



Enforcing the ADA:

A Status Report from the Department of Justice

January - March 2011

This Status Report covers the ADA activities of the Department of Justice during the first quarter (January - March) of 2011. This report, previous status reports, and a wide range of other ADA information, including the consent decrees and formal settlement agreements mentioned in this report, are available through the Department's ADA Home Page at www.ada.gov (see page 15).

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The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for people with disabilities. The Department of Justice enforces the ADA's requirements in three areas --

Title I: Employment practices by units of State and local government

Title II: Programs, services, and activities of State and local government

Title III: Public accommodations and commercial facilities

I. Enforcement

Through lawsuits and both formal and informal settlement agreements, the Department has achieved greater access for individuals with disabilities in thousands of cases. Under general rules governing lawsuits brought by the Federal Government, the Department of Justice may not file a lawsuit unless it has first attempted to settle the dispute through negotiations.

A. Litigation

The Department 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 the Department may also obtain civil penalties of up to \$55,000 for the first violation and \$110,000 for any subsequent violation.

1. New Lawsuits

Title II

Defending the constitutionality of the ADA --

When a party in a lawsuit challenges any provision of a Federal law as unconstitutional, the Department is permitted to intervene to defend the law's constitutionality. During this quarter, the Department intervened in two cases to defend the constitutionality of private title II lawsuits against State claims of immunity under the 11th Amendment.

Zied-Campbell v. Richman (Third Circuit) --

a lawsuit by an individual with a disability challenging a decision by the State of Pennsylvania to deny her requests for public assistance.

Natarelli v. New York State Office of Vocational and Educational Services for Individuals with Disabilities (Second Circuit) --

a lawsuit challenging the State's termination of services to help the plaintiff develop and implement an individualized plan for employment.

Title III

U.S. v. The Metropolitan Opera --

On January 13, 2011, the Department simultaneously filed a lawsuit and a consent decree in the U.S. District Court for the Southern District of New York resolving claims against the Metropolitan Opera (the Met), a not-for-profit performing arts organization founded in New York City in 1883 that has been a tenant of the opera house in Lincoln Center since 1966. During the Department's investigation, the Met installed additional wheelchair and companion seating; renovated its restrooms, concession stands, and signage to make them accessible; installed additional accessible drinking fountains; installed a handrail along the wall from the orchestra level elevators to the stairwells leading to the restrooms; and eliminated access barriers in three of its six elevators. The consent decree, which was approved by the court the same day it was filed, acknowledges the Met's cooperation during the investigation. It requires the Met to eliminate barriers in its remaining three elevators; maintain the wheelchair and companion seating that was added; revise its policy for selling unsold wheelchair and companion seats to the general public; and revise its emergency evacuation procedures to ensure that all individuals with disabilities receive necessary information and assistance.

Heisley v. Inova Fairfax Hospital -- On March 28, 2011, the Department intervened in this private lawsuit in the U.S. District Court for the Eastern District of Virginia alleging that the hospital failed to provide effective communication for patients and companions who are deaf or hard of hearing. Simultaneously, the Department filed a consent decree that had been negotiated

among the parties and was approved by the court on March 30, 2011. Under the consent decree, Inova Health System will provide training to hospital staff on the requirements of the ADA and the Rehabilitation Act, adopt specific policies and procedures to ensure that auxiliary aids and services are promptly provided to patients or companions who are deaf or hard of hearing, and pay \$95,000 in compensatory damages to aggrieved individuals and a \$25,000 civil penalty to the United States. Inova Health System separately agreed to pay a total of \$25,000 in compensatory damages to two other aggrieved individuals.

2. Decisions

Title I

Baker v. Windsor Doors -- On March 10, 2011, the U.S. Court of Appeals for the Sixth Circuit affirmed the jury's award of compensatory damages, as permitted under state law, for retaliation against an employee with a disability for exercising his rights under the ADA. The Department and the EEOC had filed an amicus brief arguing that damages awards in retaliation lawsuits are independently permitted under the ADA, but the circuit court did not address this issue.

Title II

CALIF v. Los Angeles -- On February 11, 2011, the U.S. District Court for the Central District of California granted summary judgment for the plaintiffs in Communities Actively Living Independently and Free v. City and County of Los Angeles, a lawsuit challenging the city's failure to consider the needs of people with disabilities in its

emergency preparedness plans. The court ordered the parties to meet and attempt to reach an agreement on how to serve people

with disabilities during a civil emergency. The Department had filed a Statement of Interest in this case urging this result.

During this quarter, one case in which the Department had intervened to defend the constitutionality of a private title II lawsuit against a State claim of immunity under the 11th Amendment was decided.

Kilroy v. Maine (First Circuit) -- In this lawsuit, an individual with a disability who receives in-home services from the State of Maine challenged a State decision that he alleges will put him at risk of institutionalization in violation of the ADA. The circuit court resolved the appeal without addressing the 11th Amendment issue, as urged in the Department's brief.

Title III

Chapman v. Pier 1 Imports (U.S.), Inc. -- On January 7, 2011, the U.S. Court of Appeals for the Ninth Circuit, in a full court opinion, held that an ADA Title III plaintiff can challenge a barrier that interferes with his "full and equal enjoyment" of a place of public accommodation, even if the barrier does not completely prevent him from accessing the place. The Department had filed an amicus brief urging this result.

3. Consent Decrees

United States v. Nobel Learning Communities, Inc. -- On January 14, 2011, Nobel Learning Communities, Inc. (NLC), a private, for-profit company that operates a network of more than 180 preschools, elementary schools, and secondary schools throughout the country, entered into a settlement agreement resolving the

Department's lawsuit alleging that NLC violated the ADA by excluding children with autism spectrum disorders and other disabilities from its programs. NLC operates schools in Arizona, California, District of Columbia, Florida, Illinois, Maryland, Nevada, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia, and Washington under a variety of names, including Chesterbrook Academy, Merryhill School, and Evergreen Academy. The agreement was approved by the U.S. District Court for the Eastern District of Pennsylvania on January 18, 2011. Under the agreement, NLC will implement and publicize a policy negotiated with the Department that prohibits discrimination on the basis of disability and requires its schools to provide reasonable modifications for children with disabilities; train regional executives, principals, and assistant principals on the policy; appoint an ADA compliance officer to oversee compliance

with the policy; and pay a total of \$215,000 in compensatory damages to families identified as victims of NLC's discriminatory behavior.

Also see Heisley v. Inova Fairfax Hospital in the New Lawsuits section on page 3.

4. Amicus Briefs/Statements of Interest

The Department files briefs in selected ADA cases in which it is not a party in order to guide courts in interpreting the ADA.

Title II

Frame v. City of Arlington, Texas -- This case involves the question of whether municipal parking areas, curbs, and sidewalks are "services, programs, or activities" under the ADA. On March 7, 2011, the Department filed an amicus brief in the U.S. Court of Appeals for the Fifth Circuit urging the full court to reject the appellate panel's ruling that these features are covered under the ADA only to the extent that they provide access to a public entity's services, programs, or activities. The Department argued that if a public entity provides these features, they are a service, program, or activity of the public entity.

Department Files Briefs to Enforce Olmstead Decision -- The Department has launched an aggressive effort to enforce the Supreme Court decision in Olmstead v. L.C., a 1999 ruling recognizing that the unjustified isolation of individuals in institutional settings is a form of discrimination under the ADA. The Olmstead decision has often been called the Brown v. Board of Education of the disability rights movement. During this quarter, the Department filed a brief in a case in Tennessee.

John B. v. Emkes (previously called John B. v. Goetz) -- On February 18, 2011, the Department filed a Statement of Interest in this class action lawsuit in the U.S. District Court for the Middle District of Tennessee regarding the State of Tennessee's alleged failure to provide adequate health services and treatment to thousands of Medicaid-eligible children, in violation of the early and periodic screening, diagnostic, and treatment (EPSDT) provisions of the Medicaid Act. Based on recent Sixth Circuit rulings on other Medicaid Act issues, the State moved to vacate the consent decree that was negotiated more than a decade ago. The Department's brief argued that the EPSDT provisions at issue in this case create private rights that are enforceable under 42 U.S.C. § 1983 and that they require participating states to ensure that medically necessary services are provided to eligible beneficiaries under the age of twenty-one. On March 1, 2011, the court entered a preliminary order upholding most of the provisions of the consent decree as valid and enforceable.

Title III

Ault v. Walt Disney World Co. -- On January 26, 2011, the Department filed a post-remand brief in the U.S. District Court for the Middle District of Florida involving a proposed class action settlement in this lawsuit that – if approved – would permanently ban Segways from all Disney properties nationwide, even those being used by people with mobility disabilities. The Department argued against approval of the proposed class settlement.

B. Formal Settlement Agreements

The Department sometimes resolves cases without filing a lawsuit by means of formal written settlement agreements.

Title II

Department Signs Additional Project Civic Access Agreements -- The Department signed three new agreements with local government entities under Project Civic Access (PCA), the Department's wide ranging initiative to work cooperatively with local governments to ensure that people with disabilities have an equal opportunity to participate in civic life, a fundamental part of American society. More than 175 agreements have been reached with communities small and large throughout the United States. PCA reviews have been conducted in all 50 States, as well as Puerto Rico and the District of Columbia, helping to improve the lives and

broaden opportunities for more than three million individuals with disabilities. During this quarter, new agreements were signed with –

- Fairfax County, Virginia
- Town of Swansea, Massachusetts
- City of Des Moines, Iowa

Project Civic Access was initiated to ensure that people with disabilities have an equal opportunity to participate in civic life. To carry out this project, Department investigators, attorneys, and architects survey State and local government facilities and programs across the country to identify modifications needed to comply with ADA requirements. Depending on the circumstances in each community, the agreements address specific areas where access can be improved, such as town halls and other government offices, places where public meetings are held, police and fire stations, community centers, local parks and recreational facilities, emergency 911 services, government websites, and polling places.

Title III

H&R Block -- On January 31, 2011, HRB Tax Group Inc., H&R Block Tax Services LLC, and HRB Advance LLC (collectively, H&R Block) entered into a settlement agreement with the Department to ensure effective communication when providing tax preparation services and courses for customers who are deaf or hard of hearing. H&R Block has more than 11,000 owned and franchised offices nationwide and prepares more than 19.9 million tax returns annually. The

agreement, which resolves an ADA complaint filed by an individual who is deaf, requires H&R Block to furnish appropriate auxiliary aids and services, including sign language interpreter services, when necessary to serve clients who are deaf or hard of hearing. H&R Block will adopt a policy on effective communication that applies to all offices nationwide, post the policy on its website, and distribute the policy to all current and new employees and contractors. In addition, all H&R Block offices will be required to provide staff training on the ADA and post a notice in their reception areas stating that individuals who are deaf or hard of hearing have a right under the ADA to request an interpreter or other form of auxiliary aid or service if needed. H&R Block will also pay \$5,000 in compensatory damages to the complainant and a \$20,000 civil penalty to the United States.

National Board of Medical Examiners -- On February 23, 2011, the National Board of Medical Examiners, which administers the standardized test required to obtain a license to practice medicine in the United States, entered into a settlement agreement with the Department resolving a complaint by a Yale University Medical School student who has twice been refused the testing accommodations he requested because of his disability, dyslexia. The Board agreed to grant the complainant the accommodations he needs -- double the standard testing time and a separate testing area to take the test -- and agreed to provide testing accommodations as required by the ADA to other people with disabilities when taking the U.S. Medical Licensing Examination.

C. Other Settlements

The Department resolves numerous cases without litigation or a formal settlement agreement. In some instances, the public accommodation or State or local government promptly agrees to take the necessary actions to achieve compliance. In others, extensive negotiations are required. Following are some examples of what has been accomplished through informal settlements.

Title II

An individual who is hard of hearing complained that a Virginia county court failed to provide him with a working assistive listening device for a court appearance. The court agreed to test its assistive listening system every six months to ensure its functionality and compensated the complainant \$500.

An individual with a disability complained that he was asked by a police officer to leave a California municipal park because he was accompanied by his service animal. The police department adopted, implemented, and publicly posted a service animal policy, conducted training on service animal issues for its employees, and provided information to residents on how to file ADA complaints.

An individual complained that a Texas municipality refused to allow him to pick up his elderly father, who has a mobility disability, from the passenger loading and unloading zone at the city's sports stadium after attending an event there. The city agreed to develop a policy allowing access

to the designated passenger loading and unloading zone for people with disabilities for all public and private events, post the policy on its website, notify and train its employees, including private security, on the policy, post directional signs to the passenger loading and unloading zone, and pay the complainant and his father \$750 each.

An individual with a hearing disability complained that an Arkansas municipality failed to provide auxiliary aids and services for deaf and hard of hearing residents to participate in city council meetings. The city adopted and implemented an effective communication policy to ensure that all individuals who are deaf or hard of hearing can participate in the city's programs, activities, and services, posted a public notice about the availability of auxiliary aids and services, purchased three microphones and a portable sound system to amplify all city council meetings, reserved front row seating for people with hearing disabilities, and posted signage indicating the availability of the reserved seating.

An individual with a mobility disability complained that a Missouri county did not have an ADA coordinator or procedures in place to address ADA-related complaints. The county agreed to appoint an ADA Coordinator and post this employee's contact information in public areas. In addition, the county adopted and published grievance procedures to promptly resolve ADA-related complaints.

An inmate who has epilepsy complained that a Louisiana county sheriff's office and jail did not have grab bars at its showers and toilets. A second inmate who is deaf alleged that the telephones provided for inmates

lacked volume controls and that TTYs were not provided for deaf inmates. The facility provided grab bars and accessible toilets and modified showers in three housing units, purchased a roll-in shower chair for use by inmates with mobility disabilities, and obtained telephones with volume controls and a TTY for inmate use.

An elderly inmate with a heart condition and back problems complained that a Virginia county sheriff's office transported him on a trip lasting more than three hours in a cargo van with no windows, seats, seatbelts, hand holds, padding, or armrests while handcuffed in a rigid position. He alleged that the temperature was extremely cold when the van was running and, when it was not running, the temperature was extremely hot and the cargo area was completely dark. The sheriff's office has implemented a procedure to transport all prisoners with disabilities in appropriate vehicles, at appropriate temperatures, and with necessary safety precautions.

An inmate who is hard of hearing complained that a New York state prison failed to respond to his request for a hearing aid. The inmate has since had his hearing tested and has been issued a hearing aid.

Two inmates who have spinal cord injuries and a third who also uses a wheelchair complained that a Maryland county detention center had inaccessible showers and failed to provide adequate medical supplies to meet their needs. Although the three had subsequently been released, the center installed grab bars and provided a bench in the shower. The center also agreed to adopt and implement an ADA grievance procedure for inmates and visitors and appoint an ADA Coordinator to address compliance issues.

An individual who has dyslexia complained that he was denied the use of a reader to assist him in taking a New Jersey state licensing examination. The state agency administering the exam agreed to modify its testing procedures to provide readers and additional time when necessary for individuals with disabilities taking the exam.

Title III

The mother of a child who has autism complained that a South Carolina child care and after-school center dismissed her son after she asked the center to provide additional supervision, occasional verbal prompting, and assistance in changing his diapers. The center agreed to adopt a disability nondiscrimination policy and to re-enroll the complainant's son. It also revised its release of information and record form to limit the scope of medical documents parents are required to provide.

An individual who uses a wheelchair complained that he, his wife and daughter, and friends were denied service at a South Carolina restaurant because he uses a service animal. The restaurant adopted and implemented a service animal policy, gave a copy of the policy to each employee, posted a notice welcoming service animals, and agreed to investigate and take steps to rectify any future complaints. They also compensated the complainant \$500 and paid a \$500 civil penalty.

An individual who has myasthenia gravis complained that the outpatient center of a Maryland hospital refused to provide her scheduled medical services because she uses a service animal. The hospital agreed to adopt and implement a policy permitting service animals in its facilities and, in instances

when a service animal cannot be in the room during a procedure (such as an MRI), the hospital will provide, at no cost to the patient, a bonded pet sitting service if the patient is unable to bring a companion to look after the service animal. The hospital also agreed to train staff on ADA requirements and compensate the complainant \$5,000.

An individual who is deaf complained that a fast food chain restaurant in Pennsylvania refused to take his written food order at the drive through window. The restaurant placed picture menus at the drive through window and at interior cash registers to be given to customers upon request, placed pen and paper at drive through windows, trained staff on serving customers with disabilities, agreed to take corrective or disciplinary action against any employee who does not comply with its accessibility policy, and paid the complainant \$1,000.

An individual with a mobility disability complained that a Virginia shopping center lacked an appropriate number of accessible parking spaces. The shopping center installed two accessible parking spaces, including one that is van-accessible, and installed a curb ramp connecting those spaces to the facility's entrance.

An individual who uses a service animal complained that a hotel in California refused to rent a room to her because of her service animal. The hotel agreed to adopt a service animal policy, post a disability nondiscrimination notice and a notice welcoming service animals in its reception area, in employee work areas, and on its website, train staff who have contact with guests and visitors on these policies, and pay the complainant \$5,000.

The parent of a child with intellectual disabilities and Attention Deficit Hyperactivity Disorder complained that a California swim school would not allow her son to continue taking swim lessons because of his disabilities. The school agreed to adopt a disability nondiscrimination policy, post the policy on its website and at prominent locations throughout its facilities, and include the policy in its application materials. It also agreed to train staff on the policy, evaluate the individual needs of people with disabilities on a case-by-case basis, make reasonable modifications to its policies and provide auxiliary aids when necessary to serve people with disabilities, and pay the complainant \$200.

An individual who uses a wheelchair complained that a chain hotel in Illinois, with nearly 900 guest rooms, had no roll-in showers in any of its accessible rooms. The hotel installed roll-in showers in eight guest rooms and one suite for a total of 22 designated accessible rooms for people with mobility disabilities.

An individual with a mobility disability complained that a Minnesota furniture store lacked accessible parking and an accessible route into the facility. The store agreed to resurface and restripe the parking area and to locate the accessible parking spaces on an accessible route into the public entrance. Additionally, the store lowered mirrors mounted in their public toilet rooms.

An individual with a disability complained that a Tennessee hotel charged her a \$10 pet fee because she uses a service animal. Although ownership of the hotel had changed since the complaint was filed, the new owner agreed to adopt a service animal policy, post

the policy and a disability nondiscrimination notice in employee work areas, maintain records documenting new employees' receipt and acknowledgment of the policy, conduct staff training on the policy for all employees who have contact with guests, and post a sign welcoming service animals in the reception area.

A compliance review of a hotel in Louisiana revealed a number of barriers throughout the facility. The hotel agreed to undertake modifications to make its entrances, restaurant, gift shop, public toilet rooms, meeting rooms, concierge lounge, guest laundry room, health club, elevators, and six guest rooms accessible.

An individual who is legally blind complained that he was not provided with the testing accommodations that had been approved in advance for a national occupational licensing exam. The national organization that administers the exam agreed to send a letter to applicants with disabilities confirming the accommodations that have been approved by their relevant state jurisdiction, permit them to schedule their exams within two days of receiving the letter, correct any problems in obtaining the approved accommodations on the day of the exam before the exam starts, and resolve any other unanticipated obstacles on the day of the exam. The organization also paid the complainant \$16,000.

An individual with a disability complained that a Florida resort attempted to charge him a pet fee because of his service animal. The resort adopted a policy welcoming service animals, modified its website and reservation materials to state that there is no charge for service animals, and posted signage regarding the new policy.

An individual with a mobility disability complained that the owner of a Pennsylvania restaurant was using one of the accessible parking spaces designated for patrons with disabilities. The restaurant's owner agreed to stop parking in the accessible spaces.

An individual who uses a wheelchair complained that the entrance to a Pennsylvania doctor's office was inaccessible. The office installed a ramp at a secondary entrance used by employees, removed an "employees only" sign from that entrance, and agreed to keep it unlocked during business hours.

An individual with a mobility disability complained that a Utah grocery store removed several accessible parking spaces when it installed a pharmacy drive-through window. The store installed four new accessible spaces, including one that is van-accessible.

The mother of a child who has autism complained that a chain restaurant in Indiana required them to leave the restaurant because her child was crying. The restaurant agreed to adopt, implement, and post a disability nondiscrimination policy in a conspicuous public location, train staff on serving guests with disabilities, and compensate the complainant \$1,000.

A woman who is deaf complained that a Texas doctors' office denied her services when she requested a sign language interpreter for a scheduled appointment. The office developed and implemented a program to train staff on the office's written effective communication policy, posted a notice in the waiting room and inside the office area informing the public, as well as staff, of the availability

of auxiliary aids and services for people with disabilities, and established contracts to ensure that qualified sign language interpreters would be available when needed.

An individual with a vision disability complained that an Ohio medical center refused to permit her to participate in a clinical trial because she was unable to read the consent form and staff refused to read it to her. The center agreed to adopt and implement a disability nondiscrimination policy, train its staff on the policy, post a public notice of the policy, maintain records of assistance requested by people with disabilities, and pay the complainant \$1,000.

An individual complained that an Arkansas pizzeria was inaccessible to people who have mobility disabilities. The restaurant agreed to provide a van-accessible space in the parking lot, install a curb ramp to the sidewalk, and relocate a toilet paper dispenser within the appropriate reach range. It also mounted accessible signage at the toilet room door.

An individual with a disability complained that she was denied access to a Texas medical practice because she uses a service animal. The practice agreed to adopt, implement, and post a policy welcoming service animals and train its staff on the policy.

An individual who is deaf complained that an Arizona law office refused to provide him legal services after he requested a sign language interpreter. The office agreed to clarify its policies and practices on providing qualified interpreters and paid the complainant \$5,000.

An individual with a mobility disability complained that an Indiana golf club was

inaccessible. The club agreed to install four accessible parking spaces, including one van-accessible space, provide accessible routes to the dining room and to the halfway shelter area, change door hardware and reduce the opening force of doors in the dining room and bar area, lower a retail counter in the pro shop and remove a threshold at the entrance, and provide 80 inches of headroom clearance at all weather shelters.

An individual with a mobility disability complained that a Kentucky child care center had no accessible spaces in their parking lot. The center installed a van-accessible parking space and a curb ramp to provide an accessible route from the parking to the center. The center also adopted and implemented a disability nondiscrimination policy, trained its staff on the policy, posted the policy on its website, added the policy to its application packet, and paid the complainant \$500.

An individual who is blind complained that a company's secure website log-in process was inaccessible to individuals with vision disabilities because of a captcha, a string of irregularly-shaped letters intended to verify that the individual accessing the website is a person, not a computer. The company agreed to add an audio captcha option.

An individual who has a fractured spine and uses three prostheses complained that a New Jersey recreation center was inaccessible. The center added access aisles for all accessible parking spaces, built a ramp to the public entrance, lowered a counter in the reception area, changed door hardware in the child care and multipurpose rooms, reduced the opening force of the gym's door, and lowered a public telephone. The center also modified toilet stalls, lavatories, paper towel dispensers, and shower stalls in the men's, women's, and family locker rooms, and provided an accessible route to the swimming pool.

The U.S. Attorney obtained an informal settlement in the following case –

Eastern District of Wisconsin -- An individual with a disability complained about access issues at a historic hotel in Wisconsin. The hotel agreed to purchase vibrating alarm clocks and doorbell kits with flashing lights for use in guest rooms for guests who are deaf or hard of hearing, lower bed heights upon request for guests with mobility disabilities, contract with an accessible taxi to provide service for guests with mobility disabilities until the hotel replaces its inaccessible shuttle bus with one that is lift-equipped, and reduce the force needed to open and close the elevator's manually operated doors.

II. Mediation

Under a contract with the Department of Justice, The Key Bridge Foundation receives referrals of complaints under titles II and III for mediation by professional mediators who have been trained in the legal requirements of the ADA. Many people with disabilities and disability rights organizations request the Department to refer their complaints to mediation. More than 400 professional mediators are available nationwide to mediate ADA cases. Over 75 percent of the cases in which mediation has been completed have been successfully resolved. Following are recent examples of results reached through mediation.

- A couple complained that a California restaurant refused to serve them because one of them uses a service animal. The restaurant adopted a policy to serve customers who use service animals, developed employee training on the ADA's requirements for service animals, posted a sign indicating that service animals are welcome, and donated \$3,200 to an advocacy organization.
- In Texas, an individual with multiple sclerosis who uses a power wheelchair complained about a hospital policy allowing vehicles to park in the access aisles between designated accessible parking spaces, which blocked the complainant from reentering his vehicle. The hospital changed its policy and agreed to maintain clear access aisles, educated its security personnel on the new policy, and installed plastic pylons at the edge of the access aisles to prevent vehicles from parking there. In addition, the hospital made a \$5,000 donation to an advocacy organization and paid the complainant \$1,000.
- In California, an individual who has low vision complained that a package delivery company refused to assist him in filling out a shipping label. The company provided refresher training for employees on the company's policy to help any customer with a disability, including assisting customers in filling out shipping labels, and paid the complainant \$100.
- In Michigan, an individual who is deaf complained that three driver education schools refused to provide a sign language interpreter for classes. Each of the schools adopted policies to provide effective communication, including qualified sign language interpreters, developed employee training on the policies, added information about the new policies in their new employee materials, and compiled lists of qualified sign language interpreters. In addition, one of the schools will set up an annual class for students who are deaf or hard of hearing while still allowing them to sign up for any other classes offered.
- On behalf of an individual who uses a wheelchair, an advocacy organization complained that a Mississippi city's public meetings were inaccessible because of a six-foot wall that prevented individuals who use wheelchairs from seeing and hearing the speakers. The organization also complained that the restrooms were

inaccessible. The city reconfigured the meeting space to ensure that people who use wheelchairs can sit on the same side of the wall as others attending the meeting. The city also relocated a water fountain that narrowed the path of travel to the restroom, enlarged the restroom door, replaced the sink in the restroom, and added grab bars at the toilet.

- In California, an individual with epilepsy complained that a Mexican restaurant refused her access because she uses a service animal. The restaurant agreed to serve customers with service animals at both of its locations, trained its staff on the ADA's requirements for service animals, posted signs welcoming service animals at the entrance of both restaurants, and gave the complainant two complimentary lunches.
- In Nevada, two people, one of whom is deaf, complained that their hotel room was inaccessible because the television's closed captioning and the communication kit were inoperable. The hotel agreed to check the communication kits' working condition on a monthly basis, train staff on how to operate the kits, and ensure that engineering staff are available 24 hours a day to resolve any problems with the kits. The hotel also reprogrammed the television sets so that the closed captioning and sound would work at the same time. In addition, the hotel installed visual fire alarms in all public areas and in the accessible rooms.
- In Georgia, a person who is deaf complained that a funeral home refused to provide a sign language interpreter for the funeral of a family member. The funeral home adopted a policy to provide qualified interpreters, reimbursed the complainant for the interpreter he had hired, apologized to him, and provided information to other funeral homes and professional associations about the ADA's requirements for effective communication.
- In Tennessee, a person who uses a wheelchair complained that a courthouse had inaccessible restrooms. The courthouse installed signage, widened doors, created an accessible stall, and lowered the height of the paper towel dispensers in one men's and one women's restrooms.
- In South Carolina, a family member of a young adult who is deaf complained that a doctors' office told them to bring a sign language interpreter at their own expense when they requested an interpreter for an appointment. The office adopted a policy to provide qualified interpreters, trained its staff on the policy, posted a sign in the reception area detailing the policy, apologized to the family, and paid them \$1,500.
- In California, a man who uses a wheelchair complained that, despite having reserved an accessible room, a hotel gave him and his daughter an inaccessible room, resulting in the father having to drag himself across the bathroom floor to bathe himself. The hotel developed procedures to ensure that reservations for accessible rooms are held, trained staff on meeting guests' accessibility requests, updated the employee handbook with the new procedures, and updated its website with information on how to reserve accessible rooms. In addition, the hotel renovated six additional guest rooms to make them accessible, including two rooms with roll-in showers.

III. Technical Assistance

The ADA requires the Department of Justice to provide technical assistance to businesses, State and local governments, and individuals with rights or responsibilities under the law. The Department provides education and technical assistance through a variety of means to encourage voluntary compliance. Activities include providing direct technical assistance and guidance to the public through the ADA Website and ADA Information Line; developing and disseminating technical assistance materials to the public; and undertaking outreach initiatives.

ADA Website

The Department's ADA Website (www.ada.gov) provides direct access to the Department's publications, briefs, and settlement agreements, and other information about its enforcement, mediation, technical assistance, and certification programs, including proposed changes in ADA regulations and requirements, links to ADA press releases, and links to other Federal agencies' websites that contain ADA information.

In addition, the website provides access to --

- ◆ electronic versions of the ADA Standards for Accessible Design, including illustrations and hyperlinked cross-references;
- ◆ the ADA Business Connection, with links to materials of particular interest to businesses;

- ◆ Reaching Out to Customers With Disabilities, a web-based, interactive online course that explains the requirements of title III;
- ◆ the ADA Video Gallery, with links to accessible streaming videos about the ADA; and
- ◆ online ordering forms for selected ADA videos.

ADA Information Line

The Department of Justice operates a toll-free ADA Information Line to provide information and publications to the public about the requirements of the ADA. Automated service, which allows callers to order publications by mail, is available 24 hours a day, seven days a week. ADA specialists, who can assist callers in understanding how the ADA applies to their situation, are available on Monday, Tuesday, Wednesday, and Friday from 9:30 a.m. until 5:30 p.m. and on Thursday from 12:30 p.m. until 5:30 p.m. (Eastern Time). Foreign language service is also available. To get answers to technical questions, obtain general ADA information, order free ADA materials, or ask about filing a complaint, please call:

800-514-0301 (voice)
800-514-0383 (TTY)

ADA Publications and Documents

Copies of the Department's ADA regulations and technical assistance publications can be obtained by calling the ADA Information Line, visiting the ADA Website, or writing to the address listed below. All materials are available in standard print as well as large print, Braille, audiotape, or computer disk for people with disabilities. Some publications are available in foreign languages.

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

Spanish language documents can be accessed through the ADA Website (www.ada.gov/publicat_spanish.htm).

Copies of the legal documents and settlement agreements mentioned in this publication can be obtained by writing to --

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
FOIA/PA Branch, NALC Room 311
Washington, D.C. 20530
Fax: 202-514-6195

Currently, the FOIA/PA Branch maintains approximately 10,000 pages of ADA material. The records are available at a cost of \$0.10 per page (first 100 pages free). Please make your requests as specific as possible in order to minimize your costs.

The FOIA/PA Branch also provides internet access to ADA materials at www.usdoj.gov/crt/foia/crt.htm. Links to search or visit this website are provided from the ADA Website.

IV. Other Sources of ADA Information

The **Equal Employment Opportunity Commission** offers technical assistance to the public concerning the employment provisions of title I of the ADA.

ADA publications
800-669-3362 (voice)
800-800-3302 (TTY)

ADA questions
800-669-4000 (voice)
800-669-6820 (TTY)

www.eeoc.gov

The **Federal Communications Commission** offers technical assistance to the public concerning the communication provisions of title IV of the ADA.

ADA publications and questions
888-225-5322 (voice)
888-835-5322 (TTY)

www.fcc.gov/cgb/dro

U.S. Department of Transportation, Federal Transit Administration provides information to the public on the transportation provisions of title II of the ADA.

ADA Assistance Line for regulations and complaints
888-446-4511(voice/relay)

www.fta.dot.gov/ada

The **U.S. Architectural and Transportation Barriers Compliance Board, or Access Board**, offers technical assistance to the public on the ADA Accessibility Guidelines.

ADA publications and questions
800-872-2253 (voice)
800-993-2822 (TTY)

www.access-board.gov

The **DBTAC: ADA Centers** are funded by the U.S. Department of Education through the National Institute on Disability and Rehabilitation Research (NIDRR) in ten regions of the country to provide resources and technical assistance on the ADA.

ADA technical assistance
800-949-4232 (voice & TTY)

www.adata.org

Project ACTION is funded by the U.S. Department of Transportation to provide ADA information and publications on making transportation accessible.

Information on accessible transportation
800-659-6428 (voice/relay)

www.projectaction.org

The **Job Accommodation Network (JAN)** is a free telephone consulting service funded by the U.S. Department of Labor. It provides information and advice to employers and people with disabilities on reasonable accommodation in the workplace.

Information on workplace accommodation
800-526-7234 (voice)
877-781-9403 (TTY)

www.jan.wvu.edu

V. How to File Complaints

Title I

Complaints about violations of title I (employment) by units of State and local government or by private employers should be filed with the Equal Employment Opportunity Commission. Call 800-669-4000 (voice) or 800-669-6820 (TTY) to reach the field office in your area.

Titles II and III

Complaints about violations of title II by units of State and local government or violations of title III by public accommodations and commercial facilities should be filed with --

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

If you wish your complaint to be considered for referral to the Department's ADA Mediation Program, please mark "Attention: Mediation" on the outside of the envelope.

The Attorney General has determined that publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice.