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Tearing down the Shameful Wall of Exclusion
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TEARING DOWN THE SHAMEFUL WALL OF EXCLUSION

By DR. LEANDRA A. BEDINI AND CARRIE A. MCCANN

The Americans with Disabilities Act (ADA) requires that all businesses, including parks and recreation, be accessible to people with disabilities. Meeting ADA requirements may take some expense and ingenuity, but the results will be positive and far-reaching.



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You use a wheelchair. You want to get some exercise but you can't get in the community center. Or you are blind and can't read the program brochures. Or you are mentally retarded and the staff won't let you swim because they think you might get hurt. People with disabilities have faced these barriers and problems for years when they have tried to participate in recreational programs. Now, however, there is legislation to eliminate these barriers. In the summer of 1990, President George Bush signed the Americans with Disabilities Act (ADA), a civil rights act for people with disabilities. Public agencies are now required by law to provide accessible services and facilities for the over 42 million people with disabilities in the United States. The passage of the Americans with Disabilities Act returns municipal and county recreation professionals to the original mission for all inclusive recreational services. This legislation has direct impact on municipal and county recreational programs, allowing them to be proactive in meeting the needs of their community.

Public Law 101-336, the Americans with Disabilities

Act, is similar to the Civil Rights Act of 1964 in that it demands equal opportunities and reduction of discrimination for the people with disabilities. The main purposes of the ADA are to provide a clear and comprehensive national mandate for eliminating discrimination against individuals with disabilities and to provide clear, strong, consistent and enforceable standards addressing discrimination against individuals with disabilities.

According to the ADA, public accommodations (facilities and services), transportation, telecommunications and housing must address accessibility for people with disabilities. The ADA identifies public entities as "any state or local government; any department, agency, special purpose district, or other instrumentality of a state or local government." The services and facilities that are affected by this law, therefore, include municipal and county parks and recreation programs such as in auditoriums, places of public gathering, senior centers, gymnasias, golf courses, or other places of exercise and recreation.

The ADA specifically addresses issues of discrimination and integration. Discrimination can be defined as imposing unnecessary eligibility requirements; failure to make reasonable accommodations; failure to take such steps as necessary to ensure that no individual is denied, segregated, or treated differently; or failure to remove architectural barriers and communication barriers. According to the ADA, no qualified individuals with a disability can be excluded from participation in or be denied benefits of service, programs, or activity based solely on their disability. Discrimination by denying participation can exist in three forms:

- failure to provide services, facilities, privileges, or advantages to someone who is qualified to use or participate in these services; for example, preventing an individual who is paralyzed from participating in a rock climbing class because the department is worried about potential injury. If the individual meets the requisite skill requirement for this activity, he or she should be allowed to participate.
- Encouraging participation that is not equal to that given to other individuals. For example, segregating people with disabilities from those without disabilities solely based on their label and not their abilities is inappropriate.
- Endorsing programs with different or separate benefits from those provided people without disabilities. The only time this is acceptable is when such action is necessary to provide the individual with an opportunity that is as effective as that provided to others. For example, some individuals with severe or profound mental retardation might not be able to participate in



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a crafts class as easily as those without disabilities. A separate class would be warranted if its focus was to develop skills in the individuals to bring them up to caliber with their non-disabled peers.

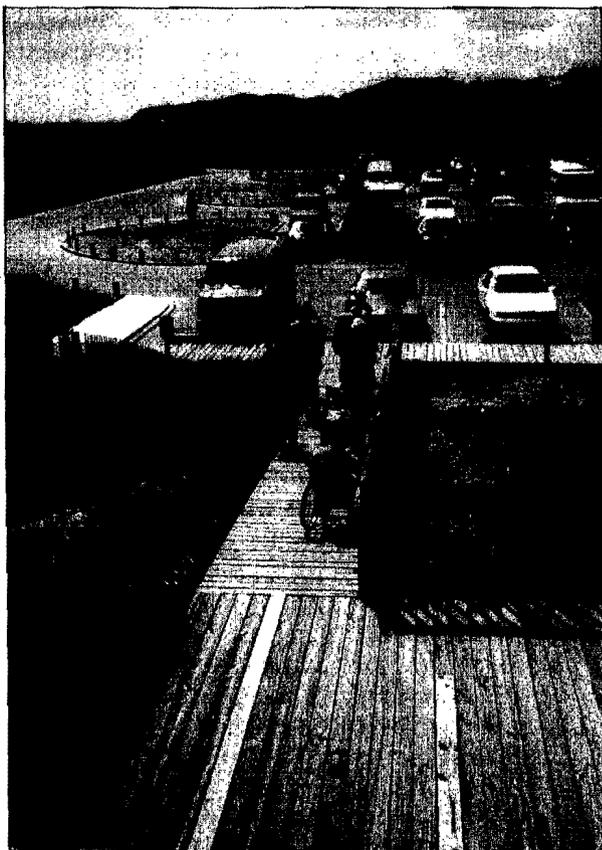
Integration is fundamental to the purposes of the ADA. Providers of services must eliminate unnecessary eligibility standards, make reasonable modifications in policy, practice and procedures that otherwise deny equal access. Additionally, to assure integration it is important that the facilities furnish auxiliary aids when necessary for effective communication.

The passage of the Americans with Disabilities Act raises the issue of how to overcome barriers to integration to be compliant with the law and still not spend extraordinary amounts of money, effort and time. According to current research, there is much agreement among municipal and county recreation professionals about the primary barriers to integration for people with disabilities. Inconvenient or inaccessible facilities and programs, untrained staff, too little money for changes, poor attitudes and lack of knowledge about people with disabilities by staff and commu-

nity, and discriminating policies in programming pose the greatest challenges to municipal and county parks and recreation departments. Although some of these obstacles seem unavoidable, there are ways they can be addressed to provide accessibility without great cost.

Barriers can be physical or attitudinal. The ADA calls for barriers to physical accessibility that might affect community recreation programs to be removed. Making changes in architectural barriers is essential to begin to provide true access to facilities and programs. For example, it is impossible to provide an integrated swimming program if individuals with mobility disabilities cannot even access the pool area due to barriers in the parking lot, entrance to the pool building, locker rooms, or the pool itself.

A great concern of parks and recreation professionals is the amount of funding that would be necessary to make these changes. Two things must be considered. First, the law recognizes that some changes might impose undue hardship and makes exceptions for fundamental alterations that cause undue financial or administration burdens. Second, while the expense of adapting an entire swimming pool and area would be prohibitive, many required changes in recreation settings would not be very costly at all. According to the Department of Labor (1989), 50 percent of all workers with disabilities can be employed with changes that cost less than \$50, suggesting that many changes of recreational settings are also inexpensive. Architectural changes that would provide accessibility might be as simple as insulating an exposed pipe under a sink so that wheelchair users would not burn their legs when using the sink, installing grab bars in the bathroom stalls, or rearranging furniture, vending machines, or shelving to make increase accessibility for all participants. Removing barriers such as stairs are not necessary if alternative measures would make goods and services available. Examples include moving registration to the first floor, developing home-visit services, providing staff or volunteers to retrieve materials when necessary, or relocating services to an accessible location. It is important to remember that architectural barriers affect more than just people who use wheelchairs. For example, for individuals with visual, hearing, or other impairments, providing auxiliary aids such as braille signage, interpreters, or TDDs (telecommunication device for the deaf) when needed are also forms of barrier removal. Sometimes something as simple as setting up a phone registration for people with visual impairments or encouraging staff to learn sign language to communicate with people with hearing impairments might resolve obstacles. The thing to remember is that there are several options to pursue, and not all are expensive.



Accessibility should not be thought of only in terms of rails, stairs and lifts, however. Accessibility also includes attitudes and information. Kennedy, Smith and Austin suggested that one of the greatest barriers to programs for people with disabilities in the community is that of omission. Barriers of omission are those situations whereby a particular individual or group is overlooked or omitted from participation in a program. Although this omission is not always intentional, allowing this to happen is a form of discrimination specifically prohibited by the ADA. It is important to review the programs and services offered to determine what omissions exist that lead to denial or discrimination in participation. For example, if the only advertisement about a program is in written form, people with visual impairments might be excluded since they cannot read the materials sent out about the programs. Having a taped message or materials in braille available can address this problem. Also, failure to advertise accessible buildings or services excludes those who may need them from initiating participation. A small note to this effect included in the advertisement would be helpful.

Making sure to eliminate barriers of omission not only aids in accessibility for those with disabilities, but it also sends a strong message to the community that all individuals are welcome in the programs. Although overcoming this problem will take time and education, it is not expensive nor difficult to achieve. A concerted effort to make sure all advertising, information, and interactions include all potential participants is little more than creativity and alertness.

Another major concern of municipal and county parks and recreation administrators is not having staff that are trained to work with people with different needs. Although not all people with disabilities require special assistance, some people with disabilities might need specialized help. Traditionally, specially trained individuals have been hired in parks and recreation departments to work specifically with segregated programs for all people with disabilities. Segregating people with disabilities unnecessarily, however, is a form of discrimination identified in the ADA. Each department needs to evaluate its own services to determine if unnecessary separation is being encouraged. It should be recognized that many people with disabilities not only want a choice of recreational programs but they also have the right to the opportunity to participate, if able, in any recreational program, whether it is for people with disabilities only or an integrated program.

Using a term "special populations" to refer to people with disabilities should be phased out as well. This term not only clumps those with disabilities into one group, it labels them as disadvantaged or different. When identified that way, non-disabled community members

For More Information About How the Americans With Disabilities Act Will Affect Your Department, Contact:

Office of the Americans with Disabilities Act
Civil Rights Division
U.S. Department of Justice
P.O. Box 56138
Washington, DC 20035-6118
(202) 514-0301 (voice) (202) 514-0383 (TTD)
(202) 514-6193 (electronic bulletin board)
For questions or a copy of technical assistance manual

The Association for Retarded Citizens of the
United States
500 East Border, S-300
Arlington, TX 76010
For information and training about providing
cognitively accessible, integrated services

Disability Rights Education and Defense Fund
2212 Sixth Street
Berkeley, CA 94710
For questions and training possibilities

National Conference of States on Building Codes
and Standards
505 Hummar Park Drive
Suite 210
Herndon, VA 22070
Questions about architectural compliance

might tend to expect less, overprotect, or isolate people with disabilities. For years, society has treated people with disabilities as children and dependent. Many individuals with disabilities, however, live completely independent and successful lives. The key concept to remember is that people with disabilities are individuals and should be treated as people first.

The Chapel Hill Parks and Recreation Department in North Carolina addressed these issues by hiring a "mainstream specialist" with particular knowledge about disabilities, adaptations, and activities. Rather than work only with people with disabilities, this individual encourages integration when appropriate. She



Ramps such as this one, located close to a designated parking spot, enable people with disabilities to visit and enjoy our country's parks.

facilitates choices of segregated programming when necessary and inclusion of individuals who want to participate in integrated programs. She is a consultant to the staff and an educator to the community. It is no more expensive to hire an individual with these skills than hiring the specialist trained in athletics, arts or another specific area of expertise.

It is important for the department administration not to rely solely on the "mainstream specialist" for interaction and facilitation of the recreational needs of people with disabilities. It is the responsibility of the administration to educate all staff in these matters. Training programs such as L.I.F.E. (Leisure Is For Everyone), help recreation and parks personnel learn how to overcome their fears and apprehensions about people with disabilities.

Since the ADA is built on grassroots efforts of voluntary compliance, parks and recreation departments should try to include all people in their decision-making. The integrated philosophy of recreation and parks services supports that recreation professionals

need to establish the goals and directions of their programs using the input from those they serve. Often, however, even though we try to include all races, ages, socioeconomic levels and denominations representative of a community on the advisory board, we don't actively recruit people with disabilities. According to the most recent Harris poll, approximately 15 percent of the U.S. population has some sort of disability. Therefore, for a ten-member board, appropriate representation would warrant one to two members with or close to a person with a disability. Few boards, however, can boast this representation.

Participation and representation of people with disabilities through recreation helps to integrate and educate a community about itself. The absence of individuals with disabilities not only sends the message that this group is inferior and unimportant as members of the community, but also deprives the department of insightful input.

Local, state and federal governmental agencies will be required to conduct a self evaluation to identify any current policies and practices that are inconsistent with the regulations of the ADA. Parks and recreation departments might want to appoint a department employee to evaluate the department regulations. This individual could monitor changes and regulations to assure compliance with the ADA.

To begin, each municipal and county parks and recreation department should take the initiative to become self-informed about the specific regulations of the law and begin to address issues of compliance. Many sources are available that not only outline the regulations but also offer guidance for compliance. For example, the Office of the Americans with Disabilities Act will answer questions and provide a technical assistance manual. The National Institute on Disability Rehabilitation Research (NIDRR) is establishing ten Regional Disability and Business Accommodation Centers which will address a wide range of issues related to the implementation of the ADA. Additionally, many workshops and training sessions are becoming available on local, state and national levels through statewide organizations such as the Governors Advocacy Council, the Association for Retarded Citizens and the Easter Seals Society.

The Americans with Disabilities Act is a vehicle for equal opportunity for people with disabilities. As recreation and parks professionals we have a chance to facilitate the enactment of legislation. As parks and recreation professionals we know the benefits of recreation and leisure participation to develop a well rounded, productive life. By providing these opportunities for all people, we can do our part to contribute to the growth and independence of people with disabilities. □