

10. TRAINING RECOMMENDATIONS

COURT EMPLOYEE TRAINING

123. *The Committee recommends that all court employees (including judges, clerks of court, court commissioners, Court ADA Coordinators, court reporters, etc.) have basic training on at least the following subjects:*

- *Ways to accommodate people with various types of disabilities;*
- *Disability awareness/sensitivity, including appropriate terminology to use regarding disabilities, common courtesies to be used in working with people with disabilities, basic education about mental impairments and their effect or lack of effect on the ability to understand proceedings, etc.; and*
- *Available resources for use in effectuating access/accommodation. [Implementation: 1 year.]*

The Director of State Courts should develop appropriate training curricula and be responsible for delivery of ADA training for court employees and Court ADA Coordinators.

COSTS: See Appendix H (general information on costs of training programs and opportunities).

Rationale

For there to be a long-term reduction in discrimination against people with disabilities, it is necessary that individuals in the community be made more aware of the problems experienced by people with disabilities in accessing public services.

Court employees are key contact individuals in the court process, and are in the best position to ensure the removal of barriers for those with disabilities. Therefore, the reduction or elimination of barriers to people with disabilities and the elderly will in great measure depend upon the knowledge, attitude, and expertise of court employees who have direct contact with the public.

As for Court ADA Coordinators and the State Court ADA Coordinator, the Director of State Courts office is in the best position to ensure that they are trained to fulfill their responsibilities.

The training curriculum should include, at a minimum⁶⁸:

- A basic overview of the ADA, with emphasis on the need to balance the rights of persons with disabilities and the obligations of court personnel to provide reasonable accommodations.
- General disability awareness/sensitivity training, including discussion of: appropriate and inappropriate terminology and how terminology affects perceptions of people with disabilities; common misconceptions and attitudinal barriers confronting people with disabilities; common courtesies to be used in working with people with disabilities; the nature of disabilities which might be encountered (including the functional limitations associated with each broad category of disability) and the possible accommodations which might be utilized as to each. An understanding of communicatory and mental disabilities is especially crucial to acceptance and accommodation.
- Creative accommodation training and discussion of practical, low-cost approaches to making programs and services accessible to people with disabilities. The focus should be on utilization of local resources whenever possible.

124. *The Committee recommends that the Director of State Courts office, in conjunction with the Clerks of Circuit Court Association, Registers in Probate Association, the Juvenile Court Clerks Association, the Wisconsin Court Reporters Association, and other similar organizations, develop a videotape to be used in the training of court employees in these areas. [Implementation: Within 1 year.]*

COST: See Appendix H (information on production of videotapes and training manuals/materials).

Rationale

Creating training videotapes for personnel who have direct contact with people with disabilities is a very cost-effective means of conveying information. Videos can educate and increase sensitivity and awareness, as well as provide viewers with concrete ideas as to potential resources. They can also identify practical means of solving specific problems

⁶⁸ Two sample curricula are provided at the end of this Chapter; one is suitable for general use, the other is tailored particularly to court personnel.

encountered relative to barriers experienced by the elderly and people with disabilities. Training videos would also have the benefit of being available to educate new court personnel on the job.

The videotape should include the following:

- The overall purpose of ADA
- General requirements of Title II of ADA
 - Non-discrimination
 - Integrated Settings
 - Program Access/Fundamental Alteration and Undue Burden
 - Architectural Access
 - Communication Access
- Sensitivity awareness training
- Accommodation resources
- Accommodation strategies/problem-solving
- Court ADA Coordinators as resources

See Draft Curriculum at the end of this chapter for a potential training outline.

There are a several organizations and resources in Wisconsin that could assist in the production of such videotapes. One such organization is the Materials Development Center at the Stout Vocational Rehabilitation Institute, University of Wisconsin Stout, Menomonie, Wisconsin.

The Director of State Courts office is in the best position to provide uniform ADA and related training to court employees throughout the state. Therefore, the Director's office should coordinate and secure funding for training and materials.

The videotape should be available with open-captioning for people with hearing impairments. It could be copyrighted and a training manual/materials developed and marketed. Sales proceeds would help in the recovery of development costs.

TRAINING OF OTHER INDIVIDUALS

The Committee recommends that the Wisconsin Counties Association provide its membership with: (1) training relative to the judicial system in Wisconsin, as it pertains to ADA; (2) resources for solving ADA issues; (3) sensitivity training regarding the needs of people with disabilities and the elderly; (4) information on the role and function of Court ADA Coordinators; and (5) information on available resources to facilitate compliance with ADA. [Implementation: 1 year.]

Rationale

The reduction or elimination of physical, communication or program barriers to access to the courts by the elderly and people with disabilities must be a cooperative effort between the county governments and the judicial system. Maximum accessibility to court programs, services and activities cannot be achieved without such a "joint venture." Without such effort and cooperation, not only will Wisconsin citizens continue to be denied their civil rights, but the courts and municipal governments will risk liability exposure under ADA. The potential costs associated with such exposure could be substantial and in some cases may exceed the cost of ADA compliance.

OTHER RECOMMENDATIONS

125. *The Committee recommends that the state prepare a list of available sources and resources for court employees to refer to when accessibility barrier problems arise. This should be the responsibility of the State Courts ADA Coordinator in the Director of State Courts office. (See Appendix G.) [Implementation: 1 year.]*

Rationale

Lack of information as to what types of accommodations are available and where they might be found is one of the primary access barriers to court programs and services. A resource directory would be a low-cost, effective means of aiding both court personnel and consumers in finding solutions to these problems.

126. *The Committee recommends that the ADA Coordinator for each county be listed in the Wisconsin Legal Directory, the Wisconsin Lawyer Directory, and similar publications. [Implementation: 1 year.]*

Rationale

Publishing the names of the individuals who serve as ADA Coordinators in legal directories would facilitate both communication among courts and contact by interested people regarding ADA-related issues. Identification of ADA Coordinators at the local level is needed to better insure compliance with ADA and to promote accountability on the part of entities covered by the ADA.

127. *The Committee recommends that the Office of Judicial Education and the State Bar of Wisconsin involve themselves in implementing the ADA in the state courts through a variety of activities, including education, resource development, provision of written materials, and general problem-solving. The Committee specifically recommends their participation in the following activities:*
- a. *Modification of Judicial Bench Books to reflect potential considerations for people with disabilities (e.g. Chapters 51 & 55 Stats.) [Implementation: 1 year];*
 - b. *Development of ADA training curricula for judges to increase awareness and expertise of the judiciary on issues involving people with disabilities in the courts [Implementation: 1 year];*
 - c. *Development of an ADA training curriculum for the Judicial college [Implementation: 1 year];*
 - d. *Development of mandatory training for court appointed guardians ad litem with respect to the needs of people with disabilities [Implementation: Within 18 months];*
 - e. *Requiring specific ADA training of bar members who take appointments from the Office of the State Public Defender [Implementation: 1 year];*
 - f. *Development of education programs for the private bar directed toward increasing sensitivity and awareness, and providing specific knowledge regarding the requirements of the ADA and the location of resources available for solving problems [Implementation: 1 year];*
 - g. *Provision of ADA-related continuing legal education materials to the private bar [Implementation: Within 1 year.]*

Rationale

Through its extensive existing techniques for contacting its membership, the State Bar of Wisconsin is in an excellent position to advance both the letter and spirit of the ADA; the same is true with respect to the Office of Judicial Education. The activities listed here would have a substantial impact on ADA implementation at a very minimal cost, as they would take advantage of existing resources and only add small curricular and/or informational components to each. The State Court ADA Coordinator should be involved in this process.

128. *The Committee recommends that the State Court ADA Coordinator develop a handbook for court employees⁶⁹ which discusses frequently-requested accommodations in the court system, and that the handbook be available in all courts.⁷⁰ [Implementation: 14 months.]*

COST: See Appendix H (information on costs of employee handbook).

Rationale

Like the videotapes recommended above, a handbook discussing accommodations for people with disabilities would be helpful in assisting those with little or no background in dealing with the needs of such individuals. The handbook should include a list of resources (agencies, product providers, etc.) which individuals could contact directly to seek solutions to their problems, and which could be shared among employees. Thus, the availability of the Court ADA Coordinator (or another employee with specific expertise) would not be essential in all situations in which a court employee is called upon to provide services to a person with a disability. It is likely that such a handbook could be produced through an existing program, such as the Materials Development Center at the University of Wisconsin-Stout, Vocational/Rehabilitation Institute, Menomonie, Wisconsin. Other potential resources might include one of the Wisconsin Independent Living Centers located throughout the state. See Appendix G.

129. *The Committee recommends that the circuit judge or judges of each county develop a local access plan in consultation with people with*

⁶⁹ Written materials for court-users, as opposed to court employees are addressed in the chapter on Communications Barriers.

⁷⁰ Because this handbook is for use by court employees, it need not necessarily be produced in alternate formats (large print, braille, cassette tape, etc.), unless a court employee requires such accommodation (under Title I of the ADA).

disabilities in the district and the District Court Administrator. [Implementation: 9 months.]

Rationale

A specific local plan to overcome both program and physical barriers must be developed for each county. The plans should address funding sources and consider the views of local constituents regarding needs within a particular area.

130. *The Committee recommends that the Supreme Court of Wisconsin indicate to Wisconsin law schools the significance of educating future lawyers in all Titles of the ADA. [Implementation: 1 year.]*

Rationale

Long-term change of attitudes and biases which lead to discrimination against people with disabilities will not be accomplished without education of key players. Lawyers should be educated regarding the civil rights of people with disabilities, and Wisconsin's law schools should be leaders in such civil rights education.

TRAINING RECOMMENDATIONS SPECIFIC TO THE JURY PROCESS

131. *The Committee recommends that community and governmental groups serving as advocates people with disabilities learn about and inform their constituents of their rights to court program accessibility and educate them about the jury process. Specifically, the Committee recommends education regarding:*

- a. jury service and courtroom procedures,*
 - b. how to make oneself available to be called,*
 - c. availability of accommodations, and*
 - d. whom to call (Court ADA Coordinators) and where to go to get help or have questions answered.*
- [Implementation: 1 year.]*

Rationale

Advocacy groups need to be informed about the jury process. This could best be done as part of an overall educational campaign relating to court access in all capacities. The Director of State Courts is in the best position to distribute materials and organize volunteers and professionals (the State Court ADA Coordinator, for example) to speak to advocacy groups and to be available to help. This could also be handled as an outreach aspect of judicial education, coordinated locally.

132. *The Committee recommends that the Office of Judicial Education provide educational opportunities for all judges and clerks of circuit court regarding the requirements of the ADA, with specific regard to the jury process, as follows:*

- 1) exemption or excusal from service, proper conduct of voir dire, challenges for cause, administration and assent to oaths, conduct of the trial and participation in deliberations,*
- 2) the nature of disabilities which might be encountered and possible accommodations which might be utilized as to each,*
- 3) the rights of people with disabilities and the corresponding obligations of the judge and court personnel under the ADA. [Implementation: 1 year.]*

Rationale

This, again, should be addressed as part of a total educational package relating to all people with disabilities who are entitled to access to the courts. Training should address the balance between obligation and reasonableness, with emphasis on the abilities of persons with disabilities — their talents, assets and capabilities — to overcome stereotypes. It also should address general education as to various disabilities, especially communicatory and mental disabilities. This is crucial to provision of proper accommodations and is particularly important in regard to the issue of the "thirteenth juror" — those support persons, interpreters and others whose presence may be necessary to accommodate a juror with a disability, and who may, in fact, be required to accompany a juror into the deliberation room to provide such accommodations.

It is also critical that judges understand the various accommodations which are available and applicable to the spectrum of potential disabilities. Responsibility would be placed on judges to ensure that their staffs and others dealing with jurors be made aware of these issues and trained to deal appropriately and intelligently with such questions and situations as may present themselves. Efforts should be made toward cost-effectiveness, such as securing alternative, less costly accommodations, and the obligation to immediately halt discriminatory behavior or comments by other jurors, court personnel, attorneys, witnesses, or others, should be stressed.

- C. *The Committee recommends that the State Bar of Wisconsin and other attorney organizations conduct training in these subjects, perhaps as a*

part of education relating to ethical issues. [Implementation: Within 1 year.]

Rationale

This should again be a small part of a larger educational effort. For example, the Wisconsin Bench/Bar conference in January, 1994, included a session on disability issues in the courts. Especially pertinent to considerations of this Committee are the issues of voir dire and challenges for cause, in addition to the overriding need for general instruction on the nature of various types of disabilities and the accommodations necessary to allow full participation in the process. Other groups which might also be approached for training include the Wisconsin Association of Trial Lawyers, the Association of Defense Counsel, District Attorneys (through the Attorneys General's office), county and city Corporation Counsel and the State Public Defender's Office.

SAMPLE GENERAL CURRICULUM⁷¹

ABC'S OF DISABILITY ATTITUDE - BEHAVIORS - CHANGE

(An Outline for Disability Awareness Training)

- I. Introduction: Historical perspective of treatment of persons with a disability
- II. Who are "the disabled?"
 - A. Types of disabilities
 - B. Statistics
- III. Benefits of maximum integration of persons with disabilities into society
- IV. What are some of the ATTITUDES, BIASES, FEELINGS encountered by persons with a disability?
- V. What are variables to consider regarding persons with a disability?
- VI. What are specific suggestions regarding interacting with persons with a disability?

Additional suggestions for training, depending on time and numbers of participants:

Role-playing various situations involving a person with a disability

Simulating disabilities and having participants attempt various tasks

Videotapes

Panel of persons with a disability

Pre- and post-tests to illustrate stereotypical attitudes, etc.

⁷¹ This outline was prepared by Karen Hodgson, Director of the Center for Independent Living of Western Wisconsin, Menomonie, WI.

SAMPLE COURT PERSONNEL CURRICULUM

- I. General Overview of ADA
 - Goals, Objectives, and Purpose
 - Effective dates
- II. Definition of Disability under ADA
 - Common Disabilities
- III. Overview of Title II of ADA
 - Purpose and effective date
 - Prohibited conduct
 - Covered entities
 - Covered activities
 - employment
 - court programs, services, and activities
 - Definition of qualified individual with a disability
 - General requirements
 - no exclusion
 - no discrimination
 - integrated settings
 - screening/eligibility criteria
 - modification of policies and procedures
 - discrimination on basis of association
 - surcharges
 - licenses and certifications
 - prohibition against retaliation
 - Program Access in Existing Facilities
 - means of achieving program access
 - limitations on obligations to provide program access
 - fundamental alteration and undue burdens
 - preservation of historic buildings

- Architectural Access Requirements
 - existing facilities
 - new construction
 - alterations
 - accessibility standards
 - leased buildings
 - maintenance of accessibility features
 - information and signage
 - Communications Access
 - auxiliary aids and services
 - Notice and Evaluation Requirements
 - Notice
 - Self-evaluation
 - Transition plan
 - Enforcement
 - Internal grievance procedures
 - Administrative complaints
 - Lawsuits
 - Alternative dispute resolution
- IV. Resources to Aid in Compliance with ADA Title II
 - V. Strategies/Practical Problem-Solving
 - Typical accommodations for common disabilities
 - Application to barrier removal
 - Individualization of accommodations
 - VI. Trainees' Goal Setting

11. COST AND FUNDING

Introduction

The recommendations contained in this report were developed by the Committee during the past year in an effort to assist counties and the state in providing access to court programs and services. Achieving accessibility may require financial expenditures, and the report contains various recommendations pertaining to the purchase of goods and services. This chapter addresses some of the most cost-effective ways of sharing, acquiring and/or paying for these goods and services.

The Committee recognizes that many mandated federal and state programs presently compete for limited state and county tax dollars. Wisconsin's counties currently have the additional burden of a county tax levy rate limit enacted as part of the 1993-94 state biennial budget bill. As a result, counties are required to weigh the continued level of funding for existing services against instituting new mandated and discretionary programs. However, the Committee hopes this report will suggest a sufficient number of options to enable state and local government to satisfy ADA requirements. This chapter contains purchasing recommendations for many items in an effort to aid local governments in achieving full program accessibility at minimal cost.

Various governmental entities in Wisconsin have differing ADA planning and implementation needs. Some already have appropriated substantial funding for the development and implementation of plans, while others will be able to use this document as an aid in beginning to implement the ADA.

Section I of this chapter provides information relating to various cost-effective methods which can assist local governments in meeting the goals and guidelines of the ADA. Section II explores the feasibility of some traditional and creative methods of funding ADA initiatives.

Before proceeding with cost effective strategies for implementing the ADA, the Committee believes that two points merit discussion. First, there is a great *social cost* involved in excluding people with disabilities from full access to the judicial system and its many programs and services. To the extent these individuals are barred from full participation in the judicial process, they are barred from full citizenship. Thus, by removing barriers to full participation in the judicial system, the community as a whole benefits.

The second point relates to the reasons underlying the formation of a cost and funding subcommittee. When the ADA was passed, many news commentators and observers of the legal scene predicted a wave of litigation brought on by disability

advocates. Their predictions were based, in part, on the history of Title VII and Title IX of the Civil Rights Act of 1964 and the recognition that we live in a contentious and litigious society. The predictions were also based on experience with Section 504 of the Rehabilitation Act (see Chapter 2), the law prohibiting discrimination and attempting to secure full participatory rights to people with disabilities in federally funded programs.

A case in point is a Section 504 action, *City of Milwaukee v. Serio* (unpublished). In that case, a person who is deaf sued the city for not providing an interpreter when he was arrested for violating a domestic restraining order. A jury awarded him almost \$158,700. Although the case is presently on appeal, it and similar cases have been cited as evidence of likely additional litigation.

The Committee's research and experience, however, supports a contrary view. Almost without exception, Wisconsin state and county governments are presently engaging in ADA training, as we have noted, and some counties have already set aside funding for ADA implementation. In Wisconsin, at least, it appears that government is reaching out to people with disabilities to seek advice on implementing the ADA. Similarly, people with disabilities have not been inundating Wisconsin courts with lawsuits. Rather, they are developing a working relationship with public entities to assist in reasonable implementation.

The cost subcommittee's recommendations reflect this cooperative spirit: to implement the Act cost-effectively through long-range planning and cooperative effort, a much more efficient and less costly method than implementation on a lawsuit-by-lawsuit basis.

I. METHODS OF COSTS CONTROL

The three basic recommendations to achieve program accessibility cost-effectively are:

- (1) buying in volume with the state,
- (2) buying in volume through a consortium of counties, and
- (3) resource sharing among counties.⁷²

The discussion of each recommendation includes examples of the types of items recommended in this report which are susceptible to suggested purchasing strategies.

⁷² In addition to these three recommendations, the Committee also suggests that the state and counties consider leasing costly ADA-related items which involve rapidly-evolving technology. In these situations, purchasing expensive equipment may not be the most cost-effective option.

BUYING IN VOLUME WITH THE STATE: COOPERATIVE PURCHASING

133. *The Committee recommends that each county consider joining the Wisconsin Cooperative Purchasing Service through the state Department of Administration.*

Despite the counties' extensive responsibility for the funding and operation of the state court system, the Committee envisions that the state can become a positive force in the counties' purchasing strategies for achieving program accessibility. The recommendations contained in this report reflect that vision and include specific recommendations for state action. Providing access to the State Purchasing Cooperative, as explained below, is one way the state and the counties can work together to contain the costs of program accessibility.

Any local unit of government can join the state's Cooperative Purchasing Service for \$50.00. As members of this cooperative, the counties can participate in large volume purchases by the state. When the state makes such purchases, members of the Cooperative can purchase the same items as part of the same contract, saving from 20% to 50% of the retail prices. It is likely that the state will be purchasing many of the items recommended in the Committee's report for its own agencies. Counties who belong to the Cooperative receive a listing of all pending contracts, and can arrange to participate in large-volume purchases as needed.⁷³

In addition to the Cooperative, the state Department of Administration (DOA) has a central purchasing office which purchases items for state agencies. State agencies may also ask for authority to make their own purchases and then seek to apply the provisions of the State Purchasing Cooperative to those purchases. Every time the DOA makes a purchase, it asks the vendor if it is willing to extend those same prices to counties and local units of government. The vendors usually agree because they are generally able to increase their volume when the arrangement is extended to the counties.

Finally, the DOA recently received authority to purchase items in conjunction with other states and now works routinely with nine states on recycling equipment. The state, including the DOA, should be encouraged to pursue such strategies and to purchase ADA-related items with other states in order to control costs.

⁷³ Examples of items anticipated to be purchased by the state include: audio-recording equipment, carpeting, computer systems, computer maintenance contracts, software, court reporter services, furniture, graphic art supplies, telecommunication systems, signs, telephone sets, terminals, and videotapes.

The Committee does not suggest that all county needs will be met by purchasing through the Cooperative or otherwise in volume with the state. The state will not enter into contracts unless it has a need. Further, the state will buy what it wants from whom it wants. Even as members of the Cooperative, counties will generally have no say in the selection of vendors; and counties have different procurement rules than the state in many instances. However, despite the complications, state agencies and counties will likely have many similar needs. It may benefit the agencies, in terms of potential county volume, if they know in advance that counties may also be interested.

The Committee is aware that there is an annual national meeting of state purchasing agents, called the National Purchasing Convention. The Committee suggests that this report be discussed at the convention, and that the conferees consider national joint purchasing strategies to contain costs of implementing the ADA in state court systems.

The Committee further suggests that this report be placed on the agenda of the state Purchasing Council. The Purchasing Council is made up of representatives from all state agencies and meets once a month. Submission of this Committee's report will help ensure that the agencies are aware of its recommendations, to whom they are directed, and how the state and counties can work together to contain costs of implementation. The Committee suggests that a committee of the Purchasing Council be formed to review the recommendations. Finally, if an individual agency has a need for a certain item, the Purchasing Council can determine whether the state can make that item the subject of a cooperative contract with counties.

Examples

TDD/TTY's are a good example of an ADA-related item that might be purchased through the state Purchasing Cooperative. Many state agencies will want to purchase TDD/TTYs, and they would seem a likely candidate for a statewide contract. In fact, one may already exist, and counties should inquire of DOA about either forming or joining a contract for these devices as members of the Cooperative. Other examples include FM and infra-red systems (Recommendation 80), wheelchairs (Recommendation 38), moveable barriers for witnesses' use (Recommendation 52), and the various signs recommended throughout this report.

BUYING IN VOLUME BY COUNTY CONSORTIUM

134. *The Committee recommends that counties join together as appropriate to purchase ADA-related items in volume.*⁷⁴

⁷⁴ The Committee also recommends that the Wisconsin Counties Association, the Wisconsin County Executives Association, and other appropriate entities form ADA committees to investigate purchasing by consortium.

There will undoubtedly be many ADA-related items that the state will not be purchasing. The Committee recommends that counties take advantage of existing networks and groupings to investigate joint purchasing among the counties themselves. Joint or cooperative purchasing could be used to control costs for a host of items recommended in this report.

By joining together, along whatever lines are considered best — geographic, population, anticipated use, etc. — counties could get lower prices on necessary items by purchasing in higher volume. Thus, even without state involvement, counties may still be able to control ADA implementation costs by planning in groups, rather than purchasing the same items on an individual basis.

The Committee understands that Wisconsin's counties are already organized into seven districts through the Wisconsin Counties Association (see Appendix L). These existing groupings should be used wherever possible for both collective purchasing and resource sharing (see Recommendation 135). After consultation with regional partners, many items might be ordered in sufficient volume to result in a lower per item cost. With more expensive items (such as real-time court reporting equipment or wheelchair-accessible vans), the need may not be of such a volume that each county needs to own its own item. In these cases, the regional groupings could plan to purchase the lowest necessary number, and make administrative arrangements to share the equipment. See Resource Sharing, below.

Examples

Several items recommended in this report are amenable to purchasing by county consortium. Wheelchair lifts are one such example. Such lifts are most readily imagined being used for ingress and egress into the jury box, the witness stand, and the judge's bench.⁷⁵

Other items recommended in this report which counties might consider purchasing in bulk by consortium include non-glare materials, portable lamps, items for Braille translation, and any other items recommended for purchase through the state for which the state, in fact, does not have on contract.

⁷⁵ The Committee has information that portable lifts will soon be available. It is possible that these lifts could be used in different locations both throughout a courthouse or other county buildings and could be shared among counties. See Recommendation 135, Resource Sharing, for other suggestions for cost containment through sharing.

RESOURCE SHARING

135. *The Committee recommends that counties share certain ADA-related items which may be costly and/or infrequently used in any one county. Administrative systems should be established to arrange for the sharing of these items on an as-needed basis by each sharing county.*

There are some more expensive items that do not justify an expenditure for each courthouse. In some instances, a county may decide that it will not need to use the item frequently enough to justify the expense. In such a case, sharing these items on an as-needed basis will keep purchase costs down, regardless of the funding source. Note, however, that counties will have to establish administrative systems, assisted by Court ADA Coordinators, to arrange for the timing, transportation, and personnel associated with shared items (i.e., due to the personalization of court reporting dictionaries, "shared" real-time court reporters would have to move with their equipment).

Examples

Real-time reporting systems can cost from \$9,000 to \$20,000 depending on the type of equipment needed. (Note that the Committee has elsewhere recommended that the state bear the costs of purchasing real-time equipment. See Recommendation 83). Some counties will be required to serve a person with a hearing impairment in need of such equipment only once a year. Even if state-purchased, counties should work with the state to examine regional or other bases on which to plan for sharing the systems. This will enable the state to plan to purchase the fewest necessary systems. Such advance planning will also assist counties in establishing administrative systems to share reporting equipment (and the operating court reporters), once it is available.

Other portable, potentially low-use items amenable to sharing among counties include Braille translators and some infra-red systems for use by persons with hearing impairments.⁷⁶

II. FUNDING SOURCES

Introduction: State and County Funding

The Committee recognizes that, under the present system of fiscal responsibility, the counties must cover most court ADA-related costs. We believe, however, that change

⁷⁶ Most infra-red equipment will need to be specially wired for each courtroom. However, this will not always be the case; the Committee understands that some infra-red devices are portable. Depending on their adaptability, sharing these systems among counties may be cost effective.

is needed. The Wisconsin court system is a state court system, and we strongly recommend to the legislature and to the Governor that the state undertake greater responsibility for ADA implementation in the courts. This position is reflected in many of the recommendations in this report.

Readers will notice that, throughout this report, several substantive recommendations are accompanied by a further recommendation that the state, as opposed to counties, fund a particular activity. In addition to those recommendations, the Committee suggests the following activities and/or services be funded by the state.

- Sign language interpreters for people with hearing impairments;
- Real-time court reporting services;
- Readers for people with visual impairments;
- Conversion of printed court materials into alternate formats, including Braille, large print, and audio tape;
- Pictorial representations and other aids for people with cognitive impairments;
- TDD/TTYs for court offices;
- Assistive Listening Systems for courtrooms;
- Court staff to assist people with disabilities by acting as readers and scribes, retrieving law library materials, assisting people with stairs, wheelchair ramps, etc.

Specific Funding Sources and Activities to Consider

A. General Purpose Revenue

General Purpose Revenue (GPR) is Wisconsin's basic tax revenue, and is derived from many sources: personal and corporate income taxes, sales taxes, state shares of fines and forfeitures, some lottery funds, inheritance taxes, revenues from the Departments of Motor Vehicles and Natural Resources, and other sources. Because, as discussed above, despite the considerable county responsibility for the courts, Wisconsin's is a state court system, state general purpose revenue is a first place to look as a source for state funding of ADA implementation, both in the courts and throughout state government. In our view, it is the most appropriate source for funding. The Supreme Court of Wisconsin may want

to consider determining the costs of ADA implementation and including that sum, however phased-in, as a distinct "line item" in its next budget submission to the Governor. A mechanism could be established for disbursing these funds to local courts throughout the state. We envision that the State Court ADA Coordinator, in conjunction with the county Court ADA Coordinators, will adopt an appropriate plan for disbursing this fund to the local courts throughout the state.

B. Assessments, Fees, Surcharges, etc.

Other sources of funding for ADA implementation would require some form of assessment, surcharge, or fee. Currently, there are many such fees, such as those added to fines and forfeitures. The Committee acknowledges that assessments, fees and surcharges can result in increasing the overall cost of access to the courts. For that reason, they are disfavored by many. Nonetheless, we feel obligated to list this as a possible funding source for the legislature to consider.

C. Accommodation-Specific Funding

An enterprise currently underway in the court system is the Circuit Court Automation Project (CCAP). A substantial sum has been allocated for this project. We suggest that by adding an additional phase to the CCAP, the state could implement an important component of the accessible courtroom. This is because CCAP has focused on the enhanced use of computers in the courts. It is therefore logical to allocate funds for real-time court reporting as another computer-related court enhancement project.

D. County Property Taxes

The Committee recognizes that the counties are presently under legislatively-imposed limits on property tax levies. This means that, even if inclined to do so, a county could not simply raise its property tax to fund ADA implementation. However, the freeze is not a permanent fixture and eventual removal of the levy limit would enable counties to raise their own taxes should they so choose.

E. Sales Taxes

The Committee is also aware that some counties have enacted the additional 0.5% sales taxes permitted under state statutes. (See Wis. Stats. 77.52, 77.70 and 77.71.) Those counties that have not enacted this additional sales tax may want to consider this alternative for ADA-related purchases and capital expenses.

F. State Trust Fund Loans

Municipalities may borrow money from the State Trust Loan Program for a variety of uses, including, but not limited to buildings and capital equipment. As of February 16, 1994, interest rates for these loans were as follows:

5 years or less:	3.75%
5-10 years:	4.50%
10-20 years:	5.50%.

See Appendix M for more information on the State Trust Loan Program.

G. Legislative Council Committee

The legislature may wish to consider convening a Legislative Council Committee to study the costs of ADA implementation, either specifically in the court system or throughout state programs, and to make recommendations regarding the legislature's role in identifying appropriate funding sources.

H. Jail Fees

Under current law (Wis. Stats. 302.46, as amended by 1991 Wis. Act 130), in cases where a court imposes a fine or forfeiture for violations of certain laws, the court must also impose an additional "jail assessment" of either 1% of the fine or \$10.00, whichever is greater. If multiple offenses are involved, the assessment is determined on the basis of each distinct offense.

According to the Director of State Courts office, in 1992, the reported jail assessment revenue statewide was \$4,545,799; for the first half of 1993 it was \$2,156,479. This money is currently allocated for jail construction and maintenance.

Two options are available with respect to this fund. It would be possible for a portion of the existing jail assessment funds to be allocated for court ADA implementation. Alternatively, the assessment itself could be increased to create an additional pool of money for use in making some of the changes recommended in this report.

Appendix A:
Roster of
Committee Members

**SUPREME COURT INTERDISCIPLINARY
COMMITTEE ON COURT-RELATED NEEDS OF
THE ELDERLY AND PEOPLE WITH DISABILITIES**

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Updated January 13, 1994

Appendix B:

Sample Physical Access Survey (Blank)

AMERICANS WITH DISABILITIES ACT
FACILITY ASSESSMENT
Exterior Facilities

SITE:

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/Comments
		Yes	No	
	ACCESSIBLE PARKING SPACES			
Number	<p>The closest lot to the building complies with one of the choices below. Mark one choice. If there are multiple lots, number choices.</p> <p>LOT TOTAL/# REQUIRED</p> <p>___ 01 to 25/ 1 ___</p> <p>___ 26 to 50/ 2 ___</p> <p>___ 51 to 75/ 3 ___</p> <p>___ 76 to 100/ 4 ___</p> <p>___ 101 to 150/ 5 ___</p> <p>___ 151 to 200/ 6 ___</p>			SKETCH SITE, INDICATING MULTIPLE LOTS AND RELATIONSHIP OF THESE LOTS TO BUILDING'S MAIN ENTRANCE AND OTHER POTENTIAL ACCESSIBLE ENTRANCES.
Size	<p>The required spaces marked above are ___ feet wide (8 or more).</p> <p>The adjacent access aisles are ___ feet wide (5 or more). If no aisle is provided, mark "NONE".</p>			DRAW DIAGRAM OF SPACES/AISLES PROVIDED, INSERT WIDTHS.
Surface	<p>The space(s) and adjacent access aisle(s) surfaces are asphalt or concrete.</p> <p>The space(s) and access aisle(s) are level.</p>			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Sign	The State of WI Trans 200.07 sign is used to designate the space(s)		
	The WI Trans 200.07 sign is located at either the center, left, or right of the space(s).		
Size	The height of the sign (measured from the ground to its bottom edge) is ___ inches high (48 or more).		
	PASSENGER LOADING ZONE		
Surface	If a loading zone is provided, is there also an adjacent access aisle?		
	The access aisle is ___ feet wide (5) and ___ feet long (20). If there is no aisle mark "NONE".		
Sign	The access aisle is parallel to the loading zone.		
	The sign designating the zone is: _____.		
Vertical Clearance	The surface of the loading zone(s) and adjacent access aisle(s) are concrete or asphalt.		
	The loading zone(s) and adjacent access aisle(s) surfaces are level.		
Vertical Clearance	If a vertical clearance is required, it is ___ feet high (9'6").		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Surface	ACCESSIBLE ROUTE		
	The sidewalk/route to the accessible entrance is ___ feet wide (4 or more).		
	The ground surface is asphalt or concrete.		
	There are changes in level along route (e.g. large cracks, threshold changes, curbs) they are ___ inch high (1/2 or less).		
	There are gratings, with their spaces not more than ___ inch wide (1/2) in either direction.		
	The grating's longest dimension is perpendicular to the direction of travel.		
	The slope of the sidewalk/route to the accessible entrance is ___ degrees. If it is GREATER than 3, complete ramp section.		
	The sidewalk/route is free of obstructions protruding into the space narrowing the width of the route or causing hazards (e.g. bushes, branches, benches, front car fenders).		
	There is a curb, and a curb cut is provided.		
	The curb cut is ___ feet wide.		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	RAMP		
	This sloping surface is most like a sidewalk/ramp CIRCLE ONE and EXPLAIN		
Surface	The ramp surface is asphalt, concrete, wood, or other smooth material. (CIRCLE ONE)		DRAW A DIAGRAM WITH ALL RAMP CHARACTERISTICS AND DIMENSIONS
	The slope is ___ degrees (5).		
	The cross slope is ___ degrees (1-0).		
Features	The clear width (measured from handrail to handrail) is ___ inches (48). If there is no handrail mark "NONE".		
	The top of the handrail(s) are mounted ___ inches from the ground (30-38).		
	There is an open side/drop-off CIRCLE ONE , and a midrail is provided.		
	There is an open side/drop-off CIRCLE ONE , an edge protection is provided.		

ENTRANCE LOCATION: _____

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	ACCESSIBLE ENTRANCE		
Public Entrances - #	There are ___ public entrances.		
Directional Signage	There is a directional sign at ___ of the public entrances. INDICATE WHICH ONES		
	The type of directional(s) provided is ___ DESCRIBE		
Accessible Entrance	The main entrance (the entrance with the published street address) is accessible.		
	The best entrance for accessibility is located _____.		EVALUATE THE MOST ACCESSIBLE ENTRANCE-- IF THERE IS MORE THAN ONE, COMPLETE ALL
Approach	The ground surface at the door is level.		DRAW DIAGRAM OF DOOR WITH ALL RELATED CLEARANCES AND DIMENSIONS (IF THERE IS A VESTIBULE, INCLUDE ITS WIDTH AND DEPTH)
	If there is a landing at the door, it is ___ inches wide and ___ inches deep (60x60).		
	There is a ___ inch wide clearance at the latch side of the door (12 or more).		
Features	There is a sign designating the entrance as accessible. The type and location of the sign is.		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Features Continued	The clear door opening is ___ inches wide (32 or more).		
	The threshold at the door is ___ inches high (1/2 or less).		
	The door hardware is a _____ (loop, handle or lever).		
	The door hardware (measured O.C.) is mounted ___ inches above the ground (48 or less).		
	The door takes ___ seconds to return to the latch when opened 70 degrees (3 or more). Mark "U" for zero pressure.		
	The opening force to open the door is ___ pounds pressure (8.5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM		
	This single door, or one of the multiple doors is a power assisted door. INDICATE ON DIAGRAM		
Power Assisted Door	This single door, or one of the multiple doors is an automatic door. INDICATE ON DIAGRAM		DRAW A SKETCH OF THE SITE INDICATING LOCATIONS OF ALL STRIKE PLATES OR DOOR OPENERS
Automatic Door	There is an automatic eye at the entrance.		
Automatic Eye	The door is activated ___ feet from the entrance.		

AMERICANS WITH DISABILITIES ACT
FACILITY ASSESSMENT
Common Use Interior Building Elements

SITE: _____

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	ACCESSIBLE ROUTE		
Features	This is a ___ story building. (Do not include basement unless office-type space is located there.) For multiple story buildings, the means of vertical circulation is/are _____.		
	The width of the hall or corridor is ___ feet wide (3' or more).		
	Doorways that are part of the corridor, or those which you pass through to enter another area or main office area (e.g. fire doors, other main office entries) meet min. requirements.		MEASURE CLEAR DOOR OPENING, NOTE HARDWARE TYPE, PRESSURE, SWING -- IF THE DOOR IS A FIRE DOOR, DO NOT CHECK PRESSURE, BUT INSTEAD MAKE A SPECIFIC NOTE
Surface	There is a minimum ___ foot headroom provided along the hall or corridor (6'8").		
	There are changes in level along halls or corridors, (e.g. large cracks, threshold changes, steps) they are ___ inches high (1/4 or less).		
	The slope of the hall or corridor is ___ degrees. (0-3) If it is greater than 3, complete the ramp section below.		DRAW DIAGRAM WITH ALL RAMP CHARACTERISTICS AND DIMENSIONS. IF THERE IS MORE THAN ONE WITHIN THE BUILDING, ASSIGN NUMBERS AND INDICATE LOCATION ON FLOOR PLAN.

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comment
Obstructions	Is the hall/corridor free of obstructions that narrow the width or cause hazards (e.g. water fountain, telephone, plants, furniture).		
	Objects mounted on walls between 27" and 80" protrude into the space 4" and less. LIST ITEMS BETWEEN 27" and 80" THAT PROTRUDE FROM WALLS MORE THAN 4".		
	RAMP		
Surface	The ramp surface is _____ (commercial carpet, plastic, tile, or other smooth and slip-resistant material). CIRCLE ONE		
	The slope is _____ degrees (5).		
Features	The cross slope is _____ degrees (1 or 0).		
	The clear width (measured from handrail to handrail) is _____ inches (36). If there is no handrail mark "NONE".		
	The top of the handrail(s) are mounted _____ inches above the ground (30 - 38).		
	There is an open side/drop-off CIRCLE ONE, a midrail is provided.		
	There is an open side/drop-off CIRCLE ONE, an edge protection is provided.		
	ELEVATOR		
Hall Call Buttons	The hall call buttons are centered _____ inches above the floor (42).		FOR MULTIPLE ELEVATOR BANKS, CODE RESPONSES FOR EACH BANK, AND INDICATE THEIR LOCATION.

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Hall Call Buttons (cont.)	The buttons are _____ (raised/flush).		
	The buttons are _____ inches in diameter (3/4 or more).		
	The call buttons give a visual signal when the elevator is called and when the elevator arrives.		
	The space underneath the call buttons is free of obstructions.		
Lantern	There is a lantern providing a visual signal outside the elevator at each entrance.		
	The location of the lantern is _____ (above door outside; within door; on door jamb). An audible signal is provided outside the elevator and rings once for up/twice for down/sounds verbal announcement. CIRCLE ONE		
Door	The elevator is automatic.		
	The elevator doors self-level to _____ inches (1/2 or less).		
	The doors remain open _____ seconds before closing in response to a call (3 or more).		
	The doors reopen automatically without contact with an object or person.		
	The doors are equipped with a safety door edge.		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/Comments
Exterior Jamb	There are raised/braille markings on both jambs of the elevator entrance.		
	The entrance markings are mounted _____ inches above the floor (60).		
	The characters themselves are _____ inches high (2).		
Interior/ Diagram	The clear door opening to the elevator is _____ inches wide (36 or more).		DRAW A DIAGRAM OF THE INTERIOR OF THE ELEVATOR CAR INDICATING WIDTH, DEPTH, HANDRAIL LOCATION, AND CONTROL LOCATION.
	A handrail is provided with the top mounted _____ inches above the floor (32).		
Handrail	The clear space from the wall to the inside of the handrail is _____ inches (1 1/2 or more).		
	The buttons are _____ (raised/flush).		
	The buttons are _____ inches in diameter (3/4 or more).		
	There are raised/braille markings immediately to the left of each button.		
Interior Car Controls	The highest control button is _____ inches above the floor (48 or less).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/Comments
Emergency Controls	The emergency controls provided are _____ LIST		
	The working height of the emergency controls is _____ LIST		
Car Position Indicators	There is a visual car position indicator inside the car above the control panel or door. CIRCLE ONE		
	All visual indicators are in working order.		
	An audible signal identifying your location and/or direction of travel is provided inside the car. DESCRIBE		
	PUBLIC PAY TELEPHONES AND TEXT TELEPHONES		THE TDD IN THE BUILDING IS LOCATED _____.
Number	The number of public pay telephones located on the floor where court programs are located is _____.		NOTE LOCATION OF PUBLIC TELEPHONE
	Court programs are located on multiple floors, there is a telephone on each floor. (Evaluate all telephones located on floors with court programs. If there is one in the building, evaluate that one).		DRAW SMALL SKETCH OF TELEPHONE IN RELATIONSHIP TO SURROUNDINGS
	The number of text telephones provided is _____ (1 or more).		
Approach	There is adequate clear floor space at the lowest telephone (30x48 or more).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Features	The highest operable part of the telephone is ___ inches from the floor (54 or less).		
	The telephone has an enclosure, with the bottom leading edge ___ inches above the floor (27 and lower).		
	A shelf is provided, and is ___ inches wide (10), ___ inches deep (10), with a ___ inch vertical clearance (6).		
	An electrical outlet is located near the enclosure or shelf provided. INDICATE LOCATION OF CLOSEST OUTLET		
	Of the telephones provided, ___ are hearing aid compatible.		
	Of the telephones provided, ___ are equipped with an amplifier/volume control.		
	Of the telephones provided, ___ have push buttons.		
	Of the telephones provided, ___ have cords ___ inches long (29 or more).		
	Telephone books are provided and are located ___ inches above the floor (9 - 54).		
	The type of sign provided is ____. If there is no sign mark "NONE".		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	WATER FOUNTAINS/COOLERS		
Number	The number of water fountains per floor with court program is ____. The number of accessible water fountains per floor with court program is ____.		INDICATE LOCATION OF WATER FOUNTAINS; FOR MULTIPLE WATER FOUNTAINS, ASSIGN NUMBER.
Approach	There is adequate clear floor space at the fountain (36x48 or more).		DRAW SMALL SKETCH OF THE FOUNTAIN AND SURROUNDING AREA
	The fountain(s) provided are ___ inches deep (17-19).		
	The spout is ___ inches above the floor (36).		
	The spout is located at the front.		
	The controls are _____ (push button, lever, handle)		
	The controls are located _____ (front or side edge). CIRCLE ONE		
	The water is directed parallel to the front of the unit.		
	The water flow is ___ inches high (3 or more).		
Features	For fountains with space underneath the knee clearance is ___ inches (27 or more).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	SIGNAGE		
Directories	The type of directories provided are _____. DESCRIBE		
Directionals	The directionals within the building are useable within the distance they are intended to be read. DESCRIBE		
Color/Finish	The sign(s) background is _____. the sign(s) characters are _____. (contrast)		
	The finish is _____. (matte)		
Symbols	If picture symbols are provided, they are accompanied with equivalent verbal underneath.		
	ALARMS		
Type	The alarm system provided within the building is _____ (audible and pulse/strobe).		
Location	The locations of the alarm systems are _____.		

SITE:

AMERICANS WITH DISABILITIES ACT
FACILITY ASSESSMENT
Restrooms

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	ENTRANCE		
Location	Gender _____ Location _____.		
Door Signage	The type of sign provided: M/W symbol____; wheelchair symbol____; verbal____; raised letters____; flush letters____; braille____; contrasting colors____; location: on door____; latch side of door____; hinge side of door____.		
Door Features	There is a _____ inch wide clearance at the latch side of the door (12 or more).		Mark "E" for outside; "I" for inside Mark "U" for 24" and more
	The clear door opening is _____ inches wide (32 or more).		
	The threshold at the door is _____ inches high (1/2 or less).		
	The door hardware is a _____ (loop, handle, or lever).		
	The door hardware (measured O.C.) is mounted _____ inches above the ground (48).		
	The door takes _____ seconds to return to the latch when opened 70 degrees (3 or more). Mark "U" for zero pressure.		
	The opening force of the door is _____ pounds (5 or less).		
	The restroom is a single fixture restroom, there is a privacy lock on the door.		FOR MULTIPLE DOORS, INDICATE ON DIAGRAM
	The door swings into clear floor space required for a fixture.		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/Comments
Power Assisted Door	This single door, or one of the multiple doors is a power assisted door.		NOTE WHICH DOORS ARE POWER ASSISTED ON DIAGRAM
Automatic Door	This single door, or one of the multiple doors is an automatic door.		NOTE WHICH DOORS ARE AUTOMATIC ON DIAGRAM DRAW SMALL SKETCH INDICATING LOCATIONS OF ALL OPENERS
	The buttons/strike plates for this/these doors are mounted ___ inches above the floor (48 or less).		
	ROOM CLEAR FLOOR SPACE		
	The room provides a ___ inch turning space (60" or more). For more than 60" mark 60" plus.		
	LARGEST STALL/SINGLE FIXTURE FEATURES		
Water Closet	The water closet seat is ___ inches above the floor(17-19).		
	The seat is not self-rising, returning to a lifted position.		
	The flush controls are located on the wide side.		
	The flush controls are ___ inches above the floor (44 or less).		
Grab Bars	There are ___ grab bars provided (2).		
	The grab bars are mounted parallel to the floor.		
	The grab bars are mounted ___ & ___ inches above the floor (33-36).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/Comments
Grab Bars Continued	The clear spaces between the bar and the wall are ___ & ___ inches (1 1/2).		
	The lengths of the grab bars are ___ & ___ inches (36, 40, 42).		
	The distance between the back wall and the grab bars' closest mounting location is ___ & ___ inches (12 or less).		
Toilet Paper	The toilet paper is mounted ___ inches from the back wall (36 or less).		
	The toilet paper dispenser provides continuous paper flow.		
	LARGEST STALL/SINGLE FIXTURE DIMENSIONS AND MISC		
	The largest stall or single fixture restroom is ___ inches wide and ___ inches deep.		
	The clear door opening of the largest stall is ___ inches wide.		
	The largest stall has a latch mounted ___ inches from the floor.		
	URINALS STALL-TYPE OR WALL-HUNG		
Number	There are ___ stall-type or wall-hung urinals provided. CIRCLE ONE There are ___ accessible.		FOR MULTIPLE URINALS, NOTE WHICH URINAL IS ACCESSIBLE ON DIAGRAM
Approach	There is adequate clear space at the urinals (30x48).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Features	The flush control is a _____ (lever, button, auto)		
	The flush control is mounted _____ inches above the floor (44 or less).		
	The rim of the lowest wall-hung urinal is _____ inches above the floor (17).		
	DISPENSERS/RECEPTACLES		
Approach	There is adequate clear floor space at the dispensers provided (30x48).		
Features	The hand dryer/paper towel dispenser CIRCLE ONE is mounted _____ inches above the floor (40 or less).		
	The soap dispenser is mounted _____ inches above the floor (40 or less).		
	The other dispensers provided are _____ and are mounted _____ inches above the floor (40 or less).		
	All dispensers are easily operable with one hand. (Hardware able to be pushed or swiped; no crank, twist or turn hardware; hardware that does not require both hands.		
	SINKS AND VANITIES		
Number	The number of sinks/vanities CIRCLE ONE provided is _____. The number of accessible sinks/vanities provided is _____.		
Approach	There is adequate clear floor space at the sink/vnty provided (30x48).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Size	The sink/vnty is _____ inches deep. (17 or more)		
Top	The sink/counter top is _____ inches above the floor (34 or less).		
Apron	The knee clearance is _____ inches above the floor (29 or more).		
Drain Pipes	The distance from the back wall to the front of the drain pipes is _____ inches.		
	The distance from the floor to the bottom edge of the drain pipes is _____ inches.		
	The drain pipes are insulated to protect against contact.		
Faucet	The faucet hardware is _____ (push, lever, or blade type).		
	If self-closing faucets are used, the HOT remains on _____ seconds; the COLD remains on _____ seconds. (10 or more).		
Mirror	There are _____ mirrors provided.		
	The lowest reflective surface of the mirror is mounted with its reflective surface _____ inches above the floor (40 or less).		

DRAW A DIAGRAM OF THE RESTROOM WITH ALL CLEARANCES, DIMENSIONS, AND LOCATION OF FIXTURES

AMERICANS WITH DISABILITIES ACT
FACILITY ASSESSMENT
Courtrooms

SITE: _____
COURTROOM: _____

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	<p>NUMBER OF DOORS ACCESSING THE COURTROOM</p>		
	<p>The number of doors accessing the courtroom are _____. LIST AND INDICATE WHERE THEY ORIGINATE FROM WITHIN THE ROOM AND WHERE THEY LEAD TO (e.g. Judge's Bench to Chambers, Well to Chambers, Gallery to Main Corridor, Rear to Main Corridor, Well to Jury Deliberation Room, Gallery to Main Corridor, Gallery to Conference Room, Media Room to Main Corridor, Media Room to Entrance Vestibule, ETC).</p> <p>NOTE:</p> <p>If there is signage at any of these doors, either on the inside or outside the courtroom make a note about its characteristics (e.g. "Courtroom", black on white, surface letters, matte finish, mounted at latch, 60")</p>		<p>1 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>2 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>3 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>4 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>5 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>6 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p>

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	MAIN COURTRROOM ENTRANCE		
Door Signage	The sign on the outside of the courtroom, designating the entrance has _____ letters (raised).		
	The verbal description is accompanied by Braille.		
	The sign is mounted _____ inches above the floor (60).		
	The sign is located _____ in relation to the door (latch side).		
	The sign background is _____; the sign characters are _____. (contrast)		
Viewing Window	The sign finish is _____. (matte)		
	If there is a window, the bottom edge is _____ inches above the floor (40 or less).		
Approach	There is a _____ inch wide clearance at the latch side of the door (12 or more).		Mark "E" for outside; "I" for inside Mark "U" for 24" and more
Door Features	The clear door opening is _____ inches wide (32 or more).		
	The threshold at the door is _____ inches high (1/2 or less).		
	The door hardware is a _____ (loop, handle, or lever).		
	The door hardware (measured O.C.) is mounted _____ inches above the ground (48 or less).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Door Features Continued	The door takes _____ seconds to return to the latch when opened 70 degrees (3 or more). Mark "U" for zero pressure.		
	The opening force to open the door is _____ pounds pressure (5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM		
	MULTIPLE DOORS OR VESTIBULE		
Vestibule	There is a vestibule, it is _____ feet wide (5) and _____ feet deep (6'6")		DRAW DIAGRAM FOR DOUBLE DOOR ENTRANCES AND VESTIBULES INDICATING DOOR PRESSURES, DOOR SWINGS, ETC

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	COURTROOM INTERIOR		
Courtroom Aisles	The main (center) aisle is ___ inches wide (42 or more). If none is provided mark "NONE".		
	The side aisles are ___ & ___ inches wide (36 or more). If none is provided mark "NONE".		
Route	All components of the courtroom are connected without steps. LIST THOSE THAT ARE NOT		
	The route within the courtroom is a minimum 36" width. (Include all elements including routes to workstations).		
Gate to Well	This gate is an entryway/swinging door CIRCLE ONE		
Door Features	The clear door opening is ___ inches wide (32 or more).		
	If door hardware is provided, it is a _____.		
	FIXED SPECTATOR SEATING		
Wheelchair Location Number	There are ___ wheelchair locations provided (within the defined area). Mark one choice below. # Provided/# Required		IF WHEELCHAIR SEATS ARE PROVIDED, SKETCH SMALL DIAGRAM OF SEATING AREA.
	___ 4 to 25/1 ___		
	___ 26 to 50/2 ___		
	___ 51 to 300/4 ___ ___ 301 to 500/6 ___		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Surface	The seating area is ___ (level, tiered, or sloped).		
Wheelchair Location Size	The wheelchair locations are ___ inches wide and ___ inches deep (30x48 facing forward).		
	JURY BOX		
Wheelchair Location Number	There are ___ wheelchair locations or readily removable seats provided (within the defined area).		
Surface	The seating area is ___ level, tiered, or sloped).		
Wheelchair Location Size	The wheelchair locations are ___ inches wide and ___ inches deep (30x48 facing forward).		
Controls	The controls/mechanisms are mounted ___ inches above the floor (48 or less). LIST CONTROLS PROVIDED		
	WITNESS BOX		
Wheelchair Space	There is clear floor space (30x48) for forward approach and forward facing (within the defined area).		
Seats	The seat provided is movable/fixed CIRCLE ONE		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Controls	The microphone or other fixed controls are mounted _____ inches above the floor (48 or less). LIST CONTROLS PROVIDED		
Fixed Furniture	The knee clearance underneath the work surface is _____ inches above the floor (27 or more).		
	The table top is _____ inches above the floor (28 or less).		
	The work surface is _____ inches deep and _____ inches wide (19x30).		
	JUDGES' BENCH		
Wheelchair Space	There is clear floor space (30x48) for forward approach and forward facing.		
Controls	The microphone, or other fixed controls are mounted _____ inches above the floor (48 or less) LIST CONTROLS PROVIDED		
Fixed Furniture	The knee clearance underneath the work surface is _____ inches above the floor (27 or more).		
	The table top is _____ inches above the floor (28 to 34).		
	The table top is _____ inches deep (19 or more).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	COURT REPORTER, CLERK, BAILIFF, LITIGANT, AND ALL OTHER WORK STATIONS -IF FIXED		
	The knee clearance underneath the work surface is _____ inches above the floor (27 or more).		
	The table top is _____ inches above the floor (28 to 34).		
	The work surface is _____ inches deep and _____ inches wide (19x30).		
	OTHER CONTROLS (Other mechanical as well as non-mechanical items such as flip charts, audio-visual control, etc.) THAT ARE PERMANENTLY ATTACHED		
	The working height of the "other controls" is _____ LIST		

AMERICANS WITH DISABILITIES ACT
FACILITY ASSESSMENT
Jury Rooms

ROOM NUMBER: _____

LOCATION: _____

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/Comments
		Yes	No	
	ENTRANCE			
Door Signage	The sign on the outside of the door, designating the entrance has _____ letters (raised).			
	The verbal description is accompanied by BRAILLE.			
	The sign is mounted _____ inches above the floor (60).			
	The sign is located _____ in relation to the door (latch side).			
	The sign background is _____; the sign characters are _____ (Contrast).			
	The sign finish is _____ (Matte).			
Approach	There is a _____ inch wide clearance at the latch side of the door (12 or more).			Mark "E" for outside the room, "I" for inside the room, and "U" for 24" and more.
Door Features	The clear door opening is _____ inches wide (32 or more).			
	The threshold at the door is _____ inches high (1/2 or less).			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/Comments
		Yes	No	
Door Features Continued	The door hardware is _____ (loop, handle, or lever).			
	The door takes _____ seconds to return to the latch when opened 70 degree (3 or more). Mark "U" for zero pressure.			
	The opening force to open the door is _____ pounds pressure (5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM			
	ROOM SPACE			
	There is adequate maneuvering space and circulation within the room.			
	FURNITURE			
Movable or Fixed Tables	The table top surfaces provided are fixed/moveable CIRCLE ONE			
	For FIXED tables there is a _____ inch knee clearance underneath (27 or more). For FIXED tables, the top is _____ inches above the ground (28-34).			
Counters	For FIXED counters, the top is _____ inches above the ground (34 or less).			

RESTROOM

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
	ENTRANCE		
Gender/Location	Gender ___ Location _____.		
Door Signage CHECK OFF WHICH APPLY OR EXPLAIN	The type of sign provided: M/W symbol ___; Wheelchair symbol ___; verbal ___; raised letters ___; flush letters ___; braille ___; contrasting colors ___; location: on door ___; latch side of door ___; hinge side of door ___.		
Door Features	There is a ___ inch wide clearance at the latch side of the door (12 or more).		Mark "E" for outside; "I" for inside Mark "U" for 24" and more
	The clear door opening is ___ inches wide (32 or more).		
	The threshold at the door is ___ inches high (1/2 or less).		
	The door hardware is a ___ (loop, handle, or lever).		
	The door hardware (measured O.C.) is mounted ___ inches above the ground (48).		
	The door takes ___ seconds to return to the latch when opened 70 degrees (3 or more). Mark "U" for zero pressure.		
	The opening force of the door is ___ pounds (5 or less).		
	The restroom is a single fixture restroom, there is a privacy lock on the door.		
	The door swings into clear floor space required for a fixture.		FOR MULTIPLE DOORS, INDICATE ON DIAGRAM

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Power Assisted Door	This single door, or one of the multiple doors is a power assisted door.		NOTE WHICH DOORS ARE POWER ASSISTED ON DIAGRAM
Automatic Door	This single door, or one of the multiple doors is an automatic door. The buttons/strike plates for this/these doors are mounted ___ inches above the floor (48 or less).		NOTE WHICH DOORS ARE AUTOMATIC ON DIAGRAM DRAW SMALL SKETCH INDICATING LOCATIONS OF ALL OPENERS
	ROOM CLEAR FLOOR SPACE		
	The room provides a ___ inch turning space (60" or more). For more than 60" mark 60" plus.		
	LARGEST STALL/SINGLE FIXTURE FEATURES		
Water Closet	The water closet seat is ___ inches above the floor (17-19).		
	The seat is not self-rising, returning to a lifted position.		
	The flush controls are located on the wide side.		
	The flush controls are ___ inches above the floor (44 or less).		
Grab Bars	There are ___ grab bars provided (2).		
	The grab bars are mounted parallel to the floor.		
	The grab bars are mounted ___ & ___ inches above the floor (33-36).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Grab Bars Continued	The clear spaces between the bar and the wall are ___ & ___ inches (1 1/2).		
	The lengths of the grab bars are ___ & ___ inches (36, 40, 42).		
	The distance between the back wall and the grab bars' closest mounting location is ___ & ___ inches (12 or less).		
Toilet Paper	The toilet paper is mounted ___ inches from the back wall (36 or less).		
	The toilet paper dispenser provides continuous paper flow.		
	LARGEST STALL/SINGLE FIXTURE DIMENSIONS AND MISC		
	The largest stall or single fixture restroom is ___ inches wide and ___ inches deep.		
	The clear door opening of the largest stall is ___ inches wide.		
	The largest stall has a latch mounted ___ inches from the floor.		
	URINALS STALL-TYPE OR WALL-HUNG		
Number	There are ___ stall-type or wall-hung urinals provided. CIRCLE ONE There are ___ accessible.		FOR MULTIPLE URINALS, NOTE WHICH URINAL IS ACCESSIBLE ON DIAGRAM
Approach	There is adequate clear space at the urinals (30x48).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Features	The flush control is a ___ (lever, button, auto)		
	The flush control is mounted ___ inches above the floor (44 or less).		
	The rim of the lowest wall-hung urinal is ___ inches above the floor (17).		
	DISPENSERS/RECEPTACLES		
Approach	There is adequate clear floor space at the dispensers provided (30x48).		
Features	The hand dryer/paper towel dispenser CIRCLE ONE is mounted ___ inches above the floor (40 or less).		
	The soap dispenser is mounted ___ inches above the floor (40 or less).		
	The other dispensers provided are ___ and are mounted ___ inches above the floor (40 or less).		
	All dispensers are easily operable with one hand. (Hardware able to be pushed or swiped; no crank, twist or turn hardware; hardware that does not require both hands.		
	SINKS AND VANITIES		
Number	The number of sinks/vanities CIRCLE ONE provided is ___. The number of accessible sinks/vanities provided is ___.		
Approach	There is adequate clear floor space at the sink/vnty provided (30x48).		

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No	Existing Conditions/ Comments
Size	The sink/vnty is ___ inches deep. (17 or more)		
Top	The sink/counter top is ___ inches above the floor (34 or less).		
Apron	The knee clearance is ___ inches above the floor (29 or more).		
Drain Pipes	The distance from the back wall to the front of the drain pipes is ___ inches.		
	The distance from the floor to the bottom edge of the drain pipes is ___ inches.		
	The drain pipes are insulated to protect against contact.		
	The faucet hardware is ___ (push, lever, or blade type).		
Faucet	If self-closing faucets are used, the HOT remains on ___ seconds; the COLD remains on ___ seconds. (10 or more).		
	There are ___ mirrors provided.		
Mirror	The lowest reflective surface of the mirror is mounted with its reflective surface ___ inches above the floor (40 or less).		

DRAW A DIAGRAM OF THE RESTROOM WITH ALL CLEARANCES, DIMENSIONS, AND LOCATION OF FIXTURES

AMERICANS WITH DISABILITIES ACT
FACILITY ASSESSMENT
Adjacent Rooms

ALL ROOMS AND SPACES PART OF A COURT PROGRAM, DIRECTLY LOCATED OFF THE COURTROOM
(May include: Judges Chambers, Holding, Jury Assembly, Witness Assembly)

ROOM NUMBER: _____

LOCATION: _____

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/Comments
		Yes	No	
	ENTRANCE			
Door Signage	The sign on the outside of the door, designating the entrance has _____ letters (raised).			
	The verbal description is accompanied by BRAILLE.			
	The sign is mounted _____ inches above the floor (60).			
	The sign is located _____ in relation to the door (latch side).			
	The sign background is _____; the sign characters are _____ (Contrast).			
	The sign finish is _____ (Matte).			
Approach	There is a _____ inch wide clearance at the latch side of the door (12 or more).			
Door Features	The clear door opening is _____ inches wide (32 or more).			Mark "E" for outside the room, "I" for inside the room, and "U" for 24" and more.

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/Comments
		Yes	No	
	The threshold at the door is _____ inches high (1/2 or less).			
Door Features Continued	The door hardware is _____ (loop, handle, or lever).			
	The door takes _____ seconds to return to the latch when opened 70 degree (3 or more). Mark "U" for zero pressure.			
	The opening force to open the door is _____ pounds pressure (5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM			
	ROOM SPACE			
	There is adequate maneuvering space and circulation within the room.			
	FURNITURE			
Movable or Fixed	The table top surfaces provided are fixed/moveable CIRCLE ONE			
Tables	For FIXED tables there is a _____ inch knee clearance underneath (27 or more).			
	For FIXED tables, the top is _____ inches above the ground (28-34).			
Counters	For FIXED counters, the top is _____ inches above the ground (34 or less).			

AMERICANS WITH DISABILITIES ACT
FACILITY ASSESSMENT
Functional Rooms

ALL ROOMS AND SPACES PART OF A COURT PROGRAM, NOT DIRECTLY LOCATED OFF THE COURTROOM
(Includes any room that is located off the main hall or corridor, e.g. conference room, Clerk's Office,
Register in Probate, Family Court Commissioner.

ROOM NUMBER: _____

LOCATION: _____

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
	ENTRANCE			
Door Signage	The sign on the outside of the door, designating the entrance has _____ letters (raised).			
	The verbal description is accompanied by BRAILLE.			
	The sign is mounted _____ inches above the floor (60).			
	The sign is located _____ in relation to the door (latch side).			
	The sign background is _____; the sign characters are _____ (Contrast).			
	The sign finish is _____ (Matte).			
Approach	There is a _____ inch wide clearance at the latch side of the door (12 or more).			
Door Features	The clear door opening is _____ inches wide (32 or more).			Mark "E" for outside the room, "I" for inside the room, and "U" for 24" and more.

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
	The threshold at the door is _____ inches high (1/2 or less).			
Door Features Continued	The door hardware is _____ (loop, handle, or lever).			
	The door takes _____ seconds to return to the latch when opened 70 degree (3 or more). Mark "U" for zero pressure.			
	The opening force to open the door is _____ pounds pressure (5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM			
	ROOM SPACE			
	There is adequate maneuvering space and circulation within the room.			
	FURNITURE			
Movable or Fixed	The table top surfaces provided are fixed/moveable CIRCLE ONE			
Tables	For FIXED tables there is a _____ inch knee clearance underneath (27 or more).			
	For FIXED tables, the top is _____ inches above the ground (28-34).			
Counters	For FIXED counters, the top is _____ inches above the ground (34 or less).			

Appendix C:
Sample Program Access
Survey (Blank)

AMERICANS WITH DISABILITIES ACT

Title II Self-Evaluation of Circuit Court Programs, Services, and Activities

GENERAL

Self-evaluation of circuit court programs, services, and activities requires an assessment of current policies and practices for each court program, service, or activity. The self-evaluation should conclude with a corrective action plan for removing any impediments by either (a) revising the appropriate policy or practice; (b) modifying the service delivery location; or (c) redesigning the manner in which the program, service, or activity is available. To complete this self-evaluation a court should:

- (1) Identify all circuit court programs, services, or activities. The following page will be helpful in that regard. District court administrators can also assist with this task.
- (2) Review the policies and practices that govern the administration of each program, service, and activity to identify attitudinal, communication, and other barriers that would impede the full participation by individuals with disabilities. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, service, or activity. The self-evaluation should identify policy modifications and include complete justification for any exclusion or limits to policy or practice.
- (3) Ensure that communication in all programs, services, and activities is effective for all applicants, participants, and members of the public who have disabilities. Courts should ensure that TDD or equally effective telecommunication systems are used to communicate with individuals having impaired hearing or speech.
- (4) Ensure that all programs, services, and activities provide for readers, interpreters, writers or other alternative communication methods for individuals with disabilities. A method for securing these services should be developed, and it should include how to secure them; when these services are available; and where these services can be provided.

NOTE: A court that employs 50 or more employees or that is part of a larger entity (such as a county) that employs 50 or more employees, must retain its written self-evaluation for three years. Other courts are not required to retain their self-evaluations but are encouraged to do so since these documents provide evidence of a public entity's good faith effort to comply with the Title II requirements.

IDENTIFICATION OF CIRCUIT COURT PROGRAMS, SERVICES, AND ACTIVITIES

Definition: For purposes of Title II, a Wisconsin circuit court "program, service or activity" is one that is under the supervision of a chief judge, a circuit judge or a clerk of court.

Clearly are circuit court programs, services or activities:

- court proceedings before judges/court commissioners
- volunteers in probation programs (court probation)
- jury activities (voir dire, jury service, jury deliberation, sequestration)
- court-appointed attorneys
- court-appointed GALs
- all activities of the following offices: clerk of court; register in probate and/or juvenile clerk; court reporters; jury commissioners; and all court commissioners.

Depending upon the county, may be circuit court programs, services or activities:

- juvenile intake
- family court counseling services
- county law library
- supervised work programs

Clearly are not circuit court programs, services or activities:

- most sentencing/dispositional alternatives (i.e., court-approved alcohol & drug education programs; community service programs)
- victim witness programs
- domestic abuse services

SELF-EVALUATION FORM

The Self-Evaluation Form is used to structure the evaluation of court programs, services, and activities. **Remember: Within each county, a separate form must be completed for each circuit court program, service or activity.** The "Response" section should reflect the current situation. The "Corrective Action Proposed" section should contain any plans for removing impediments by either (a) revising the appropriate policy or practice; (b) modifying the service delivery location; or (c) redesigning the manner in which the program, service, or activity is available. Include target dates and person(s) responsible. The "Comments" section is for any additional comments or clarifying information.

AMERICANS WITH DISABILITIES ACT

Title II Self-Evaluation Form for Circuit Court Programs, Services and Activities

County: _____
 Program, service, or activity evaluated: _____
 Organization unit responsible for evaluation: _____
 Person(s) completing evaluation: _____
 Date(s) evaluation conducted: _____

THIS EVALUATION FORM ADDRESSES PROGRAMS, SERVICES AND MAJOR ACTIVITIES THAT ARE OFFERED BY, PROVIDED BY, AND CONDUCTED BY THE CIRCUIT COURT. A SEPARATE FORM MUST BE COMPLETED FOR EACH PROGRAM, SERVICE OR ACTIVITY. THE "RESPONSE" SECTION SHOULD REFLECT THE CURRENT SITUATION. THE "CORRECTIVE ACTION PROPOSED" SECTION SHOULD CONTAIN ANY PLANS FOR REMOVING IMPEDIMENTS BY EITHER (A) REVISING THE APPROPRIATE POLICY OR PRACTICE; (B) MODIFYING THE SERVICE DELIVERY LOCATION; OR (C) REDESIGNING THE MANNER IN WHICH THE PROGRAM, SERVICE, OR ACTIVITY IS AVAILABLE. INCLUDE TARGET DATES AND PERSON(S) RESPONSIBLE. THE "COMMENTS" SECTION IS FOR ANY ADDITIONAL COMMENTS OR CLARIFYING INFORMATION.

PLEASE RETURN THE COMPLETED FORM BY MAY 15, 1993 TO: COURT OPERATIONS
 110 EAST MAIN STREET, SUITE 315
 MADISON, WI 53703

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED (Identify target date/person(s) responsible)	COMMENTS
1) Has the location where the (program/service/activity) is (offered/provided/conducted) been reviewed to determine whether physical barriers exist that could impede access by individuals with disabilities?	Yes ___ No ___		

NO QUALIFIED INDIVIDUAL WITH A DISABILITY SHALL, BECAUSE A PUBLIC ENTITY'S FACILITIES ARE INACCESSIBLE TO OR UNUSABLE BY INDIVIDUALS WITH DISABILITIES, BE EXCLUDED FROM PARTICIPATION IN, OR BE DENIED THE BENEFITS OF THE SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY. 128 C.F.R. SECTION 35.149)

County: _____ Program: _____

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED (Identify target date/person(s) responsible)	COMMENTS
a) If barriers exist, what arrangements are available to provide program access?			
A PUBLIC ENTITY MUST EVALUATE ITS CURRENT POLICIES AND PRACTICES TO IDENTIFY AND CORRECT ANY THAT ARE NOT CONSISTENT WITH ADA REQUIREMENTS. NO QUALIFIED INDIVIDUAL WITH A DISABILITY SHALL, ON THE BASIS OF DISABILITY, BE EXCLUDED FROM PARTICIPATION IN OR BE DENIED THE BENEFITS OF THE SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY, OR BE SUBJECT TO DISCRIMINATION BY ANY PUBLIC ENTITY. A PUBLIC ENTITY SHALL ADMINISTER SERVICES, PROGRAMS, AND ACTIVITIES IN THE MOST INTEGRATED SETTING APPROPRIATE TO THE NEEDS OF QUALIFIED INDIVIDUALS WITH DISABILITIES. A PUBLIC ENTITY SHALL OPERATE EACH SERVICE, PROGRAM, OR ACTIVITY SO THAT, WHEN VIEWED IN ITS ENTIRETY, IT IS READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH DISABILITIES. [28 C.F.R. SECTIONS 35.105, 35.130 & 35.150]			
2) Has a review been conducted regarding the selection criteria used, if any, to determine who participates in and benefits from the (program/service/activity) to see if individuals with disabilities are excluded?	Yes ___ No ___ N/A ___		
3) Is there a formal policy or procedure that instructs staff regarding accommodations for individuals with disabilities participating in programs, services or activities?	Yes ___ No ___ [If a written policy exists, please attach a copy]		
a) If yes, how is the above policy communicated to staff?			

County: _____ Program: _____

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED (Identify target date/person(s) responsible)	COMMENTS
b) Is there a policy or procedure which indicates who staff should contact if unable to accommodate an individual with a disability?	Yes ___ No ___ [If a written policy exists, please attach a copy]		
4) Is there a policy that prohibits contractors working for the court (including GALs, court-appointed counsel, etc.) from discriminating against individuals with disabilities?	Yes ___ No ___ N/A ___ [If a written policy exists, please attach a copy]		Note: Appendix A contains a sample letter that may be sent to all court appointees.
A PUBLIC ENTITY SHALL TAKE APPROPRIATE STEPS TO ENSURE THAT COMMUNICATIONS WITH APPLICANTS, PARTICIPANTS, AND MEMBERS OF THE PUBLIC WITH DISABILITIES ARE AS EFFECTIVE AS COMMUNICATIONS WITH OTHERS. WHERE A PUBLIC ENTITY COMMUNICATES BY TELEPHONE, TDD'S OR EQUALLY EFFECTIVE TELECOMMUNICATION SYSTEMS SHALL BE USED TO COMMUNICATE WITH INDIVIDUALS WITH IMPAIRED HEARING OR SPEECH. [28 C.F.R. SECTIONS 35.160 & 35.161]			
5) How does telephone communication occur with individuals with disabilities?			
a) Describe any steps taken to familiarize appropriate staff with the operation of TDD's.			
b) Describe any steps taken to familiarize appropriate staff with the Wisconsin Relay Service (1-800-WI RELAY)?			

County: _____ Program: _____

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED [Identify target date/person(s) responsible]	COMMENTS
6) Describe the techniques used by staff to communicate face-to-face with an individual with a disability to enable that person to fully participate in the program, service or activity.			
7) Are there any written documents, forms, instructions, or guidelines used in the program, service or activity?	Yes__ No__ N/A__		
a) If yes, how are these written documents, forms, instructions, or guidelines distributed?			
b) If yes, what alternate formats are these written documents, forms, instructions, or guidelines available in (audio tape, large print, etc.)?			

County: _____ Program: _____

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED [Identify target date/person(s) responsible]	COMMENTS
c) If written material is not available in alternate formats, what steps are taken to ensure that individuals with disabilities have access to the message conveyed through the written material?			
8) Are any audiovisual presentations used in this program/service/activity?	Yes__ No__ N/A__		
a) If yes, are these presentations captioned?			
b) If not captioned, indicate what steps are taken to ensure that individuals with disabilities can benefit from the presentation.			

County: _____

Program: _____

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED (Identify target date/person(s) responsible)	COMMENTS
<p>A PUBLIC ENTITY SHALL ENSURE THAT INTERESTED PERSONS, INCLUDING PERSONS WITH IMPAIRED VISION OR HEARING, CAN OBTAIN INFORMATION AS TO THE EXISTENCE AND LOCATION OF ACCESSIBLE SERVICES, ACTIVITIES, AND FACILITIES. [28 C.F.R. SECTION 35.163]</p>	<p>Yes ___ No ___</p>		
<p>9) Can interested individuals, including persons with impaired vision or hearing, obtain information about how to access court activities and programs? (Examples of information resources are signs, maps, brochures, etc.)</p> <p>A PUBLIC ENTITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN, AND ENJOY THE BENEFITS OF, A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY A PUBLIC ENTITY. IN DETERMINING WHAT TYPE OF AUXILIARY AID AND SERVICE IS NECESSARY, A PUBLIC ENTITY SHALL GIVE PRIMARY CONSIDERATION TO THE REQUESTS OF THE INDIVIDUAL WITH DISABILITIES. A PUBLIC ENTITY MAY NOT PLACE A SURCHARGE ON INDIVIDUALS WITH DISABILITIES TO COVER THE COSTS OF THE MEASURES THAT ARE REQUIRED TO PROVIDE NONDISCRIMINATORY TREATMENT REQUIRED BY THE ADA. [28 C.F.R. SECTIONS 35.104, 35.130 & 35.160]</p>			
<p>10) Describe the steps taken to assure that public records can be provided through auxiliary aids or alternate formats.</p>			

County: _____

Program: _____

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED (Identify target date/person(s) responsible)	COMMENTS
<p>11) When appropriate, the following auxiliary aids can be provided or made available:</p> <ul style="list-style-type: none"> qualified interpreters notetakers transcription services written materials telephone handset amplifiers assistive listening devices assistive listening systems telephones compatible w/ hearing aids closed caption decoders open and closed captioning telecommunication devices for the deaf (TDDs) videotext displays taped texts audio recordings Brailled materials qualified readers large print materials Other _____ 	<p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p>		

APPENDIX A - SAMPLE LETTER

The following sample letter may be mailed to court appointees (GAL's, court appointed attorneys, commissioners of condemnation, part-time judicial court commissioners, individual psychologists or psychiatrists or psychiatric clinics, etc.) stating the need to comply with the ADA and not discriminate against persons with disabilities in the course of their appointment.

[Your Letterhead]

Name of Appointee
Address
City, State, Zip

RE: AMERICANS WITH DISABILITIES ACT

Dear _____:

As you know, the Americans with Disabilities Act (ADA) was enacted on July 26, 1990 and provides comprehensive civil rights protection to individuals with disabilities. Under that Act, the courts are responsible for ensuring that court programs, activities, services and facilities are accessible. You are presently on our list of persons available for appointment as _____ . The purpose of this letter is to inform you that to remain eligible for present and future appointments, it will be necessary for you to sign and return to us the statement at the bottom of this letter indicating that you will fully comply with the ADA concerning program accessibility and will not discriminate against persons with disabilities in the course of your appointment.

If we do not receive the signed statement from you by _____, 1993, your name will be removed from our list of persons available for appointment. Your cooperation in ensuring that persons with disabilities will have access to programs, activities, and services normally provided as a result of your court appointment is much appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Court Official's Name & Title

STATEMENT CONCERNING ADA COMPLIANCE

As a condition of my being available for appointment by the court as _____, I agree to abide by the Americans with Disabilities Act (ADA) and will not discriminate against or refuse access to any programs, services, or activities provided by me as a result of my appointment.

Name

Date

Appendix D: Subcommittee Membership

SUB-COMMITTEE ASSIGNMENTS

Jury Process

Judge Bob Haase, Coordinator
Charlene Allen
Gary Barczak
Jon Nelson
Ed Olsen
Jennifer Ondrejka
Jerry Schneider

Courthouse Communications Barriers

Pamela Holmes, Coordinator
Brian Butler
Judge Sarah O'Brien
Pat Roslansky
Judge Maxine White

Access to the Courthouse/Courtroom Physical Barriers

Theresa Lomperski, Coordinator
Judge Gary Carlson
Pete DeSantis
Pat King
Jim Thompson
Lori Vande Zande
Walter Wilson

Accessibility of Ancillary Courthouse Services

Bill Stewart, Coordinator
Charlene Allen
Vicky Adamski
John Carter

Cost and Funding of Recommendations

Judge Rick Brown, Coordinator
Maureen Arcand
Tom Kieweg
Janice Lichter
Jeff Kluever
Bert Johnson
J. Denis Moran (or designate)

Appendix E:

**Summary of Public Hearings
(including written testimony
regarding needs of people
with mental impairments)**

*Supreme Court Committee on the Court-Related Needs of the
Elderly and People with Disabilities*

SUMMARY OF PUBLIC HEARINGS

**July 15, 1993 Greenfield, Wisconsin
August 19, 1993 Stevens Point, Wisconsin**

Prepared by:
Juliet M. Brodie
Project Coordinator

I. WITNESS DEMOGRAPHICS

It is essential to note that what follows is a summary of two public hearings. Testimony was not taken under oath, and this document necessitated the Project Coordinator's interpretation and summarization of testimony provided. Where specific dollar figures, or particularly interesting or surprising testimony was given, cites are provided to transcript pages.

Please also note that the summary does not include the written or videotaped testimony.

Full transcripts of both public hearings are available on request.

Live Witnesses

First Hearing: 9
Second Hearing: 11

Videotaped Witnesses

Second Hearing: 3

Written Testimony

First Hearing: 6
Second Hearing: 8 (including one group)

An ad hoc group of attorneys whose practices focus on mental health and developmental disabilities submitted written testimony as a group. This document was distributed at the Committee meeting, September 13, 1993.

TOTAL # OF WITNESSES: 37

SUBSTANTIVE SUMMARY

Breakdown by Profession/Affiliation

Court Professionals: 7
(judges, clerks, registers, etc.)
Attorneys: 2
Advocates/Consumers: 14

Witnesses and Affiliations (where known)

First Hearing:

- Attorney Lyman Precourt, Foley & Lardner
- Carol Perling, Clerk of Circuit Court, Washington County
- Ron Witkowiak, District Court Administrator, Milwaukee County
- Hon. Patrick T. Sheedy, Chief Judge, Circuit Court of Milwaukee County
- John Clark, Milwaukee Cty. Office on Handicapped
- Judy Wick, Milwaukee Cty. District Attorney's Office, Court Watch Program
- Tom Hlavacek, Wisconsin Coalition for Advocacy
- Attorney Karl-Mario Dunst
- Robert R. Thompson

Second Hearing:

- Nancy Virnig, Register in Probate, Waupaca County
- George Jorgensen, Clerk of Circuit Court, Waupaca County
- Brian Nelson, Independent Living Services, Wausau County
- Sally Hanson, Self Help for the Hard of Hearing, Stevens Point
- Michael Novak, Independent Living Services of No. Central Wisconsin
- May Peterson
- Marie Steckbauer, Clients for Clients (consumer group)
- Phoebe Brandenburg, Clients for Clients
- Richard Landes, Waupaca County Dept. of Human Services, Coordinator of Elderly Services
- Jim Seidel, District Court Administrator, Wausau
- Gwenn Bever, real-time court reporter
- Randy Sommerfelt (video), Center for Independent Living, Stout
- Carol Banks (video), Center for Independent Living, Stout
- Alisha Bronk (video and written), Society's Assets, Racine

II. SUMMARY OF EXPERIENCES AND CURRENT STATUS REPORTED

A. By Court Professionals

- staff assist people with disabilities on ad hoc basis, i.e., take person with a visual impairment into a separate room to fill out papers, where time and other accommodations can be made; clerk of court in a building without an elevator may take a filing at the front door of building
- some testified that they haven't encountered a problem they haven't been able to address adequately
- jurors ask to be excused because of disabilities
- not all counties using the "new" juror questionnaire which asks about accommodations required
- some counties have taken the Committee survey process as opportunity to get together and discuss ADA on district-wide basis
- many detailed descriptions of current physical accessibility, and steps/inquiries into making improvements were provided, e.g. (small sample),
 - jury rooms for two large courtrooms in Washington Cty. being made wheelchair accessible, but deliberation and jury restrooms are not part of this renovation
 - wheelchair lift to inaccessible second floor "very costly"
 - law library inaccessible to wheelchair users; remodeling revolving shelves to accommodate
 - difficult acoustics in courtrooms, new speaker systems cost "80,000" for 4 courtrooms (Perling, at 24)
 - improving restrooms in Washington Cty
 - lowered elevator buttons in Milwaukee county
 - Waupaca Cty. putting \$10,000 in budget for real-time etc.
- counters are too high for wheelchair users
- testimony from people who use wheelchairs frequently taken from alternative locations: bailiff's box, floor in front of witness box, etc.
- use of questionnaire after people participate in court process gives a lot of feedback on accommodations, etc.
- sign interpreters are expensive, and state reimbursement to counties is inadequate
- some judges oppose introduction of real-time into their courtrooms (Bever, at 178)

- WI has only 5-10 full time real-time court reporters; half of the 200 court reporters state wide are training themselves in it. They are also purchasing the necessary equipment.
- real-time court reporters all use their own time and money in training and equipping themselves. This includes using "vacation days to attend the seminars ... noon hours to build up computer dictionaries . . .and also personally pay for the computer equipment." (Bever, at 179)
- basic cost for real-time system is \$10,000 (Bever, at 180).
- no policies or procedures in place to address needs of people with mental illness or mental retardation in Milwaukee Cty (Witkowiak, at 51).
- Jim Seidel (District Court Administrator who assisted Theresa Lomperski with the physical access study) testified that he did not see "a single courtroom that was accessible in terms of the judge's bench, the witness, the jury box, or the clerk's area." He went on to note that the problem with making these areas accessible is lack of space (Seidel, at 157).
- most county employees have little knowledge of ADA

B. By Attorneys

- simple amplification doesn't help everyone
- embarrassment in asking for assistance
- people can confuse hearing loss with mental illness, "loss of intelligence" (Dunst, at 94)
- practice in court would be much more efficient with assistive devices; save court time

C. By Consumers/Advocates

- one county agency provides 5000 hours/year of sign interpretation (Clark, JMB notes)(no testimony re: what number of those hours is for court services); provided on two-hour notice
- Milwaukee Cty. Office on Handicapped has "newspage" that goes out to mailing list of 2700 people, including legislators and judges; underwritten by Wisconsin Bell. could be used as a model for informing community about court services and access
- attitudes of court personnel are as important as physical accessibility; "the hardware" has to be there, but it also has to be used. (Wick, JMB notes).

- most frequent complaint is from elderly with hearing impairments (Wick, JMB notes)
- advocate for person with cerebral palsy sworn in before providing assistance at a trial
- difficult to fingerprint person with spasticity (portable fingerprinting unit)
- litigant with mobility impairment and considerable pain made to wait, endure postponements, no accommodation to disability, chairs are very uncomfortable
- difficulty communicating with system; correspondence with judge regarding accessibility needs, unclear whom to address, etc.
- transportation is the major problem for elderly involved in court system (Landes, at 135)
- braille readers are very uncommon in Wisconsin
- lack of interpreters; requires repeated rescheduling of proceedings involving people who use sign

III. SUMMARY OF RECOMMENDATIONS MADE BY WITNESSES

A. Recommendations for Physical Changes

- portable ramps
- wheelchair users should not be segregated from other court users (i.e., made to testify from outside witness box, or sit apart from other jurors, or sit simply in the aisle as a court observer). "I would have felt, being segregated and placed on the spot in the public eye, basically, being out, not out with everyone else." (Nelson, at 51, re: jury service)
- wheelchair seating in observer area should be dispersed; not all in one area, although if in one area, up front is preferable
- wheelchairs should be available at court for the "frail" or elderly who don't bring them, but need them

B. Communicatory Recommendations

- audio loop works well for some
- have people in courtroom use body microphones
- pay attention to sight lines; face people with hearing impairments who rely on lip reading

- permit time for people with communicatory impairments to use the accommodations afforded them, i.e., written notes between client and attorney (judicial education that speed is not everything)
- majority of people with hearing impairments would be assisted by technology
- availability of large print documents should not exclusively be noted in small print on "regular" documents; large print size should be minimum 14 point and maximum color contrast (Landes, at 136)
- every juror questionnaire should be in large print, because you don't know to whom you are sending them
- mental illness can be considered, in some cases, a communicatory impairment; some people with mental illness need a "translator," indistinguishable from a sign interpreter (Steckbauer, at 112)
- electronic note taking (or real-time) needs to take people with low vision into account; print needs to be large
- every court should have a TDD; number should be listed on everyone's business card, letterhead, forms, etc.

C. Training Recommendations

- bar association(s) should inform attorneys of accommodations available at court and of procedures for requesting them
- judicial education re: medication needs, privacy needs of people with disabilities even in identifying accommodations necessary (i.e., jurors who need accommodations should not be asked to identify them in front of entire court room; smallest group possible, even if it includes D.A., opposing counsel, court reporter, etc., is preferable to open court)
- judicial education re: permitting people with mental illness (i.e., at recommitment hearings) to testify if able, or to permit others to testify on their behalf
- education for everyone in the court system on mental illness issues
- attorney education re: familiarizing clients/witnesses with disabilities about court process; including info tailored to people with mental impairments
- attorney education by people with disabilities; to overcome reluctance to accept these clients and to train in accommodations available

- juror sensitivity training that their co-jurors may include people with disabilities, and that they should not be discriminated against (story about jurors' request for transcript to accommodate juror with hearing loss)
- staff training should include simulation exercises/devices regarding various disability types
- training should be organized at state level

D. Miscellaneous (including Funding Recommendations)

- court documents should identify a contact person for accommodations
- need system to identify people with disabilities early in process
- all courts should have compiled lists of local resource agencies, such as sign interpreters, agencies that serve people with mental impairments, advocacy groups, etc. This information should be shared with staff, and staff should be trained in how to use it
- establishment of on-going advisory panel regarding ADA in the courts
- change statute regarding state reimbursement for sign interpreters
- sign interpreters need to be recognized as professionals; current rate of state reimbursement (\$35/day) is "an insult." (Clark, JMB notes)
- Director of State Courts office should request state funding for real-time reporting for each county; reporters currently paying for systems themselves (Witkowiak, 47); reporter states that her system cost \$20,000
- RE: funding of ADA: "... I think there should be a Supreme Court rule which gives the Chief Judge the power in each district to order it And I think the Supreme Court under their sum sufficient budget has the power to do that." (Sheedy, at 56).
- share info among county organizations (such as Milw. Cty. Office of Handicapped) about how they got started, type of services they offer, how people learn of them, how to network into court system, etc.
- centralized information for elderly and people with disabilities, i.e., availability of wheelchairs, local resources, etc.

- court rules requiring counsel to stay at table and use microphones
- pick a sample county and bring it into compliance, then report state-wide on how it was done, cost, etc. (Hlavacek, at 63)
- use volunteers: for escorts/advocates through courthouse, court system
- leadership from Supreme Court needed: development at state level of resource lists, policy decision regarding non-accessibility of court houses: will this be tolerated by Supreme Court or will some accountability/enforcement be required? (Seidel, at 164)
- cost per courtroom for real-time (presumably excluding the stenographic equipment itself) is \$1000/courtroom (Bever, at 181). Bulk purchasing might lower the cost.
- there should be a financial incentive for court-reporters to learn real-time: payment for training, higher hourly wage, etc. Suggested that payment for "video splitters and monitors" be covered by individual counties.

Date: August 27, 1993

To: Supreme Court Interdisciplinary Committee on Court-Related Needs of the Elderly and People with Disabilities

From: Thomas Dixon, Attorney, Institutional Advocacy
Wisconsin Coalition for Advocacy

Roy Froemming, Attorney, Developmental Disabilities
Wisconsin Coalition for Advocacy

Yolanda Lehner, Attorney
Lehner Law Office

Jon Nelson, Executive Director
Association for Retarded Citizens--Wisconsin

Jennifer Ondrejka, Executive Director
Wisconsin Alliance for the Mentally Ill

Robert Pledl, Attorney
Legal Aid Society of Milwaukee

Georgia Ressmeyer, Dep. First Asst. Public Defender
Milwaukee Mental Health Division

Subject: Court-Related Needs of People with Mental Disabilities

Introduction

The above individuals met as an ad hoc group to address the specific court-related needs of people with mental disabilities. The comments below represent ideas generated by the group. Members participated as individuals, and the ideas represent personal views, not those of the agencies for which they work.

We believe that people with mental disabilities face special problems in dealing with the legal system, not only because they have special accommodation needs but because they are the victims of prejudicial stereotypes which result in many cases in a lack of commitment to identifying or meeting their special needs, and in some cases in actively negative treatment.

We have observed that individuals with mental illness or developmental disabilities are frequently treated with impatience, condescension, and even ridicule by attorneys, judges, clerks of court, law enforcement personnel, and others involved in the legal system. Legitimate attempts by such individuals to understand court procedures or to make themselves understood are often ignored, rebuffed or viewed as disruptive.

Instead of working to create an atmosphere that is sensitive to the needs of persons with mental impairments, court personnel are often more likely to strive to end any such interactions as quickly as possible. Judges who are reasonably patient with other litigants are apt to become irate when persons with mental illness or developmental disabilities attempt to assert their due process rights.

While individuals with "socially approved" disabilities, such as cancer, are generally accommodated with adjournments, recesses, or even proceedings conducted in chambers, those with "stigmatized" disabilities, such as mental illness, are much more likely to be scolded or ejected from the courtroom whenever stress or the underlying illness interferes with their ability to participate.

Need for Education

Issues of access for people with mental disabilities relate more to human interactions and effective communication than they do to physical accommodation or technology. Even more than for other people with disabilities, barriers for people with mental disabilities are created by inaccurate stereotypes and lack of basic information about the nature of disabilities. For example, court and law enforcement personnel may try to avoid or cut short an interview with a person with mental retardation because they think such a person is potentially dangerous, because they assume such a person is incapable of effective or useful communication, or because they do not know how to approach the situation themselves and do not want to appear incompetent. Education therefore is key to any attempt to deal with access issues.

We recommend education programs focussed on people with mental disabilities for all court and law enforcement personnel, covering the following subject areas:

- * The nature of mental disabilities, and the distinctions between them, including acute and chronic mental illnesses, mental retardation, brain injury and autism. It is extremely important that court staff understand, e.g., that a person with schizophrenia is not necessarily a slow learner, that a person with mental retardation is no more likely than anyone else to experience hallucinations, and that people with mental disabilities in general are no more likely to be dangerous than other people.
- * Ways in which disabilities are likely to affect (or not affect) the person's ability to interact with the legal system, including communication impairments, sensitivity to stress, ability to observe and remember accurately, potential for dangerousness, etc.
- * Methods of accommodation specific to people with mental disabilities. Examples are the need to take extra time to

make sure that the person understands the proceedings, questions and instructions, to use understandable language and to allow frequent breaks to reduce stress and allow the person to confer with counsel. These methods would provide a more meaningful opportunity to participate, and reduce the level of client anxiety, which often relates to not understanding the proceedings or feeling excluded.

- * Avoidance of discriminatory treatment. The ADA prohibits different or separate services except where necessary to make participation possible, and then allows the individual to refuse the different or separate service. Often, however, special places and procedures are used for people with mental disabilities without thought as to whether this is justified by the needs of the particular individual. This is particularly problematic when special restrictions are imposed based on an assumption of a safety risk when no individualized determination has been made that a safety issue exists.
- * Avoidance of demeaning, stereotyping or unnecessary labeling. Often, people are referred to by labels denoting mental disability when this serves no functional purpose. The problem is compounded when the labels are demeaning and/or lump together people with vastly different characteristics.
- * Methods for effective communication, e.g., through modifications in language, rephrasing and repeating questions, use of interpreters, support persons, or others familiar with the person's communication style, identifying and establishing relations with professionals who can be called on to consult/assist with individual situations, etc.
- * Treatment, education, rehabilitation and community support approaches that are effective in assisting people with mental disabilities to cope in society, and the basic structure of the service systems. This can provide both a context for understanding people's situations, ideas on effective approaches, and the means to identify outside resources when assistance is needed.

Local Networking

An easy and extremely useful step courts could take is to begin ad hoc meetings between a liaison from the court, local consumer advocacy groups for people with mental disabilities, public defenders, interested attorneys, and the representatives from the local mental health/developmental disabilities service systems. The purpose would be to exchange information about problems and procedures and about the needs of each system. Often, resources are available from community resources that would be very difficult for the court to create, and problems can

be avoided if litigants know what is needed before they approach the court.

Revisions to Codes of Ethics

In addition to supporting a broad-based educational effort to raise the consciousness of all who are involved in the court system, we urge the committee to give serious consideration to proposing amendments to the Code of Judicial Ethics and Rules of Professional Conduct for Attorneys. For example, an additional Standard for judicial conduct might be added to SCR 60.01, requiring something along the following lines:

A judge should be sensitive to the needs of individuals with disabilities, including mental illness and developmental disabilities, who appear as litigants, jurors, witnesses, attorneys and others in attendance upon the court. A judge should treat such individuals with patience and respect and should insure that accommodations are made to allow them to participate fully in the proceedings. A judge should require similar conduct on the part of clerks, court officials and counsel. A judge should not allow time, space, or other considerations to restrict the ability of individuals with disabilities to receive equal access to the courts and to assert the same rights and defenses as other litigants.

The Rules of Professional Conduct for Attorneys should also be amended in key places. For example, the underlined sentence might be added to SCR 20:1.14:

(a) When a client's ability to make adequately considered decisions in connection with the representation is impaired, whether because of minority, mental disability or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client. The lawyer shall not substitute his or her judgment for the decisions of the client in any matter left to the client under SCR 20:1.2.

Other changes to these rules might include an amendment to SC 20:3.8(b) to require prosecutors in criminal cases to make a special effort to insure that defendants with mental illness or developmental disabilities are represented by counsel and the addition to SCR 20:3.5 of a clause prohibiting lawyers from referring to or addressing litigants or witnesses with mental illness or developmental disabilities in a demeaning or insulting manner based solely upon the individual's disability.

The above amendments are not meant to be exhaustive but merely to suggest ways in which the ethical rules for lawyers and judges can be changed in such a way as to make the legal system more accessible to persons with disabilities. We would also urge the committee to recommend that local judicial districts incorporate similar provisions into local court rules.

Accommodating Witnesses with Mental Disabilities

The following methods should be used where a witness with a mental disability cannot otherwise testify effectively. While most of these are probably permissible under current rules, having them spelled out in the rules of evidence or some other form would assist judges and attorneys dealing with the question of how to accommodate a witness with a mental disability.

- * Allow expert testimony on the ability of a witness with a mental disability to accurately perceive persons, objects and events and then relate those perceptions, at least where this is put in issue by an opposing party.
- * Authorize the trial court to permit use of leading questions where the person is unable to otherwise testify effectively due to a mental disability, and to require that questions be asked in a form that is reasonably likely to be understood by the witness.
- * Authorize use of an interpreter for any person with a mental disability where this would improve his or her ability to understand questioning and to be understood by the fact-finder.
- * Authorize use of anatomically correct dolls, pictures and similar assistive devices.
- * Authorize the witness to be accompanied by a support person while testifying.

Inability to Understand Notices and Proceedings; Need for Guardians ad Litem

People with mental disabilities are often unable to understand legal notices and the procedures necessary to approach the court for relief themselves. While not a complete solution, this problem could be reduced by the use of simple, common English as much as possible, and by simplification of the means by which unrepresented claimants can get the attention of a court. This is particularly important in matters where affected persons are likely to have comprehension limitations. A positive side effect is that such changes will benefit all citizens involved in litigation, not just those with disabilities.

Sec. 803.01, Stats., requires that a guardian ad litem be appointed for any litigant who is not competent to have charge of his or her affairs and has no general guardian. Our observation is that this requirement is often not carried out, particularly in high-volume proceedings such as small claims and domestic abuse injunction cases. It is important that judges make a determination of need for a guardian ad litem wherever there is reason to think that the person is not competent to protect his or her rights.

Discriminatory Overuse of Security Precautions

The civil commitment/protective services system often operates on the erroneous presumption that high numbers of dangerous persons are involved in it as subjects of petitions. As a result, security procedures have developed around the system which infringe individual ability to access justice. This can be emphasized by observing several things:

- * 3 out of the 4 standards for civil commitment have to do with the person being either suicidal or suffering serious physical debilitation not dangerousness to anyone else. Nonetheless, many procedures have developed with an emphasis on security concerns rather than accommodation of the person's special needs.
- * There is often no distinction in the procedures for how persons will be handled based on actual dangerousness as evidenced by the facts of a particular case. The result is imposition of special procedures based on the person's membership in a disability category.
- * Persons subject to civil commitment petitions are routinely transported to the hearing by either sheriffs or police officers, often in shackles and or handcuffs.
- * Patients are often kept in the local jail while they await their hearings. This is a highly inappropriate placement, albeit temporary, for a person who has not been accused of a crime and is suffering the effects of mental illness.
- * The use of squad cars, the appearance of force by uniformed and usually armed officers combined with the reaction to such circumstances by person who is in an extremely fragile mental state militates against the police and sheriffs being the front line of detention and transportation in the system.
- * We are given to understand that some judges decide where and under what circumstances the hearing will be held by communicating with the institution on their opinion of the person's status re dangerousness. This is ex parte on issues of essence to the proceedings.

We recommend the following:

- * Reconsideration of the use of law enforcement officers as the front line response to detention and transportation in the civil commitment/protective service system. It would be far more appropriate and humane to utilize mental health workers rather than police officers or sheriffs to pick up and detain individuals subject to petitions in the system. This would allow for the involvement of trained mental health workers to make and carry out decisions early in the

process and would result in numerous people being diverted from the civil commitment system back to the treatment system. Staff of the crisis and Community Support Programs would be far more knowledgeable about the individuals and their present treatment programs and needs, often obviating the need to have the person transported to a psychiatric facility.

- * Procedures to ensure that the option to appear in court is based upon a persons competent understanding of their rights (to the degree possible in each case) rather than circumstances such as transportation patterns or the use of handcuffs which may result in decisions not to appear based upon avoidance of degrading tactics.
- * Prohibit the use of shackles/handcuffs and other restraining devices unless there is strong evidence to indicate that the person is dangerous to others and is in a dangerous state at the time they are being brought to court. This would have to be documented by the mental health workers responsible for transitional security. Only that amount of security necessary could be used.
- * Prohibit through the Judicial Ethics Code, ex parte communications with the institution with regard to the dangerousness of the patient at the time of the hearing.

Over-Inclusive Guardianships

The guardianship statute allows for use of limited guardianship, which indicates rights that the individual retains. Unfortunately, this is in the form of a "negative option," so that the court must affirmatively list rights retained rather than rights transferred to the guardian. In practice, general guardianship is ordered in most cases unless the subject or guardian ad litem specifically requests individual consideration of a particular right. Obviously, such guardianships create legal disabilities that are far more restrictive than the needs of the person would dictate.

Of particular concern is the granting of broad powers to temporary guardians, often appointed without hearings or representation of the subject person. The person gets a hearing only if he or she asks for it, a meaningless protection for many people with mental disabilities. In one case reported to us, a temporary guardian appointed in this way used his authority to withdraw nutrition. Clearly, authority to make decisions of such permanence should only be made after hearing with representation by a guardian ad litem.

Another issue in this area concerns ongoing supervision of guardian decisions affecting the person and his or her property. Wards often experience difficulty in obtaining court review of guardian actions, because of the requirement that legal formal-

ties be followed and their inability to obtain counsel. Particularly given the lack of resources for monitoring of guardianships and the vulnerability of this population, special accommodations should be made to ensure that any approach to the court is treated as a petition for review of the guardian's action.

Statutes of Limitations

The statutes of limitations under chapter 893 of the Wisconsin statutes are problematic in a number of respects including the following:

- * There are numerous references to "insane" which is no longer a useful concept in modern day non-criminal legal practice.
- * Under sec. 893.16(3) the statute of limitations requires that for it to be tolled because of disability, the disability must exist when the action accrued. This is not responsive to persons who have an onset of psychosis or severe mental illness subsequent to when the cause of action accrued.
- * The period for suit after the disability ends has been reduced from 5 years to 2 years and the maximum extension of the statute is to 5 years of when the applicable statute of limitations would have run. In many cases this will be a wholly inadequate period of time. For example, where someone is wrongfully institutionalized for a long period of time, the cause of action may accrue against the institution, however, they may not be aware of the violation or may be incapable of challenging the violation while they are institutionalized.

The time periods, limitations and language of sec. 893.16 stats. do not comport with the needs of people affected by it. We suggest the following revisions:

- * Reconsider the language and consider the status of an individual, especially a person institutionalized or under care and treatment for chronic mental illness.
- * Consider amending the statute to eliminate the requirement that the disability exist when the action accrued. This would seem an unreasonable requirement for someone who after the injury, and perhaps even because of it, suffers from a mental illness or psychosis which, during the period of time it is active, completely interferes with the persons ability to carry out their ordinary affairs, including those of pursuing legal remedies.

Secs. 893.80, 893.92, Notice of Claims

The notice of claims sections of the statutes, sec. 893.80 and 893.82, create even greater problems for persons suffering

from mental disabilities. Under both sections, claims must be filed against governmental bodies or state employees within 120 days of the event giving rise to the claim. Failure to file notices of such claims either with the attorney general or the appropriate local body effectively bars an individual from filing a lawsuit against the governmental individual or entity for damages.

Especially if the person is institutionalized, these sections pose some of the following difficulties:

- * It requires a person to file a notice of claim often against the very entity which is responsible for his/her overall care, custody and control.
- * It requires the person to do so under circumstances which, while they may not amount to legal incompetence, do amount to a disabling situation with regard to technical compliance with the statutes in question.
- * Requires the individual to recognize and identify the rights which have been violated and the harms which have occurred at a time when they are under extreme stress and perhaps heavy medication.

For persons with mental disabilities, these statutes do not serve their ostensible purpose of offering a method for resolving disputes informally. Rather they have developed into mechanisms for barring legitimate claims not filed within their extremely short and restrictive timeliness.

We recommend amendment of these statutes to:

- * Allow for one year from the time the person is released from care to file such a notice of claim; or
- * Suspend the notice of claim requirement for persons suffering from mental disabilities since the person is often a captive of the system; or
- * Create specific tolling provisions which ensures a person with a mental disability will not so easily be foreclosed from pursuing relief for injury suffered.

Appendix F:
Notices of Public Hearing

NOTICE OF PUBLIC HEARING

THE WISCONSIN SUPREME COURT INTERDISCIPLINARY COMMITTEE ON COURT-RELATED NEEDS OF THE ELDERLY AND PEOPLE WITH DISABILITIES

July 15, 1993: 9:00 AM – 4:00 PM

Greenfield City Hall – Common Council Chambers, Room 100
7325 West Forest Home Avenue
Greenfield, Wisconsin

NOTE: The Greenfield City Hall is located at the intersection of West Forest Home Avenue and West Cold Spring Road in Southwest Milwaukee County

**THIS FACILITY AND HEARING ROOM ARE ACCESSIBLE TO
PEOPLE WITH DISABILITIES. SIGN LANGUAGE INTERPRETERS,
REAL-TIME COURT REPORTING AND A TDD WILL BE AVAILABLE
FOR THOSE ATTENDING**

The Committee is seeking comments and recommendations from people with disabilities and the elderly regarding the accessibility of the state courts of Wisconsin. Individuals who have had court-related experiences as judges, attorneys, witnesses, plaintiffs, defendants, jurors, respondents, court personnel, or in any other capacity are invited to attend and provide oral and/or written comments to the Committee. Testimony will be limited to a period of five to ten minutes per individual depending on the number of witnesses present and to ensure that all those attending will have the opportunity to present their thoughts to the Committee. Interested parties also may submit written testimony not later than Friday, July 23, 1993, to:

Coalition of Wisconsin Aging Groups – Elder Law Center
· ADA Public Hearings
1245 E. Washington Avenue
Madison, WI 53703-3040

NOTICE OF PUBLIC HEARING

THE WISCONSIN SUPREME COURT INTERDISCIPLINARY COMMITTEE ON COURT-RELATED NEEDS OF THE ELDERLY AND PEOPLE WITH DISABILITIES

IS STUDYING IMPLEMENTATION OF THE AMERICANS WITH
DISABILITIES ACT IN THE STATE COURTS

August 19, 1993: 12:00 PM - 4:00 PM

University of Wisconsin - Stevens Point
Melvin R. Laird Room (Room 102), University Center
1015 Reserve Street, Stevens Point, WI

The hearing room is accessible to people with disabilities. Sign language interpreters, real-time court reporting and a TDD will be available for those attending. The hearing will be as informal as possible. Testimony may be time limited, to ensure that everyone has a chance to speak.

PLEASE COME TESTIFY IF YOU:

- have a disability and have experiences or thoughts about the accessibility of the court system, even if you have never been to court
- have not gone to court when you wanted to because of a disability
- work in the court system and have had experiences or ideas about the accessibility of the courts to people with disabilities
- are an advocate for people with disabilities, or if someone in your family has a disability and you have experiences or ideas about court access
- have any comments on court accessibility to people with physical or mental disabilities

THE COMMITTEE IS MADE UP OF REPRESENTATIVES OF:

- Wisconsin Council on Physical Disabilities
- ARC-Wisconsin
- Alliance for the Mentally Ill
- ADA Statewide Coordinating Committee
- Director of State Courts Office
- Wisconsin Counties Association
- as well as private citizens, judges, people with disabilities, attorneys, court administrators and others.

Interested parties also may submit written testimony not later than August 27, 1993 to:

Coalition of Wisconsin Aging Groups - Elder Law Center
ADA Public Hearings
1245 E. Washington Avenue
Madison, WI 53703-3040

Appendix G: Disability Resource List (national and state)

RESOURCES ON DISABILITY AND ACCESS ISSUES

This appendix is offered to assist readers of this report in locating resources, organizations, and individuals who may be of assistance to them as they implement the ADA in court systems or elsewhere. It is by no means intended to be exhaustive, but is a list of the organizations and resources that have come to the Committee's attention during its work. In addition to the organizations listed herein, the Committee refers to its own membership roster. Many organizations that work with people with disabilities were represented on the Committee.

This appendix is made up of two parts. First, a list of several Wisconsin organizations and agencies that serve people with disabilities and their families or are otherwise involved in implementing the Americans with Disabilities Act is provided. Second, several pages from the Americans with Disabilities Act Handbook (published by the Equal Employment Opportunity Commission and the U.S. Department of Justice) are provided, which list the addresses and voice/TDD numbers for additional, mostly nationally-based, organizations.

As a preliminary matter, the Committee provides the following information which falls under neither of the two categories above.

To order copies of ADA Accessibility Guidelines (ADAAG), contact:

Great Lakes Disability and Business Technical Assistance Center
University Affiliated Program in Developmental Disability
1640 W. Roosevelt Rd.
Chicago, IL 60608
1-800-949-4ADA (Voice/TDD)

Other Miscellaneous Resources

U.S. Department of Justice
ADA Information Line
(202) 514-0301
Open 1-5 p.m., eastern standard time

National Senior Citizens Law Center
Suite 700
1815 H Street, N.W.
Washington, DC 20006
(202) 887-5280 (voice)

American Bar Association
Commission on Legal Problems of the Elderly
1800 M Street, NW
Washington, DC 20036
(202) 331-2632 (voice)

American Bar Association
Commission on Mental and Physical Disability Law

1800 M Street, NW
Washington, DC 20036
(202) 331-2644 (voice)

National Court Reporters Association
8224 Old Courthouse Road
Vienna, VA 22182-3808
(703) 556-6272 (voice)
(703) 556-6289 (TDD)
(703) 556-6291 (FAX)

WISCONSIN ORGANIZATIONS

A. RELAY Telecommunications System

Wisconsin Telecommunications Relay System
1-800-947-3529 (1-800-WI-RELAY)

B. Independent Living Centers

Access to Independence
22 North 2nd Street
Madison, WI 53704
(608) 251-7575 (voice)
(608) 251-7731 (TDD)
(608) 242-0383 (FAX)

Center for Independent Living
Stout Vocational Rehabilitation Institute
Menomonie, WI 54751
(715) 232-1216 (voice)
(715) 232-2150 (TDD)
(715) 232-2356 (FAX)

Independent Living Program
Curative Rehabilitation Center
2900 Curry Lane, P.O. Box 8027
Green Bay, WI 54308
(414) 468-1161 (voice/TDD)
(414) 465-6303 (FAX)
(414) 738-2587 (Appleton)

Independent Living Services
1200 Lake View Drive
Wausau, WI 54401
(715) 848-4390 (voice/TDD)
(715) 845-5398 (FAX)

North Country Independent Living Center
1225 Tower Avenue, P.O. Box 1245
Superior, WI 54880
(715) 392-9118 (voice/TDD)

Riverfront, Inc. - Lifestyles Division

2350 South Avenue
LaCrosse, WI 54601
(608) 788-2711 (voice/TDD)
(608) 784-9472 (FAX)

Society's Assets
1511 Washington Avenue
Racine, WI 53403
(414) 637-9128 (voice/TDD)
(414) 637-8646 (FAX)

Southeastern Wisconsin Center for Independent Living (SEWCIL)
6222 West Capitol Drive
Milwaukee, WI 53216
(414) 438-5622 (voice)
(414) 438-5627 (TDD)
(414) 438-5626 (FAX)

C. Other Private Agencies

Wisconsin Easter Seals
101 Nob Hill Road, Suite 301
Madison, WI 53713
(608) 277-8288 (voice and TDD)
(608) 277-8333 (FAX)

Wisconsin Alzheimer's Information and Training Center
1300 Layton Blvd.
Milwaukee, WI 53215
(414) 645-4560 (voice/no TDD)
(414) 645-5090 (FAX)

Wisconsin Counties Association
802 W. Broadway
Madison, WI 53713

WI Coalition for Advocacy
16 N. Carroll St.
Madison, WI 53703
(608) 267-0214 (voice)
(608) 267-0368 (TDD and FAX--must let it ring a while)

Wisconsin Coalition for Advocacy (Milwaukee office)
823 N. 2nd St., Suite 909
Milwaukee, WI 53203
(414) 276-9333

WI-ARC (formerly Association for Retarded Citizens)
121 S. Hancock St.
Madison, WI 53703
(608) 251-9272 (voice)
(608) 266-0286 (FAX)

WI Alliance for the Mentally Ill

1245 E. Washington Ave., Suite 290
Madison, WI 53703
(608) 257-5888 (voice)
(608) 251-5773 (FAX)

Wisconsin Council of the Blind
354 W. Main Street
Madison, WI 53703
(608) 255-1166

United Cerebral Palsy - Madison chapter
1502 Greenway Cross
Madison, WI 53713
(608) 273-4434 (voice/TDD)
(608) 273-3426 (FAX)

Wisconsin Bar Association
P.O. Box 7158
Madison, WI 53707
(608) 257-3838

Wisconsin Society of Architects
321 So. Hamilton St.
Madison, WI 53703

D. Government Agencies

Bureau on Aging
217 So. Hamilton St., Suite 300
Madison, WI 53703
(608) 266-2536 (voice)

Council on Physical Disabilities
One West Wilson St., Rm. 472
P.O. Box 7851
Madison, WI 53707-7851
(608) 267-9582 (voice)
(608) 267-9880 (TDD)
(608) 267-2913 (FAX)

Madison Equal Opportunities Commission
210 Martin Luther King, Jr. Blvd., Room 500
Madison, WI 53710
(608) 266-4910 (voice)
(608) 266-4899 (TDD)

Director of State Courts
213 NE Capitol
P.O. Box 1688
Madison, WI 53701-1688
(608) 266-6828 (voice)
(608) 267-0640 (FAX)

Governor's Committee for People with Disabilities
1 West Wilson St., Room 558
Madison, WI 53702
(608) 266-5378 (voice/TDD)
TOLL FREE 1-800-362-1290 (voice/TDD)
(608) 267-0949 (FAX)

Disability Rights Coordinator
Department of Administration
101 E. Wilson St., 7th floor
P.O. Box 7866
Madison, WI 53707-7866
(608) 267-0509 (voice)
(608) 267-9629 (TDD)
(608) 267-2710 (FAX)

Division of Vocational Rehabilitation
Department of Health and Social Services
1 West Wilson St.
Madison, WI 53702
(608) 266-3655 (voice)
(608) 267-7772 (TDD)
(608) 267-5116 (FAX)

Bureau of Community Mental Health
One West Wilson St., Rm. 433
P.O. Box 7851
Madison, WI 53707-7851
(608) 267-7792 (voice)

Bureau of Developmental Disabilities Services
One West Wilson St., Rm. 418
Madison, WI 53702
(608) 266-9329 (voice)
(608) 266-0036 (FAX)

State Historical Society
816 State St.
Madison, WI 53706
Jim Sewell, Preservation Architect (608) 264-6490
Brian McCormick, Preservation Architect (608) 264-6491
(608) 264-6404 (FAX)

University of Wisconsin - Waisman Center
1500 Highland Ave.
Madison, WI 53705
(608) 263-5940 (voice)

WI Council on Developmental Disabilities
722 Williamson St., 2nd Floor
P.O. Box 7851
Madison, WI 53707-7851
(608) 266-7826 (voice/no TDD)
(608) 267-3906 (FAX)



Americans with Disabilities Act Handbook

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Equal Employment Opportunity Commission
and the
U.S. Department of Justice

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Introduction

This *ADA Handbook* represents one part of the overall effort by the Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ) to provide information and assistance on the ADA to people with disabilities, businesses, and the affected public. It is intended to serve as a basic resource document on the ADA. EEOC and DOJ are scheduled to publish ADA technical assistance manuals, containing more specific information on how to comply with the law, in early 1992. Further technical assistance will be provided through training, videotapes, information hotlines, media outreach, speaking presentations, and other publications. EEOC has responsibility for providing technical assistance for title I, dealing with employment. DOJ has responsibility for providing technical assistance for titles II and III, addressing public services and public accommodations, respectively. Many businesses with 15 or more employees will be covered by both title I and title III of the Act.

The *Handbook* contains annotated regulations for titles I, II, and III, resources for obtaining additional assistance, and an appendix which contains supplementary information related to the implementation of the ADA.

Duplication of all or parts of the *Handbook* is encouraged.

This document is available in the following alternate formats:

- Braille
- Large Print
- Audiotape
- Electronic file on computer disk and electronic bulletin board
(202) 514-6193

To order additional copies of this document call:

At EEOC:
800-669-EEOC (Voice)
800-800-3302 (TDD)

At DOJ:
(202) 514-0301 (Voice)
(202) 514-0383 (TDD)

Resource List

This Resource List contains separate sections for government and non-governmental organizations.

I. Easy Reference Guide for Government Agencies

The following is intended as an Easy Reference Guide to assist the reader in identifying the relevant government agency for several areas of interest:

For questions pertaining to:	Consult these government agencies:
employment	Equal Employment Opportunity Commission (R,TA,E) President's Committee on Employment of People with Disabilities (TA) Small Business Administration (TA) National Institute on Disability and Rehabilitation Research (TA)
public accommodations	Department of Justice (R,TA,E)
public services	Department of Justice (R,TA,E)
rehabilitation and independent living services	Department of Education (P)
tax law provisions	Department of Treasury (TA)
accessibility	Architectural and Transportation Barriers Compliance Board (G,TA)
work incentive	Social Security Administration (P)

Key

- R: issued regulations
- TA: provides technical assistance on how to comply
- E: has enforcement authority
- P: administers programs relevant to successful implementation of the Act
- G: issues guidelines

II. Government Agencies

Civil Rights Division
Office on the Americans with Disabilities Act
U.S. Department of Justice
P.O. Box 66118
Washington, D.C. 20035-6118
(202) 514-0301 (voice)
(202) 514-0383 (TDD)

Regulations, technical assistance, and enforcement for titles II (public services) and III (public accommodations).

Equal Employment Opportunity Commission
1801 L Street NW
Washington, D.C. 20507
800-669-EEOC (voice)
800-800-3302 (TDD)

Regulations, technical assistance, and enforcement for title I (employment).

Department of Transportation
400 Seventh Street SW
Room 10424
Washington, D.C. 20590
(202) 366-9305
(202) 755-7687 (TDD)

Regulations, technical assistance, and enforcement for title II and III transportation provisions.

Architectural and Transportation Barriers Compliance Board
1111 18th Street NW
Suite 501
Washington, D.C. 20036
800-USA-ABLE
800-USA-ABLE (TDD)

Americans with Disabilities Act Accessibility Guidelines (ADAAG) required under title III (public accommodations) and technical assistance on architectural, transportation, and communications accessibility issues.

Federal Communications Commission
1919 M Street NW
Washington, D.C. 20554
(202) 632-7260 (voice)
(202) 632-6999 (TDD)

Regulations, technical assistance and enforcement for title IV (communications).

The following agencies implement programs relating to, or are responsible for provisions pertaining to, the implementation of titles I, II, and III of the ADA.

Internal Revenue Service
Office of the Chief Counsel
P.O. Box 7604
Ben Franklin Station
Washington, D.C. 20044
(202) 566-3292 (voice only)

The Internal Revenue Service provides technical assistance on various tax code provisions designed to encourage businesses to hire people with disabilities. See Appendix G for an explanation of these provisions.

National Council on Disability
800 Independence Avenue SW
Suite 814
Washington, D.C. 20591
(202) 267-3846 (voice)
(202) 267-3232 (TDD)

Charged by statute with responsibility for developing recommendations for federal disability policy and overseeing the research priorities for the National Institute on Disability and Rehabilitation Research.

Small Business Administration
Office of Advocacy
Office of Economic Research
409 Third Street SW
Fifth Floor
Washington, D.C. 20416
(202) 205-6530 (voice only)

President's Committee on Employment of People with Disabilities
1331 F Street NW
Third Floor
Washington, D.C. 20004
(202) 376-6200 (voice)
(202) 376-6205 (TDD)

Provides technical assistance on employment provisions of ADA directly and through its Governors' Committees on Employment of People with Disabilities.

Rehabilitation Services Administration
 U.S. Department of Education
 Mary E. Switzer Building
 Room 3028
 330 C Street SW
 Washington, D.C. 20202-2531
 (202) 732-1282 (voice and TDD)

Administers the principal Federal service programs designed to rehabilitate, employ, and promote the independent living of people with disabilities. See the description of Rehabilitation Act of 1973 programs contained in Appendix item L, Related Federal Disability Laws, for further information about these programs.

National Institute on Disability and Rehabilitation Research
 U.S. Department of Education
 400 Maryland Avenue SW
 Washington, D.C. 20202-2572
 (202) 732-1134 (voice)
 (202) 732-5079 (TDD)

Administers the principal Federal disability research programs, the Technology Related Assistance for Individuals with Disabilities Act, and ADA technical assistance centers. See the description of Rehabilitation Act of 1973 programs contained in Appendix item L, Related Federal Disability Laws, for further information about these programs.

Public Health Service
 U.S. Department of Health and Human Services
 Centers for Disease Control
 Mail Stop C09
 1600 Clifton Road NE
 Atlanta, Georgia 30333
 (404) 639-2237 (voice only)

The ADA in certain circumstances permits the reassignment of individuals with certain contagious diseases specified by the Public Health Service from food handling jobs to another job if the risk posed by the individual may not be eliminated by a reasonable accommodation. The Public Health service issued its proposed list of such diseases in May 1991, with publication of the final list expected in the autumn of 1991.

Administration on Developmental Disabilities
 U.S. Department of Health and Human Services
 Program Operations Division
 200 Independence Avenue SW
 Room 329D
 Washington, D.C. 20201
 (202) 245-2897 (voice)
 (202) 245-2890 (TDD)

ADD administers the Developmental Disabilities Act, designed to promote community integration and maximum independence for people with developmental disabilities. ADD administers the Protection and Advocacy Program for Developmentally Disabled individuals. See the description of Developmental Disabilities Assistance and Bill of Rights Act programs contained in Appendix item L, Related Federal Disability Laws, for further information on the Protection and Advocacy system.

Social Security Administration
 Office of Disability
 Room 545
 Altimeyer Building
 6401 Security Boulevard
 Baltimore, Maryland 21235
 (301) 965-3424 (voice only)

SSA administers programs that provide incentives for individuals receiving Social Security Disability Insurance (SSDI) or SSI (Supplemental Security Income) to obtain gainful employment.

Office of Federal Contract Compliance Programs
 U.S. Department of Labor
 200 Constitution Ave. NW
 Washington, D.C. 20210
 (202) 523-9501 (voice only)

Enforcement agency for section 503 of the Rehabilitation Act, which, unlike the ADA, includes an affirmative action requirement affecting certain Federal contractors.

National Library Services for the Blind and Physically Handicapped
 1291 Taylor Street NW
 Washington, D.C. 20542
 (202) 707-5100 (voice)
 (202) 707-0744 (TDD)

A free national library program that lends braille and cassette tapes versions of up to 59,000 unique books and magazines that are typically found in public libraries to individuals with visual disabilities. Over 20 million books and magazines were circulated to a readership of 695,350 in 1990.

III. Non-Government Organizations

What follows is a partial listing of organizations offering assistance in implementing the employment, public services, and public accommodations provisions of the ADA.

Virtually all of the organizations listed below provide information and referral services on ADA matters. Many publish newsletters and/or journals and hold meetings at least annually at which ADA implementation issues have been, and are likely to continue to be, a popular subject for panels, speakers, and workshops to address. Some of these organizations also hold periodic seminars on the ADA that are occasionally open to non-members as well as members. Specific information on these activities, as well as membership information, may be obtained from the organizations.

Many of these organizations are in the process of developing additional ADA-related services and products following the publication by the Equal Employment Opportunity Commission and the Department of Justice of final regulations for titles I, II, and III of the ADA on July 26, 1991. An effort was made to obtain the most current information available from these organizations concerning their ADA-related activities as of the September, 1991, publication deadline for this handbook. Wherever possible, mention of planned activities that may be of interest to the reader has been made in the annotations.

Inclusion in the list below does not constitute an endorsement by the Equal Employment Opportunity Commission or the Department of Justice of these organizations or of any legal interpretations of the Americans with Disabilities Act offered by them.

I. Disability

This section is subdivided into cross-disability and disability-specific listings. Cross-disability organizations provide services to individuals with different types of disabilities. For more information you may contact either the Equal Employment Opportunity Commission or the Department of Justice (see Government listings above).

a. Cross-Disability

Disability Rights Education and Defense Fund
2212 Sixth Street
Berkeley, California 94710
(510) 644-2555 (voice)
(510) 644-2629 (TDD)
(800) 466-4232 (voice and TDD: operational beginning December 1, 1991).

Specializes in training and technical assistance for people with disabilities and their representatives, State and local government units, businesses and trade associations; also public policy advocacy and litigation.

Independent Living Research Utilization
2323 South Shephard Street
Suite 1000
Houston, Texas 77019
(713) 520-0232 (voice)
(713) 520-5136 (TDD)

Provides information and technical assistance pertaining to independent living and disability rights; will provide information on how to contact the community-based independent living center closest to the inquirer.

National Council on Independent Living
Troy Atrium
Fourth Street and Broadway
Troy, N.Y. 12180
(518) 274-1979 (voice)
(518) 274-0701 (TDD)

Umbrella organization representing community based independent living centers. Will provide referral information on services offered by centers, and will locate the center closest to the inquirer. See also Independent Living Research Utilization entry.

National Organization on Disability
910 16th Street NW
Suite 600
Washington, D.C. 20006
(202) 293-5960 (voice)
(202) 293-5968 (TDD)

Issued fact sheet on the ADA to its 3,000 Communities in Action, consisting primarily of mayors' offices on disability policy, who are pledged to bring about changes promoting the full integration of people with disabilities into their communities; offers a 10 minute video narrated by Charles Kuralt, "Community Partners at Work," available only to its affiliated Communities in Action for community showings; offers to any local organization camera-ready copies of public service announcements promoting changes consistent with the goals of the ADA.

World Institute on Disability
510 16th Street
Suite 100
Oakland, California 94612
(415) 763-4100 (voice and TDD)

Cross-disability research, training and policy development center; involved in assisting businesses interested in marketing products and ideas to the 43 million individuals with disabilities in the United States.

b. Disability-Specific

Alexander Graham Bell Association for the Deaf, Inc.
3417 Volta Place NW
Washington, D.C. 20007
(202) 337-5220 (voice and TDD)

Information and referral; planned ADA brochure for fall 1991.

American Amputee Foundation
P.O. Box 250218
Hillcrest Station
Little Rock, Arkansas 72225
(501) 666-2523 (voice only)

Self-help information and referral network offering technical assistance, information on assistive devices, videos, some financial assistance, and publications, including a comprehensive national resource directory.

American Civil Liberties Union AIDS Project
132 West 43rd Street
New York, New York 10036
(212) 944-9800 (voice only)

Distributes brochure on how the ADA applies to people with AIDS.

American Council of the Blind
1115 15th Street NW
Suite 720
Washington, D.C. 20005
(202) 467-5081 (voice only)
(800) 424-8666 (Monday through Friday 3-5:30 EST only)

Advocacy, educational, and information sharing activities; provides access to several Special Interest affiliates, such as American Blind Lawyers Association, Guide Dog Users, Inc., and Council of Citizens with Low Vision, Intl.

American Foundation for the Blind
15 West 16th Street
New York, New York 10011
(212) 620-2000 (voice)
(212) 620-2158 (TDD)

Offers information on assistive technology; has a listing of jobs held by individuals who are blind indicating how adaptations were made in various employment situations; sells products, some unique and some designed by AFB; provides evaluations of assistive technology.

American Printing House for the Blind
1839 Frankfort Avenue
Louisville, Kentucky 40206-0085
(502) 895-2405 (voice only)

One of several braille publishers in the United States; also distributes materials in large print and audio recordings; distributes instructional aids, education computer software, and textbooks for children.

American Speech-Language-Hearing Association
10801 Rockville Pike
Rockville, Maryland 20852
(301) 897-5700 (voice and TDD)
(800) 638-8255 (consumer hotline number; voice and TDD)

Distributes technical information pieces; developing an ADA brochure; seminars available to non-members as well as members; consumer hotline number.

Association of Persons in Supported Employment
5001 W. Broad Street
Suite 34
Richmond, Virginia 23230
(804) 282-3655 (voice only)

Assists businesses interested in developing supported employment programs in obtaining necessary support services; current projects include a train the trainer Social Security Administration work incentive program; members include rehabilitation service personnel, consumers of supported employment services and their families.

The Association for Severely Handicapped Individuals
7010 Roosevelt Way, NE
Seattle, Washington 98115
(206) 523-8446 (voice)
(206) 524-6198 (TDD)

Epilepsy Foundation of America
4351 Garden City Drive
Landover, Maryland 20785
(301) 459-3700 (voice only)

Developing manual scheduled for publication in fall 1991 on the ADA as it applies to people with epilepsy.

Helen Keller Center for Deaf-Blind Youth and Adults
111 Middle Neck Road
Sands Point, New York 11050
(516) 944-8900 (voice and TDD)

The only rehabilitation facility in the United States devoted solely to the needs of individuals who are deaf-blind. Offers training for service providers; information and referral from its central and nine regional offices.

Learning Disabilities Association of America
4156 Library Road
Pittsburgh, Pennsylvania 15234
(412) 341-1515 (voice only)

Organization composed primarily of parents and professionals with 500 State and local chapters.

Legal Action Center
236 Massachusetts Avenue NE
Suite 510
Washington, D.C. 20002
(202) 544-5478 (voice only)

Provides information and technical assistance on the ADA as it affects individuals with current or past drug abuse or alcohol-related problems, and individuals with AIDS or who test positive for the HIV virus.

National Alliance for the Mentally Ill
2101 Wilson Blvd.
Suite 302
Arlington, Virginia 22201
(703) 524-7600 (voice only)

Represents primarily families; planning an ADA fact sheet/pamphlet; 1,046 State and local affiliates.

National Association for the Physically Handicapped
4230 Emerick Street
Saginaw, Michigan 48602
(517) 799-3060 (voice only)

National Association for Retarded Citizens
1522 K St. NW
Suite 516
Washington, D.C. 20005
(202) 785-3388 (voice)
(202) 785-3411 (TDD)

1300 State and local chapters representing 140,000 individuals with mental retardation and their families; offers technical assistance and fact sheet on the ADA.

National Association of the Deaf
814 Thayer Avenue
Silver Spring, Maryland 20910-4500
(301) 587-1788 (voice)
(301) 587-1789 (TDD)

Members include consumers, parents, and teachers; has 22,000 members and chapters in all 50 States; provides basic information and referral on deafness and accommodations for people who are deaf.

National Easter Seals Society
1350 New York Ave NW
Washington, D.C. 20005
(202) 347-3066 (voice)
(202) 347-7385 (TDD)

Some of Easter Seals' 175 affiliates are training businesses on the requirements for titles I (employment) and III (public accommodations) of ADA. Videotape "Nobody is Burning Wheelchairs"; provides technical assistance on public accommodations provisions.

National Federation of the Blind
1800 Johnson Street
Baltimore, Maryland 21230
(301) 659-9314 (voice only)

Some legal referrals and advocacy; publications on employment issues; computer bulletin board; technical assistance; sells aids and devices; large exhibit at annual conferences on available adaptive equipment.

National Head Injury Foundation
1140 Connecticut Avenue NW
Suite 812
Washington, D.C. 20036
(202) 296-6443 (voice only)
(800) 444-6443 (families, consumers; voice only)

Chapters or contacts in every State; referral information on medical and vocational rehabilitation and employment options.

National Information Center on Deafness
Gallaudet University
800 Florida Avenue NE
Washington, D.C. 20002
(202) 651-5051 (voice)
(202) 651-5052 (TDD)

Publications on workplace accommodations for people who are deaf; has list of manufacturers and up-to-date information on topics related to deafness and hearing loss; developing updated ADA materials on the employment of individuals who are deaf; will provide information on how to obtain the services of a qualified interpreter.

National Mental Health Consumers' Association
311 South Juniper Street
Room 902
Philadelphia, Pennsylvania 19107
(215) 735-2465 (voice only)
(215) 735-1273 (TDD)
(800) 688-4226 (voice only)

A clearinghouse providing technical assistance to assist in the development and successful operation of consumer operated self-help programs for people with mental illnesses; distributes information on the ADA to individuals and organizations.

National Organization for Rare Disorders
Fairwood Professional Building
P.O. Box 8923
New Fairfield, Connecticut 06812-1783
(800) 999-6673 (voice only)
(203) 746-6518 (voice only)

Umbrella group for associations representing individuals with rare disorders, defined as those with an incidence of less than 200,000 in the population. There are about 5,000 such known disorders affecting an estimated 20 million Americans. Serves as a clearinghouse offering information and resources on support groups, research on the disorders, and how to seek or keep employment, among other issues.

National Spinal Cord Injury Association
600 West Cummings Park
Suite 2000
Woburn, Massachusetts 01801
(617) 935-2722 (voice only)

Serves consumers, families, and professionals; provides information and referral on rehabilitation and employment options.

Paralyzed Veterans of America
801 18th Street NW
Washington, D.C. 20006
(202) 872-1300 (voice only)

Guidebook on access to hotels and motels used by American Institute of Architects (to be revised in accordance with ADA); disseminates information about tax benefits for businesses accommodating consumers and employees with disabilities; promotes access to outdoors and wilderness areas.

Rochester Institute of Technology
National Center on Employment for the Deaf
Lyndon Baines Johnson Building
P.O. Box 9887
Rochester, New York 14623-0887
(716) 475-6219 (voice)
(716) 475-6205 (TDD)

Serves as a job placement office for deaf individuals, primarily graduates of the National Technical Institute for the Deaf; posts job listings from employers from all over the country; provides information on companies interested in hiring individuals with deafness or hearing loss; assists in updating of resumes; referral information.

Self-Help for Hard of Hearing People
7800 Wisconsin Avenue NW
Bethesda, Maryland 20814
(301) 657-2248 (voice)
(301) 657-2249 (TDD)

Serves consumers and professionals; provides technical assistance to hospitals on meeting the needs of individuals with hearing impairments; videotape and information packet on employing people with hearing loss.

Telecommunications for the Deaf, Inc.
8719 Colesville Road
Suite 300
Silver Spring, Maryland 20910
(301) 589-3786 (voice)
(301) 589-3006 (TDD)

Publishes and sells a nationwide Telecommunications Device for the Deaf (TDD) directory; information on visually-based accommodations for deaf and hearing impaired people, such as alarms, decoders, and TDD's. Sells decoders and a videotape on how to use TDD's.

United Cerebral Palsy
1522 K Street NW
Suite 1112
Washington, D.C. 20005
(202) 842-1266 (voice only)

Conducts, as part of a joint venture called the National Center for Access Unlimited, various training and technical assistance activities for businesses; published monograph on accessible design; plans to publish additional monograph on personnel practices and a consumer-oriented rights manual by the spring of 1992.

4. Advocacy/Legal

Listing the following organizations does not constitute an endorsement by the Department of Justice or the Equal Employment Opportunity Commission of the legal interpretations of the Americans with Disabilities Act held by these groups. The Department of Justice and the Equal Employment Opportunity Commission believe that an accurate understanding of the ADA can prevent the filing of unnecessary and unfounded charges and strongly support efforts to resolve disputes arising under the ADA wherever possible through means other than the filing of charges or lawsuits.

a. Cross Disability

American Bar Association
 Commission on Mental and Physical Disability Law
 1800 M Street NW
 Washington, D.C. 20036
 (202) 331-2240 (voice)
 (312) 988-5168 (TDD)

Clearinghouse answering legal inquiries on ADA for a fee; has on file *Mental and Physical Disability Law Reporter* for past fifteen years, which includes coverage of title V Rehabilitation Act cases; library available by appointment only; offers, through its ADA Project, training on legal and compliance issues for businesses, disability organizations, State and local government agencies, and law firms.

Disability Rights Education and Defense Fund
 2212 Sixth Street
 Berkeley, California 94710
 (510) 644-2555 (voice)
 (510) 644-2629 (TDD)
 (800) 466-4232 (voice and TDD: operational beginning December 1, 1991)

Employment Law Center
 1663 Mission Street
 Suite 400
 San Francisco, California 94103
 (415) 864-8848 (voice only)

Engages in policy work and litigates selected employment law reform cases under State and federal disability law.

National Disability Action Center
 1101 15th Street NW
 Suite 1215
 Washington, D.C. 20005
 (202) 775-9231 (voice and TDD)

Public Interest Law Center of Philadelphia
 125 South Ninth Street
 Seventh Floor, Suite 700
 Philadelphia, Pennsylvania 19107
 (215) 627-7100 (voice only)

Western Law Center for the Handicapped
 1441 West Olympic Boulevard
 Los Angeles 90015
 (213) 736-1031 (voice only)

b. Disability-Specific

American Civil Liberties Union AIDS Project
 132 West 43rd Street
 New York, New York 10036
 (212) 944-9800 (voice only)

Legal Action Center
 153 Waverly Place
 New York, New York 10014
 (212) 243-1313 (voice only)

Technical assistance and litigation for individuals with current or past drug abuse or alcohol problems, and individuals with AIDS or who test positive for the HIV virus.

National Association of Protection and Advocacy Systems
 900 Second Street NE
 Suite 211
 Washington, D.C. 20002
 (202) 408-9514 (voice)
 (202) 408-9521 (TDD)

Represents federally funded Protection and Advocacy agencies. See the description of Developmental Disabilities Assistance and Bill of Rights Act programs contained in Appendix item L, Related Federal Disability Laws, for a description of this program.

National Center on Law and the Deaf
 800 Florida Avenue NE
 Room 326 Ely Center
 Washington, D.C. 20002
 (202) 651-5373 (voice and TDD)

National Mental Health Law Project
 1101 15th Street NW
 Suite 1212
 Washington, D.C. 20005
 (202) 467-5730 (voice)
 (202) 467-4232 (TDD)

5. Information Databases on Disability

ABLEDATA

Newington Children's Hospital
181 East Cedar Street
Newington, Connecticut 06111
(800) 344-5405 (voice and TDD)
(203) 667-5405 (voice and TDD)

A national database providing information on 16,000 products for people with disabilities produced by 2,000 companies. Information/products focus on such areas as attendant/personal care, mobility, communications, and recreation. Printouts of up to 8 pages of product information are free of charge, with sliding scale for more extensive listings; open from 8-5 Eastern Standard Time, from Monday through Friday.

Mental Health Policy Resource Center
1730 Rhode Island Avenue NW
Suite 308
Washington, D.C. 20036
(202) 775-8826 (voice only)

Runs on-line database, available by subscription, containing documents on the ADA as it pertains to people with mental disabilities; publishing manuscript reviewing section 503 Rehabilitation Act case law ruling on reasonable accommodations for people with mental disabilities in autumn 1991; non-circulating library with ADA-related materials open to public by appointment.

National Rehabilitation Information Center (NARIC)
8455 Colesville Road
Suite 935
Silver Spring, Maryland 20910
(301) 588-9284 (voice and TDD)
(800) 346-2742 (voice and TDD)

A library and information center on disability and rehabilitation. Collects and disseminates the results of federally funded research projects. Collection includes commercially published books, journal articles, and audiovisual materials. Currently has more than 30,000 documents. NARIC has information specialists who will perform searches for the caller. Phone either of the numbers listed above between 8 A.M. and 6 P.M. EST Monday through Friday and ask to speak with an information specialist.

National Information Center for Children and Youth with Handicaps (NICHCY)
P.O. Box 1492
Washington, D.C. 20013
(703) 893-6061 (local, voice/TDD)
(800) 999-5599 (toll free, voice/TDD)

Information and referral service for people with disabilities, their families and professionals. Disseminates publications and information on self-help advocacy, ADA, and broad array of disability matters. Has particular expertise in matters of concern to children with disabilities and their parents.

Appendix H:

Vendor and Price List for Selected Items and Services in Recommendations

The vendors listed here are those that came to the committee's attention during its work. This list is by no means exhaustive of the entities that manufacture and/or sell products that are recommended in this report or otherwise useful in providing program accessibility in the courts.

Inclusion in this appendix is not an endorsement by the committee of any entity listed or of its products.

The prices listed in here are based upon the research conducted by the committee during its tenure. They therefore reflect merely a "snapshot" of prices for the items listed, and do not take inflation, or other changing condition, into account.

I. COMMUNICATIONS

A. TDD/TTYs for Office Use

For information on Telecommunications Devices for the Deaf (TDD) and/or text telephones (TTY) contact:¹

AUDIOLOGY/HEARING CENTER
1157 Valley Fair Mall
Appleton, WI 54911
414-731-9611 Voice/TTY

EYE & EAR ASSOCIATES
923 Elisa St.
Green Bay, WI 54301
414-432-9261 Voice/TTY

DEAF COMM
Karen Mains
1227 CTH PH
Onalaska, WI 54650
608-783-1880 Voice/TTY

GUNDERSON CLINIC
Sharon Martin
1836 South Ave.
La Crosse, WI 54601
608-782-4800 TTY
608-785-7300 Ext. 2201 Voice

ENT PROFESSIONALS
W. Holzhaeuser
2101 Beaser Ave., Suite 1
Ashland, WI 54806
715-682-9311 (voice)
715-682-2486 TTY

HOLIDAY HOUSE/MANITOWOC
Leslie Halvorsen
P.O. Box 579, 2818 Meadow Ln.
Manitowoc, WI 53220
414-682-5655 Voice/TTY

¹ Readers should contact electronic stores in their communities for information on various related signaling devices.

INDEPENDENT LIVING SYSTEM

Frank Sprader
 1913 W. Kimberly Ave.
 Milwaukee, WI 53221
 414-761-2263 Voice/TTY

JACK HATHAWAY

1766 Drotning Rd.
 Stoughton, WI 53589
 608-873-8053 TTY

KEN DRYDEN

6516 Offshore Dr.
 Madison, WI 53705
 608-833-6255 Voice
 608-833-2119 TTY

KROWN RESEARCH, INC.

10371 W. Jefferson Blvd.
 Culver City, CA 90232
 800-TTY-4YOU Voice/TTY
 800-833-4968 VOICE/TTY

LEO KRAMSCHUSTER

1708 Wheaton St.
 Chippewa Falls, WI 54729
 715-723-6472 TTY

OSHKOSH HEARING CENTER

400 Ceape Ave.
 Oshkosh, WI 54901
 414-236-1740

R & M SALES

9203 W. Bluemound Rd.
 Wauwatosa, WI 53226
 414-475-6764 TTY
 414-475-770 (Voice)

TTY SALES & SERVICE

William Buska
 5103½ Lilac Ave.
 Wausau, WI 54401
 715-359-4405

ULTRATEC, INC.

450 Science Dr.
 MADISON, WI 53711
 608-238-5400 Voice/TTY

WAUSAU HEARING AID CENTER

425 Pine Ridge Blvd. #305
 Wausau, WI 54401
 715-842-5631 Voice

WISCONSIN HEARING AID CENTER

5705 - 7th Ave.
 Kenosha, WI 53140
 414-654-4703 Voice/TTY

WISCONSIN TELEPHONE CO.

740 N. Broadway, Rm. 105
 Milwaukee, WI 53202
 414-678-3222 Voice/TTY
 800-924-1973 TTY
FOR WISC BELL CUSTOMER ONLY

B. Public (Pay) Phone TDDs

One vendor of which the Committee has knowledge has quoted a price of approximately \$1000.00 for a public text telephone, with an additional cost of \$150.00 per year for an associated service contract.

VENDOR

Ultratec
 450 Science Dr.
 Madison, WI 53711
 608-238-5400 (voice)
 608-238-3008 (fax)

C. Pay Phones: Wheelchair Accessibility

Readers should contact their local pay telephone providers to inquire about the costs and procedures for:

- installing volume controls, and
- lowering existing pay phones to make them wheelchair-accessible (in conformance with ADAAG).

D. Answering Machines

Based on the Committee's personal and professional experience, telephone answering machines, which are recommended in this report in several places, cost between \$40.00 (basic model) to \$160 (for a machine including both telephone and answering machine).

E. Data Recovery Decoder

The function of these machines is described at Footnote 60 in Chapter 8.

Approximate cost: \$950.00 per unit. However, a lower price may be available if units are purchased in volume.

VENDOR

EEB Enterprises
 1 Rome Street
 Farmingdale, NY 11735

F. One-on-One Communicators:

Based on the Committee's research, these items, recommended in Chapter 8, tend to cost between \$125.00 and \$200.00, depending on the type of machine and its features.

VENDORS

Audex
713 N. Fourth Street
P.O. Box 3263
Longview, TX 75606
903-753-7058
800-237-0715

AT&T National Special Needs Center
2001 Route 46 East
Parsippany, NJ 07054-1315
800-233-1222

Disability Products Division
200 Myles Standish Blvd.
Myles Standish Industrial Park
Taunton, MA 02780
508-823-6532

G. Infra-red assistive listening systems

These systems are recommended in Chapter 8. As described there, infra-red systems are wireless amplifying devices consisting of a transmitter and a receiver. The user wearing a portable receiver can sit anywhere in a room. Unlike an FM system, see below, the infra-red transmitter does not operate on batteries. Transmitters, or "emitters," are usually attached to walls as permanent installations; however, they can be made portable. Based on the Committee's research, they tend to cost between \$1800.00 and \$2250.00. These prices do not include installation costs. Installation can cost up to \$1000.00.

VENDORS

R & M Sales
Communication Products
9203 W. Bluemound Road
Wauwatosa, WI 53226
414-475-7770
800-332-2537

Audex
713 N. Fourth Street
P.O. Box 3263
Longview, TX 75606
800-237-0715
903-753-7058

Sennheiser Electronic Corp.
6 Vista Drive, P.O. Box 987
Old Lyme, CT 06371

DJ's Music
ATTN: Richard A. Brom
Berwyn, IL 60402
708-863-7400

H. FM assistive listening systems

These systems are recommended in Chapter 8. They consist of a transmitter, microphone, and one or more receivers with earpieces. They amplify the sound in room, including voices. The user, wearing a portable receiver, can sit anywhere in a room. Highly portable, these systems can be used for one-on-one communication or as group listening systems. For a large area, the transmitter can be plugged into an existing public address system. FM systems can be used in courtrooms, small meeting rooms, for public meetings and guided tours.

Based on the Committee's research, FM assistive listening devices tend to cost between \$1000.00 and \$2000.00.

VENDORS

R & M Sales
Communication Products
9203 W. Bluemound Road
Wauwatosa, WI 53226
414-475-7770
800-332-2537

Telex Communications
9600 Aldrich Ave. South
Minneapolis, MN 55420
612-884-7430
800-328-8212

Audio Enhancement (COM-TEK FM)
1748 West 12600 South
Tiverton, UT 84065
801-254-9263

Williams Sound Corporation
10399 West 70th Street
Eden Prairie, MN 55314-2174
612-943-2252
800-328-6190

Phonic Ear
3880 Cypress Drive
Petaluma, CA 94954-7600
707-769-1110
800-227-0735

I. Real-Time Court Reporting Equipment and Training Equipment

A complete real-time court reporting system has many different components, and a single (even approximate) price is difficult to generate. Different court reporters have different

existing systems, and can choose from a variety of computers and other equipment to enable them to perform real-time reporting at various levels. However, the following general information is provided for readers' use.

1. Equipment (costs are based on Committee's experience and research)

A minimum real-time reporting system must include:

(a) A court reporter trained and qualified to do real-time reporting (see discussion of training below);

(b) A computerized stenographic writing machine;

COST: \$3000.00 to \$4000.00

(c) A computer (preferably notebook-style for portability), generally a high-speed, high capacity system (at least a 386 system operating at 25 MHz, with two serial ports, an 80+ Mb hard drive, and 4-8 Mb RAM);

COST: \$1500.00 to 2500.00

(d) A software program that not only translates stenographic symbols into English, but also has the speed and capability to provide real-time approximately one second after it has been stroked by the court reporter;

COST: \$3,300.00 to \$5,000.00 depending on the company and the number of units ordered

(e) Portable monitors with the necessary cabling to allow them to be placed where needed in the courtroom.

COST: \$100.00 to \$500.00 per monitor (depending on screen size and choice between color and black and white display); cables cost \$50.00 to \$150.00, depending on length

(f) A signal splitter that allows the court reporter's screen image to be diverted to the viewing monitors;

COST: \$400.00 for a 4-way splitter to \$600.00 for an 8-way splitter

(g) Maintenance and update agreements on the hardware and software

COST: \$1000.00 per year.

This minimal system would allow a person with a hearing impairment to follow visually what was being said in court (as described in Chapter 8). The splitter system only provides to the monitors what is actually on the court reporter's screen at the time. It does not allow the viewer to stop the scrolling of the transcript or to go back to text that has scrolled off the screen.

If it is felt that the viewer must have the ability to stop the transcript from flowing past in order to facilitate understanding, a more advanced system is required. In that case, each viewing station requires a computer with a keyboard, and each computer requires individual software. The computers and software would cost approximately \$1500.00 to \$2500.00 per station.

Many court reporters in Wisconsin already own some of this equipment for computer-aided transcription (CAT) purposes; however, not all court reporters are using CAT currently. A court reporter who is using CAT will already have the stenographic writing machine, a computer, and possibly a software program that will run real-time. If the reporter already has appropriate equipment, the additional cost to run real-time would be limited to the additional monitors, cabling, and splitter. Thus, when the state or a county purchases new equipment for reporters not now using real-time, consideration should be given to the personal investment that has been made by the reporters who have heretofore purchased their own equipment and adjustments made to achieve equity among all reporters.

2. Training

A significant factor, of course, in the availability of real-time court reporting is the court reporter who will be doing the reporting. Most reporters have not been trained to write for real-time and it is a very difficult system. Writing real-time requires the reporter to "think" in terms of the context of what is being said, rather than writing phonetic sounds only. The process of changing over to this way of writing is similar to learning a new language; it takes time, practice, and skill. Not all reporters will be able to learn real-time reporting. Although, as is discussed below, there are many seminars and programs available to help in the training process, a court reporter cannot "magically" go to a program and immediately begin writing real-time. In practical terms, according to the Committee's research and experience, it will take a reporter who commits to learning and writing real-time four to six months to become sufficiently skilled and competent to provide real-time to the public.

The National Court Reporters Association (NCRA) and the Wisconsin Court Reporters Association (WCRA) conduct real-time seminars.

COSTS:

For NCRA Members

Two-day seminar: \$355.00

One-day seminar: \$215.00

For Non-Members

Two day seminar: \$385.00

One-day seminar: \$285.00

WCRA One-Day Mini-Seminars

Members: \$ 45.00

Non-members: \$ 65.00

The NCRA has a certification process to become a Certified Real-time Reporter (CRR). The certification test is conducted twice yearly for a fee of \$125.00. The tests are conducted at various locations around the United States.

To learn about NCRA training, readers should contact:

National Court Reporters' Association
8224 Old Courthouse Road
Vienna, VA 22182-3808
703-556-6272 (voice)
703-556-6291 (fax)

To learn about WCRA training, readers should contact:

Jerald Schneider, President
WCRA
515 Oak Street
Sauk County Courthouse
Baraboo, WI 53919
608-355-3243 (voice)
608-355-3292 (fax)

J. Cassette Players with Headphones

Cassette players are recommended for many uses in this report. Based on the Committee's research, they tend to cost between \$100.00 and \$200.00.

K. Reading Machines (Portable)

Reading machines function as audible readers of written text and look like desk-top copy machines. They also can translate information onto a computer. One such machine about which the Committee has information is the Xerox Imaging Systems Model 7315-60 Reading Edge Portable Reading Machine.

Based on the Committee's research, a basic machine (English language standard) costs approximately \$5,500.00. (Carrying cases, useful if these items are to be shared among courts, cost approximately \$150.00.) "Adapters cards" to use the machines to translate into other languages are also available for a range of prices between approximately \$1200.00 and \$2000.00.

Another potential item for court use is a so-called Kurzweil Personal Reader (KPR). These machines are free-standing personal readers which translate typed or typeset documents into spoken output. The approximate cost is \$4000.00 to \$5000.00.

VENDORS

Adaptive Assists
112 Loker Street
Wayland, MA 01778
508-358-4468 (voice)
508-358-7446 (fax)

Xerox Imaging Systems
9 Centennial Drive
Peabody, MA 01960
508-977-2000 (voice)
508-977-2148 (fax)

Several vendors sell different KPRs through Adaptive Assists, see above. This company has numerous other items of interest for improving court access to people with communicatory disabilities, such as:

- Visionware Large Print Display software (\$500.00-600.00);
- Optelic Closed Circuit Television Products (allows electronic magnification of all types of printed materials)(\$3000.00-3500.00);
- Braille printers (\$3000.00-13,000.00) and Braille translation software (\$500.00).

L. Conversion of Court Documents into Braille or onto Audiotape

A not-for-profit organization operating out of the Milwaukee Public Library provides numerous conversion services for people with visual and other impairments. Due in part to their location near the courthouse, they have considerable expertise in converting legal

documents. This organization receives work from all over the nation. This organization charges \$0.20 per page for conversion.

VENDOR

The Volunteer Services for the Visually Handicapped, Inc.
814 West Wisconsin Avenue
Milwaukee, WI 53233
414-286-3039

M. Sign Language Interpreters

Committee research indicates that freelance sign language interpreters charge between \$20.00 and \$30.00 per hour. Costs may vary depending on, among other factors, the type of proceeding for which interpreting is required.

N. Open-captioned Videotapes (based on 30 minute tape)

Again, providing open-captioned videotapes is recommended in this report for many different purposes. The costs of open-captioning vary, depending on whether an existing tape needs to be captioned, or a new captioned tape needs to be produced. Generally, captioning an existing 30-minute tape costs between \$150.00 and \$600.00. To create a new, captioned tape is considerably more expensive. The Committee has identified the following vendors and approximate prices, principally for producing new videotapes:

VENDORS

Computer Prompting & Captioning Co.
3408 Wisconsin Ave., N.W.
Washington, D.C. 20016
202-966-0980
(\$295.00 for 1/2 hour VHS tape plus \$5.00 per minute if a script is not provided.)

A&A Captioning & C.A.R.T. Services
4840 N. Keystone
Chicago, IL 60630-2807
312-777-4874
(\$150.00 for 1/2 hour VHS tape \$150.00.
Cost will be less if script is provided.)

The Caption Center
125 Western Ave.
Boston, MA 02134
617-492-9225 (voice/TDD)
617-254-1080 (fax)

The Caption Center
6255 Sunset Blvd. #723
Los Angeles, CA 90028
213-465-7616 (voice)
213-465-6818 (TDD)
213-465-7516 (fax)

The Caption Center
231 East 55th St.
New York, NY 10022
212-223-4930 (voice)
212-223-5117 (TDD)
212-688-2181 (fax)

Caption America
312 Boulevard of the Allies
Pittsburgh, PA 15222
412-261-1458 (voice)
412-232-6344 (TDD)
412-261-6257 (fax)

NCI
5203 Leesburg Pike
Falls Church, VA 22041
800-533-WORD (voice)
800-321-TDDS (TDD)
(Note that this vendors also sells decoders, a device used with closed-captioned videotapes.)

II. PHYSICAL ACCESS

A. Invisible Wheelchair Lifts

Wheelchair lifts can be installed in any number of locations to provide wheelchair accessibility to an elevated space. For example, such a lift might be used to elevate wheelchair-users into either the witness or jury box. Some newer wheelchair lifts are "invisible" in that they can be installed to blend into the existing environment so as not to be seen when not in use.

VENDOR

T.L. Shield & Assoc., Inc.
P.O. Box 6845
Thousand Oaks, CA 91359-6845
(818) 509-8228 (voice)
(818) 509-8596 (fax)

B. Portable Wheelchair Lifts

These (generally hydraulic) lifts weigh 800 lbs. and fit through 3' doorway widths. They permit a person to remain in his or her wheelchair while being lifted to another level in the room or up a flight of stairs. The machines are portable from room to room, but not from building to building. Based on the Committee's research, these items cost approximately \$10,000, or \$7500.00 if 30 or more are purchased.

In addition to generic items known as "portable wheelchair lifts," the following items have come to the Committee's attention:

Stair-Trac: A portable wheelchair lift that allows an attendant to easily transport a person in a wheelchair up or down stairs. \$5,995.00

Evacu-Trac: A laboratory-tested emergency evacuation chair that provides a reliable route to safety during a fire or other emergency. \$2,076.00

Stair-Porter: A dual-purpose product that can be used for everyday access, or for evacuation up stairs to an emergency exit. This product can also be used by non-wheelchair bound persons. \$4,695.00

VENDORS

Garaventa
P.O. Box 818
Antioch, IL 60002-0818
800-663-6556

T.L. Shield and Assoc., Inc.
P.O. Box 6845
Thousand Oaks, CA 91359-6845
818-509-8228 (voice)
818-509-8596 (fax)

C. Benches Along Routes to Entrances

Benches and/or other seating in new locations (such as along lengthy routes or on stairway landings) are recommended in this report. Frequently this seating can be provided at no cost through the simple relocation of existing chairs and/or benches. However, based on Committee research and experience, new benches cost between \$100.00 and \$1,000.00, depending on material used.

D. Automatic Door Openers (Power doors)

Automatic door openers are comprised of two parts: motion sensors and buttons. Based on Committee research and experience, motion sensors cost approximately \$3000.00; buttons cost approximately \$1,500.00/button.

E. Elevator Accessibility Elements

Many items are involved in making an existing elevator accessible to people with disabilities. These alterations assist people with mobility, sensory, and cognitive impairments. Several different elements improving elevator accessibility are listed below. The prices listed are based on recent installations by the listed company, and may vary.

VENDOR

Armor KONE Elevator Inc.
2035 W. Mill Road
Milwaukee, WI 53209
414-352-1870

1. DOOR PROTECTIVE & REOPENING DEVICE
Photoelectric units which guarantee that doors will reopen without physically touching any object in its path. Infrared beams provide protection across entire opening. \$1,897 per car.
2. CAR OPERATING PANEL
New panel which meets all ADA height, visual and braille requirements. \$2,987 per car.
3. TELEPHONE SYSTEM
Two-way communication system meeting ANSI/ASME A17.1 Safety Code for Elevators and Escalators. Automatic dialing CORRECT WORD? phones for all security applications. \$1,356 per car.
4. HANDRAIL
Support rail meeting ADA requirements. \$525 per car.
5. CAR LANTERN WITH HANDICAP GONG
Provides audible signal at entrance indicating car answering and direction of travel. \$998 per car.
6. CORRIDOR CALL BUTTONS
Replace existing call buttons with illuminated buttons with special layon-type corridor buttons meeting ADA requirements. \$465.30 per hall station.
7. DOOR JAMB MARKINGS
Door jamb markings meeting ADA requirements. \$68.75 per floor.

F. Public Restroom Features

As discussed in Chapter 7 of this report, varying local conditions make the cost of either renovating any existing bathroom to comply with ADAAG or constructing new restrooms very difficult to estimate. The Committee nevertheless provides this list of approximate prices for restroom items to assist readers in preliminary planning for restroom modifications:

Automatic door opening devices	\$2,925/motion sensor
Door hardware	\$140
Install accessible sink	\$1,040
Replace existing faucet hardware	\$163 plus removal
Reconfigure pipes underneath sink	\$7.50/lineal foot
Change stall door hardware to deadbolt style	\$100
Grab bars	\$43 to \$50
Remount toilet tissue dispenser	\$40
Install floor mounted urinal	\$643
Lower wall mounted urinal	\$105
Lower existing flush control on urinal	\$105
Control to assist in reaching higher	\$25
Install privacy lock on door/single restroom	\$70
Remove vanity counter section	\$150
Dispensers with accessible controls	\$70
Lower existing mirrors/install new	\$136

G. Wheelchair

Chapter 7 of this report recommends that courts purchase wheelchairs to be available for people's use when they come to court.

A standard manual wheelchair costs approximately \$250.00. Motorized wheelchairs and those with other features may be more expensive.

VENDOR

Badger Medical Supply Co.
702 S. Park St.
Madison, WI 53715
(608) 256-1801

H. Signage

1. Building Directories

Based on the Committee's experience and research, a building directory of 36" x 48" would cost approximately \$930.00.

2. Audible Building Directories

Based on the Committee's experience and research, the cost of an audible building directory would vary from approximately \$150.00 to \$500.00.

3. Computerized Sign Maker

Larger counties or groups of counties may wish to consider purchasing a computerized sign maker. According to the Committee's research, these machines cost approximately \$15,000.00. Milwaukee County currently has this equipment and has found that signs can be manufactured at a fraction of the cost of purchasing all of the signs recommended in this report.

III. **TRAINING**

A. Libraries

A video, "Guide for Librarians Serving Patrons with Special Needs," is available as a training tool for librarians.

VENDOR

Florida Mental Health Institute
University of South Florida
(813) 974-4533
Contact: Elissa Henderson

B. Training Program

A professionally-developed program for court professionals can cost up to \$4,000.00. The cost may be lowered if the program is developed using resources such as the Materials Development Center - Stout Vocational Rehabilitation Institute, U.W. Stout, Menomonie, WI 54751.

C. Training Videotapes

It is possible to purchase quality ADA training videotapes from various suppliers (see Resources/Consultant list below) at a cost of approximately \$500.00 per tape. The cost for professional production of a new videotape is approximately \$1,000 per minute. However, if costs were shared by a number of counties as a joint project, or with the State Court ADA Coordinator, the actual tape unit cost per county would be substantially reduced, perhaps even to below the \$500.00 "off-the-shelf" cost for existing tapes.

Support for the professionally-produced videotape could be provided by training manuals and other written materials. Again, if produced from scratch, the cost for such training materials would be in the range of \$4,000. The videotapes purchased from various suppliers are accompanied by trainer guides. In addition, some materials have been developed by some of the agencies listed in Appendix G. In particular, the Committee is aware that the National Easter Seal Society has developed ADA training materials. For more information, readers should contact:

Cleo Eliason
Easter Seal Society of Wisconsin
101 Nob Hill Road
Madison, WI 53713
608-277-8288

D. Training for Wisconsin Counties Association

Training recommended in Chapter 10 for the Wisconsin Counties Association could be provided at little or no cost at the association's annual convention. If not provided internally, the cost for contractual consultants is estimated to be approximately \$800.00 per day plus the cost of training manuals.

E. Training through the Office of Judicial Education and the State Bar of Wisconsin

Again, according to the Committee's research, the cost for developing and presenting these training programs could be approximately \$1,500 per program. This cost could be reduced substantially if the programs could be developed in conjunction with other training recommendations. Several targeted audiences for training could use the same videotapes, written materials and presentations, reducing the cost overall for training statewide.

F. Handbook for State Employees

The recommended handbook for state employees could cost up to \$8,000.00 if an entirely new product were to be developed by an outside consultant. However, again, numerous products exist or might be produced generally for court ADA training. In particular, courts may wish to purchase Opening the Courthouse Door, available from the American Bar Association, Commission on Mental and Physical Disability Law.² To locate other

² This 75-page guide suggests practical action steps courts can take to enhance accessibility. It also addresses the range of disabilities, disability and aging networks, and ideas for funding resources. The guide costs \$12.00 for a single copy; \$6.00 per copy if ordering 10-50; and \$4.50 per copy if ordering

existing materials, readers should consult the agencies listed below, as well as those in Appendix G. The Committee has recommended that an employee handbook be provided through an existing agency (the State ADA Coordinator in the Director of State Courts office); this would likely reduce the cost to approximately \$1,500.00.

RESOURCES/CONSULTANTS

Cerna & Associates
Rehabilitation Resource Consultants
Ricardo G. Cerna
P.O. Box 285
Edgerton, WI 53534
608-884-4851

BNA Communications, Inc.
9439 Key West Avenue
Rockville, MD 20850-3396
800-233-6067

Employment Resources, Inc.
1310 Mendota St., Suite 107
Madison, WI 53714

Creative Employment Opportunities, Inc.
P.O. Box 26006
Milwaukee, WI 53226
414-476-9590

Jerry Vogt, President
ADA, Ltd.
8 North Allen St.
Madison, WI 53705
608-238-3300

Cleo Eliason
Easter Seal Society of Wisconsin
101 Nob Hill Road
Madison, WI 53713
608-277-8288

Materials Development Center
Stout Vocational Rehabilitation Institute
U.W. Stout, Menomonie, WI 54751

more than 50 guides. These prices do not include shipping and handling. To order, contact the ABA Commission on Mental and Physical Disability Law at 202-331-2297. Any entity that wishes to reproduce copies of the guide at their own expense should contact Jean Leshner in the ABA's Chicago office at 312-988-6101 about copyright releases.

Appendix I:

**Title II Regulations,
28 CFR Part 35**

federal register

Friday
July 26, 1991

Part IV

**Department of
Justice**

Office of the Attorney General

**28 CFR Part 35
Nondiscrimination on the Basis of
Disability in State and Local Government
Services; Final Rule**

PART 35—NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES

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Subpart A—General

§ 35.101 Purpose.

The purpose of this part is to effectuate subtitle A of title II of the Americans with Disabilities Act of 1990. (42 U.S.C. 12131), which prohibits discrimination on the basis of disability by public entities.

§ 35.102 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all services, programs, and activities provided or made available by public entities.

(b) To the extent that public transportation services, programs, and activities of public entities are covered by subtitle B of title II of the ADA (42 U.S.C. 12141), they are not subject to the requirements of this part.

§ 35.103 Relationship to other laws.

(a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the regulations issued by Federal agencies pursuant to that title.

(b) *Other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws, or State or local laws (including State common law) that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

§ 35.104 Definitions.

For purposes of this part, the term—
Act means the Americans with Disabilities Act (Pub. L. 101-336, 104

Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 811).

Assistant Attorney General means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Auxiliary aids and services includes—

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

Complete complaint means a written statement that contains the complainant's name and address and describes the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of this part. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Current illegal use of drugs means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

Designated agency means the Federal agency designated under subpart G of this part to oversee compliance activities under this part for particular components of State and local governments.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1)(i) The phrase *physical or mental impairment* means—

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including

speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(iii) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

(5) The term *disability* does not include—

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling,

kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

Drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Historic preservation programs means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

Historic Properties means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

Illegal use of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term *illegal use of drugs* does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Individual with a disability means a person who has a disability. The term *individual with a disability* does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use.

Public entity means—

(1) Any State or local government;

(2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

(3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

Section 504 means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794)), as amended.

State means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the

Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

§ 35.105 Self-evaluation.

(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

- (1) A list of the interested persons consulted;
- (2) A description of areas examined and any problems identified; and
- (3) A description of any modifications made.

(d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

§ 35.106 Notice.

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 35.107 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or

alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

(b) *Complaint procedure.* A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

§§ 35.108-35.129 [Reserved]

Subpart B—General Requirements

§ 35.130 General prohibitions against discrimination.

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

(b) (1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

- (i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
- (ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
- (iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- (iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;
- (v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;
- (vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;

(vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or

(iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.

(4) A public entity may not, in determining the site or location of a facility, make selections—

(i) That have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.

(5) A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a public entity are not, themselves, covered by this part.

(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.

unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

(8) A public entity shall not impose or apply eligibility criteria that screen out or lead to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

(c) Nothing in this part prohibits a public entity from providing benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.

(d) A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(e)(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA or this part which such individual chooses not to accept.

(2) Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.

(g) A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

§ 35.131 Illegal use of drugs.

(a) *General.* (1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.

(2) A public entity shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who—

- (i) Has successfully completed a supervised drug rehabilitation program

or has otherwise been rehabilitated successfully;

(ii) Is participating in a supervised rehabilitation program; or

(iii) Is erroneously regarded as engaging in such use.

(b) *Health and drug rehabilitation services.* (1) A public entity shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(c) *Drug testing.* (1) This part does not prohibit a public entity from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

(2) Nothing in paragraph (c) of this section shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs.

§ 35.132 Smoking.

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in transportation covered by this part.

§ 35.133 Maintenance of accessible features.

(a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§ 35.134 Retaliation or coercion.

(a) No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this part.

(b) No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the

exercise or enjoyment of, any right granted or protected by the Act or this part.

§ 35.135 Personal devices and services.

This part does not require a public entity to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

§§ 35.136-35.139 [Reserved]

Subpart C—Employment

§ 35.140 Employment discrimination prohibited.

(a) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.

(b)(1) For purposes of this part, the requirements of title I of the Act, as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of title I.

(2) For the purposes of this part, the requirements of section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or activity conducted by a public entity if that public entity is not also subject to the jurisdiction of title I.

§§ 35.141-35.148 [Reserved]

Subpart D—Program Accessibility

§ 35.149 Discrimination prohibited.

Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

§ 35.150 Existing facilities.

(a) *General.* A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by

individuals with disabilities. This paragraph does not—

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with § 35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

(b) *Methods*—(1) *General*. A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified

individuals with disabilities in the most integrated setting appropriate.

(2) *Historic preservation programs*. In meeting the requirements of § 35.150(a) in historic preservation programs, a public entity shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required because of paragraph (a)(2) or (a)(3) of this section, alternative methods of achieving program accessibility include—

(i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

(ii) Assigning persons to guide individuals with handicaps into or through portions of historic properties that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

(c) *Time period for compliance*. Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of January 26, 1992, but in any event as expeditiously as possible.

(d) *Transition plan*. (1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum—

(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.

(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.

§ 35.151 New construction and alterations.

(a) *Design and construction*. Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

(b) *Alteration*. Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

(c) *Accessibility standards*. Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR part 101-19.6) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 28 CFR part 36) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(j) of ADAAG shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(d) *Alterations: Historic properties*. (1) Alterations to historic properties shall comply, to the maximum extent feasible, with section 4.1.7 of UFAS or section 4.1.7 of ADAAG.

(2) If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of § 35.150.

(e) *Curb ramps*. (1) Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.

(2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.

§§ 35.152-35.159 [Reserved]

Subpart E—Communications

§ 35.160 General.

(a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

§ 35.161 Telecommunication devices for the deaf (TDD's).

Where a public entity communicates by telephone with applicants and beneficiaries, TDD's or equally effective telecommunication systems shall be used to communicate with individuals with impaired hearing or speech.

§ 35.162 Telephone emergency services.

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.

§ 35.163 Information and signage.

(a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(b) A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information

about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

§ 35.164 Duties.

This subpart does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with this subpart would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity.

§§ 35.165-35.169 [Reserved]

Subpart F—Compliance Procedures

§ 35.170 Complaints.

(a) *Who may file*. An individual who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by a public entity may, by himself or herself or by an authorized representative, file a complaint under this part.

(b) *Time for filing*. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause shown. A complaint is deemed to be filed under this section on the date it is first filed with any Federal agency.

(c) *Where to file*. An individual may file a complaint with any agency that he or she believes to be the appropriate agency designated under subpart G of this part, or with any agency that provides funding to the public entity that is the subject of the complaint, or with

the Department of Justice for referral as provided in § 35.171(a)(2).

§ 35.171 Acceptance of complaints.

(a) *Receipt of complaints*. (1)(i) Any Federal agency that receives a complaint of discrimination on the basis of disability by a public entity shall promptly review the complaint to determine whether it has jurisdiction over the complaint under section 504.

(ii) If the agency does not have section 504 jurisdiction, it shall promptly determine whether it is the designated agency under subpart G of this part responsible for complaints filed against that public entity.

(2)(i) If an agency other than the Department of Justice determines that it does not have section 504 jurisdiction and is not the designated agency, it shall promptly refer the complaint, and notify the complainant that it is referring the complaint to the Department of Justice.

(ii) When the Department of Justice receives a complaint for which it does not have jurisdiction under section 504 and is not the designated agency, it shall refer the complaint to an agency that does have jurisdiction under section 504 or to the appropriate agency designated in subpart G of this part or, in the case of an employment complaint that is also subject to title I of the Act, to the Equal Employment Opportunity Commission.

(3)(i) If the agency that receives a complaint has section 504 jurisdiction, it shall process the complaint according to its procedures for enforcing section 504.

(ii) If the agency that receives a complaint does not have section 504 jurisdiction, but is the designated agency, it shall process the complaint according to the procedures established by this subpart.

(b) *Employment complaints*. (1) If a complaint alleges employment discrimination subject to title I of the Act, and the agency has section 504 jurisdiction, the agency shall follow the procedures issued by the Department of Justice and the Equal Employment Opportunity Commission under section 107(b) of the Act.

(2) If a complaint alleges employment discrimination subject to title I of the Act, and the designated agency does not have section 504 jurisdiction, the agency shall refer the complaint to the Equal Employment Opportunity Commission for processing under title I of the Act.

(3) Complaints alleging employment discrimination subject to this part, but not to title I of the Act shall be processed in accordance with the procedures established by this subpart.

(c) *Complete complaints*. (1) A designated agency shall accept all

complete complaints under this section and shall promptly notify the complainant and the public entity of the receipt and acceptance of the complaint.

(2) If the designated agency receives a complaint that is not complete, it shall notify the complainant and specify the additional information that is needed to make the complaint a complete complaint. If the complainant fails to complete the complaint, the designated agency shall close the complaint without prejudice.

§ 35.172 Resolution of complaint.

(a) The designated agency shall investigate each complete complaint, attempt informal resolution, and, if resolution is not achieved, issue to the complainant and the public entity a Letter of Findings that shall include—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) Notice of the rights available under paragraph (b) of this section.

(b) If the designated agency finds noncompliance, the procedures in §§ 35.173 and 35.174 shall be followed. At any time, the complainant may file a private suit pursuant to section 203 of the Act, whether or not the designated agency finds a violation.

§ 35.173 Voluntary compliance agreements.

(a) When the designated agency issues a noncompliance Letter of Findings, the designated agency shall—

(1) Notify the Assistant Attorney General by forwarding a copy of the Letter of Findings to the Assistant Attorney General; and

(2) Initiate negotiations with the public entity to secure compliance by voluntary means.

(b) Where the designated agency is able to secure voluntary compliance, the voluntary compliance agreement shall—

(1) Be in writing and signed by the parties;

(2) Address each cited violation;

(3) Specify the corrective or remedial action to be taken, within a stated period of time, to come into compliance;

(4) Provide assurance that discrimination will not recur; and

(5) Provide for enforcement by the Attorney General.

§ 35.174 Referral.

If the public entity declines to enter into voluntary compliance negotiations or if negotiations are unsuccessful, the designated agency shall refer the matter to the Attorney General with a recommendation for appropriate action.

§ 35.175 Attorney's fees.

In any action or administrative proceeding commenced pursuant to the Act or this part, the court or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs, and the United States shall be liable for the foregoing the same as a private individual.

§ 35.176 Alternative means of dispute resolution.

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under the Act and this part.

§ 35.177 Effect of unavailability of technical assistance.

A public entity shall not be excused from compliance with the requirements of this part because of any failure to receive technical assistance, including any failure in the development or dissemination of any technical assistance manual authorized by the Act.

§ 35.178 State immunity.

A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this Act. In any action against a State for a violation of the requirements of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

§§ 35.179-35.189 [Reserved]

Subpart G—Designated Agencies

§ 35.190 Designated agencies.

(a) The Assistant Attorney General shall coordinate the compliance activities of Federal agencies with respect to State and local government components, and shall provide policy guidance and interpretations to designated agencies to ensure the consistent and effective implementation of the requirements of this part.

(b) The Federal agencies listed in paragraph (b) (1) through (8) of this section shall have responsibility for the implementation of subpart F of this part for components of State and local governments that exercise responsibilities, regulate, or administer

services, programs, or activities in the following functional areas.

(1) *Department of Agriculture:* All programs, services, and regulatory activities relating to farming and the raising of livestock, including extension services.

(2) *Department of Education:* All programs, services, and regulatory activities relating to the operation of elementary and secondary education systems and institutions, institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and libraries.

(3) *Department of Health and Human Services:* All programs, services, and regulatory activities relating to the provision of health care and social services, including schools of medicine, dentistry, nursing, and other health-related schools, the operation of health care and social service providers and institutions, including "grass-roots" and community services organizations and programs, and preschool and daycare programs.

(4) *Department of Housing and Urban Development:* All programs, services, and regulatory activities relating to state and local public housing, and housing assistance and referral.

(5) *Department of Interior:* All programs, services, and regulatory activities relating to lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums.

(6) *Department of Justice:* All programs, services, and regulatory activities relating to law enforcement, public safety, and the administration of justice, including courts and correctional institutions; commerce and industry, including general economic development, banking and finance, consumer protection, insurance, and small business; planning, development, and regulation (unless assigned to other designated agencies); state and local government support services (e.g., audit, personnel, comptroller, administrative services); all other government functions not assigned to other designated agencies.

(7) *Department of Labor:* All programs, services, and regulatory activities relating to labor and the work force.

(8) *Department of Transportation:* All programs, services, and regulatory activities relating to transportation, including highways, public transportation, traffic management (non-

law enforcement), automobile licensing and inspection, and driver licensing.

(c) Responsibility for the implementation of subpart F of this part for components of State or local governments that exercise responsibilities, regulate, or administer services, programs, or activities relating to functions not assigned to specific designated agencies by paragraph (b) of this section may be assigned to other specific agencies by the Department of Justice.

(d) If two or more agencies have apparent responsibility over a

complaint, the Assistant Attorney General shall determine which one of the agencies shall be the designated agency for purposes of that complaint.

§§ 35.191-35.999 [Reserved]

Appendix A to Part 35—Preamble to Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services (Published July 26, 1991)

Note: For the convenience of the reader, this appendix contains the text of the preamble to the final regulation on nondiscrimination on the basis of disability in State and local government services

beginning at the heading "Section-by-Section Analysis" and ending before "List of Subjects in 28 CFR Part 35" (56 FR (INSERT FR PAGE CITATIONS); July 26, 1991).

Dated: July 17, 1991.

Dick Thornburgh,

Attorney General.

[FR Doc. 91-17368 Filed 7-25-91; 8:45 am]

BILLING CODE 4410-01-M

Appendix J:
ADA Materials
Request Form



ADA Materials Request Form

If you want ADA material sent to you please indicate what you need from the list below. These documents are available in the following formats: regular print, large print, Braille, audio tape, computer disk, and electronic bulletin board. Return this form to the address below.

Name _____		
Organization _____		
Address _____		
Street		
_____	_____	_____
City	State	Zip
Phone _____		

Quantity

✓	Publication requested	Standard Print	Large Print	Braille	Tape	Disk
	Title II Technical Assistance Manual					
	Title III Technical Assistance Manual					
	Handbook (limit 1)					
	Title II Regulations					
	Title III Regulations					
	Information Packet					

Return To: U.S. Department of Justice, Civil Rights Division,
 Office on the Americans with Disabilities Act, P.O. Box 66738,
 Washington, D.C. 20035-9998

Appendix K:

**Code of Ethics: Registry of
Interpreters for the Deaf**



CODE OF ETHICS

1. Interpreters/transliterators shall keep all assignment-related information strictly confidential.

Guidelines: Interpreters/transliterators shall not reveal information about any assignment, including the fact that the service is being performed.

Even seemingly unimportant information could be damaging in the wrong hands. Therefore, to avoid this possibility, interpreters/transliterators must not say anything about any assignment. In cases where meetings or information become a matter of public record, the interpreter/transliterator should first discuss it with the person involved. If no solution can be reached, then both should agree on a third person who could advise them.

When training new trainees by the method of sharing actual experiences, the trainers shall not reveal any of the following information:

- *name, sex, age, etc., of the consumer;
- *day of the week, time of the day, time of the year the situation took place;
- *location, including city, state or agency;
- *other people involved;
- *unnecessary specifics about the situation;

It takes only a minimum amount of information to identify the parties involved.

2. Interpreters/transliterators shall render the message faithfully, always conveying the content and spirit of the speaker using language most readily understood by the person(s) whom they serve.

Guidelines: Interpreters/transliterators are not editors and must transmit everything that is said in exactly the same way it was intended. This is especially difficult when the interpreter disagrees with what is being said or feels uncomfortable when profanity is being used. Interpreters/transliterators must remember that they are not at all responsible for what is said, only for conveying it accurately. If the interpreter's/transliterator's own feelings interfere with rendering the message accurately, he/she shall withdraw from the situation.

While working from spoken English to sign or non-audible spoken English, the interpreter/transliterator should communicate in the manner most easily understood or preferred by the deaf or hard-of-hearing person(s), be it American Sign Language, manually coded English, fingerspelling, paraphrasing in non-audible spoken English, gesturing, drawing, or writing. It is important for the interpreter/transliterator and deaf or hard-of-hearing person(s) to spend some time adjusting to each other's way of communicating prior to the actual assignment. When working from sign or non-audible spoken English, the interpreter/transliterator shall speak the language used by the hearing person in spoken form, be it English, Spanish, French, etc.

3. Interpreters/transliterators shall not counsel, advise or interject personal opinions.

Guidelines: Just as interpreters/transliterators may not omit anything that is said, they may not add anything that is said, they may not add anything to the situation, even when they are asked to do so by other parties involved.

An interpreter/transliterator is only present in a given situation because two or more people have difficulty communicating, and thus the interpreter's/transliterator's only function is to facilitate communication. He/she shall not become personally involved because in so doing, he/she accepts some responsibility for the outcome, which does not rightly belong to the interpreter/transliterator.

4. Interpreters/transliterators shall accept assignments using discretion with regard to skill, setting, and the consumers involved.

Guidelines: Interpreters/transliterators shall only accept assignments for which they are qualified. However, when an interpreter/transliterator shortage exists and the only available interpreter/transliterator does not possess the necessary skill for a particular assignment, this situation should be explained to the consumer. If the consumer agrees that services are needed regardless of skill level, then the available interpreter/transliterator will have to use his/her best judgment about accepting or rejecting the assignment.

Certain situations, due to content, consumer involvement, the setting or other reasons, may prove so uncomfortable for some interpreters/transliterators and/or consumers that the facilitating task is adversely

Certain situations, due to content, consumer involvement, the setting or other reasons, may prove so uncomfortable for some interpreters/transliterators and/or consumers that the facilitating task is adversely affected. An interpreter/transliterators shall not accept assignments which he/she knows will be adversely affected.

Interpreters/transliterators shall generally refrain from providing services in situations where family members or close personal or professional relationships may affect impartiality, since it is difficult to mask inner feelings. Under these circumstances, especially in legal settings, the ability to prove oneself unbiased when challenged is lessened. In emergency situations, it is realized that the interpreter/transliterators may have to provide services for family members, friends, or close business associates. However, all parties should be informed that the interpreter/transliterators may not become personally involved in the proceedings.

5. Interpreters/transliterators shall request compensation for services in a professional and judicious manner.

Guidelines: Interpreters/transliterators shall be knowledgeable about fees that are appropriate to the profession.

A sliding scale of hourly and daily rates has been established for interpreters/transliterators in many areas. To determine the appropriate fee, interpreters/transliterators should know their own level of skill, level of certification, length of experience, nature of the assignment, and local cost of living index.

There are circumstances when it is appropriate for interpreters/transliterators to provide services without charge. This should be done with discretion, taking care to preserve the self-respect of the consumers. Consumers should not feel that they are recipients of charity. When providing gratis services, care should be taken so that the livelihood of other interpreters/transliterators will be protected. A freelance interpreter/transliterators may depend on this work for a living and therefore must charge for services rendered, while persons with other full-time work may perform the service as a favor without feeling a loss of income.

6. Interpreters/transliterators shall function in a manner appropriate to the situation.

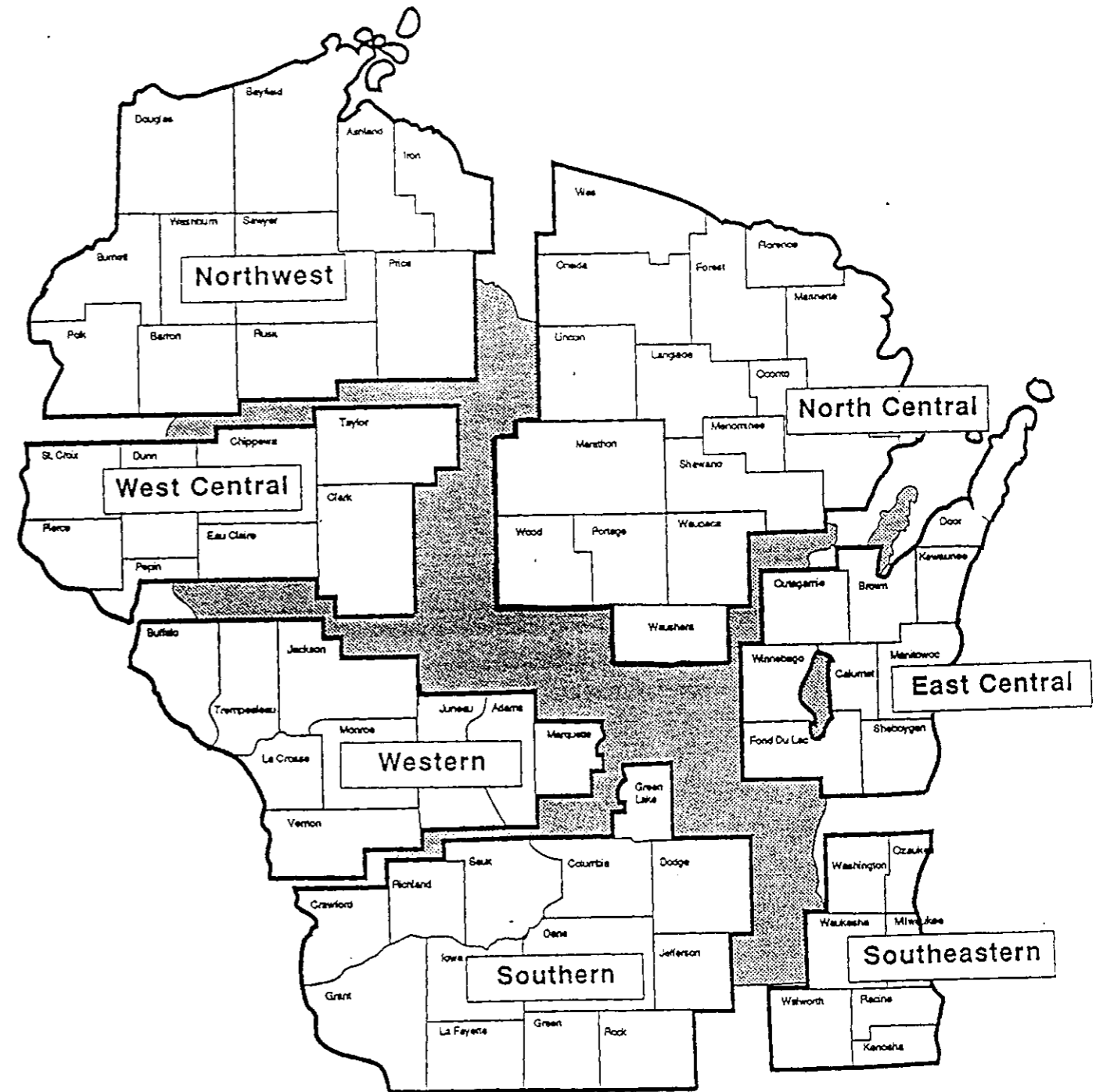
Guidelines: Interpreters/transliterators shall conduct themselves in such a manner that brings respect to themselves, the consumers, and the national organization. The term "appropriate manner," refers to: (a) dressing in a manner that is appropriate for the skin tone and is not distracting, and (b) conducting oneself in all phases of an assignment in a manner befitting a professional.

7. Interpreters/transliterators shall strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues, and reading of current literature in the field.

8. Interpreters/transliterators, by virtue of membership in or certification by the RID, Inc., shall strive to maintain high professional standards in compliance with the code of ethics.

Appendix L:

Map of Wisconsin Counties Association (Regional) Districts



WCA Districts

March 1993

Appendix M:
**Information on State Trust
Fund Loan Program**



Public Lands (608) 266-1370 Loans (608) 266-0034 Fax (608) 267-2787

Douglas La Follette
Secretary of State

Cathy S. Zeuske
State Treasurer

James E. Doyle
Attorney General

Stephen E. Gauger
Secretary

State of Wisconsin
State Trust Fund Loan Program

Five, Ten and Twenty Year Loan Programs
for Municipal Borrowing

Municipalities Eligible to Borrow:

Towns, villages, cities, counties, lake districts, metropolitan sewerage districts, town sanitary districts, and VTAE districts.

Our current rates as of February 16, 1994 are:

5 years or less	3.75%
More than 5 years, not to exceed 10 years	4.50%
More than 10 years, not to exceed 20 years	5.50%

The current maximum amount per calendar year that a municipality may borrow is \$750,000.

Note: Towns may only borrow for a maximum of ten years.

The purposes for which funds may be borrowed include, but are not limited to, buildings, roads, state trust fund refinancing, police and fire vehicles and capital equipment. The purposes, terms and applicable statutes may be found in Sec 67.05 through Sec 67.12 Wis. Stats.

The municipality's total indebtedness, including the Trust Fund loan applied for, may not exceed 5% of the valuation of the taxable property therein as equalized for state purposes. SEE SEC. 24.63 (1), Wis. Stats. 1991-92. For VTAE Districts the limit is 2%.

For more information contact: Bruce Vande Zande,
Municipal Loan Analyst
Telephone: (608) 266-0034
FAX: (608) 267-2787

Mailing Address: Post Office Box 8943 • Madison, Wisconsin 53708-8943
Location: GEF III, Room 200 • 125 South Webster Street • Madison, WI

