200 V, 202-418-6999 T, Internet address: <http://www.FCC.gov>. Common Carrier Bureau (ADA information) 202-418-2320 V.

**IBM Independence Series Information Center**; 800-426-4832 V. 800-426-4833 T, Internet address <http://www.ibm.com/sns>.

**Job Accommodation Network**, P.O. Box 6080, Morgantown, WV 26506; 800-526-7234 or 800-ADA-WORK both V/T. Internet address: <http://janweb.icdi.wvu.edu>.

**National Association of Protection and Advocacy Systems**, 900 Second St. NE, Ste.211, Wash. DC 20002; 202-408-9514 V, 202-408-9521 T, 202-408-9520 fax, Internet address <http://www.handsnet.org>.

**National Council on Disability**, 1331 F St. NW, Ste. 1050, Wash., DC 20002; 202-272-2004 V, 202-272-2074 T, 202-272-2022 fax, ADA Watch 800-875-7814.

**National Federation of the Blind**, 1800 Johnson St., Baltimore, MD 21230; 410-659-9314; e-mail [nfb.access.digex.net](mailto:nfb.access.digex.net), Internet address <http://www.nfb.org> <http://www.blind.org>; Job Opportunities for the Blind; 800-638-7518 V.

**National Information Center on Deafness**, Gallaudet University, 800 Florida Ave. NE, Wash., DC 20002; 202-651-5051 V or 202-651-5052 T.

**National Organization on Disability**, 910 16th St. NW, Suite 600, Washington, DC 20006; 800-248-2253, 202-293-5960 V or 202-2932-5968 T.

**National Easter Seal Society**, 700 13th St. NW, Ste. 200, Washington, DC 20005; 202-347-3785 T, 202-737-7914 fax, Internet address <http://www.seals.com>; **Project Action** (accessible transportation) 800-659-6428.

**National Rehabilitation Information Center (NARIC);** 8455 Colesville Rd., Suite 935, Silver Spring, MD 20910; 800-346-2742 V, 301-495-5626 T; ABLEDATA (assistive technology product info.) 800-227-0216, Internet address <http://www.naric.com/naric>.

**Paralyzed Veterans of America,** 801 18th St. NW, Washington, DC 20006; 202-872-1300 V, 202-416-7622 T or 800-424-8200 V, 202-785-4452 fax.

**President's Committee on Employment of People with Disabilities,** 1331 F St. NW, 3rd flr., Wash., DC 20004; 202-376-6200 V, 202-376-6205 TDD.

**U.S. Department of Education,** 330 C St. SW, Wash., DC 20202; **National Institute on Disability and Rehabilitation Research,** Rm.3060, 202-205-8134 V or 202-205-9433 T, 202-205-8515 fax; **Office of Special Education and Rehabilitative Services,** Rm. 3028, 202-205-5482 V or 202-205-8352 T, 202-205-9874 fax.

**U.S. Department of Justice, Civil Rights Division,** Box 66118, Wash., DC 20035-6118; ADA Information Line: 800-514-0301 V or 800-514-0383 T; Internet address: <http://www.usdoj.gov/crt/ada/adahom1.htm>.

**U.S. Department of Transportation,** 400 7th St. SW, Wash., DC 20590; 202-366-1656 V, Internet address <http://www.dot.gov>.

**U.S. Equal Employment Opportunity Commission,** 1801 L St. NW, Rm. 9024, Wash., DC 20507; 800-669-4000 V or 800-669-6820 T for nearest field office; 800-669-3362 V or 800-800-3302 T for publications.



**THE AMERICANS WITH DISABILITIES ACT**

Dear Business:  
 I recently visited \_\_\_\_\_  
*(name of business here)*

\_\_\_\_\_ and appreciated the accessibility of your facility  
 \_\_\_\_\_ and noticed that improvements could be made in the following areas  
 \_\_\_\_\_ to make the facility more accessible to your customers and clients  
 with disabilities:

- |                                  |                                     |                                    |                                                |
|----------------------------------|-------------------------------------|------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Parking | <input type="checkbox"/> Entrance   | <input type="checkbox"/> Ramps     | <input type="checkbox"/> Aisles/Corridors      |
| <input type="checkbox"/> Doors   | <input type="checkbox"/> Walkways   | <input type="checkbox"/> Curb Cuts | <input type="checkbox"/> Rooms/Interior Spaces |
| <input type="checkbox"/> Signage | <input type="checkbox"/> Telephones | <input type="checkbox"/> Restrooms | <input type="checkbox"/> Drinking Fountains    |

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sincerely, \_\_\_\_\_ Date: \_\_\_\_\_

**For Business Use Only:** If you would like information, please mail this card or call the Great Lakes Disability and Business Technical Assistance Center (Illinois, Indiana, Michigan, Ohio, Wisconsin, Minnesota) at 1-800-949-4232 (V/TDD). Please check those items that you would like to receive:

- |                                                                                    |                                                                           |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> ADA Regulations                                           | <input type="checkbox"/> ADA Questions and Answers                        |
| <input type="checkbox"/> ADA Access Guidelines                                     | <input type="checkbox"/> Tax Deductions/Credits                           |
| <input type="checkbox"/> Checklist for Existing Facilities<br><i>(self survey)</i> | <input type="checkbox"/> The ADA: Your Responsibilities as<br>an Employer |

Organization: \_\_\_\_\_  
 Attention: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Telephone ( ) \_\_\_\_\_

*Thank you for your interest*

*GLDBTAC is funded by grant #H133D10136 from the  
 National Institute on Disability and Rehabilitation Research  
 to provide information, technical assistance, and training on the  
 Americans with Disabilities Act.*

*It's Good Business to Comply with  
 the Americans with Disabilities Act*

*Fold or cut here*

**Return Address**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Postage  
 Required**

The Great Lakes Disability and Business  
 Technical Assistance Center  
 1640 W. Roosevelt Road (M/C 626)  
 Chicago, Illinois 60608



**Information Center**  
for the  
**Mid-Atlantic Region**

451 Hungerford Drive, Suite 607 ●  
Rockville, MD 20850-4151 ●  
TOLL-FREE 800 949-4232 v/TTY ●  
TEL 301 217-0124 v/TTY ●  
FAX 301 217-0754 ●  
EMAIL [adainfo@transcen.org](mailto:adainfo@transcen.org)

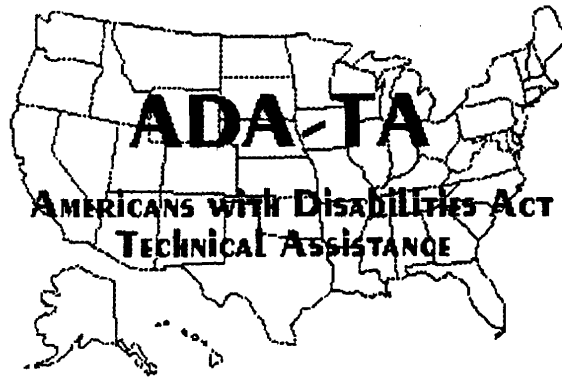
### **The ADA Information Center for the Mid-Atlantic Region : *Overview***

The ADA Information Center of the Mid-Atlantic Region is one of ten regional centers established to provide training, information, and technical assistance on the Americans with Disabilities Act (ADA) to businesses, consumers, and state and local governments.

Funded by the National Institute on Disability and Rehabilitation Research under the U.S. Department of Education, each of the regional Disability and Business Technical Assistance Centers has a toll-free hotline staffed by specialists who can answer specific questions on the ADA. Private businesses, individuals, schools and local or county governments can call for advice and information on what is required, who is covered, and how to work through a disability-related question in employment, architectural access, public services, and other areas.

Callers also may order materials from the Center's extensive library of ADA and disability-related publications. Provided free or at cost, these materials include the full regulations, technical assistance manuals, architectural guidelines, easy-to-read fact sheets and summaries, advice on how to make different types of businesses accessible to the public, and consultation on employment issues, such as reasonable accommodations. All materials are available in alternate formats such as large print, Braille, tape, and computer disk.

The ADA Information Center also works with its local affiliates in Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia and West Virginia to provide free or low-cost training programs to help employers, service providers and businesses understand and comply with the law. A training or presentation can be tailored to the interests of the audience, and can be a simple overview or an in-depth review of a particular area of the law.



## ADA Technical Assistance Program.

*The ADA Technical Assistance Program is a federally funded network of grantees which provides information, training, and technical assistance to businesses and agencies with duties and responsibilities under the ADA and to people with disabilities with rights under the ADA.*

### Disability and Business Technical Assistance Centers (DBTACs).

*As part of the ADA Technical Assistance Program, ten regional DBTACs provide information and referral, technical assistance, public awareness, and training on all aspects of the ADA.*

**To contact a DBTAC in your region, call**

**800-949-4232.**

The National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education funds the DBTACs and six National Training Projects (NTPs), which target particular groups, organizations, or subject areas for ADA training. Three Materials Development Projects (MDPs), two for employment and one for public accommodation and accessibility, have completed their work for NIDRR.

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF EDUCATION  
P. O. BOX 2120  
RICHMOND, VIRGINIA 23218-2120

SUPTS. MEMO. NO. 112  
June 27, 1997

INFORMATIONAL

TO: Division Superintendents

FROM: Richard T. La Pointe  
Superintendent of Public Instruction

SUBJECT: Monitoring Facility Compliance with Respect to the  
Americans with Disabilities Act (ADA)

Five years have passed since the Americans with Disabilities Act became a matter of civil rights for a large segment of our nation's population. While the Title II section of the Act which covers public schools remains unchanged, I wanted to remind you of your continued obligations under this law.

Broadly stated, the ADA requires that public school entities may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible, if programs and activities are deemed accessible.

It is advisable, therefore, to conduct periodic reviews of all programs, activities, and services offered by your division, in order to verify accessibility to persons with disabilities. Such a self-evaluation plan was part of the original requirements under Title II. A previous Superintendent's Memorandum discussed how to develop such plans. The deadlines for the self evaluation plan, transition plan, and required structural changes to achieve program accessibility have all passed. You are urged by our Department and the U.S. Department of Justice to complete these plans if you have not already done so.

Facilities Services is continuing to monitor proposed changes to the ADA Accessibility Guidelines expected to be adopted some time next year. We will advise you of any changes once finalized. Please contact Hunter Barnes, Architectural Consultant, at (804) 225-2035 if you have any questions with regard to site or facility program accessibility issues.

RTL:cle

## MEDIATION

**ADA MEDIATION PROGRAM GETS RESULTS**

Under a technical assistance grant from the Department, the Key Bridge Foundation is accepting referral of complaints under titles II and III for mediation by professional mediators. The Foundation has trained over 300 professional mediators in 45 States in the legal requirements of the ADA. Over 70 percent of the cases in which mediation has been completed have been successfully resolved.

Mediation is an informal process where an impartial third party helps disputing parties to find mutually satisfactory solutions to their differences. Mediation can resolve disputes quickly and satisfactorily, without the expense and delay of formal investigation and litigation.

Mediation proceedings are confidential and voluntary for all parties. Mediation typically involves one or more meetings between the disputing parties and the mediator. It may also involve one or more confidential sessions between one party and the mediator.

Mediation is neither therapy nor a "day in court." Rather, mediation provides a safe environment for the parties to air their differences and reach a mutually agreeable resolution. Mediators are not judges. Their role is to manage the process through which parties resolve their conflict, not to decide how the conflict should be resolved. They do this by assuring the fairness of the mediation process, facilitating communication, and maintaining the balance of power between the parties.

Representation by an attorney is permitted, but not required, in mediation. While mediators may not give legal advice or interpret the law, they will refer parties to impartial outside experts within the disability and legal communities when questions or issues needing clarification arise.

A successful mediation results in a binding agreement between the parties. If mediation is unsuccessful and an agreement can not be reached, parties may still pursue all legal remedies provided under the ADA, including private lawsuits.

Complaints under both title II (public entities) and title III (private entities) can be mediated. Disputes involving barrier removal or program accessibility, modification of policies, and effective communication are most appropriate for mediation.

The Department refers appropriate ADA disputes to mediators at no cost to the parties. A list indicating the cities with mediators currently participating in the Department's program may be obtained through the ADA Home Page on the World Wide Web (see page 10) or the ADA Information Line (see page 11). In addition, the Key Bridge Foundation is conducting ongoing mediator training sessions.

If you want a mediator in the Department's program to work with you and the other party to resolve an ADA dispute, you simply follow the usual procedure for filing a complaint with the Department and note on the complaint that you want to take your dispute to mediation. While we cannot guarantee that everyone who wants mediation will be able to participate in the program, the Department will make every effort to comply with requests for mediation.

Copies of the full report, "Access to Buildings and Services by People with Disabilities in Virginia" are available from:

The Virginia Board for People with Disabilities  
Ninth Street Office Building  
202 N. Ninth Street, 9th Floor  
Richmond, VA 23219  
804-786-0016 or 1-800-846-4464 (Voice or TTY)  
Documents available in alternative format upon request



