

On Target

Informing Indiana About Disability Issues
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GAO visits polling places in three counties

On Election Day, polling locations in three Indiana counties — Elkhart, Huntington and Marion — were paid special visits. Hoosier advocates for people with disabilities teamed up with officials from the national Government Accountability Office (GAO) to review the accessibility of polling locations in these counties. The advocates were “deputized” and served as observers for the day with the GAO.

This collaborative project between the Indiana Governor's Council for People with Disabilities and the Indiana Secretary of State's Office revealed some of the progress made since the Council's 2004 accessibility survey of Indiana polling places, as well as other past county-wide surveys. This year's survey used the same form that was used in the Help America Vote Act survey four years ago.

Gary Johnson, a member of the 2009 Partners in Policymaking class currently underway, participated in this year's GAO study and was also the team leader for the 2004 survey in Huntington County. According to Johnson, this year's survey went very smoothly as they visited eight polling places in both urban and rural areas.

In Huntington County, according to Johnson, the biggest issue was aisle width, as poll workers divided hallways by precincts, and each aisle wasn't wide enough by Americans with Disabilities Act (ADA) standards. However, the major issue in 2004 — not enough accessible parking spaces — was mostly corrected in 2008. Some polling places moved after 2004 because there were not enough accessible parking spaces. Also, seating was provided in all polling places for those waiting in line.

Another advocate who toured polling locations with the GAO was Sylvia Jackson, president and co-founder of the Northern Indiana Disability Advocacy Network, and one of the winners of this year's Community Spirit Awards at the Council's annual conference. Jackson visited six polling locations in Elkhart County, and the entire team visited a total of eight.

Jackson completed an accessibility survey of polling places in 2006 for Elkhart County, so she was able to see if changes were made during the past two years. “Many of the items that were inaccessible in 2006 were changed by 2008, including the elimination of polling locations that were financially unable to make accessibility changes,” said Jackson. “However, my biggest frustration this year was seeing voting equipment in places where wheelchairs could not fit, which happened frequently.” Jackson saw several locations that had voting machines in open spaces and had seating available to people while they waited in line. She also noticed that some locations offered touch-screen voting machines for people who had trouble with traditional voting methods.

“We’ve come a long way with all of the accessible voting equipment that is now available,” said Jackson. “Now, we have to work on educating people who don’t have disabilities about the importance of making things accessible — when you don’t have a problem, you may not remember that others might. It’s all about attitudes.”

Get to know the new political crew

The campaign advertisements are gone, phone lines are no longer buzzing with endorsement calls and political debating has ceased. Many of us did our part to vote and participate in the election process. But, our work isn’t done.

With Barack Obama preparing to take his seat in the White House, Gov. Mitch Daniels planning his next four years in office and countless legislators ready for action, now is the time to get acquainted with these elected officials. Building personal relationships is key to influencing legislators and other officials who can impact the disability community with their public policy decisions.

It’s important to connect with not only new officials, but also with those who have been re-elected. Reach out to your elected officials to introduce yourself and congratulate them on their win. Ask if they can meet with you to discuss issues affecting you and the disability community. Or, send them a letter or e-mail to share issues of concern.

You can find out who your elected senators and representatives are in the Indiana General Assembly and U.S. Congress by visiting www.in.gov/apps/sos/legislator/search/ and typing in your ZIP code. You can contact Gov. Daniels by visiting www.in.gov/gov or calling (317) 232-4567 (voice). To learn more about Barack Obama, visit www.barackobama.com.

Airlines now subject to Americans with Disabilities Act

A monumental lawsuit between Northwest Airlines and five Detroit-area airline travelers with physical disabilities has brought attention to a crucial question: How does the Americans with Disabilities Act (ADA) protect air travelers with disabilities?

As the law is currently written, aircraft are excluded from the definition of “specified public transportation.” Past court cases have interpreted this to also mean that airport terminals are excluded from ADA coverage. However, in this most recent case, U.S. District Judge George Caram Steeh said in a 13-page opinion that this interpretation is “inconsistent with the plain meaning of the statute.”

The Detroit-area residents filed suit against Northwest Airlines and Wayne County Airport Authority in Detroit (which was recently dropped as a defendant), claiming that the airline and airport failed to provide proper accommodations in a number of areas. Among several complaints, the plaintiffs said Northwest failed to provide boarding assistance in some cases, dropped passengers to the floor when assisting them improperly and damaged wheelchairs in the airline’s possession during flight.

Because aircraft are excluded from ADA coverage, airlines have been held to the standards of the Air Carriers Access Act (ACAA), which prohibits discrimination on the basis of disability in air travel and requires air carriers to accommodate the needs of passengers with disabilities. However, individuals are not allowed to file private claims under this law and must depend on the federal government for enforcement. Northwest argued the case should be dismissed because the ADA does not apply to airlines, and the ACAA does not allow individuals to file private claims.

Judge Steeh dismissed the plaintiffs' claims under the ACAA, but ruled the ADA does apply to airport terminals and thus the case may continue. He said that although aircraft are covered by the ACAA, airports are covered by the ADA, which includes terminals operated by the airlines, such as Northwest Airline's terminal at the Detroit airport. Therefore, Northwest's terminal — and all airline terminals — must meet ADA guidelines.

"This interpretation is consistent with Congress' intent to limit the ACAA's reach to aircraft and the ADA's reach to public spaces, such as terminals. In fact, to conclude otherwise would leave the door open for acts of discrimination that could not be remedied," Judge Steeh said in his opinion.

In the ADA language, "public accommodation" is defined to include entities affecting commerce such as "a terminal, depot, or other station used for specified public transportation." And according to Judge Steeh, the Northwest Airlines terminal at the Detroit airport is considered a public accommodation, as it's used for "bus, rail and other motorized transport along with its principal function as a center for transportation by aircraft."

Peter Berg, project coordinator of technical assistance at Great Lakes ADA, said the ADA applies to airport facilities, which includes anything from the front door to the jet way. The ACAA requires airlines to assist travelers with disabilities, such as helping someone in a wheelchair board the plane safely and guiding someone who is visually impaired from the ticket counter onto the airplane.

These services are not limited to the airplanes themselves, according to Berg; airlines are responsible for providing these services in the airport terminals. Thus, as they operate within their terminals, airlines are subject to the standards set forth by the ADA.

In an article in "The Detroit News," Kristin Baur, a spokesperson for Northwest, said the airline "is currently reviewing the ruling and evaluating its options regarding future actions." Baur also said the airline continues to be committed to providing accessible air travel for all customers.

Visit the Federal Aviation Administration's Web site at www.faa.gov to learn more about traveling rights for passengers with disabilities.

New system for FSSA public assistance

The Indiana Family and Social Services Administration (FSSA) recently made changes to its public assistance program to provide services through a computer-based system.

Prior to the new system, Hoosiers who received public assistance were assigned individual caseworkers who met with them to discuss their situations and determine their needs.

Individuals are now encouraged to seek benefits through an online system or by telephone. Under this new program, recipients are no longer assigned individual caseworkers, but each of Indiana's counties still provides an office where individuals can receive face-to-face assistance and help filling out the online forms. Through the new system, recipients can receive status updates 24/7 on the progress of their case.

"The new system allows clients to control their situation by pursuing public assistance in a way they're comfortable with," said FSSA spokeswoman Elizabeth Surgener. "Now, there are several options — online, by phone or in person at their county office." Additionally, social service agencies that are members of Indiana's Volunteer Community Assistance Network (VCAN) have agreed to help their clients fill out public assistance-related paperwork.

Surgener said the change is allowing FSSA to serve more families. From July 2008 to Aug. 2008, FSSA saw a 1.6 percent increase in the number of Hoosiers served — from 275,272 to 279,700.

However, some are concerned about the system. "It's always concerning when change comes to a system that is so critical to Indiana's most vulnerable citizens," said Kim Dodson, associate executive director for The Arc of Indiana. "Now we need to work together to make sure the change goes as smoothly as possible."

For more information on the new program, visit the FSSA's Division of Family Resources' Web site at www.in.gov/fssa/2407.htm, or call (317) 232-4704 (voice).

Better insurance available for people with mental health conditions

Individuals with mental health conditions will be afforded better insurance coverage, as required by a provision in the economic bailout bill signed into law by President Bush Oct. 3. For the first time in federal legislation, insurers will be required to provide the same degree of coverage for people with mental health conditions that they provide to people with physical illnesses and disabilities.

"This law recognizes that mental health and substance-use conditions are real and treatable like other physical medical conditions," said Steve McCaffrey, president and chief executive officer of Mental Health America of Indiana. "Mental health conditions affect more than one in five Americans and are often intertwined with illnesses like heart disease, cancer and diabetes."

A current Indiana law already affords equal coverage to people with mental health conditions, but this law only applies to insurance policies regulated by state law. The new federal law expands equal coverage to the 82 million Americans with mental health conditions who are in employer-sponsored plans, according to McCaffrey.

The new law will enable more Americans to be treated for conditions such as depression, autism, eating disorders, and alcohol and drug abuse. Some employers and group health plans will need to adjust their benefits to comply with the law. Many insurance policies currently offer less coverage and require higher co-payments and deductibles for mental health care than for treatment of physical conditions.

According to the Congressional Budget Office, it's estimated the new requirement will only increase premiums by an average of about two-thirds of 1 percent. The law will only apply to companies with more than 50 employees. Most health plans will be required to follow the new guidelines by Jan. 1, 2010.

The DTV transition: What you need to know

On Feb. 17, 2009, all television stations will transition from analog to digital broadcasting — also known as the Digital Television (DTV) transition. Although a big change for broadcasters, the transition will not affect individuals who subscribe to cable or satellite service.

Individuals with analog-only televisions, who do not have cable or satellite service, will need to purchase digital-to-analog converter boxes to view broadcast television stations. Most television sets are labeled if they contain a digital tuner. If unable to determine whether or not their television equipment contains a digital tuner, people are advised to contact the product manufacturer.

To help lessen the cost of a \$40 to \$70 converter box, the federal government has established the Digital-to-Analog Converter Box Coupon Program. Through March 2009, all U.S. households may request up to two coupons, worth \$40 each, for the purchase of two digital-to-analog converter boxes.

The DTV transition will free up broadcast airwaves for public safety communications, such as police and fire departments, and provide consumers with advanced wireless services, as well as better sound and picture quality.

To learn more about the DTV transition, visit www.dtv.gov. For more information on the Digital-to-Analog Converter Box Coupon Program, visit www.dtv2009.gov, or call (888) 388-2009 (toll free) or (877) 530-2634 (TTY).

Of Note

SSI now available on a debit card

Social Security Income (SSI) recipients can now have their payments put on a debit card, which can be used to make purchases, pay bills and get cash at thousands of locations. The new program, called Direct Express, provides an alternative for people without checking accounts to receive their SSI payments. Direct deposit is still the best option for SSI recipients who have checking accounts. However, individuals who still receive paper checks are encouraged to enroll in the Direct Express program. To learn more and sign up for Direct Express, visit www.fms.treas.gov/directexpresscard/.

Order your Disability Awareness Month materials now!

Materials for March 2009 Disability Awareness Month are now available from the Governor's Council. The 2009 theme, "Disable the Label," reminds us that defining people only by their disabilities can be hurtful and limiting. Materials such as posters, bookmarks, stickers and 20 different activities packets can help you implement Disability Awareness Month programs in your school, church and throughout your community.

An order form and materials form were enclosed in the November issue of "On Target." Complete and return the order form to the Council to start planning your activities for March. You can also visit the Council's new disability awareness Web site to learn more about the campaign at www.IndianaDisabilityAwareness.org, or call the Council at (317) 232-7770 (voice/TT).

Coming up next month!

The first 2009 issue of "On Target" will feature an analysis of the Nov. 4 election and discuss how the outcomes may affect people with disabilities.

Highlights from the Conference for People with Disabilities earlier this month will also be included.

On Target is a monthly publication of the Indiana Governor's Council for People with Disabilities. We welcome your suggestions for newsletter content and ideas concerning the actions of the Council. on target is made available in accessible formats upon request.