



Enforcing the ADA:

A Status Report from the Department of Justice

April - June 2011

This Status Report covers the ADA activities of the Department of Justice during the second quarter (April - June) 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 Litigation

Title I

U.S. v. Department of Justice of the Commonwealth of Puerto Rico -- On April 14, 2011, the United States filed a lawsuit against the Puerto Rico Department of Justice (PRDOJ) for failing to provide a reasonable accommodation to an employee with a disability in violation of title I of the ADA. The complaint alleged that PRDOJ knowingly relocated an employee who uses a wheelchair to an office building that was not accessible to her. As a result, the employee could not park her vehicle and enter the building without the assistance of others and could not use the restroom during her work day.

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 one case to defend the constitutionality of a private title II lawsuit against a State claim of immunity under the 11th Amendment.

Mason v. City of Huntsville (N.D. Alabama) -- a lawsuit by individuals who use wheelchairs challenging the City of Huntsville's failure to make its sidewalks and municipal buildings accessible.

2. Decisions

Title II

During this quarter, decisions were rendered in three cases in which the Department had intervened to defend the constitutionality of private title II lawsuits against State claims of immunity under the 11th Amendment.

Natarelli v. New York State Office of Vocational and Educational Services for Individuals with Disabilities (Second Circuit) -- In this lawsuit, an individual with a disability challenged the State's termination of services to help him develop and implement an individualized plan for employment. The circuit court resolved the appeal without addressing the 11th Amendment issue.

Campbell v. Richman (Third Circuit) -- In this lawsuit, an individual with a disability challenged a decision by the State of Pennsylvania to deny her requests for public assistance. The circuit court resolved the appeal without addressing the 11th Amendment issue.

Hale v. King (Fifth Circuit) -- In this lawsuit, a former inmate at a state correctional institution in Mississippi claims he was denied access to certain facilities and programs based on his medical and psychiatric classifications. The circuit court resolved the appeal without addressing the 11th Amendment issue.

3. 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

American Nurses Association v. Jack O’Connell, Superintendent of Public Instruction, and American Diabetes Association -- On May 11, 2011, the Department filed an amicus brief in the Supreme Court of California in this lawsuit brought by the American Nurses Association to challenge the State Superintendent’s decision to train professional school employees to administer insulin for students with diabetes in certain situations when a school nurse is not available. The decision was the result of a settlement agreement between the State Superintendent and the American Diabetes Association. The American Nurses Association argued that the settlement is inconsistent with California’s Nursing Practice Act, which they read as prohibiting unlicensed individuals from engaging in the practice of nursing, including administering insulin to students with diabetes. The California Court of Appeals agreed. In its brief to the California Supreme Court, the Department explained that insulin administration is considered one of the “related aids and services” that a school must provide for students who have an Individualized Education Program or Section 504 Plan requiring insulin administration during the school day, pointed out that many California public schools have no nurses because of budget constraints, and argued that the Court of Appeal’s interpretation conflicts with, and is preempted by, the Individuals

with Disabilities Education Act, Section 504 of the Rehabilitation Act, and Title II of the ADA.

R.K. v. Board of Education of Scott County

-- On June 7, 2011, the Department filed an amicus brief in the U.S. Court of Appeals for the Sixth Circuit in support of the plaintiff’s appeal of a decision by the U.S. District Court for the Eastern District of Kentucky. The plaintiff is an elementary school student with diabetes who was told when he began kindergarten that he could only attend one of the two elementary schools in the school district that have a full-time nurse on staff who could oversee his insulin injections. He subsequently acquired an insulin pump, and his parents asked that he be allowed to attend his neighborhood school with his brothers and friends and that a staff member be trained to oversee his use of the pump and assist him in counting his carbohydrate intake. The school district refused, and the parents sued under the ADA and Section 504 of the Rehabilitation Act. In its brief, the Department argued that a) the district court had applied the wrong legal standard in granting summary judgment for the school board and b) federal laws barring discrimination against school children with disabilities preempt state law requirements when applied in a context that conflicts with federal law.

C.C. v. Cypress School District -- On June 10, 2011, the Department filed a Statement of Interest in the U.S. District Court for the Central District of California in support of the plaintiff’s motion for a preliminary injunction. The plaintiff is a seven-year old boy with autism who uses a service dog and was denied the right to bring the dog to school. His motion sought to require the school district to let him use his service dog at

school while the case is pending. In its brief, the Department explained that the school must make reasonable modifications to its rules, policies, and practices to avoid discrimination against this student. On June 13, 2011, the court granted the boy's motion and issued an opinion that agreed with the Department's position.

American Ass'n of People with Disabilities v. Holland -- On June 11, 2011, the Department filed an amicus brief in the U.S. Court of Appeals for the Eleventh Circuit in

support of the plaintiffs' petition for rehearing in this lawsuit challenging Duval County, Florida's failure to obtain voting machines that permit voters with visual or manual disabilities to vote unassisted. The court had held that private plaintiffs cannot enforce regulatory requirements that are not spelled out in the ADA's statutory language and that voting machines are not "facilities" as used in the title II regulations. In its brief, the Department argued that the relevant case law permits private enforcement of regulations that authoritatively construe statutes that themselves confer private rights of action.

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 briefs in cases in Louisiana, Mississippi, Missouri, and Texas.

Hiltibran v. Levy -- On April 4, 2011, the Department filed a Statement of Interest in support of the plaintiffs' motion for summary judgment in this lawsuit in the U.S. District Court for the Western District of Missouri. The plaintiffs are challenging the State's refusal to provide needed incontinence supplies for Medicaid-eligible individuals with disabilities who live in the community. The Department had previously filed a Statement of Interest in support of the plaintiffs' motion for a preliminary injunction requiring the State to provide the supplies while the case is pending. That injunction was granted on December 27, 2010, and applies to all similarly-situated individuals statewide. In its new brief, the Department reiterated its argument that, without the supplies, plaintiffs are at risk of institutionalization in violation of the Olmstead decision and the ADA's integration mandate.

Pitts v. Greenstein -- On April 7, 2011, the Department filed a Statement of Interest in the U.S. District Court for the Middle District of Louisiana in this class action lawsuit challenging a decision by the Louisiana Department of Health and Hospitals to reduce the number of personal care hours available to Medicaid-eligible individuals with disabilities living in the community. The plaintiffs allege that the cuts will place them

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and others similarly situated at risk of institutionalization in violation of the Olmstead decision and the ADA's integration mandate. In its brief, the Department argued that the defendants' motion for summary judgment should be denied because it is based on a misunderstanding of the ADA's requirements and because there are factual issues that should be resolved at trial. On May 18, 2011, the court denied the State's motion.

Troupe v. Barbour -- On April 8, 2011, the Department filed a Statement of Interest in this lawsuit in the U.S. District Court for the Southern District of Mississippi, brought by Medicaid-eligible children who allege that they have experienced unnecessary institutionalizations and other serious harms as a result of the State of Mississippi's failure to provide or arrange for medically necessary mental health services for them. These services are required under the early and periodic screening, diagnostic and treatment (EPSDT) provisions of the Medicaid Act. In its brief, the Department opposed the State's motion to dismiss this claim, arguing that the EPSDT provisions require States to ensure that medically necessary services are provided to eligible beneficiaries under the age of twenty-one, and they create rights that can be enforced by individuals in federal court.

Steward v. Perry -- On May 17, 2011, the Department filed a Statement of Interest in the U.S. District Court for the Western District of Texas in this class action lawsuit alleging that the State of Texas unnecessarily institutionalizes individuals with developmental disabilities in nursing facilities in violation of the ADA's integration mandate and the Olmstead decision. In its brief, the Department urged the court to deny the State's motion to dismiss the case. On June 22, 2011, in order to participate in this lawsuit more actively, the Department filed a motion to intervene as a plaintiff along with a proposed complaint in intervention.

Title III**Colorado Cross-Disability Coalition v.**

Abercrombie & Fitch -- On May 31, 2011, the Department filed a Statement of Interest in support of the plaintiff's motion for partial summary judgment in this lawsuit pending in the U.S. District Court for the District of Colorado. The motion concerns two Hollister stores built after the ADA went into effect that have inaccessible, highly decorative main entrances and non-decorative side entrances that are accessible. Hollister is a division of Abercrombie and Fitch that markets

SoCal lifestyle clothing and accessories for teenagers in stores designed to look like surf shacks. In its brief, the Department rebutted Abercrombie's arguments that the three doors constitute a single, accessible entrance and, alternatively, that the ADA regulation requiring the main entrance to be accessible is "aspirational," not mandatory. The Department urged the court to find that the design and construction of the entrances violate the ADA by unnecessarily relegating people who use wheelchairs to separate and objectively different entrances than those available for other people.

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 two 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. Through June 30, 2011, 190 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 4 million Americans with disabilities. During this quarter, new agreements were signed with --

- * City of Independence, Kansas
- * Van Buren County, Arkansas

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 staff, including 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 9-1-1 services, government websites, and polling places.

Title III

Law School Admission Council -- On April 25, 2011, Law School Admission Council (LSAC), the National Federation of the Blind (NFB), and the Department entered into a settlement agreement resolving a lawsuit filed by NFB against LSAC alleging that LSAC's website is inaccessible to individuals who are blind and use screen reader technology, preventing them from using it to apply to law schools, register for the Law School Admissions Test, and perform many other functions available to potential law students through its website. The agreement outlines the steps LSAC will take to ensure that the website will be fully accessible to individuals who use screen readers by the beginning of the Fall 2012 application cycle.

John Marshall Law School -- On April 25, 2011, Atlanta's John Marshall Law School entered into a settlement agreement with the Department resolving a complaint filed by NFB against the school. The school agreed to modify its website to notify potential applicants who are blind of an alternative process they may use to submit applications while they are unable to use the LSAC electronic application process. The school also agreed to cease using the LSAC process if it is not fully accessible in time for the Fall 2012 application cycle.

St. Thomas Skyride and Paradise Point

-- On April 27, 2011, Tramcon, Inc., d/b/a St. Thomas Skyride and Paradise Point in St. Thomas, Virgin Islands, entered into a settlement agreement with the Department to resolve a complaint from a tourist that its tramway was inaccessible. The tramway offers views overlooking the city's harbor while transporting passengers to Paradise Point, where there are a mountaintop restaurant, shops, and entertainment by local musicians and dancers. In addition, there are other recreational activities for children, including a ferris wheel, at the base of the tramway. Under the agreement, Tramcon will make significant architectural modifications, including installation of an elevator and regrading terrain, to make its tramway, restaurant, bar, and shops accessible for people with disabilities.

Yavapai Regional Medical Center -- On May 1, 2011, the Yavapai Regional Medical Center in Prescott, Arizona, entered into a settlement agreement with the Department to resolve a complaint that the center required individuals with hearing disabilities to sign a waiver of liability as a condition for using the services of sign language interpreters. Under the agreement, the medical center will no longer require individuals to sign a waiver of liability and will implement policies and procedures for ensuring effective communication without requiring individuals to sign a waiver of liability.

Megabus -- On May 16, 2011, Megabus USA L.L.C., located in Chicago, Illinois, and Megabus Northeast L.L.C., located in Elizabeth, New Jersey, entered into settlement agreements with the Department to improve services for passengers with disabilities.

Megabus provides express bus service between cities in the eastern and mid-western areas of the country. Under the terms of the agreement, Megabus will ensure that all of its vehicles are fully accessible to individuals with disabilities, including individuals who use wheelchairs or other mobility aids. Megabus will also modify its online reservation services so that passengers with disabilities can access schedule information and make reservations in the same manner and using the same reservation system as other passengers. In addition, Megabus will pay a \$55,000 civil penalty to the United States and \$12,500 in compensatory damages to a complainant who was not permitted to use the ramp on a passenger bus and was forced to transfer out of his wheelchair rather than be secured in the wheelchair, as required by federal regulations, during a trip from New York to Baltimore.

Beginning Montessori Academy -- On May 17, 2011, the Beginning Montessori Academy in Baldwin Park, California, entered into a settlement agreement with the Department resolving a complaint that the private preschool had refused to re-enroll a child with autism. The school agreed to adopt nondiscriminatory policies, provide training to the teacher directly responsible for any enrolled child who has been diagnosed with autism, and pay the complainant \$5,000 in compensatory damages.

Wells Fargo -- On May 31, 2011, Wells Fargo & Company entered into a comprehensive settlement agreement with the Department to ensure equal access for individuals with disabilities to Wells Fargo's services nationwide, including its nearly 10,000 retail banking, brokerage, and mortgage stores,

over 12,000 ATMs, and its telephone and website services. Under the agreement, the Department will administer a claims process to identify and compensate individuals who have been harmed by the company's failure to comply with ADA requirements. Wells Fargo will pay up to \$16 million in claims, will donate \$1 million to several non-profit organizations, and will pay a \$55,000 civil penalty to the United States. Wells Fargo will address all claims of physical barriers identified through the claims process at its retail stores across the nation, ensure that its ATMs and websites are accessible, remedy other instances of discrimination identified during the claims process, and adopt a comprehensive company-wide policy on effective communication, including answering calls placed through the telecommunications relay service and providing qualified sign language interpreters, computer-assisted real time transcription, qualified readers, and documents in Braille, large print, and other alternate formats when necessary to ensure effective communication. In addition, the company will establish a toll-free ADA comment/complaint line so that in the future customers with disabilities can alert the company directly of disability-related problems, and will hire a full-time national ADA coordinator to investigate any complaints received and coordinate the company's efforts to resolve them.

Alexandria Country Day School -- On June 1, 2011, the Alexandria Country Day School in Alexandria, Louisiana, entered into a settlement agreement with the Department resolving a complaint that the school denied admission to a six-year old girl with Type I diabetes after her parents asked the school to supervise her when she tested her blood

glucose level, used her insulin pump, and performed other daily diabetes care. The school agreed to modify its policies to permit staff to oversee children's diabetes care management.

Beach Babies Learning Center -- On June 28, 2011, the Beach Babies Learning Center in Old Saybrook, Connecticut, entered into a settlement agreement with the Department resolving a complaint that the center had terminated a two-year old child's enrollment after he was diagnosed with autism. The school agreed to adopt nondiscriminatory policies and post them at its facility and on its website and pay the complainant \$7,431 in compensatory damages.

San Diego Marriott Hotel & Marina -- On June 28, 2011, the San Diego Marriott Hotel & Marina in San Diego, California, which has more than 1,300 guest rooms, entered into a settlement agreement with the Department resolving a complaint filed by an individual whose wife uses a wheelchair. They had reserved an accessible room online and had indicated that they would require two beds for themselves and their children. When they arrived, hotel staff informed them that the hotel did not have any accessible rooms with two beds. The complainant then requested an accessible room with one bed and a complimentary second room. Staff denied this request, forcing the complainant to pay for two rooms. Moreover, when the complainant and his wife arrived in the room designated as accessible, they found that it was not fully accessible and did not provide, among other things, grab bars next to the toilet. The settlement agreement requires the hotel to remove numerous barriers to accessibility, offer people with disabilities

the same classes of sleeping accommodations that are available to other patrons, train its employees on the ADA's requirements, and pay \$25,000 in compensatory damages to the complainant.

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 with cerebral palsy complained that a Pennsylvania state licensing board rejected his license application because he had missed a statutory deadline that arose during a two-year hospitalization. The board agreed to make an exception for the complainant and to provide public notices on its website and at its monthly meetings regarding the board's obligation to reasonably modify board policies when necessary to accommodate individuals with disabilities.

An individual complained that the city hall offices of an Arkansas municipality were being relocated to an inaccessible building. The city agreed to install van accessible spaces in the front parking, employee parking, and district court parking areas; add handrails to a ramp from the sidewalk to the accessible entrance; and remove barriers in a public restroom including lowering the heights of the lavatory mirror and soap dispenser, providing

a flush control on the transfer side of the toilet, repositioning grab bars at the back and side walls, and reducing the opening force of the bathroom door.

A woman who uses an electric scooter complained that the route to a Virginia municipality's swimming pool was inaccessible. The town agreed to repair cracks and uneven sections of the sidewalk leading to the facility's accessible entrance.

A man who has hearing loss complained that a town in Utah did not have an assistive listening system for town council meetings. The town adopted and implemented a policy to provide effective communication and obtained an assistive listening system. The town provided training to its employees on the new policy, posted it on its website, and published it in the local newspaper, and agreed to forward to the Department any complaints it receives from individuals who have hearing disabilities.

An inmate who is deaf complained that a Virginia state prison failed to provide him with a qualified sign language interpreter for medical appointments and educational classes. The prison adopted and implemented a written policy on providing effective communication for inmates with disabilities and posted information about the policy on its website and in its facility.

An inmate with a fused left ankle, affecting his ability to walk and stand for long periods of time, alleged that medical staff of a Georgia state prison refused to provide him with ankle supports. The prison provided him with two ankle supports and also assigned him to a lower bunk in a first floor cell.

An inmate who is blind complained that a California state prison's library did not have books on tape. The prison helped him complete the application form for books on tape and acquired the requested books and headphones for his use.

An inmate with hearing loss alleged that a New York state prison would not accommodate inmates who are deaf or hard of hearing. The prison examined the inmate, issued him a hearing aid, and granted him preferential seating for watching TV and attending other events. In addition, the State's department of corrections revised and updated its effective communication policies.

Another inmate with hearing loss alleged that another New York state prison confiscated his hearing aid as contraband. The prison examined the inmate, issued him a new hearing aid, and granted him preferential seating at events and when watching TV.

An inmate with paraplegia complained that a New York state prison refused to provide him with a properly fitted wheelchair. The prison measured the inmate and provided him with a new wheelchair.

An inmate who had a leg amputated while in a Kentucky state prison alleged that the prison denied him a prosthetic leg. The prison fitted him with a prosthetic leg and provided a physical therapist to assist in his rehabilitation.

A parolee with a mobility disability complained that the parole office was located in an Indiana county office building that lacked accessible parking spaces and an accessible public entrance. The county installed two accessible spaces, including a van-accessible space, and extended a sidewalk to provide greater maneuvering clearance at public entrance doors.

Two female inmates who are deaf complained that an Indiana state prison denied them qualified sign language interpreters during the intake and classification process and for medical appointments, disciplinary hearings, and education programs. The State's department of corrections and the prison agreed to draft and implement, statewide, a written effective communication policy guaranteeing access to correctional programs, services, and procedures for individuals who are deaf or have hearing loss.

Title III

An individual with a disability alleged that she was asked to leave a Texas restaurant and bar because she uses a service animal. The restaurant agreed to adopt a service animal policy, post the policy on its website, post a sign welcoming service animals in public areas and employee work areas, and conduct staff training on the policy.

An individual who has hearing loss complained that an Indiana hotel's guest rooms were not accessible. The hotel purchased 21 portable communication kits containing visual alarms, visual notification devices, and TTYs.

An individual who uses a wheelchair complained that the toilet rooms of a Michigan restaurant were not accessible. The restaurant agreed to remove barriers in its men's and women's toilet rooms and compensate the complainant \$1,000.

An individual who is deaf complained that a hotel in Maryland was inaccessible to patrons who are deaf or have hearing loss. The hotel agreed to purchase eight portable communication kits containing visual alarms, visual notification devices, and TTYs; train its

employees on the availability and use of the kits; post information about the availability of the kits on its website and in the hotel; maintain the kits in good working order; maintain a TTY at the front desk so hotel personnel can communicate with people who use TTYs; ensure that captioned televisions are in each room; and compensate the complainant \$1,500.

An individual with a disability complained that a Georgia restaurant denied her access because she uses a service animal. The restaurant agreed to adopt and implement a service animal policy, post the policy in employee areas, train employees on the policy, post a sign welcoming service animals, provide information to customers about filing ADA complaints, and compensate the complainant \$1,000.

An individual with a disability alleged that she was not allowed to bring her service animal into an Alabama packing and shipping store. The store agreed to adopt a written service animal policy and post a copy in a conspicuous location.

An individual who is deaf complained that a Virginia takeout restaurant refused to accept an order through the telecommunications relay service. The restaurant trained its staff on how to accept relay calls and paid the complainant \$500.

An individual with a disability alleged that a California bar refused to serve her because she uses a service animal. The bar adopted and implemented a service animal policy,

posted a public notice of the policy, trained its employees on the policy, and established a procedure to investigate and resolve complaints from customers with disabilities.

An individual who uses a wheelchair alleged that he was denied refueling assistance at a Virginia gas station, even though he pressed the designated call button on the gas pump. The gas station agreed to adopt a policy to reasonably modify its practices and procedures when necessary to serve customers with disabilities, train employees on the policy, compensate the complainant \$1,500, and pay a \$1,000 civil penalty to the United States.

An individual who is deaf complained that she was asked to leave a Tennessee hotel because she uses a service animal. The hotel adopted and implemented a service animal policy, posted a public notice of the policy, trained its employees on the policy, provided information to guests on how to file ADA complaints, and compensated the complainant \$750.

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

Northern District of Georgia -- An individual who is deaf alleged that she was not provided a qualified sign language interpreter for a scheduled appointment with a private medical clinic. The clinic agreed to adopt and train staff on a policy of providing effective communication aids and services to patients who are deaf or hard of hearing.

III. 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.

- In Florida, an individual and her mother, both of whom are deaf, complained that a home care agency refused to provide a sign language interpreter for an appointment to assess her mother's care needs. The agency adopted a policy to provide qualified interpreters for patients, their family members, or advocates, trained its staff on the new policy, published it on its website, and created an ADA Coordinator position.
- An individual with low vision complained that a Michigan hotel refused to rent her a guest room because she uses a service animal. The hotel changed its policy and agreed to serve customers who use service animals, notified all motels in the area, as well as the regional visitors' bureau, of their obligation to accommodate individuals who use service animals, and paid the complainant \$300.
- In Alabama, an individual with a mobility disability complained that a diner's entrance and restrooms were inaccessible. The diner installed an accessible handle on the entrance door and converted the men's restroom to an accessible unisex restroom.
- The father of a child with diabetes complained that a Texas martial arts program refused to allow staff to assist with or supervise insulin injections. The program adopted a policy on serving children with diabetes, including having adults monitor children's insulin injections, blood-glucose checks, and food intake, as well as having staff administer EpiPens in emergency situations. In addition, the program trained staff on the new policy, posted it on their website, and paid the family \$1,000.
- In California, a husband and wife complained that they were asked to leave a restaurant because the wife uses a service animal. The restaurant changed its policy and agreed to serve customers who use service animals, trained all employees on the ADA's service animal requirements, donated \$500 to a service animal organization, and paid the complainants \$2,500.
- In Texas, a woman with extreme skin sensitivity to sunlight who brought her children to a birthday party at a municipal pool complained that she was not allowed to remain in the pool area and was treated rudely because she wore a protective tee shirt in the pool. The city changed its

policy and agreed to allow people to wear tee shirts in the pool when the request is due to a disability. The city placed signage at the pool outlining the policy and identifying whom to call if problems arise. In addition, the city trained lifeguards on the ADA and how to interact with people with disabilities. The city also wrote a letter of apology to the person who hosted the birthday party and gave the complainant \$410.

- In Alabama, an individual with a mobility disability complained that a self-service gas station and convenience store refused to provide refueling assistance and that its facilities were inaccessible. The station posted signs asking customers to honk to request refueling assistance. The station also installed one van-accessible parking space with an access aisle near the store entrance, installed accessible door handles, rearranged seating in the deli area to provide a clear path of travel to the restroom, and provided an accessible unisex restroom.
- In Pennsylvania, a disability advocate complained that a restaurant's restrooms were inaccessible. The restaurant

installed accessible faucet handles on the sinks, insulated the pipes under the sinks, and lowered the soap and paper towel dispensers. In addition, it installed accessible signage identifying the men's and women's restrooms.

- In California, a person with cerebral palsy complained that a restaurant refused to serve him when they mistook the symptoms of his disability for intoxication. The restaurant established a policy on serving customers with disabilities, and the complainant conducted a disability awareness training for the restaurant's management team, which, in turn, trained staff. In addition, the restaurant apologized to the complainant and paid him \$500.
- In Maryland, the father of a child, both of whom are deaf, complained that a doctors' office refused to provide a sign language interpreter for the child's appointment. The office changed its policy and developed procedures for providing effective communication, including sign language interpreters upon request, trained its doctors and staff on the new policy, and posted signs indicating the availability of sign language interpreters and other auxiliary aids upon request.

IV. 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 the 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.

V. 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/laws/types/disability.cfm

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
email: dro@fcc.gov

The 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
888-446-4511 (voice/relay)
www.fta.dot.gov/ada
email: FTA.ADAAssistance@dot.gov

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
email: ta@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.easterseals.com

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

VI. 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. For information, see www.eeoc.gov/employees/howtofile.cfm or 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

Complaints can also be filed by email (ada.complaint@usdoj.gov) or fax (202-307-1197)

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.