Disability and ADA 101

District of Columbia
Office of Disability Rights

Office of Disability Rights (ODR)

- The mission of the Office of Disability Rights (ODR) is to ensure that every program, service, benefit, and activity operated or funded by the District of Columbia is fully accessible to, and usable by, people with disabilities.

- ODR is responsible for oversight of the District's obligations under the Americans with Disabilities Act (ADA) as amended, as well as other federal and local disability rights laws.

Expected outcomes of our session today

- Become familiar with the definition of disability under the ADA
- Become familiar with people-first language and proper disability etiquette
- Evaluate disability-related fears and misconceptions

The Americans with Disabilities Act (ADA) At-A-Glance

Overview of the Americans with Disabilities Act (ADA)

- The Americans with Disabilities Act includes five Titles:
  - Title I: Employment
  - Title II: State and Local Government Programs, Services, and Activities
  - Title III: Private Entities/Places of Public Accommodation
  - Title IV: Telecommunications
  - Title V: Miscellaneous (Catchall Title; ADA in relation to other laws).
- The ADA was amended in 2008 (ADA Amendments Act)

Who Are People with Disabilities?

Do you have experience with individuals with disabilities?

- What are visible disabilities?
- What are invisible disabilities?

Who Are People with Disabilities?

How does the ADA define disability?

- Three-pronged definition
  - Physical or Mental Impairment
  - Record of a Disability
  - Regarded As Having a Disability

When Are They Covered by the ADA?

The District has responsibilities under 2 Titles of the ADA.

- Title I–Employment
- Title II– Accessibility of State and Local Government

To be covered under ADA Title I or II, a person with a disability must be **qualified**.

What Does It Mean To Be Qualified?

- ADA Title I: Employment
- Qualified for the job and can perform Essential Functions of the job

ODR ADA Title I/Reasonable Accommodation Video:

http://www.youtube.com/watch?v=r9Jw0DVVNNg

ADA Title I:What is a Reasonable Accommodation?

Any change or adjustment to the job, the work environment or the way work is customarily done which permits a **qualified applicant or employee with a disability** to perform the **essential functions**

A reasonable accommodation is anything necessary to help **this** employee with **this** disability do **this** job.

What Does It Mean To Be Qualified?

- ADA Title II: Accessible Government Qualified to participate in government program, activity or service
  - People with disabilities
    - **MUST** have equal access
    - **MUST** receive equal benefit
    - **MUST NOT** be screened out
    - **MUST** be allowed participate in a program even if a building which houses it is inaccessible

ADA Title II: What is a Reasonable Modification?

- DC Government must reasonably modify any policy, practice or procedure when necessary to enable people with disabilities to participate

- A reasonable modification can be anything that makes it possible for **this** person with ***this*** disability to participate in **this** function

Effective Communication

- Must provide auxiliary aids and services to make communication with people with disabilities as effective as communication with people without disabilities

  Examples: *sign language interpreter, VRI (Video Relay Interpretation), taped text, Braille, reader, note taker…*

- Must provide primary consideration to the individual's communication needs. The accommodation must be effective for **this** person in **this** situation

- Cannot surcharge for cost of compliance – treat as a general overhead cost

How to Communicate with a Person Who Is Deaf

- Always look directly at the person who is Deaf while they are speaking.
- Do not make eye contact with the interpreter. Look at the person who is Deaf when you respond.
- Speak slowly, clearly, and in the same tone of voice you would use with someone who is hearing.
- Do not assume that the person can read your lips.
- Let the person choose how they wish to communicate with you (ex: using hand gestures, taking notes).

Service Animals

- A Service Animal is usually a dog who is trained to perform tasks related to a person's disability.
  - Ex: guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure
- Do not pet or play with a working dog. Service Animals are working animals, not pets.
- Service Animal owners are not required to present their dog's certification or have a special vest for their dog, but they should be able to tell you what tasks it performs.
- ***A person should never be separated from their Service Animal, especially in an emergency situation.***

Disability Sensitivity and Awareness

Person-First Language

- Language does matter! When referring to a person with a disability, always put the person first.
  - Examples: Person who is blind; person who is Deaf; Person with an intellectual disability

The Golden Rule:

- If you are ever unsure of: acceptable language, acceptable etiquette, or anything else: **It is appropriate to ask**
- Making assumptions helps no one

DC People-First Language Modernization Act

- Passed on July 11, 2006
  - Requires the use of respectful language when referring to people with disabilities in all new and revised District laws, regulations, rules, and publications and all internet publications.
  - People First Language" (PFL) puts the person before the disability, and describes what a person *has,* not who a person *is.* PFL uses phrases such as "person with a disability," "individuals with disabilities," and "children with disabilities.

What to Say

Say:	Do Not Say:
Person with a Disability	Disabled or Handicapped
Blind or Low Vision	Visually Impaired
Deaf or Hard of Hearing	Hearing Impaired
Wheelchair User or Scooter User	Confined to a wheelchair or Wheelchair bound
Person with an Intellectual or Developmental Disability	Mentally Retarded
Person with a Mental Health Condition or Diagnosis	Mentally Ill or Crazy

Basic Disability Etiquette

- Offering assistance
  - Okay to offer
  - Ask what type of assistance needed
  - Preferences are different among people with the same disability
  - Accept no

- Always direct communication to the person with a disability
  - If the person speaks slowly, let him/her finish the sentence.

- Make a mistake? Apologize, correct, learn and move on
- Treat adults as adults
- Relax!

Other Things to Remember…

- Always speak directly to the person with a disability instead of talking to a companion.
- Wheelchairs and scooters are part of a person's personal space. Do not lean or hang on to someone's mobility equipment.
- If someone is having difficulty speaking, have patience and be honest if you do not understand the person. Ask the person to repeat what they are trying to say using different words. Move to an area with less background noise.

Other Things to Remember…

- Be considerate if it takes someone extra time. Let the person with a disability set the pace.
- If someone falls down, do not immediately pick the person up. Make sure the person is ok, <u>and then ask how you can help them.</u>
- If someone is using arm supports and is at a door, make sure that they are not using the door for balance before you take the door from them; otherwise the person may fall.

Disability Fact or Fiction: What Do We Know?

Disability Fact or Fiction

A person with a disability wants to be treated equally to others in his or her workplace.

Disability Fact or Fiction

It is often inexpensive to a hire a qualified person with a disability and give the person the tools needed to do his or her job.

Disability Fact or Fiction

People with disabilities are held to different standards at work than other individuals.

Disability Fact or Fiction

It does not matter to a person with a disability when you refer to him or her as "handicapped."

Disability Fact or Fiction

A person who has cancer that is in remission has a disability.

Disability Fact or Fiction

When you see a person with a disability struggling with a door or heavy object, it is a good idea to open the door or take the object for him or her.

Disability Fact or Fiction

There is a difference between the words "Deaf" and "deaf."

Disability Fact or Fiction

All people who are Deaf read lips.

Disability Fact or Fiction

All people who are Deaf can speak.

Disability Fact or Fiction

When speaking with a Deaf person who has an interpreter, you should make eye contact with the interpreter.

Disability Fact or Fiction

Not all people who are blind read Braille.

Disability Fact or Fiction

Some people who are blind wear dark glasses.

Why?

Disability Fact or Fiction

When a person speaks slowly, you may assume that person has an intellectual disability.

Group Activity: Pick your Disability

Type of Disability	Most Preferable – Why?	Least Preferable – Why?
Blindness		
Deafness		
Epilepsy		
Paraplegia		
Intellectual Disability		
HIV		
Chronic Depression		

Questions?

Regarding the Definition of a Disability, Language Guidelines & Etiquette

Thank you!

For information and assistance, please contact the Office of Disability Rights

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