



Massachusetts Disability Quarterly

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Massachusetts Office On Disability

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Full & Equal Participation in All Aspects of Life by All Persons With Disabilities

Summer 2018

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Save The Date

Fourth Annual



Massachusetts Office on Disability

SUMMIT

October 5, 2018

www.mass.gov/mod/summit18

 [#MODSummit18](https://twitter.com/MODSummit18)

The Massachusetts Office on Disability annual Summit began in 2015. This event is designed to bring together and inspire leaders, advocates and persons with disabilities by focusing on issues that impact the disability community.

Please, join us on Friday, October 5, 2018 for our fourth annual summit. We are well underway in assembling a robust program that will address various topics including:

- **Healthcare**
- **Employment**
- **Aging**
- **Addiction**
- **State services**

Summit 2018 will be held at a new venue, Partners Healthcare at Assembly Row in Somerville, MA.

Registration will open June 1st, 2018. Please check our Summit 2018 webpage for updates.

Jeffrey's Access Corner: Accessible Routes in Play Areas

Jeffrey Dougan

This post will cover the accessible route requirements for [play areas](#). Specifically, I want to take a look at the requirements for the provision of an accessible route to and around the play equipment as laid out under the 2006 revision of the [Massachusetts Architectural Access Board's](#) rules and regulations (MAAB) and the [2010 ADA Design Standards](#) (2010 ADA Standards). Multiple codes apply to the surface of a playground to ensure both accessibility and safety. Various codes require differing standards. For example, one code requires certain fall zone safety measures, while another requires an accessible surface. All applicable codes need to be taken into consideration to ensure total compliance. This often means designers must choose from limited surface options. To illustrate, a walkway within the confines of a playground cannot be concrete or bituminous (asphalt) paving, although these surfaces can be used for walkways in nearly all other areas.

Now let's take a closer look at what the accessibility codes require. The MAAB (since 1996) and the ADA Design Standards (Since 2010) do not specifically call out a type of surface that must be used. However, they each have specific codes requiring an accessible route be provided to and around the elements provided within the play area. An accessible route must be "stable, firm, slip resistant, and maintained with materials that ensure continued slip resistance" as well as free of changes in level exceeding ½ inch and must be provided to the play equipment, including the use zone of each element. While this seems clear, limited surface options pose a challenge. As mentioned, concrete or bituminous paving are not viable options. Wood chips, which many may remember as the playground surfaces of their childhood, do not meet either the MAAB or the ADA Standards because they are neither stable nor firm and can cause changes in level exceeding ½ inch. Wood chips may be used in parts of the play area, but not for the accessible route and use zone areas.

So, what other materials can 1) ensure the obligations for a stable firm surface free of changes in level exceeding ½ inch, and 2) be easily maintained? Some common surface types to consider include but are not limited to:

- [Poured in place rubber](#) – This surface typically has two layers: a wear layer with large rubber particles topped with a custom layer of granular particles to create a smooth surface.
- [Tiles](#) – This surface is made of bonded rubber, similar to the poured in place rubber option, but typically designed as interlocking squares that are configured to meet the size of the route/play area.
- [Hybrid](#) – This surface is a combination of the above types, as well as alternatives such artificial turf grass systems and two-layer systems of shredded rubber topped with rubber mats.

All of the surfaces listed above have pros and cons. Poured in place rubber is one of the more expensive options to provide and requires skilled personnel to ensure maintenance. Tile is also a more costly option but requires less skilled personnel to maintain.

The MAAB has issued two advisory opinions on this matter. In 2003, the MAAB specifically cited wood chips as a non-compliant surface. In 2009 the MAAB reaffirmed its stance on woodchips and added that engineered wood fiber, a loose fill component comprised of rubber shreds compacted in place, is also non-compliant, citing a heavy maintenance obligation immediately after installation as well as concerns regarding the changes in level created by use of this material.

For more information, "[A Longitudinal Study of Playground Surfaces to Evaluate Accessibility: Final Report](#)," published in October of 2013 by the National Center on Accessibility, considers common accessible surfaces being used and evaluates each for compliance with the 2010 ADA Design Standards and the ASTM 1951-99 Standards. The report also evaluates their costs and documents deficiencies that arise upon initial installation or those that might require maintenance after a 3-5 year period of use.

The most important factors to consider when selecting a surface material for an accessible route within a play area are whether the surface meets the code obligations and whether the surface can be sufficiently maintained to ensure continued compliance.

As always, if there are any questions related to this topic please let me know. If you have topics you would like me to write about you can reach me by email at jeff.dougan@mass.gov or by phone at 617-727-7440 extension 27316.

5 Ways to Improve Event Accessibility

Rita DiNunzio

Participation in civic and social events is an important part of community life. Public and private entities with obligations under the Americans with Disabilities Act (ADA) have an obligation to ensure that events and meetings open to the public are accessible to anyone who may want to attend. Here we outline a few basic steps entities can take to improve access.

1. Choose an accessible site for your meeting or event. Your site selection may be the biggest determinant of how accessible your event will be. When there is a choice among various locations, which there often is, always select the site with greatest accessibility. What does this mean? Ask yourself whether the site has accessible entrances, if the meeting space is accessible to a wheelchair user, whether there are accessible restrooms, how the acoustics of the room are, whether accessible parking is provided, etc. Another consideration is whether the site is accessible by public transportation.

2. Use a reasonable accommodation statement. A major component of event accessibility will be the ability of attendees to request reasonable accommodations they need in order to participate. Entities covered by ADA are required to make reasonable modifications and to provide effective communication through auxiliary aids or services upon request. For example, a guest may need a qualified American Sign Language (ASL) interpreter or a large print program book in order to have an equal opportunity to participate in an event. In order to fulfill such requests, the event organizer needs advanced notice. By including a reasonable accommodation statement, individuals will know how and when to make their requests. Here is a sample statement:

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least two weeks (14 days) advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to (Name of your ADA Coordinator/Department Contact) or call the (Name of your ADA Coordinator/Department contact).

This statement or a similar statement should appear on all event notices and publicity. Because individuals need time to make a request, event organizers should provide notice of a meeting at least one month in advance if possible. Further, major public events by state and local governments should be proactive and consider arranging for ASL services even if no one has made a request. Interpreter requests can be made to the Massachusetts Commission for the Deaf and Hard of Hearing (www.mass.gov/mcdhh).

3. Have a point-person for accessibility. Designating an individual to handle accessibility concerns and reasonable accommodation requests is a good way to ensure that such considerations do not fall through the cracks during event planning and execution.

4. Train staff and volunteers. It is important that anyone working at an event and interacting with the public is trained on basic requirements of the ADA. Additionally, they should be knowledgeable about rules around accessible parking if provided, and know where the accessible routes and restrooms at the event site are located.

5. Consult the Disability community. Disability organizations, such as local commissions on disability, and state agencies like MOD are a valuable resource for information on how to make sure an event is accessible to all.



These are only a few basic tips. For more information, contact MOD—www.mass.gov/mod/contactus.

Municipal Americans with Disabilities Act Improvement Grant Program Update

The Massachusetts Office on Disability is pleased to announce that the Municipal ADA Improvement Grant Program for FY19 will be opening soon. These grants support capital improvements specifically dedicated to improving programmatic access for persons with disabilities. Eligible applicants include any Massachusetts city, town, special purpose district and or regional governmental organization.

Grants of up to \$250,000 will be awarded to successful applicants. Examples of access improvement include the addition of ramps, elevators, power lifts, signage, communication access devices, and curb cuts. The program has been renewed at \$1.5 million for FY19, a 50% increase over FY18.

Please check the ADA Grant webpage at www.mass.gov/mod/adagrant for updates and notification of when MOD will be accepting applications.

Commonwealth Disability Mentoring Week 2018

The Massachusetts Office on Disability (MOD) and the Human Resources Division (HRD) are partnering to host a second annual "Disability Mentoring Week (DMW)", a chance for people with disabilities to access and explore career development opportunities within state government. During DMW, mentees with disabilities are matched with workplace mentors according to expressed career interests. Mentees participate in a career exploration experience and make connections with mentors and other personnel. Employers gain increased awareness and understanding of how people with disabilities can be involved in their candidate recruitment processes.

In 2017, MOD and HRD hosted the first Commonwealth DMW during October to celebrate National Disability Employment Awareness Month. In all, 28 mentor pairs were matched across 21 state agencies.

DMW was created with the goals of:

- Fostering potential internship and employment opportunities for people with disabilities.
- Equipping mentees to successfully seek state employment using the MassCareers– the state's online application system.
- Promoting people with disabilities as a core group for recruitment for an inclusive workforce.
- Easing employer uncertainty about hiring people with disabilities.
- Increasing confidence among mentees in reaching their employment goals

These goals continue to be especially important as persons with disabilities (PwD) continue to encounter challenges compared with persons without disabilities in both employment and labor participation rates. Of the approximated 392,000 working age people with disabilities in Massachusetts, about 34.9% were employed compared to 78.9% of people with no disability in 2014. According to the 2015 American Community Survey 1-Year estimates about 58% of the 393,251 were not in the labor force. Further, research shows that people with disabilities who were employed earned substantially less than their counterparts without disabilities, about \$43,004 vs. \$59,970 per year.

State government employment can offer career growth, comprehensive benefits, and competitive wages. DMW 2018 will take place this October. The application period has not opened yet, but please check www.mass.gov/mod for updates.

New Report, "A Hidden Market: The Purchasing Power of Working-Age Adults With Disabilities"

The Spending Power of Working-age Adults with Disabilities

AIR report explores a hidden market of consumers and finds that working-age adults with disabilities are a large market for businesses in the U.S.

Who Are People With Disabilities?



1 in 5
U.S. Adults, or 64 million people, have a disability



Of those, **35%**, or 22 million, are of prime working-age (ages 16–64)

Measuring Spending Power Through Disposable and Discretionary Income

Businesses and market researchers often estimate the disposable and discretionary income of a group to assess market size, growth, and population characteristics.

What is Disposable Income?

Money available after taxes to spend on essential living expenses



What is Discretionary Income?

Money available after taxes and basic living expenses have been met to spend on luxury or nonessential items



Gross Income

Minus Taxes

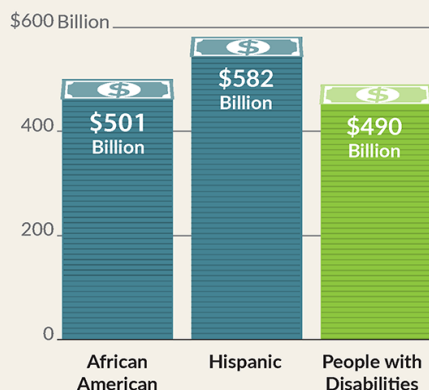
Disposable Income

Discretionary Income

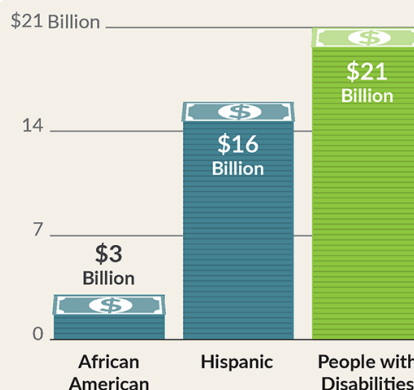
The Spending Power of People with Disabilities Compared to Those Without Disabilities, Including Other Significant Market Groups

While working-age people with disabilities have significantly lower disposable and discretionary incomes than people without disabilities, the report finds they still have significant spending power compared to other similarly sized market segments, such as African Americans and Hispanics.

Total disposable income by market segment



Total discretionary income by market segment



Michelle Yin and Dahlia Shaewitz, keynote speakers at MOD's 2016 Disability Summit, along with Cynthia Overton, and Deeza-Mae Smith, of the American Institutes for Research (AIR) produced a report to help business, industry, and community leaders understand the purchasing power of the approximately 20 million U.S. working-age adults with disabilities.

The report finds that the total after-tax disposable income for working-age people with disabilities is about \$490 billion and that discretionary income for working-age people with disabilities is about \$21 billion.

Read more at <https://www.air.org/resource/hidden-market-purchasing-power-working-age-adults-disabilities>.

Massachusetts School District Uses Robot to Meet ADA Obligations

Evan C. Bjorklund

As the General Counsel of the Americans with Disabilities Act (ADA) Coordinating agency of state government, I often use examples of enforcement activities to educate and advise on legal obligations, but also on best practices and strategies to help meet these obligations.

Recently, The United States Attorney's Office, Civil Rights Unit (MA) entered into a Voluntary Compliance Agreement with Hudson Public School District (MA) on the topic of "telepresence" through robotic assistive technology. The U.S. Attorney's Office cites the duty to ensure effective communication for the District's students under the ADA. Specifically, the Agreement addresses the use of services and auxiliary aids that can assist a student to benefit from school, and allow the District to meet its effective communication obligation.

A report was filed alleging that the District discriminated against a student on the basis of disability in violation of the ADA, Title II (which creates obligations for state and local government entities). A student in the school system had an immunodeficiency disorder and related issues and in order to attend requisite treatment, was unable to physically attend a large portion of school days. At first, to allow the student equal access to education, the District provided (at no charge) the student with a robot capable of moving about the classroom and effectively allowing the student to hear, see and participate as if he was physically present in the classroom. The following school year, however, the District failed to properly take steps to provide the robotic aid again, or take a position on whether it would be to unduly burdensome to do so. That summer, the District hired a new superintendent who ultimately made the proper assessment and offered the robotic telepresence device once again along with other accommodations to the student this past year.

Although the school district denies violating Title II of the ADA during the time that the robot was not being offered, it did voluntarily agree to again provide the technology to accommodate the student. Also, the District agreed to draft, implement, and train its staff on a disability equal opportunity policy to ensure that the District conducts the appropriate individual inquiry and communicates with its students and other individuals with disabilities as effectively as when communicating with others.

MOD supports the creative thinking and stance of the U.S. Attorney on the option of telepresence technologies. In line with this Agreement, we hope that employers, educators and other ADA covered entities use available technology to accommodate qualified individuals.

The Voluntary Compliance Agreement can be found here:

https://www.ada.gov/hudson_school_district_sa.html.

Upcoming MOD Training Opportunities

Westport Community Access Monitor (CAM) Training

Date: September 11 - 12, 2018

Location: White's of Westport, Westport, MA

Host: Fall River Commission on Disability and the Southeast Center for Independent Living.

Natick CAM Training

Date: October 17 - 18, 2018

Location: Community-Senior Center, Natick, MA.

Host: Natick Commission on Disability

Check www.mass.gov/mod/cam for details.

Massachusetts Client Assistance Program

Do you have a disability and want to work? Do you want to be more self-reliant? Vocational Rehabilitation and Independent Living (VR-IL) programs could help you. If you have questions about getting VR-IL services or if you are having trouble with your VR-IL services, contact the Client Assistance Program (CAP) at the Massachusetts Office on Disability (MOD).

Vocational rehabilitation services provide career guidance and counseling, and may provide funding for education or training, adaptive technology or equipment, and or transportation. Independent living centers located across the state provide services that can give consumers more control and choices. ILCs provide advocacy, information and referral, life skills training, peer support, and transition to adulthood. These services can help consumers build the confidence and skills to be active in their communities.

CAP is a federally funded program that provides advocacy for and information to people who seek and receive services from the Massachusetts Rehabilitation Commission (MRC), the Massachusetts Commission for the Blind (MCB) and the Independent Living Centers (ILCs) in Massachusetts. These agencies receive federal funding under the Rehabilitation Act.

CAP can discuss how the vocational rehabilitation and independent living systems can work best for you; inform you of your rights and responsibilities; and help you receive the services you are eligible for by advocating for you, representing you at appeals and hearings, and referring you to other services or resources.

Privacy and Independence of CAP All CAP services are free and strictly confidential. We will not discuss anything about you without your consent. CAP is independent of the vocational rehabilitation and independent living agencies. It is run by MOD, a state agency.

Contact CAP— Call: (617) 727-7440 or (800) 322-2020. Visit us online: www.mass.gov/mod/cap

Support for Municipal Commissions on Disability

As indicated in M.G.L. Ch. 40 Sec. 85, the Massachusetts Office on Disability (MOD) is the coordinating agency for municipal Commissions on Disability (CODs). These commissions promote the inclusion of people with disabilities in all aspects of community life. They are established by town meeting or city council vote. MOD serves CODs by providing technical assistance.

Currently 175 Massachusetts municipalities have a duly established COD (149) or committee (26). MOD can visit your local commission to discuss topics of your choice or provide information on how to establish a COD.

If you are a COD member and would like someone from MOD to come to one of your meetings, please contact Jeffrey L. Dougan, Assistant Director for Community Services at the Massachusetts Office on Disability at (617) 727-7440 ext. 27316 or email Jeff at jeff.dougan@mass.gov. For more information, visit www.mass.gov/mod/cod.



Statewide COD Meeting

Summer 2018 Calendar

June

6, Wednesday
Webster Regional COD
Meeting

14, Thursday
Flag Day

17, Sunday
Bunker Hill Day
Father's Day

21, Thursday
Summer Solstice



July

**Reflex Sympathetic Dystrophy
Awareness Month**

4, Wednesday
Independence Day

22, Sunday
Fragile X Awareness Day

August

14, Tuesday
Social Security Day

15, Wednesday
Middleborough Regional COD
Meeting

21, Tuesday
Senior Citizens' Day



"Maggie"
from Mansfield

Would you like to see **your pet** in a
future issue?

Email photo to:
MOD-Info@mass.gov

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