



Chapter 9

Advocacy and ADA Resources

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Advocacy and ADA Resources

9.1 Advocacy – What’s the Rationale?

Educating policy makers about the value of sport in advancing the lives of people with disabilities - and specifically the benefits programs offer to people in the community - is essential to creating more inclusive policies, programs, and resources. This section elaborates on the steps to take to engage policy makers at the community, state or federal levels in supporting programs. Policy makers can include government officials (at all levels), local school board members, key opinion leaders and other decision makers.

Rationale - Why is it important to build relationships with policy makers?

- Increases visibility and awareness for your program
- Enhances your ability to affect public policy
- Engages a potential new resource or funding source
- Builds support for your program

9.2 Shaping an Advocacy Campaign

Define your objectives for reaching out to policy makers

- What is the goal of the advocacy effort?
 - funding
 - new legislation/policy change
 - education and awareness
- What are the measurable outcomes?
 - generating new/increased funding
 - legislation introduced/law enacted
 - increased employment, community engagement, quality of life for people with disabilities
- What are the benefits?
 - public awareness and visibility
 - additional resources
 - building relationships

Who is the target audience? Below are some of the public officials to get to know:

- Mayor
- City council
- Local school board members
- County commissioner
- State legislators and senators
- State agency officials (education, labor, health and human services)
- Public Health Departments (State and local)
- Governor
- U.S. Senators
- U.S. Representatives
- Federal agency officials (education, labor, health and human services)

What resources will be required? Effective advocacy will require:



- Some knowledge of local, state, or federal policy and government
- Commitment of resources (staff, board time, travel)
- Strategic use of resources (advocacy effort aligns with organizational priorities)
- Board member participation (when relationships exist)
- Mobilizing program participants in letter writing and meetings with public officials

Assets of your local program:

- Underserved population with a demonstrated need
- Passionate advocates (staff, volunteers, other disability organizations)
- Testimonials from participants and their families
- Relationships with donors, funders, partners, program participants
- Board of Directors
- Existing champions

Developing an Advocacy Strategy:

1. Identify key agencies/committees
 - Local, State, Federal Agencies
 - Local school boards and/or boards of health
 - Department of Education
 - Department of Health and Human Services
 - Department of Labor
 - Appropriations and Authorizing Committees
 - Budget Committees
 - Mayor's or Governor's Office on Disability
2. Analyze programs & priorities
3. Determine where is the best fit
4. Develop the funding/legislative request
5. Identify key decision makers
6. Determine where there are existing relationships

9.3 Tactics for Conducting an Advocacy Campaign

- Message development
- Conduct meetings
- Secure champions for your program and advocacy effort
- Mobilize stakeholders
- Keep the momentum



1. Message Development

Prepare a one to two page briefing document that touches on the following items:

- Shape the message to the audience
- Define the funding/legislative/policy request
- Describe the arena and stakeholders/participants
- Cite supporting research and data
- What will happen if nothing is done
- Describe the cost benefits
- Know the opposing argument
- Tell the story
- Provide a program description - goals, objectives, and outcomes
- Establish your credibility as an organization (provide history, background, list of partners, prominent board members, staff credentials)

Keep the message local, personal, concise, and bring along supporting materials such as your organizational brochure or annual report and some testimonials or letters of thanks from participants and/or their family members.

2. Conduct Meetings with Policy Makers

- Schedule meetings in advance
- Be on time for scheduled meetings
- Be brief, clear, and concise in your communications
- Establish your credibility (professional background, personal experience with issue)
- Deliver your message in 15 minutes or less
- Be sure to thank the staff and public official for meeting with you
- Follow-up after your meeting:
 - send a thank you letter
 - respond to any questions or requests for information from meeting
 - ask if the official has agreed to support your request
 - maintain ongoing communication to build the relationship

Suggested Talking Points for Meetings:

- Introduce yourself and explain how you are involved with your specific organization.
- Give a brief overview of the 2 – 3 items you wish to cover in your meetings.
- Give a brief history of your experience with disability sport and a personal example of why this advocacy campaign is important.
- Request what action you want the official to take – sign onto a letter, vote for the bill, etc.
- Ask when you can follow-up to learn of his/her decision (unless is support offered during the meeting).
- Invite the official to visit your program or a special event hosted by your organization.
- Thank the person for his/her time – get a business card so you can send a thank you note.



3. Securing a Champion

- Determine where there may be an existing personal relationship
- Determine where the public official may have a personal connection to your issue
- Engage a champion in your organization's activities:
 - Invite champion to visit/tour program/facilities
 - Create media opportunities around visit or related story

4. Mobilizing Stakeholders

Engage participants, family members, service providers, program partners, sponsors, and board members in the following activities:

- Conduct a lobby day
- Hold meetings with policy makers
- Letter writing campaign
- Letters to the editor
- Telephone calls to elected officials and other policy makers
- Attend town hall meetings
- Invite elected officials and other policy makers to visit your programs

5. Keep the Momentum

- Make the investment in establishing relationships
- Maintain new and existing relationships
- Acknowledge champions
- Treat public officials like partners
- Keep them informed and engaged
- Take the time to say thank you
- Thank them publicly

9.4 Disability Rights Laws and Resources

Understanding federal laws designed to protect the rights of people with disabilities, eliminate discrimination, and remove barriers to full participation in community life is important to ensure that programs meet existing mandates and enable one to advocate effectively for programs and participants. This section provides an overview of federal disability rights laws and how these laws may apply to local programs, as well as other supporting resources.

Note: Information provided in this section is limited to federal disability rights laws. Many states have enacted stricter laws protecting citizens with disabilities or more stringent regulations regarding housing, architectural access, healthcare, etc. Please refer to your state and local statutes regarding disability rights and access for further guidance.

Americans with Disabilities Act (ADA)

The landmark 1990 Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability by employers, public accommodations, state and local governments, public and private transportation, and in telecommunications. Reports on the number of people covered by the law vary widely, from some 14 million to as many as 43 million.



TITLE I of the ADA covers employment and prohibits job discrimination against individuals with disabilities who, with or without a reasonable accommodation, can perform a job's essential functions.

TITLE II extends the same ban against discrimination to state and local governments and includes provisions requiring agencies to make public transportation and other public services accessible to individuals with disabilities. Parks and recreation departments are covered under Title II of the ADA. Resources for compliance with Title II are provided below:

ADA Title II Technical Assistance Manual can be downloaded at:
<http://www.ada.gov/taman2.html>

ADA Title II Highlights document provides quick reference to requirements under this title at: <http://www.ada.gov/t2hlt95.htm>

TITLE III bars discrimination in a wide range of public accommodations, including hotels, restaurants, museums, schools, and sports arenas, and requires that these facilities be accessible to people with disabilities. Title III requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. Non-profit organizations providing sports programs for people with disabilities are covered under Title III of the ADA. Resources for compliance with Title III are provided below:

ADA Title III Technical Assistance Manual can be downloaded at:
<http://www.ada.gov/taman3.html>

ADA Title III Highlights document provides quick reference to requirements under this title at: <http://www.ada.gov/t3hilght.htm>

ADA Title III Readily Achievable Barrier Removal Checklist can be found online at: <http://www.ada.gov/regs2010/ADAregs2010.htm>. This checklist will help you identify accessibility problems and solutions in existing facilities in order to meet your obligations under the ADA.

Standards for Accessible Design – Recreational Facilities

On March 15, 2011, new Department of Justice (DOJ) Standards for Accessible Design became effective. These new standards, which were years in the making, contain the revisions to the Americans with Disabilities Act (ADA) and were announced in the fall of 2010. The official text of the new regulations was published in the Federal Register on September 15, 2010. The revised regulations amend the Department's Title II regulation, 28 C.F.R. Part 35, and the Title III regulation, 28 C.F.R. Part 36.

The Standards contain an entire chapter (10) on "Recreation Facilities" and provides guidance and specifications on such facilities. Unless otherwise addressed, these regulations apply to the design and construction of recreation facilities and equipment wherever these elements are provided. (This includes office buildings with an exercise equipment room).



The first step in meeting the new obligations of the 2010 ADA regulations will be for organizations and public entities to familiarize themselves with the new regulations. (The revised ADA regulations implementing Title II and Title III are available online at: <http://www.ada.gov/regs2010/ADAREgs2010.htm>). Once an organization understands the full scope of their obligations under the act, the entity should consider how to meet the requirements by modifying existing facilities, developing appropriate policies, and holding staff training. For some organizations, these new regulations will not present major challenges - most of the 2010 Standards for Accessible Design are a codification of years old industry standards with only minor changes between these guidelines and those published in 2002 and 2004. Yet for others – such as those with features that are addressed for the first time in the regulations (such as wading pools) – an accessibility assessment becomes all the more critical.

Accessibility Resources:

BlazeSports webinar – “An Introduction to Creating Successful Sport, Fitness, and Physical Activity Environments” is available at: <http://youtu.be/De-LHCEbFXU>

A fact sheet on all the regulations is available online at:
http://www.ada.gov/regs2010/factsheets/2010_Standards_factsheet.html

The Revised ADA regulations implementing Title II and Title III are available online at: <http://www.ada.gov/regs2010/ADAREgs2010.htm>

The 2010 Standards for Accessible Design are available online at:
http://www.ada.gov/2010ADASTandards_index.htm

TITLE IV addresses telecommunications barriers, requiring that telephone services offered to the general public must include so-called “relay services,” which are designed to bridge the gap between individuals who use conventional voice telephones and those who use specialized equipment such as a TTY device. A TTY uses a keyboard to send and receive graphic messages over telephone lines. Relay services enable a caller using the TTY to call a “communications assistant” at a relay center that then dials the requested voice number and acts as a go-between for the two parties, speaking the TTYs typewritten message and typing the oral conversation of the other party.

The following list contains the telephone numbers and internet addresses of federal agencies and other organizations that provide information about the ADA and informal guidance in understanding and complying with different provisions of the ADA.

Department of Justice offers technical assistance on the ADA Standards for Accessible Design and other ADA provisions applying to businesses, non-profit service agencies, and state and local government programs. It also provides information on how to file ADA complaints.

ADA Information Line
800-514-0301 (voice)
800-514-0383 (TTY)
www.ada.gov



Equal Employment Opportunity Commission (EEOC) offers technical assistance on the ADA provisions applying to employment. It also provides information on how to file ADA complaints.

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

Employment - publications
800-669-3362 (voice)
800-800-3302 (TTY)
www.eeoc.gov

Department of Transportation, Federal Transit Administration (FTA) offers information on the public transit provisions of the ADA.

ADA Assistance Line
888-446-4511 (voice)
TTY: use relay service
www.fta.dot.gov
http://www.fta.dot.gov/civilrights/ada/civil_rights_3884.html
http://www.fta.dot.gov/civilrights/civil_rights_2360.html

Federal Communications Commission (FCC) offers technical assistance on the ADA's telephone relay service (TRS) requirements.

TRS publications and questions
888-225-5322 (voice)
888-835-5322 (TTY)
<http://www.fcc.gov/cgb/dro>

Department of Education funds ten regional centers to provide technical assistance on the ADA.

ADA & IT Technical Assistance Centers
800-949-4232 (voice/TTY)
<http://adata.org/Static/Home.html>
<http://www.access-board.gov/gs.htm>

U.S. Access Board (or **Architectural and Transportation Barriers Compliance Board**) offers technical assistance on the ADA Accessibility Guidelines.

Publications and questions
800-872-2253 (voice)
800-993-2822 (TTY)
www.access-board.gov



Job Accommodation Network (JAN), is funded by the Department of Labor to provide advice on accommodating employees with disabilities.

Job Accommodation Network
800-526-7234 (voice)
877-781-9403 (TTY)
www.askjan.org

Easter Seals Project Action (ESPA) is funded by the Department of Transportation to provide information about making transportation accessible.

Transportation information and publications
800-659-6428 or 202-347-3066
http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_homepage

Internal Revenue Service (IRS) offers tax incentives to help cover the cost of complying with the ADA. Form 8826 provides a tax credit for small businesses. Publication 535 explains tax-deductible expenses for business of any size.

Tax forms and publications
800-829-1040 (voice)
800-829-4059 (TDD) for people with hearing impairments.
www.irs.gov

Other Federal Laws

Other federal laws prohibit discrimination and provide equal opportunity for people with disabilities in housing, air transportation, Congressional offices and access to federal facilities, post offices, and electronic information. Below is a list of the most relevant federal laws for local programs beyond the ADA. The following list includes a brief description of each law along with the telephone numbers and internet addresses for obtaining additional information or assistance in understanding these laws.

Air Carrier Access Act – The Air Carrier Access Act prohibits discrimination in air transportation by domestic and foreign air carriers against qualified individuals with physical or mental impairments. It applies only to air carriers that provide regularly scheduled services for hire to the public. For questions or concerns pertaining to air transportation, call Department of Transportation:

Aviation Consumer Protection Division (ACPD)
Hotline: 800-778-4838 (voice)
800-455-9880 (TTY)
<http://airconsumer.ost.dot.gov>
http://airconsumer.ost.dot.gov/SA_Disability.htm

Architectural Barriers Act – The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed or altered with federal funds, or leased by a federal agency, comply with federal standards for physical accessibility. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities. They do not address the activities conducted in those buildings and facilities. For questions pertaining to access to federal facilities and post offices, contact the Access Board:



Publications and questions

800-872-2253 (voice)

800-993-2822 (TTY)

<http://www.access-board.gov/pubs.htm>

Fair Housing Act (FHA) – The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives federal financial assistance, and state and local government housing. For questions or publications, call Department of Housing and Urban Development:

Fair Housing general questions

800-225-5342

800-833-2483 (TDD)

<http://www.hud.gov/offices/hsg/sfh/fhairesourcectr.cfm>

Fair Housing accessibility questions

888-341-7781 (voice/TTY)

www.fairhousingfirst.org

Individuals with Disabilities Education Act (IDEA) – The Individuals with Disabilities Education Act (IDEA) (formerly called P.L. 94-142 or the Education for all Handicapped Children Act of 1975) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. IDEA requires public school systems to develop appropriate Individualized Education Programs (IEP's) for each child. The specific special education and related services outlined in each IEP reflect the individualized needs of each student. For questions or publications, call U.S. Department of Education:

Office of Special Education & Rehabilitative Services (OSERS)

202-245-7468 (voice/TTY)

www.ed.gov/about/offices/list/osers/osep

Rehabilitation Act – The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment, and in the employment practices of federal contractors.

Section 504 – Section 504 states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives Federal financial assistance”.

For information on how to file 504 complaints with the appropriate agency, contact:

U.S. DOJ Disability Rights Section

(800) 514-0301 (voice)

(800) 514-0383 (TTY)

www.ada.gov

Section 508 - Section 508 establishes requirements for electronic and information technology developed, maintained, procured or used by the federal government. Section 508 requires federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public. For questions pertaining to the accessibility of federal electronic information and technology, call the Access Board.