



Massachusetts Disability Quarterly

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Massachusetts Office On Disability



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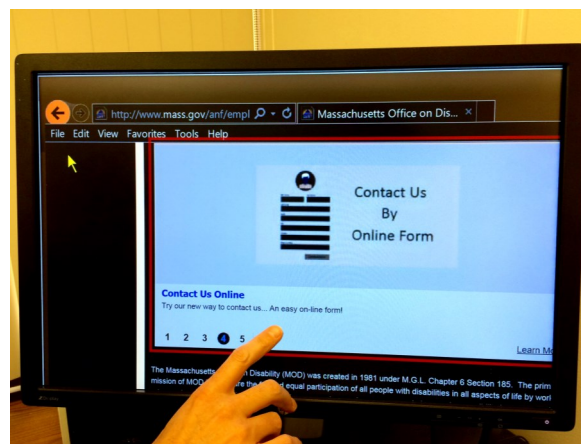
*Full & Equal Participation in All Aspects of
Life by All Persons With Disabilities*

Winter
2017

Updates on Web Accessibility

Evan Bjorklund

When last we wrote you on this topic in spring of 2016, the Department of Justice (DOJ) was set to issue proposed regulations on web information and services for state and local governments. In a turn of events, the DOJ instead issued a rare Supplemental Advance Notice of Proposed Rulemaking (SANPRM) in “order to solicit public comment on various issues relating to the potential application of such technical requirements to the websites of Title II entities and to obtain information for preparing a regulatory impact analysis.” The Massachusetts Office on Disability (MOD), with the help of our state partners, submitted a detailed response addressing many of the—Continued on Page 2



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123 questions in the SANPRM. The questions sought responses regarding the impact on small entities and public institutions, assessing compliance costs, and a timeline for compliance, to name a few. Our response reiterated the need for the DOJ to balance the interests and abilities of state and local governments while ensuring access and equal opportunity via the implementation of enforceable cognizable technical standards.

Although ADA, Title II standards are still in process, the DOJ has attained settlement agreements with state and local entities requiring web access compliance with the ADA non-discrimination provisions and with the industry web access technical standard: the Web Content Accessibility Guidelines (WCAG) 2.0 AA. For example, DOJ's Project Civic Access recently secured a settlement agreement with Milwaukee, Wisconsin that requires the city to ensure that its website and all online services, including websites or online services provided by third parties, comply with WCAG 2.0 AA, among other obligations. Also, in a recent consent decree obtained with the Ohio public institution Miami University we have seen the most robust obligations enforced against a public education institution to date.

With obligations and enforcement activities increasing, we urge public entities to review their websites, databases, e-learning software and other technologies to ensure compliance. As the ADA Coordinating Agency for the Executive Branch, our office stands to be a resource for technical assistance on the topic of web information and services accessibility. Moreover, MOD was pleased to serve on the Strategic Sourcing Team for the new statewide contract for [IT accessibility Services \(ITS61\)](#). ITS61 can help government entities get expert assistance to ensure that information technology services do not discriminate against people with disabilities and can be used for testing websites and applications for accessibility among other things. Please contact our office for more information on this topic, and I will provide periodic updates as well■

References:

1. [SANPRM: Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities 28 CFR Part 35 \[CRT Docket No. 128\] RIN 1190-AA65 \(April 29, 2016\)](#)
 2. [Settlement Agreement Between The United States of America and the City of Milwaukee, Wisconsin DJ# 204-85-119 \(June 9, 2016\)](#)
 3. [Dudley, et al. v. Miami University, et al., Civil Action No. 1:14-cv-38 \(S.D. Ohio\), and arising out of United States Department of Justice Investigation No. 204-58-229 \(October 17, 2016\)](#)
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2016 Employment Summit Highlights

Rita DiNunzio

The Massachusetts Office on Disability (MOD) 2016 Disability Summit on Employment was held on Friday, September 16, 2016 at the Boston Convention & Exhibition Center. The event, moderated by Director D'Arcangelo, drew in over 420 guests.

Marylou Sudders, Secretary of the [Executive Office of Health & Human Services](#), Elin Howe, Commissioner of the [Massachusetts Department of Developmental Services](#) and Nicky Osborne, Commissioner of the [Massachusetts Rehabilitation Commission](#) gave insightful remarks on the Commonwealth's commitment to maximizing employment opportunities for persons with disabilities.

Keynote speakers, Dahlia Shaewitz, Managing Researcher and Practice Area Director and Dr. Michelle Yin, Senior Researcher, from American Institutes for Research in Washington, D.C. delivered their presentation *The New Workforce: A Look at Policy and Employment for People with Disabilities*. The speakers noted that numerous federal policies and a recovering economy have not improved employment rates for people with disabilities and presented their [recent studies](#) on employment outcomes for persons with disabilities by prevalence type and the income disparities between employees with and without disabilities.

The program featured a panel discussion on employer best practices for recruiting, hiring, and retaining employees with disabilities. Moderated by Kathy Petkauskos, Director of [Work Without Limits](#) at UMass Medical School, the panel included representatives from top Massachusetts employers.

The Summit concluded with the presentation of the Thomas P. Hopkins Disability Access Award Presentation to Mary Margaret Moore, Executive Director of the Independent Living Center of the North Shore and Cape Ann.

MOD thanks all who assisted with the planning and execution of the 2016 Summit, and to everyone who attended. Your support means a great deal to our staff■



Top Left: Sen. Joan Lovely, David D’Arcangelo, Mary Margaret Moore, Thomas Hopkins; Top Right: Secretary Marlou Sudders; Bottom: Kathy Petkauskos addresses attendees.



The Massachusetts Office on Disability is pleased to announce our **2017 Call for Art** and juried art exhibition. We are calling on talented Massachusetts residents of all abilities to submit an original work that captures the theme of “Breaking Barriers.” The barriers persons with disabilities sometimes face are not only physical, but also societal. Part of our inspiration for this exhibition relates to a piece of artwork currently displayed in MOD, created by Maurice “Pops” Peterson, Artist in Residence of the Massachusetts Commission Against Discrimination (MCAD). His work, “Freedom from Shame,” artistically captures our theme through its depiction of an athlete with a disability in a moment of victory and celebration.

Selected entries will be displayed in a public exhibition and online gallery. A central purpose in holding this exhibition is to showcase the talent of our Commonwealth residents and to present works to the public that will depict the important message that ability comes in all forms. By entering the call for art, artists will have an opportunity to gain statewide exposure and experience the process of entering their work for consideration for display in a juried art show.

We will begin accepting entries in **early 2017**, so please check www.mass.gov/mod/art for more details!■

Jeffrey's Access Corner: Ramp Slopes

Jeffrey Dougan

This edition of JAC, will discuss ramp running slope and ramp cross slope requirements that make ramps usable and accessible. I will also clarify the specific differences in the slope requirements and obligations between the Massachusetts Architectural Access Board's (MAAB) rules and regulations and the Americans with Disabilities Design Standards (ADA Design Standards). Although this seems a narrow scope for an article, I promise to discuss other specifications in future JACs.

A running slope is the slope someone is required to travel up or down the distance of the ramp (parallel to the direction of travel). Cross slope refers to the side-to-side (perpendicular to the direction of travel) slope someone encounters while traversing the length of the ramp. When one considers the running slope of a ramp there are 2 main factors that need to be determined:

1. The run, or length, of the ramp; and
2. The rise, or height, that needs to be overcome.

The running slope/pitch is determined by how long the ramp is and the rise that it needs to overcome.

Running Slopes:

Now for some specifics. Both the ADA Design Standards and the MAAB requires that a ramp provide a running slope no steeper than 1:12 (one inch of rise for every 12 inches of run) or 8.33%. The MAAB specifically states that there are no constructional tolerances on this slope; however, both regulations do have some nuances when it comes to the rise/height to overcome.

The ADA Design Standards allow for a steeper running slope to overcome small rises/heights. For a maximum rise of 3 inches, the running slope is allowed to be between 1:10 (10%) to 1:8 (12.5%). For a maximum rise of 6 inches, the running slope is

allowed to be between 1:12 (8.33%) to 1:10 (10%). However, the Design Standards go on to encourage, under the corresponding advisory, that ramps be provided with the least possible running slope possible. Even a compliant slope of 1:12 (8.33%) can be a difficult slope for someone to traverse and providing a ramp for a 6 inch rise (which would equal about 5-6 feet in length) at a steeper slope only exacerbates the difficulty.

The MAAB allows for a steeper running slope for one specific instance. The MAAB allows, for a maximum rise of 3 inches, the running slope to measure between 1:10(10%) to 1:12 (8.33%). The MAAB does not allow a steeper running slope for anything over 3 inches in height. As you can see, this is a major difference from the ADA Design Standards, not only in the running slope (MAAB has a gentler slope), but also the height differential to overcome. The MAAB also requires that the least possible slope be provided on ramps that the space and budget will allow.



Cross Slopes:

The ADA Design Standards, under the 1991 revision, and the MAAB require a cross slope not exceed 1:50 (2%). This grade allows for water to drain while still maintaining a usable surface. There are no constructional tolerances for this slope. The 2010 ADA Design Standards now allow, for ramps constructed after March of 2012, a slightly steeper cross slope than it had in the past. The new Design Standards allows for a cross slope of 1:48 (2.08%). As you can see, it is not much of a difference, but it is worth noting. It is also appropriate to point out that the MAAB still

requires a gentler cross slope of 1:50 (2%).

In summation, because the MAAB has the more stringent requirements when it comes to the slopes associated with ramps, this standard must be used for compliance purposes.

Well, that about does it for this quarter. If there are any questions related to this topic, please let me know. You can reach me by email at jeff.dougan@state.ma.us or by phone at 617-727-7440■

Recently Added Publications

[50 States Disability Resource Guide](#)

[A Brief History of Disability](#)

[Client Services Program \(CAP\) Brochure](#)

[Client Services Program \(CAP\) Brochure - Spanish](#)

[Disability Employment Information Guide: A Guide to Rights, Responsibilities, Programs and Services](#)

[MOD Overview of Services Brochure](#)

[Service Animals in Public Accommodation in Massachusetts](#)

Read MOD's [Blog](#)?

Please [complete our brief survey](#) to help us deliver great content!

Internship Opportunities

The Massachusetts Office on Disability is looking for talented interns on an ongoing basis. Please contact Michael Dumont at MOD for more information:

617-727-7440..

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Winter 2016-2017 Calendar

December

3, Saturday

Disabled
American
Veteran's
Hospital Day

**8-15, Thursday-
Thursday**

Civil Rights
Week

25, Sunday

Christmas Day
Hanukah Begins

January

1, Sunday

New Years Day

16, Monday

Martin Luther King,
Jr. Day

February

14, Tuesday

Congenital Heart
Defect Awareness
Day

20, Monday

Presidents' Day

