

PA TIDBITS

LEGAL NEWS & other

Disability-Related info

April 2021

Happy Spring



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THE WHITE HOUSE



Administration Priorities COVID-19 Briefing Room Español

BRIEFING ROOM



Executive Order on Promoting Access to Voting

MARCH 07, 2021 • PRESIDENTIAL ACTIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

President Joseph Biden's recent Executive Order on voting is an encouraging sign for people with disabilities, at least indicating a policy to promote accessibility. Earlier in the year, his Press Secretary announced that sign language would accompany briefings. In President Biden's executive order, "voters with disabilities" have taken on more importance and is mentioned several times to reflect promotion of accessibility relating to voting.

Here are two of the important paragraphs from the Executive Order:

Sec. 5. Modernizing Vote.gov. The General Services Administration (GSA) shall take steps to modernize and improve the user experience of Vote.gov. In determining how to do so, GSA shall coordinate with the Election Assistance Commission and other agencies as appropriate, and seek the input of affected stakeholders, including election administrators, civil rights and disability rights advocates, Tribal Nations, and nonprofit groups that study best practices for using technology to promote civic engagement.

(a) GSA's efforts to modernize and improve Vote.gov shall include:

- (i) ensuring that Vote.gov complies, at minimum, with sections 504 and 508 of the Rehabilitation Act of 1973;
- (ii) ensuring that Vote.gov is translated into languages spoken by any of the language groups covered under section 203 of the Voting Rights Act anywhere in the United States; and
- (iii) implementing relevant provisions of the 21st Century Integrated Digital Experience Act (Public Law 115-336).

(b) Within 200 days of the date of this order, GSA shall submit to the Assistant to the President for Domestic Policy a strategic plan outlining the steps to modernize and improve the user experience of Vote.gov.

Sec. 7. Ensuring Equal Access for Voters with Disabilities. Within 270 days of the date of this order, the National Institute of Standards and Technology (NIST) within the Department of Commerce shall evaluate the steps needed to ensure that the online Federal Voter Registration Form is accessible to people with disabilities. During that period, NIST, in consultation with the Department of Justice, the Election Assistance Commission, and other agencies, as appropriate, shall also analyze barriers to private and independent voting for people with disabilities, including access to voter registration, voting technology, voting by mail, polling locations, and poll worker training. By the end of the 270-day period, NIST shall publish recommendations regarding both the Federal Voter Registration Form and the other barriers it has identified.



To read the executive order in its entirety, go to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>



APRIL IS NATIONAL
AUTISM
AWARENESS
MONTH

APRIL ALSO IS
PARKINSON'S AWARENESS MONTH
LIMB LOSS AWARENESS MONTH
PARALYZED VETS ACROSS AMERICA MONTH

To Learn More

<https://www.autism-society.org/what-is/>

<https://www.autism-society.org/what-is/aspergers-syndrome/>

<https://www.autism-society.org/what-is/facts-and-statistics/>



<https://www.parkinson.org/understanding-parkinsons/what-is-parkinsons>

<https://www.parkinson.org/understanding-parkinsons/10-early-warning-signs>

<https://www.ninds.nih.gov/Disorders/Patient-Caregiver-Education/Hope-Through-Research/Parkinsons-Disease-Hope-Through-Research#moreinfo>



<https://www.prnewswire.com/news-releases/paralyzed-veterans-of-america-looks-forward-to-partnering-with-new-secretary-of-veterans-affairs-301190930.html>



What People with Disabilities Need to Know about COVID-19



Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

The Centers for Disease Control and Prevention has recently updated its guidance for COVID-19 vaccine distribution to emphasize the importance of disability access.

Vaccines & Immunizations

CDC > COVID-19 Vaccination > Clinical Care

COVID-19 Vaccination

Product Info by US Vaccine

Clinical Care

COVID-19 Vaccines

Managing Anaphylaxis

Lab Tests After Severe Allergic Reaction

Vaccinating Homebound Persons

Jurisdictions: Vaccinating Older Adults and People with Disabilities

Vaccination Sites: Vaccinating Older Adults and People with Disabilities

Interim Considerations for Phased Implementation of COVID-19 Vaccination and Sub-Prioritization Among Recommended Populations

Summary of Recent Changes

Revisions made on March 2, 2021

- Addition of considerations for location accessibility, communicating vaccine information and scheduling appointments for certain populations
- Updates to considerations for vaccination in congregate living settings
- Updates on implementation and dosing considerations for Pfizer, Moderna and Janssen COVID-19 vaccines

Key Points

On This Page

Purpose

Transitioning Between Vaccination Phases

Considerations for Transitioning Between Phases

Sub-prioritization of Frontline and Other Essential Workers

Considerations for Sub-prioritization

Summary of Recent Changes / Revisions made on March 2, 2021

- Addition of considerations for location accessibility, communicating vaccine information and scheduling appointments for certain populations
- Updates to considerations for vaccination in congregate living settings
- Updates on implementation and dosing considerations for Pfizer, Moderna and Janssen COVID-19 vaccines

Considerations for Other Populations in Phase 1b and 1c. Sub-prioritization may also be necessary among other groups included in Phase 1b and 1c. Jurisdictions should consider the unique needs of residents, such as people with disabilities or cognitive decline (and their caretakers), as well as those with limited access to technology, when evaluating vaccination location accessibility, communicating vaccine information, and scheduling appointments.

To read more, go to: <https://www.cdc.gov/vaccines/covid-19/phased-implementation.html>

Vaccines & Immunizations

CDC > COVID-19 Vaccination > Clinical Care

COVID-19 Vaccination

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Provider Requirements and Support

Guidance for Vaccinating Older Adults and People with Disabilities for Vaccination Sites

COVID-19 vaccines are becoming increasingly available. Since many older adults and people with disabilities are, or soon will be, eligible to receive a COVID-19 vaccine, vaccination clinics and providers should ensure that they are prepared to accommodate the needs of these populations when they receive vaccination services. Below is some guidance.

Planning Vaccination Outreach

- **Work with partner organizations** that serve older adults and people with disabilities, such as state agencies on aging and disabilities, Centers for Independent Living, community-based organizations and advocacy groups, veterans' groups, faith-based organizations, tribal organizations, and others to identify vaccine needs and accessible locations.
- **Provide information in a variety of accessible formats**, such as American Sign Language, braille, and easy-to-read materials with large text and pictures or visual cues.
- **Consider using a range of media channels** to communicate about the vaccination clinic, such as newspaper, radio, and TV, in addition to online and social media channels.
- **Enlist trusted messengers** that represent the communities where vaccination outreach is being targeted.

Planning for Appointments

To read more, go to: <https://www.cdc.gov/vaccines/covid-19/clinical-considerations/older-adults-and-disability.html>

THINK POSITIVE & STAY SAFE

ADA Concerns Raised Over COVID-19 Vaccine Rollout

A group of 13 U.S. senators recently sent a letter to top officials at the Department of Justice's Civil Rights Division and the Department of Health and Human Services' Office for Civil Rights, asking them to ensure that each state's process for distributing vaccines is in compliance with the ADA, as well as Sections 504 and 508 of the Rehabilitation Act.

United States Senate
WASHINGTON, DC 20510

March 03, 2021

Pamela S. Karlan
Principal Deputy Assistant Attorney General
Civil Rights Division
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dr. Robinsone Frohboese
Acting Director and Principal Deputy
Office for Civil Rights (OCR)
Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Federal authorities are being asked to step in amid concerns that sensory sensitivities, physical access and other barriers may be keeping people with disabilities from receiving COVID-19 vaccines.

The lawmakers cited a recent report from Kaiser Health News, which found that nearly all of the 94 federal, state and local websites with COVID-19 vaccine sign-ups or information that they checked did not meet accessibility standards. The senators want the Justice Department and HHS to work with states to make sure that the registration process — online or by phone — is fully accessible and that vaccination locations are equipped to meet various physical needs.

Source: <https://www.disabilityscoop.com/2021/03/08/ada-concerns-raised-over-covid-19-vaccine-rollout/29227/>

WebAIM
web accessibility in mind

Accessibility of COVID-19 Vaccine Pages and Barriers to Individuals with Disabilities

WebAIM (Web Accessibility In Mind), an organization that has provided comprehensive web accessibility solutions since 1999, conducted an analysis of vaccine information and registration web sites for all 50 state (plus DC) sites discovered that most sites may pose notable barriers to users with disabilities. All but 13 of the 94 pages tested had detectable accessibility issues.

On average the 94 state-level COVID-19 vaccine pages averaged 18.9 detectable errors. The most common error was low contrast text. Other common issues were images missing alternative text, empty links and buttons, and missing form input labels (text that would describe the purpose or function of form fields).



WebAIM concluded that regardless of the source of these barriers, lack of accessibility of these pages has a significant impact on the aging and disabled populations that are most impacted by COVID-19.

Source: <https://webaim.org/blog/accessibility-of-vaccine->



nTIDE February 2021 Jobs Report: Modest Job Gains Provide Hope for Economic Recovery

The job numbers increased slightly as the economy strived to recover from the impact of the COVID-19 pandemic, according to the February National

Trends in Disability Employment – Monthly Update (nTIDE), issued by Kessler Foundation and the University of New Hampshire's Institute on Disability (UNH-IOD). With the ongoing decline in COVID-19 cases, the outlook is positive for continued improvement. The prospects for additional federal aid are another factor that may affect the indicators in the coming months.

In the Bureau of Labor Statistics (BLS) February 2021 Jobs Report released, the employment-to-population ratio for working-age people with disabilities increased from 28.7 percent in January to 28.8 percent in February 2021 (up 0.3 percent). For working-age people without disabilities, the employment-to-population ratio also increased from 70.5 percent in January to 71.1 percent in February 2021 (up 0.9 percent). The employment-to-population ratio, a key indicator, reflects the percentage of people who are working relative to the total population (the number of people working divided by the number of people in the total population multiplied by 100).

To read more, go to: <https://kesslerfoundation.org/press-release/ntide-february-2021-jobs-report-modest-job-gains-provide-hope-economic-recovery>

DID YOU KNOW?

Year-to-Year Comparison of People with Disabilities and People without Disabilities



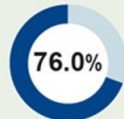
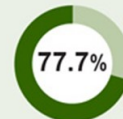
Labor Force Participation Rate February 2021

People with Disabilities
2020 2021



0.4 PPt decrease
in Labor Force Participation Rate compared to February 2020

People without Disabilities
2020 2021

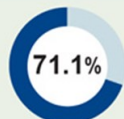
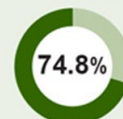


1.7 PPt decrease
in Labor Force Participation Rate compared to February 2020

Employment to Population Ratio February 2021



2.1 PPt decrease
in the Employment to Population Ratio compared to February 2020



3.7 PPt decrease
in the Employment to Population Ratio compared to February 2020

Source: Kessler Foundation and the University of New Hampshire Institute on Disability
February 2021 National Trends in Disability Employment Report (nTIDE)

* PPt = percentage point

MIND THE WORKPLACE



2021 Mind the Workplace Report

Mental Health America (MHA) released its 2021 report, which provides data to help better understand the mental health challenges that employees across company size and industry are experiencing during the COVID-19 pandemic.

Data in the report comes from the Work Health Survey, which measured the perceptions of 5,030 employees across 17 industries in the United States between February 13, 2020 – September 9, 2020. Survey questions measured financial insecurity, burnout, supervisor support, workplace stress, and mental illness. Here are some major takeaways from the report:

- Most employees are experiencing signs of burnout.
- Employees are not receiving the support they need to manage stress.
- Workplace stress is severely impacting employees' mental health.
- Employees are concerned about their current financial situations.

To read the report, go to: https://mhanational.org/research-reports/2021-mind-workplace-report?eType=EmailBlastContent&eld=16533eef-de54-403c-85c1-b73b172dde8f&sl_qr=qr_workplacemantalhealth

2021



Report: The State Of Disability Employee Engagement

Global Disability Inclusion, in partnership with Mercer Global, released findings from a

10-year study analyzing corporate survey data on the experiences of employees with disabilities compared to their non-disabled colleagues. The report finds employees with disabilities are significantly less engaged, and their employment experiences rank lower than all other diversity groups.

To read the report, go to: <https://e1012ab5-2317-4e74-b366-590cf686e1ee.filesusr.com/>



Accessibility News

PROGRAMMING Librarian 7 Ways to Make Your Virtual Programs More Accessible to Patrons with Disabilities


Per Hannah Arata, ALA Public Programs Office, for many library workers, 2020 has been a crash course in learning to reach patrons in new ways. P&A held a number of voting trainings in the last year, which required development of virtual programs with sensitivity to accessibility. If like P&A the pandemic response has included more online programs, as Arata recognizes, companies may inadvertently be leaving some people out. She notes that one in four Americans has some type of disability and urges companies to take some time to assess the accessibility of your virtual programs and make them more accessible for the year to come. Arata suggests the following ways to make virtual programs more accessible (from Christena Gunther, founder and president of the Chicago Cultural Accessibility Consortium (CCAC)):

1. Include accessibility information (a "statement of welcome") on virtual event webpages;
2. Try your best to fulfill requests;
3. Describe, describe, describe;
4. Captioning is critical;
5. Model accessibility for your participants;
6. Accessibility is not about compliance; it's a journey with no destination; and
7. Invite feedback from patrons with disabilities

Arata also identifies a number of Resources.

To read more, go to: <https://programminglibrarian.org/articles/7-ways-make-your-virtual-programs-more-accessible-patrons-disabilities>

KEEP INFORMED



Spinal Cord Injury Facts and Figures at a Glance


2021 SCI Data Sheet

This data sheet is a quick reference on demographics and the use of services by people with spinal cord injury in the United States (U.S.). Much of the information reflects recent data collected since 2015. Historical information reflects data collected since the early 1970s.

Incidence

The 2020 population size in the United States was estimated to be about 331 million people. The most recent estimate of the annual incidence of spinal cord injury (SCI) is approximately 54 cases per one million people in the United States, which equals about 17,900 new SCI cases each year. New SCI cases do not include those who die at the location of the incident that caused the SCI.

• **Data Source:** Jain NB, Ayers GD, Peterson EN, et al. Traumatic spinal cord injury in the United States, 1993-2012. JAMA. 2015;313(22):2236-2243.



The National Spinal Cord Injury Statistical Center (NSCISC) published a fact sheet to provide a quick reference for demographics and the use of services by people with SCI in the U.S., using data from the multicenter, longitudinal National SCI Database.

To see more, go to: <https://www.nscisc.uab.edu/Public/Facts%20Sheet>

Accessibility for All?

Last month was Developmental Disabilities Awareness Month, as well as Brain Injury Awareness Month, Multiple Sclerosis Awareness Month, and Cerebral Palsy Awareness Month. This month is Autism Awareness Month and Parkinson's Awareness Month, among others. The ADA will mark its 31st Anniversary this year. It occurred to me that with all the awareness campaigns, accessibility continues to be a journey for the inclusion, accessibility, and equality envisioned over three decades ago. The journey of course began much earlier.

In 1930, Congress established the Talking Books Program, which has evolved to include other populations beyond those with visual impairments, most notably, blindness. Technology also has influenced the evolution. President Biden considered it a priority for accessibility to be furthered for voting. As most of us utilize the virtual world, accessibility in websites has become a major area of attention. The pandemic has exposed other limitations as people seek vaccines, with a disability population yet again not being able to utilize sites to become registered due to inaccessible websites.

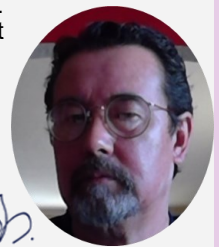
One begins to wonder what it will take for the goal of accessibility to be realized. Of course, some issues will not become apparent until the exposure of a lack of accessibility in a particular instance. Yet, accessibility exists because of limitations imposed on a variety of disability populations that became obvious. It should come as no surprise that even the most obvious accessibility issues still exist and sometimes require intervention by the U.S. Department of Justice to enforce basic requirements of accessibility guaranteed by the ADA. Survey of settlement agreements between state and local governments or commercial enterprises and the DOJ, as well as outcomes of litigation to further website accessibility, reflects that it takes more than just awareness. That said, awareness does in fact play an important role as we strive to create opportunities that most of the population without disabilities take for granted.

Can we also see a world in which accessibility is not just a matter of awareness, but also a reality for all? There are many populations of distinct disabilities, in which many play a role to advocate for the this objective, including organizations like P&A, which exist to fight for people with disabilities. It takes more. Executive orders. Court rulings. Settlement agreements.

The fight goes on.

Does it need to be a fight?

Or can we unite for accessibility for all?



Robert Walters, P&A Staff Attorney

FOR MORE
INFO

CONTACT US

Protection & Advocacy System, Inc.

7344 Stockman Street
Cheyenne, WY 82009

(307) 632-3496

(800) 624-7648

(307) 638-0815

Voice or Relay
(Clients Only)

FAX