



**LIBRARY AND INFORMATION SERVICES FOR  
INDIVIDUALS WITH DISABILITIES**  
AN NCLIS HEARING IN WASHINGTON, DC  
JULY 8, 1999

**NCLIS Hearing 1999-1**



**NCLIS**

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U.S. National Commission on Libraries and Information Science  
1110 Vermont Avenue, NW, Suite 820, Washington, DC 20005-3552

## **U.S. National Commission on Libraries and Information Science**

1110 Vermont Avenue, NW, Suite 820, Washington, DC 20005-3552

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The National Commission on Libraries and Information Science is a permanent, independent agency of the Federal government, established in 1970 with the enactment of Public Law 91-345. The Commission is charged with:

- advising the President and the Congress on the implementation of policy;
- conducting studies, surveys, and analyses of the library and informational needs of the nation;
- appraising the adequacies and deficiencies of current library and information resources and services; and
- developing overall plans for meeting national library and informational needs.

The Commission also advises Federal, state, and local governments, and other public and private organizations, regarding library and information sciences, including consultations on relevant treaties, international agreements and implementing legislation, and it promotes research and development activities which will extend and improve the nation's library and information handling capability as essential links in the national and international networks.

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Robert S. Willard,  
*Executive Director*

Judith C. Russell,  
*Deputy Director*

The views, opinions and recommendations expressed in the hearing transcript and submitted statements are those of the identified individuals and organizations, and not necessarily those of the U.S. National Commission on Libraries and Information Science.

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U.S. National Commission on Libraries and Information Science  
1110 Vermont Avenue, NW, Suite 820, Washington, DC 20005-3552





United States National Commission on Libraries and Information Science

July 2001

The President  
The White House  
Washington, DC 20500

The Vice President  
President of the Senate  
United States Senate  
Washington, DC 20510

The Speaker of the House  
United States House of Representatives  
Washington, DC 20515

Dear Mr. President, Mr. Vice President and Mr. Speaker:

In fulfilling the Commission's statutory mission to advise the President and the Congress on the library and information needs of the public, I am pleased to present *Library and Information Services for Individuals with Disabilities*. This publication includes the edited transcript of the Commission hearing held at the Kellogg Conference Center of the Gallaudet University on July 8, 1999 as well as statements and materials submitted for the record.

The members of the Commission held this hearing to learn firsthand what the explosion of information technology has meant for individuals with disabilities. We know that computer technology facilitates the production of talking books and closed captioning. Electronic text can be manipulated in ways that print cannot to assist persons with disabilities. Information technology can also help eliminate distance and physical barriers. We are also aware, however, of the problems a mouse-driven graphical interface can present to a sightless person. Moreover, we understand that certain intellectual property restrictions may stifle the easy production of information in alternative formats for the disabled.

While we recognize that all people are equal in their "inalienable rights," we also acknowledge that differences among people manifested by physical or mental disabilities present obstacles to the exercise of the rights set forth in the Declaration of Independence, including "life, liberty, and the pursuit of happiness." As we strive for greater independence for people with disabilities, we are confident that the combination of advancing information technology and caring, informed public policy making will let us find success.

As a result of this hearing, along with the emerging research information on disabilities and technology, the Commission members will be able to explore the gamut of issues raised in order to develop policy recommendations to appropriate government agencies and other organizations.

Jeanne Hurley Simon moderated this hearing. It was her last public appearance as Chairperson of the National Commission on Libraries and Information Science prior to her death in February 2000. This issue was of great importance to Jeanne in her constant efforts to improve the library and information services of the American people. This report and our efforts to develop appropriate and practical policy guidance for providing library and information services to individuals with disabilities are dedicated to her memory.

Thank you again for your continued interest in and attention to the library and information needs of all citizens of this nation.

Sincerely,

A handwritten signature in black ink, appearing to read "Martha B. Gould". The signature is fluid and cursive, with the first name "Martha" being more prominent.

Martha B. Gould  
Chairperson

## **In Memoriam**



Photo by Martin Hurley Simon

**Jeanne Hurley Simon**

**1922 – 2000**





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## FOREWORD

The U.S. National Commission on Libraries and Information Science (NCLIS) was established in 1970 by Public Law 91-345 as a permanent, independent agency of the Federal government charged with advising the executive and legislative branches on national library and information policies and plans. Specifically, the Commission was established to advise the President and the Congress on the library and information needs of the nation and the policies and plans necessary to meet those needs, and to report directly to the White House and the Congress on the implementation of national policy. In addition, the Commission conducts studies, surveys and analyses of the nation's library and information needs; appraises the adequacies and deficiencies of current resources and services; promotes research and development activities; conducts hearings and issues publications as appropriate; and develops overall plans for meeting national library and informational needs and for the coordination of activities at the Federal, state, and local levels.

In the Commission's enabling legislation, the Congress declared that library and information services "are essential to meet broad national goals." The Commission was empowered to examine such library and information services and to make policy recommendations to the President and to the Congress regarding how these services could best be provided. In keeping with its mission and purpose, the Commission conducted a hearing on *Library and Information Services for Individuals with Disabilities* at the Kellogg Conference Center of the Gallaudet University in Washington, DC, on July 8, 1999. It is evident that recent advances in information technology have improved conditions for some people with disabilities while presenting new challenges to others.

The hearing on *Library and Information Services for Individuals with Disabilities* was held at the Gallaudet University, one of the nation's foremost educational facilities for the deaf. The focus of this event goes far beyond individuals with hearing disabilities. Individuals or their representatives presented testimony regarding different types of disabilities. The Commission also heard from concerned, dedicated individuals including educators, parents, library and information service professionals, representatives from national associations and organizations, and volunteers.

Libraries and librarians perform an indispensable role in connecting disabled individuals to the information resources they need to lead productive, independent lives. Commissioner C. E. (Abe) Abramson framed the issues well when he said, "Libraries have a responsibility to meet the special needs of users with physical, learning and other disabilities. The Commission wants to hear, first hand, of the various kinds of assistance being provided by libraries to persons with permanent or temporary disabilities, including assistance in ordering materials in alternative formats, searching and retrieving materials (both online and print), accessing library buildings and parking facilities, providing adequate space for study and testing, and furnishing special equipment."

For the Commission, this hearing served as the first step in an important learning process about a very complex matter. The information gained from this hearing, in addition to continuing research and study, will ultimately guide future action in determining the need for policy recommendations to appropriate government agencies and other organizations.

## Commissioners Participating in the Hearing

Commissioners participating in the hearing on *Library and Information Services for Individuals with Disabilities* were:

- Jeanne Hurley Simon, Chairperson and Moderator
- Martha B. Gould, Vice Chairperson
- C. E. "Abe" Abramson
- Rebecca T. Bingham
- Joel D. Valdez
- Betsy Sywetz for the Acting Director, Institute of Museum and Library Services
- Winston Tabb for the Librarian of Congress

Executive Director Robert S. Willard accompanied the Commissioners.

## List of Acronyms and Abbreviations Used in This Report

Acronym	Explanation
AAP	Association of American Publishers
AAUP	American Association of University Professors
ADA	Americans With Disabilities Act (42 U.S.C. 12101)
ADAAG	Americans With Disabilities Act Accessibility Guidelines
AFB	American Foundation for the Blind
AIA	American Institute of Architects
ALA	American Library Association
ALD	Assistive Learning Devices
APH	American Printing House for the Blind
ALA	American Library Association
ALAD	Academic Librarians Assisting the Disabled Discussion Group
ALDA	Association for Late Deafened Adults
Amslan/ASL	American Sign Language
ASCLA	Association of Specialized and Cooperative Library Agencies, a division of the American Library Association
ASIS	American Society for Information Science, now called American Society for Information Science and Technology (ASIST)
CAF	Conference Assistance Fund for Consumers and Families
CAN	Computer-assisted Note-taking
CART	Communication Access Real Time
CAST	Center for Applied Special Technology
CCTV	Closed Circuit Television

<b>Acronym</b>	<b>Explanation</b>
CEC	Council for Exceptional Children
CITA	Center for Information Technology Accommodation
CMP	Captioned Media Program
COSLA	Chief Officers of State Library Agencies
DDMAG	Library Service to the Developmentally Disabled Persons Membership Activity Group
DO-IT	Disabilities, Opportunities, Internetworking and Technology
DV	Descriptive Videos (DV), selected contemporary and classic movies specifically adapted for the visually impaired
EASI	Equal Access to Software and Information
EEOC	U.S. Equal Opportunity Employment Commission
EIN	Electronic Information Network
ERIC	Education Resources Information Center of the U.S. Department of Education Office of Educational Research and Improvement
FCC	U.S. Federal Communications Commission
FOLDA	Friends of Libraries for Deaf Action
FOLUSA	Friends of the Library USA
IDA	International Dyslexia Association
IDEA	Individuals with Disabilities Education Act Amendments
IEP	Individual Education Plan, a requirement of the Federal Individuals with Disabilities Education Act.
IFLA	International Federation of Library Associations and Institutions
IMLS	U.S. Institute of Museum and Library Services
ISMAPS	Menu Alternatives for Image Maps on Web Pages
JCAH	Joint Commission on the Accreditation of Hospitals
LD	Learning Disabilities
LDA	Learning Disabilities Association of America
LITA	Library and Information Technology Association, a division of the American Library Association
LSCA	Library Services and Construction Act (citation)
LSDF	Library Service to the Deaf Forum
LSIEF	Library Service to the Impaired Elderly Forum
LSPF	Library Service to Prisoners Forum
LSPVPDF	Library Service to People with Visual or Physical Disabilities Forum
LSSPS	Libraries Serving Special Populations Section, a section of the Association of Specialized and Cooperative Library Associations of the American Library Association

<b>Acronym</b>	<b>Explanation</b>
LSTA	Library Services and Technology Act (20 U.S.C. 9121)
NAD	National Association of the Deaf
NAIS	National Association of Information and Library Scientists
NCAM	National Center for Accessible Media
NCD	U.S. National Council on Disability
NCLD	National Center for Learning Disabilities, Inc.
NCLIS	U.S. National Commission on Libraries and Information Science
NFB	National Federation of the Blind
NISO	National Information Standards Organization
NLE	National Library of Education
NLS	National Library Service for the Blind and Physically Handicapped of the U.S. Library of Congress
NICHCY	National Information Center for Children and Youth with Disabilities
OERI	Office of Educational Research and Improvement of the U.S. Department of Education
PAFT	Print Access for Texans
PPLC	Pinellas [Florida] Public Library Cooperative
RFB&D	Recording for the Blind and Dyslexic
RSVP	Retired Senior Volunteer Program
RTL	Roads To Learning, the Public Libraries' Learning Disabilities Initiative of the American Library Association
SHHH	Self Help for Hard of Hearing People, Inc. of the National Center on Assistive technology
SIPP	Survey of Income and Program Participation, a survey on the economic situation of people with disabilities conducted by the Bureau of the Census.
TDD	Telecommunications Device for the Deaf.
TEDPA	Telecommunications Equipment Distribution Program Association
TBL	Talking Book Library
TRS	Telecommunications Relay Services
TTY	A device with an electronic text display and a keyboard that allows persons with hearing or speech disabilities to have a visual, two-way telephone conversation
UD	Universal Design
UNESCO	United Nations Education, Scientific and Cultural Organization
VRI	Video-Relay Interpreting
VDDHH	Virginia Department for the Deaf and Hard of Hearing

<b>Acronym</b>	<b>Explanation</b>
V.I.C.U.P.A.	Visually Impaired Computer Users of the Philadelphia Area
W3C	World Wide Web Consortium
WFD	World Federation of the Deaf
WHCLIST	White House Conference on Library and Information Services Taskforce
WIPO	World Intellectual Property Organization



## ACKNOWLEDGMENTS

The members and staff of the U.S. National Commission on Libraries and Information Science (NCLIS) express their sincere appreciation to everyone contributing to the success of this hearing. Their combined advice, guidance, suggestions, support and encouragement in the examination of this important issue are most valuable.

The Commission expresses deep appreciation to the witnesses. The individual and institutional commitment required to participate in efforts such as this hearing is, indeed, large. We are grateful for their participation and enlightenment. The Commission is also grateful to the individuals and organizations that provided written statements and other materials.

The Commission members and staff extend their sincere appreciation to Dr. Roslyn Rosen, Vice President for Academic Affairs, and Mr. John Day, University Librarian, of the Gallaudet University, for their warm hospitality and invaluable assistance.

The Commission members and staff dedicate this report to Jeanne Hurley Simon, who served as Chairperson of the National Commission on Libraries and Information Science from 1993 until her untimely death in February 2000. Jeanne moderated this hearing. It was her last public appearance as Chairperson of the Commission. This issue was of great importance to Jeanne in her constant efforts to improve the library and information services of the American people. This report and the Commission's efforts to develop appropriate and practical policy guidance for providing library and information services to individuals with disabilities are dedicated to her memory.





**LIBRARY AND INFORMATION SERVICES FOR INDIVIDUALS WITH DISABILITIES**  
**An NCLIS Hearing in Washington, DC, July 8, 1999**

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**1. Introductory Remarks: Jeanne Hurley Simon, Chairperson, National Commission on Libraries and Information Science**

CHAIRPERSON SIMON: Good morning. I hope everyone can hear me. I am delighted to be here this morning. My name is Jeanne Simon, and I have the honor to be the Chairperson of the U.S. National Commission on Libraries and Information Science (NCLIS), appointed by President Clinton in 1993 and, happily, reappointed in 1998.

Joining me this morning are Vice Chair Martha Gould of Reno, Nevada; Commissioner Joel Valdez of Tucson, Arizona; Winston Tabb, representing James Billington, the Librarian of Congress. Dr. Billington is an ex officio member of the Commission. To my right are Commissioner Abe Abramson from Missoula, Montana; Commissioner Rebecca Bingham of Louisville, Kentucky; and Elizabeth Sywetz, representing the Acting Director of the Institute of Museum and Library Services (IMLS). The IMLS Director is the other ex officio member of the Commission.

I would like to introduce former Commissioner Robert Willard. Bob now serves as the Executive Director of the Commission.

We are here today to hold this very important hearing on *Library and Information Services for Individuals with Disabilities*. As we said in the NCLIS News Release announcing this hearing, "The Commission recognizes that recent advances in information technology have improved conditions for some people with disabilities while presenting new challenges to others." We know that computer technology can facilitate the production of talking books and closed captioning. Electronic text can be manipulated in ways that print cannot to assist persons with disabilities. Information technology can also help eliminate distance and physical barriers. However, we are also aware of the problems a mouse-driven graphical interface can present to a sightless person. Moreover, we understand that certain intellectual property considerations may stifle the easy production of information in alternative formats for the disabled. One step we are pursuing today is to learn what technology has meant to persons with disabilities.

Long ago, in 1975, Congress recognized the special needs of persons with disabilities when it passed landmark legislation, Public Law 94-142, which mandates an education for all persons with disabilities. Up until that time, states could take or refuse to take individuals with disabilities and many, many persons were left out of the educational opportunity.

In 1990, Congress came up with another landmark legislation—the Americans with Disabilities Act known as the ADA.<sup>1</sup>

We are delighted that we are holding this hearing at this time and in this wonderful setting of the Gallaudet University. This week following July 4 is very special. We began this week celebrating that

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<sup>1</sup> The full text of the Americans with Disabilities Act, as amended, appears in Appendix D, beginning on page 251.

great document, the Declaration of Independence, and its resounding belief in the equality of all people. But while we recognize that all people are equal in their "inalienable rights," we also acknowledge that there are differences among people and that sometimes these differences, manifested by physical or mental disabilities, present obstacles to the exercise of the rights that the Founders talked about, including "life, liberty, and the pursuit of happiness."

The Declaration of Independence recognizes the special role of government in securing the rights of its citizens. The National Commission on Libraries and Information Science is part of our government. We were established in 1970, 29 years ago this month, with a very specific assignment. In Public Law 91-345, the law establishing the Commission, the Congress declared that library and information services "are essential to meet broad national goals." The Commission was empowered to examine such library and information services and to make policy recommendations to the President and to the Congress regarding how these services could best be provided.

Today's hearing fits quite comfortably within that charter. We hope to examine how people with disabilities can be assured of their right to read and their right to be informed. We are holding this event at one of the nation's foremost educational facilities for the deaf. But the focus of this event goes far beyond individuals with hearing disabilities. We will receive testimony from individuals with a number of different types of disabilities, or their representatives. Commission members wish to explore the gamut of issues raised in order to develop policy recommendations to appropriate government agencies and other organizations.

We are also focusing on the role of libraries in meeting these needs. Commissioner Abramson, who first proposed this hearing, has noted the special responsibilities libraries and librarians have in connecting disabled individuals to the information resources they need to lead productive and independent lives. In defining the scope of today's event, Commissioner Abramson said, "The Commission wants to hear, firsthand, of the various kinds of assistance being provided by libraries to persons with permanent or temporary disabilities, including assistance in ordering materials in alternative formats, searching and retrieving materials, both on-line and in print, accessing library buildings and parking facilities, providing adequate space for study and testing, and furnishing special equipment."

Let me conclude by saying that we begin this process eager to learn. We have no preconceived ideas or hidden agendas. What we learn today will guide our future action, but I cannot begin to tell you what that action will be until we hear from all the witnesses. Before we begin this process on this wonderful day, I want to present the opportunity for our Commissioners to make introductory remarks.

MS. GOULD: I want to welcome everyone. I am delighted to be here today. Before I retired, I was the director of the Washington County Library in Reno, Nevada. We have at that library a staff member who is fluent in Amslan, and we work very closely with the Center for Independent Living in Reno. In that way, we have tried to reach out and provide services. I am very eager to hear from the people testifying today. This is an area that deserves much attention.

CHAIRPERSON SIMON: Thank you, Martha.

MR. VALDEZ: Hello. I, too, am happy to be here today, to listen and to learn. As an officer of the University of Arizona, we enjoy one of the nation's finest programs for students with alternative learning problems and disabilities. It is the goal of the University of Arizona Library to provide customers with disabilities as efficient access to research materials and services as possible. At the

University of Arizona Library, we provide all kinds of equipment for individuals with disabilities. So, I am anxious to listen and, hopefully, learn about some new ideas for the University's library.

CHAIRPERSON SIMON: Winston Tabb, representing Jim Billington, the Librarian of Congress.

MR. TABB:: One part of the Library of Congress of which we are most proud is the National Library Service for the Blind and Physically Handicapped. As you can see by the agenda, one of my colleagues will be testifying this afternoon so we will hear expert testimony about some of the work being done in this area.

I would like to take note of the fact that in today's audience we have William Haig. Mr. Haig serves as the handicapped adviser for the Library of Congress. Bill, please raise your hand. We are glad to have him here to listen to the testimony and to capture ideas that we may want to use at our own National Library. Thank you.

CHAIRPERSON SIMON: I would like to introduce Commissioner Abramson, the person who started the idea of this hearing.

MR. ABRAMSON: Yes, this hearing was my idea. But, I am here to learn.

CHAIRPERSON SIMON: Thank you, Abe. Rebecca Bingham from Louisville, Kentucky.

MRS. BINGHAM: I am delighted to be here and to be working with the topic of library and information services for individuals with disabilities. In my active professional life, I was the director of Library and Media Services for the Louisville-Jefferson County Metropolitan School District. When Public Law 94-142 was enacted, it became my responsibility to conduct workshops for the school media librarians on services to the children with disabilities in the several schools, and we did mainstream them.

In my capacity I have also worked on summer workshops at two or three major universities because I delved deeply into this topic. I live in Louisville where I am very closely associated with the American Printing House for the Blind (APH) and where one of my best friends is one of their readers, who just completed her thousandth book for APH. In addition, I live with my husband who is partially sighted so this hearing is very good for me.

CHAIRPERSON SIMON: Thank you, Rebecca. Elizabeth Sywetz, representing Beverly Sheppard, Acting Director of the Institute of Museum and Library Services (IMLS).

MS. SYWETZ: I am really delighted to be here representing IMLS. IMLS is the Federal agency that provides grants to museums and libraries, and many of our programs do have the effect of serving people with disabilities. Since the Library Services and Technology Act (LSTA) focuses on technology, that is an important theme to us as well. And, I am really interested in hearing testimony that can help us inform those people who apply for IMLS Federal grants.

CHAIRPERSON SIMON: Thank you, Betsy.

As we begin, let us express the Commission's appreciation to those persons appearing today and to those individuals submitting written statements for the record.

I also want to thank the people at the Gallaudet University, especially the University Librarian, John Day. Where are you, John? There you are; I couldn't see you. John has been so helpful to us in arranging for this meeting.

Finally, I want to thank a special person who works for the Commission. That is Barbara Whiteleather. Barbara's good work and tireless efforts in addressing the many details to form today's program have made all of this possible. Hold up your hand, Barbara. Thank you again, Barbara.

Now, a special—really special—person: our Executive Director, Robert S. (Bob) Willard. One reason Bob is so special is because he was a former member of the Commission appointed by President Clinton. Bob will now tell us how we will commence today's hearing.

**2. Review of Hearing Procedures: Robert S. Willard, Executive Director, National Commission on Libraries and Information Science**

MR. WILLARD: Thank you. I am also delighted to be here and wish to express my appreciation to John Day and the others who have made this hearing possible.

We have 17 witnesses scheduled to present testimony to the Commission. That means we have to be somewhat rigorous in watching the clock. We have asked witnesses to use about 7 minutes of the 15 minutes we have allotted for presentation of their formal statement. They can summarize their statement, and the full statement will be included in the record. We are allowing about eight minutes for each witness for questions and answers following their statement. When the hearing is over, we will produce a hearing record.

As Jeanne indicated, we do not yet know what the next steps will be because we do not know what we will learn today. But we do plan to look very closely at the information that is generated today and at our charter as the government's policy planning body for library and information services to determine whether additional laws, regulations or recommendations to private organizations are appropriate.

CHAIRPERSON SIMON: Thank you, Bob.

I would like to ask the members of the first panel to take their seats at the witness table. One of the members of the panel is Dr. Roslyn Rosen, a member of the Gallaudet administration. Before Dr. Rosen presents her testimony she is going to present greetings on behalf of the University President, Dr. I. King Jordan.

**3. Greetings: Roslyn Rosen, Vice President for Academic Affairs, for I. King Jordan, President, Gallaudet University**

DR. ROSEN (Speaking through a sign-language interpreter): I am here in place of Dr. I. King Jordan, President of the Gallaudet University. Dr. Jordan is very sorry that he cannot be here, and he wanted me to extend his greetings to all of you on the Commission:

Ms. Chairperson and Commissioners: Thank you for selecting the Gallaudet University as the site for this hearing. Gallaudet really wants to thank all of you for your work and interest in increasing and enhancing the quality of library services and accessibility for deaf people and all people, not only our population, but all people. It is really critical that all people are included and given accessible services. Many groups can profit from this hearing.

We also want to recognize and thank Chairperson Jeanne Hurley Simon for her leadership in this continuing area, and Bob Willard for his work and commitment to developing this field.

Here at the Gallaudet University, we are an institute of higher education for deaf and hard of hearing people and hearing people. We understand the critical task and responsibilities that lie ahead for this Commission and the role that you will play in facing the issues, which are very complex and increasingly more complex as we move into the new century with increasing dependency on technology.

*So what are the key issues?* There are several. The library staff needs to be trained and knowledgeable about how to provide services and materials accessible for all people. The library needs to have materials that will meet the needs of different groups of people, both in objective and neutral ways.

Gallaudet itself is going through the same process. If you have time to stroll around the campus, you will notice that one of our older buildings is now being demolished. In its place there will be a new building that will focus on technology for the campus in both learning and teaching. That is to make sure that the technology is state of the art and provides interactive learning. And, to make sure that the environment is optimal for people who are deaf, blind, or deaf and blind, and for the people who work and live with them.

That building will provide for technology and make new concepts possible for new approaches and attitudes in the way we serve people.

So, today should be exciting for everyone here and the beginning of better services for the future. We are delighted to be part of it, and we wish you the best.

I have tipped my hat. Now, I am taking my hat off as the President and putting my real hat on, as Vice President of Gallaudet for Academic Affairs here at the Gallaudet University. Also, I am a member of the board of the World Federation of the Deaf, which will be meeting in Australia next month. We have formed a partnership with the International Federation of Library Associations and Institutions (IFLA) to work together to make sure we provide access all over the world.

**4. Panel 1: Roslyn Rosen, Vice President for Academic Affairs, Gallaudet University; Audrey J. Gorman, Director, Roads To Learning, The Public Libraries' Learning Disabilities Initiative, American Library Association; and Bonnie O'Day, Member, National Council on Disability**

**Testimony of Roslyn Rosen**<sup>2</sup>

DR. ROSEN (Speaking through a sign-language interpreter): Before I became a board member of the World Federation of the Deaf, I was President of the National Association of the Deaf. I did that during my spare time. My real job was here at the Gallaudet University as Dean of the College for Continuing Education at that time, and I was very much involved in adult education for the community. We worked very closely with Alice Hagemeyer to train people related to the American

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<sup>2</sup> Written material submitted by Dr. Rosen begins on page 75 in Appendix A.

Library Association (ALA) and FOLDA and services for people, not people who are disabled themselves, but the people who live and work with them, and to help make decisions and policies.

Gallaudet recognizes that libraries are among the key institutions in America that respond quickly to community needs. Libraries are among the first to respond positively to the passage of various laws regarding accessibility. When the ADA was passed in 1990, libraries were among the first to review their policies and procedures to make sure that they met the needs of the community. So I applaud the libraries for that. There are still miles to go, though.

I would like to talk specifically about three areas that need attention and continuing work. The three areas are: library collections, services, and accessibility.

- 1) ***Library Collections.*** Libraries should be able to provide comprehensive collections of information related to different disabilities—deaf and hard of hearing people. I know there will be different speakers today who will be focusing on different areas of need. I would like to focus only on deafness and hard of hearing and how it relates to those individuals.

All parents who have deaf babies may not know what to do. Only 10 percent of the deaf community has deaf parents. That means that 90 percent of families have babies who are deaf with hearing parents. They may not even have met a deaf person before. So libraries are often the place, the source of information, which is clearly objective and neutral.

Now with the World Wide Web technology, parents can access information in a broader way. But, libraries still remain as the starting place for information. It is the ‘hands-on’ place. Nothing feels better than a book in your hands. Maybe I am old fashioned, but I love books and I love libraries. Parents can take their children to libraries and increase their literacy by sharing books and sharing reading experiences with their children.

- 2) ***Library Services.*** People who are skilled and adept at meeting the needs of the deaf and hard-of-hearing—of all ages, at all different levels of deafness, from birth to 100 years of age—should be able to provide services to people from the womb to the tomb.

For a specific example, interpreters or native users of sign languages in libraries during story-telling hour or for responding to questions from library users. That is one area of service.

- 3) ***Library Access.*** Access is more than simply getting information. The information needs to be understandable, which means the library needs to be aware of the different literacy levels and the literacy needs of the people who are deaf and hard of hearing. They may be at different levels of literacy. Some deaf people are fully competent and fully literate in only sign language so they need materials that they can understand. For example, videotapes need to be done in sign language or closed captioning, perhaps with a signer to help.

However, there is an increasing explosion of media and closed captioning. Commercially, they do not have closed captioning. We need to have captioning at all times, plus sign language where possible.

Then we run into the problem with copyright laws. That is another area that we need to look at: How do we transfer from print to visual media in sign language and make sure that the copyright laws will support that need for the deaf and hard of hearing people who use sign language as their primary language? Again, deaf people of all ages need quality information through appropriate technology and access.

To summarize, deaf people and hearing people have exactly the same needs. The biggest challenge is to remove the barriers and to make the library information and technologically welcome to all people.

I would like to point out the work that is done by the Association of Specialized and Cooperative Library Agencies, which is a part of the ADA. They publish two magazines that I would like to have included in the record: (1) *Guidelines for Library Services to Deaf People*,<sup>3</sup> published in 1991 and edited by University Librarian John Day, and (2) *Guidelines for Library and Information Services for the American Deaf Community, 1996*.<sup>4</sup>

Thank you.

### **Questions and Answers**

CHAIRPERSON SIMON: Thank you, Dr. Rosen. The publications mentioned by Dr. Rosen will become part of the official record. We thank you very much.

Are there comments or questions for Dr. Rosen?

MS. GOULD: One of my concerns has always been training for library staff so that they are comfortable communicating with people who have various types of disabilities. Do you have any suggestions along those lines?

DR. ROSEN (Speaking through a sign-language interpreter): The Gallaudet University provides community training and service and those services can be contracted through our extension programs anywhere; it can be provided anywhere within the United States. Gallaudet has regional centers all over the U.S.

Every state has an association for the deaf—for example, the Maryland Association for the Deaf. That association would be very happy to work with libraries in training and referring people for possible employment. They are happy to provide services, or to get jobs themselves, or become volunteers in sharing reading experiences and in providing services. So, contact the National Association of the Deaf for contact points for the state associations.

MS. GOULD: Thank you. We will put that information in the official record.

MR. TABB: I am particularly interested in your comments about copyright because this is not something I have really thought about with regard to services for the deaf. I recently attended an American Library Association (ALA) meeting sponsored by John Day. We have had a lot of experience dealing with this problem on behalf of the blind at the Library of Congress' Copyright Office.

I will go back and raise this question with the Registrar of Copyrights today to see what she thinks we should be doing in this area.

I will not be able to stay for the afternoon session, but I will suggest to my fellow Commissioners that if Mr. Gashel, an extraordinarily effective advocate on behalf of the National Federation of the Blind, does not deal with this issue directly, that you question him on some of the effective techniques used

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<sup>3</sup> This publication begins on page 77 in Appendix A.

<sup>4</sup> This publication begins on page 88 in Appendix A.

by the Federation in order to receive very favorable congressional attention for changes in the copyright law that help the blind gain more access to materials of all sorts, not just printed material.

MR. ABRAMSON: When you talked about tearing down one of the earliest buildings on the campus, I was pretty sure you were headed toward saying that it was not ADA-compliant. That is not what you ended up saying, and I am curious. As a community here that is so consciously aware of different kinds of challenges, could you give a little insight into this University's experience in dealing with ADA compliance in terms of becoming barrier-free in all senses?

DR. ROSEN (Speaking through a sign-language interpreter): Thank you for that question, Abe. Really, Gallaudet is one of the most environmentally friendly places you can find. I am really proud of the Gallaudet University. That old building came down, not because it wasn't ADA-compliant, but because it had outlived its usefulness. We have a new field house. We took that building down to make way for new approaches to learning. For example, this room has what is called Hearing Assistance for People Who Use Hearing Aids, who can use the Loop System. You can see it in various places around the room. We also have large screens and real-time captioning capabilities, which are not being used today, but which can be arranged for. We also have interpreters.

If, for some reason, there is an emergency and an evacuation is necessary, we have strobe lights that will flash throughout the building and everyone knows to leave. If you look at the windows up in the back, you will see what we call Translator Booths. When there is more than one spoken language being used, we have translators. I think we can hold six translators for six different languages in just this one room. They speak up there, and it comes down through the earphones. So, really important is this ability to be able to sign and direct communications. That is one of the most vital issues that make Gallaudet a level playing field: providing access to information at the same time for all people. People who work here must pass a sign-language evaluation to be considered for tenure. Does that help?

In addition, we have a good number of deaf-blind students here. We have computers that will enlarge the print for those in need. For others, we have braille. That has been a big challenge for Gallaudet. We have an agreement with, and are networking with, different cooperative universities in Washington, DC; we share braille textbooks. It is very difficult and very expensive, but Gallaudet has those services. We network and we share.

We also have a number of students who are wheelchair users in addition to being deaf. Almost all of our buildings are accessible; a few are not. Those buildings that are not accessible are used for office purposes.

So, Gallaudet, in general, is very accessible. We just completed a renovation of one of our oldest buildings, Chapel Hall, where the tower clock is located. That building is now accessible because of new ramps that are ADA-compliant.

MRS. BINGHAM: Many of the youngsters who come to us with handicaps are not profoundly handicapped; yet they need special attention and special understanding. I wonder if your regional centers have any programs that can reach those school libraries working with those children?

DR. ROSEN (Speaking through a sign-language interpreter): Sure, we can work out referrals or training. I am sure other speakers related to deafness, Alice Hagemeyer or John Day, can give you more specific answers. The answer is, "Yes, it is possible."



Also, deaf people need to see positive role models. The more people with disabilities are hired in the libraries, the better.

MS. SYWETZ: I am interested in the definition of "access"—sending it beyond the idea of physical access to a kind of intellectual access. Could you talk about things that can be done to raise awareness about these types of access?

DR. ROSEN (Speaking through a sign-language interpreter): That is an important question. Thank you for asking that question. Literacy is a huge challenge, not just for people who are deaf and hard of hearing, but for all Americans. It is the biggest challenge facing schools everywhere. We are all on the same team here.

I have noticed a difference between physical access and intelligence access; they are both equally important. It is necessary to have both physical and visual access to information for deaf people so that they are able to understand. That is another form of access. The difference between me being in this room without an interpreter... [Speaking to the interpreter:] Can you stop for a minute, please?

[The interpreter ceases speaking; Dr. Rosen continues signing.]

DR. ROSEN (Speaking through a sign-language interpreter): You can see me, but you cannot understand me. I can see you, but I cannot understand you. So now we can talk with each other. That is access. And, what if the interpreter is not qualified? Joy is one of the best interpreters in the country but suppose we had a novice signer here? How would you evaluate the skill of the interpreter? That is another issue related to quality, and it is part of the access.

We need to talk to people who are themselves disabled, ask them for their opinions and recommendations, and follow some of the guidelines that are published from different organizations and services, for example, the National Association of the Deaf (NAD) and the National Federation of the Blind (NFB). Those are the people who know best what the needs are, and the needs vary from individual to individual. People come in all sizes, shapes, and different levels of hearing. They all have different opinions about what is best for them. And, you need to figure how to meet those needs.

Parents who have deaf children try to figure out what to do. They need to meet with deaf people who can show them what to do and how to access information.

College programs, like those we have established at Gallaudet, have three priorities. The first priority is literacy, and they have mounted a nationwide campaign to increase literacy through shared reading experiences. That is another form of access that needs to be developed through training of community workers.

CHAIRPERSON SIMON: Thank you, Dr. Rosen. I have a question. I know you are an academic person but do you or someone on your staff follow current legislation in Congress concerning copyright or Federal Communications Commission (FCC) activities?

DR. ROSEN (Speaking through a sign-language interpreter): I am going to refer that question to John Day.

CHAIRPERSON SIMON: Since John Day will be testifying later, I will reserve that question for him.

DR. ROSEN (Speaking through a sign-language interpreter): Yes. I would also like to point out that higher education all over the country is now struggling with faculty and copyright issues. Gallaudet is working on that, as well as the copyrights for being able to translate from one language to another.

The American Association of University Professors (AAUP) has guidelines on intellectual materials. So it is going to be based on that and on the needs of the students at the Gallaudet University.

CHAIRPERSON SIMON: Thank you, Dr. Rosen.

The next person on the panel is Ms. Audrey Gorman from the American Library Association. We are pleased to hear from you.

### **Testimony of Audrey J. Gorman<sup>5</sup>**

MS. GORMAN: Thank you very much, Chairperson Simon, Members of the National Commission, and everyone else here today. I am very honored to be here and speaking to you. I have, I think, a slightly different perspective than some of the other people in this room, whom I respect greatly and have been working with in the area of disabilities for a long time. So, I bring somewhat fresher eyes, I think, to this issue.

I also bring the eyes of a librarian with more than 30 years of experience in a variety of settings. Right now I am the Director of Roads To Learning, the Public Libraries' Learning Disabilities Initiative (RTL), at the American Library Association, within the division that Dr. Rosen so nicely mentioned, the Association of Specialized and Cooperative Library Agencies, known as ASCLA. ASCLA is very well represented here today, as a couple of people have said.

I am also here as a person with a hidden disability. I discovered not long ago that I have clinical depression and have also discovered much to my dismay, that it affects my memory (which is why I have all of these note cards here today). So, I am speaking from my perspective as someone with a hidden disability, speaking in particular about learning disabilities that are also hidden disabilities.

We have had for many years some awareness—and I say "some" advisedly—of people who are blind and people who are deaf. I think that we still have a very long way to go, even in terms of the disabilities that we have *supposedly* known about. It turns out that we do not know very much about learning disabilities.

In 1995, the Emily Holt Tremaine Foundation came to ALA and said, "We had a survey conducted by Roper Starch International about the attitudes of Americans toward learning disabilities and what they knew about learning disabilities, and we found out that they had rather negative attitudes about the word 'disability' in general. We also found out that they had a lot of misinformation about learning disabilities, the most common being that learning disabilities somehow have to do with mental retardation, which they don't." "And," said the president of the Tremaine Foundation, "the Roper Starch survey and report told us that 51 percent of the respondents said that they would go to their local public library for information on learning disabilities. Are libraries ready?"

We said, "Some of them are, but we suspect that an awful lot of them are not." So, the proposal was written. Roads To Learning is now in its fourth year of disseminating information in print, on the Internet, through training around the country and in every way we possibly can to make sure that

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<sup>5</sup> Written material submitted by Ms. Gorman begins on page 101 in Appendix A.

more people in our communities have information about learning disabilities (LD) through their libraries.

We discovered a number of things in the course of this particular project. One is that librarians really do not know very much about disabilities, and then usually it is in a particular area of disability that they know personally. For instance, they may have someone in the family with a disability.

Because I want you to know just how big this issue is, I want to tell you a little bit about LD. Learning disabilities affect 15 percent of the population, or 39 million Americans. When you add other disability groups in—I have seen various figures—we certainly get somewhere approaching 55 to 60 million people in the United States.

This is contrary to the impression that many people have that there are not that many disabilities. It is just not conceivable to some people that there are that many disabilities.

Learning disabilities are neurobiological: there are differences in the way the brain processes information. At some other time I could go into the details, but I will leave it at that for today. I will be submitting a written version of my remarks here today.

Eighty percent of learning disabilities are reading disabilities. We know about literacy; we know what difficulty with reading does to our society, to our democracy.

Fifty to eighty percent of people in adult literacy programs have learning disabilities. This has implications for how we conduct our training for adult literacy programs in libraries, as well as other venues.

It is estimated that sixty to eighty percent of the people in our prisons probably have learning disabilities, most of them undiagnosed.

So there are social, economic and human implications of learning disabilities that we are just beginning to plumb. There is a lot of research that tells us what we have to do; that information is not getting to people. I think that is our main mission in libraries—to serve our communities, no matter the type of library—and to get information about LD and other disabilities to the people.

By the wishes of the funder, RTL is a public library project. But I have found that all types of libraries are coming to me from all over the world, not just this country, for information on learning disabilities. The need is out there, and people are coming to me. As soon as they see the word ‘disability,’ they come to me for information.

Very quickly, I want to give you a few impressions—some ‘people stories’—and the implications that they have. I had a telephone call from a parent in Georgia needing to know what schools are required to do for her child and how she can find that information. There is a need for sources of reliable information for people all over this country about disabilities, including learning disabilities. Some libraries have it, but a lot of libraries do not.

I have also gotten calls from a daughter whose mother loves to read and is going blind. A friend of mine reminds me, and I remind you, that we are all only temporarily ‘abled’. Then there is John, the dyslexic. He came up to me at the International Dyslexia Association (IDA) meeting and said, "I was checking out a book for the second time in the library because I read very slowly, and the person behind the desk said to me, ‘Well, you should have finished this book by now.’"

We need knowledge and sensitivity from all library staff. And that knowledge and sensitivity takes training, as Dr. Rosen mentioned. People who appear to have disabilities in our libraries—and I have had other people with disabilities say this—are sent to a special facility. That is not always where the information they need is. We need awareness for the rights and abilities of people. This involves training.

We also need to have the technology in place. There are libraries that have computer workstations with scanners, optical character recognition, voice synthesizer, highlighting, larger fonts, but they are few and far between. We need to get the information out there that it is not as expensive as people think. We need models, options, guidelines and more guidelines for general accessibility for libraries.

Thank you very much.

### **Questions and Answers**

CHAIRPERSON SIMON: Thank you, Audrey. I think I am beginning to have a hearing disability. Would you move your microphone a little closer?

MS. GORMAN: I am sorry.

CHAIRPERSON SIMON: Thank you very much. Your statistics totally amaze me. I had no idea of the statistics you mentioned.

MS. GORMAN: That is very frequent, I am afraid.

CHAIRPERSON SIMON: I am sorry to say I have been so poorly informed.

MS. GORMAN: The Roper Starch survey states that all Americans need to learn more about that; so do not feel bad.

CHAIRPERSON SIMON: Are there any questions or comments?

MS. GOULD: My first comment is, thank you. You have brought up an issue that I was going to ask a question about—the ‘hidden’ disabilities. I know that in the schools of education there is course work available for people who are reading teachers in terms of the learning disabilities. Would you have any suggestions in terms of providing either a canned workshop approach that could be used in library by chapters of the American Library Association, state library associations, for local training?

MS. GORMAN: Actually, we have been working on that in terms of learning disabilities. I have been doing some exploration as I go around the country doing training and also in my local public library working with the staff to answer some of those questions. Personally, I think that there are things that we can do on the national level, and that we are beginning to do.

On the state level, we want to start to form statewide partnerships of the various organizations. One of the things I want to emphasize is that because there are so many people with disabilities, we need to all get into the same mode and look at training across-the-board in terms of total accessibility to libraries and not piecemeal things, because together we are very strong.

MS. GOULD: Thank you.

MRS. BINGHAM: I am particularly impressed by your comment that all of us are temporarily 'abled'. Thinking back to what Vice Chair Gould said, it seems to me that there ought to be some kind of a package deal whereby all librarians—librarians of every type—certainly need a sensitivity to people who have these minor, not always perceptible, disabilities because of the insensitivity of the question that someone asked, "Haven't you finished the book by now?" Many people are intimidated after they receive that kind of response and will not go back to that institution for service. I think there is a real need for heightened sensitivity.

MS. GORMAN: Thank you for that comment. I personally think that good customer service in all libraries requires that we know how to deal with all of our users and potential users, and that includes people with disabilities. I really think that this kind of training need to be pervasive in all of our in-service work as well as for the short-term, very special sensitivity training to kind of get us up to speed.

CHAIRPERSON SIMON: Thank you, Ms. Gorman. Your statistics and dialogue have certainly enlightened us.

The next person to speak is Ms. Bonnie O'Day, Member of the National Council on Disability. We are pleased that you are here, Bonnie. Will you proceed?

### **Testimony of Bonnie O'Day<sup>6</sup>**

MS. O'DAY: Thank you very much. My name is Bonnie O'Day, and I represent the National Council on Disability (NCD). The National Council on Disability is a small Federal agency that was established in 1980 to advise the Congress and President Clinton on matters related to individuals with disabilities, which is pretty much everything. We have approximately ten staff members. The Council itself is comprised of 15 members, the majority of whom are people with disabilities that were nominated by President Clinton and confirmed by the U.S. Senate.

The National Council on Disability has a long-standing interest in technology access, be it assistive technology or universal design. We believe that technology can either be a strong factor in bringing people with disabilities into the twenty first century or, if designed incorrectly, it can be a factor in assuring that people with disabilities never make it onto the real highway of life. So, we are very pleased that the library is addressing disability access in its planning of networks.

The National Council on Disability has established an advisory committee, which consists of community folks who are interested in technology. We call that committee, Tech Watch. Tech Watch has been involved for the last several years in trying to improve information access for people with disabilities, significantly those who have sensory impairments.

We have worked with Microsoft to encourage them to provide access as they develop their new Windows products. We have worked with units of Federal and state governments to assure that the products and services that they purchase are accessible to people with disabilities. And we have also worked with the Federal Communications Commission on development of regulations implementing the Telecommunications Act.

Now, I would like to talk just specifically about library access for people with disabilities. First of all, in terms of physical access, there are many libraries in this country that still do not have the

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<sup>6</sup> Written material submitted by Ms. O'Day begins on page 111 in Appendix A.

rudimentary elements of physical access, primarily for people who use wheelchairs. Those would include ramped entrances, elevators to get to various floors, accessible bathrooms, and the like.

While the regulations that will help a unit of state or local government determine whether it meets accessibility guidelines are pretty straightforward, it is, we have found, very helpful to involve elements of the disability community in designing accessible spaces. The disability community locally can help you prioritize, help you determine which elements need to be addressed first, and can make sure that you get really good information about ADA access and Federal and state access guidelines.

The Centers for Independent Living are local disability organizations that can be helpful. Sometimes local consumer groups can also be helpful.

But I would like to spend most of my time talking about access to information since that is the subject of this hearing. Access to information is crucial for blind people to be independent as well as to become employed. The days are long past when people with visual impairments can be relegated to the special library service operated by the National Library Service for the Blind (NLS). While the services that NLS provides are very integral to the lives of people who are blind and visually impaired—I use those services every single day of my life—there are many things that public libraries have to offer.

The National Library Service for the Blind provides what is often known as the Talking Book Program. Those services are really essential for those people who are blind and, while they have been utilized since about the 1930's, they are no longer a substitute for regular library access. With computer technology and a small investment at the front end, a library can begin to make its entire collection accessible to people with visual impairments.

There are a couple things that are necessary. First of all, in designing information systems, many of you are probably familiar with something called 'graphical user interface.' It is the regular Windows system that uses icons and mouse commands to access the Internet, to access information, to do word processing, and so forth.

It is essential that these systems also be designed so that an individual who is blind can use keyboard commands and can have access to the word menus. So, for example, when you see an icon on your screen that says, "Click here" for a particular function, there needs to be some type of verbal message that comes across to a blind person that allows the blind person to be able to access that same information. These systems need to be designed with both keyboard and mouse access in mind.

The second thing that is required is accessible hardware and software for a blind person to be able to come into the library and access the system. We recommend that a workstation be established within a library that would contain hardware, which would allow for speech output for individuals who are blind as well as the accompanying software and scanning equipment. In this way, the entire library system could be accessible to someone with a visual impairment.

We estimate that the cost of providing an accessible workstation would probably be \$3,500 to \$5,000 per library. We do not anticipate that an additional workstation would be necessary. You can take a workstation that you already have and augment it for accessibility because this equipment can be turned off when a sighted person is using it.

Finally, there are many people now who have modem access from their home and would like to access library systems from the equipment that they have at home. We would recommend that dial-in

access be included at the front end. While not a substitute for library access, it would allow individuals who would prefer to access their library services from their home to be able to access catalogue systems online. The same type of design, using both keyboard and mouse commands, would be essential for allowing a person with a visual disability to be able to access that.

In sum, I would like to thank you very much for allowing me to testify today.

There is lots of technical assistance that libraries can use to set up accessible systems. There are a couple of addresses that I will give you.

- 1) Trace Center in Wisconsin. It can be accessed at [www.trace.wisc.edu](http://www.trace.wisc.edu)—W I S C for 'Wisconsin'—.edu. So that's [trace.wisc.edu](http://trace.wisc.edu);
- 2) National Federation of the Blind. NFB will be testifying later this afternoon. I see James Gashel will be testifying, and I know that they would be extremely excited to help you; and
- 3) National Council on Disability. My contact information is included in the written testimony.

### **Questions and Answers**

CHAIRPERSON SIMON: Thank you, Bonnie. Would you mind telling me where you work now and what kind of information access you have where you work?

MS. O'DAY: Certainly. The National Council on Disability is an appointed position and so I have another position as the Associate Director of the National Rehabilitation Hospital Research Center. We do research in the area of health policy.

In terms of access, I use a regular computer that is equipped with hardware and software that allows me to obtain the information through the computer via voice output rather than visual output. I have that, and I have a small, very portable computer that I can take with me called a Braille Lite, which is basically like a laptop computer. I can use it to download documents, take notes, etc. That is pretty much it.

CHAIRPERSON SIMON: Are you exceptionally fortunate in having all this equipment, or do you think that a great many other folks could be usefully employed if they had that type of equipment?

MS. O'DAY: My employer purchased that equipment for me, probably at a cost of, perhaps, \$1500 for the computer equipment and, probably, \$3,000 for the small computer. More and more, large employers are purchasing this type of equipment for people with visual impairments on the job.

In many cases, state agencies that provide vocational rehabilitation services to blind people will purchase that equipment for them if they think that the person has the potential to be employable. So many, many blind people who are of working age have this kind of equipment at home.

Additionally, state and local governmental units, because of the access requirements under the Americans with Disabilities Act, are beginning to purchase this type of equipment. For example, the library in Boston (where I used to live) had purchased some of this type of equipment and had an accessible workstation that was used quite heavily by the blind community in Boston. People who did not have that kind of equipment in their home could come to the library and use it. As a matter of fact, they had organized some volunteer trainers so that people who are blind who had not had the opportunity to learn to use this equipment could make an appointment and come in and do so, being taught by another blind volunteer.

CHAIRPERSON SIMON: Thank you, Bonnie. Are there additional questions or comments?

MR. ABRAMSON I am curious about the... 'approach' is the word I am thinking of—that may not be the right word—in terms of outreach to reach people with sight impairments, and distinguishing between the approaches taken to people who have always had sight problems and people who, perhaps through trauma or connected with old age, start to have sight problems.

I am basically a public library trustee. I am a businessman. I am not a librarian, and I do not deal with these issues all the time. But I am aware of the fact that as people lose their sight because of aging they become very concerned about their motility. Anecdotally, I know that there is a problem in my community where people will not ask for large-print books because they are afraid the librarian will tell, and they might have their driver's license taken away. That is one example.

So I am aware that there are differences in the way that you would, in an outreach sense, approach people to help them have fuller access to information. What can you share with us on this?

MS. O'DAY: I am going to tell a little anecdote. The anecdote is that I go to church, and at church they produce these little bulletins for following the church service. Generally, they are a pile of regular size typed bulletins; they may have a couple of large type bulletins that you can get by asking. When those large type bulletins are placed out and a person can just simply take one, many, many more people will do it than if they have to ask for one. I guess that is a product of our society in that people do not want to be different. But there are many people who may not think that they need a particular type of accommodation, but they find it useful once they have it. I think it is important, as a general rule, that people start placing items in a larger size type so that individuals can simply have them.

It might also be helpful to have a display of things in large type at the library so that a person can just go over and browse and not have to ask for it.

Eventually, however, people do need to learn to deal in a more assertive way with their sight loss, whether they are elderly or young. I think that family members, as well as community people, can be really helpful in helping a person do that.

Oftentimes people think that the best way to reach out to blind people is through the blindness agencies and organizations. While that is certainly one way, another way would just be to advertise the particular services that a library has through its general information. Oftentimes people may see it themselves or a family member may see it and encourage someone to participate. I don't know if that helps.

MR. ABRAMSON: It does. Thank you.

CHAIRPERSON SIMON: Thank you, Abe. Are there any further questions?

MR. TABB: I am curious about the National Council. I have to confess that this is not an agency that I am aware of, but it sounds as if it may be, in some respects, analogous to this Commission in being a small, independent, Federal agency with a particular focus and populated by presidential appointees.

In your written statement you say that one of the functions of this Council, or maybe the function, is to provide advice and consultation to the President and Congress on issues related to millions of people with disabilities in the United States. My question is whether the Council has given such



formal advice on matters relating specifically to libraries that might be of use to this Commission as we decide what action we may take following this hearing?

MS. O'DAY: To my knowledge, we do not have any particular reports that relate to libraries that I can refer you to. We do certainly have some reports on technology that you can access through our web site. Those are the things that I can think of specifically.

I do not know how large your staff is, but we have a huge mission and a staff of ten. So we often find ourselves in the position of having to either: (a) respond in crisis to an issue that comes up; or (b) kind of pick what we think are the top issues that people are not dealing with and respond to those. So, in some ways, we may not have the opportunity to address each issue that we feel is important as thoroughly as we would like to.

MR. TABB: Thank you. We have a very large mission and an even smaller staff. I think this is why I asked the question, to see whether we might join forces in some way. This is an area that is not only important, but one where we do not have the time or resources for duplication of effort. Thank you very much.

MS. O'DAY: Thank you.

CHAIRPERSON SIMON: Would you mind telling me what the Council's appropriation is from the Federal government?

MS. O'DAY: I think that it is around \$5 million. We do much of our work through contract because of our small FTE (Full Time Equivalent).

CHAIRPERSON SIMON: Well, we are in much the same position. At one point we testified before the House Appropriations Committee along with your Council. I think we are all in the same boat: A large mission with a small staff and an eagerness to do whatever we can.

Bonnie, thank you very much for your testimony.

MS. O'DAY: And it is the small staff and the big mission that makes us very efficient and effective.

CHAIRPERSON SIMON: Thank you very much.

MS. O'DAY: Thank you.

CHAIRPERSON SIMON: We will now hear from the next panel. Could Mr. Yaworsky, Mr. Wendorf and Mr. Day please come forward?

You may decide among yourselves who goes first. Please introduce yourselves.

**5. Panel 2: Elbert "Elbie" Yaworsky, Director, Electronic Information Network; James H. Wendorf, Executive Director, National Center for Learning Disabilities, Inc.; and Osborne Day, Director of Government Relations, Recording for the Blind and Dyslexic**

**Testimony of Elbert "Elbie" Yaworsky<sup>7</sup>**

MR. YAWORSKY: I am Elbie Yaworsky. I am currently the Director of the Electronic Information Network. I normally speak free form, but I will go through this text as closely as I can as I prepared it.

The opportunity to address the U.S. National Commission on Libraries and Information Science is both an honor and a privilege. The location of this hearing at the Gallaudet University has a very special meaning to me personally. I am the second of three hearing children born to deaf parents. In that regard, it is quite an honor to be given an opportunity to share my personal views about assistive technology in an educational environment that my parents held in their highest esteem.

Secondly, the privilege is surrounded by the opportunity to share my personal observations about assistive technology that I have gained during the past 18 months.

Over the past three decades I have been an information technologist and spent nearly 15 of those years with Digital Equipment Corporation. I am currently the Director of the Electronic Information Network (EIN). The EIN provides technology support for 70 library sites in Allegheny County, western Pennsylvania, including the Carnegie Library of Pittsburgh's 20 locations. The EIN supports more than 1,200 information appliances and contains more than 3 million catalogue items in support of 70 participating libraries.

A \$10 million capital investment was required to create this very comprehensive library system. A current member of your Commission, Frank Lucchino, was one of the visionaries behind this extremely significant regional investment in western Pennsylvania and has been, and still is, supported by county government and the foundation community.

I hope this oral testimony will help to provide some insight into the complex issues of the deployment of assistive technology and the need to support all user communities. The major topics that are covered include the phase one and two of the EIN assistive technology plan, software license costs, exorbitant hardware prices, personal user experiences, and touch screen pilot projects.

The EIN is currently in the second phase of assistive technology deployment for individuals, senior citizens, visually impaired, blind, that require minimal to complete vision support systems. The first phase included deployment of large monitors at each library site and the piloting of enlargement and speech support systems that included a combination of both hardware and software solutions. The testing of those various systems by the visually impaired community was critical to help set the future direction of the employment of the second phase of these technologies.

The second phase of the EIN assistive technology plan is supported in part by an LSTA grant and capital dollars from the EIN. The second phase includes the establishment of five regional LSTA support centers surrounding the north, south, east, west and central, being the city of Pittsburgh, that will provide a wide array of vision support systems, including large monitors, screen enlargement, text scanning, text to speech, braille display, speech input, and embossed output devices.

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<sup>7</sup> Written material submitted by Mr. Yaworsky begins on page 112 in Appendix A.

The first of five centers, located at the Carrick Branch of the Carnegie Library of Pittsburgh, will be operational this month. Prior to deployment of the next four centers, the EIN will evaluate the effectiveness of the Carrick Center and then take those enhancements and incorporate those into the next four centers. Those four centers will be installed and operational this fall.

The visually impaired community will receive training at each of the LSTA support centers in cooperation with local organizations that deliver this training. And like the prior speaker, our greatest training classes of individuals are other blind individuals that volunteer. So that is a great part of that.

There are also five traditional training classrooms located throughout the EIN. During the fall each of those existing classrooms will have at least one assistive technology desktop for screen enlargement and speech support systems. This will enable visually impaired patrons to participate in traditional class environments.

The assistive technology solutions are largely dependent upon dedicated information appliances. This next session is a little bit complicated, and I am going to try to make it as simple as possible. The screen enlargement application of choice that we chose had to be installed on each PC. When an individual PC malfunctions due to hardware or software failures, a new unit has to be deployed to replace that desktop. That single point of failure is very time-consuming and the support process is enormous. More importantly, the person that needs that device does not have it any more and we have to recreate that device.

The movement of the functionality of screen enlargement applications to a client-server-based technology would eliminate this single point of failure. This would be true for screen enlargement and all assistive technology applications that could support client-server solutions. So, in essence, that application would not be on that PC, but any PC in the library could be served that application to deliver to the patron. That's the difference. It is a very distinct change in technology.

The current software license strategy, which assigns individual copies of enlargement software tied to individual PCs, has to be changed. The common industry practice of having simultaneous use or site-specific licensing is the direction that we have to move into. Site license support can be delivered by adding the functionality to each desktop.

So what I am alluding to now is, don't be fooled if someone says, "I am giving you a site license." If a site license just says you can load that same thing on each individual desktop, then again you are failing if a desktop fails and replacement forces you to reload everything. So think about the term 'site license' and make sure the client-server technology is really the important component of that.

I am going to skip down, down to the end here of the second page. The cost of enlargement software has been reduced by 40 percent over the past 12 months. It's still, though, a very expensive software acquisition. The recent introduction of competitive products has really forced the major vendors to reduce their prices. Market pressure will hopefully continue to drive down the cost of these products into something that is more realistic for PC-based environments.

At the beginning of January of this year, a \$70,000 budget for enlargement software would have only purchased 70 enlargement licenses, only giving us the opportunity to have one per site. Today it is very possible, based on the change in technology and market pressure, that that same dollar amount could be invested to support all 1200 desktops so that every desktop has enlargement software. It is a very significant change.

As the EIN completed the purchase of the hardware equipment required for the first five LSTA support centers, I personally reached one very significant and unavoidable conclusion. The cost of this stuff is just outrageous. I am paraphrasing my very long sentence. To have a traditional cost for a braille display and braille output devices, around \$500 apiece, in addition to the packages for the blind and learning-disabled that approach \$10,000 a piece, the overall cost of technology is extremely expensive.

Even with the EIN, with the support of our grants from LSTA, we are just barely able to provide that functional environment for our visually impaired patrons. The question for all of us is how could we possibly expect visually impaired individuals to invest the dollars that most of us would spend for the purchase of a new automobile into the purchase of devices that help them communicate in this information-rich society.

Over the past six months another event has occurred in my personal life that continues to have me rethink things that we take for granted. After a serious accident, my right shoulder required rotator cuff surgery. I did not have access to my right hand. I had to rethink the functions that we take for granted every day. Shaving with a blade with my left hand was out of the question, but I was pleased to find that electric razors have improved dramatically in 20 years. Putting in my contacts with my right hand was not possible, with my left hand was totally impossible. But placing my right hand on my right knee, sitting down, lifting up my right knee to my face allowed me to put in my contacts.

I was limited to typing and using a mouse with my left hand. This begins the next fallacy here. Fortunately, we were in the process of applying for our next LSTA grant and, quite logically, the EIN has decided to pursue voice-activated response systems for the next level of integration for assistive technology support.

The more immediate need that was highlighted as a result of my personal experience was the frustration of the majority of senior citizens to visit our 70 library sites. I have personally witnessed their frustration with the existing user interfaces that assume an enormous amount of previous computer experience.

We have progressed from very primitive to extremely modern user interfaces over the past three decades and have forgotten that most individuals have not had the opportunity to participate in that technology transition. We have gone from one style of user interface, command lines, to forms, to windows, and now to browsers.

The one peripheral that is a challenge for most senior citizens and individuals with some learning disabilities is the operation of the mouse. I do not take the movement of a mouse for granted any more. Using a mouse with your left hand when you are right-handed is quite a challenge. I had several individuals convince me that if I used a large tracking ball in place of a mouse that the deficiency of my left hand would be improved. What I realized quickly was that the movement of the mouse was not the issue. The placement of the cursor on the very small and specific location on the screen and the subsequent point and click operations were the real challenge. Bigger mouse balls did not dramatically improve my ability to place the cursor on that very precise location, nor did it improve my ability to effectively initiate the subsequent commands.

The EIN has moved millions of catalogue items into a very sophisticated library automation system and have removed the card catalogues that were so familiar to many of our patrons. We have not replaced the experience of searching the card catalogue with a similar user interface, but have required users to learn a new way to find a book that used to be so easy in the old card catalogue.

Touch screen technology will be piloted at the Carnegie Library of Pittsburgh with the cooperation of several senior citizen technology centers located in western Pennsylvania. We are going to work with the senior citizens at the end of 1999 to develop a user interface that would recreate the card catalogue experience without the need to use a mouse.

The greatest challenge for the new interface is the fact that most library automation systems can browse records in a forward motion, but find it difficult, based on database design that's more than 15 years old, to go backwards. Going forward is easy; going backward is hard. The classic catalogue allowed a patron to start at any point and move forward and backward through the library collection. We are planning to recreate that user experience to help empower the senior citizens and others that struggle with the current user interface.

Most of the experiences I have described above are based on first-hand experience. I believe that software and hardware information technologies can solve many complex information retrieval challenges. The most important challenge in front of us is to make sure that we do not forget the many communities of individuals that have a special user interface requirement based on their personal environment.

More importantly, the EIN is also an employer of individuals with various disabilities. Our call center specialist, Margaret Schmitt, is legally blind and uses both large screen and enlargement software to manage over 80 calls a week. And, one of our network systems analysts, Brian Palumbo, is deaf. Both Margaret and Bryan have significantly contributed to the support of our complex environment.

Had Henry Ford not created the assembly line process, cars would have still been a luxury for most individuals. We need to rethink the production techniques and underlying technologies that are contributing to the exorbitant prices of these assistive technology devices and software products. Maybe it is time for a new Henry Ford to emerge in this marketplace and quite possibly the NCLIS could help launch such an initiative. Thank you.

### **Questions and Answers**

CHAIRPERSON SIMON: Well, Mr. Henry Ford II, how is your rotator cuff doing now?

MR. YAWORSKY: I can write a page of text without losing some operation.

CHAIRPERSON SIMON: We are glad to hear that.

MR. YAWORSKY: I have recently installed IBM's voice software.

CHAIRPERSON SIMON: Is that working well for you?

MR. YAWORSKY: We are just starting to train it.

CHAIRPERSON SIMON: I want to sign on for that class.

We were glad to hear the mention of Frank Lucchino, our esteemed Commissioner from Pittsburgh. Mr. Lucchino has made great contributions to both our Commission and Pittsburgh.

I was also happy to hear you mention LSCA and LSTA. These are wonderful Federal government programs. But, it seems to me that the dollar sign was obvious in most of what you had to say about the future. Would you say that money is today's big problem?

MR. YAWORSKY: It is the big problem. I am new to the library industry in only the last 18 months, and I am definitely new to assistive devices. The comparison I would make would be the IBM software I just purchased. For \$200.00 I can purchase an executive version of a voice system. For \$600.00 I have to spend that amount to buy enlargement software for that same PC. It seems to be out of whack, the price for equivalent products. That seems to be the greatest issue.

Secondly, the expensive cost of the peripheral devices for that community I can't seem to justify in the underlying technologies that are found there that make them work. So I am looking at very complex technologies all the time in the computer industry. I do not see anything extremely complex in some of those devices. So the question I have is "Why are they so expensive?" I do not have an answer to that.

CHAIRPERSON SIMON: Well, I hope you find an answer pretty soon.

MR. YAWORSKY: Yes.

CHAIRPERSON SIMON: Are there other comments or questions?

MR. ABRAMSON: If the statistics were ever correct—I am sure they are out of date because I may be misremembering them from a long time ago when I was a member of the Montana Library Commission—something like 80 percent of the people who qualified for the services of NLS were over 65 years old, and 92 percent of them paid Federal income tax last year.

So, although we are concerned about getting costs more in line with budgets, I do not think we should apologize for spending tax moneys for taxpayers who have special challenges.

MR. YAWORSKY: Not at all.

CHAIRPERSON SIMON: Any other comments?

MS. SYWETZ: I would like to follow up on the LSTA connection. IMLS is the Federal agency that provides LSTA grants to the states, and under the legislation each state has the opportunity and the responsibility to identify local and regional priorities. Could you tell how the process in Pennsylvania works that allowed you to get the grant?

MR. YAWORSKY: Sure. We applied in the same standard grant format that individuals do in the state. There was a review panel that reviewed each of the individual areas, and we chose to focus on assistive technology needs in our LSTA application. We were granted that as being the one entity that really was pursuing that on behalf of the state of Pennsylvania. We were given the maximum grant allowed, \$80,000, and we had to match a percent of that with our own funds, about \$60,000.

So the investment in this last phase was about \$140,000. Beyond that, in the review process our grant application actually was one of the highlighted applications out of four to show the rest of the state the different things that people were doing with LSTA funds.

That was the process we went through.

CHAIRPERSON SIMON: Well, thank you very much, Mr. Yaworsky.

We will now hear from Mr. Wendorf. Could I remind everyone to speak up very clearly? Please proceed, Mr. Wendorf.

**Testimony of James H. Wendorf<sup>8</sup>**

MR. WENDORF: Good morning, Chairperson Simon and Members of the Commission. I am James Wendorf, Executive Director of the National Center for Learning Disabilities (NCLD), headquartered in New York City.

I thank you for the opportunity to testify before the Commission as you discuss the important issue of library and information services for individuals with disabilities. The goals that we have set for our organization over the past 22 years have direct application to the role of libraries and their function going forward into the twenty-first century. NCLD seeks to increase the use of research-based practices teaching methods, in the classroom and beyond the classroom, to ensure equitable access to educational information and resources, to increase educational support, particularly for disadvantaged children and adults with learning disabilities (LD), to promote early intervention programs, crucial in virtually any area of education, and support transition initiatives, which we feel have not really received enough attention recently, to assist adolescents as they move from school either to work or to higher education.

I will probably, and happily, repeat some of the information that Audrey Gorman delivered this morning, because we find that so few people really understand the dimension of the problems of learning disabilities. We have an enormous task ahead of us in the LD community to raise public awareness about the issue and also to highlight some of the solutions that look very promising.

**What do we know about learning disabilities?**

Learning disabilities are neurological in origin, and they affect one's ability to read, write, speak, and compute math. They can also result, as we have heard, in impaired socialization skills, even the ability to navigate in space and time. The Rehabilitation Act of 1973 and the more recent ADA recognize—specifically recognize—the existence of learning disabilities and require special accommodations that will put individuals with LD on a level playing field with others, which is what we are all about and what we are after.

Learning disabilities are not related to intelligence. They cut across all intelligence levels from below average through superior intelligence. And they do not go away. They are not remediated in the same way that one thinks of other kinds of remediation. They are sometimes referred to as ‘hidden handicaps’ because these individuals do not have hearing or vision impairments and are not mobility impaired, there is no sign announcing that a person is learning disabled, there is no article of clothing, there is not a tool that is used. That really is part of our challenge in raising public awareness of the problem. These disabilities are most often characterized by slow, labored reading, difficulty with rapid reading or listening comprehension, and difficulty with spelling, note taking, written expression, and, sometimes, fine motor as well as gross motor skills.

I am an incoming Executive Director of NCLD and joined the organization in January of this year. How can I explain this? Looking at the world of learning disabilities is a bit like looking at that famous graphic of a vase that you find in psychology textbooks: when you look at it for a while it is still a vase, and then you see that it is also two profiles facing each other. Once you see that, you cannot stop seeing both images. Once you are aware of learning disabilities, you cannot stop seeing them.

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<sup>8</sup> Written material submitted by Mr. Wendorf begin on page 116 in Appendix A.

In joining the world of the learning disabled and an organization doing work in the field, I now have that kind of double vision, to see the world from that point of view and to see both the problems and also some of the promising solutions.

National Institutes of Health studies indicate that 15-20 percent of all children will have difficulties learning in their early school years. I know that many of you have direct experience in the literacy field. Large numbers of children who are actually suffering from reading failure often have an underlying learning disability — that is the issue at hand. For some children, the problems will be severe enough to warrant special and individualized services. About 2.5 million children receive those services each year. But for others, modifications in teacher and parent behavior and changes in routines are sufficient to address the concerns.

Among adults, about 40 percent of the population have reading problems severe enough to impair their reading enjoyment.

Students who have a learning disability experience academic failure. They are also likely to suffer from low self-esteem, which in turn contributes to underachievement in school and underemployment later in life. And, they are probably among the least likely of individuals to go to the library to seek assistance or information.

Current data show that over 35 percent of these students drop out of high school, an enormously high dropout rate. Furthermore, learning disabilities are a major contributor to low literacy among adults. It is estimated that well over half of adult learners, well over half in literacy programs, have an underlying learning disability.

### **What do we know from research?**

We know some interesting and very helpful information from research. In early May NCLD convened a National Summit on Learning Disabilities Research and those findings indicate that:

- No single intervention for children or for adults works with all individuals. You have to individualize instruction.
- The most effective forms of instruction involve breaking down tasks into step-by-step prompts, then synthesizing parts into a whole task; direct questioning and response between a teacher or mediator and a student; using probes; providing repeated feedback in a very systematic way; and using technology and peer-assisted learning.
- Individuals with LD often give up when faced with difficult reading passages and, because of their histories of academic difficulties, often have gaps in their knowledge of history, geography, and other subjects. These knowledge gaps interfere with their understanding of new material encountered in texts and other printed sources—and lead to performance gaps on assessments.

### **What do we know about libraries and learning disabilities?**

Now, what do we know about libraries and learning disabilities? Thankfully, we know more because of the work done in the last few years, in particular the Roads To Learning program from the American Library Association, which you heard about this morning. It has taken some critical first steps in establishing programs and services for those with LD and some exemplary programs exist in parts of the country, including one in Meriden, Connecticut.



But, in general, our conclusion is that libraries are not LD-friendly places. They are not places where a person with a learning disability feels comfortable or places where he or she can really successfully navigate the maze of information, the wealth of information that's there.

For the individual with LD, however, the library poses special challenges. When we were in college or graduate school, many of us can recall our own really quite pleasant hours combing through libraries, combing through stacks, looking for key words on book spines, collecting volumes, either bringing them back to a reference librarian or back to a study carrel. But for individuals with LD, the stacks can be overwhelming and unfriendly places and negotiating these spaces can be painfully unproductive.

Even with electronic card catalogues, finding appropriate texts can be difficult and time consuming. We have found that libraries, which can be the real and virtual storehouses of information and knowledge in our society, too often put up barriers to the people who most need to gain entrance.

### **Looking Ahead: Recommendations**

Now, what can we do about that? I have a few very concrete suggestions, pulled from good examples from around the country and conversations that we have had with librarians and the work that we have done over the past several years.

The recommendations are keyed to three roles that libraries serve:

- 1) As an informational resource center for parents and teachers who have questions about learning disabilities;
- 2) As a learning center for students or adults living with LD;
- 3) As a community center to increase awareness and bring together community organizations on such issues as literacy and learning disabilities.

Individuals with LD need support and practice in accessing information and may need to interact with library staff in ways that help them know how to use the library. Training of staff and volunteers is crucial. Library staff should be prepared to provide a guided tour of the library, with hands-on opportunities to practice searching for information via printed texts and electronic media. This walk-through could be guided by a printed template to which the individual can refer, encouraging independence as a library user.

While librarians don't themselves provide reading instruction, they need to be facilitators for finding information. For individuals with LD, that might mean having access to a person (a librarian or volunteer) who can help locate materials, read words or passages aloud, recommend literature at modified reading levels or provide access to text-to-speech software. Again, training of staff and volunteers is crucial. This is as much about marketing as it is about information. This is about outreach and making the library a user-friendly place for those most needing access.

Libraries need to organize and call attention to existing resources for individuals with LD, such as:

- a. Reading materials for those with LD at different ages and stages;
- b. Books on LD for individuals, families, and helping professionals (a low-tech solution like a green sticker on a book spine can do wonders for a person with a learning disability);
- c. Large-type books, books on tape, and videos, which also serve those with other disabilities, e.g., vision impairment; and

- d. Vertical files—libraries can obtain materials from LD and related organizations, and also maintain a contact file on helpful organizations.

In addition to the resources just cited, there is a need for an intensified training of staff and volunteers. Twenty-first century libraries need to apply the technology of the Internet to the specific needs of children and adults with LD. The web provides wonderful opportunities for individuals with LD provided that this gateway to information is marked or mediated in ways that assist the learning disabled.

Some of the previous remarks concerning the difficulty in handling screens on a PC certainly pertain here. There needs to be greater mediation, or better marking, so that individuals with LD can truly find their way easily.

- The Internet helps individuals negotiate dense text by offering condensed versions with links, if they want them, to lengthier sources.
- It is an organizer, providing capacity to make decisions about relevant sources, search for key information, organize information in files, publish electronic reports, etc.
- It provides opportunities to cut and paste, rewrite, edit, and access graphics and photographs that would otherwise pose huge challenges to individuals with LD.
- It minimizes the demand for writing.
- The web can connect library users of all abilities with LD organizations and resources.

The libraries of the future have the opportunity—through upgraded collections, upgraded training of staff and volunteers, and LD-friendly technology—to be a major delivery point for grossly underserved populations, millions strong, of children and adults. The National Center for Learning Disabilities stands ready to assist in this important work. I thank you for your invitation to testify today.

Thank you.

### **Questions and Answers**

CHAIRPERSON SIMON: We appreciate your very comprehensive testimony. I really hate to hear that libraries are not user friendly. That hurt more than anything else. The generosity of spirit that librarians have has to be incorporated into LD techniques. And the word ‘training’ seemed to stand out all the time in your remarks.

MR. WENDORF: believe that is a critical function. The architecture and the layout of libraries are absolutely critical. My family has recently moved. We are chronic users of libraries, but we were dismayed to see that, in our new public library, we can only access the children's librarian by going behind the stacks and finding her in her office with a door.

It is exactly the kind of physical setup that perhaps we can handle ourselves because we tend to know how to do it, but individuals with learning disabilities might be dissuaded.

CHAIRPERSON SIMON: It is even worse to hear about children's librarians. Are there comments or questions from Commissioners?

MS. GOULD: In terms of designing libraries or retrofitting libraries, do you work with architectural groups?

MR. WENDORF: We have not done that, but it is a wonderful idea. I am not aware of any groups that have done it. I ran children's literacy programs for many years and was in many schools. I have said a number of times that I wish that architects of schools had to live in their schools for at least two weeks of the year after they actually perpetrated them on children and teachers. I think the design of libraries and connecting the design with the needs of individuals with learning disabilities is a fascinating topic, and I would love to look into it. I do not have an answer for you, though.

MS. GOULD: It might be interesting for you to contact the American Institute of Architects (AIA).

MR. WENDORF: Yes. That is a wonderful suggestion. Thank you.

MR. ABRAMSON: I was pleased to hear you speak in the context of volunteers in the public library. Probably, my personal, proudest moment involving libraries was in 1995 as a volunteer for a year at my public library in Montana. Although we have, I think, 19-1/3 full-time equivalents to run our library, in the most recent year we presented certificates to 52 volunteers who serve in our library, some for 2 weeks a year, some for all year.

I encourage integrating that awareness into the volunteer forces, such as public libraries. I had occasion to be at the Air Force Academy and was shocked to find out that they could not operate at the level they do without volunteers from the military community and the civilian community, serving both the academic student population and the population of the area.

I think that whatever kinds of programmatic approaches we have to have to heighten the awareness should, from the very beginning, include volunteers. And, it might involve outreach to have volunteers with different kinds of handicaps be available as volunteers in the library.

MR. WENDORF: That is another wonderful suggestion. The Friends of the Libraries is the appropriate place to approach to try to make sure that volunteers around the country actually become part of the training. Its focus is not just on staff but on volunteers as well.

CHAIRPERSON SIMON: Thank you very much, Mr. Wendorf. Our next speaker is Mr. Osborne Day, Director of Government Relations, Recording for the Blind and Dyslexic.

### **Testimony of Osborne Day**

MR. OSBORNE DAY: Thank you, Mrs. Simon. It is my pleasure to be here.

Recording for the Blind and Dyslexic (RFB&D) is a 501(c)(3) non-profit organization. It has the largest collection of educational textbooks in the world, with a library of nearly 80,000 titles. We consider our library to be the national education library for the print-disabled. We have eight librarians on our staff. We provide taped textbooks to students at all educational levels in all 50 states on a wide variety of subjects.

Of course, many of our students are blind, many more have learning disabilities such as dyslexia or other physical disabilities that prevent them from using standard print. Members must provide us with certification of their disability signed by a qualified professional. Books are free except for a modest membership fee. We have nearly 5,000 trained volunteers. They make up 96 percent of our workers. So we are a true volunteer organization.

We do not compete with National Library Service of the Library of Congress, the other great largest producer of taped books. Rather, our services complement each other. NLS provides recreation books for a large population of blind persons, many elderly citizens, whereas RFB&D is concerned with education. We work together on technology, on copyright, and we exchange all sorts of information on the books in our library.

RFB&D is presently serving 76,000 students, up from 55,000 last year and 43,000 the year before that. Seventy percent of those we currently serve are dyslexic and LD students.

We are converting our four-track cassette format to a digital format that will combine the advantages of human voice with digital capabilities. This format is user friendly and has the advantage of permitting the reader to navigate almost as easily as a sighted person can do with print books. We believe this to be the format of the future.

This format also permits, with the proper adaptive equipment, access to synthetic speech, refreshable braille, or print. Eventually we hope to distribute textbooks over the Internet. We are in the process of tooling up many of our 33 studios throughout the country so they will be producing digital audio books by the year 2001.

Interestingly enough, our research expert is in Missoula, Montana, and he is a wizard in the business of technology. He is now helping to standardize a world format for digital textbooks in which we will participate, obviously, and it is called DAISY. So every country in the world eventually will have the same format for digital textbooks.

We see our library as serving our present blind students, dyslexic students, and students with physical disabilities that prevent them from turning pages. We are now undertaking a nationwide campaign of community-based outreach centers in 15 of America's largest cities, in which RFB&D staff and volunteers are working in schools performing teacher training in how students can more effectively learn through listening. It is successful, but we have a long ways to go.

We are having great success at present with our audio format helping dyslexic students read print while they concurrently listen to tape. Some of our students also find our taped books useful in acquiring knowledge more quickly than they can by reading print.

We work closely with consumer and professional groups in the field of blindness and learning disability.

We will submit a written transcript of this testimony by the date you asked, and it will be tailored to the discussion here today.<sup>9</sup>

That is my presentation. Thank you.

### **Questions and Answers**

CHAIRPERSON SIMON: Well, it is a heck of a presentation if you just found out about this hearing yesterday. Thank you, Mr. Day, for that.

You have 76,000 students?

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<sup>9</sup> This material was not provided to the Commission

MR. OSBORNE DAY: Yes.

CHAIRPERSON SIMON: Do any of them pay for this privilege of getting books?

MR. OSBORNE DAY: We have a one-time registration fee of \$50.00 and an annual renewable membership of \$25.00 per year. We are going to be getting a little revenue from that. But the students do not pay. It is the institutions.

We also have another program now working with educational institutions. These institutions pay a fee to help provide books to their eligible students. We are going to be getting a little revenue from that. But the students do not pay it. It is the institutions.

CHAIRPERSON SIMON: How old is this institution?

MR. OSBORNE DAY: The Recording for the Blind started in 1948, right after World War II, to help blinded U.S. veterans receive an education under the G.I. Bill of Rights for blind people. It was started in New York by a group of society ladies, who were wonderful people who put together this organization, and it has grown since then.

CHAIRPERSON SIMON: As I understand it, there are no turf battles between the Library of Congress and Talking Books?

MR. OSBORNE DAY: No, we work together. NLS provides recreational reading materials to its members; RFB&D provides educational and professional textbooks. They do not want to be doing what we are doing nor do we want to do their job either.

And, we are a little different in that our readers are all volunteers. They are not paid. NLS pays their readers. Our readers are selected because they have a fluency in the subject they are recording. If we have a recording of a physics book, we ask a physicist to record it and another physicist to monitor it. They look more for appealing voices. So their books probably are—well, they are more stylishly recorded as far as the voice goes. We are interested in the content and clarity.

CHAIRPERSON SIMON: Are you more content-oriented?

MR. OSBORNE DAY: Yes. And, of course, we have to cope with footnotes. We have to cope with all sorts of graphs, formulas, and so forth, in the education books. Some are very large. I might mention that Justice Potter Stewart recorded a very long law book just for one student. It took him a couple of months.

CHAIRPERSON SIMON: Thank you very much. Are there any other comments?

MR. TABB.: You mentioned in passing that you hope to go on the Internet. What do you mean by that?

MR. OSBORNE DAY: RFB&D plans to distribute textbooks on CD-ROM, and, in the future, online. This technology will shorten the time it takes to create and deliver new titles.

MR. ABRAMSON: Two little factual inquiries and then a comment. Do some, or all, of your students/clients, for different reasons, qualify for postage-free payment?

MR. OSBORNE DAY: Yes. RFB&D serves individuals who cannot read standard print because of a visual, perceptual or other physical disability. All individuals must have certification by qualified authority of the physical disability that prevents them from using regular print. In this way, we ensure that only qualified individuals are sent matter mailed under the Free Matter for the Blind and Handicapped mailing privilege.

MR. ABRAMSON: I am not familiar with what you referred to as 'refreshable braille.'

MR. OSBORNE DAY: Refreshable braille, on an adaptive computer, is a membrane that fits over pins and the pins come up and you read it. It is similar to a player piano where the keys move, only these are pins.

MR. ABRAMSON: I see.

MR. OSBORNE DAY: So it moves along fast. It is a very good way to read braille.

MR. ABRAMSON: Is it common? Is it based on braille specifically?

MR. OSBORNE DAY: Yes. It is braille. It is fairly common.

MR. ABRAMSON: My comment is on the issue of certification. I live in western Montana, and we have a radio reading service that provides a very topical service including reading local advertisements for people with sight and hearing impairments, so you know about sales. Statistically, we should have about 3,300 people qualified for the special radios. We serve about 1,800 people. I have come to the feeling that the certification requirement is the same kind of block I was talking about with the mental set in terms of outreach of people who come to the library asking for large-print books. I know to qualify for free postage it is a stated requirement, anyway.

On a personal basis and as a common example, when I become aware that a friend, or a friend of a friend, has a lesser ability to read the daily newspaper, I go over to the radio reading service, get a radio, take it over to the home, plug it in, turn it on, and tell them, "If you really don't want it call me, and I will take it back." I have only taken one radio back.

Do you have any comments on the certification requirement or procedure?

MR. OSBORNE DAY: Yes, I do. The publishers who give us permission to record their books do so with a very strict understanding that they go only to blind students or dyslexic students. As a private organization, we adhere to that. We have to.

MR. ABRAMSON: Would you like to not have to?

MR. OSBORNE DAY: I don't think so, because I think a lot of people would like to have a book on a tape and lie back on their bed and listen to it. I think we would be inundated. No. I think the system is the correct one now.

MS. GOULD: If I understand, I think you just answered the question I was going to ask, and that was the copyright implications. When a blind or a dyslexic student comes to your organization with a specific book that needs to be addressed, do you go to the publishers for permission?

MR. OSBORNE DAY: For school texts, we have about 80 percent of the requests already in our library. So, we just make a duplicate. If it is a book we have not recorded, then we will go to the publishers. Permission is pretty peremptory now. It comes quickly.

MS. GOULD: How do you go about finding your volunteer readers?

MR. OSBORNE DAY: It is a constant effort. We advertise for them. Many of our 33 studios are close to universities, so we get them there. It is by word of mouth. It is a continuous, continuous effort to find good volunteers. And, then, we have to train them.

Once they become volunteers many of them really enjoy it because, I think I have to say, they have to concentrate so hard. It is like playing bridge or golf; it is very relaxing and refreshing to them, but it is hard work. They are assigned to a studio, and they read on schedule with a monitor.

MS. GOULD: You said that you are a 501(c)(3) nonprofit organization. Where do you go for funding?

MR. OSBORNE DAY: We get our funding from all sources. We have a very large list. We go to individuals, corporations, and foundations. They are very helpful. We get about 25 percent of our funding from the Federal government and from the states. But we want to keep that at about that level so we can remain autonomous and do things the way we want to do them.

MS. GOULD: Have you thought in terms of working with another national organization called RSVP, the Retired Senior Volunteer Program, in terms of finding volunteer readers?

MR. OSBORNE DAY: You know, I don't know whether we have or not. Again, I will find out. That was RSVP?

MS. GOULD: Yes.

MR. OSBORNE DAY: Yes, I will find out.

MS. GOULD: Thank you.

MRS. BINGHAM: I have a question. Once the people use these books, do they keep them, do they return them to you, or do they bring them to a nearby library?

MR. OSBORNE DAY: We ask them to return them to us. We lend the books. When the books come back, they are fully erased. We reuse the cassettes.

If a student calls and says he/she still needs the economics book for reference and would like to keep it for a while, we say, "Yes."

CHAIRPERSON SIMON: We thank you, Mr. Day.

MR. OSBORNE DAY: Thank you, Chairperson Simon.

CHAIRPERSON SIMON: The next panelists are John Day, University Librarian, and Alice Hagemeyer, Friends of Libraries for Deaf Action.

**6. Panel 3: John Day, University Librarian, Gallaudet University and Past President, Association of Specialized and Cooperative Library Agencies; and Alice Hagemeyer, Founder, Friends of Libraries for Deaf Action.**

**Testimony of John Day**

MR. JOHN DAY: First of all, I would like to say thank you for the opportunity, Madam Chairperson and Commissioners, to address you today. I am going to go off-script for a moment because I did not know that I would be sitting here this morning with Alice Hagemeyer. I was originally scheduled to give testimony earlier and that would have put Ms. Hagemeyer with Dr. Rosen. However, we swapped places, and now I am sitting here with Alice.

I would like to say that it is an honor for me to be sitting here with her. I remember when I came to Gallaudet 16 years ago. I knew nothing about deafness, deaf people, or disability. I was trained in libraries and management. I have learned quite a lot, and just about everything I know I have learned from Alice.

Again, thank you for the opportunity to testify to you this morning. You have copies of my testimony,<sup>10</sup> and I have also put copies over on the table for anybody else here who would like a copy. So what I would like to do is jump right to the meat of what I am talking about today.

From my experience over this past year as President of the Association of Specialized and Cooperative Library Agencies, I would like to provide a summary of what I see as the major areas where additional work is needed for making libraries and library services and information services accessible to people with disabilities.

The first area is physical access in order to ensure that all physical barriers to libraries and information access by people with disabilities are removed. The second area is intellectual access in order to make sure that assistive and adaptive technological advances are used to enable intellectual access to library tools and collections. The third area is inclusion, making sure that truly equal and integrated library and information services are available to people with disabilities. Fourth, general and research collections, ensuring that collections about disabilities are comprehensive and unbiased; regarding special reference collections, to make sure that libraries have adequate and unbiased reference materials about disabilities; format, ensuring that people with disabilities have equal access to collections and information in a format that is possible for them to understand, for example sign language, braille, captioned video, and others.

Another area that has come up several times already this morning is the area of training: ensuring that the subject of services to people with disabilities is appropriately included in the initial and the continuing education of librarians, professionals and, of course, the library staff in whatever capacity.

MR. ABRAMSON: And volunteers.

MR. JOHN DAY: And volunteers, as we just talked about.

In particular, I would like to address the area of format and copyright. I go at great lengths in the written testimony to explain what is meant there, but really what I am talking about is how copyright, in certain respects, prevents access to materials by people with disabilities by preventing the ability to change the written text into a format that is accessible by a person who is disabled.

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<sup>10</sup> Written material submitted by Mr. Day begins on page 120 in Appendix A.



This is something that I have been working on for the past several years, both through the American Library Association and its division, the Association of Specialized and Cooperative Agencies, and the International Federation of Library Associations. So, the efforts that I have been taking over the past couple of years have really been international in scope, not just simply limited to the United States, because I think, particularly in the area of copyright and with the advances in technology recently, making information and the transmission of information immediately accessible all over the world just as if it had been just produced in the next room, that individual countries may to certain degrees be less willing to change or modify or provide exemptions to copyright law and the copyright holders are less, I believe, less open to such changes on an individual nation basis.

That is why, to a certain degree, I have been looking at it from an international perspective, with the idea of getting agreement by a variety of countries and having an influence on the international copyright conventions, UNESCO, and WIPO conventions.

To this end, for the president's program that we had for the Association of Specialized and Cooperative Library Agencies (ASCLA) during the New Orleans conference last week we were able to bring together the national library association presidents from about five or six different countries, the U.S. Registrar of Copyrights, Mary Beth Peters, the new Secretary General of the International Federation of Library Associations and Institutions (IFLA), Ross Shimon, and also a human rights expert to focus on this issue.

What came out of that was a resolution to develop model legislation that could be used by all countries, including the United States, to provide adequate and appropriate exemptions to existing copyright legislation, to allow for all of the variety of format changes needed by people with disabilities, people who have the wide range of disabilities. That is what we are going to do.

The U.S. Registrar of Copyrights expressed an interest in helping with this effort. She and the Secretary General of the International Federation of Library Associations and Institutions have committed their resources to shepherding this model, the development of this model copyright legislation, and also in working subsequently with all of the member nations' library associations, to work with their governments, in order to get it adopted.

What I would like to do is ask the U.S. National Commission on Libraries and Information Science to lend its weight and support in this effort as well, because I believe that it has the enormous potential to make an enormous change in the lives for the better, positive change, for many, many, many people with disabilities, and it's doable.

Thank you.

### **Questions and Answers**

CHAIRPERSON SIMON: Thank you, John. Speaking for the Commission now, without stopping to take a vote, I am sure we would be delighted and happy to work with you on this model legislation. Could you tell me how the Association of American Publishers feels about this model legislation?

MR. JOHN DAY: I do not know yet. I will be very interested to find out. Just last week at the American Library Association meeting in New Orleans we developed this as an outcome of the ASCLA presidents' program. I am sure I will have that opportunity to find out.

CHAIRPERSON SIMON: Thank you, John.

MS. GOULD: It is interesting that you should mention that because just before I left to come to Washington for this particular hearing I received an e-mail from Cary Putnam, head of the Nevada State Library Services to the Blind Division. I am looking at a memo from the American Foundation for the Blind that talks about a meeting held June 15th to establish a pilot project to demonstrate the feasibility of creating greater access to printed materials. The demonstration project will run for six months and will involve the voluntary participation of publishers identified by the Association of American Publishers (AAP). Under the pilot project, publishers would agree to allow their copyrighted materials to be converted into standardized electronic format produced by a third party.

You may want to follow up on this. I believe we will hear some testimony this afternoon. I also attended your meeting at ALA.

MR. JOHN DAY: I remember.

MS. GOULD: I found it very interesting. And I received a copy from Margaret Fung, the President of the Library Association of China. It was very interesting to read this paper because she talks about the human rights of access for people with disabilities. I will submit this to you for inclusion in the record.<sup>11</sup>

CHAIRPERSON SIMON: It will be included in the record. Thank you.

Mr. Day, do you have a comment?

MR. OSBORNE DAY: Yes, I thought I would mention that I was at that meeting that you referred to, and the person at the Association of American Publishers (AAP) is Carol Risher. She is very fluent on this issue and has been working on it a long time.

CHAIRPERSON SIMON: Thank you. Are there further comments about John Day's testimony?

MR. ABRAMSON: Distance learning has a great cornucopia of possibilities for education, specifically for the disabled community. It is also fraught with some of the biggest copyright land mines. While the international focus is important, I think we have a lot of things to look at here.

I understand that Amarillo University, which used to be located in Miami and now has campuses in Prescott, Arizona, and Fort Lauderdale, has over 125 remote teaching locations that are online digitally. I do not even think we understand all the copyright issues involved in the potential.

Although distance learning has much to offer to the disabled community, I think that those concerns have to be integral to any other national or international adjustments that might be made to our own and other countries' copyright issues or laws.

MR. JOHN DAY: I agree with you 100 percent. There are two things we are talking about here. One is allowing for format change because it is necessary in order to enable access by somebody who cannot access the original text when the text is copyrighted. The second thing is providing library materials to students who are taking classes in a distance education environment. You are absolutely right. That has to be looked at very, very carefully. Many times we tend to have a reaction to the idea of copyright. When we are in the business of providing information, many times we tend to have a negative reaction to the word 'copyright,' when, in fact, the copyright law is a very, very good and

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<sup>11</sup> This paper begins on page 218 in Appendix B.

positive thing and is something that enables us to continue to do the kind of things we do. The law makes sure that the world of publishing, creative writing, creativity and research goes on.

You are right.

CHAIRPERSON SIMON: Further questions? (No response.) Well, thank you, John.

We will now hear testimony from Alice Hagemeyer.

### **Testimony of Alice Hagemeyer**<sup>12</sup>

MS. HAGEMEYER (Speaking through a sign-language interpreter): Chairperson Jeanne Simon and Commissioners: First, I want to thank Dr. Roslyn Rosen and John Day for their wonderful comments about the deaf needs and also about other disabilities and libraries.

My presentation today will focus on people, the users of library services and non-library users and friends. First, I am here today to speak to you because I have a lot of experience both as a librarian and as an activist working with both the deaf and the library communities. I have been profoundly deaf since spinal meningitis at the age of three years. I bring both personal and professional experience to bear on related library issues.

Recently Dr. Rosen mentioned that 90 percent of deaf children have hearing parents; I am one of those. I grew up with parents who knew nothing about deafness, and there was a lot of confusion. I never went to the public library. I never read books. My parents didn't use library books, and I thank the school for teaching me. I also thank the Gallaudet University for what I am today. I know now that many deaf children like me all over the United States do not use the library.

I was a librarian for 15 years for the deaf community and the District of Columbia public library system until my early retirement in December 1991. I was a delegate-at-large at the White House Conference on Library and Information Services in both 1979 and 1991. Currently, I am an active member of the White House Conference on Library and Information Services Taskforce. I am also a member of the American Library Association and Friends of the Library USA. I have been involved in the programs of several friends of the library groups that have increased both deaf and library awareness in their local areas.

In 1986, I founded FOLDA, Friends of the Libraries for Deaf Action. FOLDA, which is now a subsidiary of my consulting business, Library for Deaf Action, has approximately 2,000 members, mostly libraries, but also individuals as well. FOLDA has no membership dues and the deaf community has been encouraged to become involved in activities of their local public library and its friends.

In 1979, I began publication of the *Red Notebook*, an information service in the form of a regularly updated loose-leaf binder containing deaf fact sheets, library reprints, and announcements. Soon the *Red Notebook* will go online, and I will show you what it is. This is the *Red Notebook*. [Displays notebook] This should be in each public library for information on the deaf community so they can know how to get all of the information from one place.

My experience confirms that services to the deaf community have to meet quite different needs than those of, for example, hearing people who are blind or have other disabilities. The program for over

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<sup>12</sup> Written material submitted by Ms. Hagemeyer begins on page 122 in Appendix A.

60 years has worked with the nation's public libraries. Incredible as it seems, because of the law, the National Library Service does not have provisions for serving people with hearing disabilities unless they also have visual or physical disabilities.

Communication is the key problem. Organizations connected with the deaf community need to place library and information services on the same level of priority as education and health services. By the deaf community, I am referring to three segments of library users: (1) people with hearing loss, including those with additional disabilities, such as blind and learning disabled; (2) their hearing family members, friends, co-workers, colleagues, helping professionals, teachers, etc.; and (3) people with special interest in visual communication.

At the present time I am working to get a higher education institute, a public library, or a nonprofit organization to adopt the FOLDA collection as a future national deaf library network. I have several librarians, including two former library interns, who have worked with me. We have sought various ways for the nation's public libraries to provide cost effective and efficient products, programs, and services to the public on hearing loss and American Sign Language.

Both former interns, one is the assistant director of a public library system in Montana—that is where Abe Abramson is from—and the other is the librarian for the National Information Center on Children and Youth with Disabilities, are now working with me to develop a checklist for the public library on enhancing services for people with disabilities.

We also have resources available for library outreach to the deaf community to encourage the increased use of local public libraries. My advice for the public library system is to start with its local friends group and work with them. Also, I suggest that public libraries form a partnership with ASL Access, a newly formed nonprofit organization with a mission to help place core video collections with over 200 ASL videos in every public library system in the United States and its territories.

ASL Access, which was founded only two years ago by Chris Wixtrom, raises funds to assist public libraries by donating these collections. ASL Access stands ready to help libraries, which have their own funding for ASL videos by coordinating purchases from over 40 independent publishers and distributors and by providing guidebooks, which describe the videos.

ASL Access also serves as a liaison between library customers and public librarians by providing reviews of ASL videotapes and a list of ASL videotape publishers and distributors on the web site. I have more information on ASL Access in the back.

Ultimately, every public library needs friends and partners to help achieve its library mission. As libraries seek innovative ways to reach out to local unserved and underserved populations, they will no doubt find solutions for meeting their various needs. Should the library and its friends need leads for forming partnerships within the local deaf community, FOLDA will be able to assist. FOLDA will put libraries in touch with an appropriate deaf, disability-related service organization within the local or state jurisdiction.

I believe all of us here understand the desperate need for this initiative. If the authority and the appropriation can be provided for the nation's public libraries to work with the future national deaf library network, FOLDA will be a model for the many friends of the library groups agonizing about this issue.

Thank you for giving me an opportunity to testify.

## **Questions and Answers**

CHAIRPERSON SIMON: Thank you, Alice, and congratulations on the establishment of FOLDA, which has the potential to make a big difference in libraries.

Could I ask you, when you say, "For over 60 years, the National Library Service has worked with the nation's public libraries but, as incredible as it seems, because of the law it doesn't have provision for serving people with hearing disabilities unless they also have visual or physical disabilities," what precisely does the law say that holds this up?

MS. HAGEMEYER (Speaking through a sign-language interpreter): That is what the law says. Every time a deaf person complains to the library that their services are to the blind and physically handicapped, when they ask about deaf services, they are told that the law says we cannot serve deaf people unless you also have a physical disability or are blind.

I read the history from some 65 years ago, and there was a group of parents who were concerned that their blind children couldn't read or use regular library materials. They wanted the government to support the funding of material that would help blind people read.

CHAIRPERSON SIMON: Thank you, Alice. It seems to me that we ought to address that at the proper level of legislation.

Are there comments or questions from Commissioners?

MR. ABRAMSON: That is Missoula, Montana, where that system and assistant library director is, of course. And, we have established today that that is the center of the universe.

But we have not specifically mentioned small independent public library foundations. We have probably included them when we talked about Friends groups. I think I see a pattern of new independent foundations like the one we started in Missoula to support the library with things like this. I hope that we can see that trend grow even more.

There are consciousness-raising issues with taxpayers that need to be solved before we see the regular flow of local tax moneys to solve these kinds of problems that don't affect most of the people in any given community. But I am intrigued with your suggestion that a national deaf library network as such be established and posted, posted by some institution. It could be a university, probably a university or a university-based organization. So I think that is a useful perspective as well. Thank you very much.

MS. HAGEMEYER (Speaking through a sign-language interpreter): Thank you.

MS. GOULD: I have a question. What has been done to address changing the law in terms of National Library Service for the Blind and Physically Handicapped? Have there been any efforts?

MS. HAGEMEYER (Speaking through a sign-language interpreter): You do not have to change the law. We can use the public library mission that says we must serve all people. We can use that. I feel at the same time the deaf community has a responsibility to help the library to make their products, programs and services accessible to all people. I am not talking only about deaf people; I am talking about all people.

MS. GOULD: Thank you.

MS. HAGEMEYER (Speaking through a sign-language interpreter): And, you need to remember that many people became deaf at a late age. I feel it is important that each public library prepare children who may not be deaf, but they may become one or have a deaf person in the family.

CHAIRPERSON SIMON: That is enlightening. Thank you for that comment.

MR. ABRAMSON: If we are ever going to change the law—and I have raised this issue in a number of different contexts and it usually hasn't been appreciated—I think we ought to change the name of the service, too. For a person who is blessed with at least physical health to a great extent, I fail to understand why blindness would not be a physical handicap.

In other words, I think part of the hurdle in some of the kinds of things that have been suggested is the fact that we refer to it as the blind and physically handicapped, as if blindness weren't a physical handicap. But I know there is a history to it, and I have learned some of the history, but it has not been helpful. And, it has been a kind of territorial thing at different times for different reasons, and it is different in different states, also.

I think if we are ever going to do something with the legislation ... I don't know what we should call it, but we shouldn't call it the Blind and Physically Handicapped and talk about people who have special challenges, most of whom are taxpayers.

MS. HAGEMEYER (Speaking through a sign-language interpreter): I also would like to add that, really, it is dangerous if we use the words 'special needs' or 'services to the physically handicapped' in the public. People assume that any time they need information they have to go to a special needs library or check for a special collection. We should mainstream services at the public library, and we also can help librarians and staff become aware of various communication needs.

CHAIRPERSON SIMON: Ms. Gorman, do you have a comment?

MS. GORMAN: Just very briefly. In terms of the law as it affects NLS and in terms of the certification issue that you brought up earlier, I have come into those various discussions also in terms of people with learning disabilities because there is an added certification requirement from a medical doctor in terms of LD for the National Library Service. It is different with regard to Recording for the Blind and Dyslexic. They have a much broader certification requirement, and the people whom they certify cover a much broader range.

The learning disabilities community believes that, unfortunately, doctors are very frequently among the least able to certify learning disabilities. So this has been a bone of contention.

One of the 'work-arounds' that has been used is, first of all, to redefine physical disability. In redefining physical disability you can certainly include neurological, brain function and structure, differences.

I am trying to gather my thoughts again now. We really need to take a look at—oh, the 'work-arounds' is what I was talking about. Sorry about that.

People have advised physicians in their areas, in terms of learning disabilities, to work with the learning disabilities specialists and other people who are included in the Recording for the Blind and Dyslexic certification group. Those people can then advise physicians so that they get the proper information to make that certification.

There is definitely a need for change here; it is a very cumbersome mechanism. I am sure Carolyn Sung can address some of the concerns we talked about before in terms of trying to change the law. But we do think the changes are overdue.

CHAIRPERSON SIMON: Well, thank you, Audrey. I think we ought to invite the AMA to say a few words at our next hearing.

MR. ABRAMSON: On the issue of 'work-arounds,' that is what I was suggesting with the reading service radios that I deliver, because, for reasons that are essentially licensing issues that sound like, taste like, smell like, copyright issues, but aren't exactly the same, they use special radios that usually broadcast on a sideband, and they also require a certification from a medical professional.

CHAIRPERSON SIMON: Yes, we have a comment. Please.

MS. ADLER (Speaking from the audience through a sign-language interpreter): In the field of vocational rehabilitation, deafness and blindness are looked on as sensory disabilities. They are almost the same. But it seems that in regular life deafness is kind of separate. We do not know why that happens.<sup>13</sup>

CHAIRPERSON SIMON: Thank you. This is proving to be a very interesting commentary. Another comment from back of the room, please.

MS. WIXTROM: Hi. I am Chris Wixtrom, and I founded this nonprofit organization that puts the American Sign Language videotapes in the libraries, 200 tapes in 15 categories. One of the things we have discovered is that people who most desperately need these resources are not deaf people or communicatively disabled people. It is the hearing people who are their friends, families and co-workers who need these materials.<sup>14</sup>

CHAIRPERSON SIMON: Any more comments? This is wide open now.

MR. ABRAMSON: I have a question about the testimony that has been submitted. The third category of the deaf community was people with special interest in communication, and I am not sure I have a specific understanding of what you were suggesting by that group. This was the third segment.

MS. HAGEMEYER (Speaking through a sign-language interpreter): I used the word 'deaf community' for the library community only, because I did not want you to think that the materials that the libraries have are for deaf people only. No, they are for anyone and everyone, especially hearing family members, teachers, counselors, and so forth.

MR. ABRAMSON: Well that is the second category. The third category I was not specifically able to distinguish.

MS. HAGEMEYER (Speaking through a sign-language interpreter): The third category is talking about people who are especially interested in visual communication, you mean?

MR. ABRAMSON: Yes.

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<sup>13</sup> Ms. Adler spoke from the audience. She is not otherwise identified.

<sup>14</sup> Written material submitted by Ms. Wixtrom begins on page 182 in Appendix B.

MS. HAGEMEYER (Speaking through a sign-language interpreter): I am sorry. The third group of people is those interested in sign language. More and more people want to learn to sign. Children especially want to learn sign language, and I think that is great. The library should have a collection for people like that.

CHAIRPERSON SIMON: Ms. Storck from Pinellas County, Florida, has a comment.

MS. STORCK: My name is Bernadette Storck. I know you all have far greater clout than I could ever have in Washington, but if you want support for changing that law from the Florida delegation, I will be on the telephone when I go back to my office on Tuesday.

CHAIRPERSON SIMON: I think we might have a real something going on here before the end of the day. Does anybody else want to wade in on this? (No response.) We have concluded the morning session, which has been terrific.

(Whereupon, at 12:13 p.m., the meeting was recessed, to reconvene the same day.)

**7. Panel 4: Scott Marshall, Vice President, American Foundation for the Blind; Carolyn Sung, National Library Service for the Blind and Physically Handicapped, Library of Congress; and James Gashel, Director of Governmental Affairs, National Federation of the Blind**

CHAIRPERSON SIMON: We will begin the afternoon session. I believe everyone is here.

Members of this panel are Scott Marshall, Vice President of the American Foundation for the Blind; Carolyn Sung, Chief of the Network Division for the National Library Service for the Blind and Physically Handicapped of the Library of Congress; and James Gashel, Director of Governmental Affairs for the National Federation of the Blind.

Will you please step forward? Scott, what is your dog's name?

MR. MARSHALL: Kate.

**Testimony of Scott Marshall**

MR. MARSHALL: Good afternoon, Madam Chairperson, ladies and gentlemen. I am Scott Marshall with the American Foundation for the Blind. I appreciate the opportunity to talk to you today about some important issues relating to access to information for people who are blind and visually impaired.

I would like to reserve the right to provide you with a full written statement for the record,<sup>15</sup> and if you will accept my oral comments today, the statement will be in much greater detail.

CHAIRPERSON SIMON: We will do that, Scott. Thank you very much.

MR. MARSHALL: The American Foundation for the Blind (AFB) is a national research and consulting organization in the field of blindness. We have tried to address the most critical issues facing blind people since 1921 through research, policy development, advocacy, information dissemination, and public education.

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<sup>15</sup> Written material submitted by Mr. Marshall begins on page 124 in Appendix A.



One of our most important issues over the years has been access to information. We developed the topic of record in the 1930s and worked with the library community prior to that time toward passage of the Smoot-Pratt Act which ultimately is now the National Library Service, which you will be hearing about shortly.

The libraries community has always been very supportive on such issues as free mailing for the blind, the mailing privilege for braille and recorded materials, which from time to time has been in jeopardy, as well as efforts in the past to censor materials that are provided through the National Library Service. I wanted to acknowledge and thank you for that.

MR. ABRAMSON: I missed a word. Did you say 'censor'?

MR. MARSHALL: Yes, 'censor.' We can talk about that further if you are interested.

MR. ABRAMSON: Is that a term of art in the blind community?

MR. MARSHALL: No, it was a matter of a right to read.

MR. ABRAMSON: Okay.

MR. MARSHALL: I will talk about that in a while, but it was a matter of censoring certain magazines that were being distributed by the National Library Service in the mid-1980s.

A couple of weeks ago, Alan Greenspan, in accepting an honorary degree at Harvard, talked about the new emerging technologies and the effect on our economy and he said, not surprisingly, that these new technologies have altered fundamentally the manner in which we do business, create value, in the ways we could never have foreseen even less than a decade ago.

That is true, it seems to me, with respect to libraries as well. Libraries, which used to be reference departments, card catalogues and volumes of books, are now information systems and retrieval engines. And it is very, very important that these systems be accessible to people with disabilities. The whole concept of universal design calls for the development of information systems that are flexible enough to accommodate the broadest range of users using the broadest range of computers and technology, regardless of age or disability.

For example, it is not sufficient simply to equip a workstation with a screen reader that will magnify the text on the computer screen or vocalize it. One must be sure that that access is equal to access provided to other people, non-disabled people, with respect to this information being provided.

I have a few recommendations in terms of how to do that.

**One:**

I suggest the Commission could play an important role in providing information, technical assistance, to library systems about how to make their systems accessible. It has been our experience that many libraries, although very well meaning and very interested in this subject, do not always have the kind of information they need to make the purchase decisions and the training decisions they need to make their systems accessible.

They also need to know about how to make their own information products and services accessible, and I am speaking specifically of web-based information. The Americans with Disabilities Act, which

passed about ten years ago, made physical space accessible and in the same way virtual space also needs to be made accessible to people that are blind or visually impaired.

Fortunately, there are standards in existence through the World Wide Web Consortium Web Access Initiative that makes making your web site accessible really quite an easy thing to do.

**Two:**

My second recommendation, therefore, is to provide these guidelines to libraries for their own use and to make this kind of information available in the reference departments of libraries for web designers and web masters so that the knowledge about how to make these sites accessible would be readily available.

I have an interesting quote, if I may, from a blind user who is talking about why, if a web site is not properly coded, how difficult it is to use this information. This appeared recently in a *New York Times* article:

When blind people use the Internet and come across unfriendly sites, they're not surfing; we're crawling. Imagine hearing a page that says 'Welcome to—Image,' 'This is the home of—Image,' 'Link, Link, Link.' It is like trying to use Netscape with your monitor turned off and the mouse unplugged.

This is because text-based browsers cannot vocalize graphics unless the page is appropriately coded. This becomes even more difficult if that graphic happens to be a navigational button, or arrow, or contains significant information, for example, a table. If there is no coding that makes that graphic vocalized, it is very, very difficult to use this information.

**Three:**

Finally, my third recommendation—I am sure my colleague Mr. Gashel will touch upon this in greater detail—is that it would be very helpful for the Commission to support our efforts with the publishing industry to make electronic versions of text material available on a contemporaneous basis to facilitate its production in braille or recorded form.

An effort is now underway with the publishing industry on a national basis to do this and this has been happening as a result of some state statutes around the country. But we do need to have a national standard and a national effort in this regard, and I am sure he will talk more about this in his presentation.

That concludes my oral remarks. I would be happy to take your questions at an appropriate time.

**Questions and Answers**

CHAIRPERSON SIMON: Thank you, Mr. Marshall. We are glad you were able to come; I thought you would not be here. I am so pleased because I have known you for many years, and I know what wonderful work you do on Capitol Hill as well as for the American Foundation for the Blind.

MR. MARSHALL: Thank you, Chairperson Simon. We certainly appreciate your involvement with our organization as well.

CHAIRPERSON SIMON: Could you tell us what is happening on Capitol Hill regarding pertinent current legislation?

MR. MARSHALL: As a matter of fact, next Wednesday the Federal Communications Commission is expected to issue its regulations regarding implementation of Section 255 of the Telecommunications Act of 1996, which relates to providing or ensuring access for people with disabilities with respect to communications, telecommunications products and services.

For blind and visually impaired people, this would essentially relate to things like cell phone displays, pagers, multi-line telephones, caller IDs. Admittedly, this is somewhat limited in its scope, but we believe it is an important first step toward making these kinds of technologies accessible and that what we learn as a result of these new requirements and industry's efforts to comply will help in all sorts of environments where material is presented visually, in a display, for example.

The trickle-down effect could affect everything from the display on your microwave to a display on a business desk telephone.

CHAIRPERSON SIMON: That is coming up next week?

MR. MARSHALL: The rule is coming out next Wednesday. We are hopeful that industry will respond to it in the good spirit that it is intended. That always doesn't happen, as you well know. But, we are hopeful that the rule will be a positive step forward.

CHAIRPERSON SIMON: Is anybody actively opposing this?

MR. MARSHALL: Yes. There have been some rumblings from the industry about the rule perhaps being too broad, perhaps getting too close to regulating the Internet, and that kind of thing. I think we are awaiting the actual text to see where we go from here.

CHAIRPERSON SIMON: Anything else that is current?

MR. MARSHALL: I think that is the major topic on the technology front at the moment.

MS. GOULD: I understand that there is a possibility that C-SPAN may actually cover this particular hearing. Do you know if they are?

MR. MARSHALL: I have been in California for the last week and a half and returned to Washington this morning. I know FCC is very interested in press coverage, and this is a significant rule on a piece of legislation that is very significant with respect to access. So I would not be surprised that it might be covered.

MS. GOULD: An e-mail was sent to me just before I came to Washington giving a telephone number for consumers who would like to have this hearing covered by C-SPAN. For those would like to know, the number is: 202-626-7963. Just say, "Please cover the FCC meeting on disability issues on July 14 at 9:30 a.m."

MR. MARSHALL: Thank you for that information. I hope we can have that happen.

CHAIRPERSON SIMON: Thank you. As Vice Chair, Martha Gould keeps up on everything, even C-SPAN.

Are there other comments? Abe Abramson from Missoula, Montana.

MR. ABRAMSON: It was helpful for me earlier to learn of the different foci of the Recording for the Blind and Dyslexic and the National Library Service for the Blind and Physically Handicapped. Could you help me better understand the distinctions between some of the different national organizations that support the blind community?

MR. MARSHALL: All of the organizations at this table work closely together on these issues. As I indicated, the American Foundation for the Blind is a research and consulting organization that works in the areas of policy, public education, and advocacy. We are not a membership organization, whereas the National Federation of the Blind is one of the consumer organizations in the blindness Commission, a membership organization, which also works on many issues, including information access issues. I am sure he will speak to that shortly.

One of our initiatives—when I say ‘our’ I am speaking collectively—in the community is to obtain greater access to electronic text from publishers. It would make the work of organizations, like Recording for the Blind and Dyslexic, much easier if we are able to obtain those texts in a timely way.

In general, electronic text will help other communities as well. This is true for accessible web sites, as well, in terms of indexing and so forth. Electronic information, whether it is CD, video, any of it, can be indexed and searched. That is one of the values in having this kind of material available, as well as its ability to be quicker and more accurately converted into braille or speech.

CHAIRPERSON SIMON: Are there further questions or comments? (No response.) Thank you, Mr. Marshall.

MR. MARSHALL: Thank you.

CHAIRPERSON SIMON: The second person on the panel is Carolyn Sung. Will you proceed, Carolyn?

### **Testimony of Carolyn Hoover Sung**

MS. SUNG: Hello. It is a pleasure to be here today representing the National Library Service for the Blind and Physically Handicapped, better known hereafter as NLS. The testimony prepared by Frank Kurt Cylke, Director of NLS, has been distributed to the Commissioners and is on the table at the side of the room, along with a publication on planning for the future and a news article that talks about network libraries and some NLS planning, and, finally, the fact sheet on the program.<sup>16</sup> I will give a brief overview and save some time for questions.

The National Library Service is a free national public library program of braille and recorded books and magazines for blind and physically handicapped persons. It is administered by NLS at the Library of Congress. Under a special provision of the U.S. copyright law and with the permission of authors and publishers not covered by this provision (i.e., foreign-published material) NLS selects and produces full-length books and magazines in braille and on cassettes.

These reading materials are distributed to a network of cooperating regional and sub-regional or local libraries, where they are circulated to eligible borrowers and returned to libraries by postage-free mail. More than 22 million recorded and braille books and magazines were circulated to a readership of 769,000 in 1998, almost 800,000 people.

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<sup>16</sup> Written material submitted by Ms. Sung begins on page 127 in Appendix A.

In a sense, NLS was a creation of a network of 18 libraries, some of the nation's most prominent public libraries and the Library of Congress that had already been independently acquiring and lending embossed-format books to blind adults. In fact, two years ago, several of our libraries, including the Library of Congress, celebrated a century of service to the blind.

These libraries realized that, by joining together, they could produce many more books. NLS and the cooperative network were established by an act of Congress of 1931 to serve blind adults. Scott Marshall's previous testimony referred to this as the Pratt-Smoot Act. The NLS program was expanded in 1952 to include children, in 1962 to provide music materials, and again in 1966 to include individuals with other physical impairments that prevent the reading of standard print.

There were 19 libraries designated in 1931 as the network for distributing the materials produced by the Library of Congress. Now the network has grown to 138 with 57 regional libraries. Some states such as New York, California, Pennsylvania, Ohio, and Michigan, have two; there are regional libraries in the Virgin Islands, Puerto Rico, and the District of Columbia. We also have 81 sub-regional or local libraries and four machine-lending agencies.

Since 1995 when the North Dakota regional library opened, regional libraries are now located in all states except Wyoming, whose residents are served by the Utah regional library under contract. This spring NLS began discussions with the Wyoming state library and expending service there. So if that happens we will have all the states covered.

### **Funding.**

Congress funds NLS annually. The fiscal year 1999 appropriation is \$46,824,000. Regional and sub-regional libraries receive funding from state, local, and Federal sources. Through an additional appropriation to the U.S. Postal Service, books and materials are mailed as free matter for the blind or handicapped. The combined expenditure for the program is approximately \$120 million annually, roughly two-thirds Federal and one-third state and local.

In network libraries around the country, volunteer programs in machine repair, programs for recording local and regional books, and support for various library activities supplement this government funding.

### **Eligibility.**

Anyone who is unable to read or use standard print material as a result of temporary or permanent visual or physical limitation may receive NLS services. A survey sponsored by NLS found that two million persons with some type of visual impairment may be eligible, and another million with physical conditions such as paralysis, missing arms or hands, lack of muscle coordination, or prolonged weakness could benefit from the use of reading materials in recorded format.

NLS has two divisions: the Materials Development Division, which develops, tests, and produces books and playback devices; and the Network Division, which coordinates and supports the cooperative network and provides direct library service to American citizens living abroad and direct services of music scores to patrons. Books and magazines for this program are produced by contractors who submit competitive bids through the Federal procurement process.

NLS books are selected on the basis of their appeal to people, with a wide range of interests. Bestsellers, biographies, fiction, and how-to books are in great demand. To keep up with the changing interests and needs of consumers and librarians each year, the National Advisory Group on Collection and Building Activities (consisting of representatives from three consumer organizations, four

libraries, and a reader at large meet at NLS for three days to make recommendations on the areas and subjects that need to be strengthened in the national collection.

Each year approximately 60,000 print books are published nationwide and NLS can only select and produce about 2,000 titles. Readers are informed of these new books added to the collection through two bimonthly publications, *Braille Book Review* and *Talking Book Topics*. Through the *NLS Union Catalogue*, available on the Internet and on CD-ROM, every network library has access to the entire NLS book collection and to the resources of several cooperating agencies.

NLS materials are in special format. Our cassettes are four-track, as opposed to the two tracks on commercial tapes, so we have to have special playback equipment to play these materials. These playback machines are loaned free to people participating in the service. Right now we have about a million playback machines out on loan; that number includes cassette players as well as disc players.

NLS network libraries are the distribution points of its service. This network of cooperating libraries is the oldest, largest, and most sophisticated cooperative library network in the U.S. Generally state governments are responsible for ensuring that library service is available to their blind and physically handicapped residents. Fifty-two regional libraries are administered and/or funded by state libraries. Five are administered and funded by rehabilitation agencies. Those five are in southern California (a private agency), Florida, Iowa, Oklahoma, and Virginia.

Our emphasis in the network services is on cooperation. NLS has no budget or administrative authority over these libraries. To ensure quality library service across the nation, standards for this service were developed by network librarians and consumer representatives under the auspices of the American Library Association. The process included surveys and consultations with the network to come up with minimum standards and guidelines for service—first in 1979, then in 1984, and most recently in 1995.

Consumer relations are central to the entire NLS program. NLS has a consumer relations officer to serve as a contact point for patrons. NLS is proactive, heavily involving consumers in planning in order to do a better job of anticipating and avoiding as many problems as possible.

Recently the chief thrust of this position has been in the electronic library service area—assisting with adaptive equipment, monitoring accessibility—especially of the NLS web site, working to increase the web's usefulness to patrons, exploiting the advantages of electronic communication for our consumers, and piloting a test to mount braille books on the Internet. NLS's first e-braille books, web braille, should be available in the next few weeks.

The key issue for the future, of course, is the change to a digital audio format, which will be necessary in seven to ten years. It seems closer. Studies and strategic planning are under way to identify technological, logistical, and financial requirements. NLS is working hard to keep all consumers, librarians, and Congress informed of progress that is being made in this area.

Reading is at the core of the NLS program. Taking advantage of technological change to expand the horizons of this NLS mission, *that all may read*, is the challenge for us each day.

My colleague, Michael Moodie, the NLS research and development officer, is leading NLS's work with the National Information Standards Organization's (NISO) Digital Talking Book Standard Committee, which is now developing the technical standard for the digital talking book. He can answer any questions on the digital future.

Thank you. Are there questions?

### **Questions and Answers**

CHAIRPERSON SIMON: Thank you, Carolyn. You talked about the bids for talking books. Could you explain that to me? How many organizations bid on talking books?

MS. SUNG: It varies with each bid. About seven compete.

MR. MOODIE: It is split between braille and audio, about roughly half a dozen in each; that bid on it for braille magazines, braille books, audio magazines—all the packages.

CHAIRPERSON SIMON: And the guidelines for bidding is strictly the bottom line dollar, is that correct?

MR. MOODIE: It follows the Federal procurement regulations.

CHAIRPERSON SIMON: Federal procurement code.

MR. MOODIE: And, for the specific ones, it is an invitation to bid. It is completely specified out, and you have to meet all the specifications, up to the full capacity of that bidder. If one person bids low, we do not give them the whole thing.

CHAIRPERSON SIMON: So it depends upon the ability of the producer.

MR. MOODIE: Right.

CHAIRPERSON SIMON: Thank you.

Are there questions or comments from Commissioners? Mr. Joel Valdez from Tucson, Arizona.

MR. VALDEZ: You said each year there are 60,000 titles published?

MS. SUNG: Yes, annually in print in America.

CHAIRPERSON SIMON: Sixty thousand?

MS. SUNG: Yes.

MR. VALDEZ: And how many were prepared for this particular subject matter, 2,000? I missed it. I could not understand what was said.

MS. SUNG: Two thousand is the number that NLS's appropriation will allow us to produce. That is why there is such great interest in the change to the copyright law—to make many more materials available.

MR. VALDEZ: Thank you.

UNIDENTIFIED VOICE (Speaking through a sign-language interpreter): I would like to talk about deaf people who are also blind and cannot use the talking books. I wonder if you could add material for deaf-blind people?

MS. SUNG: We do. We have braille books, and they are among our patrons.

UNIDENTIFIED VOICE (Speaking through a sign-language interpreter): Not all deaf-blind people know braille.

MS. SUNG: Yes.

CHAIRPERSON SIMON: The idea is?

MS. SUNG: Do you have some suggestions?

UNIDENTIFIED VOICE (Speaking through a sign-language interpreter): I think professionals who work with deaf-blind individuals could answer that. I am not that familiar with that area. But I understand that many deaf-blind people told me that they never use the public library.

CHAIRPERSON SIMON: Is Audrey Gorman from ALA here? Audrey, could you be responsive to that?

MS. GORMAN: Which part do you want response to?

MS. SUNG: In response, one thing I would like to say is that we are working with public libraries, and we have a pilot project with a sub-regional library in Long Island to develop a package that librarians can use for outreach with disabled patrons. Certainly, deaf-blind people would be among our clientele.

CHAIRPERSON SIMON: Is that your summation? That deaf-blind people are not too much into library service?

MS. GORMAN: I do not know as much about deaf-blind people but, in general, I find that many people with disabilities are not into library service because they do not know what is available or because what is available is not adequate to their specific needs. I believe that is certainly true of deaf-blind people because, unfortunately, our materials are very frequently very much print-text oriented. Then, frequently, the rest of it is auditorially aimed. That just leaves them out from both directions. I think that we need to look very specifically at this issue.

One thing that much of this has been pointing to is the real need to look at universal design principles for all of our products and services. Then we need to take an even closer look in the areas where people need very specific help with accessing information. That would include people who are both deaf and blind.

CHAIRPERSON SIMON: Thank you for helping me out here. Is there anyone else with a comment?

MR. MARSHALL: I have an additional comment. I am glad you brought up that aspect. I think one of the values of the digital book will be that it will be much easier to produce braille, and it will be much easier to produce recorded materials. This should, in fact, help the deaf-blind community as well.

Many deaf-blind people, as is the case with blind people generally, have residual vision and can use magnification software and hardware as well. So there are options here. Perhaps one of the things that



we might consider is this could be an area of technical assistance to libraries, to try to provide more information about what those options might be.

CHAIRPERSON SIMON: Thank you, Mr. Marshall.

Mr. Gashel, would you care to add any comments?

MR. GASHEL: Actually, I do. My only additional comment would be that, for people who can see, libraries have, in many areas, been leaders in promoting literacy efforts. I mean, literacy in reading print. If a blind person or a deaf-blind person is unable to read braille, libraries should have a capacity to find ways to promote literacy in the use of braille.

There are definitely volunteer groups around. The National Federation of the Blind, as an example, has affiliates all over the country where blind people who are capable of reading braille are ready, willing, and able to serve as volunteers in helping other blind people, blind adults particularly, learn braille. Children have access to braille instruction in schools if the schools are cooperative. We have done much to try to strengthen the laws there.

I think one good recommendation would be that as libraries implement literacy programs, they also include braille instruction for blind and deaf-blind people.

CHAIRPERSON SIMON: Thank you for that great comment.

Are there further comments from the panel? We are on time.

MR. ABRAMSON: Ms. Sung, I may have misunderstood or misapprehended something that was suggested earlier. One of the things that you suggested to me was that we have a problem with the legislation in NLS in assisting persons who do not have some kind of visual impairment. It was suggested earlier that if you are a handicapped person with some kind of disability, you must also have some visual component to your disability, at least temporary, to use the service.

MS. SUNG: No. For example, if you cannot hold a book, if you have a physical problem that makes it difficult for you to hold a book, that is a physical problem that would make you eligible.

MR. ABRAMSON: Even if you are fully sighted?

MS. SUNG: Even if you were fully sighted and could read the standard print, but you could not read the print because you could not hold the book.

MR. ABRAMSON: What about learning disabilities?

MS. SUNG: Learning disabilities are covered as a physical disability. There is a process by which, with a medical doctor's certification of a physical cause for the reading disability, reading-disabled students are served in this program.

MR. ABRAMSON: I am hoping that by the time we present the published testimony we can have some clarification. I think each of you will get a chance to fill in your testimony. I would appreciate some clarification on that specific point because I was left with the suggestion that we should get the legislation changed so your service could deal with persons who did not have a visual component to their disability. Deafness, for instance.

MS. SUNG: Many of our present products, of course, are audio, so that that is a barrier with deaf individuals.

MR. ABRAMSON: But do you feel the legislation keeps you from producing things other than audio to solve these kinds of problems?

MS. SUNG: It is hard to...

MR. ABRAMSON: It is a yes or no question.

MS. SUNG: We do audio and braille because those are the formats that are accessible to blind and physically handicapped people. We have not had a mandate to cover deaf.

MR. ABRAMSON: Would that have to be a legislative mandate?

MS. SUNG: Yes, definitely.

MR. ABRAMSON: You could not produce sign-language videos unless you had a legislative mandate?

MS. SUNG: Yes. It would be a change, a refocusing, of what we are doing now. The same goes for learning disabled. In round numbers, we serve 800,000 people. If you include all of the learning disabled people, you would have an enormous change in the NLS mandate.

Also, in the technical sense of schools, NLS is not primarily an educational service. We are a library service for reading, enjoyment, pleasure, and enrichment. Many of the learning disabled students do profit from reading *Jane Eyre* or *To Kill a Mockingbird*, or popular things that are assigned to them as extra reading. Some teachers creatively use NLS materials in learning. But NLS does not do textbooks.

This would be one of the advantages in new technology, where you would be able to have print and text together. Some of the separations that we have now in the current technology will be somewhat changed. I think that for the reading disabled, particularly, this will be a boon.

MR. ABRAMSON: But you are pretty certain that no internal initiative could result in your offering sign-language videos, for instance?

MS. SUNG: Yes.

MR. ABRAMSON: Okay.

CHAIRPERSON SIMON: Thank you, Carolyn. I think this is a matter that the Commission could explore. Obviously there are some questions that are not truly settled yet in our minds.

MS. SUNG: I would just say that I certainly endorse the literacy for deaf-blind and including braille literacy in our package with libraries certainly. It is important.

CHAIRPERSON SIMON: Good.

We thank you. We will now hear from Mr. James Gashel.

## **Testimony of James Gashel**

MR. GASHEL: Thank you very much. I will try to be reasonably brief. What I expect to do is follow in Scott Marshall's lead and ask to submit a written statement later.<sup>17</sup> I think both of us were bushwhacked by preparing for a couple of national conferences, and we will get something back in to you as quickly as we can.

I just want to underscore in the beginning of my comments the truly important nature of what you are discussing here today for us as blind people. You know, in other eras there are other issues of access that have come to the fore. Scott mentioned disability access at the time of the passage of the Americans with Disabilities Act, which was truly important, where our society came to the conclusion that we had to construct facilities that would be done in such a way that barriers would not exist for anyone to get in and to use that facility.

Well, since that time it is very clear to all of us that an information infrastructure is now being built and that that infrastructure is being built around us. For blind people in particular, we cannot afford to have that infrastructure built in such a way that we cannot use it. In many ways, that actually is being done every day.

You think of the ATM machine that you walk up to and you stare into something, I'm not sure what, and it takes a print of your eyeball. Well, if it takes a print of my eyeball it is not going to see very much because I cannot see very much. That is just one example of an information infrastructure.

But communications of literary works are in the same area. There are lots of changes being made today, and those changes have to be made in such a way that we are not locked out in the future.

The evolution of the NLS program is probably one of the single most important government services that are provided to blind people today. There is no question about that. Without that program, we would not have access to knowledge, access to literature. There would be nothing to replace it. We have no bookstores, no magazine racks that we can walk up to and get material. So that is absolutely critical.

But that program as it currently operates is not going to be sufficient in the future. Carol gave you the figures. We are spending \$120 million. We are re-inventing the wheel in a lot of ways, because we are taking a book that somebody ran through a printing press, we are asking somebody then to read that book, we are then producing that book on cassette tape. We are expending the energy that is necessary to store that material and retrieve that material and then mail that material, at another cost of \$42 million, to libraries and to individuals throughout the country and to maintain their staffs, when, as we all know, with the capacity of electronic publishing that is coming in this country, if we can catch the brass ring, if we can get publishers to produce in such a way early, to plan this into their publishing process, that the output is going to have to provide for both visual and non-visual access, then we'll see an information explosion for blind people.

The 2,000 books that were referenced—that is all we can afford to do right now. But potentially, as publishing changes, we can have access to 60,000 books that are published in the English language each year.

Just to conclude with an example of how this sort of technology really can be implemented, not very many years ago I never did have access to a daily newspaper. I had never read a daily newspaper until

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<sup>17</sup> Written material submitted by Mr. Gashel begins on page 142 in Appendix A.

I was 50 years old. Then we came up with the technology that now delivers daily newspapers on the telephone. So I am sitting in my house at 6:00 a.m. in the morning in Baltimore, Maryland, and I can read the *New York Times*, the *Chicago Tribune*, the *USA Today*, the *Washington Post*, and the *Baltimore Sun*, and I never have to step outside of my house to find the papers in the rosebush or in the mud.

Now, I do not think all of you have access to all of those newspapers that I just listed, but I do now as a blind person. And nobody had to get up to make that happen. It happened automatically through electronic transfers of information.

I hope one thing this Commission would consider is to recommend that technologies that make newspapers readily available to blind people be made a part of the service in the Library Services and Technology Act, and in other laws that pertain to public library services. This is not, in any sense, to replace or to supplant the work being done by the National Library Service, which is very, very important.

But, we need a service that delivers timely information, the thing that you want today and won't want tomorrow. We should not be spending billions and billions of dollars in converting that and re-inventing the wheel. But, if it is electronic text, it can be conveniently and quickly delivered over the telephone or the computer. This is the way that library services can make a major impact on the lives of blind people.

My final comment is that Scott is right. We are working hard with both the publishing industry, the Library of Congress and, specifically, the NLS program, to try to catch that brass ring to be sure that when publishers publish in the future, they publish what is going to be available in a non-visual format.

Right now the entire burden to convert matter from visual to non-visual falls on the government and on nonprofit organizations. If it is possible — and it certainly is possible with electronic technology — to publish in a way that takes that burden off of the government and off of nonprofit organizations, without imposing an unreasonable burden on the industry, then that change should be made. We will save taxpayer money, and we will provide access to more material for blind people.

Thank you very much.

### **Questions and Answers**

CHAIRPERSON SIMON: Thank you, Mr. Gashel. Are there comments or questions?

MR. ABRAMSON: I have a comment that is right on point. In Missoula, Montana, which is also the literary hub of the universe, I have a writer friend whom I would classify as having been a techno-agnostic. His publisher just required him to buy a computer because his publisher no longer allows manuscripts to be submitted except on a disk. The material is going to the publishers now in electronic format, and they will not accept manuscripts on paper.

MR. GASHEL: Your comment is very interesting because every time we bring this up the publishers tell us the problem is the authors, and that they won't submit. I am going to get your name and talk to you some more.

MR. ABRAMSON: Fine. I will give you the name of the writer.

MR. GASHEL: Excellent.

MR. ABRAMSON: He will not speak pleasantly about it on the telephone, but he will probably speak about it.

MR. GASHEL: I hear you.

MR. ABRAMSON: He is using all three fingers to submit his manuscript now.

In the testimony submitted by NLS, I would like to clarify that it uses a figure of \$111 million, and you used a figure of \$120 million that I assume is an update. It is not real clear, but it is suggested that that \$120 million includes the \$46 million. Do I misunderstand?

MR. GASHEL: It does.

MS. SUNG: It does.

MR. ABRAMSON: It does, okay. So the \$46 million is in the \$120 million?

MR. GASHEL: Right.

MR. ABRAMSON: Okay.

MS. SUNG: The \$120 million, then it's roughly \$40 million, and there has been some growth in that. So it's to tell you that each aspect represents about a third of the total cost.

MR. GASHEL: I would say, if anything, the \$120 million is just a tad low. But you have to factor into that estimate what all of the regional and sub-regional libraries spend. The Federal dollars, that is easy to determine. So much is spent on the revenue foregone to the Postal Service and then the \$46 million for the NLS program.

MR. MARSHALL: Could I make one comment about something that Jim just said?

I know Jim did not mean to leave this impression. He and I are lucky that we have access to this service. I access it through the Montgomery County Public Library, which is one of the sites around the country that offers the newspapers via the phone. I am sure he did not mean to leave the impression that all blind people have access to that now. They do not. You only have about what, 20 sites in the country?

MR. GASHEL: Sixty-six.

MR. MARSHALL: Sixty-six. That still does not cover the entire country.

MR. GASHEL: That's right. It covers 26 states.

MR. MARSHALL: Good. I just wanted to clarify that.

MR. GASHEL: And only parts of 26 states.

MR. MARSHALL: Yes, yes.

MS. SUNG: Is that available through your sub-regional library?

MR. MARSHALL: It is available at Montgomery County Public Library as a sponsor of the site. They purchased the equipment.

MR. GASHEL: It is not the library for the blind.

MR. MARSHALL: Right. I do not know physically where it is located, where the box is, but they purchase the service from Jim's organization, I guess, and provide it over the phone lines.

MS. SUNG: Excellent.

CHAIRPERSON SIMON: This has been a very illuminating and, I am afraid, lengthy discussion but it certainly was great. We thank you all.

MR. MARSHALL: Thank you.

MS. SUNG: Thank you.

CHAIRPERSON SIMON: I hope you catch the brass ring.

MR. MARSHALL: Yes, we are working on it.

CHAIRPERSON SIMON: Our next panel will be Ms. Ellen Perlow from Denton, Texas, and Bernadette Storck from the Pinellas Public Library.

**8. Panel 5: Ellen Perlow, Manager of Information Services, School of Library and Information Studies, Texas Woman's University; and Bernadette Storck, Administrator, Pinellas Public Library Cooperative**

**Testimony of Ellen Perlow**

MS. PERLOW: Just as a point of reference, in the packet for the testimony there are some supplemental pages in the back which are referred to in my testimony, if that will be helpful.<sup>18</sup>

Good afternoon. My name is Ellen Perlow from Denton, Texas, originally from Long Island, New York. I am honored to be here today representing myself, speaking as a professional academic librarian for nearly 20 years and a member of the American Library Association's ASCLA Division that has established the just-announced Century Scholarship to promote diversity and the entrance of people with disabilities into the librarian profession.

I also am an individual who happens to have a disability from birth. I owe a great deal of gratitude to my family and colleagues and also to my current supervisor, Dr. Keith Swigger, at Texas Woman's University School of Library and Information Studies, where I currently am Manager of Information Services.

I was born with hemi paretic Cerebral Palsy, which is weakness, it is not paralysis, on my right side, some of whose effects you see, the impaired movement. Some effects you do not see; they are hidden,

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<sup>18</sup> Written material submitted by Ellen Perlow begins on page 137 in Appendix A.

for instance impaired balance, coordination and perception, and lack of sensation on my right side. It is similar to having a stroke.

I consider myself very fortunate because, as this book says [shows book], *It Could Always Be Worse*,<sup>19</sup> much worse. With a second more of oxygen deprivation, I could have been in a wheelchair; I could have been paralyzed; and worse than that.

Although very mild in the spectrum of disability, my CP does have a great impact on my daily life. What some people take for granted, for instance driving, I cannot. Ambidextrous coordination, I cannot take for granted. But what we all do in life is we make the most of what we have and try to do what others do, but perhaps in a different way.

In fact, my cerebral palsy not fitting the stereotype has caused some events to occur. The most recent is this note appearing on my car windshield. It reads [shows sign]: "Petty bitch." That's what it says. That's what someone put on my car. And I promptly, of course, went to the police because what might have happened, I was afraid of, is that the next thing is a slashed tire, which, thank the Lord, did not happen.

What my response to this note was [shows sign]: "Tomorrow it could be you who needs this handicapped parking spot."

As we have witnessed so recently with the tragedy at the Columbine High School in Colorado, tomorrow it could very well be us, or our loved ones, who must face disabilities and learn how to cope and compensate. In fact, all of us on this planet will have a disability or disabilities some time or other in our lifetime, if not already: from birth, due to an accident, natural disaster, just getting older (which we all do), or lifestyle (as in my late father's case—this is my late father [shows photo]—a lifestyle of smoking and drinking).

Unfortunately, our media's incessant, incessant advertising and promotion of tobacco, alcohol, and other drugs, guns, other deadly weapons, and other high-risk activities also promotes more and more disabilities. Moreover, in the human race, I do not believe there is anyone who can say that he or she is perfect, without blemish or disability. Each of us is unique, different, and diverse from everyone else, a fact that brings true beauty to our lives. Let us celebrate our diversity.

Now, what we must do—and in the packet there is a to-do list.<sup>20</sup> What we can do and we must do, we can begin right now in this hearing room and do it. There is neither time to waste nor any excuse since much of what we can and must do costs little or nothing.

### **Number 1: Say It Right.**

**People First.** My example is the word 'disabled.' Disabled, by definition, means "inoperable, incapacitated, rendered incapable," and that is according to, among other dictionaries, the *Oxford English Dictionary*, a recent CD-ROM, 1999, which means we cannot do anything. So why are we wasting our time and money trying to provide services to people who cannot do anything?

We are people with disabilities, **People First**, and not they, them, or those people, for they are us. We're going to be there soon. At no cost, we can and must say it right, in our literature, signage, announcements, publications, how we speak with and about people with disabilities.

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<sup>19</sup> *It Could Always Be Worse*, A Yiddish folk tale retold and with pictures by Margot Zemach, New York: Farrar, Straus, Giroux.

<sup>20</sup> The list begins on page 150 in Appendix A.

**Number 2: Never Assume Anything.**

Not everyone who has a disability is in a wheelchair. Disabilities are diverse and they are also very deceptive. Many are invisible to the human senses. We cannot assume a disability will not happen to us.

**Number 3: Disability Prevention.**

Increased vigilance to health and safety, including maintaining smoke-free and barrier-free homes, work sites, and public places. Especially with the U.S. Supreme Court limiting ADA claims and HMO's pulling out of Medicare, having a disability, permanent or temporary, is increasingly unaffordable financially and emotionally.

**Number 4. Advocacy for Increased Public Transportation.**

Alternatives to driving are needed to reduce the killing field of disabling accidents on our highways and help keep people who drive impaired off our roads. And for people with disabilities, just access to the library is a major event. That's probably a very good reason why we don't see people with disabilities in our libraries. They just can't get there.

**Number 5: Care.**

All of us must have a sincere caring and positive attitude toward requests for accommodations or special services, whether or not the requests can be fulfilled. Disabilities are diverse and special services may be expensive, so it may understandably be impossible to satisfy everyone's needs. However, showing care and concern costs nothing, but is worth millions. Let us remember that tomorrow or even tonight it could be us who may need those services.

**Number 6: Library Education.**

As someone in a library school, I cannot emphasize enough that that is the source where we have to go for our training and our awareness. A demonstration adaptive technology lab with a representative sample of adaptive equipment spanning the spectrum of disabilities must be a part of every library school. Where else can future librarians learn about their patrons' diverse needs and the technology that will be in our libraries?

- a) Through cooperative efforts among all library schools and grant funding agencies, adaptive technology could be purchased in bulk and thus at a discount from the manufacturers, and the library schools can integrate the technology labs into many, many courses, including library management and microcomputers, the Internet, library automation, and also multicultural librarianship.
- b) Inclusion of people with disabilities within the multicultural librarianship curricula in library schools. The people with disabilities topic are not just about what libraries and other institutions must do to comply with or circumvent the ADA and other laws. People with disabilities are you and I, all of us, and it is up to 20 percent of the population and it is growing. So we are all going to be there, so this is going to benefit all of us. So people with disabilities are an integral part of our multicultural society.
- c) Finally, Century Scholarship support. I passed out a flyer of the PR statement from the American Library Association and there are copies in the back.

I want to thank John Day for his assistance and promotion of this. It would be impossible without his efforts. Please publicize and encourage library school and corporate support of the much-needed Century Scholarship Initiative to recruit people with disabilities into the library profession. Ensure that there will be librarians to greet all of us at our library doors and in our electronic environments



who are knowledgeable, understanding, and empathetic to our needs as people and also as people who happen to have disabilities.

Supporting the Century Scholarship, what better way to celebrate a new century that celebrates diversity and the beauty of life!

Thank you very much.

### **Questions and Answers**

CHAIRPERSON SIMON: Thank you, Ellen. I love the way you laid everything out very clearly for us, A, B, C, 1, 2, 3, goals. That is excellent.

MS. PERLOW: Thank you.

CHAIRPERSON SIMON: You have done such a great job, Ellen. Are there comments or questions from our Commissioners? (No response.)

Ms. Storck is our next speaker. Would you care to proceed?

### **Testimony of Bernadette Storck**<sup>21</sup>

MS. STORCK: I want to thank you for allowing me to come this afternoon. I have learned so much today.

Before I begin my formal remarks, I would like to say that in my job I have seen growth and change, and I have seen libraries who have suddenly awakened to the fact that there are a lot of people coming through our doors that are not what we used to think of as library patrons.

My name is Bernadette Storck, I live in Tampa, Florida, and I work in Pinellas County, Florida, across Tampa Bay. My title is Administrator of the Pinellas Public Library Cooperative, which was the first single county cooperative in Florida organized to bring together public libraries, individually owned and operated by separate jurisdictions, in order to share services and materials among themselves and with people in the unincorporated county and small towns without libraries.

Pinellas County is the most densely populated county in Florida. It is located on the central west coast and includes beautiful white sandy beaches as well as thriving cities, such as Clearwater and St. Petersburg. Altogether there are 24 municipalities and a large population, about 214,000 people in the unincorporated areas, for a total of about 800,000. Our smallest city has 60 people in it.

When the cooperative was formed in 1990, 12 cities joined. Several years later Clearwater became a member, thereby opening all public libraries in the county to everyone entitled to service.

At the time the cooperative began, we wrote an LSCA grant to establish a Talking Book Library. Prior to that time, disabled residents of Pinellas County received their service by mail from the state's regional library in Daytona Beach. We received that grant and, with great help from Daytona, opened Florida's eleventh sub-regional library in 1993.

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<sup>21</sup> Written material submitted by Ms. Storck begins on page 151 in Appendix A.

According to demographics, Pinellas County has about 17,000 residents eligible for talking book services. At present we are serving 3,500 to 5,000, based in part on seasonal shifts and in part on the mortality rate among our residents. We also have some braille, descriptive videos, large print books, and some illustrated and braille children's books.

Our staff consists of a talking book librarian, an assistant librarian who serves as the volunteer coordinator, an office manager-clerk, two readers-advisers, and a part-time receptionist who is visually impaired. All of these people deal directly with our clients and we have a steady stream of visitors to our site, though most talking books come and go via mail.

You have expressed interest in the technology side of services to disabled readers. A second year grant and subsequent vendor support has enabled us to purchase the most up-to-date equipment available. We have a very sophisticated computer setup that will read orally, read the words and the text, and even spell them out for the user. It has several excellent programs designed to give the reader with impairments the same access enjoyed by others.

This computer has its own printer, access to Internet, a moveable keyboard to make wheelchair access easier and to enable a user with only one hand to determine what is most comfortable. From that computer a client can take the printouts to a scanner attached to a braille writer and reformat the work. The braille writer setup includes the ability to print from disk, keyboard input, or from regular copy.

The Talking Book Library has closed circuit television, a magnifying reader, which may be used for color, black on white, or white on black, and a Reading Edge, the Kurzweil reader. There is a newer reader available now, known as Aladdin, and we anticipate receiving it soon. We also await word from the Gates Foundation regarding the addition of more computers for public use, fully adapted for the disabled.

Another service being provided in Pinellas County is the Deaf Services Center at Safety Harbor Library. Based on a grant, this library located in a town of about 17,000 people, has begun a literacy family-oriented program. The library director took a course in American Sign Language, as did her teenage daughter. A specialist was hired to help organize the program, gather materials, and contact the community.

Due in part to this service, Safety Harbor has seen several new families with deaf members become neighbors, library users, and friends. Our libraries are very much aware of the needs of the disabled, whether they are visually or hearing impaired, have severe arthritis or spinal cord injuries, birth defects, or other limitations. We are truly making the effort to recognize and serve all of our residents.

Several new buildings and quite a few renovations have occurred since the cooperative began. Appropriate furniture, restrooms, assistive devices, and staff training have been added. Technology is wonderful and often expensive.

What will libraries need for the future? Efficient and accurate telecommunications devices and services, the ability to upgrade or replace equipment as it is improved, support for outreach programs, information about new medical techniques which improve life for the disabled and which can be shared via libraries and their networks.

Libraries need information and materials in a variety of formats made available in a timely and inexpensive manner. Libraries need the support of well-informed elected and appointed officials at all levels.

Perhaps, most of all, libraries need the very best education and training available for staff. The most remarkable technology available is still the human mind. It is capable of receiving, storing, and retrieving more useful data than we can imagine. We have all known or heard of stroke or accident victims whose brains have lost some cells, but those brains have adjusted, learned to speak again.

Excuse me. A personal note if I may. My mother had a stroke. She could not speak. My mother had always spoken to all five of us. Luckily, we found a truly dedicated speech therapist, and he came to our house every day for the first few weeks after she came home, and then once a week. Before my mother died a while later, she was talking to her children again.

The mind of a good librarian must be provided opportunities to grow and expand. The requisite master's degree opens the door. Each of us must enter it knowing we have the skills to organize and assimilate information. But it is that other part of us—the anima, the soul—that sets us on our path of service. What other profession exists solely to give away everything we learn or collect, freely and purposefully?

So what should the National Commission on Libraries and Information Science be doing?

- Work with us and for us. Take up the cause that every American will know about his or her library and that, regardless of physical or mental impairment, the library is there to meet the needs for information, for materials, for intellectual growth and freedom.
- Foster the development of programs to further the education of librarians and our staff members through grants, stipends, and continuing education courses, whether by telecommunications or human in-person communications. Provide sign-language courses; provide psychology courses; and provide human relationship courses. These are over and above the courses offered by our library schools and many libraries do not have adequate staff or funds to support continuing education. Perhaps this should be your major program.

I certainly do not have all the answers, but as I approach my fortieth year of working in the library environment, as I share my history and enthusiasm with graduate students in my classes at the University of South Florida, and as I see how far we have come, I can only envision where we will go.

If this Commission is to continue, you must strive to help us all make this vision a reality, even for those who cannot hear us talk about it or see its plans in print.

Thank you for listening and for caring.

### **Questions and Answers**

CHAIRPERSON SIMON: Thank you, Bernadette, for your care. You have inspired us greatly. I loved it when you were talking about your mom. I am kind of overwhelmed myself.

Are there any questions or comments for Bernadette?

MS. GOULD: Actually, I do. First, again, thank you.

In looking at your comments on library education, it occurred to me that there is the technology known as WebCT<sup>22</sup> used for distance education learning. Because this technology is sort of one-on-one so that students could use this, what would be the possibility of finding an institution that, among other things, might want to teach American Sign Language as a distance education course using WebCT technology? I think this would provide the means for working librarians to learn how to sign, without having to go away to school?

MS. STORCK: I think distance education and all the ramifications are just beginning to be explored. Florida State University's Library School is doing a whole lot more with distance education. I have been teaching as an adjunct at the University of South Florida since 1976, and I have seen that program change, grow and develop.

I can tell you right now, one of the problems is that we are hard pressed to find time to do it all. We are going to have to explore other avenues for credit, as well as continuing education.

MS. PERLOW: I wanted to add a comment concerning library schools. As far as a pool of great people to be volunteers to help out with projects and with initiatives, library school students are wonderful. At Texas Woman's University Library School we have a required practicum course in our school, and the students are very, very eager to learn. So, please, enlist them in your efforts.

MS. GOULD: I, too, teach a distance education class as an adjunct instructor. I feel very strongly that this is a good way to begin to do some of the things that you talked about. Again and again this morning we heard training—training for current practitioners to learn how to interact in a positive manner with disabled patrons needing to access information.

As we begin to come to grips with some of our considerations, I really urge the Commission to think in terms of distance education and using Web CT as one means, because this can be done one-on-one.

MRS. BINGHAM: When we speak about distance education, we are talking primarily about the public libraries. I certainly hope we will extend that to librarians of all types because all types of libraries do not necessarily have the requirements for continuing education, whether they are in a small college, school, or even a private library, as some of our special libraries.

MS. STORCK: I certainly agree with you. One of the greatest things that you can do is to form consortia and networks with all types of libraries. This summer I had 31 students in my class, and the majority of those people are school librarians from elementary, secondary, and middle schools, because during the summer they have time to come back and take their fifth year required upgrades. They talk to each other; they learn from each other, so much so that I can sit down once in a while, shut up, and let them share.

MS. GOULD: I would also point out that many states have certification programs in place, not only for the librarians that have the master's degree, but also in terms of paraprofessionals and librarians who do not have a master's degree, but do have the four years of college. You can build on the certification programs that are in existence, and that goes for school librarians as well as public librarians.

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<sup>22</sup> WebCT (short for Web Course Tools) is an integrated set of components for developing and delivering interactive courses or course components over the Web. It allows users to replicate on the Web many aspects of teaching and managing a course in the classroom. Users of WebCT can use as many or as few of its features as they like. WebCT does not require the downloading or installation any special software.

MRS. BINGHAM: To that same point, I have had some experience with non-degree librarians serving in the public libraries in the state of Missouri in a program for children and young people's services. Nonetheless, what Ms. Gould said is certainly true. You need training for the non-degreed person; even those who may not even have a bachelor's degree. I was surprised at some of those in rural places. Certainly we have persons who do not have even that basic degree in Appalachia and Kentucky. They need this kind of training because people with disabilities are in those areas, too.

CHAIRPERSON SIMON: Bernadette, what is the Aladdin Project about?

MS. STORCK: It is a newer, more sophisticated, version of the Kurzweil reader. I have not seen it, but we are supposed to be getting one in a couple of weeks.

CHAIRPERSON SIMON: Ms. Sung.

MS. SUNG: Distance education and education of librarians. I was a representative at the Congress on Professional Education that ALA held in May. NLS has 138 sites around the country, and we volunteered them to library schools for practicum's or briefings or on the service of the NLS system. I just wanted to let you know that we are working with library schools to be included in their programs.

CHAIRPERSON SIMON: Thank you, Carolyn Sung.

MS. STORCK: May I make one more comment, please?

CHAIRPERSON SIMON: Sure.

MS. STORCK: I feel very strongly about advocacy and lobbying, as you can tell from my earlier comment this morning. I have attended ALA's Legislative Day almost every year; I missed one because the Florida Library Association Congress coincided (I am their Parliamentarian, and I thought I had to be there).

I feel very strongly that only when all of us work on every elected and appointed official, at every level, to make sure they understand what it is that libraries are trying to do will we ever be able to accomplish everything that we should be accomplishing.

And I certainly want to thank all of you. You are very important to us, and we should support you as much as we ask you to support us.

CHAIRPERSON SIMON: Thank you, Bernadette.

We will have a ten-minute break before we hear from our last panel.

(Recess.)

**9. Panel 6: Julia Dunlap, Catalog Librarian, Arkansas State University; Sarah Hamrick, Director of Information Services, Gallaudet University Library, Representing Libraries Serving Special Populations, a section of the Association of Specialized and Cooperative Library Agencies; and Nolan Yelich, Librarian of Virginia, Representing the Chief Officers of State Library Agencies**

CHAIRPERSON SIMON: Please be seated. We will now hear from Julia Dunlap from Arkansas State University; Sarah Hamrick of the Gallaudet University; and Nolan Yelich of The Library of Virginia.

Julia Dunlap will be our first speaker.

**Testimony of Julia A. Dunlap**<sup>23</sup>

MS. DUNLAP (Speaking through a sign-language interpreter): Mrs. Chairperson and Commission Members: I appreciate this opportunity extended by the Commission to offer input to consider the kind of assistance that will be provided by libraries to permanently and temporarily disabled people.

I am a new catalog librarian at the Arkansas State University Library in Jonesboro, Arkansas. I have been there since March. I am the only deaf person of all of the employees in the library at Arkansas State University. I enjoy my job there.

I applied for a librarian job all over the United States for four years, but never gave up my job search. One reason I feel they would not hire me was due to the cost they would have to expend for interpreters.

I want you to know that we need more deaf librarians all over the country. I went to the ALA conference in New Orleans. I enjoyed being there. I learned a lot at the meetings. I also went to a deaf meeting and a copyright law meeting at the ALA conference in New Orleans. I met Sarah Hamrick and John Day there for the first time. I like the lectures given by Dr. Roslyn Rosen, Ms. Alice Hagemeyer and Mr. John Day. I won second place for the Fun Run/Walk activity at the conference.

Now, I would like to explain to you that the interpreter is going to voice my testimony in order to save time because I sign slowly and you can understand clearly, instead of trying to use my voice.

INTERPRETER (reading statement): I sincerely appreciate this opportunity extended by the Commission to offer input concerning the kinds of assistance being provided by libraries to persons with permanent or temporary disabilities. I present my remarks from two somewhat unique perspectives: first as a catalog librarian in Arkansas State University in Jonesboro, Arkansas, with an in-depth knowledge of library services; and, secondly as a hearing-impaired person, a life-long patron of libraries with a personal knowledge of the effectiveness of the library services to those of us who have a hearing disability.

Jonesboro is located in the northeast corner of Arkansas, a largely agricultural area. However, it is also a major trade center for 500,000 people in northeast Arkansas and southeast Missouri.

Like most large educational institutions, Arkansas State University, which is the second largest institution of higher learning in the state, has adapted its facilities to meet the needs of persons with permanent or temporary physical disabilities. All library entrances are wheelchair-accessible, with

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<sup>23</sup> Written material submitted by Ms. Dunlap begins on page 171 in Appendix A.

handicapped parking signs convenient to those entrances. Computers are strategically placed to be used easily by those who are physically handicapped. Employees are available to assist in actually retrieving books and other information that might be out of the normal reach of physically disabled patrons.

For those with other disabilities, such as hearing-impaired patrons, Arkansas State University provides many helpful services. In particular, the disability services office provides assistance and accommodations on an individual basis for the *students* (only) after verification of the individual's disability is received. Support is provided in:

Orientation and Registration	Intake and Assessment
Note taking	Test Administration
Reader Services	Computer/Technology Demonstrations
Guidance & Counseling	Adaptive Physical Education Course
Priority Registration	Interpreter Services

I am currently serving a two-year term on the Disability Committee. However, as I previously mentioned, these services are for students only. However, with the continuing improvement of technological devices, these services could be much improved.

I am very pleased with my job at Arkansas State University and enjoy the people there very much. Although I lip read well, this only enhances one-way communication. Recently, I was permitted to begin teaching a sign-language class, which many of my co-workers attend. They are willing to learn how to sign specifically so that they can communicate better with me at work every day. Additionally, this will improve their ability to communicate with other hearing-impaired persons or library patrons.

One issue I would like to bring to the attention of this Commission's is the lack of up-to-date technological equipment available in my area. I feel that this also occurs in other areas around the nation. As was stated in the news release concerning this hearing, information technology provides help for many disabled individuals and can help eliminate distance and physical barriers. However, if this equipment is not available, or if the available equipment is severely outdated—no help is really available.

Currently a TTY is the only special equipment I have available to help with my communication. There is only one other TTY, which is located at the circulation desk in the circulation department, available to the general public. The TTY allows me to place and receive telephone calls. However, the only way I know I have an incoming call is by actually looking at the machine to see if a message is there. Of course, this means that I am constantly looking back and forth to avoid missing any calls.

There are models available that can connect with room lights, causing them to flash on an incoming call. The expense of updating or replacing this equipment, as well as purchasing new technological devices, presents a financial burden to the institution. I can see where this could play a detrimental role for a company to hire a hearing-impaired person. The advances in technology are not gradually growing, but jumping by leaps and bounds. What is new today is replaced tomorrow by something quicker, easier to use and, often, more expensive. Currently C-print computers are available, which could be a tremendous help in providing closed captioning. Two of my co-workers are scheduled to attend a one-week training workshop in Rochester, New York, later this summer where they will receive training on using C-print computers. It would be ideal if the university could acquire C-print computers for them to use after they complete the training.

I would ask that this Commission develop recommendations to present to the appropriate government agencies and other organizations that would provide for some type of financial relief/assistance for the purchase or leasing of up-to-date equipment for those educational institutions, corporations, and other businesses that are willing to employ hearing-impaired persons.

If this type of funding or assistance is already available, I ask the Commission to re-evaluate the way information concerning this is distributed to the general public and other organizations. It still doesn't help if few, if any, people know about it. An intense promotional campaign should be done so that everyone knows: if you are willing to hire a hearing-impaired person, we will help you get up to date equipment to make that person as productive, or possibly more productive, as their co-workers.

At meetings and training seminars, communication problems are compounded for me, as with all hearing-impaired persons. Recently the university library has provided interpreters for me at certain meetings. However, the university library is limited for up to ten hours a month for me, severely limiting me during the many meetings/workshops I attend.

In addition, the library's budget is insufficient to pay the interpreter's fees for more hours. Also, the interpreter's usefulness depends on their ability. Some interpreters have been extremely helpful; others have not. Use of real-time or live captioning would provide even better communication since this provides an immediate visual display of verbal communication taking place.

All that is required for this service is an audio feed through the telephone, radio or television. Of course, this could also be available for use at the many meetings that are held in the library.

In addition, most of the training films that are shown during some meetings do not have closed captioning. Obviously, I would suggest that all films used in meetings and/or training sessions have closed captioning. This should be recommended as an industry standard. In instances where this option would not be available, for example out of print videos, etc., real-time captioning could be used during the meeting when the film is shown.

Another concern I have for myself as well as the hearing-impaired patrons of our library is the availability of some type of warning device that would alert all patrons of a fire alarm or other hazardous situation. Currently, if there is such a situation occurring, one of my fellow workers comes and taps me on the shoulder to let me know to leave the building.

I think it would be quicker and safer if some type of universal system was in place—light flashes, etc.—that could be used in addition to the auditory warning to alert non-hearing patrons to the situation. Patrons could be informed of these light systems when they enter the library, either by very large visible signs or cards given at various locations in the library. In addition, this information could be disseminated to the public schools, technical colleges, area community centers, and local deaf organizations in the area so they would be aware even before coming to the library.

Indeed, libraries are continuing to open new horizons and opportunities to all disabled people. The availability of computers and trained staff to provide assistance have broken down barriers that long impeded those of us with some type of impairment. Yet libraries must not rest on its laurels. Ever-changing technology presents the challenge of discerning what is useful and how to capture its use for all patrons.

While in college studying for my master's in library science at the University of Central Arkansas and the University of Texas at Austin, I was exposed to and trained on the very latest in technology at the



time. Recently I attended a training seminar at the University of Alabama at Birmingham on an online catalogue system called the Endeavor, which provides excellent easy access in the computer as well as to web sites. It is a better online catalog system for the staff and patrons there to get in the computer. Cataloging in the Endeavor system is thorough and efficient. This system will take library cataloging into the twenty first century. Without the technology I was exposed to during my college years, I might never have been able to take advantage of this and other opportunities. I might add that even this is somewhat outdated now. I hope the National Commission on Libraries and Information Science will make one of its goals to assure that these opportunities are available to all disabled people who are wise enough to use their university and public libraries.

CHAIRPERSON SIMON: Thank you for the testimony. I think we should be moving along and ask questions after everyone on the panel has spoken.

The next person to make a statement is Ms. Sarah Hamrick.

### **Testimony of Sarah Hamrick**<sup>24</sup>

MS. HAMRICK: Good afternoon. My name is Sarah Hamrick. I am the Director of Information Services at the Gallaudet University Library. I am here today on behalf of the Libraries Serving Special Populations Section, or LSSPS, one of four sections in the Association of Specialized and Cooperative Library Agencies, or ASCLA. ASCLA is a division of the American Library Association and LSSPS is the only section of ALA that works exclusively with issues relating to people with special needs.

I should say here that we use the term ‘special needs’ because our group includes the Library Service to Prisoners Forum, and those people are not specifically disabled. The rest of the groups in LSSPS do deal with services to people who are disabled in some way.

LSSPS includes the Library Service to Prisoners Forum, the Library Service to People with Visual or Physical Disabilities Forum, the Library Service to the Deaf Forum, the Library Service to the Impaired Elderly Forum, the Library Service to Developmentally Disabled Persons Membership Activity Group, and the Academic Librarians Assisting the Disabled Discussion Group.

These groups are made up of librarians who work in all types of libraries across the United States and Canada. Some of us work primarily with people who have disabilities, while others provide services to people with disabilities as part of a larger service function. Our primary mission is to improve the quality of library service for people with special needs.

LSSPS has asked me to provide you with copies of guidelines written by forum members and published by ALA. These guidelines were produced by committees and reviewed by ALA members from many different divisions, as well as by consumers who use library services. They are intended to be comprehensive guides to services. Each library is responsible for implementing these services appropriate to its own community of users. We believe the guidelines provide excellent standards for all libraries to follow in providing services to people with disabilities.

Members of the LSSPS Executive Committee would be happy to serve as resources to NCLIS as you consider the complex issues involved with providing library services to people with disabilities. Contact information can be found on the printed copies of this testimony, and I do have one copy of each of our guidelines for you.

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<sup>24</sup> Written material submitted by Ms. Hamrick begins on page 174 in Appendix A.

Thank you.

CHAIRPERSON SIMON: Thank you. We are moving along very nicely.

The final person on the panel is Mr. Nolan Yelich, the Librarian of Virginia.

**Testimony of Nolan T. Yelich**

MR. YELICH: Thank you. Madam Chairperson, Members of the National Commission, Executive Director Willard, ladies and gentlemen: Good afternoon.

I am Nolan Yelich, the Librarian of Virginia, and I am very pleased to be here this afternoon representing COSLA, the Chief Operating officers of State Library Agencies, and my fellow state librarians in 50 state library agencies located throughout our great nation.

Up front, I want to recognize the assistance given me by Nancy Bolt, the State Librarian of Colorado, as well as staff of state library agencies throughout the country, public library directors, and library patrons. Their comments regarding library service to the disabled are very touching, compelling, and convincing. In the interest of time, I am appending their remarks to my testimony for the benefit of the Commission.<sup>25</sup> I urge you to take the time to read what they say about the strengths and weaknesses of the current state of library services to individuals with disabilities.

For nearly a half-century, state library agencies have worked closely with the executive and legislative branches of the Federal government on improving library services. We have worked with colleagues at the Library of Congress and the newly constituted Institute of Museum and Library Services and commissions, such as NCLIS, on establishing, maintaining, and improving library services to all Americans. This partnership needs to continue. We appreciate the opportunity to be testifying here today.

Let me emphasize that the role of the Federal government has made a difference in what we have done in the past for the disabled. In fact, I can think of no more enduring role we have performed for needy individuals in the past 40 years than improving services for individuals with disabilities.

Many of these services were initiated under the provisions of the Library Services and Construction Act, a landmark piece of Federal library legislation that is no longer in existence. The Library of Congress and the regional libraries that exist at the state level have provided other means of service. I know that LSCA made a profound difference in Virginia and elsewhere and it served as an impetus for a greater allocation of state money and resources, which we now enjoy.

The main reason I am here today is to commend the National Commission and those present for calling and participating in this public hearing addressing the needs of individuals with disabilities. In doing so, you suggest a premise, depicting a need for a continued Federal partnership with the states in maintaining basic levels of library service for the disabled. If this is indeed your premise, we could not agree with you more and we pledge our support in addressing this need.

As I previously mentioned, I am here to also present to you testimony from others who work with the disabled on a day-to-day basis. It is their testimony, perhaps more so than mine, that needs to be heard.

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<sup>25</sup> Written material submitted by Mr. Yelich begins on page 177 in Appendix A.

What we contemplate comes at a time of tremendous change taking place in a global society that affects the lives of disabled Americans. We are also experiencing rapid advances in new technologies that tend at times to overwhelm us, but at the very least are affecting how we work and live.

It seems to me that one of the biggest challenges facing us now and in the near future, while we attempt to improve access, is not to fabricate a system of 'haves' and 'have-nots' within the disabled community. At a basic level, disabled Americans who seek information should have access to information, and we should craft our approach in a way that provides balance and assures that areas of disparity that currently exist in the general population are addressed and adequately resolved.

Please allow me to share with you several comments from some of the correspondence I have received to assist you in your deliberations. The hour is late; I promise to be brief. I also realize that at this time of the afternoon the only way to guarantee staying awake is to be the speaker.

While emphasis needs to be placed on new advances in information technology so individuals will not be left out of the information age, my remarks will be on a variety of associated issues.

In recent years, many states have conducted studies and passed legislation addressing the rights and needs of the disabled. The Virginia General Assembly during its most recent session passed landmark legislation adopting a comprehensive Internet policy for the Commonwealth, and adopting a strategic technology plan for public libraries. It also enacted the Information Technology Access Act, created to secure benefits to the blind or visually impaired. Each has language addressing the disabled.

I urge the Commission and representatives from IMLS and the National Library Service for the Blind and Physically Handicapped to be aware of what is happening at the state and local levels and to incorporate these developments into your policy recommendations.

With the demise of LSCA, which targeted moneys to the disabled, it is incumbent upon IMLS and state library agencies to include in their long-range plans opportunities to enhance accessibility to the disabled through competitive and special purpose grants and other funding techniques.

Speaking of IMLS, we know the Institute awaits the nomination of a new director. It is only fair in my judgment that the nominee be a librarian, as called for by Federal legislation, and that the nominee be well versed in all aspects of library service, including services to the disabled. I would respectfully encourage the National Commission to actively support the library community's position on this issue.

Under the provisions of LSCA Title II, construction funds were available to the states to renovate and construct public libraries, allowing them to conform to ADA requirements. As we know, the funding has ceased and the need to bring old and new facilities up to code increases by the year.

I have a few comments from several of the states that I wanted to share with you. I suspect many of these have already been said today. I want to say them for the record, but also to reinforce the fact that there is a great deal of sensitivity and a great deal of awareness at the state level about the issues that are confronting us here today.

**From Delaware:**

"The Federal laws requiring government agencies to accept the lowest bidders are negatively affecting the quality of NLS playback equipment."

**From Oregon:**

"We urge that plans for the digital talking books move forward aggressively as a way to lower costs and improve service. The biggest problem we hear from our talking books patrons is lack of selection of both books and magazines. NLS produces only 2,000 titles a year, which is only about 5 percent of the books published in the United States."

**From Wisconsin:**

"Many people with disabilities are not computer users and, although it is getting easier, computer software screen readers are not easy to set up. Many blind people still require the help of a sighted person. And elderly people with disabilities often do not have the physical dexterity to use computers. Phone touch pads and other new devices would help."

**From Nebraska:**

"Our best guess is that subtle enhancements in terms of information access for talking books and braille readers will take place at the state level. More sweeping changes will need to take place at the Federal level through innovations spearheaded by the NLS and others."

**From Arizona:**

"Publishers should provide NLS and other agencies serving impaired populations with electronic copies of all books copyrighted. Hardware and software countries should make accessible formats of their products available to users who are disabled at the same time and cost as standard versions."

**From Mississippi:**

"There needs to be standards for accessible formats on the Internet to assure user-friendly web sites for the disabled."

**From Georgia:**

"It would be great to develop some type of technology that could download data from a phone line, convert to recorded words, and then play back for the listener. This would eliminate storage problems. After reading, the data could be erased." I thought this was really a neat idea.

Let me conclude my remarks by reading a portion of the letter from a library patron in Loudoun, Virginia, that really touched me:

Dear Loudoun County Public Library: It is so easy for me to say I love the Loudoun County Public Library and to say how they have changed my life. They have restored my faith in myself by showing me I can participate and that I can be included, that people who lose their hearing still have something to offer their community. And they give me hope for a future where other places will follow their lead.

Eight years ago I was part of a focus group that dreamed about libraries where everyone would have full access. The library administration took our dreams seriously and has done everything possible to make them a reality. In fact, they have gone farther and tried to anticipate what people might need even before we make the request.

As my hearing deteriorated, they realized that the assistive learning was no longer enough and they investigated how to provide real-time captioning. Now I go to the library meetings and special programs and just read the words on the monitor. I don't

have to keep reminding people to use the microphone, speak clearly, and face me so I can speech-read. I can relax and just participate like everyone else.

The author, reading and discussion series that the library offers has been rewarding in ways I never anticipated. I think our community now has a better understanding of people with hearing loss. They are less afraid of trying to communicate with us.

People with disabilities spend a lot of time feeling grateful for the help we receive. But this time I felt like it was we who had something to offer. It was a joy to look around the audience of deaf, hard of hearing, and hearing people, all communicating together, enjoying the presentations. It was a wonderful event and it made me realize why the Loudoun County Public Library is one place I never feel disabled.

Libraries have come a long way in recent years in reaching out to individuals with disabilities. There is still much more we can and should do, and hearings such as this are a step in the right direction. There is a role for the Federal government in this matter.

Again, thank you for the opportunity of addressing you.

### **Questions and Answers**

CHAIRPERSON SIMON: Nolan, our thanks to you and everyone on this last panel.

Before we begin our questions, I wish to congratulate Julie Dunlap for getting that job after four years.

MS. DUNLAP (Speaking through a sign-language interpreter): Thank you.

CHAIRPERSON SIMON: I can see that you have already made a difference.

## **10. Closing Comments from the Commissioners**

CHAIRPERSON SIMON: Commissioners, any comments or questions on what we have heard?

MR. VALDEZ: I do not have any particular questions for the panel, but this has been a very, very enlightening day for me. I have learned a heck of a lot. I have thought the Commission might *walk the talk* and when we publish the findings of these hearings that maybe we print in braille also. I have seen Spanish-English, where you have a line of English and a line of Spanish. I do not know anything about publishing, but is it possible to print in English, double space, run it back again, print in braille, and demonstrate to a lot of people that we are concerned, we are sincere about what we are trying to do here, and, as I said, *walk the talk*?

Technology is changing so fast. I remember as a little boy seeing that machine in the bowling alleys, and it has taken 30 years to get it into a classroom. I hope it does not take that long to advance technology to where we help a lot of people. As the Commissioners know, I have been an advocate for equal access five years, fighting to make sure we have equal access.

It's a thought. At least, if we can't do it with dual language, Mr. Willard, maybe we can do a version of the hearing record in English, one in Spanish and one in braille; or something else that is different than we usual do.

MR. WILLARD: Or a talking book.

MR. VALDEZ: Or a talking book.

MS. GOULD: I, too, have learned a great deal today. I want to thank everyone who took the time and made the effort to come to testify.

I have a couple things I want to put out on the table. When we held the hearing on *Kids and the Internet: The Promise and the Perils*, we produced a brochure that outlined potential solutions and policy issues. We may want to consider doing that again, because it is something we can do fairly quickly. And, yes, I think it would be very nice if we could publish in braille as well as English and, perhaps, Spanish.

Another thing that comes very forcibly to mind in all that was discussed is that there was much talk about technology. Both Chairperson Simon and I served on the task force when LSTA and IMLS (Institute of Museum and Library Services) came into existence.

Thinking back, no one ever talked about technology being used in a manner that would allow people with disabilities to access information in the library. It was more in terms of circulation, cataloging and digitizing collections. I think one thing that we might talk about, and perhaps get out to entities like public libraries and professional organizations, is that LSTA technology means more than just the ability to check books and online catalog; LSTA Federal funds could be used by libraries applying for grants for adaptive technology to provide equitable information access to everyone.

Again, I thank everyone for a very enlightening day.

CHAIRPERSON SIMON: This is a good wrap-up session.

I, too, thank you. I appreciate the attention and the way everyone was so articulate in expressing his or her viewpoint on what is needed and what the Commission could do.

Believe me, we have taken all this very seriously. I hope we can print a brochure because it would be useful. We will certainly be having a full account of the testimony today and that takes a little more time.

I am legislation-oriented from a background going back 40 years now. Is Bernadette Storck here?

MS. STORCK: I am not leaving until the bitter end.

CHAIRPERSON SIMON: You were not in my line of vision. I must be impaired. I can see you now.

Bernadette says we have to make sure that every legislator, state legislator, Congressperson, etc., knows what we are talking about. There are many new persons in the Congress and many more will be coming in. I do not know what the next administration or Congress will look like. It is very important that we get to the new ones as well as the old ones.

Nobody dislikes libraries. Everybody loves libraries. But we have to tell them our particular needs or hopes. Armed with the information that we have heard today, we will certainly be able to communicate the needs for persons with handicaps.

As a Commission, I think we will go away from this hearing feeling invigorated by our mission, which is clearly spelled out in Public Law 91-345. We do not always do things as promptly as we should. This hearing should have been held long ago, but we finally got to it. We are a small Federal agency with a very limited budget, but I think we make up for that in the quality of our Commissioners. I think you have seen that today. You know what we care about and what we are doing. We will continue to uphold the ideals of the Commission as spelled out in our public law.

Comments? Commissioner Abramson, please.

MR. ABRAMSON: I was aware of a slight sense of embarrassment at the national scale, thinking that this room on this campus might be one of the few places in the entire country where we could comfortably have all these people participate at the level they have today, with no awkwardness really at all. I do not know exactly where that takes me, but it is something that occurred to me very strongly. I cannot really imagine having held this hearing any other place.

Also, reacting specifically to the testimony of the today's panelists, I have felt for a long time that one of the few answers to this consciousness-raising would be more individuals with handicaps working in academic, public, special libraries. I guess my feeling is that, maybe, it is up to Gallaudet to do that. I do not think there is anywhere else to have a program to teach people with disabilities to work in libraries.

I think Gallaudet should look at the possibility of working toward an accredited program to generate people to comfortably enter the profession this way.

I also think that COSLA (Chief Officers of State Library Agencies) could probably think about having, at least internally initially, a 'best practices' kind of report system where they—and I know they share it. I've been to their meetings, some of their meetings, and I know they do share it. But where there was a way for COSLA as an organization to highlight specifically programs dealing with both employees and library customers with disabilities in their individual states successfully. And I think that has kind of a synergy that would be real helpful.

I know that they do it as individuals when they talk to each other, but I think there would be a way to disseminate that a little more broadly.

MR. YELICH: Could I respond to that?

MR. ABRAMSON: Sure.

MR. YELICH: I took the opportunity to read some of the testimony that I received. We asked for it just a few days ago, and I was very pleased with what we received. There is some very compelling testimony in there about practices that go on, on a daily basis, that we will never hear about.

In Williamsburg, Virginia, there was a young person that was severely handicapped. The individual was in high school and wanted to be a part of the Battle of the Brains, but he didn't have the opportunity to hit the buzzer to be able to answer the questions. The library staff worked with local people that had the resources to be able to come up with some type of a sensitivity device where the individual could use his chin to tap to be able to indicate they wanted to answer that question, and the person joined the high school Battle of the Brains team.

We have another library that's working with a rehabilitative center to be able to encourage the individuals that are receiving training to come into the library, not only to learn about the resources, but to be trained as potential pages and volunteers and perhaps paid employees.

We would be very happy to provide a 'best practices' list for you. I rather suspect that we would be overwhelmed with the amount of goodwill that is taking place out there with the resources that we currently have.

MR. ABRAMSON: Overwhelmed is good.

MRS. BINGHAM: As we sit here and refer to the flood of opportunities for those who do have disabilities, I think it is a shame that one has to wait four years before they could convince someone that they could do the job. I certainly think the remark that Abe has just made, as well others, will make her the last person who has to wait that long.

I hope some of the personnel who employ people in libraries will understand that people with disabilities are not going to be disabled librarians.

CHAIRPERSON SIMON: Thank you.

MS. SYWETZ: I, too, have learned much today and really appreciate the opportunity to participate. In terms of LSTA, I point out to everyone that it still includes the overarching purpose of helping people have better services who have difficulty using the library. So the purpose has not been forgotten.

I would also say in terms of collecting success stories specifically relating to the LSTA, the annual report that library agencies submit to us includes a section on promising practices and exemplary programs, and a number of these do report activities in the area of addressing people who have difficulty using the library in a variety of ways. And we will be hosting some of these success stories on our web site, so I urge you to have a look at the IMLS web site to see examples of what LSTA is doing.

CHAIRPERSON SIMON: Thank you, Betsy.

## **11. Closing Comments from Participants**

CHAIRPERSON SIMON: Ellen, would you like to have a few words?

MS. PERLOW: As a person who has a disability and who did make it through library school to a library position, I wanted to let Julia know that she is not the first. I can say that it is not as easy for people with disabilities to get positions because people are not used to seeing a diversity of disabilities and what it entails. Every disability is individual to a person.

However, that is why I would like to again encourage the Century Scholarship. That scholarship will get people with disabilities into library schools. It will get awareness of the communities about disabilities. It will also provide funding; it is suppose to provide funding that is not otherwise provided for by law by the ADA and other laws, for instance for internships and job placement.

In my experience, once an employer sees that I can do something; I can move computers; I can move furniture. You would not think I could, but I can. Once my Dean saw that, that's all it takes and then there's that awareness. So through internships and through practice and experience, we can do it.



MR. JOHN DAY: First of all, I would like to thank you. But, I would also like to add, as Commissioners Gould and Valdez were talking about, that, perhaps, you would like to have the results of the hearings available in Spanish or braille. The Commission might also think about this as an opportunity to publish their results in universal design format. It can be made on a CD where one could have the text to read, one could have the text to print out, one could have the text to be converted to braille automatically, it could have the text to be spoken.

Microsoft Windows 98 will automatically speak it for you. It could also have an MPEG video of the text being signed. It would be certainly an opportunity for the Commission to make a statement, to be able to provide it to libraries across the country and it can be available in various media. It is an idea.

MS. GOULD: I didn't even know that this technology you spoke about existed. Thank you.

MR. JOHN DAY: I would be happy to speak more about it.

CHAIRPERSON SIMON: This is the final chance for someone to have the absolutely last word. (No response.)

Well, then, I will have the last word. I thank everyone for participating in this hearing.

This hearing is now adjourned.

(Whereupon, at 3:58 p.m. the hearing was adjourned.)



## **APPENDIX A: MATERIAL SUBMITTED TO SUPPLEMENT ORAL TESTIMONY**

Entries appear in the order of appearance before the Commission and are cross-referenced by the organization's name and by the name of the individual speaker in the INDEX at the back of this publication.

*[NOTE: Documents submitted as paper copies have been scanned and reformatted, so the format may be different, but the content is as submitted.]*

### **1. Supplemental Material from Roslyn Rosen**

*[Ms. Rosen's testimony begins on page 5 of this publication.]*

#### **Prepared Statement of Roslyn Rosen**

U.S. National Commission on Libraries and Information Science  
Hearing on Library Services for Individuals with Disabilities  
July 8, 1999  
Gallaudet University

Testimony of Dr. Roslyn Rosen  
Vice President of Academic Affairs  
Gallaudet University

Ms. Chairperson, Commissioners, thank you for the opportunity to testify today before your Commission regarding the issue of library and information services for individuals with disabilities. I currently serve as Vice President of Academic Affairs at the Gallaudet University, the world's only comprehensive university solely for the education of deaf and hard of hearing people. I also serve as a member of the Board of Trustees of the World Federation of the Deaf and have served as President of the United States National Association of the Deaf. As you will be receiving testimony from many people today, I will limit my testimony to library and information services for deaf and hard of hearing people.

I would like to preface my remarks by saying that, along with recent advances in deaf education, I believe that great strides have been made in the provision of library services for deaf people. I have found libraries and librarians to be service oriented and responsive to their communities. With the signing of the Americans with Disabilities Act, libraries were among the first institutions to proactively review their services and focus on accessibility. TTY access is now common in public libraries and many libraries have established special service programs focusing on their deaf communities.

Nonetheless, much more needs to be accomplished, and I will talk about three areas needing attention: library collections, services and access.

**Collections.**

Public libraries should be able to provide comprehensive and unbiased information about all aspects of being deaf or hard of hearing. As you may know, only about 10 percent of deaf children have deaf parents. This means that the birth of a deaf child or the hearing loss of a young child for 90 percent of such parents is not only traumatic; it is often the parents' first experience with deaf-related issues. Because there is a long-standing and heated controversy regarding the rearing and education of deaf children, public libraries are often the only source of unbiased information for these parents. For that reason, it is crucial that libraries be aware of these issues so that they can collect and provide such unbiased public service information.

Regarding general collections, it is important that libraries collect and maintain materials that would be of interest to deaf children and adults. One area needing particular attention is the provision of 'high interest/low reading level' or 'easy-to-read' materials because of the English language literacy problems faced by many people who were born deaf or became deaf at an early age.

**Services.**

All libraries need to ensure that all of their services are provided to all of their customers equally. This means that a person who is deaf must be able to call for information and reference by TTY; and, if telephones are provided in the library for hearing people, TTY's must be provided so that deaf people may also make outgoing calls. If information programs are offered to the community, interpreters must be provided for deaf people who wish to attend. When storytelling is provided for children, deaf children must have interpreters so that they can partake equally in such an important literacy-building activity. Also, libraries should make use of new advances in technology such as e-mail and posting information to the World Wide Web as such is equal and effective media for communicating to both hearing and deaf customers.

**Access.**

There are several ways in which deaf people do not have the equal access to libraries as hearing people, and I mentioned some of those when I talked about providing TTY's and sign language interpreters. However, full access to all of the collections is equally as important. Video collections are particularly important to deaf people because of the visual richness of the medium. Yet, they are inaccessible without captions. Libraries should ensure that all of their video collections are captioned in order to provide truly equal access. Additionally, many deaf people are fully literate primarily in sign language and are not able to understand important information in text-only documents. Although libraries may well want to provide that same information via sign language on videotape, doing so is in violation of the law if the original text is copyrighted. Therefore, the library profession and community must advocate for changes in copyright legislation or interpretation of existing legislation so that, again, deaf citizens have equal access to all information.

In summary, the library and information needs of deaf people are exactly the same as those of hearing people; although, as I have mentioned there are actions which must be taken for the needs of deaf people to be satisfied. The Association of Specialized and Cooperative Library Agencies, a division of the American Library Association, has addressed these needs well in their 1996 publication, *Guidelines for Library and Information Services for the American Deaf Community*. That publication is based on the 1991 *Guidelines for Library Services to Deaf People* published by the International Federation of Libraries and Institutions, and I would like to enter both publications into the record along with this testimony.

Thank you.

## **Guidelines for Library Services to Deaf People**

International Federation of Library Associations and Institutions  
IFLA Professional Reports, N. 24

### Guidelines for Library Services to Deaf People

Edited by John Michael Day  
IFLA Headquarters, The Hague, 1991

*This publication is written for a general library audience. It is anticipated that national library associations may wish to modify or alter certain expressions which have definitions different to those assumed here. As these guidelines show, "...they are statements of general principles ... [they] are international in scope ... [and] they must be tempered by national and local limitations on practicality."*

## **1. PREFACE**

Development of guidelines for the provision of library services to deaf people has been an interest of the Working Group to Identify the Needs of the Deaf within the IFLA Section for Libraries Serving Disadvantaged Persons for several years and it is relevant to the Division of Libraries Serving the General Public's project of preparation of guidelines as part of the Medium Term Programme of the Federation.[1] This project developed as a result of discussions and correspondence between the editor and Mr. William Anderson of Leeds Polytechnic, United Kingdom; Ms. Alice Hagemeyer of the District of Columbia Public Library, USA; and Ms. Valerie Moon of the State Library of New South Wales, Australia. The original outline from which subsequent drafts developed was distributed for review and comment at the meeting of the Library Services to the Deaf Forum of the American Library Association at its June, 1989 conference in Dallas, Texas and at the Deaf Way Conference and Celebration in Washington, DC in July, 1989. The initial draft, which included modifications from the Library Services to the Deaf Forum and Deaf Way meetings, was reviewed by the Working Group and the Section during the 1989 IFLA General Conference in Paris and, after incorporating changes from that initial review, the draft was submitted to the World Federation for the Deaf for its examination. The proposed guidelines were subsequently reviewed by the World Federation for the Deaf during the meeting of its Management Committee in January 1990 in Vienna and by the Working Group and the Section Standing Committee in April. The modified draft was submitted for evaluation by the World Federation of the Deaf at its Board of Trustees meeting in Brighton in August 1990 where it was accepted for endorsement by the Federation. The final draft then, with the endorsement of the World Federation of the Deaf, was brought before the Section for Libraries Serving Disadvantaged Persons of the International Federation of Library Associations where it received formal adoption at the 1990 General Conference in Stockholm.

The following documents were reviewed in the course of the development of these guidelines in order to ensure comprehensive coverage of the subject and to assist with the determination of consistent style and format. Particular credit must be given to Library Service to the Deaf and Hearing Impaired. Mrs. Dalton's work served as an overall benchmark in the preparation of these guidelines.

American Library Association. Association of Specialized and Cooperative Library Agencies. "Techniques for Library Service to the Deaf and Hard of Hearing." INTERFACE. Fall 1981.

American Library Association. Committee on Standards. ALA Standards Manual. Chicago, Illinois: American Library Association, January 1983.

Anderson, William. "Helping the Hard of Hearing". Unpublished manuscript, 1985.

Association of Specialized and Cooperative Library Agencies. Ad Hoc Subcommittee on Standards for Multitype Library Cooperatives and Networks. "Multitype Draft Standards". INTERFACE, Vol. 11, (Fall 1998) 1, p. 4.

Carroll, Frances Laverne, and Beilke, Patricia F. Guidelines for the Planning and Organization of School Library Centres, rev. ed., Paris: UNESCO, 1979.

Cylke, Frank Kurt, ed. Library Service for the Blind and Physically Handicapped: An International Approach. München, etc.: K.G. Saur (IFLA Publications 16), 1979.

Dalton, Phyllis I. Library Service to the Deaf and Hearing Impaired. Phoenix, Arizona: The Oryx Press, 1985.

Hagemeyer, Alice. Tentative Guidelines for Library and Information Services to the Deaf Community. Paper prepared for the American Library Association. (Photocopy), 1998.

International Federation of Library Associations. Section for Libraries Serving Disadvantaged Persons. Guidelines for Libraries Serving Hospital Patients and Disabled People in the Community. The Hague: IFLA Headquarters, 1984 (IFLA Professional Reports, No. 2).

International Federation of Library Associations. Section of Public Libraries. Guidelines for Public Libraries. München, etc.: K.G. Saur (IFLA Publications 36), 1986.

International Federation of Library Associations. Section of Public Libraries. Standards for Public Libraries. Pullach/München: Verlag Dokumentation, 1973.

Lynch, Beverly, ed. "Standards for University Libraries". IFLA Journal, Vol. 13, (1987) 2, pp. 120-25.

Massis, Bruce E., Ed. Library Service for the Blind and Physically Handicapped: An International Approach, Vol. 2. München, etc.: K.G. Saur (IFLA Publications 23), 1982.

Moon, Valerie. Opening Doors for Closed Ears: Proceedings of the Conference on Library Services for Deaf and Hearing Impaired People. Sydney: State Library of New South Wales, 1988.

New York Library Association. Roundtable for Libraries Serving Special Populations. Guidelines for Libraries Serving Persons with a Hearing Impairment or a Visual Impairment. New York: New York Library Association, July 1987.

Sorenson, Liene S. Taking Action to Enhance Public Library Services for Persons with Disabilities. Skokie, Illinois: Skokie Accessible Library Services, Skokie Public Library, 1988.

The following persons are members of the Standing Committee of the Section of Libraries Serving Disadvantaged Persons and others who have given freely of their time, effort, experience, and expertise in the development of these guidelines.

W. Anderson	United Kingdom
J. Beaudin	United States of America
S. Bruhn	Australia
K-J. Carlsen	Norway
G. Chavanis	France
J. Coleman	United States of America
F. Czajkowski	Poland
P. I. Dalton	United States of America
A. Dobbie	New Zealand
A. Galler	Canada
T. Haimakainen	Finland
A. Hagemeyer	United States of America
F. Kaiser	The Netherlands
Y. Kiruchi	Japan
C. Law	Australia
G. Malmgren-Neale	Sweden
A. Melkis	Federal Republic of Germany
V. Moon	Australia
P. Noaks	United Kingdom
M. Peillon	France
B. Pors	Denmark
G. Rappaport-Bathenau	France
M. Starmans	The Netherlands
K. Thulin	Sweden
K. Wagenaar	The Netherlands

Particular credit must be given to Professor Yerker Anderson, President of the World Federation of the Deaf, who conveyed these guidelines to the Federation and presented them for World Federation of the Deaf Board of Trustees review and comments.

John Michael Day  
University Librarian  
Gallaudet University  
Washington, DC U.S.A.

Secretary  
Section for Libraries  
Serving Disadvantaged Persons

## **2. INTRODUCTION**

### **2.1. Context**

For a number of reasons, most libraries have not considered focusing particular attention on the provision of services to persons who are deaf. Deafness has been called, with good reason, the "invisible handicap" because deaf people are not identifiable as deaf by casual observation and they tend to blend into the larger community. Additionally, people who are deaf from birth or from an early age often have difficulty reading and have a tendency to not use libraries. As a consequence, libraries and deaf people have mostly been unaware of each other; however, a substantial portion of the population is deaf and libraries have a responsibility to ensure that their collections and services are accessible to deaf people and that deaf people are aware of the services libraries can provide them.

The primary issue involved with the provision of services to deaf people is that communication often requires additional effort, knowledge, patience, and (where available) technological aids. The degree to which communicating with any individual deaf person requires these additional skills usually depends on the degree of hearing loss and at the age at which the person experienced it, i.e., age of onset. Central to an understanding of these individual differences is an understanding of the difference that the age of onset can make. Generally, the older an individual is when the hearing loss is experienced, the more comfortable that individual is likely to be with indigenous oral and written languages. However, individuals who are born deaf or become deaf before acquiring speech may have speech which is difficult to understand.

Because of this variation, and the variations in educational approaches, deaf people frequently have been arranged and rearranged into assorted categories under assorted labels. Librarians need to be aware of this variation and of the controversies regarding education and communication modes in order to build comprehensive and impartial collections of materials about deafness and of related materials otherwise of concern and interest to both deaf and hearing people. In designing library programs for deaf people, it is often useful to have one term to encompass all of the persons affected. Therefore, for that purpose, the term "deaf community" will be used in this document to refer to the following groups as a whole: native sign language users; users of native sign language and written language of the general public; oralists; deafened adults; hearing impaired elderly people; minimal language users; hard of hearing individuals; and hearing members of deaf persons' families. Professionals associated with services to the deaf community are also included.

Libraries are often in the unique position of being the sole source of impartial information and, therefore, have a responsibility to collect and provide such information to their deaf clientele. It must be noted, however, that the primary goal of any specialized program to the deaf community must be to provide equal access to all programs and services which are enjoyed by the library's hearing clientele. The establishment of specialized programs and services is in response to the recognition of the additional needs of deaf clientele but the specialized program should not constitute the totality of the clients' library experience.

### **2.2 Purpose and Scope**

These guidelines which follow are meant to inform librarians about the library needs of deaf people and pertain to all libraries which have deaf persons as any portion of their clientele. They apply to all types of libraries including public, school, and academic, as well as special libraries serving government, commerce and industry, the arts, military, hospitals, prisons and other institutions. They are statements of general principles and, as such, contain no quantitative prescriptions. They are, however, meant to serve both as an encouragement to establish services for deaf persons and as a



means to assess the completeness and quality of such services. As these guidelines are international in scope, it must be understood that they must be tempered by national and local limitations on practicality, e.g., the application of guidelines regarding the use of technological aids should be dropped where such technology is not available.

Additionally, this document should serve as a guide in the development of national guidelines for library services to deaf people, as it may be easily modified to conform to local circumstances. In the absence of any local guidelines, these guidelines should apply.

### **3. GUIDELINES**

#### **3.1. Personnel**

**3.1.1 Responsibility for the development, implementation, and operation of library services to deaf clientele should be assigned to a professional librarian holding the degrees, certification, and/or training pertaining to such professional status.**

##### **Commentary**

Libraries strive to provide the best service possible to their clientele. It is imperative that the same level of service available to the general constituency of the library be equally available to clientele who are deaf. In order to achieve this goal, the attention of a trained, professional librarian is necessary in the design and operation of the service. The eventual continuing level of professional attention focused on the service will be dependent on many factors including the size of the library, the size of its general community, and the size of its deaf community. However, the amount of professional staff time devoted to the service should be sufficient according to the demands and practicalities of each library's individual circumstances. In libraries with a very small deaf community, the minimum might be that the design and supervision of the service would be done by a professional librarian having responsibility for a larger service in the district.

**3.1.2 Library staff should receive training focusing on the issues involved in providing services to deaf people.**

##### **Commentary**

In order to provide adequate and appropriate services to deaf people, it is necessary for staff persons to have an understanding of their special needs, including needs relative to special collections of materials, captioning of video programs, specialized alerting devices, technological communication aids, reading levels, etc. (see also 3.2.1 regarding staff training in communication techniques). In metropolitan areas, it may be possible to make arrangements with other local groups serving deaf people to provide staff awareness training on site. In other situations, it may only be possible to send one staff member to receive formal training and to have that person be responsible for providing training for the rest of the library staff.

**3.1.3 When selecting staff to be involved with the provision of services to deaf people, libraries should attempt to employ persons who have or are likely to be able to obtain credibility within the deaf community.**

##### **Commentary**

As is the case with employing other minority groups, libraries have much to gain by hiring deaf staff members. Libraries may be able to hire one or more deaf professional librarians or non-professional staff members to have responsibilities relative to its deaf services either full or part time. When selecting staff who will provide services to deaf people, libraries should, at a minimum, ensure that

any person selected has the necessary training, background, and/or exhibits such personal characteristics as to lead one to expect that the person will be able to obtain credibility within the deaf community.

**3.1.4 Schools of librarianship should provide training in the provision of services to deaf people as a normal part of their basic curriculum to prepare librarians for their professional qualifications and as part of their continuing education programs for all levels of library staff.**

**Commentary**

Many schools of librarianship currently offer some training in how to serve some of the variety of peoples in the community. Training in the provision of all types of services to deaf people should be a required part of the certification process for all professional librarians who intend to provide library service to the public. This training might be a separate course wholly devoted to library services to deaf people where the demand for such a course would justify its provision or it might logically be a part of a more general course on provision of services to all disadvantaged persons.

**3.1.5 Libraries having responsibilities at the national level, or where applicable at an appropriate regional level, should establish an office or department responsible for provision of advisory and consultation services to all libraries within their geographical boundaries in order to assist them in the provision of services to deaf people. [2]**

**Commentary**

Establishment of an office or department having responsibilities for the provision of such services within a geographical area has several advantages. First, it would function as a formal conduit for a network among all libraries providing services to deaf people and, thereby, ensure that the latest techniques, services, materials, etc. are communicated among those libraries; and, second, such an office would function as an incentive in the establishment of such service in all libraries within the geographical area. Depending on many factors, including the size of the geographical area covered, the number of libraries affected, and the size of the overall deaf population, this office might be responsible solely for services to deaf people, or it might have broader responsibilities, including services to additional groups of disadvantaged persons.

**3.1.6 Each national library association should establish a group within its structure which would function as that portion of its membership focusing on the provision of library services to deaf people.**

**Commentary**

Librarians who are concerned with the provision of services to deaf people have much to gain by assembling to discuss issues of common interest, to make recommendations to the national association for action, and to share information. Additionally, such an assembly would be able to effectively function as an advocate of library services to deaf people.

**3.2 COMMUNICATION**

**3.2.1 All library staff having contact with the library's clientele should receive training in how to communicate effectively with deaf people.**

**Commentary**

People who are deaf communicate with hearing people in a variety of ways depending on their backgrounds. In the provision of library services, it is essential that library staff be aware of this variety and that they have the training necessary to know what to do in order to understand and to

make themselves understood comfortably. Libraries with a large deaf clientele should seriously consider ensuring that at least one staff member who has responsibilities for the provision of services to deaf people be at least moderately fluent in sign language and that other public service personnel have experience with basic signing as appropriate.

**3.2.2 A Telecommunications Device for the Deaf (TDD) should be available at each main service point, e.g., the reference desk, in each library. Additionally, at least one TDD should be available for use by library clientele to make telephone calls from the library if the making of such calls is available to hearing clientele. [3]**

**Commentary**

TDD's are the means by which deaf people make use of the telephone. Where hearing people can call into the library for reference services or to find information regarding library hours and other general information, and where libraries provide telephones for use by their clientele in making outgoing calls, those libraries should provide the means, i.e., TDD's, for deaf people to access those same services. All members of the library staff should receive training in the use of the TDD.

**3.2.3 Libraries should equip meeting rooms and audio-visual centers with audio loops or other such communication access system.**

**Commentary**

Audio loops assist people who depend on hearing aids for receiving auditory information. Without audio loops, many hearing aid users cannot understand lecturers, meetings, music and other programs.

**3.2.4 Telephones for use by the library's clientele should be equipped with handset amplification.**

**Commentary**

Handset amplifiers, i.e., volume control devices, assist those persons with sufficient residual hearing to make sure of the telephone without the use of a TDD. Where libraries provide telephones for use by their clientele in making outgoing calls, those libraries should provide handset amplifiers or other such assistive telephone devices where available for those people for whom telephone access depends on such devices in order to provide the same kind and level of service.

**3.2.5 Libraries should provide closed caption television decoders for use by their clientele.**

**Commentary**

Depending on the local captioning standard, libraries should be collecting videotapes for client use which are closed captioned, open captioned, or signed (see section 3.3.4). Where libraries are collecting closed-captioned videotapes, they should provide closed caption decoders so that they videotapes may be used by those persons depending on captioning for their understanding. Where libraries provide closed captioned videotapes for home use, they should also provide for loan of closed captioned decoders so that access to the same level of information and service is available to all deaf people regardless of their ability to purchase the technology for themselves.

**3.2.6 Libraries should offer to provide sign language interpreters for all library-sponsored programs.**

**Commentary**

Libraries generally offer library-related programs which are open to the public, e.g., bibliographic instruction, research workshops, storytelling for children and also for adults, etc. Additionally,

libraries are frequently major cultural and social centers within their communities and offer various cultural and social programs.[4] Sign language and/or oral interpreting (lip speaking) of all such programs should be offered. Interpreting should be provided where any member of the library's clientele who depends on interpreting has made a commitment to attend.

**3.2.7 Libraries should install visible warning signals in order to alert deaf clientele to problems and emergencies.**

**Commentary**

Since deaf people cannot hear auditory signals such as fire alarms, public address and security alarming devices, it is essential that libraries install visible systems for alerting their deaf clientele of announcements and of emergency situations. Such systems should include the addition of strobe lights, or other appropriate visual signals, wherever an auditory signal is produced. An inspection of the library premises or an evacuation exercise should ensure that all library staff and clientele have received any announcement and/or notification of an emergency situation.

**3.3 COLLECTIONS**

**3.3.1 Libraries should collect materials related to deafness and Deaf culture which will be of interest to both deaf and hearing clientele.**

**Commentary**

The primary objective of any program to provide services to deaf people will be to incorporate deaf people into the library's general clientele in making use of all of the library's collections, programs, and services. However, libraries should also collect materials of special interest to deaf people and to hearing people who will need information or will have a general interest in deafness. Such materials would include current and historical materials related to deafness, works by and about deaf artists and other famous deaf people, materials related to sign languages and other communication modes, government documents, legal materials and periodicals related to deafness, etc. Because the full range of resources should be open to the library's deaf clientele, these materials should not be maintained as a physically separate collection but should be integrated into the total resources of the library.

**3.3.2 Libraries should collect, maintain, and offer information about educational options, referral agencies, and programs for deaf people in a wholly unbiased fashion.**

**Commentary**

Methods employed in the education of deaf people and their modes of communication have constituted areas of intense controversy and competition for many years. Libraries are often in a unique position of providing complete information from an impartial and dispassionate perspective. Because of this position, libraries have the responsibility to exercise caution in ensuring that they collect materials from all viewpoints, particularly in such areas as information for deaf people, their parents, their other family members, and practitioners about programs and referral agencies.

**3.3.3 Libraries should assemble and provide access to a collection of high-interest/low-reading level materials of interest to deaf people. [5]**

**Commentary**

For many deaf people, mastery of the oral and written idiom is a particular challenge. Libraries should strive to acquire general materials which may be understood by as many of their clientele as possible. Additionally, libraries should build and actively maintain a collection of high-interest materials which are written purposefully with direct and simple vocabulary and which are heavily

illustrated where appropriate so that they may be easily understood by people who have yet to gain full mastery of the local oral and written language, including many deaf people as well as people from other linguistic minorities.

**3.3.4 Visual non-print materials should form an integral part of any library's collections acquired in support of services to deaf clientele. Television video programs and other such media with audio portions should be captioned or signed so that they may be understood by persons unable to hear.**

**Commentary**

Because deaf people need to rely on sight, visual media offer a particularly effective means of communicating information. Also, where one of the library's goals is to offer materials of an entertainment nature, television videotapes are especially attractive. Collecting videotapes produced with an open caption format would be the most efficient; however, where such is not desirable, libraries should collect closed-captioned videotapes and provide decoding equipment as necessary. See paragraph 3.2.5.

**3.3.5 Libraries should assemble and maintain a collection of videotapes and/or films in sign language and provide sufficient equipment necessary to view them.**

**Commentary**

Sign language is the basic communication means in the lives of many deaf people. Some countries produce video programs or films in sign language; e.g., translations of television programs, fairy tales, deaf folklore, news programs, sign language instruction, etc. Where available, libraries should collect and lend such media as an essential service to deaf people, parents with deaf children, and people learning sign language.

## **3.4 SERVICES**

**3.4.1 All of the library's collections, services, and programs should be made accessible to its deaf clientele.**

**Commentary**

In addition to whatever specialized services libraries establish as part of their programs in support of their deaf clientele, it is imperative that libraries design and implement such programs with the fundamental understanding that these programs are only a part of and are in addition to the primary objective of making all of the libraries' collections, services, and programs which are accessible to hearing people also accessible to deaf people.

**3.4.2 Members of the library's clientele who are deaf should be involved in the design and development of the library's services to deaf people, including the development of services and collections, and in the establishment of advisory committees, service organizations, and networks.**

**Commentary**

The success of any service depends upon its content and quality and upon the acceptance of the service by the clientele for whom it is designed. Until such time as a program of services has been established and is proven popular and successful within the library's deaf clientele, it may be necessary for the individual who is responsible for program design to go out into the community and to actively solicit interest and assistance from deaf individuals. After such relationships are

established, the continued success of the service will depend on the continued success of this network between the library and the deaf community.

### **3.4.3 Libraries should offer programs conducted in sign language.**

#### **Commentary**

Libraries become, by nature, major cultural centers in their communities and most often provide both cultural and social programs in addition to their collections. Provision of programs in sign language, e.g., storytelling and programs related to Deaf culture, would be of interest and benefit to all groups within the community.[6]

## **3.5 PROGRAM MARKETING**

### **3.5.1 Libraries should aggressively market their programs and services to their deaf clientele.**

#### **Commentary**

Because people who are deaf from birth or an early age very often have difficulty with reading, they have a tendency, in general, to not use libraries. It is essential, therefore, for libraries to target their deaf clientele for special marketing efforts; otherwise, labor and resources allocated for providing services will come to minimal value. For those same reasons, this effort will need particularly careful planning.

### **3.5.2 All library publicity should provide for access to the library's deaf clientele.**

#### **Commentary**

Libraries need to make use of all available means to inform their communities of their accessibility to deaf people. They should include the TDD number on all stationery, announcements, brochures, fliers, etc. and ensure that all televised information and promotions be captioned. All general library publications should include information on programs and services for deaf people.

## **4. DEFINITIONS**

The following terms are used in this document and the definitions given are meant only to assist in understanding and applying these guidelines in libraries. No application outside of the limits of this document is intended.

<b>Audio Loop</b>	See <b>Communication Access System</b> below.
<b>Captioned</b>	Refers to films, or video programs, where the dialogue is also shown, in print, on the screen along with the rest of the picture. The printed dialogue may be either always visible (open captioned) or visible only with the addition of a decoder machine (closed captioned) which translates the invisible signal into visible print.
<b>Closed Captioned</b>	See <b>Captioned</b> above.

<b>Communication Access System</b>	A hearing enhancement system consisting of a transmitter and a receiver—generally a hearing aid or a device connected to a hearing aid—designed to eliminate the background noise interference caused by extraneous factors. There are several different types of communication access systems, e.g., audio loop systems, AM systems, FM sound systems, and infrared systems.
<b>Deaf Community</b>	The group of individuals encompassing native sign language users, users of both native sign language and spoken or written language, oralists, deafened adults, hearing impaired elderly, minimal language users, hard of hearing individuals, members of deaf persons' families, and associated professionals.
<b>Deafened Adult</b>	A person who became deaf after having had the experience of hearing normally and, particularly, after having acquired speech.
<b>Deaf Person</b>	A person who is either partially or wholly unable to hear.
<b>Decoder</b>	A machine which, when attached to a television, translates the electronic signals of a closed captioned video program into words printed on the screen along with the rest of the video images.
<b>Easy-to-Read Materials</b>	High Interest/Low reading level materials, including captioned media, for all groups with reading problems regarding of age.
<b>Hearing Impaired Elderly Person</b>	A person who has lost some or all hearing due to advanced age.
<b>Minimal Language User</b>	A person who has very limited knowledge of any formal spoken, signed, or written language.
<b>Native Sign Language User</b>	A person who is primarily functional only in sign language.
<b>Open Captioned</b>	See <b>Captioned</b> above.
<b>Oralist</b>	A person who is deaf and who communicates primarily through speech and speech reading.
<b>TDD</b>	Telecommunication Device for the Deaf. Connects a conventional telephone handset and a LED output display and a keyboard for input; and, by typing letters, allows for a visual, two-way telephone conversation.
<b>User of Native Sign Language &amp; Spoken Language</b>	A person who is fluent in communicating in both native sign language and in spoken or written language.
<b>Visible Warning Signal</b>	A light activated electronically to draw a deaf person's attention, e.g., to a doorbell, a telephone, to a fire, etc. This signal may be a strobe light, a revolving light, or a simple light bulb.

## Footnotes

- [1] International Federation of Library Associations. Professional Board. Medium Term Programme 1986-1991. The Hague: IFLA Headquarters, 1998, pp 37 & 39.
- [2] International Federation of Library Associations. Section of Public Libraries. Guidelines for Public Libraries. München, etc.: K.G. Saur (IFLA Publications 36), 1986. See pp. 54-55, guideline #'s 6.9 and 6.10 under National Support Services.
- [3] Recent advances in technology have made available new assistive devices which fall within this section on communication, e.g., TDD's (3.2.2), audio loops (3.2.3), etc. It is understood that these devices will not be readily available in many parts of the world and should be disregarded where such is the case. Nonetheless, the spirit of the guidelines in this section indicates that libraries should make use of whatever appropriate technological aids are available to them in the provision of services to their deaf population.
- [4] International Federation of Library Associations. Section of Public Libraries. Guidelines for Public Libraries. München, etc.: K.G. Saur (IFLA Publications 36), 1986. See pp. 19-20 under Cultural and Social Provision.
- [5] In some countries, these are known as "Easy-to-Read Materials" or "Easy Readers."
- [6] International Federation of Library Associations. Section of Public Libraries. Guidelines for Public Libraries. München, etc.: K.G. Saur (IFLA Publications 36), 1986, p. 19, "Cultural and Social Provisions" and p. 24, Guidelines # 1.81.

## **Guidelines for Library and Information Services for the American Deaf Community**

Guidelines for Library and Information Services for the American Deaf Community  
Association of Specialized and Cooperative Library Agencies  
American Library Association  
1996  
Editor: Martha L. Goddard

## PREFACE

American libraries have entered a tremendous new age of information technology and resource sharing. After two decades of civil rights activism, persons with disabilities have access to services and participation in American society in ways that were not dreamed of only a few years ago. For these reasons, members of the Library Service to the Deaf Forum, a unit in the Association of Specialized and Cooperative Library Agencies Division (ASCLA) of the American Library Association have prepared *Guidelines for Library and Information Services for the American Deaf Community*. These guidelines are based upon *Guidelines for Library Services to Deaf People* (a 1991 publication of the International Federation of Library Associations), findings from public hearings and discussions with deaf library users, input solicited from ASCLA Libraries Serving Special Populations Section members, Library Service to the Deaf Forum discussions, and open hearings conducted at the 1994 Midwinter and Annual conferences of the American Library Association.

Many people were involved in the development of these guidelines. Members of the ASCLA Standards Review Subcommittee included Emily Ferren (ASCLA/LSDF), Chair, John Day



(ASCLA/LSDF), Marti Goddard (ASCLA/LSDF), Alice Hagemeyer (ASCLA/LSDF, deaf consumer/National Association of the Deaf), Bob Hinton (ACRL), Peg McCullough (ASCLA/LSDF), Debbie Passalacqua (PLA/LSDF), and Linda Walling (ASCLA Standards Review Committee). Other Library Service to the Deaf Forum members actively involved were: Anne Feiler, Sue Galloway, Sarah Hamrick, Tom Harrington, Susan Meck, Lucy Parsons, Marshall Shore, and Renee Vaillancourt.

Sources consulted:

*Guidelines for Library Services to Deaf People*. John Michael Day, Editor. The Hague: International Federation of Library Associations and Institutions Headquarters, 1991.

Turkington, Carol and Allen E. Sussman. *Encyclopedia of Deafness and Hearing Disorders*. New York: Facts on File, 1992.

*The Americans with Disabilities Act of 1990*, Public Law 101-336, 101<sup>st</sup> Congress, 2<sup>nd</sup> Session (July 26, 1990).

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## 1. INTRODUCTION

### 1.1 Context

For a number of reasons, most libraries have not considered focusing special attention on the provision of services to persons who are deaf. Deafness has been called, with good reason, the "invisible handicap," because deaf people are not identifiable as deaf by casual observation, and they blend into the larger community. Additionally, many individuals who were either born deaf or deafened at an early age have difficulty reading and tend not to use libraries. Consequently, libraries have been unaware of their unique needs. It is important to recognize the fact that many people who are deaf from an early age do not think of themselves as disabled, but see themselves as members of a unique cultural group. A majority of the adult deaf population is made up of individuals who are late deafened, i.e., persons who lost their hearing after the acquisition of language. Their needs are often different from those of culturally deaf people. Further, it is vital to note that deafness is the most prevalent chronic disability in the United States. Thus, libraries have a responsibility to ensure that their collections and services are accessible to all deaf people, and to make the entire deaf community aware of the services libraries provide.

A primary issue involved with the provision of services to deaf or hard-of-hearing persons is that communication often requires additional effort, knowledge, patience, and the use of assistive devices. The degree to which communication accommodations are needed varies with the individual. It usually depends on the degree of hearing loss and the age at which the person experienced it. Generally, the older an individual is when the hearing disability begins, the more comfortable that individual is likely to be with oral and written language. Individuals who were born deaf or deafened before acquiring speech and language often have speech which is difficult to understand; many communicate using sign language rather than spoken language.

Because of this language variation and differences in educational approaches, deaf people have been frequently categorized into groups with assorted labels. Librarians need to be aware of this plurality and of ongoing controversies regarding education and communication modes in order to build comprehensive and impartial collections of materials about hearing disabilities, Deaf culture, and other topics of concern and interest to both deaf and hearing people. When designing library and information services for an identified population, it is often useful to have one term to encompass all of the persons included in the group for whom librarians need to provide services. For that reason, the term "deaf community" will be used in this document to refer to:

- American Sign Language (ASL) users
- Bilingual users of ASL and written English
- Persons with hearing disabilities who communicate primarily through spoken language and speech reading
- Late-deafened adults
- Older adults with hearing loss
- Deaf people who use neither ASL nor written English
- Hard of hearing adults
- Deaf-blind individuals
- Hearing family members
- Professionals who serve the above

Libraries are often in the unique position of being a community's sole source of impartial information and, therefore, have a responsibility to collect and provide such information to deaf people. Service to the deaf community should be an integral part of the library's total program of services, designed to provide equal access to all programs and services enjoyed by hearing patrons. The establishment of alternative programs and services is in direct response to recognizing additional needs of deaf people, but these alternative programs and services should not constitute the totality of the patrons' library experience.

Libraries strive to provide the best quality service possible to their patrons. It is imperative that the same level of service available to the general constituency of the library be equally available to all deaf persons. Some of the means for providing library and information services to the deaf community are: sharing resources and materials; utilizing computer networks; and forming partnerships with members of the deaf community and with organizations or agencies which serve them. Staff training and library orientation for deaf patrons are essential to good library service.

### **1.2 Purpose and Scope**

The guidelines that follow are meant to inform librarians about the library needs of the deaf community. They apply to all types of libraries, including public, school, and academic, as well as special libraries serving government, commerce and industry, the arts, the military, hospitals, prisons, and other institutions. They are statements of general principles and, as such, contain no quantitative prescriptions. They are, however, meant to serve both as an encouragement to make services accessible for deaf persons and as a means to assess the completeness and quality of such services.

As these guidelines are national in scope, the District of Columbia, the 50 states, and U.S. territories should apply these guidelines to their existing services. Additionally, this document should serve as a guide in the development of state guidelines for library and information services to the deaf community. In the absence of local guidelines, these guidelines should apply.

## **2. GUIDELINES**

### **2.1 Personnel**

**2.1.1 Responsibility for the development, implementation, and operation of library and information services to the deaf community should be assigned to a librarian holding the degrees, certification, and/or training required to achieve professional status.**

#### **Commentary**

To assure high quality services to the deaf community, it is essential that a librarian design and implement the program. The continuing level of professional attention focused on the service will be dependent on many factors including the size of the library, the size of its general community, and the size of its deaf community. However, the amount of professional staff time devoted to the service should be appropriate to the demands and practicalities of each library's individual circumstances. In libraries with a very small deaf community, the minimum might be that a librarian who has responsibility for another service in the library system would design and supervise services for deaf people.

**2.1.2 Library staff should receive training focusing on the issues involved in providing services to the deaf community.**

#### **Commentary**

In order to provide adequate, appropriate and accessible services to deaf people, it is necessary for staff persons in all types of libraries to have deaf awareness training. Such training should address varying communication needs, Deaf culture, collection development, assistive listening systems, alerting devices, programming, and an overview of community resources. In metropolitan areas, it may be possible to make arrangements with other local groups serving deaf people to provide staff awareness training on site. In other situations, it is recommended that at least one librarian receive formal training and be made responsible for providing training for the rest of the staff.

**2.1.3 When selecting staff to be involved with the provision of services to deaf people, libraries should attempt to employ persons who have, or are likely to be able to obtain, credibility within the deaf community.**

#### **Commentary**

Libraries have much to gain by hiring deaf staff members. It may be possible to hire one or more deaf professional librarians or paraprofessional staff members to have responsibilities relating to services for the deaf community. When selecting staff who will provide services to deaf people, libraries should, at a minimum, ensure that any person selected has the necessary training and/or background within the deaf community. A member of the deaf community should be part of the interviewing team, if possible.

**2.1.4 Schools of librarianship should integrate into their curricula training in the provision of services to the deaf community. Such courses should also constitute a part of their continuing education programs for all levels of library staff.**

#### **Commentary**

Many schools of librarianship currently offer training in how to serve diverse populations. Training in the provision of services to deaf people should be a part of the certification process for all professional librarians. This training might be a separate course wholly devoted to library service to

the deaf community, or it might be a part of a more general course on provision of services to people with disabilities or people of diverse cultures.

**2.1.5 Libraries having responsibilities at the state level, or where applicable, at an appropriate regional or local level, should establish a unit responsible for provision of advisory and consultation services to all libraries within their geographical boundaries in order to assist them in the provision of services to the deaf community.**

**Commentary**

Establishment of a state, regional, or local office or department having responsibility for the provision of services to the deaf community has several advantages. It would facilitate communication among all libraries providing services to people with hearing disabilities and ensure that information about current services, materials, and technology is shared among those libraries. It would also provide encouragement and support for such services in all libraries within its jurisdiction. Depending on the size of the geographical area covered, the number of libraries affected, and the size of the local deaf population, the office might have broader responsibilities, including services to persons with other types of disabilities.

**2.1.6 Each state library association should establish a group within its structure to focus on the provision of library services to the deaf community.**

**Commentary**

Librarians concerned with providing services to deaf persons have much to gain by assembling to discuss issues of common interest, to make recommendations to the state association for action, and to share information. Additionally, such an assembly could effectively function as an advocate for library services to the deaf community.

**2.2 Communication**

**2.2.1 All library staff should receive training in how to interact effectively with deaf people.**

**Commentary**

Deaf people communicate with hearing people in a variety of ways. Depending on their background, degree of hearing disability, cultural identity, and the situation, deaf people may use sign language, speak, write, gesture, or use any combination of the above. It is essential that library staff be aware of these differences and that they know strategies for communicating effectively. Libraries that serve large numbers of deaf people should seriously consider ensuring that at least one staff member who has responsibilities for the provision of services to the deaf community be at least moderately fluent in American Sign Language and that other public service personnel have experience with basic sign language as appropriate.

**2.2.2 A text telephone (TTY) should be available at each main service point, for example each telephone reference desk, in each library. TTY's must be provided for use by deaf staff members and at least one TTY should be available in each library for public use.**

**Commentary**

TTY's are devices that enable deaf people to use telephones. All telephone reference and information services provided to the general public should be equally accessible to deaf patrons. All library staff should be trained in the use of the TTY; they should also be familiar with their state telecommunications relay service. Libraries that provide telephones to allow hearing patrons and staff to make outgoing calls must also provide TTY's for deaf patrons and staff.

**2.2.3 Telephones for use by library patrons or staff should be equipped with amplification.**

**Commentary**

Amplifiers, i.e., volume control devices, assist persons with sufficient residual hearing to use the telephone without the use of a TTY. Libraries that provide telephones for use by their staff and patrons should provide handset amplifiers or other such assistive devices for persons who depend on them to use telephones effectively.

**2.2.4 Libraries should have communication aids such as assistive listening systems and equipment which can be used to support computer-assisted real-time captioning or computer-assisted note taking. These services should be available for meetings and programs upon request.**

**Commentary**

Assistive listening systems, e.g., FM systems, infrared systems, audio loops, etc., are used by persons with hearing disabilities who need them to enhance auditory information. By using these assistive devices, many patrons can better understand lectures, meetings, music, and other programs. Computer-assisted real-time captioning and computer-assisted note taking allow patrons who do not benefit from interpreters or assistive listening devices to see a running text of information as it is being shared. Communications technology is changing rapidly, and libraries should maintain awareness of current developments.

**2.2.5 Libraries with television viewing facilities should provide closed caption decoders.**

**Commentary**

Most new television sets sold in the United States have built-in decoders. Libraries can provide closed caption access to older TVs by connecting separate decoders to them. They should also provide for the loan of closed caption decoders so that access to the same level of information and services is available to deaf people regardless of their ability to purchase the technology for themselves.

**2.2.6 Libraries should offer to provide sign language or oral interpreters, computer-assisted real-time captioning, or computer-assisted note taking services for all library-sponsored programs upon request.**

**Commentary**

Library-related programs which are open to the public, e.g., bibliographic instruction, computer orientation, research workshops, storytelling, etc., must be accessible to patrons who have a variety of communication needs. Sign language and/or oral interpreter services or electronic text services should be provided at the library's expense when any library patron who depends on one of these accommodations has made a commitment to attend.

**2.2.7 Libraries should install visible warning signals in order to alert deaf people to problems and emergencies.**

**Commentary**

Since deaf people cannot hear audible signals such as fire alarms, public address systems, and security alarming devices, it is essential that libraries install visual systems for alerting deaf persons to announcements and to emergency situations. Such systems should include the addition of flashing lights, or other appropriate visual signals wherever an audible signal is produced. An inspection of the

library premises after an evacuation exercise should ensure that all library staff and persons have received any announcement and/or notification of an emergency situation.

## **2.3 Collections**

**2.3.1 Library collection development policies should encourage collection of materials related to hearing disabilities and Deaf culture which will be of interest to both deaf and hearing patrons, thus addressing the unique needs of members of the deaf community.**

### **Commentary**

A library's primary objective should be to assure that collections are fully accessible to all persons, including those with hearing disabilities; however, libraries should also collect print and non-print materials about subjects of special interest. Such materials would include current and historical information about American Sign Language; history and culture of deaf persons; hearing health care; educational options; and assistive devices. Works by and about deaf artists, writers, and other famous deaf people, government documents, legal materials, and periodicals related to deafness, etc. should also be collected. Because all resources should be accessible to deaf library users, these materials should not be maintained as a physically separate collection but should be integrated into the library's general collection.

**2.3.2 Visual non-print materials should form an integral part of any library's collections acquired in support of services to the deaf community. Collection development policies should encourage the acquisition of videos that support audible information with closed or open captions. In all cases, librarians should inquire about the presence of captions on any video before purchase.**

### **Commentary**

Because deaf people rely on sight, visual media offer a particularly effective means of communicating information. Also, where one of the library's goals is to offer materials for entertainment, videos are especially attractive. An increasing number of videos are available with either closed captions or open captions. The library should purchase these whenever possible.

**2.3.3 Libraries should assemble and maintain a collection of videocassettes in sign language.**

### **Commentary**

Sign language is the basic communication means in the lives of many deaf people. Many excellent sign language videos are available: fairy tales, deaf folklore, news programs, instructional videos of interest to deaf consumers, sign language instruction, etc. Libraries should collect and lend such media as an essential service to deaf people, parents with deaf children, and people learning sign language.

**2.3.4 Libraries should collect, maintain, and offer information about educational options, referral agencies, and programs serving deaf people in a wholly unbiased fashion.**

### **Commentary**

Methods employed in the education of deaf people and their modes of communication have constituted areas of intense controversy and competition for many years. Libraries are often in a unique position of providing complete information from an impartial and dispassionate perspective. Because of this position, libraries have the responsibility to exercise caution in ensuring that they collect materials from all viewpoints, particularly in such areas as information about programs and

referral agencies for people new to hearing disabilities, for new parents of a child with a hearing disability, and for practitioners.

**2.3.5 Libraries should assemble and provide access to a collection of high interest/low reading materials of interest to deaf readers.**

**Commentary**

For many deaf people, mastery of oral and written language is a particular challenge. Libraries should strive to acquire general materials which may be understood by as many of their patrons as possible. Additionally, libraries should build and actively maintain a collection of high interest materials which are written with direct and simple vocabulary and which are heavily illustrated where appropriate so that they may be easily understood by people who have yet to gain full mastery of oral and written language, including many deaf people as well as people from other linguistic groups.

**2.4 Services**

**2.4.1 All of the library's collections, services, and programs should be made accessible to members of the deaf community.**

**Commentary**

When libraries establish specialized services in support of their deaf patrons, it is imperative that they design and implement such programs with the fundamental understanding that these programs are only a part of and in addition to the primary objective of making all of their collections, services, and programs accessible to patrons with hearing disabilities.

**2.4.2 Libraries should be able to provide information on local literacy programs that are accessible to deaf non-readers. Libraries should ensure that library-sponsored literacy programs meet the needs of deaf individuals.**

**Commentary**

Many persons who were either born deaf or deafened at an early age have difficulty learning to read English because they did not grow up hearing the language. American Sign Language, the language of many deaf Americans, has a grammatical structure entirely different from that of English. Libraries must consider the unique needs of deaf individuals when developing literacy programs, at a minimum by consulting with professionals knowledgeable about methods used to educate deaf students.

**2.4.3 Members of the deaf community, as defined in these guidelines, should be involved in the design and development of the library's services to deaf people, including the development of services and collections, and establishment of advisory committees, service organizations, and networks.**

**Commentary**

The success of any service depends upon its content and quality and upon the acceptance of the service by the consumers for whom it is designed. Until a program of service has been established and is proven popular and successful by members of the deaf community, the individual who is responsible for program design should go into the community and actively solicit interest and assistance from deaf individuals. After such relationships are established, the continued success of the service will depend on the quality of the network between the library and the deaf community.

#### **2.4.4 Libraries should offer programs conducted in sign language.**

##### **Commentary**

Libraries become, by nature, major cultural centers in their communities and often provide both cultural and social programs. It is essential that all programs and public meetings held in libraries be made accessible by provision of sign language interpreters, oral interpreters, computer-assisted real-time captioning, or computer assisted note taking as requested. Nevertheless, some programs should be offered for deaf patrons in sign language, with voice interpreters for hearing patrons. Provision of programs in sign language, e.g., storytelling and programs related to Deaf culture, would be of interest and benefit to all groups within the community.

#### **2.5 Program marketing**

##### **2.5.1 Libraries should aggressively market their programs and services to the deaf community.**

##### **Commentary**

As stated in the introduction to these guidelines, people who were born deaf or deafened at an early age tend to not use libraries. It is essential, therefore, for libraries to target the deaf community with special marketing efforts; otherwise resources allocated for providing services will have minimal value. For the same reasons, this effort will require particularly careful planning.

##### **2.5.2 All library publicity should provide for access to deaf people.**

##### **Commentary**

Libraries should inform their communities of their accessibility to deaf people. They should include TTY numbers on all stationery, announcements, brochures, flyers, etc., and ensure that all televised information and promotions are captioned. All general library publications should include information on programs and services for deaf people.

### **3. DEFINITIONS**

The following terms are used in this document and the definitions given are meant only to assist in understanding and applying these guidelines in libraries. No application outside of the limits of this document is intended.

#### **American Sign Language (ASL)**

The visual/gestural language that serves as a primary means of communication for many deaf Americans. The grammar and syntax of ASL are as different from English as another spoken language.

#### **American Sign Language user**

A person whose *primary* language is American Sign Language.

#### **assistive listening system**

A hearing enhancement system consisting of a transmitter and receivers. There are several different types of assistive listening systems, e.g., audio loop systems, FM systems, and infrared systems.

#### **audio loop**

See assistive listening system.



**captioned (closed and open)**

Refers to films or video programs where dialogue and sound effects appear in text form or on the screen along with the picture. The text may be always visible (open captioned) or visible only with the use of a decoder device which translates an invisible signal into visual text (closed captioned).

**Computer-assisted note-taking (CAN)**

A system whereby a note taker types on a computer keyboard what is being said during a meeting. After a short lag time the notes are displayed on a projection screen or monitor.

**computer-assisted real-time captioning (CART)**

A system whereby a highly skilled court reporter uses a shorthand machine and a computer to translate spoken language into written text. The verbatim text may be read on a video monitor or a projection screen immediately.

**deaf community**

This term has different meanings in different contexts. For the purposes of this document it refers to:

- American Sign Language (ASL) users

- Bilingual users of ASL and written English

- Persons with hearing disabilities who communicate primarily through spoken language and speech reading

- Late-deafened adults

- Older adults with hearing loss

- Deaf people who use neither ASL nor written English

- Hard of hearing individuals

- Deaf-blind individuals

- Hearing family members

- Professionals who serve the above

**Deaf culture**

A system of values common to people with certain shared experiences; these values are generally learned from culturally deaf parents or while attending residential schools for deaf students. Values include language (American Sign Language), literature (ASL poetry, humor and stories), folklore, history, use of certain types of assistive devices (TTY's, closed-caption decoders, etc.), and standards for social interaction.

**deaf person (lowercase d)**

A person who is either partially or wholly unable to hear. The term "deaf" is generally preferred to "hearing-impaired" in the deaf community.

**Deaf person (uppercase D)**

A Deaf person who considers deafness to be a positive characteristic rather than a disability, respects and may use American Sign Language, and values Deaf culture and membership in the Deaf community.

**decoder**

A device which, when attached to or built into a television, translates the electronic signals of closed captioned video program into words printed on the screen along with the rest of the video images.

**hard-of-hearing individual**

A person who has a mild to moderate hearing loss. The term "hard-of-hearing" is generally preferred to "hearing-impaired" in the deaf community.

**interpreters**

Individuals skilled at translating spoken communication into either sign language or clear oral speech. **Sign language interpreters** are skilled at translating the meaning of spoken language into sign language and translating sign language into spoken words. **Oral interpreters** silently mouth a speaker's words for a deaf person who communicates primarily by using spoken language and speech reading. They use no sign language and are skilled at making substitutions for words that are difficult to speech read. Oral interpreters are used by very few deaf people.

**late-deafened adult**

An adult who loses hearing after acquiring speech and experiences a significant life change as a result.

**TDD**

Telecommunications Device for the Deaf. See TTY.

**telecommunications relay service**

A service that allows persons who have hearing or speech disabilities to communicate with those who use standard telephones by the aid of a "communications assistant" or "relay operator." The communications assistant reads TTY input to the telephone user and types back the telephone user's spoken response so the TTY user can read it.

**text telephone**

See TTY.

**TTY**

A device with an electronic text display and a keyboard that allows persons with hearing or speech disabilities to have a visual, two-way telephone conversation. "TTY" is preferred to "TDD" or "text telephone" by many members of the deaf community.

**visual warning signal**

A flashing or revolving light that draws deaf patrons' attention to audible signals such as fire alarms or public announcements.

**Also Submitted for the Record**

Also Submitted for the Record, but not reproduced in this report is the following publication:

- *Revised Standards and Guidelines of Service for the Library of Congress Network of Libraries for the Blind and Physically Handicapped*, 1995. Chicago, Illinois: American Library Association, Association of Specialized and Cooperative Library Agencies, 1995.

The introduction is reproduced below.

**Introduction**

**Audience**

The audience for these standards are participants in the national cooperative network of libraries serving the blind and physically handicapped. Individuals, as users of the service and as citizens serving in advisory capacities, as well as related consumer organizations and agencies serving a

similar public are valued and vital participants in the network. Organizationally, the network consists of the Library of Congress, National Library Service for the Blind and Physically Handicapped, Regional Libraries, Subregional Libraries, and Multistate Centers. Also included are those agencies responsible for the administration and funding of network libraries such as state libraries, public libraries, commissions and other public or private organizations. The individuals represented in this group are responsible for improving and expanding the level, quality and scope of library service received by registered users.

### **Purpose**

The purpose of these standards is to improve library services for individuals who are eligible for library services for the blind and physically handicapped. They can provide a basis for evaluating the status of existing service and contribute to the development of strategic plans. It is important that network libraries are committed to working towards these standards. It is equally important that each network library have the essential flexibility to work within the context of local needs, policies, and resources. The variety and relative volatility of local conditions are such that it is important for the standards to provide goals for network libraries. Implementation plans developed reflecting local circumstances have greater opportunity for acceptance and success.

### **Scope**

The scope of these standards is similar to that of the 1984 standards. They address core library services for blind and physically handicapped individuals as provided through LC/NLS and the cooperating national network. This core service is the provision of informational and recreational books and magazines in special format and accompanying audio playback equipment, accessories, and materials to adults, young people, and children who are unable to use standard printed material as a result of a visual or physical handicap or of a reading disability. These are the primary and universal services offered by network libraries, and the ones to which the standards apply. Network libraries are encouraged to give these services and functions priority as they mobilize and allocate resources.

The services addressed by these standards do not reflect a full range of library service, nor do they attempt to set standards for library agencies other than those designated as network libraries. This is not to suggest that network libraries and other types of libraries do not offer or do not have an obligation to provide or make accessible other kinds of library service to individuals with disabilities. Network librarians have the responsibility to provide these core services and to develop related services for their constituency in accordance with local resources and in response to local needs.

The ADA, in affirming the rights of individuals with disabling conditions to participate in all aspects of society, has had a significant impact on the environment in which this service is provided. The impact of ADA, especially in the context of technological advances, is expected to continue enhancing physical and intellectual accessibility. The scope of ADA is greater than that of these standards and it is supported by the force of law. Consequently, these standards do not attempt to recreate the implementation of ADA, but rather to encourage compliance with the law.

Technology and its impact on the environment have respectively changed and increased even since the start of this project. Because both technologies and their longer range influence are evolving rapidly and are not possible to predict, these standards encourage network libraries to investigate and use technology to benefit service to patrons. The standards do not attempt to specify a particular device, system or format. To do so could lock network libraries into outmoded and unproductive efforts and render the standards out of date very quickly.

## **Methodology**

The project to revise the national standards for the Library of Congress network of libraries for the blind and physically handicapped is a joint project of the Association of Specialized and Cooperative Library Agencies (ASCLA) and of the Library of Congress, National Library Service for the Blind and Physically Handicapped (LC/NLS). Following a competitive bid process, the project officially began in January 1993 with completion schedule for the spring of 1995.

A hallmark of the process was the unprecedented effort to provide opportunities for service providers and consumers to have input on the development of the document for the duration of the project.

The project Advisory Committee was selected as representative of national consumer groups and primary service providers. Efforts were made to ensure both constituency and geographic representation. Members of the Advisory Committee represented their constituency groups at meetings of the Committee. Each worked to distribute project documents to and solicit responses from the groups represented. Serving with the Advisory Committee were liaisons to both the ASCLA Board of Directors and the ASCLA Standards Committee.

The project Working Team consisted of two representatives of the network and the Project Director. This group was responsible for the development of the standards document and for the conduct of the project. The Working Team worked closely with the Advisory Committee and the liaisons and focused its attention on soliciting and analyzing audience input to the project and to content development.

At the beginning of the project in January 1993, the Advisory Committee met with the Working Team. The product of this meeting was the project's Working Paper. This document was not presented as a set of standards, but rather a statement of the philosophical basis on which the standards would be developed.

The Working Paper was distributed nationally in March 1993 to consumer groups and network regional libraries, subregional libraries, funding and administrative agencies, and state library agencies. The document was made available in traditional print, recorded cassette, and Braille disk and paper formats for review and comment. It should be noted that every document developed in the course of the project was distributed to these groups in these formats. Additionally, service providers were encouraged to find ways to further distribute and discuss all project documents at the local level. The Working Paper was presented at the spring meetings of three of the network's regional conferences and at an open hearing held during the ALA Annual Conference in New Orleans. Response to the Working Paper was considerable from both consumers and service providers, both in writing and orally.

Based on the audience response to the Working Paper, the Working Team developed the first draft of the standards which was distributed in October 1993. A significant amount of time for input was available to the audience at this stage. The Working Team continued to accept comment as they developed the second draft of the standards. There was considerable exchange between Working Team members and the various constituencies right up to the finalization of the second draft. This document represented important changes on audience input.

The second draft was distributed in May 1994. In addition to encouraging and receiving many written comments from service providers and consumers, the Working Team moderated two critical hearings: The LC/NLS biennial National Conference held in May 1994 in Denver and the ALA Annual Conference held in Miami in June 1994. During this phase, written responses and verbal comments

and discussions made it clear that the second draft had been read carefully and that people had taken the time to consider thoughtfully the document, the issues, and the final outcome.

When the Working Team came together in September 1994 to turn the second draft into the final document, it recognized the significance of the second draft and the need to make important shifts in the final draft. Because constituency input was such a strong component of the process, the Working Team requested that both ASCLA and LC/NLS support distribution of a third and final draft. Both ASCLA and LC/NLS agreed to support this additional activity, even though a third draft and response phase was not part of the project as originally outlined.

This third draft was distributed in September 1994 with a response deadline of October 1994. While the time line on this turnaround was short, it was felt that the audience was familiar with the project and the content of the document. Also, the final meeting of the Advisory Committee was scheduled for early November 1994, and some time was needed to analyze and incorporate comments in order to present a final draft to the Committee. Again, the Working Team was gratified with the number, quality, and depth of the comments received on the third and final draft.

At its final meeting in Chicago, the Advisory Committee reviewed project progress to date and addressed or re-addressed major issues raised by constituencies during the course of the project. Committee members reaffirmed constituency comment on the extent to which audience input had been incorporated in document development. The Advisory Committee passed a resolution in unanimous support of the final document.

The standards document was presented for final review and approval at the ALA Midwinter Meeting in February 1995. The document received the unanimous approval of the ASCLA Standards Advisory Committee, the ALA Standards Committee and the ASCLA Executive Board.

## **2. Supplemental Material from Audrey J. Gorman**

*[Ms. Gorman's testimony begins on page 10 of this publication.]*

### **Written Testimony of Audrey J. Gorman**



U.S. National Commission on Libraries and Information Science (NCLIS)  
Hearing on Library and Information Services for Individuals with Disabilities  
July 8, 1999

The Kellogg Conference Center  
Gallaudet University

Testimony of Audrey J. Gorman, Director, Roads To Learning,  
Representing the American Library Association (ALA) and the  
Association of Specialized and Cooperative Library Agencies (ASCLA), a division of ALA

Mrs. Simon, other members of the National Commission, Mr. Willard, representatives of the library and disabilities communities, ladies and gentlemen:

Good morning! I am Audrey J. Gorman, Director of Roads To Learning. The Public Libraries Learning Disabilities Initiative, a national project administered by the American Library Association (ALA). I come before you to talk about library services and people with learning disabilities in particular, with a brief note on library services and people with disabilities in general.

I base my comments on what I've learned during my nearly thirty years as a librarian. I bow to the specific expertise of those in this room who have worked in the area of service to people with disabilities for many more years than I. I also come to you as a person with a hidden disability. I was diagnosed last November with clinical depression, which has put anew perspective in my work. As a friend has reminded me, "We are all only temporarily able."

### **Roads To Learning**

In 1995, the Emily Hall Tremain Foundation approached ALA with the results of a survey conducted by Roper-Starch International to assess the knowledge and attitudes of Americans about learning disabilities (LD). The findings confirmed the expected negative attitudes, based largely on misinformation about LD. A primary misconception was that people with LD are mentally retarded. Tremain came to ALA because over 50 percent of the respondents said they would go to their local library for information about LD. The Tremain Foundation asked, essentially, "Are libraries ready for those questions? Would you write a proposal designed to get information about LD to the public through public libraries?" The answers were, "No, probably not," and "Yes, we'd love to do a proposal."

Roads To Learning came into being as a result. The initiative is now in its fourth year of funding from the Tremain Foundation. We sent our Library LD Resource packet to all public libraries in the country in 1997 and continue to fill requests for it almost daily. We answer questions from libraries of all types and direct individuals to appropriate resources. This year we introduced "Top 20 LD Resources for Libraries," a short, basic list. We've also built a web page and Internet discussion list on the topic of LD and libraries, placed numerous articles in library and LD community publications, and conducted training around the country. The need is great and we're just beginning to make real headway.

### **About LD in America**

Learning disabilities affect fifteen percent (15 percent) of the U.S. population, or about 39 million Americans. They are neurological differences in the way the brain processes information, and may affect a person's ability to read, write, compute, and perform other essential life tasks. Eighty percent (80 percent) of learning disabilities are reading disabilities. Here are a couple of statistics that give an idea of the impact of LD on our society: 50-80 percent of people in adult literacy programs probably have LD, as do 60-80 percent of the people in our country's correctional facilities, including juvenile institutions. LD has deep, broad social and economic costs. But you can't see learning disabilities. They're invisible. So, too often, are the people who have them: Invisible, and not helped as a result.

Look beyond the personal devastation for the individual with LD. Consider the family, parents, siblings, friends and spouses, bosses and co-workers. Excellent research has been done and is still

going on. It has some answers and some other questions to explore. But little information is getting to people. That's where libraries come in, or at least where we should, for people with LD and other disabilities as well.

### **The Role of Libraries**

I think we would all agree that libraries, all types of libraries, exist to serve their communities. They strive to provide resources and services to meet community needs. But, as a profession, with a few glowing exceptions, we're not meeting the needs of people with disabilities. Let me give you a few impressions from the field and the implications I see.

### **Have Information and Let the Public Know**

I received a phone call from a mother in Georgia. She needed to know what school districts are required to do for a child who is classified as needing special education. Another call came from a woman in California whose aging mother is going blind, but loves to read. She wanted to know about sources of large print books and other options. In both cases, help was closer than Chicago. The experience of both of these people underscores the need not only to have reliable information in libraries, but also to let people know it's there. We are not doing a great job on either score when it comes to people with disabilities.

### **Library Staff Sensitivity and Training**

At a conference of the Learning Disabilities Association, a man buttonholed me in the hall after a meeting. "I am glad to see someone from the libraries here. I have a story I think you need to hear," he said eagerly. "I read avidly. I'm also severely dyslexic, so I read very slowly and laboriously. It's still worth it to me, but it's not easy or quick. Recently, I approached the circulation desk at my library and asked to renew a book for the second time, since I hadn't quite finished it. The person behind the desk said, 'You should have finished that by now!' It's a good thing I love books and my library. I still go back. But it hurts when I think about it. Just thought you should know, in case you can help librarians understand."

I thanked him and chatted with him a bit. He was bright, funny, and very concerned that library people understand what an off-handed remark, not meant unkindly, could do. I assured him that I would use his story as often as possible, and I do. It underscores the value of good, basic customer service training for all library staff, not just librarians. With regard to LD and other disabilities, it shows the need for more knowledge and sensitivity on the part of people who works in libraries.

Suppose you walked up to the reference desk at your library and were told you needed to go to a 'special facility' or wait until a 'qualified' person could help? Historically, when someone has a disability or appears to have one, it's been OK to refer him or her to the Talking Book Library or to have only one person on the staff that deals with 'the handicapped.' Both our language and our actions betray us as behind the times. It is not OK, as a human response, as a response to a customer, or legally, in light of ADA and related legislation.

I've asked library folks if they feel comfortable dealing with people with disabilities. Most hesitate, and then admit that they're not, though they would like to be. It gets increasingly uncomfortable as people with disabilities are more visible and asking for the same service everyone else gets. We need a major, comprehensive training effort aimed at improving service to people with disabilities. It needs to go beyond one-shot 'sensitivity training' or awareness sessions. We need to give people practical, basic information and skills training, of course. Then we need to follow through with time and support so they can test their new knowledge and practice the skills. Practice doesn't change after just one session or without help.

### **Policy and Administrative Decisions**

An attendee at one of my programs got really excited about the wording on a slide that clarified libraries' responsibility to provide service solutions, not just bricks and mortar fixes, under ADA. "I need to have a copy of that to show my administrator," she said. It's a story that I hear frequently. The staff member understands what's needed, but hits administrative roadblocks to change. Administrators may see LD and other disabilities as a marginal issue, minimal response as OK, and separate service as acceptable.

It's time to look at the mostly unwritten policies the library community applies to people with disabilities. It's time to have wide, policy-level discussions of the library implications of the Americans with Disabilities Act, the Internet accessibility issues raised by the World Wide Web Consortium (W3C), Section 508 of the Rehabilitation Act of 1973, and related things. It's equity of access issue, it's a literacy issue, and it's an intellectual freedom issue.

### **Models, Options, and Money**

Some people indicate that they would love to serve people with disabilities, but it's too costly. There's a lot of misinformation about the costs of making library services accessible and about what constitutes 'accessible.' We need widely disseminated models, based on research, good practice, and common sense, anchored in the principles of universal design. We need to explore options together since one size doesn't fit all, but we must serve everyone equitably. And, of course, we need to be sure that funds are allocated, including grants from all sources, formula-driven distributions, and money from local budgets. Once some models exist, people will need help to get 'access for all' projects off to a good start.

### **Technology and Access**

The uses of technology in serving people with disabilities must be modeled. Technology holds vast promise, but people, including library people, don't know what to do and what not to do. Technology badly handled can shut down access for people with disabilities, including LD. For example, a graphically heavy web page with frames and non-standard HTML tags can be incomprehensible to some browsers commonly used by people who are blind.

As library professionals and advocates, we need to make sure that technology we put in place is really delivering better access for all. It would be sad and ironic if we unwittingly denied access to large portions of our community instead of ensuring it. We need technology policy that includes people with disabilities. We need to get the technology into libraries, or at least lay out a plan for doing so. We need training for all library staff so they can help everyone who needs assistance with using the technology. We need to get the word out that we're ready and willing to help everyone ... and truly mean it.

### **Summary**

People need information about disabilities. Libraries are ideal providers of this information. To get there, libraries need:

- To provide information for and about people with disabilities
- To get better at letting their communities know what's available
- To ensure knowledgeable, sensitive staff through ongoing training
- To adopt service-oriented policy that applies to all people



- To incorporate models of service that consciously include people with disabilities and make the best use of available technology
- To allocate funds to efforts toward 'access for all'

The National Commission on Libraries and Information Science has taken the first step in this direction by conducting this hearing. Thank you for your interest and your efforts, as well as the opportunity to testify today. I will supply written testimony and attachments by the deadline indicated. I look forward to working with you and the rest of the library community on the tasks ahead.

### **Disabilities, Society and Libraries [A Fact Sheet]**

#### **DISABILITIES, SOCIETY AND LIBRARIES Societal Needs and Rationale**

##### **General Facts**

- A minimum of 54 million Americans, or 20.6 percent of the U.S. population, have disabilities (U.S. Department of Commerce, 1994).
- At least 39 million Americans (15 percent) have learning disabilities.
- A recent redefinition proposal would put the numbers of Americans with disabilities well above 100 million.

##### **Legislative and Legal Framework**

- 1968: The Architectural Barriers Act required that Federal facilities be accessible.
- Pre-1970: Burden of disabilities rested on the individual.
- 1973: The Rehabilitation Act of 1973, including Section 504, was modeled on the Civil Rights Act of 1964 and introduced a civil rights perspective and sociopolitical policy model. For the first time, in Section 504, discrimination against people with disabilities was barred in federally funded programs.
- 1975: The Developmental Disabilities Assistance and Bill of Rights Act (PL 94-103) extended the government's range of support services and established demonstration and training grants.
- 1975: The Education of All Handicapped Children Act (PL 94-142) mandated education in the 'least restrictive environment' and planning based on the needs of the individual.
- 1988: The Technology-Related Assistance for Individuals with Disabilities Act (PL 100-407) defined the benefits of technology and encouraged states to develop consumer-responsive statewide programs of technology-related assistance and increase availability of funding.
- 1990: The Americans with Disabilities Act (ADA) was passed, "To establish a clear and comprehensive prohibition of discrimination on the basis of disability." Libraries are covered under its provisions, which consist of five titles: Employment, Public Services, Public Accommodations and Services Operated by Private Entities, Telecommunications, and Miscellaneous.
- 1996: The Department of Justice ruled that state and local governments and the business community must provide effective communication whenever they use the Internet. This rule applies to libraries using the Internet for communication about their programs and services (9/9/96, 10 NDLR 240).

- 1997: The Individuals with Disabilities Education Act Amendments (IDEA) strengthened academic expectations and accountability for the nation's 5.8 million children with disabilities and bridged the gap that has too often existed between what children with disabilities learn and what is required in regular curriculum. This impacts expectations of school library media centers directly and will affect overall community views of service as well.
- January 1998: The U.S. Department of Education Office of Civil Rights, after surveying all California community colleges and libraries to address technology issues for people with disabilities, directed that college systems ensure that their campus and library web pages be accessible.
- August 1998: Section 508 was added to the Rehabilitation Act of 1973, calling on Federal agencies to make computer and Internet systems accessible to Americans with a wide range of disabilities. All Federal agencies must conduct self-evaluations. Vendor products and web sites must be accessible.

### **Other Significant Developments**

- 1998-1999: The U.S. Access Board, the Federal agency charged with implementing the Americans with Disabilities Act of 1990, works on standards for access on government and government-affiliated web sites. These standards are to be completed by February 7, 2000.
- FY 1998: The Office of Civil Rights of the U.S. Department of Education handled 4,847 complaints, about 60 percent of which dealt with discrimination on the basis of disability (Section 504 and Title II).
- July 1999: The National Commission on Libraries and Information Science (NCLIS) held a hearing on *Library and Information Services for Individuals with Disabilities* on July 8, 1999 at the Gallaudet University in Washington, DC.
- Universal design on the Internet is being championed by the World Web Consortium (W3C), an independent international group that has approach ALA to support its efforts.

### **Implications for the Library Community**

Libraries share with other institutions providing public services the legal and moral responsibility for responding to ADA and related legislation. Accumulating legal opinions bring the threat of litigation into sharper focus. Recent challenges to the information access restrictions at the New York Public Library and the Chicago Public Library indicate that interest goes beyond academic settings.

Christopher Lewis, writing about "The State of the Art in Assistive Technology" in the 1994 LITA monograph, A Directory of Adaptive Technologies to Aid Library Patrons and Staff with Disabilities, speaks of ADA as a mandate. He observes that it requires "businesses and institutions to provide people with disabilities with equal access to all services and activities available to the public and to provide reasonable accommodations to qualified job applicants to enable them to perform duties required in a position." (p. 12)

Dennis Norlin, in the same publication, describes the requirements of Title III of the Americans with Disabilities Act, "Public Accommodations and Services Operated by Private Entities." He says, "...the thrust of each requirement is positive—to make accommodation, to find alternatives, to provide adaptive equipment and techniques so that all potential patrons will have full use of the library's resources and services." (A Directory of Adaptive Technologies To Aid Library Patrons and Staff with Disabilities, p. 10.)

In concluding the section called "The Law: Letter and Spirit," Norlin sums up:

Libraries share with all other 'public accommodations' the responsibility to respond to the ADA to the best of their ability. Like many other institutions in our litigious society, however, libraries may tend to adopt a defensive posture in response to ADA, seeking to define the limits of their responsibilities.... There are strong reasons for libraries to adopt a proactive, creative effort to fulfill not only the requirements but also the spirit of ADA.

ADA does not stand-alone; America has a long history of legislative attempts to more fully include people with disabilities in the mainstream of American culture and society. As fundamental democratic institutions of our society, America's libraries, public, academic and special, should be leaders in demonstrating creative and thoughtful ways to encourage that inclusion. This Directory should help libraries, even libraries with very limited budgets and resources, to take steps in the direction of full inclusion of persons with disabilities on their staff and as their patrons.

### **Challenge to Public Libraries and Learning Disabilities Professional [A Press Release]**

**Roads To Learning**  
The Public Libraries'  
Learning Disabilities Initiative

**FOR IMMEDIATE RELEASE**

Contact: Audrey Gorman  
Voice: 312-280-4027  
Fax: 312-944-8085  
E-mail: agorman@ala.org

#### **Challenge to Public Libraries and Learning Disabilities Professionals**

Fifty-one percent (51 percent) of respondents in a 1995 Roper-Starch national survey said that they would go to their public library for information about learning disabilities (LD). Some libraries and LD professionals have recognized and are responding to this need in their communities. Roads To Learning, the Public Libraries' Learning Disabilities Initiative, challenges all libraries and LD professionals to join forces and make more and better LD information available to library users nationwide.

A formal survey and informal inquiries by Roads To Learning (RTL) indicate that many libraries around the country have inadequate or outdated materials and few specific services. Most library staff are surprised when they discover that at least 15 percent of the people in their community have learning disabilities and that LD is covered under the Americans with Disabilities Act (ADA). RTL's "Top 20 LD Resources for Libraries" is designed to help by recommending key collection building and reference resources from experts worldwide.

In March 1998, a national public awareness effort on learning disabilities was launched by the Coordinated Campaign for Learning Disabilities and the Ad Council. National TV, radio, and print ads are now in one thousand key media markets. The tag line is "There's no reason to be held back." The campaign will increase interest in LD and spur parents, teachers and others to seek more information.

In July 1998, Roads To Learning sent partnership packets containing valuable LD resource information to state and local chapters of the Learning Disabilities Association and the International Dyslexia Association. They were asked to approach local libraries, use the packet resources, and create partnerships to improve library collections and services for their areas. Libraries are

encouraged to embrace these opportunities. In addition, libraries are challenged to seek out the local chapters of LD organizations and initiate partnerships.

For LD organization contact information, "Top 20 LD Resources," the Local LD Partnership packet, or help from Roads To Learning, contact Audrey Gorman, Director, Roads To Learning, 50 East Huron Street, Chicago, IL 60611 E-mail: agorman@ala.org Voice: 1-800-545-2433, ext. 4027. And let us know what you're already doing, too.

### **Local LD Partnerships: A Real-World Example [from] Ridgewood, New Jersey**

#### **Local LD Partnerships: A Real-World Example Ridgewood, New Jersey**

**Volunteer:**

Susan Doyle, Parent of LD children and past President, Special Services Home and School Association for Local School District

**Partner:**

Nancy K. Greene, Director  
Ridgewood Public Library  
125 N. Maple Avenue  
Ridgewood, New Jersey 07450  
(201) 670-5600

#### **Collections**

When Susan Doyle, local parents, and educators looked for LD information at the Ridgewood Public Library, the material they found was not adequate or current. Susan approached the library director, Nancy Greene, and volunteered to chair the Roads To Learning Initiative at Ridgewood. Together, Susan, Nancy and other volunteers worked to raise \$8,500 to purchase and launch a collection of resources for special needs.

#### **PR**

Susan and Nancy appealed for the financial and volunteer support of their community through a personal letter campaign and by inviting prominent special needs educators and experts to speak at library fundraising events. Fundraisers issued event announcements and posters and asked librarians, local educators and LD organizations to officially spread the word.

#### **Programs**

In addition to hosting LD speakers, the Ridgewood Public Library is developing a series of outreach/education meetings for parents and anyone interested in learning about special needs, LD, and the resources available to them. They also plan to offer storytelling sessions for children with LD.

The Ridgewood Public Library has developed an extensive, updated LD resource bibliography and video list that is distributed in the library and local schools. The bibliography recommends accredited resources and collection-building materials by several of the speakers who have visited Ridgewood as well as by LD experts worldwide.

Thanks to the huge success of their partnership program, Susan, Nancy, and the Ridgewood Public Library have raised over \$9,000 and are well on the way to meeting their goal of \$10,000.

## **Local LD Partnerships: A Real-World Example [from] Kansas City, Missouri**

### **Local LD Partnerships: A Real-World Example Kansas City, Missouri**

#### **Volunteer**

Susan Long

Learning Disabilities Association of Missouri (LDA of Missouri)

Independence, MO

*readingrx@discoverynet.com*

#### **Partner**

Kansas City (MO) Public Library

311 East 12<sup>th</sup> Street

(816) 701-3400

#### **Collections**

KCPL "had all the basics," including Rick Lavoie videos, when Susan checked their against the Roads To Learning resources lists. At a meeting at the main library, she commended staff on the number of LD materials the library already held. She offered the RTL materials they didn't have. She doesn't know the number, but the library has been ordering missing items.

#### **PR**

When Susan puts out news releases for LDA of Missouri or gets stories on the local she always mentions the library as a resource for information on LD. She actually library phone number! She says that TV is best, particularly since many people read well and may not see print ads or articles. As a result of one TV news story, LDA of Missouri received 300 phone calls.

#### **Programs**

Susan calls the library "a wonderful place for [an LD] learning group to meet." her LDA group holds a support/informational meeting at the library. "The meetings must be consistent in day, time and place, so people know in advance and can plan to come. But people will not drive a long distance" for such meetings, Susan observes, so a number of volunteers are used in order to have meetings in different branches. The sessions are one hour long and are open to the general public.

Most attendees at the meetings are parents. Topics for repeated series include math, reading, social skills, written expression, and advocacy. Bibliographies are provided that the pertinent resources held by the library. Because many parents must bring their children with them to the one-hour programs, child care or story hours are offered at the same time. Sometimes the children's groups, peer tutoring, or stories are facilitated by LDA volunteers, sometimes stories hours are conducted by the library staff. The children of LDA form the core audience, but the children's sessions are also open to the general public.

## **Partnership Pays [Announcement of the 1999 Roads To Learning Program at the ALA Annual Conference]**

### **Partnership Pays**

Are you and your library ready for the question from your share of the 39 million Americans who have learning disabilities? How about the ones their families, bosses, spouses and service providers

need answered? Do you need some money to jump-start a resource development idea? Come find out about some solutions at "Local Partnerships: Libraries and Learning Disabilities."

Audrey J. Gorman, director of Roads To Learning will describe the "Local LD Partnership Initiative" launched last summer with the International Dyslexia Association and the Learning Disabilities Association of America. Its purpose is to help form partnerships between libraries and LD organizations that will ensure local resources tailored to the needs of the community.

The highlight of the program will be "partnerships in New Jersey: Ridgewood Roads To Learning." Find out how over \$8,500 was raised to launch a collection of resources on special needs. Hear Susan Doyle, past president of the Special Education Home and Schools Association and Chair of the Library Roads To Learning Initiative, and Nancy K. Greene, director of the Ridgewood (NJ) Public Library talk about their experience. They'll discuss the evolution of the partnership, the evening kickoff during National Library Week and other promotion and marketing ideas. Ask them questions that will help make your own ideas reality.

Audrey Gorman will finish up with a sampler of other partnerships around the country and a give-and-take session about "LD Action for Libraries."

Please join us at the fourth annual Roads To Learning program at the ALA Annual Conference:

**Local Partnerships:  
Libraries and Learning Disabilities**

1999 ALA Annual Conference  
New Orleans, LA

Sunday, June 27, 1999  
2:00 - 4:00 p.m.

Ernest N. Morial Convention Center Room #227

**Also Submitted for the Record**

Also Submitted for the Record, but not reproduced in this report are the following materials:

- Roads To Learning Collection: Books & Media Supporting Learning Differences. Ridgewood, NJ: Ridgewood Public Library. Spring 1999.
- Your Library, Your Community, and Learning Disabilities. Handout from a presentation by Audrey Gorman at the Pennsylvania Library Association Conference, November 8, 1998.
- Roads To Learning Resource Packet, including Top 20 LD Resources for Libraries, 1999; Internet Resources for Learning Disabilities and Related Topics, April 1999; LD Action for Libraries, A Quick Tip Sheet, January 1999; Project Overview; Roads To Learning National Advisory Board; Learning Disabilities: Definition and Examples; Learning Disabilities: Common Signs; National Organizations and Resources; Learning Disability Resources for Public Libraries (an annotated bibliography); Resources: Parent, Teacher, and Staff Training Videos (an annotated bibliography), revised January 1998; Tips for Children's Librarians; The Reference Interview: A Common-Sense Review; General Programming Tips; Tip Sheet for LD Organizations: How to Approach Your Local Library; and other materials.

- Coordinated Campaign for Learning Disabilities Resource Packet from Communication Consortium Media Center, Washington, DC, [www.ldonline.org](http://www.ldonline.org).

### 3. Supplemental Material from Bonnie O'Day

*[Ms. O'Day's testimony begins on page 13 of this publication.]*

#### **Written Testimony of Bonnie O'Day**

##### **Introduction**

Thank you very much for this opportunity to speak to the need for access to library services for individuals with disabilities. I am a member of the National Council on Disability, a small federal agency established to offer advice and consultation to the President and the Congress on issues related to the millions of people with disabilities in the United States.

Additionally, I am a user of both specialized and mainstream neighborhood library services. I would like to offer specific testimony on physical and communication access to library services. Plans for new construction and information access, implemented with an eye toward maximizing inclusion of individuals with disabilities as regular library consumers and in compliance with federal and state laws, will go a long way toward making community libraries more accessible to residents with disabilities.



##### **Physical Access to Public Libraries**

Many library buildings in the United States are still not accessible to individuals with disabilities in even the most rudimentary way. We applaud any efforts by federal, state, and local governments to bring libraries into the 21st century by funding renovations to include access. While state and federal access codes for construction and renovation clearly spell out access requirements, inclusion of individuals with disabilities from the local community is an essential component of any access planning or self-study process.

People who need physical access modifications are often in the best position to recommend structural priorities, and to formulate ready solutions to seemingly complex problems. Centers for Independent Living or other local disability consumer organizations generally welcome such involvement. Local disability organizations can also provide disability awareness training for library staff as an essential component of access. However, library staff should ensure that any disability organization or individual used as a consultant or trainer is well versed in the Americans with Disabilities Act and state access requirements. Many of the state affiliates of the National Library Service for the Blind and Physically Disabled also have information and resources.

##### **Information Access**

Until recently, blind and visually impaired people have had to rely on braille or taping services, or find someone willing to read printed material aloud. All of this has changed with the advent of the computer and telecommunications! With the aid of screen reader software and speech output equipment, a blind person can now access computerized print information almost as readily as someone with vision. Design of an accessible system and purchase of some auxiliary, adaptive equipment is generally all that is required.

Electronic information systems that use both a text-based system with word menus and keyboard commands, and a graphical user interface (GUI) with icons and a mouse provide the most effective access for people with all types of disabilities. While GUI systems have grown in popularity and are considered easier to use for those who can see, a text-based interface remains essential for those who are blind. We therefore strongly recommend that any electronic library network include both keyboard and mouse access as options. Additionally, a work station at each library should include the access technology for scanning printed material as well as both large print and speech output. The one-time cost would be about \$3,500 per station. An extra work station would not be required, since the adaptive equipment can easily be turned off when not in use. Technical assistance for the development of accessible systems can be found at [www.trace.wisc.edu](http://www.trace.wisc.edu).

Some blind and visually impaired persons have computer and telecommunications equipment at home, and could access a library information network by modem. While not a substitute for access at the library, modem access would allow a person who already has this equipment to work from home, eliminating the need to travel to the library or to become familiar with new equipment. For these reasons, we recommend that dial-in access be included as library network systems are developed. It is our understanding that modem access is generally not technically difficult to implement. We further recommend that priority be given to adding full text documents, not just catalog information, to the system, eliminating the need for someone to retrieve and read the material to the person.

### **Closing**

In closing, people with disabilities should be considered a primary underserved constituency of public libraries. While the specialized talking book services offered by the National Library Services are essential, they are no substitute for access to mainstream library programs.

Thank you for your consideration of my comments. Please feel free to contact me or representatives of the National Council on Disability for further assistance.

### **4. Supplemental Material from Elbert "Elbie" N. Yaworsky**

*[Mr. Yaworsky's testimony begins on page 18 of this publication.]*

### **Written Testimony of Elbert "Elbie" N. Yaworsky**

The opportunity to address the U.S. National Commission on Libraries and Information Science (NCLIS) is both an honor and a privilege. The location of this committee meeting at the Gallaudet University has a very special meaning to me personally. I am the second of three hearing children born to deaf parents. In that regard, it is quite an honor to be given an opportunity to share my personal views about assistive technology in an educational environment that my parents held in their highest esteem. Secondly, the privilege is surrounded by the opportunity to share my personal observations about assistive technology that I have gained during the past eighteen months. Over the past three decades I have been an information technologist and spent nearly fifteen of those years with Digital Equipment Corporation. I am currently the Director of the Electronic Information Network (EIN).

The EIN provides information technology support for seventy (70) library sites in Allegheny County (Western Pennsylvania), including the Carnegie Library of Pittsburgh's twenty (20) locations. The EIN supports more than twelve hundred (1200) information appliances (PC's and Thin Clients) and contains more than three million (3,000,000) catalog items in support of the seventy participating



libraries. A ten million (\$10,000,000) dollar capital investment was required to create this very comprehensive library support system. A current member of your committee, Frank Lucchino, was one the visionaries behind this extremely significant regional investment in Western Pennsylvania that has been and is still supported by county government and the foundation community.

I hope this oral testimony will help to provide some insight into the complex issues of the deployment of assistive technology and the need to support all user communities. The major topics that are covered include: the Phase I and II of the EIN assistive technology plan, software license costs, exorbitant hardware prices, personal user experiences, and touch screen pilot projects.

The EIN is currently in the second phase of assistive technology deployment for individuals (senior citizens, visually impaired, and blind) that require minimal to complete vision support systems. The first phase included deployment of large monitors at each library site and the piloting of enlargement and speech support systems that included a combination of both software and hardware solutions. The testing of those various systems by the visually impaired community was critical to help set the future direction of the deployment of the second phase of these technologies.

The second phase of the EIN assistive technology plan is supported in part by an LSTA grant and capital dollars from the EIN. The second phase includes the establishment of five regional LSTA Support Centers (North, South, East, West and Central (City of Pittsburgh)) that will provide a wide array of vision support systems including large monitors, screen enlargement, text scanning, text to speech, Braille display, speech input and embossed output devices. The first of the five centers, located at the Carrick branch of the Carnegie Library of Pittsburgh, will be operational in July of 1999. Prior to the deployment of the next four centers, the EIN will evaluate the effectiveness of the Carrick LSTA Support Center from both a user and staff perspective. These customer service enhancements will be integrated into the next four regional LSTA Support Centers. These next four centers will be installed during the fall of 1999.

The visually impaired community will receive training at each of the LSTA Support Centers in cooperation with local organizations that deliver this specialized training. There are also five training/classroom labs located throughout the EIN that deliver traditional patron and staff computer automation training. During the fall of 1999, each of the existing technology training labs will have at least one assistive technology desktop for screen enlargement and speech support systems. This will enable visually impaired patrons the opportunity to participate in traditional training classes.

Assistive technology solutions are largely dependent upon dedicated information appliance (PC's) devices. The EIN screen enlargement application platform of choice must be installed on each individual PC. When an individual PC malfunctions, due to hardware and/or software errors, a new unit must be deployed to replace that individual desktop and the software must be reloaded. This single point of failure for each individual desktop is a very time consuming support process.

The movement of the functionality of the screen enlargement application to a client/server platform would help eliminate this single point of failure at the desktop device. This would be true for screen enlargement and all assistive technology applications that deploy client/server based computing solutions. The functionality for a specific software application would not reside on a particular desktop but on the server that supports multiple library sites and desktops. The assistive technology software market is moving in this direction but is still several quarters away from implementation.

The current software license strategy, which assigns individual copies of enlargement software tied to individual PC's, must be changed. The common software industry practice of selling simultaneous use

and unlimited use site licenses are the essential elements that should be supported technically and financially by all assistive technology software solution vendors.

Site license support can also be delivered by adding the functionality to each individual desktop. This 'site license' implementation will ensure that each individual desktop has a copy of the software application. The drawback to this deployment is that each individual desktop would also have to be upgraded to support new releases of the software. This maintenance process is quite time consuming in the absence very sophisticated software loading tools that maintain software on each desktop remotely. This remote loading of each individual desktop also requires a very robust network infrastructure.

The client/server software based solutions alternative integrates the new functionality and/or maintenance to a single copy on the server that will be loaded when required by each individual desktop. Simultaneous and unlimited use practices are currently in place for most software solution companies and are currently supported by the external database providers for full text search and retrieval software products that support the library industry.

The cost of enlargement software has been significantly reduced by 40 percent over the past twelve months. However it is still an expensive software purchase. The recent introduction of competitive products has forced a major price adjustment of these products. Market pressure will hopefully continue to drive down the cost of these products into a more realistic cost as it relates to comparable functional PC software based products.

At the beginning of January 1999 an EIN \$70,000 budget amount for enlargement software would have purchased only 70 copies of enlargement software (one for each of the seventy sites). Today it is very possible that a site license agreement can be reached to support all of the 1200 EIN desktops for that same budget amount. That is quite a dramatic shift in software license pricing for enlargement products.

The flexibility of simultaneous use license software products would support multiple copies of any software application loaded on demand to each individual desktop. This software functionality could be delivered to each of the library sites based upon demand and provides a cost-effective solution when site license costs for the same products are price prohibitive.

Site license purchases for assistive technology software products should be the preferred method of purchase whenever possible and as long as each individual desktop update is not a requirement of the site license implementation. The overall support to maintain each desktop will far exceed the initial site license cost.

As the EIN completed the purchase of the hardware equipment required for the first of five LSTA Support Centers, one very significant and unavoidable conclusion was reached. The cost of the various hardware peripherals and software packages required to support the assistive technology needs of the visually impaired community is extremely expensive. The cost of both the Braille display and Braille output devices were both over \$5,000 per device. In addition the scanning packages for both the blind and the learning disabled also approach the \$10,000 per product price range. A very large library technology consortium like the EIN, with the support of grants from the LSTA, is just barely able to begin to provide functional environments for our visually impaired patrons.

The outstanding question for us all is how could we possibly expect visually impaired individuals to invest the dollars that most of us would spend for the purchase of a new automobile into the purchase of the devices that help them communicate in this information rich society. We should begin to

examine the underlying technologies that are essential to the building of these special purpose devices. With that knowledge we should work exhaustively towards significantly reducing the cost of these underlying technologies or introduce competitive platforms that would force significant price reductions in the existing product offerings.

Over the past six months another event occurred in my personal life that continues to have me rethinking the things that we take for granted. After a serious accident my right shoulder required rotator cuff surgery. I did not have access to my right hand, and I had to rethink the functions that we all take for granted every day. Shaving with a blade with my left hand was out of the question but I was pleased to find out that electric razors had improved dramatically since I last tried them and shaving with my left hand was indeed possible. Putting in my contacts with my left hand was indeed out of the question but if I sat down on a chair and lifted my right hand in a passive motion with my right knee I could put in my contacts. I was limited to typing and using a mouse with my left hand.

Fortunately we were in the process of applying for another LSTA grant for assistive technology and quite logically the EIN has decided to pursue voice activated response systems for the next level of integration for assistive technology support.

A more immediate need was highlighted as a result of my personal experience and that was the frustration of the majority of senior citizens that visit our seventy library sites. I have personally witnessed their frustration with the existing user interfaces that assume an enormous amount of previous computer experience. We have progressed through very primitive to extremely modern user interfaces over the past three decades and have forgotten that most individuals have not had the opportunity to participate in that technology transition.

We have slowly progressed from command line interfaces to forms based interfaces to windows based interfaces and most recently to browser based interfaces. The one peripheral that is a challenge for most senior citizens and individuals with some learning disabilities is the operation of the mouse. I do not take the movement of a mouse for granted any more. Using a mouse with your left hand when you are right handed is quite a challenge.

I had several individuals convince me that if I used a large tracking ball in place of a mouse that the deficiency of my left hand would be improved. What I realized quickly was that the movement of the mouse was not the issue. The placement of the cursor on that very small and specific location on the screen and the subsequent point and click operations were the real challenge. Bigger mouse balls did not dramatically improve my ability to place the cursor on very precise location nor did it improve my ability to effectively initiate the subsequent commands.

The EIN has moved millions of catalog items into a very sophisticated library automation system and have removed the card catalogs that were so familiar to many of our patrons. We have not replaced the experience of searching the card catalog with a similar user interface but have required users to learn a new way to find the book that used to be so easy to locate in the old card catalog.

Touch screen technology will be piloted at the Carnegie Library of Pittsburgh with the cooperation of several senior citizen technology centers located in Western Pennsylvania. We are going to work with the senior citizens at the end of 1999 to develop a user interface that would recreate the card catalog experience without the need to use a mouse.

The greatest challenge for the new interface is the fact that most library automation systems can browse records in a forward motion but find it difficult, based upon the database design, to move backwards without significant performance issues. The classic card catalog interface allowed a patron

to start at any point and move forwards and backwards through the library collection on a drawer-by-drawer basis. We are planning to recreate that user experience to help empower the senior citizens and other users that struggle with the current user interface.

Most of the experiences I have described above are based upon a first hand experience. I believe that software and hardware information technologies can solve many complex information retrieval challenges. The most important challenge in front of us is to make sure that we do not forget the many communities of individuals that have special user interface requirements based upon their personal environment.

More importantly the EIN is also an employer of individuals with various disabilities. Our Call Center Specialist (Margaret Schmitt) is legally blind and uses both a large screen and enlargement software to manage over 80 calls a week and one of our Network Systems Analysts (Bryan Palumbo) is deaf. Both Margaret and Bryan have significantly contributed to the support of our complex technology environment.

Had Henry Ford not created the assembly line process, cars would have still been a luxury for most individuals. We need to rethink the production techniques and underlying technologies that are contributing to the exorbitant prices of these assistive technology physical devices and software products. Maybe it is time for a new Henry Ford to emerge in this market place and quite possibly the NCLIS could help launch such an initiative.

**5. Supplemental Material from James H. Wendorf**

*[Mr. Wendorf's testimony begins on page 23 of this publication.]*

**Written Statement Dated July 8, 1999, of James H. Wendorf**



**NATIONAL  
CENTER FOR  
LEARNING  
DISABILITIES INC.\***

Statement of  
James H. Wendorf  
Executive Director  
National Center for Learning Disabilities

U.S. National Commission on Libraries and  
Information Science (NCLIS)

Hearing on Library and Information Services for Individuals  
With Disabilities

July 8, 1999

Good morning, Chairperson Simon and members of the Commission. I am James Wendorf, Executive Director of the National Center for Learning Disabilities (NCLD), headquartered in New York City.

Thank you for the opportunity to testify before this Commission as you discuss the important issue of library and information services for individuals with disabilities. I am especially pleased to speak on behalf of the thousands of members of NCLD who are students, parents, adults with learning disabilities (LD) and educators. For more than twenty years, NCLD has committed itself to providing the public with up-to-date information about services and resources available to individuals with LD. NCLD also advocates for children and adults affected by learning disabilities. Additionally, we promote public awareness and understanding of LD and provide national leadership on policy making and best practices.

The goals we have set for our organization have direct application to the role and function of libraries. NCLD seeks to:

- Increase the use of research-based teaching methods in the classroom and beyond
- Ensure equitable access to educational information and resources
- Increase educational support for disadvantaged children and adults with LD
- Promote early intervention programs
- Support transition initiatives to assist adolescents as they move from the school room to the work place or higher education.

### **What do we know about learning disabilities?**

Learning disabilities are neurological in origin and affect one's ability to read, write, speak, and compute math. They can also result in impaired socialization skills. The Rehabilitation Act of 1973 and the more recent Americans with Disabilities Act recognize the existence of learning disabilities and require special accommodations that will put individuals with LD on a level playing field with others.

Learning disabilities are not related to intelligence, and they do not go away. They are sometimes referred to as a "hidden handicap" because these individuals do not have hearing or vision impairments and are not mobility impaired. These disabilities are most often characterized by slow, labored reading, difficulty with rapid reading or listening comprehension, and difficulty with spelling, note-taking and written expression.

NIH studies indicate that 15-20 percent of all children will have difficulties learning in the early school years. For some, the problems will be severe enough to warrant special and individualized services. For others, modifications in teacher and parent behavior and changes in routines are sufficient to address these concerns.

Among adults, about 40 percent of the population have reading problems severe enough to hinder their enjoyment of reading.

There are 2.5 million school-age children who have been identified as having LD and who are receiving special services in public schools. Many of these students are socially and economically disadvantaged.

Students with LD who experience academic failure are likely to suffer from poor self-esteem, which in turn contributes to underachievement in school and underemployment later in life.

Current data show that over 35 percent of these students drop out of high school. Furthermore, learning disabilities are a major contributor to illiteracy and low literacy nationwide. It is estimated that well over half of adult learners in literacy programs have an underlying learning disability.

### **What do we know from research?**

Findings from NCLD's recently convened National Summit on two decades of research in learning disabilities indicate that:

- No single intervention (teaching approach) works with all individuals with LD
- The most effective forms of instruction involve breaking down tasks into step-by-step prompts, then synthesizing parts into a whole task; direct questioning and response; using probes; providing repeated feedback; and using technology and peer-assisted learning.
- Individuals with LD often give up when faced with difficult reading passages and, because of their histories of academic difficulties, often have gaps in their knowledge of history, geography, and other subjects. These knowledge gaps interfere with their understanding of new material encountered in texts and other printed sources—and lead to performance gaps on assessments.

### **What do we know about libraries and learning disabilities?**

"Roads To Learning," the American Library Association's initiative you heard about this morning, has taken critical first steps in establishing programs and services for those with LD.

Some exemplary programs exist (e.g., Meriden, CT Public Library), but, in general, libraries still are not LD-friendly places.

In a 1994 Roper Starch Poll, funded by the Emily Hall Tremain Foundation, the library was cited as the third most likely source (after school and medical professionals) that respondents would turn to for information on LD. Fifty percent said that they would be very likely to look for information on LD at the library.

- For the individual with LD, however, the library poses special challenges. Many of us can recall the countless hours spent, in our younger years, wandering through the stacks on 'search and explore' missions, looking for key works on book spines and collecting volumes to bring back to the work carrels for perusal. For individuals with LD, the stacks can be overwhelming, unfriendly places, and negotiating these spaces can be painfully unproductive. Even with electronic card catalogues, finding appropriate texts can be a difficult and time-consuming task.

We cannot let libraries, which are the real and virtual storehouses of information and knowledge in our society, put up barriers to the people who most need to gain entrance.

### **Looking Ahead: Recommendations**

Today, I would like to offer a number of recommendations for the Commission to consider as you discuss the future of our library system and its role in assisting individuals with disabilities. The recommendations are keyed to three roles that libraries serve:

5. As an informational resource center for parents and teachers with questions on LD
6. As a learning center for students or adults living with LD
7. As a community center to increase awareness and bring together community organizations on such issues as literacy and learning disabilities.

Individuals with LD need support and practice in accessing information and may need to interact with library staff in ways that help them know how to use the library. Training of staff and volunteers is crucial. Library staff should be prepared to provide a guided tour of the library, with hands-on opportunities to practice searching for information via printed texts and electronic media. This walk-through could be guided by a printed template to which the individual can refer, encouraging independence as a library user.

While librarians don't themselves provide reading instruction, they need to be facilitators for finding information. For individuals with LD, that might mean having access to a person (a librarian or volunteer) who can help locate materials, read words or passages aloud, recommend literature at modified reading levels or provide access to text-to-speech software. Again, training of staff and volunteers is crucial.

Libraries need to organize and call attention to existing resources for individuals with LD, such as:

- Reading materials for those with LD at different ages and stages
- Books on LD for individuals, families, and helping professionals (a low-tech solution like a green sticker on a book spine can do wonders for a person with a learning disability)
- Large-type books, books on tape, and videos, which also serve those with other disabilities, e.g., vision impairment
- Vertical files: libraries can obtain materials from LD and related organizations, and also maintain a contact file on helpful organizations

In addition to the resources just cited and intensified training of staff and volunteers, 21<sup>st</sup> century libraries need to apply the technology of the Internet to the specific needs of children and adults with LD. The Web provides wonderful opportunities for individuals with LD, provided that this gateway to information is marked or mediated in ways that assist the learning disabled.

- The Internet helps individuals negotiate dense text by offering material in condensed form, with links to lengthier sources
- It is an organizer, providing capacity to make decisions about relevant sources, search for key information, organize information in files, publish electronic reports, etc.
- It provides opportunities to cut-and-paste, re-write, edit, access graphics and photographs that would otherwise pose huge challenges to individuals with LD
- It minimizes the demand for writing
- And the Web can connect library users of all abilities with LD organizations and resources.

Libraries of the 21<sup>st</sup> century have the opportunity—through upgraded collections, upgraded training of staff and volunteers, and LD-friendly technology—to be a major delivery point for a grossly underserved population, millions strong, of children and adults. The National Center for Learning Disabilities stands ready to assist in this important work. I thank you for your invitation to testify today.

**6. Supplemental Material from John M. Day**

*[Mr. Day's testimony begins on page 32 of this publication.]*

**Written Testimony of John M. Day**



U.S. National Commission of Libraries and Information Science  
Hearing on Library and Information Services for  
Individuals with Disabilities

July 8, 1999  
Gallaudet University

Testimony of John M. Day  
University Librarian  
Gallaudet University

Ms. Chairperson, Commissioners, thank you for the opportunity to testify today before your Commission regarding the issue of library and information services for individuals with disabilities. I currently serve as the University Librarian at the Gallaudet University, the world's only comprehensive university solely for the education of deaf and hard of hearing people. Additionally, I am the immediate Past President of the Association of Library Specialized and Cooperative Library Agencies (ASCLA), a division of the American Library Association, having completed my presidency with the June 1999 conference in New Orleans. I am also a member of the Standing Committee of the Section for Libraries Serving Disadvantaged Persons of the International Federation of Library Associations and Institutions (IFLA).

The American Library Association and its divisions, particularly the Association for Specialized and Cooperative Library Agencies, have worked diligently to promote collections and services for people with disabilities in the United States; and, through active membership in IFLA for people worldwide. The associations and federation have held symposia, workshops, focus meetings and conferences in the area of libraries, information access, and people with disabilities and have published disability specific standards and guidelines. The enactment of the Americans with Disabilities Act has had a very beneficial effect on the availability of and access to libraries and information by persons with disabilities.

Although great strides have been made, it is crucial that not only libraries but all entities that provide information ensure that their services be accessible by all people equally regardless of any physical, learning, or mental impairment. In particular, libraries, the government, organizations, and corporations must continue efforts to improve the state of library and information access and services in the following areas by:



- **Physical Access**—ensuring that all physical barriers to library and information access by people with disabilities are removed.
- **Intellectual Access**—ensuring that assistive and adaptive technological advances are used to enable intellectual access to library tools and collections.
- **Inclusion**—ensuring truly equal and integrated library and information services to people with disabilities.
- **General and Research Collections**—ensuring that the collections about disabilities are comprehensive and unbiased.
- **Special Reference Collections**—ensuring that there are adequate and unbiased reference materials about disabilities.
- **Format**—ensuring that people with disabilities have equal access to collections and information in a format that is possible for them to understand; e.g., sign language, Braille, captioned video, etc.
- **Training**—ensuring that the subject of services to people with disabilities is appropriately included in the initial and continuing professional education of libraries.

The area of format, in particular, requires additional attention. While, in many cases, the acquisition of materials in alternative formats is possible, for example, books in Braille, books on audiotape, captioned video; most materials are available only in the original copyrighted format. Certain limited exemptions do exist allowing libraries, for example, to provide Braille copies of copyrighted text. However, most format changes needed by people with disabilities to enable them to access materials are currently illegal. Indisputably, this situation is intolerable in an enlightened society where equal access to information by all people is the cornerstone of freedom.

Just last year, 1998, was the 50<sup>th</sup> anniversary of the United Nations Universal Declaration of Human Rights. Article 19 of that declaration states that, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Those words were written for all people and adopted by the United Nations in 1948. Since then, 50 years have past and we are still trying to ensure that basic human right of equal access to information by all and it is ironic that, in the United States, existing legislation makes it a crime to provide access to information by disabled people by putting such information in a format they can understand.

During the 1999 American Library Association conference, the Association of Specialized and Cooperative Library Agencies' President's Program focused on this issue and brought together experts in the fields of copyright and disability to meet with national library association presidents and the International Federation of Library Associations and Institutions. As a result of that program, it was resolved that model legislation be drafted to be used by all nations in order to exempt from copyright restriction all format changes needed by disabled people to have equal access to information.

The U.S. Registrar of Copyrights has expressed interest in the development of this model and the Secretary General of IFLA has committed its resources to spearheading this effort. I would like to call on the U.S. National Commission on Libraries and Information Science to also lend its powers to the development of such model legislation for the good of all people with disabilities in the world and, in particular, for its subsequent adoption into the laws of the United States of America.

Thank you.

**7. Supplemental Material from Alice L. Hagemeyer**

*[Ms. Hagemeyer's testimony begins on page 35 of this publication.]*

**Written Testimony of Alice L. Hagemeyer**

Testimony of Alice L. Hagemeyer  
Founder of Friends of Libraries for Deaf Action (FOLDA)  
Before the U.S. National Commission on  
Libraries and Information Science Hearing  
Thursday, July 8, 1999  
Gallaudet University, Kellogg Conference Center, Ballroom A

My name is Alice L. Hagemeyer.

I am here today to speak to you because I have extensive experience both as a librarian and as an activist working with both the deaf and library communities. Profoundly deaf since spinal meningitis at age three, I bring both personal and professional experience to bear on related library issues. For 15 years, I was a Librarian for the Deaf Community at the D.C. Public Library System until my early retirement in December 1991. I was a delegate-at-large at the White House Conference on Libraries and Information Services in both 1979 and 1991. Currently, I am an active member of its task force. I also am a member of the ALA (American Library Association) and FOLUSA (Friends of the Library-USA). I have been involved in the programs of several friends of the library groups which have increased both deaf and library awareness in their local areas.

In 1986, I founded the Friends of Libraries for Deaf Action (FOLDA). FOLDA, which is now a subsidiary of my consulting business, Library for Deaf Action. FOLDA has approximately 2,000 members, mostly libraries, but also individuals as well. FOLDA has no membership dues and the deaf community has been encouraged to become involved in activities of their local public library and its friends. In 1979, I began publication of The Red Notebook, an information service in the form of a regularly updated loose-leaf binder containing deaf fact sheets, library reprints, and announcements. Soon, The Red Notebook will go on-line.

My experience confirms that services to the deaf community have to meet quite different needs than those of, for example, hearing people who are blind or have other disabilities. The National Library Service for the Blind and Physically Handicapped (NLS) is an admirable program. For over 60 years, it has worked with the nation's public libraries. Incredible as it seems, because of the law, the NLS does not have provisions for serving people with hearing disabilities unless they also have visual or physical disabilities. Communication is the key problem. Organizations connected with the deaf community need to place library and information services at the same level of priority as education and health services.

By deaf community, I am referring to three segments of library users: (1) People with hearing loss, including those with additional disabilities; (2) Their hearing family members, friends, co-workers, colleagues, helping professionals, teachers, etc; and (3) People with special interest in visual communication.

At the present time, I am working to get either a higher education institution, a public library or an appropriate nonprofit organization to adopt the FOLDA collection as a future national deaf library network. I have several librarians, including two former library interns, who have worked with me.

We have sought various ways for the nation's public libraries to provide cost effective and efficient products, programs and services to the public on hearing loss and American Sign Language. Both former interns, one the assistant director of a public library system in Montana and the other the librarian for NICHCY (National Information Center for Children and Youth with Disabilities), are now working with me on developing a checklist for the public library on enhancing services for people with disabilities. We also have resources available for library outreach to the deaf community to encourage increased use of local public libraries. My advice for the public library system is to start with its local friends group and work with them. Also, I suggest that public libraries form a partnership with ASL Access, a newly formed nonprofit organization with a mission to help place core video collections with over 200 ASL videos in every public library system in the United States and its territories. ASL Access, which was founded in 1997 by Chris Wixtrom, raises funds to assist public libraries by donating these collections and will stand ready to help libraries which have their own funding for ASL videos by coordinating purchasing from over 40 independent publishers and distributors, and by providing guidebooks which describe the videos. ASL Access also serves as a liaison between library customers and public librarians by providing reviews of ASL videos and a list of ASL video publishers and distributors on the website ([www.aslaccess.org](http://www.aslaccess.org)).

Ultimately, every public library needs friends and partners to help achieve its library mission. As libraries seek innovative ways to reach out to local unserved and under-served populations, they will no doubt find solutions for meeting their various needs.

Should the library and its friends need leads for forming partnerships within the local deaf community, FOLDA will be able to assist. FOLDA will put libraries in touch with an appropriate deaf/disability-related service organization within their local or state jurisdiction.

All of us here, I believe, understand the desperate need for this initiative. If the authority and the appropriation can be provided for the nation's public libraries to work with the future national deaf library network, FOLDA will be a model for the many friends of the library groups agonizing about this issue. Thank you for giving me an opportunity to testify.

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### **Supplemental Testimony of Alice L. Hagemeyer**

Testimony of Alice L. Hagemeyer  
Founder of Friends of Libraries for Deaf Action (FOLDA)  
Thursday, July 8, 1999

Supplementary Statement  
August 7, 1999

First, I found the NCLIS Hearing last July 8<sup>th</sup> very informative and thought provoking. I am glad I stayed all day and listened to all the people involved. The insights I gained from the people at the Hearing, particularly those with disabilities, made me wish to make some additional comments.

My first concern involves labels which I see can cause unintended harm. The public should be educated that disability can happen to anyone; that every local library must have such information readily available to anyone. Rather than have a separate section focusing on people with disabilities as seen at some public libraries in the USA, we could use a label like ‘Auxiliary Aids and Services.’ By having all such services together, the library could serve anyone who needs assistance to access community programs, adapted products and alternative services in their jurisdiction or region.

To put the shoe on the other foot, hearing non-signing people would need auxiliary aid to access a community program done in sign language. DISabled people become Enabled people in this setting due to their receiving appropriate assistance. I believe that those who need these services would benefit by having them in one place. This section also could include the staff that will take the responsibility for both library outreach services and the training of the public on becoming independent users of the library and the Internet. People with disabilities may consider such career when studying for a Masters in Library and Information Science (MLS).

I feel that existing deaf/disability related service organizations, especially residential schools for the deaf, should be encouraged to learn about their local public library and its resources. This will help reduce or eliminate the limitations imposed by disability in the area of information access.

The Gallaudet University has a reputation for its deafness collection, history preservation, and research on additional disabilities of deaf people, such as blindness and learning disabilities. I believe that the Gallaudet University Library should be invited to work with the National Library Services for the Blind and Physically Handicapped (NLS) and other national related service agencies in providing training to the library staff across the country about various resources that are available to efficiently comply with their mission and ADA. One example is to form partnerships with appropriate service organizations.

Thank you for your consideration of my above supplementary statements.

## **8. Supplemental Material from Scott Marshall**

*[Mr. Scott’s testimony begins on page 40 of this publication.]*

### **Written Statement of Scott Marshall**



Statement for the Record  
of the  
American Foundation for the Blind

Submitted to the  
U.S. National Commission on Libraries and Information Science  
Regarding

Library and Information Services for Individuals with Disabilities  
July 8, 1999

Madam Chairperson and Members of the Commission:

On behalf of the American Foundation for the Blind, I am pleased to present our recommendations concerning improvements in access to libraries and other information resources by people who are blind or visually impaired. In summary, we believe that the Commission could play a critical role toward the achievement of this objective in three primary areas:

- Providing technical assistance to libraries in the development of their accessibility plans to ensure that access to information, and not merely physical barrier removal, is addressed in such plans.
- Publicizing the need for, and the value of, making home pages and web sites accessible to text-based browsers in accordance with the accessibility guidelines of the World Wide Web Consortium's Web Access Initiative. These guidelines can be found at [www.w3c.org/wai](http://www.w3c.org/wai). Libraries and other government entities should be the leaders in complying with these guidelines.
- Support efforts now underway with the publishing industry to require printed materials to be made available in a standardized electronic format thereby facilitating the reproduction of such materials into media that is accessible to individuals who are blind or visually impaired.

## INTRODUCTION

The mission of the American Foundation for the Blind is to enable persons who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives. AFB accomplishes this mission by taking a national leadership role in the development and implementation of public policy and legislation, informational and educational programs, and quality services.

Since our founding in 1921, AFB has worked to make information more accessible to people who are blind or visually impaired. We collaborated with the American Library Association and others to achieve passage of the Pratt Smoot Act of 1931, which created what is now known as the National Library Service for the Blind and Physically Handicapped of the Library of Congress. During the 1930's, we pioneered the development of the 33-1/3 RPM phonograph record, which was the mainstay of the Talking Book program for many years. Today, we continue to provide narration and duplication services under contract with the Library of Congress, and have committed ourselves to further developing solutions (often in partnership with others) to achieve access to information in various forms ranging from telecommunications products and services to the World Wide Web and federally procured information technologies. We are also concerned about access to visual displays on applications such as ATM machines and other point-of-sale terminals, and have mounted a major effort with the publishing industry to gain electronic access to printed materials.

## TECHNICAL ASSISTANCE TO LIBRARIES

We recommend that the Commission could play a critical role in providing technical assistance to libraries, either directly or as a national information clearinghouse, regarding making all of their services available to individuals who are blind or visually impaired. The National Library Service for the Blind is, of course, an excellent resource to people who are blind or visually impaired, but this service cannot, and should not, be viewed as the sole source of library service to blind patrons. As taxpayers, blind or visually impaired citizens are entitled to access services from their local public libraries, and this right, also affirmed by the Americans with Disabilities Act, must be addressed by

local libraries in their accessibility plans. Libraries should be encouraged to develop their accessibility plans in a thoughtful manner realizing that solutions to access will involve a mix of both human and technical resources. For example, a privacy shield may need to be repositioned so that a person with low vision can more easily use her low vision aids with a computer screen. Basic training in the use of a screen-reading program may also be necessary so that patrons will be able to independently access Internet resources. If a small library cannot provide such training, it can help individuals to identify sources and funding for such training.

## **ACCESS TO WEB SITES**

Even the best screen reading program used by a trained individual will be unable to access a web site if it is not designed in accordance with accessibility guidelines established by the World Wide Web Consortium's Web Access Initiative. These guidelines can be found at [www.w3c.org/wai](http://www.w3c.org/wai). The Commission could provide valuable help to libraries and other information providers in publicizing these guidelines, authoring tools that are available to facilitate accessible design, and methods of testing for accessible design.

Unless the page is properly coded, today's screen reading programs cannot intelligently recognize page elements such as images, bitmaps, or other graphics. Not only is this a loss of perhaps valuable information, but may prevent the blind user from navigating the site altogether, if the graphic happens to be a control button.

A well-designed accessible web page will not only be of help to blind or visually impaired users, but will also offer benefits to all patrons. For example, a page designed with alt-text tags identifying pictures, graphics and video clips will also enable this information to be fully indexed and searchable by all users. Alt-text is also a benefit to individuals who are illiterate, and also makes a web site accessible to users, blind and sighted alike, who do not use (or perhaps cannot afford) state-of-the-art computer equipment.

## **ELECTRONIC TEXT FROM PUBLISHERS**

According to the National Library Service for the Blind and Physically Handicapped of the Library of Congress, approximately 60,000 books are published in the U.S. each year. Of this number, only about 2,000 are produced in accessible formats for people who are blind or visually impaired. It is important, therefore, to develop ways in which reproduction of books in accessible formats such as Braille or audio can be facilitated or directly accessed electronically using a computer, a screen-reading program, and speech synthesis or an electronic Braille display.

As the leading publisher of professional books, pamphlets, and videos in the blindness community, AFB is committed to making all of its recently published works available in a standardized electronic format. We are working with the publishing industry to achieve this same level of access to materials produced by other publishers.

The Commission's support of access to published works and its endorsement of our efforts with the publishing industry would be very helpful toward achieving grater access to information for people who are blind or visually impaired.

## CONCLUSION

The American Foundation for the Blind appreciates the Commission's attention to the information needs of people who are blind or visually impaired. If you have any questions about our recommendations, or if we can be of service in any other way, please do not hesitate to contact us.

Respectfully submitted:  
Scott Marshall  
Vice President, Governmental Relations

## 9. Supplemental Material from Carolyn Hoover Sung

*[Ms. Sung's testimony begins on page 44 of this publication.]*

### **Written Statement of Frank Kurt Cylke for Presentation by Carolyn Hoover Sung**

National Library Service for the Blind and Physically Handicapped  
Library of Congress  
Testimony Prepared By  
Frank Kurt Cylke  
Director  
For Presentation To The  
United State National Commission on Libraries and Information Science  
by  
Carolyn Hoover Sung  
Chief, Network Division  
on  
July 8, 1999  
Kellogg Conference Center  
Gallaudet University  
800 Florida Avenue, NE  
Washington, DC 20002

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## AUTHORITY

In accordance with the authority provided in 2 U.S.C. 135(a), 135(b), and 135(c), the National Library Service for the Blind and Physically Handicapped, Library of Congress (NLS), is responsible for administering the national program to provide reading materials for the nation's blind and physically handicapped residents and for U.S. citizens living abroad. These materials consist of books and magazines, as well as music scores and texts produced in raised characters, as sound recordings, and in other suitable formats.

## BACKGROUND

The staff selects and produces full-length books and magazines in braille and on recorded disc and cassette. Books are distributed to a cooperating network of regional and subregional (local) libraries where they are circulated directly to eligible borrowers. Magazines are mailed directly from the manufacturer to individual subscribers. Reading materials and playback machines are sent to borrowers and returned to libraries by postage-free mail. Established by an act of Congress in 1931 to serve blind adults, the program was expanded in 1952 to include blind children, in 1962 to provide music materials, and again in 1966 to include individuals with other physical impairments that prevent the reading of standard print.

The NLS program is funded annually by Congress. The fiscal year 1999 appropriation is \$46,824,000. Regional and subregional libraries receive funding from state, local, and federal sources. Free matter postage for transport of appropriate library materials is provided through the U.S. Postal Service. The combined expenditure for the program approximates \$111,000,000.

Any residents of the United States or citizens unable to read or use standard printed materials as a result of temporary or permanent visual or physical limitations may receive service. Surveys find that two million persons with some type of visual impairment are eligible and another million with physical conditions such as paralysis, missing arms or hands, lack of muscle coordination, or prolonged weakness may be eligible for the use of reading materials in recorded form.

Books are selected on the basis of their appeal to a wide range of interests. Bestsellers, classics, biographies, fiction, romances, westerns, and how-to books are in great demand. Titles expected to be extremely popular are produced in several thousand copies and circulated to borrowers within a few months of their publication in print form. A limited number of titles are produced in Spanish and other languages for readers whose primary language is not English. Registered borrowers learn of new books added to the collection through two bimonthly publications, Braille Book Review and Talking Book Topics. Through a union catalog available in computerized form and on CD-ROM,



every network library and user has access to the entire NLS book collection and to the resources of cooperating agencies.

Seventy-two magazines on disc, audio cassette, and in braille are offered in 1999. Readers may request free subscriptions to U.S. News and World Report, National Geographic, Consumer Reports, Good Housekeeping, Sports Illustrated, Spider, and many other popular magazines. Current issues are mailed to readers at the same time print issues appear, or shortly thereafter. Magazines are selected in response to demonstrated reader interest by a group of users, network librarians, and NLS staff members. Playback equipment is loaned free for as long as recorded materials are being borrowed. Talking-book machines are designed to play disc recorded books and magazines at 8 rpm and 16 rpm; cassette machines are designed for cassettes recorded at 15/16 ips and the standard speed of 1-7/8 ips on 2 and 4 sides. Readers with significantly limited mobility may request a remote-control unit; hearing impaired readers may be eligible for an auxiliary amplifier for use with headphones. A cassette machine with features designed primarily for elderly persons is available.

Individuals interested in music materials may receive them directly from the NLS Music Section. The collection consists of scores in braille and large type; textbooks and books about music in braille and large print; and elementary instruction for voice, piano, organ, guitar, recorder, accordion, banjo, and harmonica in recorded form.

Correspondence courses leading to certification in braille transcribing, literary, music, mathematics and braille proofreading are offered. A similar certificate in braille proficiency is also available. Voice auditions and informal training are given to volunteer tape narrators affiliated with local recording groups. A directory of volunteer groups that produce books for libraries and individuals is published frequently. Volunteers may call on NLS staff for their expertise in braille transcription and recording techniques.

Questions on various aspects of blindness and physical handicaps may be sent to NLS or to any network library. This service is available without charge to individuals, organizations, and libraries. Publications of interest to handicapped persons and service providers are free on request.

The consumer relations officer maintains regular contact with consumer groups and individual users of the program to identify and resolve service problems, to assure that users' needs are being met and to help identify service needs. Participating in surveys, evaluating new equipment, and serving on advisory committees are some of the ways in which consumers contribute to program development.

The research program is directed toward improving the quality of reading materials and related equipment, controlling program costs, and reducing the time required to deliver services to users. The current research focus is on the application of digital techniques to NLS recorded material and the use of the latest advances in computer technology to provide automated communications links among NLS, participating libraries, book and magazine producers, and distribution centers.

## FUNCTIONS AND RESPONSIBILITIES

In brief, the National Library Service for the Blind and Physically Handicapped is responsible for the:

- Selection, copyright clearance, and procurement of reading materials for blind and physically handicapped individuals;
- Distribution of the materials and relevant bibliographic information either directly or through cooperating state and local network libraries;

- Design, development, and procurement of sound reproduction equipment and its distribution either directly or through cooperating agencies;
- Establishment of standards and assurance of quality products and services;
- Training, guidance, and coordination of volunteers to augment national and local resources;
- Administration of a nationwide interlibrary loan program, and of an international gift, exchange, and interlibrary program;
- Preparation for catalogs and other publications in printed form and in other media for blind and physically handicapped readers to ensure full use of the national program;
- Provision of a national reference and referral service on all aspects of blindness and physical handicaps;
- Development, maintenance, and circulation of a national collection of
- Musical scores and texts; and
- Monitoring network libraries for effective use of NLS/BPH resources at each site and providing guidelines and procedures manuals.

In short, NLS/BPH maintains active liaison with blind and physically handicapped individuals throughout the country, with cooperating state and local network libraries, with nonprofit and other organizations interested or active in services to blind and physically handicapped persons, and with federal, state, and local agencies.

NLS has, in the federal context, "custody" of all reading materials specifically intended for blind and physically handicapped individuals, including books and magazines in raised characters, sound recordings, and other applicable forms.

### **Office of the Director**

The Office of the Director is responsible for formulating policy, program planning, and directing all activities, including coordinating both the Materials Development Division and the Network Division; planning and implementing all automation activities, including assisting with those for the network of cooperating state and local libraries and agencies; coordinating information on research and development projects, evaluation programs, and surveys; providing liaison with other government or quasi-official agencies, such as the United States Postal Service; and administrative services related to operating the physical facility.

### **Director**

As previously noted, the Director is responsible for administration, planning, policy formulation and recommendations, as well as direction and coordination of the entire program. He:

- Plans and develops the national program in accordance with the intent of Congress, library policies, technological progress, and the readers' requirements. Advises the Librarian of Congress and other Library officers on matters pertaining to proposed legislation, related programs for the blind and physically handicapped, relations with other government agencies, and policy formation. Responds to Congressional inquiries and requests;
- Testifies before Congressional committees on budget and program matters.

- Has primary responsibility for formulating the annual budget estimate of NLS/BPH and for the justification and presentation to Congressional committees.
- Serves as principal representative of the Library of Congress in its relations with other national and international organizations interested in work which aids blind and physically handicapped persons, maintaining contact with leaders and officials of such organizations, and participating in conferences, conventions, and other such meetings.
- Conducts special Studies and investigations, and makes recommendations for programs and cooperative undertakings, looking toward providing a more complete service to blind readers.
- Coordinates the sale and exchange of materials for blind and physically handicapped persons with organizations around the world.
- Has administrative responsibility for assuring that NLS/BPH procures materials and services at the lowest possible cost consistent with the quality and timeliness of delivery required to meet its needs.
- Serves as Contracting Officer for NLS book contracts and as contract advisor for all other contracts. Approves concepts, projects, bid packages, and award recommendations. Appoints and provides administrative direction to project monitors.
- Serves as the designated official responsible for the health and safety of NLS staff and for space planning, maintenance, and utilization of the recently renovated Taylor Street Annex, a separate facility distant from Capitol Hill.
- Directs the overall program.

### MANAGEMENT

On assuming responsibility for the program in July 1973, the incumbent Director observed a need for a comprehensive review of management practices. His view was supported both by Library of Congress management personnel and by management-level staff personnel within NLS. Thus, in September 1973, he asked to participate in the Association of Research Libraries' "Management Review and Analysis Program (MRAP)." Once accepted, he appointed co-chairpersons and instructed the staff to democratically select a study team to review management practices to the point of changing what needed to be changed and adding what needed to be added.

To ensure the greatest degree of objectivity, the initial study was based on data gathered from a variety of sources. Several questionnaires were designed to determine management, staff, and library network views of strengths and weaknesses and staff opinions about the organization. Interviews with Library of Congress administrators also helped staff understand more fully the environment in which they operate.

The study was done by and for all levels of staff. Over 95 percent were directly involved in a variety of ways: completing questionnaires, granting oral interviews, and participating on task forces or the study team itself. Study team and task force members reviewed existing files and pertinent documents such as internal and network memos and Library of Congress regulations.

Early in the program the study team began collecting information and drafting the sections on history, environmental trends, and mission, objectives and goals. About midway through the effort, task forces were formed to study the following areas of management practice: Planning, Policy, Management Information, Budgeting, Staff Development, Leadership and Supervision, Organization, Personnel, and Communication. The task forces were each composed of from four to six members

representing all levels of the staff, and chaired by a study team member. Each task force had a slightly different method for data gathering. After the current status of each area was defined, the task force attempted to analyze the situation and to suggest possible solutions to any symptoms or problems that were discovered.

Task force findings were discussed with the study team to ensure that objectivity was maintained, content was accurate, and reasoning was logical. The Director also made his comments on each report. Finally, ideas that evolved were assembled and four dominant themes identified: Concern for Staff, Written Guidelines and Standards, Information Flow, and Planning and Implementation.

Twenty-five specific recommendations were made. All were accepted and implemented.

A sophisticated, participatory management style emerged!

Based on long-range objectives, identified by the Director, and current year appropriations, each NLS section prepares specific performance goals for review and approval by NLS administrators.

Section heads and staff officers prepare monthly statistical reports which are submitted to the administration for management review. Personnel status reports are prepared and distributed quarterly. Quarterly meetings are scheduled to review progress on the goals.

A biweekly meeting of division chiefs, assistant division chiefs, section heads, assistant section heads, and staff officers is held to encourage sharing of information, to discuss new policies, and to explain projects and activities requiring program-wide input—for example, budget compilation. Each major organizational office—Office of the Director, Materials Development Division, and Network Division—holds regular meetings to resolve problems of an intersectional nature within those offices and to review progress on approved schedules, etc. Section heads are encouraged to hold brief meetings with their staff on a regular basis to provide for appropriate upward and downward communication. Each year there are two full meetings of the staff scheduled. These offer overviews of selected program activity, progress reports, and discussions of topics identified by the staff.

Monthly reports are provided up through the organization. These are statistical where appropriate and narrative where not.

At the end of a twelve-month period division chiefs and section head performance ratings are based upon performance to the self-identified goals.

### **Budget**

As noted, the management philosophy emphasizes direct involvement of the staff in setting forth and meeting specific goals. When preparing the annual budget, the director outlines major goals and objectives. Each section then sets its own goals and objectives within those guidelines, indicating how available resources and funds will be allocated. After much discussion and manipulation, an annual Management Plan is produced. This plan outlines the goals and details, who is responsible for each task, when the task is scheduled to be completed and how much money is required. In addition, the current budget is fitted within an overall five-year plan.

Staff involvement does not stop at developing the budget and setting the goals, but continues yearlong through the reports and meetings previously noted. Regular discussions are held to ascertain whether staff members are on target with respect to their tasks and goals. Revisions are made as needed.

Again, this style of management began with the MRAP assessment in 1973 and has worked reasonably well ever since.

Examples of success may be easily identified. Since 1974 the NLS budget has grown from just under \$9.9 million to \$46.8 million in fiscal 1999. Readership has increased more than 142 percent, from 318,300 to 769,000 in 1998. Production of cassette books has increased more than 2,898 percent, with 65 titles produced in fiscal 1974 and 1,949 titles produced in fiscal 1999.

### **Division/Section/Office Functions**

When considering the application of the NLS management style it is useful to review overall division and section responsibilities.

In the Office of the Director the Administrative Section is responsible for coordinating personnel transactions and maintaining all official files, travel, training, and other records concerning personnel administration; planning and implementing communication services; coordinating fiscal and contractual activities; and coordinating the management, operation, and maintenance of the physical facility.

The Publications and Media Section is responsible for planning and implementing the publications, general information, exhibit, and other public education programs.

The Automation Office monitors development, implementation, and maintenance of customized computer programs for production control of books/magazines, circulation systems, inventory systems, bibliographic cataloging systems, and network communications systems.

It also:

- Coordinates installation and training for new computer systems.
- Analyzes software and hardware needs of staff, orders software and hardware, and provides training for use of software when appropriate.
- Advises managers as to possible uses of computers/software.
- Coordinates use of databases.
- Advises network libraries on automation activities.

The Research and Development Officer directs projects to research and develop new products or systems for use by patrons or network libraries. He also:

- Coordinates projects aimed at improving services to patrons or reducing costs of existing services.
- Advises on matters related to new products and services.
- Stays abreast of advances in technology related to production and distribution of braille and recorded books and magazines.

### **Materials Development Division**

The Materials Development Division is responsible for managing activities related to the selection, development, production, distribution, control, and repair of reading materials and related equipment; establishing and assuring standards of quality for the products; monitoring contracts with and

providing guidance to the agencies, organizations, associations, publishers, and firms that participate in providing reading resources and equipment; directing the activities of book and equipment advisory committees; and supervising the six sections that make up the division.

The Materials Development Division Office recommends policy formulation and program planning for research, development, design, production, testing, evaluation, procurement, initial distribution, inventory control, and logistical support of recorded books and magazines on disc, magnetic tape, audio cassette, braille books and magazines, playback equipment, and accessories.

The Bibliographic Control Section is responsible for bibliographic processing, maintenance, and control of reading materials included in the national collection; establishing national cataloging standards; coordinating union catalog activities for cooperating libraries and service organizations; managing production of the computer output microform catalog and related products; and participating in professional developments in bibliographic control.

The Braille Development Section is responsible for developing and implementing research projects relating to braille; serving as the Library of Congress authority on all braille codes and maintaining liaison with other national braille authorities; developing all technical braille specifications and initiating programs for product improvement; planning and preparing guides and teaching manuals based on the literary, math, and music codes for use by local braille transcription instructors who prepare students for certification; conducting teacher training workshops in the field; and training, certifying, and advising volunteers and others nationwide who produce and process books in braille.

The Collection Development Section is responsible for acquiring print books; evaluating and selecting appropriate reading materials to be recorded, transcribed into braille, or produced in any other form; maintaining an established flow of selections to initiate the production cycle; requesting copyright clearances; preparing concise, descriptive annotations for all materials produced; maintaining liaison with publishers and authors; coordinating collection development program activities, advisory committees, and the foreign-language program; and identifying titles for replacement or withdrawal.

The Engineering Section is responsible for the design, development, specification, production release, and configuration control of all audio product accessories and processes; determining the method of measurement for all technical specifications; certifying compliance of the pre-production models with the specification; maintaining awareness of state-of-the-art developments applicable to audio technologies; and conducting continual programs for product improvement and innovation.

The Production Control Section is responsible for overseeing the production of books selected for the program and in executing database operation and administration of the Management Information and Production Information Systems used. Responsibilities include supervising and coordinating production and distribution of reading materials in recorded, braille and other formats; scheduling and assigning materials for production to manufacturers and volunteer agencies; monitoring and controlling the status, cost and distribution of reading materials and containers in production; financial analysis and forecasting of contracts by media; and providing detailed reports for use by all levels of management and contractors to direct, evaluate, and control production operations.

The Recording Studio unit of the Production Control Section is responsible for scheduling and recording 100 titles annually; recording special projects as assigned by the director; purchasing and providing audio mastering tape for volunteer producing groups; determining narration requirements for titles to be recorded and providing guidance in this area to manufacturers and volunteers; and evaluating and testing new technologies directly related to audio/voice recording.

The Quality Assurance Section is responsible for guaranteeing that the quality and performance of all braille and audio products and processes meet the standards and specifications of NLS/BPH; ascertaining that all technical specifications can be verified by standard measurements as part of the production process, that all potential contractors for production of materials have adequate quality assurance capabilities, and that all contracts and specifications contain adequate provisions to guarantee that the products will meet the required standards; and producing periodic reports on the performance of contractors.

### **Network Division**

The Network Division is responsible for managing activities related to establishing, developing, guiding, and monitoring a network of more than 150 cooperating state and local libraries and agencies which deliver only machines offering direct library service to blind and physically handicapped residents of the United States, its territories and possessions, and U.S. citizens living abroad; maintaining close and active liaison with schools, health care facilities, and other organizations interested or active in services to blind and physically handicapped persons, with library schools, and with appropriate state and local agencies; determining user eligibility for service; monitoring the multistate center contracts; and supervising the four sections and staff officer that make up the division.

The Network Division Office monitors the national network of cooperating state and local agencies; recommends initiation, consolidation, or dropping of network agencies. It plans and formulates policies and procedures, sets goals and objectives both for the division and for the national network.

The Consumer Relations Officer is responsible for establishing and maintaining active liaison with individual users and consumer groups; conducting continuing user surveys; disseminating information about user inquiries to NLS/BPH and network libraries; providing information and reference assistance to readers; conducting user orientations and tours. The incumbent serves as an advisor to the director and assists in identifying appropriate program modifications.

The Inventory Management Section is responsible for controlling the national inventory, storage, retrieval, and handling of materials used in the NLS/BPH program; distributing equipment, furnishings, and other items delivered to NLS/BPH; monitoring, coordinating, and evaluating the activities of two multistate centers; maintaining a procedures manual for use by the multistate centers and a supplies catalog for use by network libraries; and supervising and evaluating book redistribution procedures.

The Music Section is responsible for developing, maintaining, circulating and promoting the use of national collections in the field of music, including the collection of large-print books about music and musicians, music scores, and instructional methods, and other special format music materials on cassette, disc, and in braille; providing access to music periodicals; developing and maintaining a noncirculating print reference collection of books about music and musicians; and encouraging the development of new techniques and materials for teaching music to blind and physically handicapped individuals.

The Network Services Section is responsible for coordinating national network activities, including both responding to inquiries about services and coordinating responses to network inquiries; directing the interlibrary loan programs; providing consultant services to identify problem patterns and to evaluate performance in relation to established standards; compiling bibliographies of special media materials; organizing the orientation program for network participants; maintaining a procedures

manual for use by network libraries; and providing library service to U.S. citizens living outside the United States.

The Reference Section is responsible for providing to network libraries, other professional groups, and the general public a national reference and referral service on blindness and physical handicaps, except in the fields of medicine and law; providing special and general reference services to the staff of NLS/BPH; compiling and distributing information on resources in the fields of blindness and physical handicaps for network libraries and the general public; developing a collection of print materials on blindness and physical handicaps to support the activities described above; maintaining records and preparing statistical reports on network activities and program developments; coordinating an automated mailing list incorporating data on readers, libraries, and organizations; and providing consultant services on volunteer programs in network libraries.

### SUMMARY

In sum the National Library Service for the Blind and Physically Handicapped is managed in a manner which is designed to involve all professional staff and as many of the clerical and administrative staff as wish and are able to participate. It is a consumer driven organization with a service philosophy embodied in Arthur Ransome's classic guiding principle: "Grab a chance and you won't be sorry for a might have been."

### Staffing

Staff are recruited through usual channels depending upon required competencies. Appointment practices adhere to Library of Congress standards which, in general, follow U.S. Office of Personnel Management requirements for Executive Agency adherence.

### Appraisal

Performance evaluations are in accord with Library of Congress Regulation 2017-2. It is accepted that performance appraisal is a continuous process of observation and evaluation. It reveals how well actual performance meets requirements as to deserve special recognition. The following factors are considered by supervisors in appraising a staff member's performance. These factors are not all-inclusive, rather, they serve to assist the rater in evaluating the staff member's performance.

#### Appraisal Factors

Quality of work	Resourcefulness
Quantity of work	Initiative
Promptness in completing work	Adaptability
Understanding of job techniques	Dependability
Understanding of Library of Congress programs	Cooperativeness
Skill in dealing with the public and with staff members of this and other agencies	Leadership
Ability to plan projects	Conduct
Ability to carry out assignments	Industry
Creativity and imagination applied to job	Decisiveness
Creativity and imagination applied to job	Managerial effectiveness
Ability to get along with others	Effectiveness of oral expression
Judgment	Effectiveness of written expression



Staff Profile

In July 1999 one hundred and thirty-two staff members are employed

Contact Points

Name: National Library Service for the Blind and Physically Handicapped  
Sponsoring Agency: Library of Congress  
Address: 1291 Taylor Street, NW, Washington, DC 20542  
Telephone: 202-707-5100 or 800-424-8567  
FAX: 202-707-0712  
E-mail: [fcyl@loc.gov](mailto:fcyl@loc.gov)

**Books for Blind and Physically Handicapped Individuals [A Fact Sheet]**

**FACTS**

*National Library Service for the Blind and Physically Handicapped*  
*The Library of Congress*

Washington, DC 20542

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**January 1999**

**[www.loc.gov/nl](http://www.loc.gov/nl)**

**Books for Blind and Physically Handicapped Individuals**

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**From a beginning of 19 libraries, the network has expanded to 57 regional and  
81 subregional libraries throughout the U.S.**

A free national library program of braille and recorded materials for blind and physically handicapped persons is administered by the National Library Service for the Blind and Physically Handicapped (NLS), Library of Congress.

Under a special provision of the U.S. copyright law and with the permission of authors and publishers of works not covered by the provision, NLS selects and produces full-length books and magazines in braille and on recorded disc and cassette. Reading materials are distributed to a cooperating network of regional and subregional (local) libraries where they are circulated to eligible borrowers. Reading materials and playback machines are sent to borrowers and returned to libraries by postage-free mail. Established by an act of Congress in 1931 to serve blind adults, the program was expanded in 1952 to include children, in 1962 to provide music materials, and again in 1966 to include individuals with other physical impairments that prevent the reading of standard print.

**About 72 percent of the NLS annual appropriation is budgeted for books,  
equipment, and related materials and 28 percent for support services.**

**Funding**

The NLS program is funded annually by Congress. The fiscal year 1999 appropriation is \$46,824,000. Regional and subregional libraries receive funding from state, local, and federal sources. Through an additional appropriation to the U.S. Postal Service, books and materials are mailed as "Free Matter for the Blind or Handicapped." The combined expenditure for the program is approximately \$120 million annually.

### **Eligibility**

Anyone who is unable to read or use standard printed materials as a result of temporary or permanent visual or physical limitations may receive service. A survey sponsored by NLS found that two million persons with some type of visual impairment may be eligible and another million with physical conditions such as paralysis, missing arms or hands, lack of muscle coordination, or prolonged weakness could benefit from the use of reading materials in recorded form.

**More than 22 million recorded and braille books and magazines were  
circulated to a readership of 769,000 in 1998**

### **Book Collection**

Books are selected on the basis of their appeal to people with a wide range of interests. Bestsellers, biographies, fiction, and how-to books are in great demand. A limited number of titles are produced in Spanish. Registered borrowers learn of new books added to the collection through two bimonthly publications, *Braille Book Review* and *Talking Book Topics*. Through a union catalog available on the Internet and on CD-ROM, every network library has access to the entire NLS book collection and to the resources of several cooperating agencies.

**The international Union Catalog currently contains 250,000 titles (22 million copies).  
The average reader borrows 39 recorded books and magazines a year.  
Braille readers average 15 books and magazines a year.**

### **Magazines**

More than seventy magazines on audio cassette and disc and in braille are offered through the program. Readers may request free subscriptions to *US. News and World Report*, *National Geographic*, *Consumer Reports*, *Good Housekeeping*, *Sports Illustrated for Kids*, and many other popular magazines. Current issues are mailed to readers at the same time the print issues appear or shortly thereafter. Magazines are selected for the program in response to demonstrated reader interest.

**A 4-track cassette recorded to play at 15/16 ips provides up to six hours of reading time.  
The average book consists of two cassettes**

### **Equipment and Accessories**

Playback equipment is loaned free to readers for as long as recorded materials provided by NLS and its cooperating libraries are being borrowed. Talking-book machines are designed to play disc books and magazines recorded at 8 rpm and 16 rpm; cassette machines are designed for cassettes recorded at 15/16 ips and the standard speed of 1-7/8 ips on 2 and 4 tracks. Readers with very limited mobility may request a remote-control unit. Hearing impaired readers may be eligible for an auxiliary amplifier for use with headphones. A cassette machine designed primarily for persons with limited manual dexterity is also available.

**The national music collection, the largest of its kind in the world, contains  
more than thirty thousand items.**

### **Music Services**

Persons interested in music materials may receive them directly from the Music Section of NLS. The collection consists of scores in braille and large print; textbooks and books about music in braille and large print; and elementary instruction for voice, piano, organ, guitar, recorder, accordion, banjo, and harmonica in recorded form.

**Telephone Pioneers and other volunteers repaired 127,180 talking-book and cassette machines in 1998.**

**Volunteer Services**

Free correspondence courses leading to certification in braille transcribing (literary, music, and mathematics braille) and braille proofreading are offered. Training in audio book production is available on request to local recording groups. A directory of volunteer groups that produce books for libraries and individuals is published frequently. Volunteers may call on NLS staff for their expertise in braille transcription and recording techniques.

**Braille Competency**

A free test is now available to demonstrate competence in reading and writing literary braille. It is designed primarily for classroom and rehabilitation teachers. It is available in both print and braille versions from the Braille Development Section.

**Information Services**

Questions on various aspects of blindness and physical disabilities may be sent to NLS or to any network library. This service is available without charge to individuals, organizations, and libraries. Publications of interest to people with disabilities and to service providers are free on request.

**Consumer Relations**

The consumer relations officer maintains regular contact with consumer groups and individual users of the program to identify and resolve service problems and to assure that users' needs are being met. Participating in surveys, evaluating new equipment, and serving on advisory committees are some of the ways in which consumers contribute to program development.

**Production costs average six dollars for a book recorded on audiocassette.**

**Research and Development**

The NLS research program is directed toward improving the quality of reading materials and playback equipment, controlling program costs, and reducing the time required to deliver services to users. Current research activities include (1) the development of a standard for digital talking books, (2) the application of digital techniques to NLS recorded materials, and (3) the investigation of services provided to print-handicapped students to help them obtain reading materials in alternative formats.

**For Further Information**

Ask your local public librarian for more information about the program and how to apply for service. Information, is also available on computer diskette or recorded cassette upon request or on the Internet at <http://www.loc.gov/nls>.

## **Order Form**

Distribution of some publications categories is limited to two items per request. Please send a copy of the items checked to:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### **General Information Brochures**

- |   |  |
|---|--|
| <input type="checkbox"/> Books Are Fun for Everyone   | <input type="checkbox"/> Facts: Talking Books and Reading Disabilities   |
| <input type="checkbox"/> Braille: An Extraordinary Volunteer Opportunity  | <input type="checkbox"/> Frequently Asked Questions about the National Library Service for the Blind and Physically Handicapped, The Library of Congress |
| <input type="checkbox"/> Facts: Books for Blind and Physically Handicapped Individuals<br><input type="checkbox"/> Libros para Ciegos y Impedidos Fisicos                             | <input type="checkbox"/> Music Is for Everyone   |
| <input type="checkbox"/> Facts: Copyright Law Amendment, 1996: PL 104-197   | <input type="checkbox"/> Reading Is for Everyone<br><input type="checkbox"/> La Lectura Es para Todos  |
| <input type="checkbox"/> Facts: Library Service to Institutions E Facts: Music for Blind and Physically Handicapped Individuals   | <input type="checkbox"/> Reading with Low Vision   |
| <input type="checkbox"/> Facts: Playback Machines and Accessories Provided on Free Loan to Eligible Individuals and Institutions<br><input type="checkbox"/> Spanish-language edition | <input type="checkbox"/> Reference and Information Services  |
| <input type="checkbox"/> Facts: Sources for Purchase of Cassette Players Compatible with Recorded Materials Produced by the National Library Service                                  | <input type="checkbox"/> Talking Books for People with Physical Disabilities   |
|   | <input type="checkbox"/> Talking Books for Senior Adults El Libros Parlantes para la Tercera Edad  |
|   | <input type="checkbox"/> Volunteer at Your Braille and Talking Book Library  |

### **Applications for Free Library Service**

Eligibility Requirements and Application Form ☐ Individual ☐ Institution  
Requisitos para el Servicio y Solicitud de Servicios Bibliotecarios Gratuitos (Spanish language)  
☐ Individuos

### **Magazines and Newsletters (Sample print copies)**

- ☐ Braille Book Review; bimonthly (new braille books and program news)
- ☐ News; quarterly (newsletter on current program developments)
- ☐ Talking Book Topics; bimonthly (new recorded books and program news)
- ☐ Update; quarterly (newsletter on volunteer activities)

**Information about and Samples in Special Formats**

- ☐ Bookmark (Braille)
- ☐ Braille alphabet card
- ☐ Do You Know This Tune? (braille music)
- ☐ Facts: About Braille

**Directories**

- ☐ Address List: Regional and Subregional Libraries, 1998
- ☐ Library Resources for the Blind and Physically Handicapped, 1998
- ☐ Volunteers Who Produce Books, 1996

**Reference Circulars** (Information on special topics)

**Limit of two items per request**

- ☐ Assistive Devices for Use with Personal Computers, 1998
- ☐ Bibles and Other Sacred Literature in Special Media, 1999
- ☐ Blindness and Visual Impairments: Information and Advocacy Organizations, 1996
- ☐ Braille Literacy: Resources for Instruction, Writing Equipment, and Supplies, 1994
- ☐ Deaf-Blindness: National Organizations and Resources, 1993
- ☐ Guide to Spoken-Word Recordings: Popular Literature, 1995
- ☐ Learning Disabilities: Organizations and Resources, 1997
- ☐ Parents' Guide to the Development of Preschool Children with Disabilities: Resources and Services, 1992
- ☐ Physical Disabilities: National Organizations and Resources, 1994
- ☐ Reading Materials in Large Print: A Resource Guide, 1997
- ☐ Sources of Audiovisual Materials on Disabilities, 1995
- ☐ Sources of Braille Reading Materials, 1996

**Catalogs and Subject Bibliographies** (Braille and recorded books)

**Limit of two items per request**

- ☐ Bestsellers, 1996
- ☐ Braille Books (biennial)
- ☐ Classics, 1994
- ☐ Coping Skills, 1993
- ☐ Discoveries: Fiction for Young Teens, 1986
- ☐ Entertainers, 1997
- ☐ Foreign Language Books, 1993
- ☐ For Younger Readers (biennial)
- ☐ Humor, 1987
- ☐ Magazines in Special Media, 1998
- ☐ More Mysteries, 1992
- ☐ Mysteries, 1982
- ☐ Pioneer and Frontier Stories, 1995
- ☐ Religion and Inspiration, 1987
- ☐ Romances and Love Stories, 1995
- ☐ Science Fiction and Fantasy, 1994
- ☐ Short Novels, 1985
- ☐ Short Stories, 1989
- ☐ Tactile Maps, 1987
- ☐ Westerns, 1983
- ☐ Westerns, 1983-1990

**Reference Bibliographies** (Print publications on special topics)

**Limit two items per request**

- ☐ Accessibility: A Selective Bibliography, 1994
- ☐ Assistive Technology: A Selective Bibliography, 1992
- ☐ Disability Awareness and Changing Attitudes, 1991
- ☐ Library and Information Services to Individuals with Disabilities, 1997

REFERENCE SECTION  
NATIONAL LIBRARY SERVICE FOR THE BLIND  
AND PHYSICALLY HANDICAPPED  
LIBRARY OF CONGRESS  
WASHINGTON DC 20542-0001

### **Also Submitted for the Record**

Also submitted for the record, but not reproduced in this report, are the following items:

- National Library Service for the Blind and Physically Handicapped, Library of Congress, *Selected Trends in Program Activity, 1974-1998* [12/30/98].
- National Library Service for the Blind and Physically Handicapped, Library of Congress, National Program in All Network Libraries: Readers and Circulation – Books and Magazines Five-Year Summary [12/31/98].
- National Library Service for the Blind and Physically Handicapped, Library of Congress, *Summary of Workload* [1/6/99].
- National Library Service for the Blind and Physically Handicapped, *Acquisition Plan—Braille Materials 2000* [12/98]; *Acquisition Plan—Recorded Materials 2000* [12/98]
- Library of Congress National Library Service for the Blind and Physically Handicapped, *Machine Production Schedule* [12/98]
- National Library Service for the Blind and Physically Handicapped, Library of Congress, *Proposed Fiscal Year 2000 Machine and Related Equipment Acquisition Chart* [12/98]
- Library of Congress National Library Service for the Blind and Physically Handicapped, *Machine Repairs* [1/99]
- FY99 Age Distribution: Cassette Book Machines, Talking Book Machines [no date]
- National Library Service for the Blind and Physically Handicapped, The Library of Congress, *Network of Major Service Centers* [1/93]
- National Library Service for the Blind and Physically Handicapped, The Library of Congress, *Digital Talking Book: Technical Activity Planning* [7/16/97]
- National Library Service for the Blind and Physically Handicapped, The Library of Congress, *Digital Talking Books: Planning for the Future, July 1998* [publication], Cookson et al.
- National Library Service for the Blind and Physically Handicapped, The Library of Congress, *News* [newsletter], April-June 1999, Vol. 30, No. 2.

### **10. Supplemental Material from James Gashel**

*[Mr. Gashel's testimony begins on page 51 of this publication.]*

### **National Federation of the Blind Request To Testify at NCLIS Hearing [Letter]**

1800 Johnson Street  
Baltimore, Maryland 21230  
(410) 659-9314

Marc Maurer, President

Re: Request to present oral testimony

I am writing on behalf of the National Federation of the Blind to request an opportunity to present oral testimony at your hearing on July 8, 1999. Library services are certainly an important part of life for everyone, but particularly so for blind people. I say this because libraries provide essentially the only source of reading matter for this particular population.

If you are blind, the local bookstore has very little to offer you. Although some books are published in Braille and on tape, the cost of obtaining a single copy is often prohibitive. Therefore, most blind people cannot afford to acquire personal reading collections and rely upon public, tax supported, programs instead.

Developments in modern information technology could have a major impact for blind people. I say this because the rapid distribution of daily newspapers, with access for blind people by telephone, is one example of a breakthrough. This same technology can be devoted to the storage and secure dissemination of other information as well.

Because of the specialized needs and small size of the blind population—approximately two percent of those with severe disabilities—the unique barriers we face in information access are often not understood or are overlooked. This is why I am especially anxious to present oral testimony at the July 8 hearing.

Please contact me as soon as possible with a response and more details. Thank you for your consideration.

Very truly yours,  
*James Gashel*  
*Director of Governmental Affairs*  
*NATIONAL FEDERATION OF THE BLIND*

*"Changing what it means to be blind"*

## **11. Supplemental Material from Ellen Perlow**

*[Ms. Perlow's testimony begins on page 54 of this publication.]*

### **Written Testimony of Ellen Perlow**

U.S. National Commission on Libraries and Information Science  
Hearing on Library and Information Services for Individuals with Disabilities  
Thursday, July 8, 1999  
The Kellogg Conference Center, Gallaudet University, Washington, DC

Testimony of Ellen Perlow  
Testifying as an Unaffiliated Individual

Good Afternoon. My name is Ellen Perlow from Denton, Texas, originally from Long Island, New York. I am honored to be here today representing myself, speaking as a professional academic librarian for nearly twenty years and a member of the American Library Association's ASCLA Division [Association of Specialized and Cooperative Library Agencies] that has established the just-announced Century Scholarship to promote diversity and the entrance of people with disabilities into the library profession. I also am an individual who happens to have a disability from birth.

I owe deep gratitude to the very special people who have had faith in me and in my abilities: first my parents who encouraged me to be a productive member of society, then my colleagues, friends, and my supervisors at my professional positions, including Dr. Keith Swigger, Dean of the Texas Woman's University School of Library and Information Studies where I currently serve as Manager of Information Services.

I was born with hemiparetic Cerebral Palsy [CP] on my right side, whose effects for me-impaired movement, balance, coordination, and perception, and lack of sensation on the right side-are much like a stroke.

I consider myself very fortunate. It could always have been worse, much worse. A second more of oxygen deprivation and I might have been paralyzed and confined to a wheelchair... or worse. Although very mild in the spectrum of disabilities, my CP still has a great impact on my daily life. What others seem to take for granted, especially driving [requiring a left foot pedal to drive means I cannot rent a vehicle], and ambidextrous coordination, I cannot. But somehow I have managed by coping and compensating. Coping and compensating are what life with a disability, and actually what life for everyone on this planet are all about. We make the most with what we have and try to do what others do, but perhaps in a different way.

As one whose integrity is often questioned because my disability does not fit the stereotype of being confined to a wheelchair, I can attest that the emotional toll and trauma of having a disability are much more NEEDLESSLY devastating and painful than any of the physical consequences. A recent example from my almost 50 years of experience: March 20, 1999, just 3 months ago: A neighbor placed a note reading "Petty Bitch" on my car windshield upon my finally [after 2 years] successfully obtaining for myself (for CP-related perceptual compensation) and another neighbor (for wheelchair accessibility) much-needed handicapped parking spaces at my Denton residence, spaces authorized under the Federal Fair Housing Act.

My response, after reporting the incident to the police, a sign on my windshield: "Tomorrow it could be YOU who needs this space, and 'petty' it won't be."

As we have witnessed so recently with the horrendous shootings at Colorado's Columbine High School: Tomorrow it could VERY WELL be US or OUR loved ones who must face disabilities and learn how to cope and compensate.

In fact, all of us on this planet will have a disability or disabilities, sooner or later during our lifetime, if not already: from birth, due to an accident, natural disaster, just getting older, or lifestyle, as in my late father's case, a lifestyle of smoking and drinking. Unfortunately, our media's incessant promotion of tobacco, alcohol and other drugs, guns, other deadly weapons, and other high-risk activities also promotes more and more disability.

Moreover, in the human race, there is not a person who can claim to be perfect, i.e. without blemish or disability. Each of us also is unique, different, and diverse from everyone else, a fact that brings true beauty to life. Let us celebrate our diversity!

#### **WHAT WE MUST DO: A TO-DO LIST**

We the library community CAN and MUST make a difference beginning right here and now in this hearing room. There is neither time to waste nor any excuse, since much of what we CAN and MUST do cost little or nothing.

#### **TO-DO #1: SAY IT RIGHT: PEOPLE FIRST!**

Our disabilities do NOT define us. We are NOT "disabled people" (to quote an ALA/ASCLA program announcement), nor the neutered "disabled persons," (to quote the Affirmative Action Register), nor '~he disabled' (to quote a U.S. Health Care Financing Administration flyer for Medicare distributed at the June 26-29, 1999 American Library Association conference), nor



"disabled individuals," to quote from the announcement for this very hearing. "Disabled" BY DEFINITION means "rendered incapable," "incapacitated" (Oxford English Dictionary, 1989, page 714), "inoperable" (Microsoft *Encarta* Encyclopedia [CD-ROM], 1999), i.e., as good as dead. We are PEOPLE with disabilities, PEOPLE FIRST, and NOT "they," "them," or "those people," for "'They' R Us." Yes, at no cost, we CAN and MUST say it right, in our literature, signage, announcements and publications, and how we speak with and about people with disabilities.

TO DO #2: NEVER ASSUME ANYTHING.

Not everyone who has a disability is in a wheelchair. Disabilities are diverse and deceptive, many invisible to the human senses. We cannot assume a disability won't happen to us.

TO DO #3: DISABILITY PREVENTION

- a) Increased Vigilance to Health and Safety, including maintaining smoke free, barrier-free homes, worksites, and public places. With the U.S. Supreme Court limiting ADA claims and HMOs pulling out of Medicare, etc., having a disability, permanent or temporary, is increasingly unaffordable-financially and emotionally.
  - a. Advocacy for Increased Public Transportation alternatives to driving are needed to reduce the killing field of disabling accidents on our overly congested highways and help keep people driving impaired off our roads.

TO DO #4. CARE.

All of us must have a sincere, caring, and positive attitude toward requests for accommodations or special services, whether or not the requests can be fulfilled. Disabilities are diverse and special services may be expensive, so it understandably may be impossible to satisfy everyone's needs. However, showing care and concern costs nothing but is worth millions. Let us remember that tomorrow or even tonight, it could be us who also may need those services.

TO DO #5. LIBRARY EDUCATION

- a) Demonstration Adaptive Technology Labs, with a representative sample of adaptive equipment spanning the spectrum of disabilities, must be a part of EVERY library school. Where else can future librarians learn about their patrons' diverse needs and the technology that will be in their libraries? Through cooperative efforts among all library schools and grant-funding agencies, adaptive technology could be purchased in bulk and thus at a discount from the manufacturers. Library schools could integrate students' work in the labs within a variety of courses, including Information Storage and Retrieval, Microcomputers, The Internet, Library Automation, Library Management, and Multicultural Librarianship.
- b) Inclusion of People with Disabilities within Multicultural Librarianship Curricula in Library Schools. The "People with Disabilities" topic is not just about what libraries and other institutions must do to comply with - or circumvent - the ADA and other laws. People with Disabilities are you and me, all of us, *twenty* percent of the U.S. population and growing (U.S. Department of Commerce. Bureau of the Census. *Census Brief* CENBR/97-5, December 1997), and thus an integral part of our multicultural society.
- c) Century Scholarship Support. (See: [www.ala.org/ascla/centuryscholarship.html](http://www.ala.org/ascla/centuryscholarship.html)) Publicize and encourage library school and corporate support of the much-needed Century Scholarship initiative to recruit people with disabilities into the library profession. Ensure that there will be librarians to greet all of us at our library doors and in our electronic environments who are knowledgeable, understanding, and empathetic to our needs as

people, and also as people who happen to have disabilities. Supporting the Century Scholarship: What better way to celebrate a new century that celebrates diversity and the beauty of life. Thank you very much.

**ASCLA Announces New Scholarship for People with Disabilities [A Press Release]**

ALA American Library Association  
NEWS  
For Immediate Release  
June 27, 1999

**ASCLA announces new scholarship for people with disabilities**

The Association of Specialized and Cooperative Library Agencies (ASCLA), Library Service to Special Populations Section and the Library Services to People with Visual or Physical Disabilities Forum has announced the establishment of the Century Scholarship to recruit people with disabilities into the library profession.

Beginning in 2000, the Century Scholarship will be given to help enable the American Library Association (ALA) to fulfill one of its most important missions: to bring diversity into the library profession so that it reflects the diversity of the communities library professionals serve.

"We are very excited about the establishment of this scholarship and initiative to recruit people with disabilities into the profession," said Scholarship Chair Lisa Scholl. "We need library professionals who are knowledgeable about the needs of people with disabilities. We encourage individuals, library schools and corporations to become active in this pursuit as well by supporting this initiative and our goals through monetary contributions, active recruitment into library and information science programs and making university programs accessible and welcoming to people with disabilities."

The award, currently up to \$2,500 annually, will fund services or accommodations for a library school student or students with disabilities admitted to an American Library Association-accredited library school. The scholarship will fund services or accommodations that are either not provided by law or otherwise by the university that will enable the student(s) to successfully complete the course of study for a master's or doctorate in library science and become a library or information studies professional.

Applicants must provide medical documentation of their disability or disabilities, services and/or accommodations they would need for their studies, demonstrate the need for financial assistance and be citizens of the United States or Canada.

For further information contact, Lisa Scholl, Chair, Century Scholarship, ASCLA, 50 E. Huron Street, Chicago, IL 60611. Telephone: 800-545-2433, ext. 4396

**New Scholarship for People with Disabilities [A Press Release]**

[www.ala.org/ascla/centuryscholarship.html](http://www.ala.org/ascla/centuryscholarship.html)

**New Scholarship for People With Disabilities**

The Association of Specialized and Cooperative Library Agencies, Library Service to Special Populations Section and the Library Service to People with Visual or Physical Disabilities Forum is

pleased to announce the establishment of the Century Scholarship, that will recruit people with disabilities into the library profession, beginning in the year 2000.

The Century Scholarship will enable ALA to fulfill one of its most important missions: to bring diversity into the library profession so that the library profession reflects the diversity of the communities library professionals serve.

"We are very excited about the establishment of this scholarship and initiative to recruit people with disabilities into the profession. We need library professionals who are knowledgeable about the needs of people with disabilities. We encourage individuals, library schools, and corporations to become active in this pursuit as well by supporting this initiative and our goals through monetary contributions, active recruitment into library and information science programs and making university programs accessible and welcoming to people with disabilities," stated scholarship chair, Lisa Scholl.

The annual \$2,500 scholarship will fund services or accommodation for a library school student or students with disabilities admitted to an ALA-accredited library school. The scholarship will fund services or accommodations that are either not provided by law or otherwise by the university that will enable the student or students to successfully complete the course of study for a Master's or Doctorate in Library Science and become a library or information studies professional.

Applicants must provide medical documentation of their disability or disabilities, services, or accommodations and/or services the applicant would need for their studies, demonstrate the need for financial assistance and be citizens of the United States or Canada.

For further information, contact Lisa Scholl, Chair, Century Scholarship, ASCLA, 50 E. Huron Street, Chicago, IL, 60611.

### **A Note About Language**

#### **A Note About Language**

Whenever one group struggles to react to the needs of another group, the language employed varies in sensitivity. Persons with disabilities are working to assume control over their own metaphors and find many labels and descriptions offensive. For example:

- disabled students, **the** blind, **the** disabled  
Use "person-first" language that stresses the person first and then the adjective: students with disabilities. Never identify people solely by their disability.
- handicapped accessibility, handicapped parking  
Accessibility or access is better. Try disability parking.
- physically challenged, differently abled, mobility-limited  
These euphemisms are cutesy and artificial.
- specialized equipment, special needs  
Individuals with disabilities are tired of the "special" label. Try "assistive technology" and drop words like "special" that are not really needed.
- wheelchair bound, "wheelchair" to indicate a person using a wheelchair  
Instead, use **has** a wheelchair, **uses** a wheelchair, or **in** a wheelchair.

**No matter how sensitive we believe our language to be, the final arbiter is the person or group we are addressing.**

—Harold Maio, in *The ADA Library Kit: Sample ADA-Related Documents to Help You Implement the Law*, ASCLA, 1994

**Disabilities Affect One-Fifth of All Americans; Portion Could Increase in Coming Decades [A Census Brief]**

[www.census.gov/prod/3/97pubs/cenbr975.pdf](http://www.census.gov/prod/3/97pubs/cenbr975.pdf)

CENBR/97-5 Issued December 1997

**CENSUS BRIEF**

**U.S. Department of Commerce**  
Economics and Statistics Administration  
Bureau of the Census

**Disabilities Affect One-Fifth of All Americans  
Portion Could Increase in Coming Decades**

About 1 in 5 Americans have some kind of disability, and 1 in 10 have a severe disability (see below for definitions). And, with the population aging and the likelihood of having a disability increasing with age, the growth in the number of people with disabilities can be expected to accelerate in the coming decades.

If current trends continue, Americans 65 years old and over will make up 20 percent of the total population by the year 2030 compared with about 12 percent currently. In the October 1994-January 1995 period, for example, about 16 million of an estimated 31 million seniors age 65 and over reported some level of disability.

**THE NEED FOR PERSONAL ASSISTANCE**

About 9 million people of all ages have disabilities so severe that they require personal assistance to carry out everyday activities. About 80 percent of the people who take on the role of primary helper are relatives, and nearly half of these primary helpers live with the person with a disability.

**DIFFERENCES BY AGE AND RACE**

Disability is no respecter of age, sex or race. Even among children ages 6 to 14, for instance, about 1 in 8 had some type of disability. Nevertheless, the likelihood of having a disability increases with age—half of seniors 65 years old and older have a disability.

Although age is the main factor affecting the likelihood of having a disability, there also are differences by race and ethnicity. For example, within the 55- to 65-year-old group, the proportion with a severe disability was 20 percent among Whites not of Hispanic origin, 35 percent among Blacks and 28 percent among people of Hispanic origin (who may be of any race).

**WORK AND DISABILITY**

A major purpose of the Americans with Disabilities Act of 1990 was to increase the employment rate of people with disabilities by making it illegal to practice discrimination against individuals who

happen to have a disability. The October 1994-January 1995 survey data confirm that employment, while gradually increasing, continues to be a problem for people with disabilities.

In the prime employable years of 21 to 64, for example, 82 percent of people without a disability had a job or business compared with 77 percent of those with a non-severe disability, and 26 percent of those with a severe disability. The latter figure actually represents a gain since a previous 1991 survey when the employment rate of people with a severe disability was only 23 percent.

As shown in the table below, the likelihood of being employed varies by type of disability among people 21 to 64 years old.

#### KINDS OF DISABILITIES AND EMPLOYMENT

*(Persons age 21-64)*

<b>Disability</b>	<b>Percent employed*</b>
Difficulty hearing	64.4%
Difficulty seeing	43.7%
Mental disability	41.3%
Difficulty walking	33.5%

*\*Persons may have more than one type of disability*

#### RELIANCE ON PUBLIC ASSISTANCE

More than three-quarters (77.4 percent) of Americans age 22 to 64 with disabilities do not receive public assistance. However, disability is relatively common among those who do receive government cash, food or rent assistance. About half the beneficiaries of these programs had either a severe or non-severe disability.

Data on the number of people with disabilities in the United States and the nature of those disabilities, plus their work activity and the help they receive from public programs are collected by the Census Bureau as part of its Survey of Income and Program Participation (SIPP). SIPP currently is the best source for periodic data concerning the economic situation of people with disabilities, but Census Bureau analysts note that the Federal government is still in the early stages of determining how best to monitor statistically the status of people with disabilities.

#### DISABILITIES AND AGE: OCTOBER 1994-JANUARY 1995

*(Percent with disabilities by age)*

<b>Age</b>	<b>Any Disability</b>	<b>Severe Disability</b>
65 years and over	52.5%	33.4%
15 to 64 years	18.7%	8.7%
0 to 14 years	9.1%	1.1%

*Source: U.S. Bureau of the Census, Survey of Income and Program Participation*

#### WHAT CONSTITUTES A DISABILITY

A person is considered to have a disability if he or she has difficulty performing certain functions (seeing, hearing, talking, walking, climbing stairs and lifting and carrying), or has difficulty performing activities of daily living, or has difficulty with certain social roles (doing school work for

children, working at a job and around the house for adults). A person who is unable to perform one or more activities, or who uses an assistive device to get around, or who needs assistance from another person to perform basic activities is considered to have a severe disability.

### **To Do Now**

#### **To Do Now**

1. Say It Right: People First! "‘They’ R Us!"
2. Never Assume Anything.
3. Disability Prevention:
  - a. Vigilance to Health and Safety
  - b. Advocacy for Increased Public Transportation
4. Care: Caring costs nothing but is worth millions.
5. Library Education:
  - a. Adaptive Technology Labs at all Library Schools
  - b. Inclusion within Multicultural Librarianship
  - c. Century Scholarship Support

—Ellen Perlow—NCLIS Testimony, July 8, 1999

### **Also Submitted for the Record**

Also submitted for the record, but not reproduced in this report are the following materials:

- Surgeon General’s Warning: Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight, People Weekly, June 28, 1999, back cover and Chemicals Identified in Tobacco Smoke [source unknown].
- Definitions of *Disabled* from the Oxford English Dictionary, Clarendon Press, 1989, volume IV, page 714, and Microsoft Encarta Encyclopedia 99 [CD-ROM] Dictionary section, copyright 1993-1998, Microsoft Corporation as well as assorted materials showing incorrect usage such as: "*disabled persons*," "*disabled individuals*," "*disabled people*," "*disabled* [as a noun]," and "*disability act*."

**12. Supplemental Material from Bernadette Storck**

*[Ms. Storck's testimony begins on page 57 of this publication.]*

**Written Statement of Bernadette Storck**



**PINELLAS PUBLIC  
LIBRARY COOPERATIVE**

**PINELLAS PUBLIC LIBRARY COOPERATIVE**

Bernadette Storck  
Library Administrator  
12345 Starkey Road  
Suite L  
Largo, Florida 33773-2611  
727- 535-7979  
727 531-5071 FAX

Good afternoon ladies and gentlemen.

Thank you for allowing me to speak to you concerning library service to the disabled.

My name is Bernadette Storck. I live in Tampa, Florida, and work in Pinellas County, Florida, across Tampa Bay. My title is Administrator of the Pinellas Public Library Cooperative which was the first single county cooperative in Florida organized to bring together public libraries individually owned and operated by separate jurisdictions in order to share services and materials among themselves and with people in the unincorporated county and small towns without libraries.

Pinellas County is the most densely populated county in Florida and is located on the central west coast and includes beautiful white sandy beaches as well as thriving cities such as Clearwater and St. Petersburg. Altogether there are twenty-four municipalities and a large population, about 214,000, in the unincorporated areas for a total of about 890,000.

When the Cooperative was formed in 1990 twelve cities joined. Several years later Clearwater became a member thereby opening all public libraries in the county to everyone entitled to service. At the time the cooperative began we wrote an LSCA grant to establish a Talking Book Library. Prior to that time disabled residents of Pinellas County received their service by mail from the state's regional library in Daytona Beach. We received that grant and with great help from Daytona opened Florida's eleventh subregional library in 1993.

According to demographics Pinellas County has about seventeen thousand residents eligible for talking book services. At the present we are serving 3500 to 5000 based in part on seasonal shifts and in part on the mortality rate among our residents. We also have some braille, descriptive videos, large

print books and some illustrated and brailled children's books. Our staff consists of a Talking Book Librarian, an Assistant Librarian who serves as the volunteer coordinator, an office manager/clerk, two reader's advisors, and a part-time visually impaired receptionist. All of these people deal directly with our clients, and we have a steady stream of visitors to our site though most talking books come and go via mail.

You have expressed interest in the technology side of services to disabled readers. A second year grant and subsequent vendor support has enabled us to purchase the most up-to-date equipment available. We have a very sophisticated computer set up which will read orally words, text and spelling to the user. It has several excellent programs designed to give the impaired reader/user the same access enjoyed by others. This computer has its own printer, access to Internet, a moveable keyboard to make wheelchair access easier and to enable a user with only one hand to determine what is most comfortable.

From that computer a client can take the print-out to a scanner attached to a braille writer and reformat the work. The Braille writer set-up includes the ability to print from disc, from keyboard input or from regular copy.

The Talking Book Library has a closed circuit television set (CCTV), a magnifying reader which may be used for color, black on white or white on black and a Reading Edge, the Kurzweil reader. There is a newer reader available known as Aladdin, and we anticipate receiving it soon. We also await word from the Gates Foundation regarding the addition of more computers for public use, fully adapted for the disabled.

Another service being provided in Pinellas County is the Deaf Services Center at Safety Harbor Library. Based on a grant this library located in a town of about seventeen thousand people has begun a literacy, family-oriented program. The library director took the course in American Sign Language (ASL) as did her teenage daughter. A specialist was hired to help organize the program, gather materials and contact the community. Due in part to this service Safety Harbor has seen several new families with deaf members become neighbors, library users and friends.

Our libraries are very much aware of the needs of the disabled—whether they are visually or hearing impaired, have severe arthritis or spinal cord injuries, birth defects or other limitations. We are truly making the effort to recognize and serve all of our residents.

Several new buildings and quite a few renovations have occurred since the Cooperative began. Appropriate furniture, restrooms, assistive devices and staff training have been added. Technology is wonderful—and often expensive.

What will libraries need for the future? Efficient and accurate telecommunications devices and services, the ability to upgrade or replace equipment as it is improved, support for outreach programs, information about new medical techniques which improve life for the disabled and which can be shared via libraries and their networks. Libraries need information and materials in a variety of formats made available in a timely and inexpensive manner. Libraries need the support of well-informed elected and appointed officials at all levels.

Perhaps most of all libraries need the very best education and training available for staff. The most remarkable technology available is still the human mind. It is capable of receiving, storing, and retrieving more useful data than we can imagine. We have all known or heard of stroke or accident victims whose brains have lost some cells—but those brains have adjusted—learned to speak again, to use paralyzed limbs again.



The mind of a good librarian must be provided for opportunities to grow and expand. The requisite Master's Degree opens the door—each of us must enter it knowing we have the skills to organize and assimilate information. But it is that other part of us—the anima or soul—that sets us on a path of service. What other profession exists solely to give away everything we learn or collect—freely and purposefully?

So what should the National Commission on Libraries and Information Science be doing? Work with us and for us. Take up the cause that every American will know about his or her libraries and that regardless of physical or mental impairment the library is there to meet the needs—for information, for materials, for intellectual growth and freedom.

Foster the development of programs to further the education of librarians through grants, stipends, and courses by telecommunication or human in-person communication. Provide sign-language courses, provide psychology courses, provide and provide human relationship courses. These are over and above the courses offered by our library schools and many libraries do not have adequate staff or funds to support continuing education. Perhaps that should be your major program.

I certainly don't have all the answers. But as I approach my fortieth year of working in the library environment and as I share my history and enthusiasm with graduate students in my classes at the University of South Florida, and as I see how far we have come I can only envision where we will go. If this Commission is to continue, you must strive to help us all make this vision a reality—even for those who cannot hear us talk about it or see its plans in print.

Thank you for listening—and for caring.

**Pinellas Talking Book Library for the Blind and Physically Handicapped [A Brochure]**

**Pinellas Talking Book Library for the Blind and Physically Handicapped**

**TALKING BOOKS:**

***Reading Never Sounded so Good!***

**Mission Statement**

The Pinellas Talking Book Library's (TBL) mission is to encourage and support reading by providing free library services to Pinellas County residents for whom conventional print is a barrier.

**Talking Book Library**

The Pinellas Talking Book Library (TBL) is part of a nationwide network of regional and sub-regional (local) libraries administered by the National Library Service for the Blind and Physically Handicapped (NLS), Library of Congress. Locally, the TBL is administered by the Pinellas Public Library Cooperative (PPLC).

The TBL is responsible for talking book services in Pinellas County. We provide adult and juvenile readers with books and magazines in audio and Braille formats. All reading materials and compatible playback equipment are loaned to readers without charge, and all postage is free. Transactions may be handled via mail, telephone, fax, or e-mail.

**Collection**

The National Library Service produces full-length books and magazines. The scope of the collection is similar to that of a public library; it contains bestsellers, biographies, classics, mysteries, romances,

westerns, poetry, histories, and how-to books. There are a limited number of titles in Spanish and other languages for readers whose primary language is not English. Catalogs and bibliographies in a variety of formats are available for book and magazine selection.

### **Deposit Collections**

Pinellas County facilities such as nursing homes, Assisted Living Facilities, hospitals, and skilled nursing units are eligible for on-site deposit collections which are mini-libraries composed of audio and Braille materials and compatible playback equipment for use by eligible residents. Deposit collections can be tailored to meet the needs of the residents. Applications are available by calling the library.

### **Other Services**

**Descriptive Videos**—Descriptive videos (DV) are selected contemporary and classic movies specifically adapted for the visually impaired. The soundtrack includes narration that describes visual elements such as action, settings, costuming, and gestures without interfering with actual dialog or sound effects. DVs play on an ordinary VCR and TV. DVs are available by mail for loan to eligible readers.

**Assistive Devices**—The library has a public reading area containing various assistive devices for use by walk-in readers. Two closed-circuit televisions (CCTV) magnify print and images; two devices convert print material into speech; computers have speech access and screen magnification; computer software translates computer text into braille; a braille embosser into grade II interpoint Braille; and hand-held magnifiers have varying magnification strengths. Two closed caption decoders and one portable CCTV are available for loan.

**BiFolkal® Kits**—BiFolkal ® Kits are unique tools for providing stimulating programming in group settings such as nursing homes. Each kit contains multi-sensory resources to encourage remembering and sharing memories. A kit is essentially a "party-in-a-bag." Kits can be used effectively without any special training or experience. Kits are available for loan to registered deposit collections.

**Print/Braille Books**—Print/Braille books have the same text in print and Braille on pages facing each other. Print/Braille books enable blind and sighted readers to share the experience of reading a book together. Selected titles are available for pre-school through Grade 6 levels.

**Reference Services**—The TBL maintains an information file of resources on disabilities issues, products, organizations, and ADA legislation. A print reference collection dealing with disabilities is kept for in-library use. Current catalogs of assistive devices and product information sheets are available for browsing or free distribution.

### **Eligibility**

If you have difficulty using or reading conventional print material due to

- visual impairment
- physical disability
- reading disability due to organic dysfunction

you are eligible to receive talking books. The condition establishing eligibility may be permanent or temporary.

Applications for service may be signed by a doctor, social worker, teacher, optometrist or other qualified person.

To obtain an application call the TBL at (813) 538-9567 or the Daytona Beach Regional Library toll-free at 1-800-226-6075.

### **Volunteers**

The TBL encourages volunteers to spend personally rewarding hours helping the library with its day-to-day operations and specialized tasks. Call the library for more information about volunteer opportunities.

### **Donations**

Financial support for the TBL benefits the quantity and variety of our resources and thus improves the quality of life in our community. All donations to the library are tax deductible.

*"If I took a poll of every visually impaired person, I believe that this program would be cited as the most valuable of any service."*

—Carl R. Augusto, President and Executive Director,  
American Foundation for the Blind, Inc.,  
in an address to talking book librarians, 1992.

#### **Pinellas Talking Book Library**

12345 Starkey Road, Suite L  
Largo, FL 33773-2629  
(727) 539-0-261, (727) 538-9567  
TTY: (727) 538-8949  
Fax: (727) 538-8731  
E-Mail: carlsorg@snoopy.tbtc.lib.fl.us

#### **Hours**

Monday – Friday  
9:30 a.m. – 5:00 p.m.  
Closed weekends and holidays

### **Services to the Visually Impaired**

#### **Services to the Visually Impaired**

By Barbara Lapointe, Acting Librarian, Pinellas Talking Book Library

[An Excerpt From]

#### **LIBRARY COOPERATIVE CALENDAR OF EVENTS**

A Publication of the  
Pinellas Public Library Cooperative  
July 1999

It never occurred to me before I was hired at the Pinellas Talking Book Library that people with print disabilities could also enjoy a good book. I thought that if you were blind you had to read braille. But it is not really true. What if you were not born blind and suddenly found yourself incapable of reading

conventional printed material anymore? What if you cannot hold or turn the pages of a book because of a physical disability? What about reading disabilities?

In Pinellas County more than 3,500 visually and physically disabled people are eligible to use the free services offered by the Pinellas Talking Book Library (PTBL). The Library was designated as a Sub-regional Library of the National Library Service for the Blind and Physically Handicapped (NLS) by the Library of Congress in 1993. NLS produces and selects books and magazines in cassette, disc, or braille format, which, along with playback equipment, are loaned free to eligible individuals. Talking Book Library services are available to people who cannot hold, handle or read conventional printed material because of visual or physical disabilities. Its services can be used by those with either permanent or temporary disabilities and are available to individuals or to institutions serving such persons.

PTBL offers a great variety of recorded books including humor, biographies, poetry, religion, history, mysteries, westerns, bestsellers, romance, etc. As you can see, we cover topics similar to those offered in a public library. However, we are not like a public library as there are no books to browse. So how do patrons select their books? They receive bi-monthly catalogs of newly released books as well as a yearly catalog and may request specialized catalogs such as Romances, Mysteries, and Science Fiction. They send us their requests by mail, phone, fax or e-mail. We process them and send the books through the mail as free matter for the blind and physically handicapped.

PTBL offers much more than books. We have descriptive videos where a narrator describes visual elements of the film, low vision aids that magnify print or images, assistive devices for converting print material into speech, Braille embosser, resource collection on disabilities issues, products, organizations, and legislation, and even adaptive sports equipment available for loan (in the near future).

*In Pinellas County more than 3,500 visually and physically disabled people are eligible to use the free services offered by the Pinellas Talking Book Library.*

I don't want to be presumptuous, but I believe that our library patrons are much more appreciative of our service than any other library patrons would be: Talking Books are an essential part of their lives. Can you imagine your life without sight? As Mr. Harold Grimes, Pinellas Talking Book client since 1996 attests: "I use the talking book cassettes every day as they provide me with great relaxation and enjoyment. I am sincerely grateful for this service, and I am pleased to tell others about the Talking Book Library."

**Pinellas Talking Book Library**  
12345 Starkey Road, Suite L, Largo, FL 33773  
727-538-9567 or 727-539-0261  
Monday – Friday: 9:30 a.m. – 5:00 p.m.

Serving Pinellas County residents with visual, physical or reading disabilities. Books and magazines in recorded formats and braille, plus compatible playback equipment, are loaned free of charge. Walk-in users are welcome.

For more information or an application for service call  
727-538-9567 or 727-539-0261

This newsletter is also available in accessible format.

### **Services Offered to the Pinellas Talking Book Clients [A Flyer]**

#### **Services Offered to the Pinellas Talking Book Clients**

- Low vision aids that magnify print or images (Closed Circuit Television);
- Assistive device for converting print material into speech (Reading Edge);
- Braille embosser for printing grade II interpoint braille from a computer;
- Computer equipped with software that reads or magnifies what is written on the screen (such as Zoom Text, Kurzweil 1000, Kurzweil 3000, and JAWS). Also with an Internet connection;
- Adaptive sports equipment available for loan;
- Resource collection on disabilities issues, products, organizations, and legislation.

### **Born to Guide [Newspaper Article]**

#### **Born to Guide**

By Philip Morgan of The Tampa Tribune  
*BayLife*, June 21, 1999

BRADENTON—Maggie, a yellow Labrador retriever, sweeps her eyes across the sidewalk and decides there is enough space to maneuver a wheelchair between the curb and a tree blocking part of the path.

Then she moves on. Trainer Larisa Scharikin can feel the tension in the handle of Maggie's harness, telling Scharikin to steer her wheelchair in a sweep to the right.

In a few weeks, Maggie will graduate from Southeastern Guide Dogs and start earning her pay—love and praise from the blind person in a wheelchair with whom she will spend her life.

Scharikin, 43, has trained guide dogs for 10 years. Helping blind people in need is satisfying, but she says the most fascinating part of the job is seeing these dogs learn.

"The whole thing is amazing," say Scharikin, who gave up accounting to work with guide dogs. "Nothing wows you as an adult, but when you see this working...it's like, wow, there is some mystery left in life."

Southeastern, a nonprofit company founded in 1982, is 1 of 10 schools in the nation that train guide dogs.

Five days a week, trainers transport their charges from Southeastern's kennels in Palmetto to downtown Bradenton. The dogs learn to follow more than 40 commands during the four to six months of training. They learn how to stop at curbs and know when it's safe to cross the street. They learn how to gauge whether to go under or around overhanging limbs, depending on the height of their masters.

They learn more subtle lessons, too. For example, the command "left" tells the dog to take an immediate left. "Left-left" tells it to take the next available left. The dogs do it all for a pat on the head and an encouraging word from the trainer.

Animals go from the relative tranquility of downtown Bradenton to tests in frantic downtown Tampa, with its whooshing traffic and many distractions.

Trainers eventually put on blindfolds for the true test. Then the dogs are ready to be matched with students, who bond with their canine companions and work with them for 26 days before graduation.

The blind students spend 24 hours a day with their dogs. No one else is to pet, feed, play with or even make eye contact with a dog while it is learning to love its new master.

Maggie is a wheelchair specialist. Most dogs train to guide clients who can walk. The school takes care to match the right dog with the right person.

Older, slower people get gentler, slower dogs such as Dottie, the black Labrador that Lynn Benus is training. Younger, more active people get stronger, faster dogs such as Conwell, a yellow Labrador that Jim O'Donnell is training.

"He needs a young Marine, actually, at this point," says O'Donnell, half-jokingly.

Conwell lies at his feet, relaxing with his leash on. When he dons the harness, he's all business.

"It's like putting on a three-piece suit," says Michele Huseby, Southeastern's public relations director.

When dogs are in their harnesses, even pats on the head from strangers are discouraged.

O'Donnell, 47, has taught guide dogs for eight years, having served the three-year apprentice period all trainers at Southeastern undergo. The former letter carrier quit the U.S. Postal Service, giving up benefits that would have come with retirement a few years away, just to work with the dogs. He feared if he didn't do it when he did, he might never get the chance again, and he would regret it.

Working with some of the greatest dogs in the world—and seeing the results—fills him with purpose, he says.

O'Donnell tells of one memorable dog, a Labrador named Della, who went to a woman whose seizures from epilepsy were so frequent that she wore a helmet at all times. The woman fitted Della with an extra long leash and tied it to her belt. When the woman fell on the ground in a seizure, as she did about 10 times during the training period, Della moved to the end of the leash and waited calmly. When the woman stopped convulsing, Della went over, lap down beside her and licked her face until she regained consciousness.

Scharikin tells of an incident during her apprenticeship at a guide dog school in New Jersey. A newly assigned dog pulled a client down a hill, threading around garbage cans strewn in the path, as a worried Scharikin ran after them. When she caught up, she saw tears streaming down the man's cheeks.

"He said, 'I didn't think I would ever be able to move that fast in my life again and feel safe.' That always sticks in my mind."

About 80 percent of the dogs Southeastern trains are retrievers, mostly Labradors. They love to work and aren't intimidating to strangers. Purebred German shepherds, once the standard among guide dogs, tend to be overprotective, Huseby says, adding that it wouldn't do to have them barking and snarling at everyone they meet.

Labradors tend to be energetic, though, and not always suitable for older and debilitated clients. The school has found success cross-breeding them with characteristically mild-mannered golden retrievers. "Goldadors," they are called.

It costs about \$10,000 to train a guide dog, but the dogs are given to blind people for free. Southeastern gets no government funds, depending entirely on donations from individuals and corporations, Huseby says.

More than 100 guide dogs each year are matched with blind people throughout the United States, Canada and Latin America, though most go to people in Florida and other Southeastern states.

Considering the high cost of training, the school wants to be sure the dogs will succeed. That's why Southeastern raises its own puppies; the products of dogs know to have the proper traits.

They are in top physical shape and have superior hipbone structure—they must have strong joints to withstand a lifetime of pulling. They have to be able to work without the distractions of usual dog behavior.

But, sometimes, even with the superior breeding, dogs don't work out. They may be incorrigible ground sniffers or squirrel chasers.

"We occasionally have a dog that doesn't want to work," Huseby says. "It just wants to go home, lie there on the couch, watch TV and hang out."

Dogs that don't work out may be given to Southeastern volunteers, people who offer their time to walk dogs, play with puppies or house the breeder dogs when they aren't producing young. Some dogs that fail as guide dogs are just right for other kinds of service, and they may be donated to police or fire agencies as bomb, drug or arson sniffers.

The dogs that go to blind people help in more ways than guiding, says O'Donnell. They offer love and companionship, and they open social doors.

"You walk around with old, big, huge Conwell here, you've got to fend the people off," he says. They want to know about him."

### **Life Moves Forward with Help of Dog [Newspaper Article]**

#### **Life Moves Forward With Help of Dog**

By Philip Morgan of The Tampa Tribune  
*BayLife*, [undated]

BRANDON—"Forward, Lou," Marion Gwizdala tells his guide dog.

Louiza, a collie-German shepherd mix, stands still.

"Forward, Lou," he repeats.

Nothing.

It is only when Gwizdala says, "Forward, down," that Lou proceeds down the stairs.

That's the command that signals to the dog that her blind master knows they are at the top of a set of steps, not just a curb or single step. Lou is exhibiting "intelligent disobedience," as guide dog trainers call it—a refusal to obey when doing so would endanger the blind person.

Lou is the third companion from Southeastern Guide Dogs to work for Gwizdala, 43, a Brandon hypnotherapist who has been blind from retinitis pigmentosa, a progress genetic disease, since the early 1980s.

The first dog, a German shepherd named Princess—placed with Gwizdala before the school in Palmetto bred its own dogs—was afraid of thunder and was retired. The second dog, a black Labrador named Diamond, guided him for 11 years. Diamond, who died earlier this year, so loved working that he would eagerly stick his head in the harness when it was held before him.

Nothing ruffled him. A neighborhood dog would rush up and bark inches from Diamond's face, and he would ignore it.

"He was an ambassador for Southeastern, like Lou is going to be," says Gwizdala.

Lou, placed with him in late March, seems to have hit her stride. At 20 inches tall, she can judge whether a tree branch is high enough for the 6-foot-3 Gwizdala to clear. She stands at an angle in front of him until she determines it is safe for him to cross busy Parsons Avenue.

"The intelligence she uses is beyond the training," Gwizdala says.

For example, she slows, stuttering her step, to signal that he is approaching an uneven section of sidewalk.

The symptoms of retinitis pigmentosa began when Gwizdala was 17, not long after he had gotten his driver's license. He was tired, felt a pounding in his head and would frequently drift off to sleep. His vision began tunneling, closing off peripheral sight.

"I didn't accept it for 10 years. In fact, I drove a taxicab," he says, laughing.

His vision steadily declined. Now, he can see only changes in light.

For years he used a cane, a tool that should be mastered before a blind person gets a guide dog, he says. He still uses a cane for short trips to a convenience store.

Gwizdala, a poised and amiable man with read hair and beard, has adjusted well to his disability. He runs his own business, Body-Mind Connection, and gives lecturers on using self-help methods to enhance performance, quit smoking, lose weight and manage stress. He likes sailing and gardening. He plays guitar and sings. He performs regularly at Brandon Brew House Restaurant and Fox & Hounds Irish Pub.



"He really has a wonderful voice and wonderful technique," says Fox & Hounds general manager Jane Mertens, who adds he also has a great rapport with the audience.

Gwizdala and his wife, Jan, own another dog, Caymen, a German shepherd who takes his job as pet and protector seriously. Caymen and Lou get along well, Gwizdala says.

When Lou is out of her harness, she goes into regular dog mode—chasing lizards and playing with sticks.

She shows her intelligence then, too.

Gwizdala tells of Lou's recent attempt to go through the foot-wide doggie door at his home with a two-foot-long stick. After a couple of failures, she entered the house, stuck her head back out the door, grabbed the end of the stick and dragged it inside.

"She is really such a personality."

### **Breaking the Language Barrier [Newspaper Article]**

#### **Breaking The Language Barrier:**

An unusual literacy program at the Safety Harbor Library reaches out to deaf people

By Vickie Beck of The Tampa Tribune  
*BayLife*, [undated]

SAFETY HARBOR—Deaf people need to be bilingual.

The hand pictures of sign language don't translate easily into the spelling and structure of English. Some adults lack the basic English to use a Telecommunication Device for the Deaf or a computer or even write a note to express their needs.

When this became apparent to staff members of the Safety Harbor Library last November, they created Literacy Training and Family Programs for the Deaf.

"People who are deaf started coming into the library. We realized they couldn't read, and we could only communicate through notes," says Monica Reed, library director.

The free program includes sign language classes for the hearing, and most of the library staff is becoming familiar with sign language.

"When the library started the program, there could be as many as 15 deaf people I here writing one-word messages: 'book,' 'video,'" says Rosa Rodriguez, deaf services coordinator for the library.

Safety Harbor has low-income housing for people who are deaf and may have additional disabilities. Many of the literacy students are from that community.

In a small library classroom decorated with ABCs and posters explaining basic grammar, Rodriguez teaches life skills, centered on literacy in English. For example, when class members wan to order pizza at a restaurant, they can't write an understandable note. They want to write letters to their families. And they want to know how to explain what they need from a plumber, a locksmith, even a librarian.

The class is often interrupted as others come in, seeking advice on personal problems ranging from how to complete job applications to how to get medical supplies. Some one signs about being worried about a friend, and the class stops for a discussion in sign language.

American Sign Language is "not structured like English," Rodriguez says. "If you can't hear, how could you learn this language? Students in the classes have an average reading ability of from first- to third-grade level."

The class has about 35 students from age 15 to 55. Some are learning sentences, some individual words. One 35-year-old is just learning the alphabet. Even so, most say they completed high school.

"We learn language incidentally," explains Charon Aurand, director of the Neighborhood Family Center, operated by Friends of the Deaf Service Center in Pinellas Park. "Primary language acquisition occurs from age 0 to 3. Most parents haven't even decided how to handle the problem, assuming the child has been diagnosed, by then."

Kids who can't hear "have delayed social skills, and hey don't have a language base to learn English, even in school. It would be like trying to learn Russian strictly from a book. If they go to school for 12 years where they don't speak the language, they won't get above third-grade level."

At the library, students learn the names and spellings of basic household items, such as "window," "toilet," "cabinet." They learn the difference between similarly spelled words, such as "sink" and "stink." They marvel over why there are so many words for the same thing—"wastebasket," "garbage can," "trash can," for example. They want to call the clock "time."

When they spell incorrectly, Rodriguez hands them a dictionary.

"I want them to reach the highest level of independence they can," she says. "I want to help integrate them into the community."

The students have more specific goals.

Jackie Hearn, 34, who completed 10<sup>th</sup> grade, speaks through student interpreter Dayna McMaster. Hearn wants to "learn and practice reading and math so I can read sentences, answer questions and go to AA [Alcoholics Anonymous] meetings on the Internet."

Rodriguez has already taught her the "Serenity Prayer" in sign language.

Angela Diehl, 20, wants to "learn signed music and how to read and how to use the Internet." She hopes to become a massage therapist.

"I want to learn about massage, so I want to read books and get on the computer," she says. "I have a 2-month-old daughter, Yvonne, so I want to learn and work so my daughter will have a good future. I come here to learn stories and then teach my daughter."

Diehl and other students have begun to participate in community activities.

When people come to the class to observe, Rodriguez will both speak and sign, which is difficult. It's thinking in two languages at once, she says.

Rodriguez has six years of experience working with people who are deaf. In addition to running the library program, she is a rehabilitation counselor in the Deaf School to Work Program of the Florida Division of Vocational Rehabilitation.

She also has taught sign language at the Safety Harbor Fire Department and City Hall, which will help end misunderstandings with the deaf community, she says.

"Deafness often contributes to other emotional and identify problems," she says. "I often describe the problem as being culturally deprived."

The Hillsborough County literacy program has had requests for assistance from people who are deaf, and once had a volunteer who could interpret.

"We have tried to recruit deaf volunteers. At this point, we're real low on all volunteers," says Jodi Cohen, literacy coordinator for the county library system. "The program in Safety Harbor is fantastic and very unique. I don't know of another program like it."

Rosamond Donahoe, publicity director for the Literacy Council of Upper Pinellas in Dunedin, says her organization doesn't do special programs.

The Safety Harbor program has Federal funding through October. The library is searching for additional money, Reed says.

The program covers basic and intermediate reading, writing and math, basic computer use, employment skills, storytelling, recovery from substance abuse, and life skills such as hygiene, nutrition and parenting.

"Everything is literacy," Reed says.

The library also has a large collection of books and videos on deafness and deaf culture, Rodriguez says.

"The Safety Harbor Library is to be commended for its interest and commitment to the deaf community," Aurand says. "All the story hours are interpreted. They just do everything they can to make the facility accessible.

"They are making a difference in the quality of life for people."

### **Blind Suffer 70% Jobless Rate [Newspaper Article]**

#### **Blind Suffer 70% Jobless Rate**

By Lori Johnston of The Associated Press  
The Tampa Tribune, July 3, 1999

ATLANTA—While technology has made some facets of life easier for the blind, other advances have shut them out of jobs.

In a labor market so tight that many employers are begging for workers, 70 percent of blind Americans who want a job can't find one. Advocates blame discrimination, a drop in braille literacy and, perhaps, most important, the computer mouse.

With the nation's overall unemployment rate at close to a 29-year low of 4.3 percent, the level of joblessness among the blind has remained stagnant for about a decade, according to the U.S. Labor Department.

"The Americans with Disabilities Act seems to have had no impact on this," said Barbara Pierce, spokeswoman for the National Federation of the Blind, which is holding its annual convention in Atlanta through Tuesday. The act, passed in 1990, bans discrimination based on disability and requires employers to take "reasonable" steps to accommodate disabled people.

In addition to the 70 percent of the blind who are unemployed, 30 percent of those who are working are considered underemployed in relation to their qualifications, according to the Labor Department.

Over the years, technology has made things much easier for blind people. Converting text to braille, once a painstaking process, can now be done by computers and some office equipment is available with braille-embossed buttons.

But other technology has hurt the employment chances of the 750,000 blind Americans.

Many blind people once worked as receptionists, taking dictation and answering the phone for managers and executives. But voice mail and e-mail have changed the job description, requiring more computer skills.

And software that requires the user to move around the screen with a mouse and click on icons is nearly impossible for blind people to learn.

Peg Halverson, who has been out of a job for the past two years, said she could use software that includes graphics if someone would put it in a blind-friendly format that relies mostly on keystroke commands and speaks out loud to the user to alert him or her to what is on the screen.

"I want to be employed. I want to contribute to society," said Halverson, 44. "I'm thinking, 'I have a business degree, I have basically 20 years of administrative experience, and I can't even get a customer service job.'"

Pierce said software makers that convert point-and-click programs so that the blind can use them are a couple of years behind the rest of the fast-moving computer industry.

Advocates said another problem has been a decline in the number of blind children learning braille. During the past 30 years, the percentage of blind children learning braille in the United States has fallen from about 50 percent to less than 10 percent, according to the federation.

The reason: a push during the past two decades to get blind children out of special schools and "mainstream" them with other youngsters.

The federation backs mainstreaming; but, said Pierce, many school systems saw it as a chance to cut costs by hiring fewer teachers for disabled students and rolling back braille instruction to only once or twice a week.

Another big obstacle for blind people trying to find jobs is employers' attitudes, advocates said. Many managers think blind people are helpless and can't be effective workers. "This is pity-based discrimination," Pierce said.

Advocates said there is technology to help the blind in many jobs.

Some companies may balk when told that a blind employee will require a \$3,000 braille embosser that works like a computer printer that would cost less than \$500. However, Pierce said, there are state, Federal and private programs that help employers pay for such equipment.

At the convention, blind people are attending workshops on writing résumés, interviewing and dealing discrimination.

Lynn Mattioli, a hospital dietician in Baltimore, said she doesn't try to avoid the subject of her blindness during job interviews. Instead, she tells employers how she proposed to overcome her disability and get the job done.

### **Here's the Messy Truth About the ADA [Newspaper Opinion Column]**

#### **Here's the Messy Truth About the ADA**

Robert J. Samuelson  
St. Petersburg Times, Columns, July 2, 1999

WASHINGTON—Nearly a decade after its creation, the Americans with Disabilities Act of 1990 is a case study in the limits of social engineering. Last week, the Supreme Court either gutted the ADA or imbued it with common sense—depending on your point of view. The court ruled that people with common problems (eyesight that requires glasses, for example) aren't "disabled" under the law. But even if the court had gone the other way, it couldn't have rewritten the ADA's record of underwhelming achievement.

The ADA aimed to bring the most disabled Americans into the mainstream by getting them jobs. Work (the logic went) would limit dependence and raise self-respect. So the ADA outlawed job discrimination against the disabled and required employers to provide "reasonable accommodations" for otherwise-qualified workers. Despite these protections, the ADA has raised the employment of the most disabled only slightly.

The Census Bureau says that about 9 percent of the working-age population (those 20 to 64) are "severely disabled"—meaning, generally, that they use a wheelchair or cane, have serious hearing or sight problems, or are mentally retarded. Among them, employment rose from 23 percent to 26 percent between 1991 and 1994. A private poll by the Harris Survey in 1998 suggests a similar job level. Conceivably, the increase (800,000 individuals between 1991 and 1994) could stem from the ADA. But it could also reflect the economic recovery.

This does not mean the ADA has utterly failed. John Lancaster, executive director of the President's Committee on Employment of People with Disabilities, puts it this way: "The ADA (has altered) attitudes about people with disabilities: what they can and can't do.... They're able to get around better. You see more (disabled) people out there. The attitudinal things break down when you see people as people and not as wheelchairs."

Point taken. The ADA made the public landscape friendlier for the disabled. Doors were widened, ramps installed and parking spaces reserved. All this signaled a larger social acceptance. Still, the employment effect is weak. Why?

Laws can do only so much. Even before the ADA, many severely disabled people worked. Character and circumstances count. My best friend, a newspaper editor, developed Parkinson's disease a decade ago. He never thought of quitting, and even without the ADA, I doubt his paper would have fired him. He's too competent and conscientious. But the ADA rendered the issue moot by requiring employers to make "reasonable accommodations."

The costs of doing so are probably not high. In 70 percent of cases, companies' expenses are less than \$500, says the President's Committee. What's false is the assumption that the disabled lack jobs mainly because employers are indifferent, ignorant or hostile. The messier truth is that some disabled can't work—and some don't want to. What to do?

Well, provide a safety net. In 1998, Social Security's Disability program had 6.3 million beneficiaries and cost \$48 billion; the Supplemental Security Income program had 5.3 million disability beneficiaries and cost \$24 billion.

Here lies the great contradiction. The ADA wants the disabled to work. But if you pay people for being disabled, more will say they're disabled and won't work. This is especially true of people with low skills, whose job prospects and potential wages are poorest. Among "severely disabled" college graduates, half worked in 1994. Among high school graduates, less than a third did. The easiest way to increase work among the disabled would be to reduce disability benefits or raise eligibility requirements.

This isn't likely. It would seem heartless. Indeed, the term "disabled" has grown looser over time. Many advocates who want the disabled in the mainstream also want more people considered disabled.

In the 1980s, Social Security tried to hold down disability costs by tightening eligibility. The effort collapsed after a political outcry and adverse court rulings. As a result, Social Security's disability rolls include people who can't work—and many who could. The White House would cope with the dilemma by allowing many disabled to keep government benefits while working. This skirts the hard political problem of critically inspecting who's disabled.

A similar dilemma afflicts the ADA. The broader the definition of "disabled," the more the law becomes a tool for the already employed to raise their pay. In one case before the Supreme Court, two pilots at regional airlines applied for better jobs at United, which rejected them because their uncorrected vision fell below the company's standard. In another case, an auto mechanic was fired because his job involved driving trucks and his blood pressure exceeded the company's requirement. He got another job. The court ruled these workers were disabled.

That's common sense—but perhaps not congressional intent. When it passed the ADA, Congress didn't strictly define "disability." To be precise would have highlighted the central dilemma: the problems of the seriously disabled aren't easily solved; and the problems of the mildly disabled aren't very serious.

*Robert J. Samuelson is a columnist for [Newsweek](#).*

### **Fight Continues to Get Disabled a Public Education [Newspaper Article]**

#### **Fight Continues to Get Disabled a Public Education:**

Parents battle to improve the exceptional student education program for their children

By Linda Chion-Kenney, Times Staff Writer  
*Tampa State, The Times, June 30, 1999*

TAMPA—Keith and Nikole Whitehead say the Hillsborough school system picked the wrong fight.

All they wanted, they said, was for their son, Andrew, born with Down's syndrome in 1987, to prosper in the public school system to the best of his abilities. They never intended to wind up in Federal court, in a legal battle they say has cost them \$750,000.

The fight continues. A new lawsuit, filed in November, charges state education officials with violating the civil rights of children with disabilities and for allowing a "routine and unchallenged" retaliation against parents and students who advocate for those rights.

"Believe me, the last thing I wanted to do was spend my life litigating against the school system," Nikole Whitehead said. "But when you see what a difference an appropriate education makes in the life of a child with disabilities, you'll do anything to see that it happens."

The Whiteheads are not the only combatants. Disgust and distrust with the exceptional student education department has led to hundreds of complaints.

The battle cries, though, appear to be tempering, after a series of changes by school officials.

"We've been fighting for years, and it is a battle, but I'm a lot more optimistic than I've ever been," said Karen Moore, a leading parent advocate. Moore's son, born without the use of his arms and legs, graduated with honors from Plant High last month.

"It had gotten to the point where something needed to be done," said School Superintendent Earl Lennard. "I was not as aware as I am today of the extent of some of the concerns."

The district has taken several steps to revamp its special education department.

- An advisory committee, requested by the Whiteheads, will meet regularly with Lennard, who formed the group to have a closer contact with parents.
- Negotiations are under way to hire a consulting firm to study the processes by which children with disabilities are identified, evaluated and served. Instrumental in that decision is assistant superintendent Donnie Evans, who oversees a \$113-million exceptional student education department. It serves 22,000 children and employs 1,700 teachers and 600 aids.

"My No. 1 goal in ESE is for parents and school staff to see each other as partners in the education of children with disabilities," said Evans. "It's not going to happen until we develop trust."

- A 35-member task force has begun meeting to identify problems and suggest changes. The group includes parents, principals and special and regular education teachers.
- Edward McDowell took over as director of exceptional student education last week, replacing Liz Argott who was transferred. For 13 years, McDowell has been the principal of Caminiti Exceptional Center, a public school serving students with moderate or severe disabilities.

"I'm looking forward to making things better," McDowell said. "We're not the enemy: we want to be perceived as people who work hand-in-hand with parents to get children to the point where other people look at them not for what they can't do, but for what they can do."

For children with disabilities, protection comes from the Federal Individuals with Disabilities Education Act. It mandates that all children should have "a free and appropriate public education in the least restrictive environment." The law requires that the means to accomplish that mandate should be documented in a child's Individualized Education Plan, which parents are to be equal participants in crafting.

Parents have long complained that the IEP process is an intimidating event.

"I have been in IEP meetings that, because of disputes, have lasted nine hours with 26 district personnel sitting across the table from me, my husband and his mother," Nikole Whitehead said.

The Whiteheads in 1992 helped to write the first IEP for Andrew, who was entering kindergarten. They signed off on a plan that provided for both group and individualized speech therapy. A month into the school year, they discovered that only the group therapy was being provided.

In January 1994, an administrative hearing officer found the school district had acted in bad faith and had retaliated against the Whiteheads. He ruled that Andrew should receive individual speech therapy.

"We thought that was the end of it, but then the school district ignored the final order, referring to it as an opinion they did not need to abide by," Whitehead said. "That's how we ended up in Federal court."

After a two-week trial in April 1998, the jury denied Andrew's claim for damages for intentional discrimination but awarded his parents \$100,000 damages for retaliation. Several months later, the Whiteheads were back in court, seeking injunctive relief.

That ruling is pending. If successful, the ruling would effectively place the Hillsborough exceptional student education department under court supervision.

"The problems in the school district are not applicable to one child," Nikole Whitehead said. "If the system is not working for Andrew, it's not working for the other kids, either."

Frustrated by their legal battle, and overwhelmed by the number of parents who were calling for advice, the Whiteheads in 1996 spearheaded the formation of the Statewide Advocacy Network on Disabilities. The non-profit organization claims a mailing list of 600 members statewide but mostly in Hillsborough.

"I may get in trouble," said McDowell, the new exceptional education head, "but I've allowed therapists to come into my school for years."

He said he believes in working with parents and agencies to swiftly get the technology and services children require, because the needs change so fast.

"He sounds to me like he's the kind of guy who understands cutting through the red tape and not making excuses," Moore said. "He sounds to me like he's willing to fight for the kids."



**The Struggle to Accommodate the Less Visible Disabilities [Newspaper Article]**

**The Struggle to Accommodate the Less Visible Disabilities:**

Employers Are Coping With A New Problem: Mental Impairment, Which Has Overtaken Bad Backs  
As The Fastest-Growing Area Of Workplace Discrimination Complaints  
Filed Under The Americans With Disabilities Act

Associated Press

*Jobs and Classified, The Times, May 30, 1999*

SAN FRANCISCO—Companies that have installed ramps, extra-wide restroom stalls and automatic doors still struggle when it comes to accommodating people with less visible disability: mental illness.

Failure to accommodate workers' psychological problems has overtaken bad backs as the fastest-growing area of workplace discrimination complaints filed under the Americans with Disabilities Act.

"Everybody understands in 1999 that you can't discriminate against race or sex. They still may be doing it, but they know it's wrong," said Bill Cash, an Equal Employment Opportunity Commission lawyer in Memphis, Tennessee. "But, I don't think you have that when you're talking about someone with a mental disability."

Claims of all kinds have risen 20 percent a year since the ADA was passed in 1991. Claims for psychiatric disorders have nearly doubled, accounting for 16 percent of the nearly 18,000 claims received by the EEOC in the year ended September 30.

Back problems accounted for 13 percent of the claims, and employees with vision and hearing impairments each filed fewer than 3 percent.

The reason that claims have risen in the past eight years may be that "people are becoming more aware of the ADA as a channel of recourse against employers," San Francisco psychiatrist Carol Brodsky said.

Meanwhile, bosses often don't take claims of mental disabilities seriously, advocates said.

"It's a very soft thing. It's not like 'Yeah, this is a cancer cell. This person has cancer,'" said Debra Lawrence, a lawyer in the EEOC office in Baltimore. "If you can't really see it, that's why you have this prejudice."

Human resources experts say the evolving law has left employers to figure out by themselves how to give mentally ill workers the special treatment they need to do their jobs without busting the office budget or alienating other workers.

"You're just trying to walk the line to make sure everybody's rights are protected and that you don't create serious morale problems," said Susan Meisinger of the Society for Human Resource Management in Richmond, Virginia.

Of the nearly 15,000 employees who filed discrimination complaints for mental impairment over the years, only 1,650 ultimately won their cases, the EEOC said. The others are pending or were dropped or dismissed.

Discrimination complaints in general face tough odds. The American Bar Association has found that 92 percent of all employment-related ADA claims that reach court are decided in favor of the employer, *The Daily Journal* of San Francisco reports.

But failing to respond properly to employee requests for help can prove expensive.

For example, a lawyer for Pacific Gas & Electronic Company in San Francisco who said he suffered from depression asked bosses to limit his overtime and give him an extra day off now and then.

He was fired instead and sued under the ADA, ultimately receiving a \$1.1-million settlement.

"At the same time, they had a blind lawyer in the same department and they gave him a reading machine that cost \$20,000," the man's attorney, Sid Wolinsky, said.

"Our experience has been that the bias and misconceptions and stereotypes about people with disabilities tend to be much worse with hidden disabilities," said Wolinsky, who also directs litigation for Disability Rights Advocates in Oakland, California.

The ADA requires employers with staffs of 15 or more to provide reasonable accommodation to any worker with a "physical or mental impairment that substantially limits a major life activity" unless doing so will cause the company "undue hardship."

While many people may be situationally depressed, anxious or sleepless from time to time, the law applies only to those clinically diagnosed with schizophrenia, bipolar disorder, severe depressions sleeping disorders and anxiety.

Before providing special treatment, employers can ask for a doctor's diagnosis that the disorder is in fact "substantially" limiting, and that the worker will be able to perform the job competently if given reasonable accommodations.

Determining whether such requests are bona fide can be daunting, Meisinger said.

"It's a law that turns on the specific facts of the specific case," she said. "That can be really challenging because most people in human resources departments don't have a medical degree.

"Because of the confidentiality agreements, you can't share with co-workers what's going on," she said. "The (other) employee sees only special treatment; they don't see the underlying psychiatric problem."

### **Also Submitted for the Record**

Also submitted for the record, but not reproduced in this report are the following items:

- Florida Department of Labor and Employment Security Services, Division of Blind Services, Bureau of Braille and Talking Book Library Services, *Customer Service Report by County (FY 1996-97)*, [no date].
- Florida Department of Labor and Employment Security, Division of Blind Services, Bureau of Braille and Talking Book Library Services, *Florida Talking Book Library Network, Review of Statistics for Fiscal Year 1997-98*, [no date].

- Florida Department of Labor and Employment Security, Division of Blind Services, Bureau of Braille and Talking Book Library Services, *Eligible Customers in Florida Counties (1997)*, [no date].
- Florida is Number 1 [Excerpt of data regarding DBS' Bureau of Braille and Talking Book Library Services from Library Resources for the Blind and Physically Handicapped, 1998: A Directory with FY 1997 Statistics on Readership, Circulation, Budget, Staff, and Collections, Library of Congress], [no date].
- Pinellas Public Library Cooperative, *Library Cooperative Calendar of Events: A Publication of the Pinellas Public Library Cooperative*, July 1999. *Services to the Visually Impaired* by Barbara Lapointe, Acting Librarian, Pinellas Talking Book Library, excerpted above.

### 13. Supplemental Material from Julia A. Dunlap

*[Ms. Dunlap's testimony begins on page 62 of this publication.]*

#### Written Testimony of Julia A. Dunlap

United States National Commission  
On Libraries and Information Science

#### COMMISSION TESTIMONY

Presented by  
Julia A. Dunlap  
Catalog Librarian  
Arkansas State University  
July 8, 1999

Mr./Ms. Chairman, and Commission Members. I sincerely appreciate this opportunity extended by the Commission to offer input concerning the kinds of assistance being provided by libraries to persons with permanent or temporary disabilities. I present my remarks from two somewhat unique perspectives: first, as a catalog librarian at Arkansas State University in Jonesboro, Arkansas with an in-depth knowledge of library services and secondly, as a hearing-impaired person, a life-long patron of libraries with a personal knowledge of the effectiveness of the library services to those of us who have a hearing disability.

Jonesboro is located in the northeast corner of Arkansas—a largely agricultural area. However, it is also a major trade center for 500,000 people in northeast Arkansas and southeast Missouri.

Like most large educational institutions, Arkansas State University, which is the second largest institution of higher learning in the state, has adapted its facilities to meet the needs of persons with permanent or temporary physical disabilities. All library entrances are wheelchair accessible with handicapped parking sites convenient to those entrances. Computers are also strategically placed to be easily used by those who are physically handicapped. Employees are available to assist in actually retrieving (getting) books and other information that might be out of the normal reach of physically disabled patrons.

For those with other disabilities, such as hearing-impaired patrons, Arkansas State University provides many helpful services. In particular, the Disability Services Office provides assistance and

accommodations on an individual basis for the students (only) after verification of the individual's disability is received. Support is provided in:

Orientation and Registration	Intake and Assessment
Note-taking	Test Administration
Reader Services	Computer/Technology Demonstrations
Guidance & Counseling	Adaptive Physical Education Course
Priority Registration	Interpreter Services

I am currently serving a two-year term on the Disability Committee. However, as I previously mentioned—these services are for students only. However, with the continuing improvement of technological devices, these services could be much improved.

I am very pleased with my job at Arkansas State University and enjoy the people there very much. Although I lip read well, this only enhances one-way communication. Recently, I was permitted to begin teaching a sign language class which many of my co-workers attend. They are willing to learn how to sign specifically so that they can communicate better with me at work everyday. Additionally, this will improve their ability to communicate with other hearing-impaired persons or library patrons. One issue I would like to bring to the attention of this commission is the lack of up-to-date technological equipment available in my area - and I feel that it occurs in other areas around the nation. As was stated in the news release concerning this hearing, information technology provides help for many disabled individuals and can help eliminate distance and physical barriers.

However, if this equipment is not available, or if the available equipment is severely outdated—no help is really available.

Currently, a TTY is the only special equipment I have available to help with my communication. There is only one other TTY, which is located on the circulation desk in the circulation department, available to the general public. The TTY allows me to place and receive telephone calls. However, the only way I know I have an incoming call is by actually looking at the machine to see if a message is there. Of course this means I am constantly looking back and forth to avoid missing any calls. There are models available that can connect with room lights causing them to flash on an incoming call. The expense of updating or replacing this equipment, as well as purchasing new technological devices present a financial burden to the institution. I can see where this could play a detrimental role for a company to hire a hearing-impaired person. The advances in technology are not gradually growing but jumping by leaps and bounds. What's new today is replaced tomorrow by something quicker and easier to use—and often more expensive. Currently, C-print computers are available which could be of tremendous help in providing closed captioning. Two of my co-workers are scheduled to attend a one-week training workshop in Rochester, New York later this summer where they will receive training on using C-print computers. It would be ideal if the university could acquire C-print computers for them to use after they complete the training.

I would ask that this Commission develop recommendations to present to the appropriate government agencies and other organizations that would provide for some type of financial relief/assistance for the purchase or leasing of up-to-date equipment to those educational institutions, corporations and other businesses who are willing to employ hearing-impaired persons.

If this type of funding or assistance is already available, I would like to ask that the Commission re-evaluate the way information concerning this is distributed to the general public and other organizations. It still doesn't help if few, if any, people know about it. An intense promotional campaign should be done so that everyone knows if you are willing to hire a hearing-impaired person,

we will help you get up-to-date equipment to make that person as productive, or possibly more productive, as their co-workers.

At meetings and training seminars, communication problems are compounded for me as with all hearing-impaired persons. Recently the university library has provided interpreters for me at certain meetings. However, the university library is limited for up to ten hours a month for me that severely limits me during the many meetings/workshops I attend. Also the library's budget is insufficient to pay the interpreter's fees for more hours. In addition, the interpreter's usefulness depends on their ability. Some have been extremely helpful—others have not. Use of real-time or live captioning would provide even better communication since this provides literally immediate visual display of verbal communication taking place. All that is required for this service is an audio feed through the telephone, radio, or television. Of course, this could also be available for use at the many meetings that are held in our library.

In addition, most of the training films, which are shown during some meetings, do not have closed captioning. Obviously, I would suggest that all films used in meetings and/or training sessions have closed captioning. This should be recommended as a standard. In instances where this option would not be available—for example out of print videos, etc., real-time captioning could be used during the meeting when the film is shown.

Another concern I have for me as well as the hearing-impaired patrons of our library is the availability of some type of warning device that would alert all patrons of a fire alarm or other hazardous situation. Currently, if there such a situation occurs one of my fellow workers comes and taps me on the shoulder to let me know to leave the building. I think it would be quicker and safer if some type of universal system was in place - light flashes, etc. , that could be used in addition to the auditory warning that is given to alert non-hearing patrons to the situation. Patrons could be informed of these light systems when they enter the library either by very large visible signs and/or cards given to them at various locations in the library when they seek assistance in other matters. In addition, this information could be disseminated to the public schools, technical colleges, area community centers, and local deaf organizations in the area so they would be aware of it even before coming to the library.

Indeed, libraries are continuing to open new horizons and opportunities to all disabled people. The availability of computers and trained staff to provide assistance have broken down barriers that long impeded (held-back) those of us with some type of impairment. Yet, libraries must not rest on its laurels—ever changing technology presents the challenge of discerning what is useful, and how to capture its use for all patrons. While in college, studying for my masters in library science at University of Central Arkansas and the University of Texas at Austin, I was exposed to and trained on the very latest in technology at the time. Recently, I attended a training seminar at the University of Alabama at Birmingham on an online catalog system called the "Endeavor" which provides excellent, easy access in the computer as well as to web sites. It's a better online catalog system for the staff and patrons there to get in the computer. Cataloging in the Endeavor system is thorough and efficient. This system will take library cataloging into the 21st Century. Without the technology I was exposed to during my college years, I might never have been able to take advantage of this and other opportunities. I might add that even this is somewhat outdated now. I hope the Library Commission will make one of its goals to assure that these opportunities are available to all disabled people who are wise enough to use their university and public libraries.

## 14. Supplemental Material from Sarah Hamrick

*[Ms. Hamrick's testimony begins on page 65 of this publication. ]*

### **Written Statement of Sarah Hamrick**

My name is Sarah Hamrick, and I am the Director of Information Services at the Gallaudet University Library. I am here today on behalf of the Libraries Serving Special Populations Section (LSSPS), one of four sections in the Association of Specialized and Cooperative Library Agencies (ASCLA). ASCLA is a division of the American Library Association, and LSSPS is the only section of ALA that works exclusively with issues relating to people with special needs. LSSPS includes the Library Service to Prisoners Forum (LSPF), the Library Service to People with Visual or Physical Disabilities Forum (LSPVPDF), the Library Service to the Deaf Forum (LSDF), the Library Service to the Impaired Elderly Forum (LSIEF), the Library Service to Developmentally Disabled Persons Membership Activity Group (DDMAG), and the Academic Librarians Assisting the Disabled Discussion Group (ALAD). These groups are made up of librarians who work in all types of libraries across the United States. Some of us work primarily with people who have disabilities, while others provide services to people with disabilities as part of a larger service function. Our primary mission is to improve the quality of library service for people with special needs.

LSSPS has asked me to provide you with copies of guidelines written by forum members and published by ALA. These guidelines were produced by committees and reviewed by ALA members from many different divisions as well as by consumers who use library services. They are intended to be comprehensive guides to services. Each library is responsible for implementing services appropriate to its own community of users. We believe these guidelines provide excellent standards for all libraries to follow in providing services to people with disabilities.

Members of the LSSPS Executive Committee would be happy to serve as resources to NCLIS as you consider the complex issues involved with providing library services to people with disabilities. Contact information can be found on the printed copies of this testimony.

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Past-Chair, Lisa Scholl—lscholl625@aol.com (312 747-4311)

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DDMAG Chair, Stewart Wells—worc@dmv.com (410 632-2600)

ALAD Chair, Iqbal Wagle—wagle@vax.library.utoronto (416 978-1957)

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Standards Committee Subcommittee to Develop Guidelines for Library Services for People with Mental Retardation. *Guidelines for Library Services for People with Mental Retardation*. 1999. Association of Specialized and Cooperative Library Agencies, American Library Association.

**Guidelines for Library Services for People with Mental Retardation**

[An Excerpt From]

**Guidelines for Library Services For People With Mental Retardation**

Standards Committee, Subcommittee to Develop Guidelines  
for Library Services for People with Mental Retardation  
Association of Specialized and Cooperative Library Agencies  
American Library Association  
Chicago, 1999

**INTRODUCTION**

**Context**

Due to a number of factors, many libraries have neglected the needs of people with mental retardation. A primary factor is misunderstanding about the population as a whole. Assumptions are made that people who are mentally retarded live primarily in residential institutions; therefore, they do not reside within library service areas. Many consider people with mental retardation as nonreaders who would not use library resources. Furthermore, limited exposure to people who are mentally retarded may result in fear of the unknown causing further difficulty with the development of appropriate library services. *Guidelines for Library Services for People with Mental Retardation* has been developed to assist all libraries including school, public, academic, and specialized libraries such as prison and institutional libraries to better serve the needs of people of all ages who are mentally retarded.

Within that context, the following philosophy, values, and guiding principles were developed as a way of thinking.

**Philosophy**

Libraries meet the needs of individuals who have mental retardation by determining and providing needed support to enable such individuals to successfully use, and receive the benefit of, available library services.

**Values**

- Individuals with mental retardation are full, participating, contributing members of their communities—at school, at work, at home, and in recreational settings.
- Individuals with mental retardation are afforded dignity and respect through daily interactions, program decisions, and language use.
- Individuals with mental retardation are active and well-informed partners in decisions which affect their lives.
- Individuals with mental retardation and their families are involved in the design, operation, and monitoring of services and supports.

- All community members, those with and without mental retardation, must have information and skills to support the full and active participation of people who have mental retardation.

### Guiding Principles

- The library service needs of people with mental retardation cross the lifespan and the life areas.
- Library services promote inclusion and empowerment of people with mental retardation.
- Library services maximize access to information for people with mental retardation and their families.

### STATUS OF "STANDARDS"

*Standards for Libraries at Institutions for the Mentally Retarded* was published by the Association of Specialized and Cooperative Library Agencies (ASCLA) of the American Library Association (ALA) in 1981 as the first ALA standards document to address the needs of people with mental retardation. Prior to these standards, the ALA participated in the development of the *Accreditation Manual for Hospitals* (JCAH 1971) published by the Joint Commission on the Accreditation of Hospitals. Until the present guidelines were developed, these were the only standards specifically related to library services for people with mental retardation with which the American Library Association has been involved. Both of these works addressed only the libraries within institutional settings.

In 1992, Ruth O'Donnell surveyed state libraries across the United States to determine whether standards or guidelines for library services for people with mental retardation had been developed at the state level. *Library Services for Persons who are Mentally Retarded* (Florida Department of State 1987), published by the State Library of Florida, was the only such document to emerge from that survey.

Due to the age of the first set of *Standards*, the increasing presence of people who are mentally retarded within the community, a lack of material to guide libraries as they attempt to serve the population, and a limited understanding of the library and information needs of people with mental retardation and their families, ASCLA appointed a committee to revise the 1981 *Standards*. The following document is the outcome of that decision.

### PROCEDURE TO DEVELOP GUIDELINES

Several steps were taken to bring *Guidelines for Library Services for People with Mental Retardation* forward. These included:

- 1) The charge was given by the ASCLA Standards Committee to revise "Standards for Libraries at Institutions for the Mentally Retarded" in June 1992.
- 2) The Subcommittee was officially appointed in June 1992, and meetings were held at most Annual and Midwinter conferences beginning in June 1992. Issues discussed at the meetings included:

**Audience:** A document for all libraries is needed, not just for institution libraries; however, there is value in updating the standards for those few libraries at institutions that remain. Discussion at that point was about whether the Subcommittee should develop one document for institutions and a second for all libraries, and whether the latter should be 'Standards' or 'Guidelines.' The ASCLA Standards Review Committee clarified that the primary responsibility of the Subcommittee was to develop a document to serve all libraries, and they approved changing the name of the Subcommittee and that of the document to "Guidelines for Library Services for People with Mental Retardation."



Because the number of institutions serving people with mental retardation that have libraries has dropped to less than 100, the Committee did not feel a separate document for institutions would have a broad enough market to warrant development.

**Definition:** After significant discussion, the Subcommittee decided not to use the broader designation ‘developmental disabilities,’ but to focus instead on mental retardation. The definition of mental retardation adopted by the American Association of Mental Retardation was accepted for use by the Subcommittee and the Standards Review Committee.

**Inclusion of ADA:** The Subcommittee and Committee approved the approach that the Americans with Disabilities Act will be covered in the legislative history section, but a lot of detail will not be provided because that information is available in other publications.

**Survey of State Libraries:** In Spring 1992, Ruth O’Donnell conducted a survey of state library agencies to determine whether state standards or guidelines were available. Florida has the only guidelines that could be identified.

**Advisory Committee and Field Reviewers:** An Advisory Committee was appointed by the ASCLA Standards Committee, and a list of field reviewers was put together. In July 1997, the draft document was submitted to the Advisory Committee and to the field reviewers.

**Funding for the Work of the Committee:** Funding support for the development of the *Guidelines* came from the State Library of Florida and the Institute for the Study of Developmental Disabilities at Indiana University.

## 15. Supplemental Material from Nolan T. Yelich

*[Mr. Nolan’s testimony begins on page 66 of this publication.]*

### Written Statement of Nolan Yelich

COMMONWEALTH OF VIRGINIA  
The Library of Virginia  
Serving the archival and research needs of Virginians since 1823

Nolan T. Yelich  
Librarian of Virginia

NATIONAL COMMISSION ON LIBRARIES  
AND INFORMATION SCIENCE  
Hearing on Library and Information Services  
For Individuals with Disabilities  
July 8, 1999

The Kellogg Conference Center  
Gallaudet University  
Washington, D.C.

Comments by Nolan T. Yelich, Librarian of Virginia, representing The Chief Officers of State Library Agencies (COSLA)

Mrs. Simon, members of the National Commission, Executive Director Willard, ladies and gentlemen. Good afternoon. I am Nolan Yelich, the Librarian of Virginia, and I am very pleased to be here this afternoon representing my fellow state librarians and fifty state library agencies located throughout our great nation. I want to recognize the assistance given me by Nancy Bolt, the state librarian of Colorado, staff of state library agencies throughout the country public library directors, and library patrons. Their comments regarding library service to the disabled is very touching, compelling, and convincing. In the interest of time I am appending their remarks to my testimony for the benefit of the Commission. I urge you to take the time to read what they say about the strengths and weaknesses of the current state of library services to individuals with disabilities.

For nearly a half century state library agencies have worked closely with the Executive and Legislative Branches of the Federal Government on improving library services. We have worked with colleagues at the Library of Congress and the newly constituted Institute on Museum and Library Services, and commissions such as NCLIS, on establishing, maintaining, and improving library services to all Americans. This partnership needs to continue. We appreciate the opportunity to be testifying here today.

The role of the Federal Government has made a difference in what we have done in the past for the disabled. In fact I can think of no more enduring role we have performed for needy individuals in the past forty years than improving services for individuals with disabilities. Many of these services were initiated under the provisions of the Library Services and Construction Act, a landmark piece of Federal library legislation that is no longer in existence. The Library of Congress and the regional libraries that exist at the state level have provided others. I know that LSCA made a profound difference in Virginia and elsewhere, and served as an impetus for a greater allocation of state money and resources which we now enjoy.

The main reason I am here today is to commend the National Commission and those present for calling and participating in this public hearing addressing the needs of individuals with disabilities. In doing so you suggest a premise depicting a need for a continued Federal partnership with the states in maintaining basic levels of library service for the disabled. If this is indeed your premise we could not agree with you more and we pledge our support in addressing this need. And as I previously mentioned, I am here to also present to you appended testimony from others who work with the disabled on a day-to-day basis. It is their testimony, perhaps more so than mine, that needs to be heard.

What we contemplate comes at a time of tremendous change taking place in a global society that affects the lives of disabled Americans. We are also experiencing rapid advances in new technologies that tend at times to overwhelm us, but at the very least are affecting how we work and live. It seems to me that one of the biggest challenges facing us now and in the near future, while we attempt to improve access, is not to fabricate a system of haves and have nots within the disabled community. At a basic level, disabled Americans who seek information should have access to information, and we should craft our approach in a way that provides balance and assures that areas of disparity which currently exist in the general population are addressed and adequately resolved.

Please allow me to share with you several comments, including some from the appended correspondence, to assist you in your deliberations. The hour is late and I promise to be brief. I also realize that at this time of the afternoon the only way to guarantee staying awake is to be the speaker.

While emphasis needs to be placed on new advances in information technology so individuals will not be left out of the information age, my remarks will be on a variety of associated issues.

In recent years many states have conducted studies and passed legislation addressing the rights and needs of the disabled, The Virginia General Assembly during its most recent session passed legislation adopting a Comprehensive Internet Policy for the Commonwealth and adopting a Strategic Technology Plan for Public Libraries. It also enacted the Information Technology Access Act, created to secure benefits to the blind or visually impaired. Each has language addressing the disabled. I urge the Commission, and representatives from IMLS and the National Library Service for the Blind and Physically Handicapped to be aware of what is happening at the state and local levels and to incorporate these developments into your policy recommendations.

With the demise of LSCA, which targeted monies to the disabled, it is incumbent upon IMLS and state library agencies to include in their long range plans opportunities to enhance accessibility to the disabled through competitive and special purpose grants, and other funding techniques.

And speaking of IMLS, we know the institute awaits the nomination of a new director. It is only fair, in my judgment, that the nominee be a librarian, as called for by federal legislation, and that the nominee be well versed in all aspects of library services, including services to the disabled, I would respectfully encourage the National Commission to actively support the library community's position on this issue.

Under the provisions of LSCA Title II, construction funds were available to the states to renovate and construct new public libraries, allowing them to conform to ADA requirements. The funding has ceased and the need to bring old and new facilities up-to-code increases by the year.

From Delaware: The federal laws requiring government agencies to accept the lowest bidders are negatively affecting the quality of NLS playback equipment.

**From Oregon:** We urge that plans for the digital talking books move forward aggressively as a way to lower costs and improve service. The biggest problem we hear from our talking books patrons is lack of selection of both books and magazines. NLS produces only 2,000 titles a year, which is only about 5% of the books published in the US.

**From Wisconsin:** Many people with disabilities are not computer users, and although it is getting easier, computer software screen readers are not easy to set up. Many blind people still require the help of a sighted person. And, elderly people with disabilities often do not have the physical dexterity to use computers, phone touch pads and other new devices would help.

**From Nebraska:** Our best guess is that subtle enhancements in terms of information access for talking books and Braille readers will take place at the state level. More sweeping changes will need to take place at the federal level through innovations spearheaded by the NLS and others.

**From Arizona:** Publishers should provide NLS, and other agencies serving impaired populations, with electronic copies of all books copyrighted. Hardware and software companies should make accessible formats of their products available to users who are disabled at the same time and cast as standard versions.

**From Mississippi:** There needs to be standards for accessible formats on the Internet to assure user friendly Webb sites for the disabled.

*And finally, from Georgia:* It would be great to develop some type of technology that could download data from a phone line, convert to recorded words, and then played back for the listener. This would eliminate storage problems. After reading, the data could be erased.

Let me conclude by reading a portion of a letter from a library patron in Loudoun, Virginia.

Dear Loudoun County Public Library:

"It's so easy for me to say I love the Loudoun County Public Library, and to say how they have changed my life. They have restored my faith in myself by showing me I can participate, and that I can be included, that people who lose their hearing still have something to offer their community, and they give me hope for a future where other places will follow their lead.

Eight years ago I was part of a focus group that dreamed about libraries where everyone would have full access. The library administration took our dreams seriously and has done everything possible to make them a reality. In fact they have gone farther and tried to anticipate what people might need even before we make the request. As my hearing deteriorated they realized that the assistive listening was no longer enough and they investigated how to provide Real Time captioning. Now I go to the library meetings and special programs and just read the words on the monitor. I don't have to keep reminding people to use the microphone, speak clearly, and face me so I can speech read. I can relax and just participate like everyone else.

The author, reading and discussion series that the library offers has been rewarding in ways I never anticipated. I think our community now has a better understanding of people with hearing loss, they are less afraid of trying to communicate with us. People with disabilities spend a lot of time feeling grateful for the help we receive, but this time I felt like it was we who had something to offer. It was a joy to look around the audience of deaf, hard of hearing and hearing people, all communicating together enjoying the presentations. It was a wonderful event, and it made me realize why the Loudoun County Public Library is one place I never feel disabled."

Libraries have come a long ways in recent years in reaching out to individuals with disabilities. There is still much more we can and should do, and hearings such as this are a step **in** the right direction. There is a role for the Federal Government in this matter. Again, thank you for the opportunity of addressing you, and I will be happy to answer any questions.

Additional comments appended.<sup>26</sup>

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<sup>26</sup> Additional comments were not submitted to the Commission.

## **APPENDIX B: WRITTEN MATERIAL SUBMITTED BY ORGANIZATIONS**

Entries appear in alphabetical order by organization and are cross-referenced by alternative forms of the name of the organization and the name of the individual submitting the material in the INDEX at the back of this publication.

[NOTE: Documents submitted as paper copies have been scanned and reformatted, so the format may be different, but the content is as submitted, except that the Commission's address and the salutation are omitted from incoming correspondence.]

### **1. Written Material from Arkenstone, Submitted by Roberta G. Brosnahan, COO**

**Electronic Mail Dated August 6, 1999, from Roberta Brosnahan**  
**[roberta@arkenstone.org]**

Subject: Written testimony

August 5, 1999

In response to the June 11 letter regarding the U.S. National Commission on Libraries and Information Science hearing on Information Services for Individuals with Disabilities, please consider this written testimony for inclusion in the official record.

Arkenstone is a nonprofit, 10-year-old organization which is a leading provider of personal computer-based software tools for individuals who are blind, visually impaired or learning disabled (LD). Our products, which scan information into a computer, process the information and then read it aloud, are being used by more than 25,000 people in more than 40 countries.

For thousands of people, our products and others like it—books on audiotape, closed circuit televisions, screen readers and Braille—have opened the door to the love of books, literacy, knowledge, jobs and a fuller life. We believe that all individuals have the right to this type of access.

We would like to draw the Commission's attention to the LD segment of the disability community. This disability, often referred to as the "hidden" disability, represents a significant percentage of our population. According to NIH statistics, individuals with learning disabilities represent approximately 20 percent of the U.S. population. Of that 20 percent, reading problems, often called dyslexia, represents more than 80 percent of the learning disabled population.

These individuals deserve the same type of accommodation as other groups with other more visible disabilities. Today's technology tools provide solutions to aid individuals with reading and learning disabilities. The mere inclusion of a bimodal—auditory and visual—approach to information aids many individuals. As the cost of hardware platforms have decreased and personal computers have

become ubiquitous tools that every library owns, libraries and information services need to be cognizant of these solutions.

Software customized for the specific disability—visual, mobility, hearing impairment—and, indeed, the hidden/learning disability, is now available. Arkenstone would like to challenge the NCLIS to encourage libraries and information providers to become cognizant and provide technology tools that deliver information access to all.

Thank you for including this information in the official record. Arkenstone is committed to providing ongoing solutions for individuals with disabilities.

Respectfully,  
Roberta G. Brosnahan  
COO, Arkenstone

**2. Written Material from ASL Access, Submitted by Chris Wixtrom, Founding Director**

**Written Testimony Dated July 8, 1999, from Chris Wixtrom**



Testimony for  
*United States National Commission on Libraries and Information Science*  
Hearing on Library and Information Services to Individuals with Disabilities

July 8, 1999

Chris Wixtrom, Founding Director, ASL Access

American Sign Language—ASL—is a sophisticated, complex visual-spatial language which is used by a significant number of people throughout the United States, as well as in Jamaica, in most Canadian provinces, and in some areas in Africa. In the United States, a great proliferation of sign classes has emerged in high schools, community schools, colleges and universities. It is estimated that 80 percent of deaf children are now being educated in neighborhood schools. The demand for sign language interpreters has mushroomed. Yet, juxtaposed with this high community interest in—is the puzzling fact that few public libraries in the United States today have even one ASL video publication. The National Commission on Libraries and Information Science now has an opportunity to provide valuable assistance to remedy this situation. A basic collection of ASL videos should be considered an essential part of standard public library holdings.

A paradigm shift is needed. In the past, library services provided to disabled persons or minority language groups have commonly been targeted solely to those specific individuals or groups. For

example, over 67,000 special-format books (Talking Books, Braille, and flexible disc) have been made available to blind/visually-impaired readers. Approximately 6 percent of that number of titles is available in captioned video format for deaf and hard of hearing persons. Forward-thinking librarians, however, will realize that communicatively disabled persons, deaf persons, and ASL-using persons may best be served by making communication resources. ASL videos directly accessible to those with whom these people interact. Hearing children with communication disabilities, such as those with autism or learning disabilities, and deaf children (over 90 percent of whom are born to hearing families) will benefit most when communication resource tools are easily available to their parents, grandparents, neighbors, teachers, classmates and friends. Public libraries are the best avenue for providing ready availability of these resources.

The benefits of such an approach are clear. The Individuals with Disabilities Education Act Amendments of 1997, Section 601(c), states "Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities." It further notes that "Over 20 years of research and experience has documented that the education of children with disabilities can be made more effective by...strengthening the role of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children in school and at home." Accessibility of ASL video resources in public libraries can produce the communication-rich environment essential for such families to succeed.

ASL Access ([www.aslaccess.org](http://www.aslaccess.org)) is a non-profit volunteer organization serving as a liaison between library patrons, ASL video publishers, and public librarians. The organization raises funds and coordinates placement of "ASL Access Video Collections" (valued at \$6000+) for public libraries. The organization's mission is to place this basic "ASL Access Video Collection" in every public library system in the United States. ASL Access and its diverse panel of reviewers have carefully selected a wide array of sign language teaching tapes to meet the specific needs of various learners, such as infants, children, and adults; these instructional videos make up 40 percent of the over 200 videos in the collection. Classic children's stories in ASL, which have been demonstrated to help promote a love of reading among communicatively disabled and deaf children, represent another 15 percent. ASL translations of classic literature, including the Bill of Rights, the Pledge of Allegiance, and speeches by American presidents and civil rights leaders are also featured in the collection. Other titles include sign language interpreter-training videos, ASL presentations with essential health and safety information, biographies and documentaries important to Deaf History, and ASL literature highlighting artistic and folkloric contributions from American Deaf Culture.

The first two ASL Access Video Collections were placed in April and May of this year. The ASL video collection in the District of Columbia Public Library opened June 15th. This collection, dedicated as the Alice L. Hagemeyer American Sign Language Video Collection, was provided by ASL Access with funding from private donors, Roger and Chris Wixtrom. A second ASL Access collection, with funding from the Crestar Foundation, was donated to the Fairfax County Public Library in Virginia and dedicated as the Laurent Clerc American Sign Language Video Collection.

The White House Conference on Library and Information Services Task Force [WHCLIST] unanimously passed a resolution in support of ASL Access in August 1998. This was an important honor for the organization.

ASL Access urges the United States National Commission on Library and Information Science to recognize the essential need for libraries to provide accessibility to these communication resources and to establish the placement of such ASL video collections as a funding priority for libraries across the nation. ASL Access stands ready to partner with libraries in carrying out this mission.

4217 Adrienne Drive  
Alexandria, VA 22309  
(703) 799-8733 (V/TTY)  
ASLAccess@aol.com

## **The Four Arms of Library Access to ASL**

### **Deaf Culture Literature (Deaf audience)**

Developing within the culture of Deaf people and designed for Deaf eyes is a visual literature which pushes the power of signed language right "out of the box." Generation to generation, ASL storytelling image-weavers, ASL poets, and dramatic and comedic performers delight deaf audiences. Folk art forms such as ABC stories, 123 stories, and the unique "cinematic style" signing (with slow-motion, zoom, and multi-perspective sequences) entertain those who appreciate ASL. Many gems of this ASL genre have been published on video, but only a rare few are in libraries.

**Sample videos from the ASL Access Collection:** *Bird of a Different Feather* (fable); *For a Decent Living* (novella); *The Treasure* (poetry); *ASL Poetry*; *United States of ASL Poetry*; *Telling Stories* (play); *Live at SMI!* (comedy); *Tomorrow Dad Will Still Be Deaf* (comedy/biography); *ABC stories* (folk art); *Signing Treasures* (stories).

### **Classic Literature (Global audience)**

Created by hearing persons, classic literature finds a new dimension when translated to ASL. What a visual treat it is to see ASL versions of famous speeches, The Bible, Shakespeare, novels, poetry, and children's stories!

**Sample videos from the ASL Access Collection:** *American Freedom Speeches* (speeches); *Genesis* (The Bible: ASL Translation); *God's Heroes* (Bible stories); *Shakespeare Unmasked* (portions of plays); *Sherlock Holmes* (mysteries); *Tuck Everlasting* (full-length novel); *Your Favorites* (classic hymns); *The Lady and the Spider* (children's story); *A Mother for Choco* (children's story); *Where's Spot?* (children's story); *Once Upon a Time* (children's stories).

### **Non-Fiction Content in ASL (Deaf audience)**

Videos with information about health and safety, parenting, access issues, parliamentary procedure, banking, biographies and documentaries—including Deaf History—provide essential information and interesting fare for Deaf people. Future publications in this format should include the production of vocational training videos and ASL videos of high school and college courses.

**Sample videos from ASL Access Collection:** *To Your Health* (health information); *Fire Safety Starts With You* (safety information); *Mom and Dad, Your Deaf Child is OK* (parenting); *ADA: Access for Deaf Americans* (information); *Bummy's Basic Parliamentary Workshop* (instruction); *Laurent Clerc* (biography/documentary); *Class of '52* (documentary); *L.A.C.D. Story* (documentary); *Deaf Mosaic* (video news program featuring historical highlights).

### **ASL as Content (Global audience)**

ASL lessons, ASL dictionaries, information about the linguistics of ASL, demonstrations and discussions of ASL interpreting, and opinion pieces on ASL are available on video.

**Sample videos from ASL Access Collection:** *Sign With Me* (ASL lesson for parents); *Learning American Sign Language* (ASL lessons); *Crash Course in ASL* (ASL lessons); *The Face of ASL*



(grammar lessons); *On Fire With Classifiers* (grammar lessons); *Intro to Interpreting* (interpreting lessons); *Legacy of Learning Series* (interpreting demonstrations); *Linguistics of ASL* (linguistic information); *ASL Pah!* (Opinion Piece).

*Note: Signing may be shown on screen in a "bubble" or full-screen, by one of three avenues: Direct ASL Presentation, Translation (developed from a text or script), or Interpretation (simultaneous or consecutive).*

### **Notes from the Files of ASL Access**

***ASL Access is an all-volunteer, non-profit organization  
which raises funds to help place ASL video collections in public libraries.  
Over 200 videos are in the ASL Access Video Collection***

A 42-year-old woman: "I can't afford the local community college—even though each semester I go through their catalogue and dream about it happening one day. Is there some way I could learn ASL at home (which I've been trying to do for 34 years) inexpensively?"

- **ASL Access collections include a wide array of ASL lesson tapes.**

A teacher: "I would like to teach my students about sign language. I thought a great way to do this was to teach them how to do the Pledge of Allegiance in sign language. The problem is that I am having trouble finding information on how to do this? Is there any way you could help me?"

- **There is an ASL video in the collection demonstrating the Pledge of Allegiance.**

A family in Indiana: "Our 4-year-old son was diagnosed with severe hearing loss in both ears last February. We would like some more information on...videotapes...that will help both him and us sign better."

- **There are special ASL video lessons designed for parents with young children.**

A woman: "I am trying to find a videotape that will help me to learn sign language. I would with all my heart love to be able to sign to (my deaf niece). The library has no videos, only books. Please, if you can help me, I would be very grateful."

- **ASL Access collections include a wide array of ASL lesson tapes.**

A university student: "I have checked with our local libraries and none of them have any (ASL) videos. Can you tell me where I can either rent, borrow, or, if need be, purchase the videos?"

- **ASL Access collections make over 200 ASL videos available through public libraries.**

A Deaf college student doing a project on an ASL poet: "If you could help us...we would greatly appreciate it."

- **ASL Access collections include ASL poetry video publications.**

An itinerant teacher serving deaf students in a rural area: "My students are totally isolated from exposure to native signers and Deaf culture. I try to bring in videos or encourage the families to drive to the city (one hour away) to go to events sponsored by the state school...in rural areas where there is little exposure and little funding. I have been having a difficult time with materials and ideas to bridge this gap."

- **ASL Access collections provide numerous Deaf role models.**

An employee: "I had a customer come in...who was hearing impaired, and I felt so very helpless. He actually helped me communicate with him, it worked out OK, I think, but it could have been that much easier if I knew sign. Any information you can give me is most appreciated. I really want to do this, help me!"

- **ASL Access collections include a wide array of ASL lesson tapes.**

A sign language interpreter: "I am desperate to get hold of some practice tapes (to prepare for my state certification test). There are many interpreters here in the same situation. I am in St. Louis, and there is a large Deaf community here.... Your assistance would be *greatly* appreciated!"

- **ASL Access includes interpreter-training videos.**

A young hearing girl: "I have a friend named Susan and she comes with her deaf class to eat lunch sometimes, and I would love to talk to her. I hope that you can help me."

- **ASL Access collections include teaching videos specifically for children.**

Another student: "I am desperate for videos that I can rent or borrow. They are much too expensive for me to purchase and the local university that has a few (ASL videos) only allows viewing in a small public area of the school library, which is not very conducive to study!"

- **ASL Access collections make over 200 ASL videos available through public libraries.**

A university student: "I am going to further myself (in learning ASL) and teach a mentally disabled adult how to use sign language for better communication."

- **ASL Access collections include a wide array of ASL lesson tapes.**

A woman in community service: "I work with a young girl with Down Syndrome and her primary way of communication is through sign language. Can you lead me to some ASL translations of children's stories on video?"

- **ASL Access collections include more than 25 children's stories in ASL.**

A senior citizen with declining hearing acuity: "School will not serve my problem. I need to be in contact with signers. I know of no social clubs for deaf. Where can I go to improve my signing?"

- **ASL Access collections include a wide array of ASL lesson tapes.**

*ASL Access provides an answer for all these questions.  
Place ASL Access Video Collections in public libraries.*

### **White House Conference on Library and Information Services Taskforce (WHCLIST) Resolutions**

**WHCLIST Conference Resolutions  
Sara Jane Cate and Carmine Trotta  
Chairs, 1998-2000**

*Unanimously approved WHCLIST Annual Meeting  
Phoenix, Arizona, August 9, 1998*

#### **Resolution 6: Supports American Sign Language (ASL) Materials in Libraries.**

#### **RESOLUTION 6**

WHEREAS, the resolutions of the 1991 White House Conference on Library and Information Services (WHCLIS) included recommendations for increased public library acquisition of American Sign Language (ASL) related resources; and

WHEREAS, public libraries have been encouraged to find cost effective and efficient ways to provide resources of this nature, but have had limited success to date;

WHEREAS, the National Association of the Deaf, the largest constituency organization safeguarding the accessibility and civil rights of 28 million Americans who are deaf or hard of hearing, promotes dissemination of "ASL-based videotapes and related materials through our nation's public library system";

WHEREAS, over 90 percent of deaf children have hearing parents and these families constitute an underserved population with urgent communication access needs which have not been addressed by public libraries;

WHEREAS, the large body of ASL literature and ASL information resources which have been developed in video format are underrepresented in public libraries;

WHEREAS, ASL Access is a nonprofit organization with a mission to provide ASL resources to communities through partnership with public libraries;

WHEREAS, ASL Access is ideally positioned to address the unmet resolutions of the 1991 Conference:

THEREFORE, be it resolved the White House Conference on Library and Information Services Taskforce (WHCLIST) fully supports ASL Access in these efforts.

### **Also Submitted for the Record**

Also submitted for the record, but not reproduced in this report, are the following items:

- Colorful Flyer titled "The Alice L. Hagemeyer American Sign Language Video Collection"; "An ASL Access Video Collection"
- Two Page Flyer describing ASL Access titled "ASL Access: Looking for American Sign Language? Look to Libraries with ASL Access!"
- Newspaper Article published in Deaf Nation, February 1999, by Chris Wixtrom, MOVING PICTURES OF DEAF IDENTITY: They Must Be Seen to Be Believed

### **3. Written Material from Berkeley Public Library [Berkeley California], Submitted by Alan Bern, Library Special Services Coordinator**

#### **Electronic Mail Dated July 23, 1999, from Alan Bern [ALB2@ci.Berkeley.ca.us]**

Subject: NCLIS Hearing on Disabled Services,

I enclose and attach our current Extended Services Policy, which includes a list of services and programs. Following that I list several bullets of possible future projects culled mainly from our Library ADA Advisory Committee, which includes library and City of Berkeley staff, community

members, and members of the City Commission on Disability. Please do not hesitate to contact me if you have questions. I will watch out on the web site for results.

Thanks.

Alan Bern  
Library Special Services Coordinator

**Berkeley Public Library Extended Services For Patrons With Disabilities**

**BERKELEY PUBLIC LIBRARY  
EXTENDED SERVICES FOR PATRONS WITH DISABILITIES**

- Berkeley Public Library offers extended services, when needed, to persons with disabilities. Under the guidelines of the Americans with Disabilities Act (ADA), disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more life activities of that individual.
- If you are a person with a disability, you may fill out an attached Application for Extended Services for Library Patrons with Disabilities. Please return, or have your proxy return, the completed application to any circulation desk in any of our libraries. The person(s) you authorize to be proxies must have their personal identification, an authorizing letter from you, and your picture identification with them when they apply for your card. These proxies must have their personal identification, an authorizing letter from you, and your library card with them when they check out materials for you. Extended services are available at the Central Library and at all branches of the Berkeley Public Library.
- The application process is kept confidential and the type of disability will NOT be placed in the library database.

Extended Services for Patrons with Disabilities include the following:

- Extension of circulation periods of all books, except New Books, which usually circulate for 3 weeks, to 6 weeks.
- Ability to check out 2 books-on-tape at all locations. Extension of circulation periods of books-on-tape, which usually circulate for 3 weeks to 6 weeks.

Attached is a list of additional Berkeley Public Library materials and services that also provide increased access for library patrons with disabilities without being registered for Extended Services.

**GUIDE TO SERVICES AND MATERIALS  
FOR LIBRARY PATRONS WITH DISABILITIES**

- Patrons who are deaf or hard of hearing and patrons with speech disabilities may call the REFERENCE SERVICES TTY with questions about library holdings or library services, or with reference questions. The TTY number is 510-548-1240.
- Patrons may also call the CALIFORNIA RELAY SERVICE (1-800-735-2929 TTY) to reach any reference desk, the information desk, or any circulation desk at any library location.

Central Reference 644-6648

Art and Music 649-3928

Central Check-out 649-3933

Outreach 644-6160

Special Services 644-6095 x-15

Central Information Desk 644-6100

Berkeley Information Network (BIN) 540-0666

Claremont Branch 644-6880

North Branch 644-6850

South Branch 644-6860

West Branch / Videos 644-6870

Literacy 644-8595

Central Children's Services 649-3943

Tool Lending Library 644-6101

- Reading Edge scanning and reading system at Central Library for users who are unable to read conventional print due to vision or learning disabilities. This breakthrough computer scans printed text and reads it back aloud with a synthesized voice. It is available whenever the library is open to the public until 30 minutes before closing. Orientation sessions are required before using the Reading Edge; after that, reservations are needed. Call 644-6648 for more information.
- Close-captioned videos at West Branch. Limit: 3 videos.
- Books-on-tape at all branches and at Central. Limit: 2 books-on-tape.
- To request a sign language interpreter, real-time captioning, materials in large print or Braille, or other accommodations for a library program or event, please call (510) 644-6095 x-15 or TDD (510) 548-1240. At least five working days notice will ensure availability.
- ADA Adaptive Workstation with the capability for surfing and searching the Internet for blind patrons, patrons with vision impairments, and patrons with other disabilities at South Branch, 1901 Russell Street (at Martin Luther King, Jr. Way) Phone: 510-644-6860 Fax: 510-549-3054 for reservations.

#### OUTREACH SERVICES

- If you can't come to us, we'll come to you! The Berkeley Public Library offers delivery and pick up of books, magazines, books-on-tape, CDs, and cassettes to Berkeley residents who are unable to get to the library due to disability. For more information, call 510-644-6160 for FREE service.
- We are continually trying to improve our access to programs and services for the disabled community. Let us know of your needs.

Please complete the application form on the following page, detach, and return it in person or by proxy to:

- The Circulation Desk at the  
—Central Library, 2121 Allston Way, Phone: 510-649-3933
- or to the Circulation Desk at any of our branch libraries:  
—North Branch, 1170 The Alameda (at Hopkins Street), Phone: 510-644-6850  
—South Branch, 1901 Russell (at Martin Luther King, Jr., Way), Phone: 510-644-6860  
—West Branch, 1125 University (near San Pablo Avenue), Phone: 510-644-6870  
—Claremont Branch, 2940 Benvenue (at Ashby Avenue), Phone: 510-644-6880
- Extended services are available at the Central Library and at all branches of the Berkeley Public Library.

**Berkeley Public Library Application for Extended Services for Library Patrons with Disabilities**

**Berkeley Public Library  
Application for Extended Services for Library Patrons with Disabilities**

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

DO YOU HAVE A CURRENT BERKELEY PUBLIC LIBRARY CARD?

YES \_\_\_\_ NO \_\_\_\_

If NO, please fill out the application for library card form and return it with this completed form either in person or by proxy (see below).

WHAT IS YOUR DISABILITY? (OPTIONAL)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HOW DOES YOUR DISABILITY AFFECT YOUR ABILITY TO USE THE LIBRARY?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WOULD YOU LIKE TO AUTHORIZE SOMEONE ELSE TO CHECK OUT YOUR LIBRARY MATERIALS FOR YOU? \_\_\_\_ (IS THIS PERSON A PROXY?) IF SO, PLEASE WRITE THEIR NAME(S) HERE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The person(s) you authorize as proxies must have their personal identification, an authorizing letter from you, and your picture ID with them when they apply for your card. These proxies must have your library card, their personal identification, and an authorizing letter from you when they check out materials for you.

Please return this completed application form to any Berkeley Public Library Branch.

Please complete the application form on the other side of this sheet, detach, and return it in person or by proxy to:

- the Circulation Desk at the  
—Central Library, 2121 Allston Way, Phone: 510-649-3933
- or to the Circulation Desk at any of our branch libraries:  
—North Branch, 1170 The Alameda (at Hopkins Street), Phone: 510-644-6850  
—South Branch, 1901 Russell (at Martin Luther King, Jr., Way), Phone: 510-644-6860

- West Branch, 1125 University (near San Pablo Avenue), Phone: 510-644-6870
- Claremont Branch, 2940 Benvenue (at Ashby Avenue), Phone: 510-644-6880

Extended services are available at the Central Library and at all branches of the Berkeley Public Library.

### **Future possibilities:**

#### 1. Furniture:

**Tables:** discussion of which would be preferable, electric or manual adjustable tables. Those attending agreed that some adjustable tables could be manual, but at least one should be electric.

**Note:** some tables can be both.

**Study carrels:** There will be no study carrels in the adult section, but there will be several in the children's section. It was suggested that there be one adjustable study carrel in the children's section. We will ask Eric Dibner if there is any ADA regulation that requires a study carrel in the adult section for patrons with ADD and other learning disabilities.

#### 2. Equipment:

**Electronic Classroom:** It was suggested that at least one workstation be fully adjustable and accessible. During the discussion of further accessibility needs, it was suggested that the entire Electronic Classroom could be made accessible including for disabled trainers. We will explore this in terms of architectural space plans and possible grant funding. It may be difficult to make everything accessible/adjustable in the Electronic Classroom, but as an example, perhaps we can purchase a freestanding adjustable white board if the white board on the wall cannot be made fully adjustable.

**Copy Machines and Printing:** It was suggested that we speak with our suppliers to see if accessible copy machines and printers can be leased.

**Telephones:** It was suggested that the in-house phones for the public (to phone other branch locations) be accessible in terms of large buttons and proper height mounting. We will contact Pac Bell to see what they have available and whether any of it is free.

TDD and/or PC at the Info Desks [are] available to communicate with deaf patrons in the building.

- 1) Gathering suggestions for purchase for our collection especially in the areas of information about disabilities and the disabled and most specifically in the area of local history of the disability movement in Berkeley.
- 2) We are presently setting up a workstation with software, Omni 3000, for learning disabled to read materials and use the web is presently being set up at West Branch within the Literacy Program, *Berkeley Reads*.
- 3) When our new Central Library building opens we hope to have software and hardware in all branch locations to serve all our disabled patrons, including deaf and blind patrons and those with low vision, learning disabilities, and other physical disabilities.
- 4) We are discussing having a display collection from the Talking Books Library in Sacramento.

**4. Written Material from the Cabrillo College Library [Aptos, California],  
Submitted by Johanna Bowen**

**Electronic Mail Dated June 14, 1999, from Johanna Bowen [jobowen@cabrillo.cc.ca.us]**

The following two web documents represent Cabrillo College Library's progress toward serving users with special needs:

**Assistive Technology at Cabrillo College Library  
by Johanna Bowen**

Prepared for CAPED98 October 31, 1998, San Jose, CA  
[<http://www.cabrillo.cc.ca.us/html/about/caped98.html>]

**Background:**

**According to the U.S. Access Board:**

- 50 million people in the United States have some kind of functional limitation or disability.
- 7.75 million can't use a computer without some form of assistive technology, such as screen readers (which translate what's on the screen into Braille, voice output or audible cues), audio or text-only browsers, or alternative keyboards.
- 8 percent of the people who use the World Wide Web have disabilities.

On March 12, 1998 *The Chronicle of Higher Education* had a headline that stated: "For Students with Disabilities, the web can be like a Classroom without a ramp; Some colleges fearing lawsuits or trying to be helpful, seek to design accessible pages."

On February 26, 1998 there was a Satellite teleconference on "Legal Insights: Accommodations." I attended this conference with every intent of hearing about what was happening to other areas. Somewhat to my surprise, many of the case law examples were libraries! The issue was access to computer technology and the Internet. If colleges must insure meaningful access to post secondary environment, including technology, then the sophisticated technological interfaces to online resources must be made available. An Office of Civil Rights decision regarding new computer equipment purchases says in so many words: "A library's decision to purchase technology of any kind, not only creates an expectation that the newly-purchased technology will be accessible, but it suggests that the library now has the resources and expertise to fully consider the role of technology with regard to other aspects of its program." (Legal Insights, Participants Packet. Distance Learning Link, 1998. p.3.) At Cabrillo, the figure of 10-12 percent is used to reflect the size of the student body, which has special needs either from the physical or the learning skills perspective.

In the early Internet days, pre-1992, the browser most commonly used was Lynx, which was text based and could easily be used by any software which converted text to either Braille or voice. The development of new browsers and tools like HTML and Java produced pages, which presents these users with substantive challenges.

The web and most information resources that are delivered over the Internet is mouse driven. People with mobility impairments cannot navigate the web without some keyboard alternatives. People with visual impairments cannot use most screen readers with 100 percent success on frames, columns, tables and images that lack alternative text versions. There is a chance that the most technologically



advanced libraries can become the biggest barriers to the educational opportunity of a disabled person.

**"The Internet and technology have moved so quickly that assistive technology hasn't been able to catch up..."** says Josh Krieger of the Center for Applied Special Technology (CAST), a nonprofit organization that does research and development in the area of what is known as universal design (UD).

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**What is the role of a librarian in this matrix of competing standards, rapid development and constant pressure to represent the rights of students in the information marketplace?**

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When a library has made the transition to a single web interface for all resources, that same library has to expend considerable effort to make this interface accessible. Accommodations must be made for both physical mobility issues and vision issues. The effort requires two formidable challenges:

1. Ensure accessible web pages

Demand accessible interfaces from vendors. As recently as at the American Library Association meeting in June 1998, vendors were uniformly unaware of the meaning of accessible web pages. Much has changed in 6 months. The first EbscoHost full text magazine database interface had a single image without any alternate route to the next screen. The "Log on to Ebscohost" image could not be read by JAWS. Stop here and go no further for any blind student. This image was replaced two months ago.

2. Purchase and support tools for access

At Cabrillo we have placed one JAWS workstation with ZoomText in the Reference Room and one in the 24 station electronic classroom. Have agreed to set up a Kurzweil Omni 2000 reading station in the library.

3. Make the library physically accessible

We have 10 percent of the table or carrel surfaces in our library at 31" height. Our stack aisles are 48 inches wide. We have two small group study rooms with marmoleum<sup>27</sup> on the floor instead of carpeting to provide a space for the environmentally sensitive. Prior to laying out the furniture plan we met with disabled students who were involved in setting some of our standards and layout of services. Interestingly enough they demanded that accessible tables and carrels be spread throughout the building, avoiding any grouping of wheelchair users.

We have purchased a special station, which can easily be adjusted to any height, from standing to specially made wheelchairs.

We filled a request from a C6 partial quadriplegic student for a special large trackball or trackpad because he could not use our standard issue Microsoft Mouse.

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<sup>27</sup> Marmoleum® from Forbo-Nairn is a perfectly natural floor covering, available in sheet, tile and plank formats. It's durable, easy to maintain and inherently hygienic.

4. Move assistive technology into the mainstream of the library

Designate who is responsible. Add it to performance goals and the job description and evaluation.

Write up the procedures for handling Assistive Technologies.

Write up and post the instructions for each piece of equipment in large print format. Stick to simple English for these instructions.

Provide training and demonstrations for all library staff. Repeat training every semester.

Require that all library pages be accessible. Promote the use of guidelines for web accessibility. Be a resource for information on web accessibility issues for the campus.

5. Get it in writing: Add goals to the mission statement and the technology plan

For example:

**Mission Statement for the Robert E. Swenson Library at Cabrillo College**

The Robert E. Swenson Library is committed to supporting of the goals of the Instruction Component at Cabrillo College. The librarians and library staff are committed to:

- Provide innovative, state of the art programs, systems and services in support of the information needs of the Cabrillo college community.
- Provide prompt, unbiased, and knowledgeable responses to requests for assistance with information resources.
- Provide high quality instructional services and programs in the use of information resources.
- Provide universal online access to current information resources for the Cabrillo community.
- Encourage and facilitate information competency, critical thinking, intellectual independence, and lifelong learning skills in all students.
- Provide services to remote users and to users with special needs

For example: from the Cabrillo College Technology Plan:

**Goal 5. Provide services to students with special needs**

Strategies:

- Convert 10 percent of the information workstation monitors to 19" size with ZoomText access
- Maintain an OMNI 2000 Kurzweil reading system
- Maintain the currency of assistive technology software for web access
- Maintain the accessibility of library web pages

- Explore providing a Lynx browser for visually challenged users

## **Goal 6. Collaborate across the campus**

Work with allies in:

Disabled Student Program and Services  
Instruction  
Tutorials  
Learning Skills Program  
Computing Resources  
Faculty Senate  
Teaching and Learning Center

Many people on a campus care about the issues but have very few opportunities to focus support. Support for the libraries role in providing access can provide a focal point for everyone.

### **What haven't we done yet?**

- 1) Added at least one set of large type key caps.
- 2) Added some percentage of 19" monitors.

The staffs in DSPS and Learning Skills tell me that many, many students are stressed by the small print of the varying web font sizes. Having more than one nineteen inch monitor with a discrete sign that makes their use by users with visual impairments a priority would open the library further.

## **Resource List**

### **Resource List for Accessible Libraries Assembled by Johanna Bowen for a presentation at CAPED98, October 31, 1998 in San Jose, CA (updated June 18, 1999)**

[All quoted descriptions are from the homepage of the site]

#### **BOOKS:**

Resources for People with Disabilities: A National Directory. 2v. Ed., by Elizabeth H. Oakes and John Bradford. 1998. 1026p. Ferguson, \$89.95 (0-89434-242-8)

#### **LISTSERV:**

Learning Disability Discussion List

LD-List is an open, unmoderated, international forum that provides an information exchange network for individuals interested in Learning Disabilities. Any topic related to learning disabilities is appropriate for discussion.

To join LD-List, send one electronic mail message addressed to: [ld-list-request@east.pima.edu](mailto:ld-list-request@east.pima.edu)

Leave the subject of the e-mail message blank. In the BODY of the message type ONLY one word: **SUBSCRIBE**

This will set you up to receive all the messages sent to the LD-List list.

To send a message to everyone subscribed to LD-List, send all electronic mail messages to this address: [ld-list@east.pima.edu](mailto:ld-list@east.pima.edu)

## CREATING ACCESSIBLE WEB PAGES: RESOURCES

### Access from Adobe

When a site displays documents or publications in PDF format it cannot be read by Assistive Technology tools. This site includes a utility, which translates PDF fields to HTML that is accessible to most assistive tools.

**BOBBY.** Bobby can be found at: <http://www.cast.org/bobby>. "Bobby is a web-based public service offered by CAST that analyzes web pages for their accessibility to people with disabilities as well as their compatibility with various browsers. The analysis of accessibility is based on the working draft of the W3C's WAI Page Author guidelines with the Page Authoring Working Group's latest revisions. All pages on your web site must meet these requirements in HTML 4.0 to display the Bobby Approved icon."

**CAST—Center for Applied Special Technology** at. <http://www.cast.org/>. "Founded in 1984, CAST is an educational, not-for-profit organization that uses technology to expand opportunities for all people, including those with disabilities." CAST is known for its support for accessible design issues and for promoting and maintaining the single most popular site for checking on the accessibility of web pages.

**DO-IT (Disabilities, Opportunities, Internetworking and Technology).** <http://weber.u.washington.edu/~doit/> Located at the University of Washington DO-IT provides information on accessible web design and other topics focused on increasing the participation of people with disabilities in higher education and careers.

**EASI—Equal Access to Software and Information.** <http://www.rit.edu/~easi/easi/alleasi.html>. "EASI's mission is to serve as a resource to the education community by providing information and guidance in the area of access-to-information technologies by individuals with disabilities. We stay informed about developments and advancements within the adaptive computer technology field and spread that information to colleges, universities, K-12 schools, libraries and into the workplace. EASI is the recipient of two National Science Foundation grants to disseminate information on access for disabled persons to science, engineering and math."

**Sun Microsystems' Enabling Technologies Program.** <http://www.sun.com/tech/access/>. This web site has significant information for developers using Java who care about accessibility. There are extensive guidelines for Designing for Accessibility at: <http://www.sun.com/tech/access/software.guides.html>.

"**IBM Guidelines for Writing Accessible Applications Using 100 percent Java**" are available at: <http://www.austin.ibm.com/sns/snsjavag.html>.

**W3C—World Wide Web Consortium.** <http://www.w3.org/>. "*The* World Wide Web offers the promise of transforming many traditional barriers to information and interaction among different peoples. The W3C's commitment to lead the web to its full potential includes promoting a high degree of usability for people with disabilities. The Web Accessibility Initiative (WAI), in coordination with other organizations, is pursuing accessibility of the web through five primary areas of work: technology, guidelines, tools, education and outreach, and research and development accessibility features. Some users rely on speech synthesizers or braille readers

when browsing the web. HTML 4 includes features which makes the web more accessible to those who are visually impaired or have other disabilities."

W3C—Checklist for Web Content Accessibility provides a useful structure for prioritizing the accessibility issues facing an organization.

#### **U.S. GOVERNMENT WEB SITES:**

**ADA Home Page; U.S. Department of Justice. Americans with Disabilities Act.** <http://www.usdoj.gov/crt/ada/adahom1.html>. "The ADA prohibits discrimination on the basis of disability in employment, programs and services provided by state and local governments, goods and services provided by private companies, and in commercial facilities."

**The Access Board: United State Architecture and Transportation Barriers Compliance Board.** <http://www.access-board.gov/>. "Created in 1973, the Board has served the nation as the only independent Federal agency whose primary mission is accessibility for people with disabilities."

**Center for Information Technology Accommodation (CITA)** at <http://www.itpolicy.gsa.gov/cita>. CITA has a full web site for US government activity related to accessible information environments, services, and management practices.

**U.S. Department of Education, Office of Special Education and Rehabilitative Services. The Computer Accessibility Technology Packet (1997)** at: <http://www.ed.gov/offices/OSERS/techpack.html>. Has a dated technology recommendations section but has a useful overview of the issues at the beginning of the document.

U.S. National Commission on Libraries and Information Science (NCLIS) at: <http://www.nclis.gov>. NCLIS held hearings on library services for individuals with disabilities on July 8, 1999. A report will be published at their site in August 1999.

#### **PRODUCTS AND SERVICES:**

**Adjustable height workstation keyboard surfaces** available from Anthro Corporation at: <http://www.anthro.com/>. Mobility issues are usually addressed by a variety of table heights. Many newer libraries have a fixed number, usually 10 percent of surfaces at 31" which will accommodate the arms of a traditional wheelchair. A more flexible option is to have adjustable height surfaces. The AdjustaCart from the Anthro Corporation is a particularly well designed product which is manual but very easy to adjust.

**Closed circuit TV reader from Optelec** at <http://www.optelec.com>. This is one of the easiest viewing stations to set up and use for low vision people. Text and photographs can be viewed at a variety of magnifications (black and white and color) as they are placed under the attached camera.

**IBM Home Page Reader** trial copy available at <http://www.austin.ibm.com/sns/hpr.html>. "Home Page Reader audibly communicates complete information from graphical user interface web pages to the user, including tables, frames, forms, and even alternate text for images. The full range of web page data is provided in a logical, clear and understandable manner. Home Page Reader speaks link information or ALT text for objects like images and image maps. In addition, the product speaks HTML 4.0 information provided by web page authors, providing valuable information like summaries and table captions" Note: HomePage Reader **ONLY** reads the web and users cannot go back and forth between spreadsheets, word processing programs and Home Page Reader.

**JAWS software from Henter-Joyce, Inc.** at <http://www.hj.com/>. "Using screen-reading and screen-magnification software developed by Henter-Joyce, blind or visually-impaired computer users access a whole world of information, education and job-related applications. With our products, blind or visually impaired people browse the web, read or write e-mail messages, re-calculate spreadsheets or access information in a database. Henter-Joyce software works with, but does not replace, most computer applications. Our software is the top choice of blind and visually impaired people around the world."

**Kurzweil Educational Systems** at <http://www.kurzweilededu.com/> "Produce and market two exemplary products. Kurzweil 1000 for people who are blind or severely visually impaired and Kurzweil 3000 for people with Dyslexia or other reading difficulties. These products are PC-based software programs that utilize speech, language, and optical character recognition (OCR) technology to scan, digitize and then read aloud the printed word."

### **Large Print Keytops**

Information on purchasing Large Print Keytops can be obtained from:

- 1) Hooleon at: <http://www.hooleon.com>
- 2) Maxi-Aids at <http://www.maxiaids.com>
- 3) LS & S at: <http://www.lssgroup.com>

### **ZoomText**

A demonstration download of ZoomText, a large print software program is available at: <http://www.aisquared.com>

The Internet address of this page is <http://libwww.cabrillo.cc.ca.us/html/about/caped98resources.html>  
Revised June 18, 1998

*Johanna Bowen jobowen@cabrillo.cc.ca.us*

## **5. Written Material from Central Rappahannock Regional Library [Fredericksburg, Virginia], Submitted by Nancy Buck Schiff, Outreach Services Coordinator**

### **Letter dated July 20 from Nancy Buck Schiff**



On behalf of my director, Donna Cote, and fellow staff, I appreciate the opportunity to respond to the Commission regarding library and information services for individuals with disabilities. The Central Rappahannock Regional Library is a large regional library system in central Virginia, located equidistant between Richmond, Virginia, and Washington, DC. We have seven branches and a bookmobile serving 208,000 people over 900 square miles.

While we have historically attempted to accommodate all of our patrons, either through large print materials or through making appropriate referrals, we have made specific efforts to serve people with disabilities locally. We started a sub-regional library for the blind and physically handicapped in 1989, becoming part of the National Library Service. We maintain a collection of books on tape for eligible users, repair and issue their tape players, convert reference information to tape or Braille on demand, and strive to afford our patrons as close to the public library experience that sighted patrons might enjoy.

With grant funding, we purchased a Kurzweil reader, sound card, and a Braille printer and translating software so that we could make print materials more accessible to patrons. We assist patrons in changing fonts on computer screens so that they can type a letter or use the Internet with "magnification." We have also received through two donations closed circuit televisions, which provide significant magnification of printed material.

Since 1991, we have worked with the local chapter of Self Help for the Hard of Hearing (SHHH). We purchased through grant funds computer-assisted note taking equipment and FM equipment to provide other options for making meetings accessible. We hire interpreters on demand for library programming and have hosted sign language classes open to the staff and public. We reviewed our collection of print materials dealing with hearing and updated it accordingly.

We have also worked with the Virginia Department for the Deaf and Hard of Hearing (VDDHH) to become a TAPLOAN site. This service allows us to loan VDDHH TDDs, amplifiers, and signalers to eligible patrons for temporary use or trial.

We have examined our buildings to either fit doors with automatic openers or adjust arrester pressure so those doors are easy to open. We work at maintaining aisle widths and insuring that access to elevator buttons or doorways are clear of obstacles. We work with staff to look about the floor in the case of a fire drill or real emergency to alert other staff and emergency personnel to the fact that someone with a disability is on the floor. Staff has always been willing to retrieve materials from the stacks or assist in reading information to patrons either from a computer screen or via telephone.

We have invited groups to test our buildings against the ADAAG regulations. We maintain a close relationship with the local center for independent living and other agencies exclusively serving people with various disabilities. Sometimes patrons' questions are referred to these agencies; sometimes these agencies provide us with information for patrons.

Our programming materials are always released with a note to contact the library for accommodation. We will provide programming materials in alternative formats, hire an interpreter, or provide assisting listening devices on demand.

It is our pleasure to provide these varied services and yet we know we need to remain alert to new services. We also know that there are more challenges before us, and more that we can do to adapt and use technology to further open the library to everyone in the community. We welcome this opportunity to share this information with you and the National Commission on Libraries and Information Science.

Sincerely yours,

Nancy Buck Schiff  
Outreach Services Coordinator

1201 Caroline St.  
Fredericksburg, VA 22401-3761  
(540) 372-1144 (Phone)  
(540) 373-9411 (Fax)  
(540) 371-9165 (TDD)

**6. Written Material from Disabilities, Opportunities, Internetworking and Technology (DO-IT), University of Washington [Seattle, Washington], Submitted by Sheryl Burgstahler, Director (and Assistant Director, Information Systems, Computing and Communications, University of Washington)**

**DO-IT Presentation Materials from Sheryl Burgstahler**

**Foreword:**

Computers, adaptive technology, and the Internet form a powerful combination for people with disabilities, opening opportunities for communication, learning and employment. The development of sophisticated multimedia resources, however, prevents some people from accessing critical information. These people include those who do not have the latest computer systems, those with slow network connections, and people with disabilities.



These materials provide the tools for developing a training program for library staff and volunteers to help them become more aware of the issues, needs and concerns of people with disabilities in accessing electronic resources. A presentation planning section and comprehensive script guide you through the presentation. Overhead transparency and handout templates and videotape presentations are included in the binder. An electronic presentation is available at DO-IT's World Wide Web site (<http://weber.u.washington.edu/~doit/UA/>) to aid the speaker.

Funded by the Telecommunications Funding Partnership and the National Science Foundation, these materials were developed as part of a cooperative effort between Computing and Communications, DO-IT (Disabilities, Opportunities, Internetworking and Technology) and the University Libraries at the University of Washington.

We would like to thank the project coordinator, Beth Fraser, adaptive technology specialist, Dan Comden, and the advisory board for their contributions to the project. Advisory board members include: Jan Ames, Washington Talking Book and Braille Library; Dagmar Amtmann, Assistive Technology Resource Center; Sarah Beasley, Seattle Central Community College; Steve Goodwin, Edmonds School District; Cleo Kelly, Library Equal Access Program, Seattle Public Library; Dean Martineau, Tacoma Community College; Paula L. Palmer, Lake Washington Technical College; and Steve Nourse, Experimental Education Unit, University of Washington.

The materials have been tested and refined with educators and librarians. We would appreciate your input as well. Once you've reviewed the packet, please complete and return the evaluation form enclosed in the front pocket of the binder.

Designing library services and resources that are accessible to the broad constituencies libraries serve in an important endeavor. We hope these materials will stimulate discussion and cooperation at your



library to ensure that people with a wide range of abilities have equal access to the electronic information you provide.

### ***Making Library Resources Accessible to People with Disabilities***

As more information is delivered using computer and network technologies, libraries play an increasingly important role in ensuring access for all people to Internet and other information resources. In making electronic resources accessible, principles of universal design should be employed.

Universal design means that, rather than design your services and facility for the average user, you design them for people with a broad range of abilities and disabilities. Keep in mind that patrons may have learning disabilities and visual, speech, hearing, and mobility impairments.

Although a library cannot be expected to have specialized equipment for every type of disability, staff should be aware of the options for making library resources accessible and should make available equipment that they can anticipate will be used or is available at relatively low cost. In addition, develop a procedure to ensure a quick response to requests for accommodations to meet the needs of patrons with disabilities.

The following information and questions can help guide you in making all of your library's programs and resources universally accessible and inviting to people with disabilities. Resources listed at the end of this handout, including DO-IT's World Wide Web site, provide a starting place to locate additional information as you make your library and its resource more accessible!

### **Legal Issues**

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit discrimination against individuals with disabilities. According to these laws, no otherwise qualified individual with a disability shall, solely by reason of her/his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a public entity.

In general, "person with a disability" means "any person who has a physical or mental impairment which substantially limits one or more major life activities including walking, seeing, hearing, speaking, breathing, learning, and working, has a record of such an impairment, or is regarded as having such an impairment."

### **Access Issues**

The following questions related to the library building and environment, staff, services, and electronic resources may help guide you in making your library universally accessible.

- ☐ Are parking areas, pathways, and entrances to the building wheelchair-accessible?
- ☐ Are doorway openings at least 32 inches wide and doorway thresholds no higher than one-half inch?
- ☐ Are aisles kept wide and clear for wheelchair users? Have protruding objects been removed or minimized for the safety of users who are visually impaired?

- \_\_\_ Are all levels of the library connected via an accessible route of travel, or are there procedures to assist patrons with mobility impairments in retrieving materials from inaccessible locations?
- \_\_\_ Are ramps and/or elevators provided as alternatives to stairs? Do elevators have both auditory and visual signals for floors? Are elevator controls marked in large print and braille or raised notation? Can people seated in wheelchairs easily reach all elevator controls?
- \_\_\_ Are wheelchair-accessible restrooms with well marked signs available in or near the library?
- \_\_\_ Are service desks and facilities such as book returns wheelchair accessible?
- \_\_\_ Are there ample high-contrast, large print directional signs throughout the library? Are shelf and stack identifiers provided in large print and Braille formats? Are call numbers on book spines printed in large type? Is equipment marked with large print and Braille labels?
- \_\_\_ Are telecommunication devices for the deaf (TDD/TTY) available?
- \_\_\_ Are library study rooms available for patrons with disabilities who need to bring personal equipment or who need the assistance of a reader?
- \_\_\_ Are hearing protectors, private study rooms, or study carrels available for users who are distracted by noise and movement around them?

### **Library Staff**

- \_\_\_ Are staff aware of disability issues (See Helpful Communication Hints)
- \_\_\_ Are staff trained in the use of telecommunication devices for the deaf (TDD/TTY) and adaptive computer technology provided in the library? Are there regular refresher courses to help staff keep their skills up to date?
- \_\_\_ Are staff trained in policies and procedures for providing accommodations to patrons with disabilities? Are staff aware of services provided for people with disabilities?
- \_\_\_ Are staff knowledgeable of other organizations, such as federally-funded talking book and braille libraries, that provide information services to patrons with disabilities?
- \_\_\_ Do public services staff wear large print name badges?
- \_\_\_ If there are staff members with sign language skills, are they identified to other staff members so that, when available, they can assist patrons who are deaf?

### **Library Services**

- \_\_\_ Does the library have a designated staff member and/or committee who coordinates services for patrons with disabilities, monitors adaptive technology developments, and responds to requests for accommodation?
- \_\_\_ Are people with disabilities included in the library's board of trustees and committees? Are people with disabilities included in the library's access planning process?

- \_\_\_ Does the library have a written description of services for patrons with disabilities, including procedures and information on how to request special accommodations? These policies and procedures should be advertised in the library and library publications.
- \_\_\_ Are reference and circulation services available by phone, TTY/TDD, and electronic mail?
- \_\_\_ Are resource delivery services available for patrons confined to their homes, retirement facilities, or hospitals?
- \_\_\_ Are large print and braille versions of library handouts and guides available?
- \_\_\_ Are applications for the nationwide network of Talking Book and Braille Libraries available for print disabled patrons?
- \_\_\_ Are reader and research assistants available to patrons with vision impairments?
- \_\_\_ Are sign language interpretation services available by request for library sponsored events?
- \_\_\_ Are large magnifying glasses available for patrons with low vision?

### **Adaptive Technology for Computers**

The library won't have special equipment on hand for every type of disability. But you can anticipate the most commonly requested adaptive technology and have that available. Start with a few items at first, and add new technology as patrons request it. Here is a list of adaptive technology for computer workstations to get you started.

- \_\_\_ At least one adjustable table for each type of workstation in the library can assist patrons with mobility impairment or who use wheelchairs.
- \_\_\_ Large print key labels can assist patrons with low vision.
- \_\_\_ Software to enlarge screen images can assist patrons with low vision and learning disabilities.
- \_\_\_ Large monitors of at least 17 inches can assist patrons with low vision and learning disabilities.
- \_\_\_ A speech output system can be used by patrons with low vision, blindness and learning disabilities.
- \_\_\_ Braille conversion software and a braille printer can assist patrons who are blind.
- \_\_\_ Trackballs can assist those who have difficulty controlling a mouse.
- \_\_\_ Wrist rests and keyguards can assist some patrons with mobility impairments.

### **Electronic Resources**

Be sure that the library's World Wide Web pages and other electronic resources are designed to be accessible to people with disabilities. Consider these items in ensuring accessible electronic resources.

- \_\_\_ Do electronic resources with images and sound provide text alternatives to these formats? Is the design consistent with clear navigation paths?
- \_\_\_ Can the library's electronic resources including online catalogs, indexes, and full-text databases and CD-ROMS be accessed with a variety of adaptive computer technologies such as screen readers and speech synthesis?
- \_\_\_ Do collection development policy statements specifically state that electronic products should be evaluated for accessibility as part of the purchasing process?
- \_\_\_ Do library web page style guidelines require that pages be designed in an accessible format?
- \_\_\_ Are librarians prepared to assist patrons with electronic resources that they cannot access by providing research consultations or materials in other formats?

### **Helpful Communication Hints**

When you are working with someone who has a disability, keep in mind that you are dealing with a person first. Other than this, there are no strict rules when it comes to relating to people with disabilities. Here are some helpful hints.

#### **General Guidelines**

- Treat people with disabilities with the same respect and consideration that you give others.
- Ask a person with a disability if he/she needs help before helping.
- Talk directly to the person with a disability, not through the person's companion.
- Refer to a person's disability only if it is relevant to the conversation.
- Avoid negative descriptions of a person's disability. For example, "a person's who uses a wheelchair" is more appropriate than "a person confined to a wheelchair." Remember, in actuality, a wheelchair is not confining—it's liberating.
- Refer to the person first and then the disability. "A man who is blind" is better than "a blind man" because it emphasizes the person first.

#### **Visual Impairments**

- Be descriptive with people with visual impairments. Say, "The computer is about three feet to your left," rather than, "The computer is over there."
- When guiding people with visual impairments, offer them your arm rather than grabbing or pushing them.
- Always ask permission before you interact with a person's guide or service dog.

#### **Learning Disabilities**

- If asked, read instructions to users with some specific learning disability.

#### **Mobility Impairments**

- Try sitting in order to make level eye contact with patrons in wheelchairs when you interact.

### **Speech Impairments**

- Listen carefully and ask people with speech impairments to repeat what they have said if you don't understand.

### **Hearing Impairments**

- Face people with hearing impairments and speak clearly when you talk to them.

### ***World Wide Access: Accessible Web Design***

The World Wide Web has rapidly become the most popular Internet resources, combining hypertext and multimedia to provide a huge network of educational, governmental and commercial resources. Yet because of the multimedia nature of the medium, many Internet surfers cannot access some of these materials. Some visitors

- Cannot see graphics because of visual impairments.
- Cannot hear audio because of hearing impairments.
- Use slow connections and modems or older equipment which cannot download large files.
- Have difficulty navigating sites that are poorly organized with unclear direction because they have learning disabilities, speak English as a second language, or are younger than the average user.
- Use adaptive technology with their computer to access the web.

Following universal design principles ensures that all Internet users can get to the information at your web site regardless of their disability or the limitations of their equipment and software. Use the following guidelines when developing and revising your web pages to ensure that they are accessible to a diverse audience!

### **General Page Design**

The web has mushroomed in popularity because it is such a powerful and versatile medium. Much of its power comes from the fact that it presents information in a variety of formats while also organizing that information through hypertext links. As a result, designing a well organized site is essential to helping visitors navigate through your information.

- **Maintain a simple, consistent page layout throughout your site**

A consistent design and look makes it easier for visitors to navigate through the hypertext and find the information you want to provide. For example, features presented on every page, such as a standard navigation menu or logo for the site, should always appear in the same place. A carefully planned organizational scheme will help everyone use your site. A clear, consistent presentation will especially assist people with learning disabilities who have difficulty following disorganized presentations.

- **Keep backgrounds simple. Make sure there is enough contrast**

People with low vision or colorblindness, or those using black and white monitors can have difficulty reading information at sites with busy backgrounds and dark colors. Many background images and colors obscure text and make reading difficult. Make sure that there is enough contrast between your

text and the background of the page. Choose background, text and link colors carefully, and always test your site with both black and white color monitors.

- **Use standard HTML**

Hypertext Markup Language (HTML) is the standardized code used to create web sites. The code works with tags that tell a web browser where to find and how to display your information. HTML was designed to be a universal format outside the bounds of proprietary software and computer languages. While non-standard tags exist, using standard HTML tags will ensure that your content can be accessed by all browsers used by visitors to your site. Avoid tags, such as <BLINK> and <FRAME> that are not supported by all web browsers.

- **Design large buttons**

Small buttons marking links can be a difficult target for visitors with mobility impairments that result in restricted hand movements. Larger buttons can make it easier for all visitors to select the links on your page.

- **Include a note about accessibility**

Notify your users that you are concerned about accessibility by including a web access symbol on your page (see Resources list). Encourage your users to notify you with their accessibility concerns. Include a statement about accessibility. For example, the DO-IT home page includes the following statement:

*The DO-IT pages form a living document and are regularly updated. We strive to make them universally accessible. You will notice that we minimize the use of graphics and photos, and provide descriptions of them when they are included. Video clips are open captioned, providing access to users who can't hear the audio. Suggestions for increasing the accessibility of these pages are welcome.*

### Graphical Features

People who are blind cannot view the graphical features of your web site. Many people with visual impairments use voice output programs with text-based browsers (such as Lynx) or graphical browsers with the feature that loads images turned off. Include text alternatives to make the content in these graphical features accessible. Here are guidelines for providing alternative text for various types of visual features.

- **Include short, descriptive ALT attributes for all graphical features on your page**

ALT attributes work with HTML image tags to give alternative text information for graphical features. The alternative text helps the visitor understand what is on the page if they are using a text browser or if they have image loading turned off in their graphical browser.

The bolded text in this example shows what an ALT attribute looks like in HTML:

```
<IMG SRC="/doitlogo.large.fit"  
ALIGN=MIDDLE ALT= "[DO-IT LOGO]">
```

When a sighted visitor views the page with a graphical browser, he will see the DO-IT logo. When a user who is blind visits, his voice output program will read [DO-IT LOGO]. This gives him a clear idea of what is on the page. In addition, any visitor coming to the site using a text-based browser will understand that there is a log there instead of the more ambiguous "image" that is the default result when no ALT attribute is used. ALT attributes should be short and simple (less than 5 words) as browsers sometimes have difficulty with long, run-on attributes.

- **Include menu alternatives for image maps (also called ISMAPS) to ensure that the embedded links are accessible**

An image map is a picture on which parts of the picture can be clicked to find a link to another page. For example, on a map of the United States, a visitor might click on Washington State to find information about this state. But if the web page developer has not included an alternative menu, visitors using text-based browsers can be totally blocked from the site, or sent on a wild goose chase clicking unlabelled links that lead them in circles.

The following example does not include an alternative menu for the image page.

```
<HTML>
<TITLE> Our Library Page </Title>
<BODY>
A HREF="HOME.MAP">
<IMG SRC="images/home.jpg"ismap</A>
</BODY>
</HTML>
```

When viewed through a graphical browser, such as Netscape, a beautiful picture of a floor map of a library appears. The visitor can choose selected areas of the library to view. But, when a visitor using a text-based browser visits the site, this is what he sees:

```
Our Library Page
[ISMAP]
```

At this point the visitor is stuck, as text-based browsers will not interpret the hypertext links embedded in the image map. His only option is to back out of the site. A visitor who uses who uses a text-based browser, perhaps because he is blind, can't get to your information.

The accessibility of image maps is dependent on if the server software used a web site's server. Some server programs can pull the link information from the image map and present it in a menu format for text-based browsers. However, many server programs are not yet this sophisticated. Check with your system administrator to find out about the capabilities of your web server software.

- **Include descriptive captions for pictures and transcriptions of manuscript images**

What information do your pictures and images provide to the viewer? Always provide an ALT tag for an image. This is sufficient for logos and graphics that are not critical to the information content of the page. But if the graphics provide information beyond this, adding captions and transcriptions is

important for those who cannot see your page because they are using a text-based browser, including those who are blind. If you are not sure how critical a particular image is to the content of a page, temporarily remove it and consider its impact.

If you present information in an image format, such as a scanned-in image of a page of a manuscript, be sure to also provide a transcription of the manuscript in a straight text format. This aids a wide variety of visitors including those with visual impairments, users who speak English as a second language, and those with learning disabilities who may have difficulty reading the original document.

- **Make links descriptive so that they are understood out of context**

Visitors who use screen-reading software can adjust their software to read only the links on a page. For this reason, links should provide enough information when read out of context. For example, never use "click here" as a link, or next to a graphic used as a link.

- **Other options for making graphical features accessible**

Some web designers make images accessible by placing a hyperlink immediately before or after the image to another page with image descriptions. At the end of each description another hyperlink returns the user to the original page. This method should be used with caution as it can add unnecessary navigational complexity to the site.

Some organizations with graphic-intensive web pages provide a separate text version of the site to ensure accessibility. This adds a great deal of maintenance time and complexity, as two versions must be updated. It also segregates your visitors according to the type of equipment they use to access your page. As much as possible, edit your original version so that it is accessible to all visitors.

### **Special Features**

- **Use tables and frames sparingly and consider alternatives**

Most screen reader programs read from left to right, jumbling the meaning of information in tables. Some tables can be interpreted, but at this point, look for other ways to present the information to ensure that visitors with visual impairments can reach your data. In the same vein, frames often present logistical nightmares to text-based screen reading software. Evaluate whether frames are truly necessary at your site.

- **Forms and databases**

Always test forms and databases with a text-based browser. Include an e-mail address and other contact information for those who cannot use your forms or database.

- **Applets and plug-ins**

As the software is developed, applets (such as programs created with JAVA) and plug-ins (such as Adobe Acrobat) may provide accessibility features. However, many of these programs are currently not accessible to people utilizing text-based browsers. To ensure that people with vision and hearing impairments can access your information, provide the content from these programs in other text-based formats.



## Web Page Test

Text your web page with as many web browsers as you can, and always test your web page with at least one text-based browser. This way, you will see your web resources from the many perspectives of your users. You may want to try out an accessibility validation site which performs a diagnostic on your pages and points out parts that could be inaccessible. Testing your site is especially important if you use HTML editor software to write your pages. Some HTML editor programs do not automatically include ALT attributes and other accessibility features. You may need to revise your code to include the accessibility guidelines covered in this brochure.

## Resources

Bobby, created at CAST (Center for Applied Special Technology), is an HTML validator program designed to test accessibility in addition to highlighting non-standard and incorrect HTML.

<http://www.cast.org/bobby>

DO-IT (Disabilities, Opportunities, Internetworking and Technology) at the University of Washington includes a listing of Internet resources for accessible web design, as well as other information.

<http://weber.u.washington.edu/~doit/>

EASI's (Equal Access to Software and Information) web site provides both a good introduction to many issues related to serving patrons with disabilities including accessible web design.

<http://www.isc.rit.edu/~easi>

The National Center for Accessible Media (NCAM) promotes the use of a Web Access symbol and provides model examples of accessible pages.

<http://www.boston.com/wgbh/pages/ncam/currentprojects/webaccess.html>

The Trace Research and Development Center provides resources for design of accessible web pages including applet and plug-in features.

<http://www.trace.wisc.edu>

## World Wide Access Videotape

A 12-minute videotape, *World Wide Access*, may be ordered by sending a \$20.00 check to DO-IT.

### ***Working Together: People with Disabilities and Computer Technology***

People with disabilities meet barriers of all types. However, computers are helping to lower many of these barriers. As word processors have replaced typewriters, electronic spreadsheets have replaced handwritten books, and on-line services have supplemented telephone and written communication, disabled students and employees who have computer access have become capable of handling a wider range of activities independently. Although people with disabilities face a variety of barriers to providing computer input, interpreting output, and reading documentation, adaptive hardware and software have been developed to provide functional alternatives to standard operations.

## Mobility Impairments

### Input

Equipment which provides flexibility in the positioning of monitors, keyboards, documentation, and tabletops is useful for many individuals with disabilities. Plugging all computer components into power outlet strips with accessible on/off switches makes it possible for some individuals to turn equipment on and off independently.

Some adaptive hardware and software assist individuals with little or no use of their hands in using a standard keyboard. Individuals who have use of one finger, a mouth- or head-stick, or some other pointing device, can control the computer by pressing keys with the pointing device. Software utilities can create "sticky keys" that electronically latch the SHIFT, CONTROL, and other keys to allow sequential keystrokes to input commands that normally require two or more keys to be pressed simultaneously. The key repeat function can be disabled for those who cannot release a key quickly enough to avoid multiple selections. Keyboard guards (solid templates with holes over each key to assist precise selection) can be used by those with limited fine motor control.

Sometimes repositioning the keyboard and monitor can enhance accessibility. For example, mounting keyboards perpendicular to tables or wheelchair trays and at head-height can assist individuals with limited mobility who use pointing devices to press keys. Other simple hardware modifications can assist individuals with mobility impairments. For example, disk guides can assist with inserting and removing diskettes; a dedicated hard disk and/or computer network access can eliminate or reduce the necessity to do so.

For individuals who need to operate the computer with one hand, left-and right-handed keyboards are available. They provide more efficient key arrangements than standard keyboards designed for two-handed users.

Some hardware modifications completely replace the keyboard and/or mouse for individuals who cannot operate these standard devices. Expanded keyboards (larger keys, spaced far apart) can replace standard keyboards for those with limited fine motor control.

Mini-keyboards provide access to those who have fine motor control but lack a range of motion great enough to use a standard keyboard. Trackballs and specialized input devices can replace mice.

For those with more severe mobility impairments, keyboard emulation is available, including scanning and Morse code input. In each case, special switches make use of at least one muscle over which the individual has voluntary control (e.g., head, finger, knee, mouth). In scanning input, lights or cursors scan letters and symbols displayed on computer screens or external devices. To make selections, individuals use switches activated by movement of the head, finger, foot, breath, etc. Hundreds of switches tailor input devices to individual needs. In Morse code input, users input Morse code by activating switches (e.g., a sip-and-puff switch registers dot with a sip and dash with a puff). Special adaptive hardware and software translate Morse code into a form computers understand so that standard software can be used.

Voice input provides another option for individuals with disabilities. Speech recognition systems allow users to control computers by speaking words and letters. A particular system is "trained" to recognize specific voices.

Special software can further aid those with mobility impairments. Abbreviation expansion (macro) and word prediction software can reduce input demands for commonly-used text and keyboard commands. For example, word prediction software anticipates entire words after several keystrokes and increases input speed.

#### Output

Individuals with mobility impairments who have difficulty obtaining output from printers may need assistance from others.

#### Documentation

On-screen help can provide efficient access to user guides for individuals who are unable to turn pages in books.

### **Blindness**

#### Input

Most individuals who are blind use standard keyboards, however braille input devices are available. Braille key labels assist with keyboard use.

#### Output

Voice output can be used to read screen text to blind computer users. Special software programs "read" computer screens and speech synthesizers "speak" the text. The availability of earphones for individuals using voice output systems can reduce the distractions for others nearby.

Refreshable braille displays allow line-by-line translation of the screen into braille on a display area where vertical pins move into braille configurations as screen text is scanned. Braille displays can be read quickly by those with advanced braille skills, are good for detailed editing (e.g., programming and final editing of papers), and do not disrupt others in work areas because they are quiet. Braille printers provide output for blind users. Documentation Scanners with optical character recognition can read printed material and store it electronically on computers, where it can be read using voice synthesis or printed using braille translation software and braille printers. Such systems provide independent access to journals, syllabi, and homework assignments for blind students. Some hardware and software vendors also provide braille or ASCII versions of their documentation to support blind users.

### **Low Vision**

#### Input

Most individuals who have visual impairments can use standard keyboards, but large print keypad labels are sometimes useful.

#### Output

Special equipment for individuals who are visually impaired can modify display or printed output. Computer-generated symbols, both text and graphics, can be enlarged on the monitor or printer, thereby allowing individuals with low vision to use standard word processing, spreadsheet, electronic

mail, and other software application. For individuals with some visual impairment, the ability to adjust the color of the monitor or change the foreground and background colors is also of value. For example, special software can reverse the screen from black on white to white on black for people who are light sensitive. Anti-glare screens can make screens easier to read. Voice output systems are also used by people with low vision.

#### Documentation

Scanners with optical character recognition can read printed material and store it electronically on computers, where it can be read using voice synthesis or printed in large print. Some hardware and software vendors also provide large print or ASCII versions of their documentation.

### **Hearing and/or Speech Impairments**

Speech and hearing disorders alone do not generally interfere with computer use. However, advanced speech synthesizers are close enough to human quality to act as substitute voices and thus provide a compensatory tool for students who cannot communicate verbally. Students with portable systems can participate in class discussions once adapted computers provide them with intelligible speaking voices. Word processing and educational software may also help hearing impaired students develop writing skills.

#### Input

Students with hearing disabilities generally do not have special problems inputting information with a standard keyboard and mouse.

#### Output

Alternatives to audio output can assist the hearing-impaired computer user. For example, if the sound volume is turned to zero, a Macintosh computer will flash the menu bar when audio output is normally used.

#### Documentation

Individuals with hearing impairments typically do not have difficulty using standard written or on-screen documentation.

### **Specific Learning Disabilities**

Educational software where the computer provides multi-sensory experiences, interaction, positive reinforcement, individualized instruction, and repetition can be useful in skill building. Some students with learning disabilities who have difficulty processing written information can also benefit from completing writing assignments, tutorial lessons, and drill-and-practice work with the aid of computers. For example, a standard word processor can be a valuable tool for individuals with dysgraphia, an inability to produce handwriting reliably.

#### Input

Quiet work areas and ear protectors may make computer input easier for individuals with learning disabilities who are hypersensitive to background noise.

Software that aids in efficient and accurate input can also assist. Some people can compensate for high rates of input errors by using spell checkers, thesauruses, and grammar checkers. In addition, word prediction programs (software that predicts whole words from fragments) have been used successfully by students with learning disabilities. Similarly, macro software which expands abbreviations can reduce the necessity to memorize keyboard commands and can ease the entry of commonly-used text.

### Output

Some learning disabled individuals find adaptive devices designed for those with visual impairments useful. In particular, large print displays, alternative colors on the computer screen, and voice output can compensate for some reading problems. People who have difficulty interpreting visual material can improve comprehension and the ability to identify and correct errors when words are spoken or printed in large fonts.

### Documentation

Some individuals with learning disabilities find it difficult to read. Computer documentation provided in electronic forms can be used by enlarged character and voice synthesis devices to make it accessible to those with reading difficulties.

### **Next Steps**

Continue your exploration of adaptive technology by:

- Buying the newspaper or directory and/or attending the conference of Closing the Gap, P.O. Box 68, Henderson, MN 56044; (612) 248-3294, <http://www.closingthegap.com/>.
- Contacting the Tech Act resource center in your state; call RESNA at (703) 524-6686, or visit <http://www.resna.org/resna/hometa1.html> for information.
- Joining electronic discussion lists and accessing resources on the Internet. A good place to start is the DO-IT home page at <http://weber.u.washington.edu/~doit/>.

### **Videotape**

A 14-MINUTE VIDEOTAPE, *Working Together: People with Disabilities and Computer Technology* may be ordered by sending a \$20.00 check to DO-IT.

### **Additional Information**

Primary funding for the DO-IT program is provided by the National Science Foundation and the State of Washington. The University of Washington also contributes substantial resources to this project.

#### **DO-IT**

University of Washington

Box 354842

Seattle, Washington 98195-4842

[doit@u.washington.edu](mailto:doit@u.washington.edu)

<http://weber.u.washington.edu/~doit>

206-221-4171 (FAX)

206-685-DOIT (voice/TTY)

888-972-DOIT (voice/TTY) Washington

509-328-9331 (voice/TTY) Spokane office  
Director: Sheryl Burgstahler, Ph.D.

If you would like to receive this brochure in an alternative format, please contact DO-IT.

### **Also Submitted for the Record**

Also submitted for the record, but not reproduced in this publication, are the following items:

- Three-ring notebook entitled: *DO-IT (Disabilities, Opportunities, Internetworking and Technology), Universal Access: Electronic Resources in Libraries*, containing a Foreword; Overview; Presentation; Resources; Presentation Tools; and Handout Templates. Authors: Sheryl Burgstahler, Ph.D., Dan Comden, and Beth Fraser.
- Videotape entitled: DO-IT (Disabilities, Opportunities, Internetworking, Technology).
- Booklet entitled: DO-IT Programs and Resources
- Handouts entitled Making Library Resources Accessible to People with Disabilities; World Wide Access: Accessible Web Design; and Working Together: People with Disabilities and Computer Technology
- Handout entitled: Meet the Speakers in the Videotape

### **7. Written Material from the ERIC Clearinghouse on Disabilities and Gifted Education, Council for Exceptional Children (CEC), Submitted by Bruce A. Ramirez, Director**

#### **Letter Dated August 4, 1999, from Bruce A. Ramirez**

The ERIC Clearinghouse on Disabilities and Gifted Education (ERIC EC) is pleased to offer comments on library and information services for individuals with disabilities. The National Commission on Libraries and Information Science is to be commended for conducting a hearing to focus attention on this important area.



ERIC EC is part of the Educational Resources Information Center (ERIC) of the U.S. Department of Education, Office of Educational Research and Improvement (OERI). ERIC is administered by the National Library of Education (NLE). For more than 30 years, ERIC has solicited, gathered, selected, abstracted, and indexed the best of the professional literature in all areas of education. By the end of 1997, the ERIC database had grown to include bibliographic records of 951,770 education publications. Of these, approximately 70,000 records (7.25 percent) address individuals with disabilities. In addition to cataloging materials on disabilities, ERIC offers materials in alternate formats (e.g., Braille, disk) upon request. To further provide access to information by individuals with disabilities, ERIC clearinghouses have TTY lines.

Accessibility can benefit everyone. Just as many non-disabled persons have benefited from universal design principles reflected in the Americans with Disabilities Act (ADA) and the Architectural Barriers Act, many non-disabled persons will benefit from accessible information and services. Good access planning is simply good planning that can lead to better products and services for us all. We have consulted with our colleagues at several clearinghouses serving individuals with disabilities and their families, and we offer the following recommendations on ways libraries can assist individuals with disabilities.

***Physical access:***

- Provide neutral, accessible meeting areas, with attention to parking areas, ramps, and rest rooms.
- Provide a range of adaptive hardware or software to serve specific disabilities such as blindness and deafness, and train staff on how to use this equipment. Examples include screen magnifiers, screen readers, or large print programs; or on-screen keyboards for individuals who are unable to use a standard keyboard.
- Offer a selection of toys that are appropriate for children with disabilities. Toys might include soft stacking rings, oversize wooden puzzles, rattles, and puzzle balls, beanbag chairs, or soft stuffed toys to encourage hand/eye coordination, manipulative skills, and sorting skills.

***Access to information:***

- Provide electronic resources for hard-to-locate information and Internet access with links to web sites of disability-related resources. Examples of sources include:
  - ERIC Clearinghouse on Disabilities and Gifted Education (ERIC EC)  
<http://ericec.org>
  - Family Village  
<http://www.waisman.wisc.edu/kennedy/>
  - LD Online  
<http://www.Idonline.org>
  - National Information Center for Children and Youth with Disabilities (NICHCY)  
<http://www.nichcy.org>
  - PACER Center (for families of children and adults with disabilities)  
<http://pacer.org>
  - Rehabilitation Engineering and Assistive Technical Society of North America (RESNA)
  - SERI (Special Education Resources on the Internet)  
[http://www.hood.edu/seri/serihome.htm#general\\_disabilities](http://www.hood.edu/seri/serihome.htm#general_disabilities)
- Increase parenting collections that contain resources on child development, typical and atypical.
- Increase the number of books on disabilities for families including certain kinds of children's books about disabilities. An extensive list of publishers of special education materials can be found at <http://ericec.org/fact/publisher.htm>.
- Re-examine certain age restrictions on checking out materials. For example, children with certain disabilities may learn more effectively through audiotapes rather than through printed material. However, because of age restrictions, they may not be eligible to take out tapes if they are younger than 16 years of age.

***Act as informal sources of support:***

- Provide awareness training to library staff on assisting individuals with disabilities, including training on speaking directly to the individual, maintaining eye contact, avoiding distracting service dogs, or using people-first language.
- Facilitate the inclusion of children with disabilities and their parents in library programs by offering interpreters for children who are deaf or hard of hearing or featuring programs on disability awareness, such as those offered by Kids on the Block.

ERIC EC appreciates the opportunity to comment on the various kinds of assistance being provided by libraries to meet the special needs of users with physical, learning and other disabilities. We would

be pleased to provide further clarification on these comments as well as provide any other assistance the Commission may have as it carries out its mandate.

Sincerely yours,  
Bruce A. Ramirez, Ed.D.  
Director

1920 Association Drive  
Reston, VA 20191-1589  
(800) 328-0272 (Voice)  
(703) 264-9449 (TTY)

**8. Written Material from the Indiana State Library [Indianapolis, Indiana],  
Submitted by Marie Albertson, Library Development Office**

**Electronic Mail Dated July 15, 1999, from Marie Albertson**  
**[malbertson@statelib.lib.in.us]**

Subject: Library Services

I just talked to you on the telephone and wanted to get the following information to you about an assistive workstation program offered by the Indiana State Library.

Through a Title II LSTA grant, 60 public libraries in Indiana are in the process of receiving assistive workstations for their disabled library patrons. The workstation consists of: Hardware: Pentium II computer, 19" screen, color printer, and scanner. Software: ZoomText, JAWS, Kurzweil 1000, Kurzweil 3000, and Dragon Naturally Speaking. Plus 4 four-hour training seminars located strategically around the state so that librarians will be able to assist the visually or physically impaired patron. Plus an adjustable table and chair.

As I said on the phone, the most difficult part was finding a suitable vendor in Indiana that could supply all the necessary items and offer training and be able to offer telephone support for any problems.

If you have any questions, just e-mail or call.

**9. Written Material from the Institute of Museum and Library Services, Office of  
Library Services, Submitted by Elizabeth Sywetz, Deputy Director**

**Unsigned Letter Dated July 7, 1999, from Elizabeth Sywetz**

The Institute of Museum and Library Services (IMLS) is pleased to offer this testimony to the U.S. National Commission on Libraries and Information Science Hearing on *Library and Information Services for Individuals with Disabilities*.

IMLS was created by the Museum and Library Services Act of 1996, which includes Subchapter II, the Library Services and Technology Act





(LSTA). IMLS is an independent Federal grant-making agency that serves the public by strengthening library and museum services. One of the purposes of LSTA is to promote targeted library services to individuals with disabilities.

The State Library Agencies play an important role in implementing LSTA. Each State has prepared a Five-Year Plan that establishes goals and priorities for the State consistent with the purposes of the subchapter including services targeted to persons having difficulty using a library. Other programs that serve broader population groups also benefit people with disabilities. Internet access, for example, can facilitate communication or enhance access to important resources on a variety of subjects.

The Missouri State Library has provided LSTA funds so the Department of Mental Health could establish computer and information sites at four facilities around the state. The computer sites and specially trained staff are used to teach mental health clients, family members, advocacy groups and staff how to use computers to access information via the Internet and related information networks. Many clients have experienced a positive impact on their quality of life, being able to connect with others on the Internet, accessing information about their interests, often resulting in formerly withdrawn clients becoming outgoing and confident.

A number of states used LSTA funds for Talking Book projects or to support libraries and collections for the blind and physically handicapped. Others use funds from other sources to meet these needs. LSTA allows each State to design a program that addresses its particular situation. The Kentucky Department for Libraries and Archives supported an LSTA program that provided Talking Books, which serves a variety of patrons such as the reading disabled and visually impaired. A patron, who suffers from Parkinson's disease, acquired a talking book on his condition. After listening to it, he was better able to discuss treatment options with his doctors.

In Delaware, an LSTA grant to the Wilmington Institute Library assisted in establishing a partnership project with Christiana Care Medical Libraries and the Delaware Academy of Medicine Libraries. The joint project will provide free statewide public access to the collections of the two medical libraries via the Internet. Information on all aspects of health, from allergies to x-rays, will be available through interlibrary loan of books and journals from the medical libraries.

Adaptive technologies can open the world of information. The Connecticut State Library provided LSTA funds to the Babcock Library in Ashford to purchase a computer system complete with voice recognition software, which allows printed material to be scanned into the computer and read aloud by the system. Patrons with poor vision were able to take advantage of the large-screen computer and voice recognition package to access information. The Utah State Library granted the Salt Lake City Public Library LSTA funds to purchase four special access computer stations that allow patrons with visual impairments or reading disabilities to scan material into the computer and listen as the text is read aloud.

Other IMLS programs also contribute to better library service for people with disabilities. Community information can be extremely important. A National Leadership Grant program at the University of Michigan School of Information is investigating the role of librarians in assisting users to find community information on the Internet. It will use case studies of libraries in Florida, Illinois and Pennsylvania to identify best practices for providing community information electronically. The Native American and Native Hawaiian programs contribute to serving the broad information needs of the target populations. Many of these programs contribute to better library service for individuals with disabilities.

These examples only suggest the range of programs available across the United States. Federal funding plays an important role in assuring that Americans have access to high-quality library services. IMLS and the libraries of the nation will continue to work in Federal-state-local partnerships to insure that these services are available to all Americans, including those with disabilities.

Respectfully submitted,  
Elizabeth Sywetz  
Deputy Director

**10. Written Material from Learning Disabilities Association of America (LDA),  
Submitted by Harry Sylvester, President,**

**Facsimile Transmission Dated August 9, 1999, from Harry Sylvester**

Subject: Written Testimony on Library and information  
Services for Individuals with Disabilities

Thank you for the opportunity to present the following comments on library and information services for individuals with learning disabilities. As National President of the Learning Disabilities Association (LDA) and an adult with learning disabilities, I am gratified to be able to speak to you on behalf of the LDA Board of Directors and LDA's 700-state and local chapter/affiliates.



LDA is a national, non-profit, volunteer organization including individuals with learning disabilities, their families, and professionals. LDA is dedicated to enhancing the quality of life for all individuals with learning disabilities and their families, to alleviating the restricting affects of learning disabilities, and to supporting endeavors to determine the causes of learning disabilities. LDA seeks to accomplish this through advocacy, education, research, and service and through collaborative efforts.

The term "learning disability" means a disorder in one or more of the basic processes involved in understanding spoken or written language. "Learning disabilities are organic deficits by nature, or, to be more specific, chronic neurological disorders." (Accardo, 1996) A learning disability may manifest itself in a person's ability to listen, think, speak, read, write, spell or do math. The impact of learning disabilities reaches across the life span and the effects are felt from pre-school through adulthood by the individual with learning disabilities and their families. Having learning disabilities often chips away at an individual's self-esteem. Without proper diagnosis and treatment, many children with learning disabilities become adults unable to function well in society. And yet with proper treatment, understanding and support many children and adults with learning disabilities are able to succeed in school and the world of work.

Much has changed in the last ten years in education and the field of learning disabilities. Because of the good research coming from The National Institutes of Health (NIH) and the U.S. Department of Education, the field knows more about how children learn to read and how to teach those who have trouble reading. Much of this knowledge can be carried over to address other academic areas, such as math. Model programs in schools, corporations, and communities exist, but many of these models exist in a vacuum. It is frustrating and heartbreaking to know knowledge is available that has the capability to make many lives better, but is unattainable for the general public.

Libraries should be a prime resource of support, knowledge, and opportunities for individuals with disabilities and for the communities in which we live and work.

Commission Chairperson Jeanne Hurley Simon states: "The Commission recognizes that information technology provides help for many disabled individuals. Electronic text can be manipulated in ways that print cannot to assist persons with disabilities. Information technology can also help to eliminate distance and physical barriers." It is expected that any person, including a person with disabilities, can go to their library and access materials both online and in print to fill their needs. The list of resources is long in many libraries across the country: the latest in technology, large-print books, books on tape, videos, audio tapes and CDs, announcements of community programs and events, story hour. The list can be quite exciting and extensive for urban and suburban libraries. But the list can be very short in libraries in small towns and rural areas.

Even in large libraries with highly trained librarians and staff an understanding of disabilities, especially learning disabilities, may be lacking. This lack of understanding becomes a barrier that can only be broken by awareness training. Individuals with learning disabilities who are using libraries are probably highly motivated, understand their disability, and are able to work the system. These individuals could be a good resource for librarians to understand the kind of help and accommodations other individuals with learning disabilities may need in a library setting. For example, those who experience language and learning difficulties suffer a failure that is hard to understand. Many times, these failures start in the first year of school. School is about reading and writing and spelling and comprehension and speaking. Those of us who do not have natural abilities in these areas are going to fail without appropriate programming. The good news is that we now know many strategies that work for students with learning disabilities, however most LD adults have never had this benefit. As a result, a large number of LD adults feel they are failures, that there isn't anything they can do well, and that other people ridicule them. Part of the LD syndrome is often an inability to see or to understand social relationships and skills, to do or say the appropriate thing in a social situation. Add to this the insecurity created by repeated failures and you have a person who will tend to stay away from the unknown territory of the library, even though they would benefit greatly from its resources.

Libraries could be an appropriate and supportive place for children and adults with learning disabilities to start to overcome their language difficulties. But to ensure their success, library staffs need to be educated as to what learning disabilities are all about so that the staff may reach a comfort level in working with individuals with disabilities. For instance, small things can make a big difference to success or failure in the library setting—if a person with learning disabilities starts asking questions about reading or services, the librarian needs to know to continue the discussion in a private setting, taking time to explore exactly what resources and what format would be most useful. Many well-intentioned programs are failing because they don't address all the necessary parts of the problem. Libraries can't address them all, either. But librarians can be aware of the complexity of the problem and of the available resources so that they can do their share and refer patrons to other appropriate services, including local LDA chapters, when needed.

The American Library Association's "Roads To Learning" project has been helpful in a number of communities in linking parents and teachers to LDA chapters and developing a good interchange between local libraries and LDA volunteers.

## LDA RECOMMENDATIONS

- **TRAINING.** LDA supports the planning and implementation of an on-going training program for library personnel. Included in the training process should be awareness and understanding of disabilities, including learning disabilities; extensive training on use of available technology and how it can be applied to working with children and adults with disabilities; training on working with and supporting diverse populations, including individuals with disabilities.
- **RESOURCE EQUITY.** LDA supports a strong effort to bring all of the public libraries in the country to a more equal standing through increased funds for up-to-date materials and technology and education of library personnel.
- **COMMUNITY OUTREACH.** LDA supports the premise that it is a library's responsibility to reach out to all aspects of their community. To extend opportunities to the private sector to participate in the support of families, organizations, schools, and neighborhoods. And to make sure that all members of the community, including individuals with disabilities, have access to the resources available through their public library.
- **MODEL PROGRAMS.** LDA supports the development, implementation, and dissemination of model programs which may involve networking between school and libraries; informing the public of resources available; networking with other community organizations.

LDA is grateful for the opportunity to comment on surely one of our country's most important resources—the public library. Thank you.

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Pittsburgh, PA 15234-1349  
(412) 341-1349 (Phone)  
(412) 344-0224 (Fax)

## 11. Written Material from the Library Association of China [Taiwan], Submitted by Margaret C. Fung, President

### Written Testimony of Margaret C. Fung

#### *Efforts of Promoting Information Access and Human Rights of Disabled People in Taiwan*

##### Introduction

The Republic of China, founded in 1911 by Dr. Sun-Yat Set, has had a history of 88 years. Since the occupation of China Mainland by Communist party in 1949, the ROC government moved to Taiwan where Taiwan experience and Taiwan Miracle have clearly demonstrated the economic, social and political progresses. Economically, per capita income has reached USD<sup>28</sup> 10,918; our foreign reserve has reached USD 930 billions

On an island occupying a total area of 36,000 sqkm,<sup>29</sup> with little natural resources, the successful nationwide economical, political, and social developments brought people wealth, democracy and freedom.

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<sup>28</sup> US Dollars.

<sup>29</sup> Square kilometers.

### Population of the Disabled People

In 1998, out of the 22 million population in Taiwan, disabled people amount to 553,454, which is 2.52 percent of the entire population. In comparison with the previous year 53,316, there has been an evident increase of 0.25 percent. 78.47 percent of the disabled males are educated, and 59.44 percent of the entire disabled females are educated. [1]

### Legal Protection

#### Protection Law for the Disabled

Human rights of the disabled people have acquired nationwide attention as early as 1980 with the proclamation of the Protection Law for the Disabled. The law has since been amended four times with the last amendment on April 26, 1997. There are eight chapters and seventy five articles giving clear definition of the disabled, stipulating the offices in charge, communicating channels, medical assistance, educational rights, employment, welfare, and fines, etc. Almost all facets of life confronted by the disabled are clearly stipulated by the Law. [2]

### Special Education Law

This set of laws proclaimed on May 14, 1997, consisting 33 articles, protects the rights of both the handicapped and talented people to receive appropriate education. [3]

### Copyright Law

In January 21, 1999 the copyright law has been revised. Article 53 of our newly revised copyright law stimulates that publications can be reproduced with Braille, recording or computer by organizations, which have been established with the permission of the government. This new revision grants organizations to reproduce publications for the blind. [4]

In addition, there are many welfare programs provided to the disabled by the Ministry of Interior and by Taipei Municipal Government, <http://www.basa.teg.gov.tw/diswelfare.htm>, etc. With administrative orders. [5]

### Employment Protection

It is stipulated that all private business entities comprising of more than 100 employees must hire one disabled person. Two percent of the government positions must be given to the disabled with exception of police department, fire department and customs office. If a government or private organization does not observe such stipulation, the office has to pay USD 466 for each position that the disabled is not hired. The government total employees amount to 669,948, according to the statistics gathered in March 1999, 13,502 disabled persons are civil servants, approximately 2.02 percent of the entire government employee population. [6]

### Special Civil Serviced Examination for the Disabled

Starting from 1996, special civil service examination has been given to the disabled by the Ministry of Examination. In 1996, 47 disabled have been qualified for government work and have been hired by various offices. For example, a blind person was hired by our office—the Supervisory Board of Civil Servants Pension Bund—to work as a typist. He then successfully passed the examination for social workers. He is now a qualified social worker working for the Taipei Municipal government. In 1999, 2,750 disabled people participated in this special examination. One hundred and twenty-nine of them have passed the examination for position available. An additional 129 disabled persons will enter the government arena. [7]

### Library Services

#### *1. Taiwan Branch of the National Central Library:*

Many private and government efforts have been made to provide library services to the visually disabled. Starting from July 1, 1975, Taiwan Branch of the National Central Library established the Material Center for the Blind, producing books with Braille and recording, teaching the blind to learn the Braille, to use computers and to retrieve information, searching and providing reading materials to the blind, and providing nationwide information network made access by using special computers designed for the blind. With its rich collection: Recording: 50,713 reels, 12m177 volumes of Chinese Braille books and 912 titles of digital books reproduced by Tamkang University are available to the blind through BBS of the NCL Taiwan Branch Library. The successful library services rendered to the blind by this library in 1998 can be identified by the following statistics: [8]

<i>Library materials circulated</i>	<i>Number of borrowers</i>	<i>Amount circulated</i>
Braille	9868 readers	48677 volumes
Recording	9850 readers	128412 items

#### *2. Tamkang University*

With excellent facilities and faculty assistance, the University pays great attention to the education of disabled students, especially to the blind students, by establishing a Resources Center for the Blind, planning a digital library for the blind, developing computer for the blind, information network for the blind, and reproducing books into Braille or recording. [9]

#### *3. Book Center for the Hearing Impaired Persons, ROC Association for the Hearing Impaired*

This Center, located in the center of Taipei City and sponsored by the non-profit Association for the Hearing-Impaired Blind, provides information on job opportunities, information on examinations for the disabled, and information on career planning for the hearing impaired on a membership basis. The hearing impaired people can get access to the collection and job information by joining the Association as members with nominal membership dues. [10]

### Medical and Educational Assistance

#### *1. Training Center*

The Chinese Women's Anti-Aggression League, the largest women's organization founded by Madame Chiang Kai-shek, initiated its new program to train pre-school hearing impaired children (aged three to six year old kids) in the insulated classroom of its affiliated nursery. Staffed with professionals from the Veterans General Hospital and the National Normal University, the program has been proven successful in its teaching the hearing impaired children to speak by watching the lips of the teacher and actual actions, cultivating their habit to speak out and increasing their interest in learning. The training enabled many children to be enrolled in regular class of normal children and they even have learned to answer to phone or to give instructions to fellow classmates. The classes are participated by parents and the children for continuous training outside of classrooms. For the children of hearing impaired in elementary schools in the age bracket between six and twelve years, the program also offers courses for them to learning English, Chinese and use of computers.

#### *2. Foundation for the Hearing Impaired*

Under the supervision and planning of the Association, a foundation was set up three years ago to lend the following assistance to the hearing impaired persons:

- 1) Providing advice on pre-school hearing problems
- 2) Providing professional hearing guidance
- 3) Conducting teaching hearing impaired and seminars for parents
- 4) Providing books and videos on the topics of the hearing impaired
- 5) Circulating children's books and toys
- 6) Providing individualized training programs for the hearing impaired
- 7) Providing group hearing impaired training programs
- 8) Providing hearing examination and evaluation of hearing aids
- 9) Lending hearing aids
- 10) Providing scholarship to aid the hearing impaired
- 11) Financial assistance to students in their purchase of hearing aids or their medical expenses

3. *Zonta International's Efforts*

Zonta International Taipei II Club donated equipment to the School for the disabled continuously for many years. With such contribution from various clubs and social welfare organizations, the School for the Disabled has been able to provide quality education to these unfortunate people.

Conclusion

Care for the disabled based upon legal protection, supports from the government and communities are very important. In Taiwan, we have had very good results with public and private efforts.

Footnotes

[1] Department of Statistics of the Ministry of the Interior ed., The 1994 Investment Report on the disabled life status in Taiwan Area (Taipei, November 1994), pp. 12-13.

[2] The Protection Law for the mentally and physically disabled people proclaimed by the President's Office, Hua-tsang I Tzu (1)8600101190, April 23, 1997.

[3] The Special Education Law proclaimed by the President's Office, Hua-tsang I Tzu (1)8600112820, May 14, 1997.

[4] The Copyright Law proclaimed by the President's Office, January 21, 1998.

[5] The Ministry of Personnel Administration, The Analysis Report on the Disabled Working Right, June 15, 1999.

[6] Ibid.

[7] The Ministry of Examination, the Minutes of the Second Meeting of the Examination for the Disabled, June 9, 1999.

[8] The National Central Library, the Taiwan Branch, the Material Center for the Blind ed., The Brief Introduction – Service Statistic for the Visually Disabled Readers, 1998.

[9] <http://www.tkbling.tku.edu.tw/tkbwork.htm>.

[10] The Chinese Women's Anti-Aggression League ed., The Brochure of the CWAAL Programs for Children of Hearing Impaired, October 1994, Taipei..

**12. Written Material from Missouri State Library [Jefferson City, Missouri],  
Submitted by Sara Parker, State Librarian**

**Letter Dated August 10, 1999, from Sara Parker**

Thank you for the opportunity to comment on library and information services to people who have disabilities. Please know Missouri has important initiatives underway to ensure people who have disabilities have access to information resources, whether traditional or through new technologies. The Missouri State Library and the Wolfner Library for the Blind and Physically Handicapped have new programs to encourage libraries to serve people with disabilities.

This summer, public libraries in Missouri were offered a special grant opportunity to provide adaptive technology. Library Services and Technology Act funds are available for libraries to purchase closed circuit TV text enlargers, adjustable tables, and computers with 21" monitors, adaptable keyboards, PC foot switches, screen magnification hardware and software, and more. To date, over 50 libraries have applied for \$499,000 in adaptive technology.

The Missouri General Assembly has provided state funds for an online public access catalog to the collection of materials held by the Wolfner Library. It also has provided funds for beginning *Newsline* services to Missourians who cannot read a printed newspaper. State funds provide for the Wolfner Library to offer professional children's services and reference services to eligible users. State funds also provide a materials budget to supplement the materials provided by the National Library Service (NLS).

The Missouri State Library has used the remaining LSCA Title II funds for grants to make buildings accessible to people who have disabilities. A new plan for strengthening services to seniors encourages all types of libraries to serve the increasing numbers of older Missourians.

The Missouri information infrastructure is being built through an increasing number of commitments made by Governor Carnahan and the General Assembly. There is approximately \$21 million for Internet connectivity and electronic resources. This reaches many people who may have disabilities, whether enrolled in an academic institution, attending a public school, living in a community (Community Information Networks), or using a public library.

Information resources include a full text periodical database, online encyclopedias, and health information resources, and soon will include Missouri and regional newspapers. MOREnet provides extensive training and support. It also helps individual librarians use the technology to serve people who have disabilities. New legislation will help ensure the state government's information systems will be accessible to all.

The National Library Service is to be commended for its commitment to standards as it considers "digital talking books." NLS also has the expertise, purchasing power and needs to serve clientele which enable it to move forward to establish a technology. The excellence of the current service is encumbered by slow migration between formats; problems with contracts; and inordinate space and time demands upon its partners. Service could be improved by a national online catalog with sophisticated search software, which could be used by clients themselves as well as staff that serve readers.

Missouri libraries, the Missouri State Library and the Wolfner Library for the Blind and Physically Handicapped will continue to give emphasis to serving people who have disabilities. Our goal is library and information services with equity for all Missourians.



Sincerely,  
Sara Parker  
State Librarian

**13. Written Material from the National Association of the Deaf (NAD), Submitted  
by Nancy J. Bloch, Executive Director**

**Letter Dated August 9, 1999, from Nancy J. Bloch**

I am pleased to have this opportunity to provide comments of the National Association of the Deaf (NAD) for consideration by the U.S. National Commission on Libraries and Information Science (NCLIS). These comments put forth recommendations for promoting greater access by deaf and hard of hearing persons to this nation's great public library system.



Established in 1880, the mission of the National Association of the (NAD) is to promote, protect, and preserve the rights and quality of life of deaf and hard of hearing individuals in the United States of America. Essentially, the NAD safeguards the civil and accessibility rights of 28 million deaf and hard of hearing Americans across a wide range of concerns.

As an aside, I speak also with vested interest in that my neighborhood public library was my 'home away from home' during my formative years. Born deaf to a hearing family, my parents instilled in me a love for books and the information that could be gained from them. Librarians were instrumental to my appreciation for this wondrous nation, its history, and its interconnectedness with the world. In my current capacity as executive director of the NAD, I wish to do all that I can to ensure that others are able to access and make use of the wealth of resources provided by public libraries.

Libraries and librarians seeking to provide greater access to deaf and hard of hearing patrons are now making increasing use of local and national consumer-based organizations to guide their efforts. This interest led to the formation of a special interest section, Friends of Libraries for Deaf Action-USA (FOLDA-USA), under the auspices of the NAD.

FOLDA-USA members work tirelessly to promote greater access to and usage of public libraries by consumers nationwide. Since its inception, the section has provided invaluable guidance to NAD membership, the library community, and the general public. I want to take this opportunity to give special recognition to section founder and former president Alice Hagemeyer, who has long been instrumental in furthering local and state FOLDA efforts nationwide.

Just imagine a deaf or hard of hearing patron who walks into a library and learns of a most interesting video presentation to be shown later the same day, who becomes pleasantly delighted to learn of its availability in captioned format. Or imagine the hearing parent of a deaf child who wishes to borrow several captioned children's videos so that the entire family can view these together over the weekend. And there is the grandparent who wishes to bring her deaf grandchild to the library's monthly storytelling program, conducted in sign language. The above scenarios are unfortunately not the case at most public libraries, and NCLIS can make the difference by issuing a policy 'best practice' guidance promoting universal access to libraries by individuals with disabilities.

Current statistics specify that one out of every ten individuals in this country has a hearing loss. Ninety percent of deaf and hard of hearing children are born to parents who can hear. Still others lose their hearing later in life. With increasing longevity, we are also seeing greater numbers of older Americans with hearing loss.

Captioning of video materials thus provide much-needed access to deaf and hard of hearing adults and children alike. It is critical to remember that captioning also benefits those who are hearing, including those for whom English is a second language as well as those seeking to improve their literacy skills.

Literacy development is especially crucial for children and adults who use American Sign Language as their primary communication mode, for they are not traditional users of public libraries. Library education and outreach efforts thus need to utilize specialized personnel, who are bilingual, that is, fluent in both English and American Sign Language, and who have the requisite background in development of literacy skills. A literacy web site that merits review is provided through Pre-College National Mission Programs at the Gallaudet University ([www.gallaudet.edu/~pcnmplit/literacy](http://www.gallaudet.edu/~pcnmplit/literacy)).

Public libraries are instrumental in encouraging greater access to open-and closed-captioned video materials. In essence, library procurement policies can specify that all such video materials are to be acquired in either closed-captioned or open-caption format.

Because of the continuing gap in the availability of captioned materials, the U.S. Department of Education makes funding available for this purpose. Far less than ten percent (yes, less than 10 percent) of all educational and special interest videos produced in this country are captioned, for the simple reason that producers are not convinced of the need for accessibility. This is a most disturbing state of affairs, and I want to emphasize again the fact that public libraries can be instrumental in closing this gap through strongly enforced procurement policies.

The NAD, under cooperative agreement with the U.S. Department of Education, currently administers the Captioned Media Program (CMP). The CMP evaluates, selects, captions, and distributes open-captioned educational and special interest videos, and disseminates outreach education and information materials to promote increased captioning of video materials, with attention to quality and the needs of deaf and hard of hearing audiences. Public libraries are encouraged to utilize the CMP web site ([www.cfv.org](http://www.cfv.org)) as well as contact CMP staff to obtain assistance.

The NAD also supports the efforts of ASL Access, a recently formed nonprofit volunteer organization whose mission is to assist libraries nationwide in procuring American Sign Language video materials as an essential part of their holdings ([www.aslaccess.org](http://www.aslaccess.org)). ASL Access works to serve as a liaison between library patrons, ASL video publishers, and public librarians. The White House Conference on Library and Information Services Task Force unanimously passed a resolution in support of ASL Access in August 1998. Delegates at the 44th Biennial NAD Conference supported this same resolution in July 1998.

Libraries and librarians need to ensure the availability of sign language interpreters for access to all public library programs, including lectures, presentations, and showings on a broad range of topics, ranging from educational to special interest.

In essence, all library-related publicity efforts should ensure access for deaf and hard of hearing patrons. This includes but is not limited to the provision of lecturers and storytellers proficient in American Sign Language, as well as the utilization of interpreters (sign language, oral, close-vision,

or tactile), assistive listening devices (infrared, FM, and audio loop systems) and computer assisted real time (CART) captioning. Federal funding for this purpose is greatly needed.

Targeted outreach efforts to deaf and hard of hearing constituents are crucial to ensuring that information about accessible services is provided in a timely manner for greater utilization. Such outreach efforts require specialized personnel as well as funding.

Care must be taken to ensure that topics are relevant to local deaf and hard of hearing patrons, current as well as potential. Libraries would benefit by utilization of advisory committees for this purpose, in addition to receiving ongoing input from consumer and service organizations, the education community, as well as patrons themselves.

Public libraries are increasingly becoming connected to the Internet, which provides unprecedented and instantaneous access to a wealth of information. Such interconnectivity is also being coordinated with educational institutions. This we believe is proving to be a boon in terms of affording greater access by individuals with disabilities to the wealth of information provided by libraries.

We at the NAD also believe that specialized as well as mainstream educational programs can play an even larger role in promoting public library usage by deaf and hard of hearing children and young adults. It goes without saying that library personnel in such educational programs need to work more closely with public libraries to ensure provision of all available means for information acquisition and literacy skills development.

The advocacy work of the NAD include efforts to ensure that technological innovations, including those provided through our continually evolving Internet, do not exclude individuals with hearing loss. The NCLIS and key library advocacy organizations must emphasize the need for presentation of all auditory information in visual (text) format. News clippings offered through the Internet now make increasing use of video slide shows with audio narration; this trend effectively shuts out a large segment of the nation's population.

In light of the above and other emerging barriers, we encourage NCLIS to review and make use of the W3C Web Content Accessibility Guidelines, released earlier this year ([www.w3.org/WAI](http://www.w3.org/WAI)). Review of Section 255 of the Telecommunications Act of 1996 and ensuing regulations, and related Federal matters would also be beneficial to those seeking greater technical understanding of the accessibility needs of individuals with disabilities, including deaf and hard of hearing individuals ([www.fcc.gov/dfs](http://www.fcc.gov/dfs) and [www.access-board.gov](http://www.access-board.gov)).

It is particularly important that library web sites include information on deaf-related resources, including links to local, regional, and national organizations.

Public libraries are increasingly providing public telephones equipped with TTY (text telephone) as well as volume control features for deaf and hard of hearing patrons. Library reference desks are now, more than ever, accessible via TTY.

Deaf and hard of hearing patrons making use of public TTYs can connect with hearing parties via toll-free access to statewide Telecommunications Relay Services (TRS). Video Relay Interpreting (VRI) is fast emerging as a TRS option, for it enables video telephony via a live operator fluent in American Sign Language. While this is an exciting and rapidly evolving service, the cost for such technology remains prohibitive for residential usage. The NAD therefore recommends that NCLIS issue a policy statement encouraging libraries to incorporate into their information infrastructure equipment funding for the acquisition of at least one high-end computer with video capabilities for VRI usage.

Specifications are available through statewide TRS providers currently equipped with VRI capabilities.

Careful attention must also be given to existing copyright laws and the need for publishers/producers to change policy on making print and video materials available in alternative formats, such as descriptive video, Braille, captioning, and American Sign Language. The NAD would be more than willing to provide assistance to NCLIS in this regard, particularly with regard to open- and closed-captioning of video materials.

Public library administrators are instrumental to supporting as well as guiding the efforts of their staff toward ensuring facility, products, and services accessibility for all patrons, including individuals with disabilities. The push for universal access comes from the top, so to speak. The NAD therefore recommends that NCLIS issue a policy statement on public library access to and usage by deaf and hard of hearing individuals, including guidance directives for library administrators.

Opportunities for preparation of information service personnel to work with deaf and hard of hearing clientele deserve greater focus as well as funding support. Of particular benefit would be preparation of personnel for the rapidly evolving library and information services profession who are themselves deaf or hard of hearing.

The NAD encourages NCLIS to foster greater focus at annual conferences of the American Library Association (ALA) and related organizations on the provision of accessible services and products to individuals with disabilities, with attention given to the specialized communication access needs of deaf and hard of hearing individuals. Involvement by consumer organizations at such conferences needs to be welcomed as well as nurtured.

The international efforts of NCLIS would also benefit from input from the World Federation of the Deaf (WFD), which has just this year formed a formal joint consultative status partnership with the International Federation of Library Associations and Institutions (IFLA). The NAD is officially recognized by the WFD as the organizational representative for the United States deaf community.

Many of the issues herein are also covered by both the Guidelines for Library Services to Deaf People, published in 1991 by the IFLA, and the Guidelines for Library Services to the American Deaf Community, published in 1996 by the ALA. We respectfully request that NCLIS include these guidelines in its findings on library and information services for individuals with disabilities.

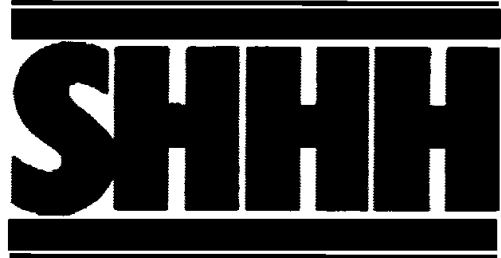
Last but not the least, I wish to take this opportunity to applaud NCLIS for its efforts to promote access for all people, including individuals with hearing loss. We at the NAD are committed to working in partnership with NCLIS and related organizations to establish stronger linkages between public libraries and deaf and hard of hearing constituents.

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Silver Spring, MD 20910-4500  
(301) 587-1788 (Voice)  
(301) 587-1789 (TTY)  
(301) 587-1791 (Fax)

**14. Written Material from Self Help for Hard of Hearing People, Inc. (SHHH),  
National Center on Assistive Technology, Submitted by David Baquis, Director**

**Electronic Mail Dated July 7, 1999, from David Baquis [dbaquis@shhh.org]**

Subject: NVRC Digest 7/6/99



I just received the information below. The meeting is tomorrow, which does not give us time to prepare. This notice came today—just a few minutes ago. Can you please tell me if any effort was made to solicit input from representatives of the hard of hearing community? Traditionally, people who represent the deaf community have not effectively represented the needs of people who are hard of hearing. Our needs are very different and tend to be overlooked. The community of hard of hearing people is large: 26 million people, as opposed to the deaf community, which represents only about 2 million people. In fact, we are the largest disability group in the country accounting for over half of all people with disabilities. Since we are the largest organization representing the largest disability group can you tell me if there was an attempt to contact us? If I misunderstood the nature of the testimony, please help clarify the matter for me.

Thank you.

**NVRC Digest 7/6/99 [Electronic Newsletter]**

***In This Issue:***

- July 29 Children's Program at Rockville Regional Library
- Employment Training Program at UDC for Dislocated Workers
- Utah Man Claims AOL Would Not Hire Him Because of Deafness
- ACTION ALERT FROM SELF HELP FOR HARD OF HEARING PEOPLE
- New Web Site on State Equipment Programs
- Star Wars Coming With Open Captions
- Virginia's Conference Assistance Fund
- New Book for Parents of Deaf Children
- Four Representatives From Deaf Community to Testify July 8

***July 29 Children's Program at Rockville Regional Library***

HAND IN HAND, a program for children ages 6 and up, will be presented Thursday evening July 29 at 7:15 at the Rockville Regional Library. Performers from the Bethesda Academy of Performing Arts will share the beauty and richness of sign language through storytelling and other activities. No registration is necessary. For further information please call voice 240-777-0140 via the Maryland Relay Service. (Thanks to Susan Cohen)

***Employment Training Program at UDC for Dislocated Workers***

UDC has a program in collaboration with Mitre Tech Systems and Virginia Tech for employment training of displaced workers. You must be unemployed and a high school diploma is required.

Computer programming (Visual Basic and Oracle) is taught and help is provided in searching for jobs. They are currently recruiting students for the next cycle, scheduled to begin Aug 30.

REGISTRATION IS NOW. There is already one deaf person in the program, and one deaf applicant for the next cycle. For info contact Karen Thompson in the CIS department at 202-274-5838. (Thanks to Tom Glascoe)

***Utah Man Claims AOL Would Not Hire Him Because of Deafness***

Ray Rivera reported in The Salt Lake Tribune on June 24 that George Davidson has filed a complaint with the Utah Labor Commission. Layton says he applied for positions at two job fairs at America Online's Ogden Call Center in September 1997 and October 1998 but was told by AOL human resource officers that the company no longer hired deaf people. He was hoping to be a TTY operator, and he said a TTY position was available.

The AOL officials in the Dulles, VA headquarters dispute his claim. The communications director at the Ogden Call Center says he has five hearing-impaired workers, including one who was just promoted to the Dulles headquarters.

But Rivera reports that Davidson plans to call six deaf people who have been turned down for jobs as witnesses in his case. (Thanks to USA-L News)

***ACTION ALERT FROM SELF HELP FOR HARD OF HEARING PEOPLE***

The Federal Communications Commission will be approving the rules for Section 255 of the Telecommunications Act of 1996 on July 14, 1999. The long-awaited release of the rules will take place sometime after that.

Self Help for Hard of Hearing People (and many other organizations for deaf and hard of hearing persons) has been pushing hard to have some information services covered by these rules such as:

- Interactive telephone response systems
- Voice mail
- Internet telephone

Without access to these 'enhanced' services people with hearing loss cannot even get basic access to telecommunications services, which was the original intent of the law. This is a very controversial issue because the Act specifies coverage of telecommunications but not information or enhanced services. There is a possibility that the FCC would be willing to exercise 'ancillary jurisdiction' over certain enhanced services in the Section 255 proceeding, the services that we have said absolutely must be covered, i.e. interactive telephone response systems, voice mail, and possibly internet telephony.

In response to this, several industry groups have been lobbying heavily against it at the FCC. There has even been a suggestion by some industry groups that litigation is likely to occur if these services are covered. This lobbying is intensifying and will continue in the next few weeks before the rules are approved on July 14. SHHH and other consumer groups will be urgently reminding the FCC Commissioners of the vital role that 'enhanced' services play in making access to basic telecommunications services possible. PLEASE CALL OR E-MAIL TO LET THE FCC KNOW HOW IMPORTANT 'enhanced' services ARE TO YOU.

***Contact Information:***

Chairman Kennard—Ellen Blacker 202-418-0491; e-mail <wkennard@fcc.gov>

Commissioner Powell—Peter Tenhula 202-418-2200; e-mail <mpowell@fcc.gov>

Commissioner Ness—Dan Conners 202-418-2100; e-mail<[sness@fcc.gov](mailto:sness@fcc.gov)>  
Commissioner Furchtgott-Roth—Bob Califf 202-418-2000; e-mail <[hfurchtgott-roth@fcc.gov](mailto:hfurchtgott-roth@fcc.gov)>  
Commissioner Tristani—Karen Gulak 202-418-2300; e-mail<[gtristani@fcc.gov](mailto:gtristani@fcc.gov)>  
(Thanks to Brenda Battat)

***New Web Site on State Equipment Programs***

A trip to the new TEDPA web site at [www.tedpa.org](http://www.tedpa.org) will get you information about the state equipment programs for deaf and hard of hearing people (or lack of them) in every state of the U.S. If you click on the map of Virginia, you'll be linked to the web site of the Virginia Department for the Deaf and Hard of Hearing where you can get information about the Technology Assistance Program.  
(Thanks to James Forstall)

***Star Wars Coming With Open Captions***

Nanci Linke-Ellis of TRIPOD announced today that the new Star Wars movie will be ready to hit theaters with open captions on July 19. No announcement has yet been made on where and when it will be showing.

"Notting Hill," one of the recent hit movies with Hugh Grant and Julia Roberts, will begin making the rounds with open captions in July. The schedule for Virginia and the metro area is:

July 28-29, 1999	LCE White Marsh, Baltimore, MD
August 4-5	LCE Foundry, Washington, DC
August 7-8	Regal Columbus, Virginia Beach, VA
September 14-15	Regal Ridge, Richmond, VA
September 28-29	Regal Downtown, Charlottesville, VA

***Virginia's Conference Assistance Fund***

Many terrific conferences are coming up in Virginia during the next few months: The Association of Late-Deafened Adults in Alexandria in October 1999, National Asian Deaf Congress in Arlington in March 2000, and the National Association of the Deaf in Norfolk in July 2000. We are excited to see their plans taking shape, as all of them have had organizing committee meetings at NVRC!

Many people still are not aware of the Conference Assistance Fund for Consumers and Families (CAF) which provides money to individuals with developmental disabilities and their family members who want to attend local, state or national conferences, meetings or workshops. This fund is an excellent way for Virginia residents to attend when they can't find a community group or nonprofit to help them pay for it.

There is a simple three-page application form that must be submitted at least 30 days prior to the conference, meeting or workshop. You will be expected to pay for some of your own expenses. If you would like a copy of the application, contact NVRC or go directly to Paula Ropelewski, CAF Coordinator, VIDD/VCU, PO Box 843020, Richmond, VA 23284-3020; 804-828-8243 V or 804-828-0042 FAX.

***New Book for Parents of Deaf Children***

"Keys to Raising a Deaf Child," a book by Frazier-Maiwald and Williams, is now on the market. Written by a parent and an educator, the 202-page paperback is published by Barron's in its Parenting Keys series. It includes questions and answers a family needs to know when a deaf baby arrives, a glossary of medical terminology, a list of recommended reading, and resources for parents, including organizations' addresses and phone and fax numbers. The cost is \$6.95.

Betty Barnacle of the San Jose Mercury News said in an article on June 22 that the authors urge teaching a deaf child to communicate with speech and sign language, "a controversial method" because, Williams said, "The big push now is to either use American signing or speaking."

Evelyn Cherou of the American Speech, Language and Hearing Association in Rockville is also quoted in the article on the subject of parents who have been pressured by some professionals to have their children speak first and then sign or the opposite.

"Families should do what they prefer and what they feel comfortable with," Cherou said. "They should make their choice very early in the child's life and see that the child meets deaf adult role models."

Sarah Snyder of the Alexander Graham Bell Association for the Deaf in Washington, DC was also mentioned. She said the association doesn't advocate one education method for deaf children because many factors, such as the severity of the loss and the age when intervention began, enter the equation. (Thanks to USA-L News)

#### ***Four Representatives from Deaf Community to Testify July 8***

Robert S. Willard, Executive Director of the U.S. National Commission on Libraries and Information Science (NCLIS), recently announced a tentative schedule for the Hearing on *Library and Information Services for Individuals with Disabilities*. The hearing will be held in Ballroom A of the Kellogg Conference Center, the Gallaudet University on Thursday, July 8, 1999, from 9:00 a.m. to 3:00 p.m.

Four members of the deaf community are scheduled to present oral testimony: John Day, the Gallaudet University Librarian, Dr. Roslyn Rosen, Vice President for Academic Affairs, the Gallaudet University, Nancy J. Bloch, Executive Director, National Association of the Deaf, and Alice L. Hagemeyer, Founder of Libraries for Deaf Action (FOLDA). Members of the public are welcome to attend.

NCLIS members also want to hear from other individuals with disabilities of all types, as well as from legislators, educators, parents, library and information service professionals, representatives from national associations and organizations, volunteers, physicians, and researchers. If you wish to present oral statements, please notify Barbara Whiteleather by e-mail: [bwhiteleather@nclis.gov](mailto:bwhiteleather@nclis.gov). Telephone: 202-606-9200; fax: 202-606-9203.

Written comments will be accepted before, during, or up to 30 days after the hearing. All comments must be received at NCLIS no later than the close of business on August 9, 1999 to become part of the hearing record. (Thanks to Alice Hagemeyer and USA-L News)

#### **Facsimile Transmission Dated August 8, 1999, from David Baquis**

I am writing to you on behalf of Self Help for Hard of Hearing People, Inc. (SHHH). We are the nation's largest organization devoted to serving the interests of consumers with hearing loss. Our members include people of all ages, backgrounds and communication styles. Our combined national and chapter member of 20,000 includes people from over 250 SHHH chapters across the country.

People with hearing loss comprise the largest disability group: 28 million of a total 54 million people with disabilities in the United States. This accounts for approximately 1 in every 10 people in America. Of the 28 million total people with hearing loss, the majority, 26 million, are hard of



hearing. The other 2 million are deaf. Ironically, due, in part, to the invisible nature of hearing loss, hard of hearing people traditionally have not been well accommodated.

Although, there is some overlap between the needs of people who are hard of hearing and those who are deaf, there are significant differences in their communication needs. Generally people who are hard of hearing do not know sign language and, therefore, will not benefit from the provision of a sign language interpreter. SHHH members prefer to maximize the use of their residual hearing. Most of them wear hearing aids and use hearing assistance technologies.

Libraries have come a long way over the past 10 to 20 years in accommodating the needs of people who are deaf, but SHHH wants to make sure that you understand the unique needs of people who are hard of hearing. We do not want to diminish the importance accommodations and programs for deaf people, but we still have a long way to go toward understanding and meeting the needs of hard of hearing patrons and hard of hearing library staff.

There are basically two areas for us to discuss:

- 1.) Library access for hard of hearing people.
- 2.) Available library information on hearing loss issues, particularly that which is pertinent to the needs of hard of hearing people.

There are basically two ways to make a library and its services more accessible to hard of hearing people: obtain, use and publicize technology and improve staff training. You must have both.

There are three areas of hearing assistance technologies: listening systems, alerting devices and telecommunications equipment.

Assistive listening devices include amplification systems for the checkout desk, such as 'counter loops.' They allow a hard of hearing person to hear a staff member more clearly at the other side of the counter. Specifically, the systems allow hard of hearing people to focus on listening to the speech while minimizing background noise. The staff person would speak into a microphone and the hard of hearing person would hear through a hearing aid equipped with a telecoil or would use an inductive loop receiver with a listening coupler.

I am confident that no one delivering testimony to you this past month mentioned these. Yet, these are appropriate accommodations for check out counters and may also be used for hotels and airport customer service counters.

As I am sure you know, some libraries offer assistive listening systems in their meeting rooms. We are happy to see these, but they are few and far between. And they vary in completeness. An ideal sound system would consist of: a Public Address system with good quality speakers; multiple microphones at a ratio: one microphone for every two seats; a wireless microphone to pass among those not seated at the table or for a speaker to clip on; a microphone mixer; an assistive listening system transmitter with a sufficient number of receivers. A variety of listening attachments (e.g., neck loops and headsets) should be provided with the receivers to meet the needs of hearing aid telecoil users and non-hearing aid users. I don't know of any library, except the library of the Access Board, that meets these specifications.

In addition to installing equipment, it is also important to make sure all the 'human factors' are considered. Do they have spare batteries? Does the staff know about checking to make sure batteries are working before dispensing devices? Do they have a pleasant attitude about helping? Do they

understand hearing aid inductive listening and offer various types of listening attachments? Do they know how to help remind consumers to switch their hearing aid T switch and turn up the volume on the hearing aid and activate the on switch on the ALD receiver? There is much more to learn.

Libraries need to work closely with SHHH, so we can make sure the sound contractors who sell these devices make a proper selection recommendation and install the systems correctly.

Another form of access that libraries should understand is real time captioning for public meetings. It is possible to hire a stenographer/court reporter to type onto a large screen all the spoken words of a presenter and audience members. It is similar to the real time captioning one might see on television. It is amazing to see how many audience members will be reading the captions even though they don't have an identified hearing loss. This is partly because it helps them pick up missed words resulting from variations in speech. Some hard of hearing people will require both assistive listening systems and real time captioning for total hearing access.

One need to easily meet is amplification at pay phones. All libraries with payphones inside or immediately outside should evaluate their public phones. The phone companies will usually gladly convert their pay phones to include amplification if you ask them. This is another good example of what is known as an 'electronic curb cut'. The amplification is designed to help hard of hearing people, but can benefit others who need a boost in volume during their phone conversations.

Let's focus on the recording that patrons hear when calling the library after hours. Have these been evaluated from a hard of hearing person's perspective? Some voices are easier to understand than others. Some menu trees are less complicated than others. Some people speak at an easier to understand rate than others. This also applies to the recording that puts a caller in queue, waiting to be helped by a librarian on duty. The volume of this outgoing message can also be adjusted in some cases.

How about television access in libraries? You can be sure that those representing the interests of people who are deaf will immediately point out the importance of using TVs with closed caption decoding ability and obtaining and showing VCR tapes with built in captioning—either closed or open captioned. Many hard of hearing people want that too, but many of them use their residual hearing with an assistive listening device that feeds sound directly into their ears and enables them to control personal volume. Is there a library anywhere that offers an ALD for use with its in-house TV? Hard of hearing people use this at home all the time. It is easy to hook up. This technology also applies to the viewing of movies in libraries.

Even if some people do not 'ask' for this technology, we can assume that one out of ten people watching movies in libraries need this and would benefit from it. Libraries can do their share in this 'systems change' effort by offering and advertising hearing access technology. I spoke to a local librarian last month who directly refused my request that she inform everyone who reserves rooms that an assistive listening system is available for groups. She said that it was there if they should ask for it. Clearly, she was seeking to do the absolute minimum to provide access. She said that only one librarian in that branch knows how it works and that no one has used it in at least the last two years. This is sad considering that the system was once used at least monthly for meetings of a local hard of hearing support group. I used to attend them.

This leads me to the next point. The greatest disability access barrier is human attitude. Therefore, we must start with motivation. We want to know from the top down that the library leaders in this country are fully committed to serving the needs of people with disabilities, including hard of hearing

people, the largest disability constituency (not to be confused with people who are deaf, several of whom testified orally last month).

Librarians must be taught the following on an academic level and then be reminded through signage and in-service training: Use good communication skills at all times. It benefits all patrons, but especially those with hearing loss. This means using such strategies as not talking with your back turned to a patron. SHHH offers tips cards with this type of information.

In fact, we have a program called Library Liftoff. This packet of materials is designed specifically to educate libraries about how to make themselves accessible. SHHH offers a special membership rate to libraries entitling them to receive multiple copies of *Hearing Loss: The Journal of Self Help for Hard of Hearing People*.

It is our hope that libraries will offer more specialized materials, such as those we offer via our SHHH Publications Catalogue. Consumers are starved for information on how to cope with sudden hearing loss. Parents are lost about how to help their children with hearing loss, since the system often abandons them. Adults with hearing loss are frustrated with the lack of available information on strategies to help them remain employed, so they don't have to retire early. A great deal of information is available on videos as well as books, magazines and articles.

Many Internet web sites and discussion groups related to hearing loss can also help. But how many librarians know them? Library departments for the 'blind and physically handicapped' need to be re-evaluated to reflect current expertise to bring us into the new millennium. We need to cross train staff, so that they all know how to operate the accessibility technology. We need to make information on disability issues easy to find and use. And we must try not to overlook any disability groups that are currently being underserved.

I have been involved in library access issues for over a decade. I was a member of the pre-White House Conference on Library and Information Services, and I am a member of Friends of Libraries for Deaf Action. SHHH hopes you will consider the needs of hard of hearing people in your recommendations and that you will invite us to participate in future initiatives.

Thank you.

Submitted on behalf of Self Help for Hard of Hearing People, Inc.

**15. Written Material from Texas State Library and Archives Commission [Austin, Texas], Submitted by Robert S. Martin, Director and Librarian**

**Letter Dated July 9, 1999, from Robert S. Martin**

I was delighted to learn that NCLIS was holding a hearing on library and information services for individuals with disabilities, focusing on the impact that recent advances in information technology have had on people with disabilities. As you know, one important mission of our agency is to provide direct library services to individuals with disabilities, and we have a considerable amount of experience in this area. I regret that we were unable to present testimony at the hearing yesterday, and I hope that you will accept these written comments and suggestions as you develop the Commission's agenda in this area.



- A. Regarding the program of the National Library for the Blind and Physically Handicapped:
- The National Library Service (NLS) needs to continue to focus on the creation of digital and electronic books. NLS should also initiate the use of technological improvements within the Regional Library system as soon as such improvements are feasible. Some examples include the exchange of information, access to reports and files via the Internet; and recording, duplication and access methods using digital technology.
  - The NLS should update the study on patron eligibility<sup>30</sup>. With the rapid growth of the older adult population in the U.S., the formula used by Regional Librarians to estimate the number of citizens eligible for service may need revision.
  - The National Library Service for the Blind and Physically Handicapped should select a new name that incorporates more acceptable language. The current name is misleading, allowing perspective users to believe NLS only serves people who are blind and people and people who have a physical disability, when they also serve people who are visually impaired but not blind, as well as people who have a learning disability.
- B. Some programs for special populations that might be emulated elsewhere:
- The Talking Book Program of the Texas State Library and Archives Commission administers the Print Access For Texans program (PAFT) which provides assistive technology to public libraries. Since 1996, PAFT has provided 210 public libraries across the state of Texas with reading machines, magnifiers, closed-circuit televisions, screen-enlargement software, and screen-reading software. The equipment is on loan to participating libraries for two years and the State Library retains the option to renew the loan for an additional two years. There are numerous benefits for libraries that chose to participate in the PAFT program. The assistive technology provides access to the print collection for many individuals with disabilities who could not use the library's collection otherwise. The libraries also have the opportunity to use the devices and evaluate their merit before making a commitment to purchase expensive equipment. Finally, since the equipment is placed in public libraries it often acts as a public awareness tool to inform the general population that such devices do exist to aid people with disabilities. Public libraries that participate in the PAFT program are able to provide greater access to library materials to many Texans who are unable to read standard print due to a visual disability.
  - The Talking Book Program also works with public libraries across the state to include children with disabilities in the Texas Reading Club sponsored by the State Library's Library Development division, encouraging children to participate in activities at the local level while checking out and reading books in alternative formats.
- C. Other comments:
- The World Wide Web Consortium (W3C) and others have published web accessibility guidelines. Efforts should be made to increase awareness of these guidelines and standardize their use in everyday practice. Also, efforts should be made to gain the support of computer developers and manufacturers to produce products and materials useful to the greatest number of users, including those with visual or physical disabilities. Commitment to this end should occur upfront in planning and development, not as an afterthought.

I hope that these comments and suggestions will be useful to the Commission. Please let me know if I can provide any additional information.

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<sup>30</sup> *A Survey to Determine the Extent of the Eligible User Population Not Currently Being Served or Not Aware of the Programs of the Library of Congress, National Library Service for the Blind and Physically Handicapped*, Volumes 1-5. Prepared for the National Library Service by the American Foundation for the Blind. New York: AFB, 1979.

Sincerely,  
Robert S. Martin, Ph.D.  
Director and Librarian

**16. Written Material from the University of Illinois at Urbana-Champaign [Urbana, Illinois], Graduate School of Library and Information Science, Submitted by Ruth Buttyan**

**Electronic Mail Dated July 20, 1999, from Ruth Buttyan [buttyan@alexia.lis.uiuc.edu]**

Subject: Library Accessibility

As a person with a disability, I am extremely disturbed by the fact that most public libraries are inaccessible to people with disabilities. The difficulties I have encountered have been solved because I could access information. I am writing a paper about a federally funded library's moral and legal obligation to make information available to everyone. I have asked several librarians and rehabilitation counselors if libraries are required to provide computers with word prediction software, a Kurzweil reader, a TTY, etc. They say that there isn't any legal argument. I am also curious to know if a patron is financially responsible for photocopying that material if a library doesn't provide that equipment. Can you help me?

**17. Written Material from V.I.C.U.P.A., Submitted by Lillian Way, Public Relations Chairperson**

**Letter Dated July 31, 1999, from Lillian Way**

I'm a member of Visually Impaired Computer Users of the Philadelphia Area (V.I.C.U.P.A.). Our current membership is 30 and growing. The majority of our members hold full-time jobs. Some train computer students. Others install and/or demonstrate various types of access technology and software. A few repair and/or sell entire computer systems with access technology. Many use computers in their line of employment as programmers and researchers.

Our purpose is to inform our members about new products that are available, answer questions about access technology, provide referrals to reputable vendors for those who can afford to purchase their own computer with necessary access technology and direct people toward classes that instruct how to use access technology. As you're well aware, the Library for the Blind and Physically Handicapped is a division of the Library of Congress and National Library Service. It is also part of the Free Library of Philadelphia, which is a public library system. Two of the city's library branches have a scanner for blind patrons to use. However, no one on the staff of either branch has knowledge or skill to assist their blind users. The Library for the Blind and Physically Handicapped has knowledgeable staff and several work stations with scanners and other access technology such as screen reading software and voice synthesizers in their Talking Book Center.

Unfortunately, the Talking Book Center is only open on weekdays during regular business hours when it is not convenient for those visually impaired who work. Saturday hours would meet the needs of the tax paying blind community. I'm reasonably sure that V.I.C.U.P.A. members would be willing to assist others in the Talking Book Center thus eliminating the need for a librarian. The Talking

Book Center can be entered and exited through a street level door. Phones and bathrooms are nearby. The main portion of the Library for the Blind and Physically Handicapped would be gaited as usual.

Regarding all manner of reading materials, services are quite satisfactory. It is the issue of denial of access to computers with access technology by the director of the Library for the Blind and Physically Handicapped that brings this letter. After all, the Library for the Blind and Physically Handicapped is supposed to serve all blind people. It's blatant discrimination to punish people who work by denying them equal access under the law is unacceptable. I appeal to your sense of fairness that will encourage and enforce the rights of the working blind.

Thank you for your time, attention and cooperation.

**Statement from V.I.C.U.P.A.**

**V.I.C.U.P.A.**

**VISUALLY IMPAIRED COMPUTER USERS OF THE PHILADELPHIA AREA**

*I. Who is V.I.C.U.P.A.?*

Visually Impaired Computer Users of the Philadelphia Area (V.I.C.U.P.A.) is an organization that was formed by blind people who are interested in using computers with access technology. Some of us are beginners, some of us are quite advanced, some of us teach others how to use computers and access technology as a profession and some of us sell computers and access technology.

Some examples of access technology are: screen reading software which allows a person to read what is on the screen by listening to speech, magnification software which enlarges the print on the screen so that a person with low vision can see it more clearly, Braille embosser which produces a hard copy of a document in Braille just as a printer does.

*II. Purpose*

The purpose of this organization is to: exchange information about computers and access technology, assist others in learning about computers and access technology, help people purchase equipment at reasonable prices from reputable dealers, find out what products work and which do not.

*III. Explanation of Library System*

The Library for the Blind and Physically Handicapped is in a unique position here in Philadelphia. It is of course part of the National Library Service which is under the Library of Congress. Its uniqueness is because it is also part of the Free Library of Philadelphia which is in turn part of the city services.

*IV. Library Access*

Reading material is provided free of charge by the Library for the Blind and Physically Handicapped. Books and magazines are provided on cassette tape, on talking book records or flexible disc or in Braille or large print. Books are sent through the mail or may be picked up through a walk-in service.

Technology is provided at all regional libraries which are part of the Free Library of Philadelphia. The general public is able to go to their neighborhood library and use a computer.

The blind and visually impaired are not so lucky. The Central staff does not know how to operate it. The Northeast Branch also has a scanner and again, the staff does not know how to use it. The Library for the Blind has two workstations with access technology and a person who knows how to use it but

it is only available from 9:00 a.m. to 5:00 p.m., Monday through Friday. There are no evening or weekend hours. Those of us who work are therefore denied equal access to the library.

The Free Library of Philadelphia has a web site that is not particularly speech friendly. Again, the blind and visually impaired are denied equal access.

We have had several meetings and phone conversations during the past year with staff from the Free Library of Philadelphia and the Library for the Blind and Physically Handicapped and we are no closer to our goal of obtaining equal access in the library.

Betsy Gerhart  
President, V.I.C.U.P.A.

### **Newspaper Article, December 27, 1999, *Federal Times***

"A Different Look at Technology," by Stephen Trimble.

If Doug Wakefield's career success could be explained by one element, it would have to be his sparkling sense of humor.

Blindness, a lifelong condition for the U.S. Access Board's specialist on technology issues, daily causes the kinds of trifling inconveniences only a quick wit can counteract.

For instance, as a newspaper photographer recently snapped photos of Wakefield at work, the executive wryly quipped he couldn't wait to "see" the results.

"You've got to have a good sense of humor," he said later, "because if you don't have a sense of humor, you're going to get ticked."

Things have changed a lot since Wakefield bought his first computer in 1983, a gigantic contraption that cost \$11,000. "It was a monster, and it did nothing," he said.

Back then, Wakefield said, he used computers to type out press releases as a spokesman for the Agriculture Department.

Computers still are a big part of Wakefield's job, which now involves creating standards for federal agencies to buy technology that can be used by people with disabilities, including blindness and deafness.

Keeping up with the changes in high-tech equipment is difficult for anyone.

It's even harder to bring adaptive technology, such as screen readers for the blind, up to speed, he said.

But the fast pace of change in technology suits Wakefield fine.

"I love to learn," he said. "That's why stuff is so interesting."

Wakefield also loves to fix things -- anything, he said. Troubleshooting on his personal computer at home ranks as his favorite hobby.

"I'm only happy when something is broken and I can troubleshoot," Wakefield said.



***Doug Wakefield, who is blind, leans heavily on his sense of humor to get through each day***

When he's not fixing things, Wakefield pursues his childhood fascination with aviation.

As a young boy in Northern Vermont, he said he once waited three hours one evening for a Piper Cub take off from the local airport.

Wakefield owns a growing collection of model commercial airplanes, from 707s to jumbo airliners.

**18. Written Material from Weston Public Library [Weston, Ohio], Submitted by Marnie Kursiss, Director**

I am pleased that so many organizations are taking an interest in the information needs of the disabled. I am a Library Director with mild Cerebral Palsy. I can attest to the importance of word processors and computer software to make my work easier. For the patrons, mostly children, with learning disabilities the influx in multimedia library material (videos, cassettes and CD-ROMS) has assisted in making reading more comprehensible. Foremost, as the Disabilities Taskforce Coordinator for the Ohio Library Council, I help other librarians find disability resources and adaptive equipment. My overall goal is to see all libraries purchase or adapt their facilities to make the library accessible to the disabled and the elderly. Bravo for putting this hearing together!

**19. Written Material from the Women Helping Women, Inc., Deaf and Hard of Hearing Outreach Program, Submitted by Danielle Sabarese, Community Advocate**

**Facsimile Transmission Dated August 9, 1999, from Danielle Sabarese**

Women Helping Women, Inc., a non-profit agency providing services to sexual assault, domestic violence, and stalking victims, has had a Deaf and Hard of Hearing Outreach Program for over two years. In the course of learning about this community and how to provide services, the agency has encountered a variety of local and regional disability and accessibility issues.



As we attempted to develop a program resource library, it became obvious that there was an extreme lack of resources for Deaf and Hard of Hearing persons regarding general health information as well as sexual assault and domestic violence issues. After considerable effort, we discovered only two relevant videos available in North America that use American Sign Language. Due to cultural and language differences, videos using only voice and close captioning may not be the most effective mode of communication for Deaf and Hard of Hearing people. For example, American Sign Language is not a direct translation of English, so even if videos are close captioned, the message may not be clear. As a result of the limitations in existing video resources, we do not use these videos in our program.

Deaf and Hard of Hearing people represent 10 percent of the population and this percentage is growing. In the Greater Cincinnati area the Deaf and Hard of Hearing community includes at least 18,000 individuals. Sexual assault and domestic violence research indicates that Deaf and Hard of Hearing people are victimized at about twice the rate of hearing people. This means that about 50



percent of Deaf and Hard of Hearing individuals are vulnerable or have already become victims. The lack of information and the difficulty in accessing it, has no doubt contributed to the lack of knowledge on these issues. Women Helping Women encourages all libraries to include American Sign Language (ASL) resources for their consumers.

Sincerely,  
Danielle Sabarese  
Community Advocate

216 E. Ninth St.  
Cincinnati, OH 45202-6109  
513-977-5541 (Business)  
513-977-5545 (TTY)  
513-977-5444 (Fax)



## APPENDIX C: WRITTEN MATERIALS SUBMITTED BY INDIVIDUALS

Entries appear in alphabetical order by the last name of the individual submitting comments, both here and in the INDEX at the back of this publication.

[NOTE: Documents submitted as paper copies have been scanned and reformatted, so the format may be different, but the content is as submitted, except that the Commission's address and the salutation are omitted from incoming correspondence.]

### 1. Written Material from Tressa Bowers, Euless, Texas

#### Facsimile Transmission Dated June 17, 1999, from Tressa Bowers

I am the mother of a deaf woman, and the grandmother of three deaf children. I have recently authored a book entitled *Alandra's Lilacs* that was published by Gallaudet Press and will be released in July. This is a book written for hearing parents of deaf children to help encourage them through the first few confusing years. I have also submitted a new manuscript, a children's book that is for deaf children. It teaches the value of not closing their eyes when people are talking to them. I encourage educational experiences for my grandchildren and participate in and instigate many educational opportunities for them.

In response to the notices sent out regarding the hearing on library and information services for individuals with disabilities, I wanted to provide you with some information on my local libraries.

A couple of years ago, our downtown branch of the Ft. Worth Library was having a fundraiser and kick off for the building of the new children's library. This event was geared toward children with puppet shows, monkeys, plays, storytelling, you name it, and it was going to be a big event and looked like a lot of fun. I called weeks in advance to request an interpreter for the event. Originally I was told they don't do that. I informed the person on the phone that they are required to provide an interpreter for public events if one is requested. They "worked" on the "problem" for weeks, something that could have been arranged with one phone call to The Goodrich Center for the Deaf. They informed me that there were contractual problems; I told them that was not my concern. I put "the word" out to many of the deaf that I know locally, so that as many as possible would be able to enjoy the event. The library did hire an interpreter, one who normally interprets for the courts and was not accustomed to signing for children. Although the deaf adults attending were not pleased, I wanted to thank the head of the Library Board for their efforts. I approached the woman and introduced myself and thanked her for the wonderful opportunity. Her response was that it was just ridiculous, and the next thing you know they would have to provide interpreters for Spanish-speaking people as well. I did not tell the others what she had said; I'm a mother not an interpreter.

On Saturday, June 19<sup>th</sup>, my local library in Euless is having a program put on by the people who do the Hawkwood Renaissance Fairs. My two grandsons love knights, and I have encouraged this to draw on their wonderful imaginations. I requested an interpreter for the event. I was told they don't

do this. I informed them that of course they do, whom did I need to speak to. The children's librarian said, "Well, no one has ever asked for the service before." She said that she would have someone call me back. She also added that the program probably would not interpret well, to which I responded, "Then why are you having it for hearing children?" The new director of our library called me back a day or so later and told me they would work on it. On Thursday, June 17<sup>th</sup> Ms. Williams called me to say they didn't want to keep me hanging, but that it didn't look good for the Saturday program, they were having trouble getting an interpreter. I asked her, "Well, did you try The Goodrich Center?" Ms. Williams said, "Yes, but there are contractual problems." I allowed her to hang up, but then I thought: This is not right. So, I called her back. She, of course, was not available, but the person who answered said they would take a message. I informed them that contract problems were not my concern, nor were they the concern of my grandchildren. On Saturday, we would attend the program, and I expected an interpreter to be there, and I expected them to be qualified to interpret for children. I further informed them that if there were not one available for the event, I would file a complaint with the ADA. I feel it is important for them to know, up front, how far I am willing to take this.

My point being, although the law exists, they make it so hard and so upsetting to be able to participate in the educational opportunities, that may deaf don't bother themselves with trying to be included in the events. They evidently just allow their contracts for interpreting services to gather dust and not be renewed because of lack of interest by the deaf community, when in actuality they (our institutes of learning) have created the problem by making the services so hard to get.

Thank you for your time and the opportunity to allow me to relate my grievances into this important hearing.

**Electronic Mail Dated June 19, 1999, from Tressa Bowers**

Subject: Libraries Unwillingness To Hire Interpreters

This is just a follow up on the situation I faxed you regarding our local public libraries unwillingness to hire an interpreter for today's Hawkwood Festival event. They did have an interpreter for my grandsons. The program was delightful, and I noticed the boys made good use of the interpreter. (Only once I had to remind the older boy to watch the interpreter, the younger boy, I had to remind a few times.) The librarian was gracious towards us and invited us to participate in other events.

Thanks again for the ear.

**Electronic Mail Dated October 21, 1999, from Tressa Bowers**

The first instance I told of was at the Ft. Worth, Texas, Public Library the downtown location. The second was at the Euless, Texas, Public Library. Thank you so much for this! I am so very pleased to have this made part of the record and I hope it will lead to improvement in their responsibilities to the disabled.

**2. Written Material from Joan Cassidy, Sterling, Virginia**

**Facsimile Transmission Dated June 30, 1999, from Joan Cassidy**

Subject: Hearing on Library and Information Services for Individuals with Disabilities

Unfortunately, I cannot testify personally because of the short notice. I was sorry, too, to hear that nobody from SHHH, Self Help for Hard of Hearing, or ALDA, Association for Late Deafened Adults, will testify. However, I do have a few comments I would like to make. I have a progressive hearing loss and became deaf about ten years ago. I understand what people are saying by reading lips and captioning. I have struggled to learn some sign language, but English will always be my language and choice for communication.

Loudoun County has an excellent public library system that has done a great deal to make their services accessible to everyone. They have installed assistive listening systems in the meeting rooms, and they provide sign language interpreters or real-time captioners, when requested, for special events. The staff is wonderful and will always do whatever is needed. Just about the only complaint I have is that they still persist in buying videotapes that are not closed captioned.

I am writing today to remind you of the demographics: The 28 million people with hearing loss are primarily people who are hard of hearing. About 2 million are considered deaf, and out of that 2 million, maybe 500,000 use American Sign Language. Of course you must consider the needs of people who sign, but don't forget that most library users with hearing loss communicate with a spoken language. I am reminding you of this because so often I read about organizations that say they serve 28 million deaf or hard of hearing people but in actual fact they only provide services for sign language users.

**3. Written Material from Merrilee Comstock, Fairview, Michigan**

**Electronic Mail Dated July 3, 1999, from Merrilee Comstock**  
**[[macenterprizes@m33access.com](mailto:macenterprizes@m33access.com)]**

Subject: Library and Information Services for Individuals with Disabilities

In making this written comment I wish to state that library and information services should be sure to include the laws, statutes and court rules, especially on the Internet, that all are to abide by so that those who have disabilities that are denied any form of benefits, i.e., workers' compensation, social security, state assistance, insurance claims, etc., as well as proper representation by an attorney and then any representation by an attorney; therefore, having to represent him or herself in any type of action in order to achieve those wrongfully denied benefits, at least they should have easier access to that much needed information for self representation, which all have a right to.

Having that type of information at my fingertips has saved a lot of time and money that we didn't have to spend to pursue a pending claim for the wrongful denial of workers' compensation benefits now in the Court of Appeals, especially since the claimant is on Social Security Disability after being on SSI and is also receiving Medicaid and Food Stamps to help out due to his new found lack of earning capacity since multiple injuries received while in a motor vehicle accident while in the course of his employment.

There can't be too much information out there. It's what you learn after you know it all that counts!

How else can we find out if the magistrate is following the state law? And then find out how to prove it!

Having a little more information available would be a lot more helpful.

Thank you for reading my message.

**[Statement #2]**

To my initial statement, please add that if I could have had access to Case Law within the Internet system, perhaps I could have been more timely in my Michigan Supreme Court Application for Leave to Appeal time limit of October 1, 1999 (also my birthday), wherein I failed to apply because of the lack of ability to complete my application and accompanying documents as required by MCR within the 56 day limit to apply, which is extended alike to attorneys, who are well versed in the court rules and have fingertip knowledge of case law, court law, and statutes in their "business libraries," and to the layperson, who is disadvantaged immediately by lack of knowledge of and, in some cases, even access to court rules, case law, court law and statutes within anything less than twice that amount of times as he/she may also be disadvantaged by one or more or even all of the following: disability, financial loss, medical needs, etc., and the person actually doing the paperwork would add taking care of the disabled person, the home, the cooking, the cleaning, and all of the searching, compiling and then typing to conform to court rules, case law, court law and statutes, as was our case.

I (Merrilee) was advised by a Michigan Supreme Court Clerk on October 1, 1999 that I was the third (3rd) layperson that week that called and ran out of time before they (we) could get our claim in. That's three (3) too many in my book! One of those people this occurred to is Clifford, who is was a hard worker and a Viet Nam Era Vet and Merrilee Comstock, his wife of 16 years, together 21 years and our children, Jason Monnier (25), step-son who went into the U.S. Army October 26, 1995, was stationed in Germany in 1996-97, came home to the loss of Cliff's dad and my Uncle, 03/97. Upon returning, he was sent to Bosnia and is now a veteran at home assisting us (me) with everything. Cliff III (23), son, who needs our assistance, which we gladly give and would like to give more, but lives in Monroe, Michigan; Catrina (21), daughter, who has two grandsons, Justin (1.5 year) and Daniel (1 month) and who also live in Monroe, Michigan, which being about 250 miles away means we can't even afford to dream about seeing them like we could have attempted before the 09-26-95 mva; and Elysia (15), daughter who had been our helper until her unfortunate 08-08-98 mva, not to mention the rest of our families downstate and all to far for immediate assistance on either side, while we reside in Fairview, Michigan.

I will complete my Michigan Supreme Court Application for Leave to Appeal and send it to the Michigan Attorney General, Jennifer Granholm, because the people of this state who have been paying for our bills want to know why they are paying our bills when all of my husband's medical records clearly show the State of Michigan Family Independence Agency and the Social Security Administration that Cliff was injured 09-26-95 in an motor vehicle accident (mva) while in the course of employment on September 26, 1995 with Blue Line Trucking (BLT), Reese, Michigan.

How sad it is the day a business and its money becomes more important than even one person. (That person being my husband.) He should have been important to them too because after he sustained his multiple disabling injuries, especially to the head and spine, all of which are invisible to the naked eye and which he started to realize more and more as the shock of the incident as well as the adrenaline rush from the mva was leaving him, he continued to work for them on the interstate trip from Saginaw, Michigan to Macon, Georgia as scheduled returning 09-29-95, even frequently repairing a

co-worker's truck out of concern for her—concern for single mothers is something our family has done for many years. Starting to realize his new found medical problems during the trip, making it through the trip and back home to be homebound since then and denied Worker's Compensation and even his Blue Cross Blue Shield employee benefits after being approved for: (1) 09-26-95 Combined Insurance Company, personal disability policy of \$100.00 monthly; (2) 01-01-96 Medicaid; (3) 04-01-96 SSI; (4) 09-01-96 RSDI; (5) 05-01-97 BLT's Progressive Insurance Company PIP @ 15 percent of 36 months because "the rest comes from Worker's Compensation", which was denied at court levels four times, i.e., 07-25-97 BWDC, 12-21-98 WCAC, 08-04-99 Appeals Court for Application for Leave to Appeal and Motion to Remand to BWDC, but not timely for the Michigan Supreme Court 10-01-99; (6) 02-97 BLT's Progressive Insurance Company UMBI @ \$14,000.00 because "the rest comes from Worker's Compensation"; (7) 02-97 Farmer's Insurance Company @ \$14,000.00 representing farmer, who pulled out in front of my husband driving a pick-up truck towing a 6,000 pound grain wagon full of wheat seed, while Cliff was driving a 20,000 pound semi-tractor towing a 60,000 trailer filled to capacity with loose potatoes wherein upon impact Cliff ran over the grain wagon breaking both axles and destroying same, which caused Cliff to bounce severely within the semi cab while seat belted to an air-ride seat system causing, in part, "superimposed herniated nucleus propulpus at the L5S1 level...bulging @ C4C5 and C5C6...(with) marked dehydration throughout the spine..." as well as "...caused and/or aggravated Central/Obstructive Sleep Apnea...", which went from requiring a CPAP unit to a BI-PAP unit,..."blurred vision...tri-focal lenses now required...". "...bilateral carpal tunnel syndrome...", plus...; and (8) 09-01-98 Medicare, to which Medicaid supplements.

Thank you for your time, patience, consideration and understanding for the layperson and the challenges that beset them especially during their time of need.

Permission Granted to print all of the messages I've sent thus far 10-24-99, 9:14 am

#### **4. Written Material from Jimmie Crawford, Morganton, North Carolina**

##### **Electronic Mail Dated June 4, 1999, from Jimmie Crawford [diamond@hci.net]**

Subject: Libraries

I strongly believe that library in School for the Deaf in America should be able to get funds via Federal, state and from the private sectors to keep our deaf schools library in top shape. One way is to help fund a central library to serve the school from preschool to high school and the educators.

That is the big picture to help improve the education of the deaf and hard of hearing to the best in the world instead of mainstreaming them.

##### **Electronic Mail Dated June 4, 1999, from Jimmie Crawford [diamond@hci.net]**

Subject: Are the Libraries Accessible?

I noticed in my travel in USA some places are much better in term of accessible; for example, parking lots are in the right place near entrance while many places in North Carolina are a mile away to the entrance. This does not make any sense. My wife was hurt on the job and not able to work for a full eight hours. Often have to drive to entrance and let her off and sometime she take a wheel chair to entrance. For example, Wal-Mart, just not enough parking for handicapped people.

Many deaf people just cannot get an administration position simply because they prefer they can voice on the phone. That is a poor excuse. There are many more examples of how hearing people just do not trust the deaf. Some places are fine, and other places are not doing what they should be doing.

Some employers judge the deaf by their speech skill, which is just not right. In some schools for deaf you must improve in your ability to communicate with the deaf. Some just want to stop signing communication and force speech in schools for the deaf. This is just going back into the Dark Age.

**Electronic Mail Dated October 21, 1999, from Jimmie Ray Crawford**  
**[diamond@hci.net]**

Subject: Statement Submitted for the Record

I am from Morganton, NC, 28680-8183, and I just do not feel that the great state of North Carolina is not doing what they should be doing for the handicapped and also the deaf. I am well aware that the deaf people in USA and the world have been very successful. Most of these jobs are Federal jobs. I would like to see more in administration, etc. Dr. Burton who controls the Department of Human Services made a remark that sign language is OK but speech is better. Now he has created a whole new department and makes sure it does not have anything to do with Deaf culture. So he hired a hearing woman to control the education of the deaf who cannot communicate in our language or ASL. So he is putting himself above the Federal laws.

cc: NAD

**5. Written Material from Ruth Epstein**

**Written Communication from Ruth Epstein**

What a coincidence—to read your e-mail about disabled library patrons after two phone calls from a mentally disabled woman, "Jeannie" who had just received a letter from the Austin Public Library notifying her that her library privileges were withdrawn, and the police had been notified. Jeannie called my attention to this sentence on our library cards:

"This card may be cancelled, invalidated and/or modified without notice and shall be surrendered upon request."

Jeannie's behavior must have been extremely annoying. From a civil liberties point of view, I have two concerns or questions:

- Can the Commission mandate that librarians learn to cope with mentally disturbed people?
- Where is the due process in the sentence in quotes, above?

Thank you for your consideration.



**6. Written Material from David Fauchaux, Lafayette, Louisiana**

**Facsimile Transmission Dated June 16, 1999, from David Fauchaux**

I am faxing you at the urging of a librarian friend who thought that I as both a recent graduate with an MLIS and a blind library user could offer comments from several angles that might prove useful at your upcoming hearing.

From the patron/user aspect:

I use the recorded and Braille materials produced by the National Library Service for the Blind and Physically Handicapped and Recording for the Blind and Dyslexic to meet my reading needs. I feel that these agencies do an adequate job of providing resources with the funding they have. I could wish NLS had a shorter time lag from the selection of a title to be produced on cassette to the actual date of delivery to the regional libraries. This time period can be a year or more so that the paperback edition of a best seller is usually out in the bookstores. Many of my friends have commented that they would like to read new books when they hit the stands in hard cover like everyone else. I regret that with funding constraints, the combined output of recorded and/or Braille books from these agencies totals approximately 6,000. When one considers that each year an estimated 50,000 books are produced, it is obvious that the blind are not able to access the entire world of print materials.

From the Professional Degree Holder Aspect:

I am disappointed to see that not more is done to encourage blind librarians to consider working in the NLS system. Blind people are the patrons, but rarely are they in a position to direct and influence on a day-to-day working basis the ebb and flow of library policy and the services thereby governed. (It would appear that the several consumer agencies for the blind have not stressed this either. NFB and ACB have, as far as I can tell, not strongly supported increased opportunities for blind librarians!) I thought an excellent way to do this was to encourage either of these two organizations to form a group or division that could be called the National Association of Information and Library Scientists, NAILS, that could, in conjunction with ALA and/or ASIS, work to change conditions for and perceptions of blind workers in the profession. With the increased use of technology, it becomes more and more feasible for blind people to enter this field which is why I decided two years ago to pursue by MLIS.

Recording for the Blind was an excellent resource during my undergraduate years when most of the (50 percent-75 percent, approximately) books I needed were available. At the graduate level, RFB&D was all but unusable. As so few blind people consider the fields of library and information science, little material has been recorded in these areas. I had to use small volunteer, nonprofit agencies to record textbooks. I was always worried that a book would not be produced in time for a class and had to remind professors that I needed book titles far in advance of when a non-disabled student would need them. Obtaining this information often proved a challenge.

I would encourage RFB&D to continue its work with digital e-texts and CD-ROM books. These should prove an excellent tool for the college student providing both spoken and electronic texts.

I would encourage academic libraries to become more aware of the special needs of blind university students. I did not have a very constructive experience while attending library school. The main library had equipment that was often old, obsolete, and not very usable. The staff had not been trained in its use, and no one really seemed overly concerned. This is perhaps not overly surprising as the library school faculty were not sure I'd even make it through library school much less magna cum laude with Distinction on my major finals. As a result of the school's computer lab not having the adaptive equipment and the university's not having anyone qualified in adaptive equipment, I did not

get the technology training and graduated with no knowledge of Windows 95 or any of its software components. (My rehabilitation counselor and several other people associated with the rehabilitation programs in my state thought I should simply get additional training in technology after I graduated, thus slowing my job search. With the recent freeze on budgets, I have had to wait even longer.)

In addition, electronic reserves used in the library school classes were never saved and stored in a format my synthetic speech could read—they used PDF format, and I can only read ASCII with the equipment I have. This would have provided me with all the articles used by my classmates in a format that I could have used without having to locate and schedule a reader. No one knew what to do, and there was no central authority to oversee the various campus departments that needed to be kept apprised of developments and that needed to work together to insure that I had what I needed.

In conclusion, I believe that only with instruction in various technologies can blind people be integrated into the library world. Universities might consider how best to provide this instruction and how best to include blind people in their programs. I believe that because I was able to give several presentations on library services for the blind, my fellow students were exposed to information they would otherwise never have received.

## **7. Written Material from Marilyn Nelson, Minot, North Dakota**

### **Letter Dated July 25, 1999, from Marilyn Nelson**

There is a great need for improved library services for individuals with disabilities in this country. I am legally blind and have a 13-year-old son who has a learning disability.

I would suggest that there be an effort to change the copyright legislation so that materials can be adapted to accessible formats for people like us. I do use talking books and have had some problems with getting some books and materials needed to help my son with his schoolwork.

Library staff also needs further training in helping persons with disabilities locate materials. Some libraries, like ours, are not totally accessible to the disabled. The staff, in cases like this, needs to be more attentive to the disabled individual and assist in getting the materials needed. This is particularly important for people in wheelchairs, the blind and visually impaired, and learning disabled. At times materials are on levels that are not accessible and just not easy to access.

Thank you for your attention to this matter.

## **APPENDIX D: AMERICANS WITH DISABILITIES ACT OF 1990 AS AMENDED<sup>31</sup>**

JULY 26, 1990 — 104 STAT. 327

One Hundred First Congress of the United States of America  
AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty- third day of January, one thousand  
nine hundred and ninety.

An Act:

To establish a clear and comprehensive prohibition of discrimination on the basis of disability.

=====

Be it enacted by the Senate and House of Representatives of the United States of America in  
Congress assembled,

### **Section 1. Short Title; Table of Contents. 42 USC 12101 Note.**

- (a) Short Title. This Act may be cited as the Americans with Disabilities Act of 1990.  
(b) Table of Contents. The table of contents is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings and purposes.  
Sec. 3. Definitions.

### **Title I -- Employment**

Sec. 101. Definitions.  
Sec. 102. Discrimination.  
Sec. 103. Defenses.  
Sec. 104. Illegal use of drugs and alcohol.  
Sec. 105. Posting notices.  
Sec. 106. Regulations.  
Sec. 107. Enforcement.  
Sec. 108. Effective date.

### **Title II -- Public Services**

#### **Subtitle A Prohibition Against Discrimination and Other Generally Applicable Provisions**

Sec. 201. Definition.  
Sec. 202. Discrimination.  
Sec. 203. Enforcement.  
Sec. 204. Regulations.  
Sec. 205. Effective date.

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<sup>31</sup> Includes incorporated amendments to the Act from 1991, 1995, and 1996. See the Selected Bibliography on page 296  
Source: Disabilities Information Resources, <http://www.dinf.org/crt/ada/statute.html>.

**Subtitle B -- Actions Applicable to Public Transportation Provided by Public Entities  
Considered Discriminatory**

**Part I Public Transportation Other Than by Aircraft or Certain Rail Operations**

- Sec. 221. Definitions.
- Sec. 222. Public entities operating fixed route systems.
- Sec. 223. Paratransit as a complement to fixed route service.
- Sec. 224. Public entity operating a demand responsive system.
- Sec. 225. Temporary relief where lifts are unavailable.
- Sec. 226. New facilities.
- Sec. 227. Alterations of existing facilities.
- Sec. 228. Public transportation programs and activities in existing facilities and one car per train rule.
- Sec. 229. Regulations.
- Sec. 230. Interim accessibility requirements.
- Sec. 231. Effective date.

**Part II Public Transportation by Intercity and Commuter Rail**

- Sec. 241. Definitions.
- Sec. 242. Intercity and commuter rail actions considered discriminatory.
- Sec. 243. Conformance of accessibility standards.
- Sec. 244. Regulations.
- Sec. 245. Interim accessibility requirements.
- Sec. 246. Effective date.

**Title III -- Public Accommodations And Services Operated By Private Entities**

- Sec. 301. Definitions.
- Sec. 302. Prohibition of discrimination by public accommodations.
- Sec. 303. New construction and alterations in public accommodations and commercial facilities.
- Sec. 304. Prohibition of discrimination in specified public transportation services provided by private entities.
- Sec. 305. Study.
- Sec. 306. Regulations.
- Sec. 307. Exemptions for private clubs and religious organizations.
- Sec. 308. Enforcement.
- Sec. 309. Examinations and courses.
- Sec. 310. Effective date.

**Title IV--Telecommunications**

- Sec. 401. Telecommunications relay services for hearing-impaired and speech-impaired individuals.
- Sec. 402. Closed-captioning of public service announcements.

**Title V -- Miscellaneous Provisions**

- Sec. 501. Construction.
- Sec. 502. State immunity.

- Sec. 503. Prohibition against retaliation and coercion.
- Sec. 504. Regulations by the Architectural and Transportation Barriers Compliance Board.
- Sec. 505. Attorneys fees.
- Sec. 506. Technical assistance.
- Sec. 507. Federal wilderness areas.
- Sec. 508. Transvestites.
- Sec. 509. Coverage of Congress and the agencies of the legislative branch.
- Sec. 510. Illegal use of drugs.
- Sec. 511. Definitions.
- Sec. 512. Amendments to the Rehabilitation Act.
- Sec. 513. Alternative means of dispute resolution.
- Sec. 514. Severability.

## **Section. 2. Findings and Purposes. 42 USC 12101.**

### **(a) Findings. The Congress finds that**

- (1) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;
- (2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;
- (3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;
- (4) unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination;
- (5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;
- (6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;
- (7) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;
- (8) the Nations proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self- sufficiency for such individuals; and
- (9) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

### **(b) Purpose. It is the purpose of this Act**

- (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
- (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
- (3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and
- (4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day- to- day by people with disabilities.

### **Section 3. Definitions. 42 USC 12102**

As used in this Act:

- (1) Auxiliary aids and services. The term auxiliary aids and services includes
  - (A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
  - (B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
  - (C) acquisition or modification of equipment or devices; and
  - (D) other similar services and actions.
- (2) Disability. The term disability means, with respect to an individual
  - (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - (B) a record of such an impairment; or
  - (C) being regarded as having such an impairment.
- (3) State. The term 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.

## **Title I -- Employment**

### **Section 101. Definitions. 42 USC 12111**

As used in this title:

- (1) Commission. The term Commission means the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e- 4).
- (2) Covered entity. The term covered entity means an employer, employment agency, labor organization, or joint labor- management committee.
- (3) Direct threat. The term direct threat means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- (4) Employee. The term employee means an individual employed by an employer. With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.
- (5) Employer.
  - (A) In general. The term employer means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, for two years following the effective date of this title, an employer means a

person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person.

(B) Exceptions. The term employer does not include

(i) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or

(ii) a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.

(6) Illegal use of drugs.

(A) In general. The term illegal use of drugs means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). Such term 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.

(B) Drugs. The term drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act.

(7) Person, etc. The terms person , labor organization , employment agency , commerce , and industry affecting commerce , shall have the same meaning given such terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(8) Qualified individual with a disability. The term qualified individual with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this title, consideration shall be given to the employers judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

(9) Reasonable accommodation. The term reasonable accommodation may include

(A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(B) job restructuring, part- time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(10) Undue hardship.

(A) In general. The term undue hardship means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) Factors to be considered. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include

(i) the nature and cost of the accommodation needed under this Act;

(ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(iv) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

**Section 102. Discrimination. 42 USC 12112.**

(a) General Rule. No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

(b) Construction. As used in subsection (a), the term discriminate includes

(1) limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;

(2) participating in a contractual or other arrangement or relationship that has the effect of subjecting a covered entity's qualified applicant or employee with a disability to the discrimination prohibited by this title (such relationship includes a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee of the covered entity, or an organization providing training and apprenticeship programs);

(3) utilizing standards, criteria, or methods of administration

(A) that have the effect of discrimination on the basis of disability; or

(B) that perpetuate the discrimination of others who are subject to common administrative control;

(4) excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;

(5)

(A) not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity; or

(B) denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need of such covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant;

(6) using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity; and

(7) failing to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, such test results accurately reflect the skills, aptitude, or whatever other factor of such applicant or employee that such test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).

(c) Covered Entities in Foreign Countries.



(1) In general. It shall not be unlawful under this section for a covered entity to take any action that constitutes discrimination under this section with respect to an employee in a workplace in a foreign country if compliance with this section would cause such covered entity to violate the law of the foreign country in which such workplace is located.

(2) Control of Corporation.

(A) Presumption. If an employer controls a corporation whose place of incorporation is a foreign country, any practice that constitutes discrimination under this section and is engaged in by such corporation shall be presumed to be engaged in by such employer.

(B) Exception. This section shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

(C) Determination. For purposes of this paragraph, the determination of whether an employer controls a corporation shall be based on:

- (i) the interrelation of operations;
- (ii) the common management;
- (iii) the centralized control of labor relations; and
- (iv) the common ownership or financial control of the employer and the corporation.

(d) Medical Examinations and Inquiries.

In general. The prohibition against discrimination as referred to in subsection (a) shall include medical examinations and inquiries.

(2) Preemployment.

(A) Prohibited examination or inquiry. Except as provided in paragraph (3), a covered entity shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of such disability.

(B) Acceptable inquiry. A covered entity may make preemployment inquiries into the ability of an applicant to perform job-related functions.

(3) Employment entrance examination. A covered entity may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if

(A) all entering employees are subjected to such an examination regardless of disability;

(B) information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that

- (i) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- (ii) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- (iii) government officials investigating compliance with this Act shall be provided relevant information on request; and

(C) the results of such examination are used only in accordance with this title.

(4) Examination and inquiry.

(A) Prohibited examinations and inquiries. A covered entity shall not require a medical examination and shall not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

(B) Acceptable examinations and inquiries. A covered entity may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. A covered entity may make inquiries into the ability of an employee to perform job-related functions.

(C) Requirement. Information obtained under subparagraph (B) regarding the medical condition or history of any employee are subject to the requirements of subparagraphs (B) and (C) of paragraph (3).

**Section 103. Defenses. 42 USC 12113.**

(a) In General. It may be a defense to a charge of discrimination under this Act that an alleged application of qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under this title.

(b) Qualification Standards. The term qualification standards may include a requirement that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace.

(c) Religious Entities.

(1) In general. This title shall not prohibit a religious corporation, association, educational institution, or society from giving preference in employment to individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

(2) Religious tenets requirement. Under this title, a religious organization may require that all applicants and employees conform to the religious tenets of such organization.

(d) List of Infectious and Communicable Diseases.

(1) In general. The Secretary of Health and Human Services, not later than 6 months after the date of enactment of this Act, shall

(A) review all infectious and communicable diseases which may be transmitted through handling the food supply;

(B) publish a list of infectious and communicable diseases which are transmitted through handling the food supply;

(C) publish the methods by which such diseases are transmitted; and

(D) widely disseminate such information regarding the list of diseases and their modes of transmissibility to the general public. Such list shall be updated annually.

(2) Applications. In any case in which an individual has an infectious or communicable disease that is transmitted to others through the handling of food, that is included on the list developed by the Secretary of Health and Human Services under paragraph (1), and which cannot be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign such individual to a job involving food handling.

(3) Construction. Nothing in this Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation applicable to food handling which is designed to protect the public health from individuals who pose a significant risk to the health or safety of others, which cannot be eliminated by reasonable accommodation, pursuant to the list of infectious or communicable diseases and the modes of transmissibility published by the Secretary of Health and Human Services.

**Section 104. Illegal Use of Drugs and Alcohol. 42 USC 12114.**

(a) **Qualified Individual With a Disability.** For purposes of this title, the term qualified individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

(b) **Rules of Construction.** Nothing in subsection (a) shall be construed to exclude as a qualified individual with a disability an individual who

(1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(2) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(3) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (1) or (2) is no longer engaging in the illegal use of drugs.

(c) **Authority of Covered Entity.** A covered entity

(1) may prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;

(2) may require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;

(3) may require that employees behave in conformance with the requirements established under the Drug- Free Workplace Act of 1988 (41 U.S.C. 701 et seq.);

(4) may hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such entity holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee; and

(5) may, with respect to Federal regulations regarding alcohol and the illegal use of drugs, require that

(A) employees comply with the standards established in such regulations of the Department of Defense, if the employees of the covered entity are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the covered entity who are employed in such positions (as defined in the regulations of the Department of Defense);

(B) employees comply with the standards established in such regulations of the Nuclear Regulatory Commission, if the employees of the covered entity are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the covered entity who are employed in such positions (as defined in the regulations of the Nuclear Regulatory Commission); and

(C) employees comply with the standards established in such regulations of the Department of Transportation, if the employees of the covered entity are employed in a transportation industry subject to such regulations, including complying with such regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the covered entity who are employed in such positions (as defined in the regulations of the Department of Transportation).

(d) **Drug Testing.**

(1) In general. For purposes of this title, a test to determine the illegal use of drugs shall not be considered a medical examination.

(2) Construction. Nothing in this title shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

(e) Transportation Employees. Nothing in this title shall be construed to encourage, prohibit, restrict, or authorize the otherwise lawful exercise by entities subject to the jurisdiction of the Department of Transportation of authority to

(1) test employees of such entities in, and applicants for, positions involving safety- sensitive duties for the illegal use of drugs and for on- duty impairment by alcohol; and

(2) remove such persons who test positive for illegal use of drugs and on- duty impairment by alcohol pursuant to paragraph (1) from safety- sensitive duties in implementing subsection (c).

**Section 105. Posting Notices. 42 USC 12115.**

Every employer, employment agency, labor organization, or joint labor- management committee covered under this title shall post notices in an accessible format to applicants, employees, and members describing the applicable provisions of this Act, in the manner prescribed by section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e- 10).

**Section 106. Regulations. 42 USC 12116.**

Not later than 1 year after the date of enactment of this Act, the Commission shall issue regulations in an accessible format to carry out this title in accordance with subchapter II of chapter 5 of title 5, United States Code.

**Section 107. Enforcement. 42 USC 12117.**

(a) Powers, Remedies, and Procedures. The powers, remedies, and procedures set forth in sections 705, 706, 707, 709, and 710 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4, 2000e-5, 2000e-6, 2000e-8, and 2000e-9) shall be the powers, remedies, and procedures this title provides to the Commission, to the Attorney General, or to any person alleging discrimination on the basis of disability in violation of any provision of this Act, or regulations promulgated under section 106, concerning employment.

(b) Coordination. The agencies with enforcement authority for actions which allege employment discrimination under this title and under the Rehabilitation Act of 1973 shall develop procedures to ensure that administrative complaints filed under this title and under the Rehabilitation Act of 1973 are dealt with in a manner that avoids duplication of effort and prevents imposition of inconsistent or conflicting standards for the same requirements under this title and the Rehabilitation Act of 1973. The Commission, the Attorney General, and the Office of Federal Contract Compliance Programs shall establish such coordinating mechanisms (similar to provisions contained in the joint regulations promulgated by the Commission and the Attorney General at part 42 of title 28 and part 1691 of title 29, Code of Federal Regulations, and the Memorandum of Understanding between the Commission and the Office of Federal Contract Compliance Programs dated January 16, 1981 (46 Fed. Reg. 7435, January 23, 1981)) in regulations implementing this title and Rehabilitation Act of 1973 not later than 18 months after the date of enactment of this Act.

**Section 108. Effective Date. 42 USC 12111 Note.**

This title shall become effective 24 months after the date of enactment.

## **Title II -- Public Services.**

### **Subtitle A -- Prohibition Against Discrimination and Other Generally Applicable Provisions**

#### **Section 201. Definition. 42 USC 12115.**

As used in this title:

- (1) Public entity. The term public entity means
  - (A) any State or local government;
  - (B) any department, agency, special purpose district, or other instrumentality of a State or States or local government; nd
  - (C) the National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).
- (2) Qualified individual with a disability. The term 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.

#### **Section 202. Discrimination. 42 USC 12132.**

Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such 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 such entity.

#### **Section 203. Enforcement. 42 USC 12132.**

The remedies, procedures, and rights set forth in section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794a) shall be the remedies, procedures, and rights this title provides to any person alleging discrimination on the basis of disability in violation of section 202.

#### **Section 204. Regulations. 42 USC 12134.**

(a) In General. Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations in an accessible format that implement this subtitle. Such regulations shall not include any matter within the scope of the authority of the Secretary of Transportation under section 223, 229, or 244.

(b) Relationship to Other Regulations. Except for program accessibility, existing facilities, and communications , regulations under subsection (a) shall be consistent with this Act and with the coordination regulations under part 41 of title 28, Code of Federal Regulations (as promulgated by the Department of Health, Education, and Welfare on January 13, 1978), applicable to recipients of Federal financial assistance under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). With respect to program accessibility, existing facilities , and communications , such regulations shall be consistent with regulations and analysis as in part 39 of title 28 of the Code of Federal Regulations, applicable to federally conducted activities under such section 504.

(c) Standards. Regulations under subsection (a) shall include standards applicable to facilities and vehicles covered by this subtitle, other than facilities, stations, rail passenger cars, and vehicles covered by subtitle B. Such standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 504(a) of this Act.

**Section 205. Effective Date. 42 USC 12131 Note.**

- (a) General Rule. Except as provided in subsection (b), this subtitle shall become effective 18 months after the date of enactment of this Act.
- (b) Exception. Section 204 shall become effective on the date of enactment of this Act.

**Subtitle B -- Actions Applicable to Public Transportation Provided by Public Entities Considered Discriminatory**

**Part I -- Public Transportation Other Than By Aircraft Or Certain Rail Operations**

**Section 221. Definitions. 42 USC 12141.**

As used in this part:

- (1) Demand responsive system. The term demand responsive system means any system of providing designated public transportation which is not a fixed route system.
- (2) Designated public transportation. The term designated public transportation means transportation (other than public school transportation) by bus, rail, or any other conveyance (other than transportation by aircraft or intercity or commuter rail transportation (as defined in section 241)) that provides the general public with general or special service (including charter service) on a regular and continuing basis.
- (3) Fixed route system. The term fixed route system means a system of providing designated public transportation on which a vehicle is operated along a prescribed route according to a fixed schedule.
- (4) Operates. The term operates , as used with respect to a fixed route system or demand responsive system, includes operation of such system by a person under a contractual or other arrangement or relationship with a public entity.
- (5) Public school transportation. The term public school transportation means transportation by schoolbus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school- related activities.
- (6) Secretary. The term Secretary means the Secretary of Transportation.

**Section 222. Public Entities Operating Fixed Route Systems. 42 USC 12142.**

- (a) Purchase and Lease of New Vehicles. It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system to purchase or lease a new bus, a new rapid rail vehicle, a new light rail vehicle, or any other new vehicle to be used on such system, if the solicitation for such purchase or lease is made after the 30th day following the effective date of this subsection and if such bus, rail vehicle, or other vehicle is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
- (b) Purchase and Lease of Used Vehicles. Subject to subsection (c)(1), it shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system to purchase or lease, after the 30th day following the effective date of this subsection, a used vehicle for use on such system unless such entity makes demonstrated good faith efforts to purchase or lease a used vehicle for use on such system that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
- (c) Remanufactured Vehicles.
- (1) General rule. Except as provided in paragraph (2), it shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system

(A) to remanufacture a vehicle for use on such system so as to extend its usable life for 5 years or more, which remanufacture begins (or for which the solicitation is made) after the 30th day following the effective date of this subsection; or

(B) to purchase or lease for use on such system a remanufactured vehicle which has been remanufactured so as to extend its usable life for 5 years or more, which purchase or lease occurs after such 30th day and during the period in which the usable life is extended; unless, after remanufacture, the vehicle is, to the maximum extent feasible, readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) Exception for historic vehicles.

(A) General rule. If a public entity operates a fixed route system any segment of which is included on the National Register of Historic Places and if making a vehicle of historic character to be used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity only has to make (or to purchase or lease a remanufactured vehicle with) those modifications which are necessary to meet the requirements of paragraph (1) and which do not significantly alter the historic character of such vehicle.

(B) Vehicles of historic character defined by regulations. For purposes of this paragraph and section 228(b), a vehicle of historic character shall be defined by the regulations issued by the Secretary to carry out this subsection.

**Section 223. Paratransit As A Complement To Fixed Route Service. 42 USC 12143.**

(a) General Rule. It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system (other than a system which provides solely commuter bus service) to fail to provide with respect to the operations of its fixed route system, in accordance with this section, paratransit and other special transportation services to individuals with disabilities, including individuals who use wheelchairs, that are sufficient to provide to such individuals a level of service (1) which is comparable to the level of designated public transportation services provided to individuals without disabilities using such system; or (2) in the case of response time, which is comparable, to the extent practicable, to the level of designated public transportation services provided to individuals without disabilities using such system.

(b) Issuance of Regulations. Not later than 1 year after the effective date of this subsection, the Secretary shall issue final regulations to carry out this section.

(c) Required Contents of Regulations.

(1) Eligible recipients of service. The regulations issued under this section shall require each public entity which operates a fixed route system to provide the paratransit and other special transportation services required under this section

(A)

(i) to any individual with a disability who is unable, as a result of a physical or mental impairment (including a vision impairment) and without the assistance of another individual (except an operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities;

(ii) to any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device (and is able with such assistance) to board, ride, and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of

operation of the system at a time (or within a reasonable period of such time) when such a vehicle is not being used to provide designated public transportation on the route; and

(iii) to any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system;

(B) to one other individual accompanying the individual with the disability; and

(C) to other individuals, in addition to the one individual described in subparagraph (B), accompanying the individual with a disability provided that space for these additional individuals is available on the paratransit vehicle carrying the individual with a disability and that the transportation of such additional individuals will not result in a denial of service to individuals with disabilities.

For purposes of clauses (i) and (ii) of subparagraph (A), boarding or disembarking from a vehicle does not include travel to the boarding location or from the disembarking location.

(2) Service area. The regulations issued under this section shall require the provision of paratransit and special transportation services required under this section in the service area of each public entity which operates a fixed route system, other than any portion of the service area in which the public entity solely provides commuter bus service.

(3) Service criteria. Subject to paragraphs (1) and (2), the regulations issued under this section shall establish minimum service criteria for determining the level of services to be required under this section.

(4) Undue financial burden limitation. The regulations issued under this section shall provide that, if the public entity is able to demonstrate to the satisfaction of the Secretary that the provision of paratransit and other special transportation services otherwise required under this section would impose an undue financial burden on the public entity, the public entity, notwithstanding any other provision of this section (other than paragraph (5)), shall only be required to provide such services to the extent that providing such services would not impose such a burden.

(5) Additional services. The regulations issued under this section shall establish circumstances under which the Secretary may require a public entity to provide, notwithstanding paragraph (4), paratransit and other special transportation services under this section beyond the level of paratransit and other special transportation services which would otherwise be required under paragraph (4).

(6) Public participation. The regulations issued under this section shall require that each public entity which operates a fixed route system hold a public hearing, provide an opportunity for public comment, and consult with individuals with disabilities in preparing its plan under paragraph (7).

(7) Plans. The regulations issued under this section shall require that each public entity which operates a fixed route system

(A) within 18 months after the effective date of this subsection, submit to the Secretary, and commence implementation of, a plan for providing paratransit and other special transportation services which meets the requirements of this section; and

(B) on an annual basis thereafter, submit to the Secretary, and commence implementation of, a plan for providing such services.

(8) Provision of services by others. The regulations issued under this section shall

(A) require that a public entity submitting a plan to the Secretary under this section identify in the plan any person or other public entity which is providing a paratransit or other special transportation service for individuals with disabilities in the service area to which the plan applies; and



- (B) provide that the public entity submitting the plan does not have to provide under the plan such service for individuals with disabilities.
- (9) Other provisions. The regulations issued under this section shall include such other provisions and requirements as the Secretary determines are necessary to carry out the objectives of this section.
- (d) Review of Plan.
- (1) General rule. The Secretary shall review a plan submitted under this section for the purpose of determining whether or not such plan meets the requirements of this section, including the regulations issued under this section.
- (2) Disapproval. If the Secretary determines that a plan reviewed under this subsection fails to meet the requirements of this section, the Secretary shall disapprove the plan and notify the public entity which submitted the plan of such disapproval and the reasons therefor.
- (3) Modification of disapproved plan. Not later than 90 days after the date of disapproval of a plan under this subsection, the public entity which submitted the plan shall modify the plan to meet the requirements of this section and shall submit to the Secretary, and commence implementation of, such modified plan.
- (e) Discrimination Defined. As used in subsection (a), the term discrimination includes
- (1) a failure of a public entity to which the regulations issued under this section apply to submit, or commence implementation of, a plan in accordance with subsections (c)(6) and (c)(7);
- (2) a failure of such entity to submit, or commence implementation of, a modified plan in accordance with subsection (d)(3);
- (3) submission to the Secretary of a modified plan under subsection (d)(3) which does not meet the requirements of this section; or
- (4) a failure of such entity to provide paratransit or other special transportation services in accordance with the plan or modified plan the public entity submitted to the Secretary under this section.
- (f) Statutory Construction. Nothing in this section shall be construed as preventing a public entity
- (1) from providing paratransit or other special transportation services at a level which is greater than the level of such services which are required by this section,
- (2) from providing paratransit or other special transportation services in addition to those paratransit and special transportation services required by this section, or
- (3) from providing such services to individuals in addition to those individuals to whom such services are required to be provided by this section.

**Section 224. Public Entity Operating A Demand Responsive System. 42 USC 12144.**

If a public entity operates a demand responsive system, it shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for such entity to purchase or lease a new vehicle for use on such system, for which a solicitation is made after the 30th day following the effective date of this section, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless such system, when viewed in its entirety, provides a level of service to such individuals equivalent to the level of service such system provides to individuals without disabilities.

**Section 225. Temporary Relief Where Lifts Are Unavailable. 42 USC 12145.**

(a) Granting. With respect to the purchase of new buses, a public entity may apply for, and the Secretary may temporarily relieve such public entity from the obligation under section 222(a) or 224

to purchase new buses that are readily accessible to and usable by individuals with disabilities if such public entity demonstrates to the satisfaction of the Secretary

(1) that the initial solicitation for new buses made by the public entity specified that all new buses were to be lift-equipped and were to be otherwise accessible to and usable by individuals with disabilities;

(2) the unavailability from any qualified manufacturer of hydraulic, electromechanical, or other lifts for such new buses;

(3) that the public entity seeking temporary relief has made good faith efforts to locate a qualified manufacturer to supply the lifts to the manufacturer of such buses in sufficient time to comply with such solicitation; and

(4) that any further delay in purchasing new buses necessary to obtain such lifts would significantly impair transportation services in the community served by the public entity.

(b) Duration and Notice to Congress. Any relief granted under subsection (a) shall be limited in duration by a specified date, and the appropriate committees of Congress shall be notified of any such relief granted.

(c) Fraudulent Application. If, at any time, the Secretary has reasonable cause to believe that any relief granted under subsection (a) was fraudulently applied for, the Secretary shall

(1) cancel such relief if such relief is still in effect; and

(2) take such other action as the Secretary considers appropriate.

#### **Section 226. New Facilities. 42 USC 12146.**

For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for a public entity to construct a new facility to be used in the provision of designated public transportation services unless such facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

#### **Section 227. Alterations Of Existing Facilities. 42 USC 12147.**

(a) General Rule. With respect to alterations of an existing facility or part thereof used in the provision of designated public transportation services that affect or could affect the usability of the facility or part thereof, it shall be considered discrimination, for purposes of section 20 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for a public entity to fail to make such alterations (or to ensure that the alterations are made) in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations. Where the public entity is undertaking an alteration that affects or could affect usability of or access to an area of the facility containing a primary function, the entity shall also make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations, where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

(b) Special Rule for Stations.

(1) General rule. For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for a public entity that provides designated public transportation to fail, in accordance with the provisions of this subsection, to make key stations (as determined under criteria established by the Secretary by regulation) in

rapid rail and light rail systems readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) Rapid rail and light rail key stations.

(A) Accessibility. Except as otherwise provided in this paragraph, all key stations (as determined under criteria established by the Secretary by regulation) in rapid rail and light rail systems shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than the last day of the 3- year period beginning on the effective date of this paragraph.

(B) Extension for extraordinarily expensive structural changes. The Secretary may extend the 3-year period under subparagraph (A) up to a 30- year period for key stations in a rapid rail or light rail system which stations need extraordinarily expensive structural changes to, or replacement of, existing facilities; except that by the last day of the 20th year following the date of the enactment of this Act at least 2/3 of such key stations must be readily accessible to and usable by individuals with disabilities.

(3) Plans and milestones. The Secretary shall require the appropriate public entity to develop and submit to the Secretary a plan for compliance with this subsection

(A) that reflects consultation with individuals with disabilities affected by such plan and the results of a public hearing and public comments on such plan, and

(B) that establishes milestones for achievement of the requirements of this subsection.

**Section 228. Public Transportation Programs And Activities In Existing Facilities And One Car Per Train Rule. 42 USC 12148.**

(a) Public Transportation Programs and Activities in Existing Facilities.

(1) In general. With respect to existing facilities used in the provision of designated public transportation services, it shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for a public entity to fail to operate a designated public transportation program or activity conducted in such facilities so that, when viewed in the entirety, the program or activity is readily accessible to and usable by individuals with disabilities.

(2) Exception. Paragraph (1) shall not require a public entity to make structural changes to existing facilities in order to make such facilities accessible to individuals who use wheelchairs, unless and to the extent required by section 227(a) (relating to alterations) or section 227(b) (relating to key stations).

(3) Utilization. Paragraph (1) shall not require a public entity to which paragraph (2) applies, to provide to individuals who use wheelchairs services made available to the general public at such facilities when such individuals could not utilize or benefit from such services provided at such facilities.

(b) One Car Per Train Rule.

(1) General rule. Subject to paragraph (2), with respect to 2 or more vehicles operated as a train by a light or rapid rail system, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for a public entity to fail to have at least 1 vehicle per train that is accessible to individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than the last day of the 5- year period beginning on the effective date of this section.

(2) Historic trains. In order to comply with paragraph (1) with respect to the remanufacture of a vehicle of historic character which is to be used on a segment of a light or rapid rail system which is included on the National Register of Historic Places, if making such vehicle readily accessible

to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity which operates such system only has to make (or to purchase or lease a remanufactured vehicle with) those modifications which are necessary to meet the requirements of section 222(c)(1) and which do not significantly alter the historic character of such vehicle.

**Section 229. Regulations. 42 USC 12149.**

(a) In General. Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations, in an accessible format, necessary for carrying out this part (other than section 223).

(b) Standards. The regulations issued under this section and section 223 shall include standards applicable to facilities and vehicles covered by this subtitle. The standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 504 of this Act.

**Section 230. Interim Accessibility Requirements. 42 USC 12150.**

If final regulations have not been issued pursuant to section 229, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under such section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities as required under sections 226 and 227, except that, if such final regulations have not been issued one year after the Architectural and Transportation Barriers Compliance Board has issued the supplemental minimum guidelines required under section 504(a) of this Act, compliance with such supplemental minimum guidelines shall be necessary to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities prior to issuance of the final regulations.

**Section 231. Effective Date. 42 USC 12141 Note.**

(a) General Rule. Except as provided in subsection (b), this part shall become effective 18 months after the date of enactment of this Act.

(b) Exception. Sections 222, 223 (other than subsection (a)), 224, 225, 227(b), 228(b), and 229 shall become effective on the date of enactment of this Act.

## **Part II -- Public Transportation By Intercity And Commuter Rail**

**Section. 241. Definitions 42 USC 12161.**

As used in this part:

(1) Commuter authority. The term commuter authority has the meaning given such term in section 103(8) of the Rail Passenger Service Act (45 U.S.C. 502(8)).

(2) Commuter rail transportation. The term commuter rail transportation has the meaning given the term commuter service in section 103(9) of the Rail Passenger Service Act (45 U.S.C. 502(9)).

(3) Intercity rail transportation. The term intercity rail transportation means transportation provided by the National Railroad Passenger Corporation.

- (4) Rail passenger car. The term rail passenger car means, with respect to intercity rail transportation, single-level and bi-level coach cars, single-level and bi-level dining cars, single-level and bi-level sleeping cars, single-level and bi-level lounge cars, and food service cars.
- (5) Responsible person. The term responsible person means
- (A) in the case of a station more than 50 percent of which is owned by a public entity, such public entity;
  - (B) in the case of a station more than 50 percent of which is owned by a private party, the persons providing intercity or commuter rail transportation to such station, as allocated on an equitable basis by regulation by the Secretary of Transportation; and
  - (C) in a case where no party owns more than 50 percent of a station, the persons providing intercity or commuter rail transportation to such station and the owners of the station, other than private party owners, as allocated on an equitable basis by regulation by the Secretary of Transportation.
- (6) Station. The term station means the portion of a property located appurtenant to a right-of-way on which intercity or commuter rail transportation is operated, where such portion is used by the general public and is related to the provision of such transportation, including passenger platforms, designated waiting areas, ticketing areas, restrooms, and, where a public entity providing rail transportation owns the property, concession areas, to the extent that such public entity exercises control over the selection, design, construction, or alteration of the property, but such term does not include flag stops.

**Section 242. Intercity And Commuter Rail Actions Considered Discriminatory. 42 USC12162.**

**(a) Intercity Rail Transportation.**

(1) One car per train rule. It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person who provides intercity rail transportation to fail to have at least one passenger car per train that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, in accordance with regulations issued under section 244, as soon as practicable, but in no event later than 5 years after the date of enactment of this Act.

**(2) New intercity cars.**

(A) General rule. Except as otherwise provided in this subsection with respect to individuals who use wheelchairs, it shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease any new rail passenger cars for use in intercity rail transportation, and for which a solicitation is made later than 30 days after the effective date of this section, unless all such rail cars are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(B) Special rule for single-level passenger coaches for individuals who use wheelchairs. Single-level passenger coaches shall be required to

- (i) be able to be entered by an individual who uses a wheelchair;
- (ii) have space to park and secure a wheelchair;
- (iii) have a seat to which a passenger in a wheelchair can transfer, and a space to fold and store such passengers wheelchair; and
- (iv) have a restroom usable by an individual who uses a wheelchair, only to the extent provided in paragraph (3).

(C) Special rule for single- level dining cars for individuals who use wheelchairs. Single- level dining cars shall not be required to

- (i) be able to be entered from the station platform by an individual who uses a wheelchair; or
- (ii) have a restroom usable by an individual who uses a wheelchair if no restroom is provided in such car for any passenger.

(D) Special rule for bi- level dining cars for individuals who use wheelchairs. Bi- level dining cars shall not be required to

- (i) be able to be entered by an individual who uses a wheelchair;
- (ii) have space to park and secure a wheelchair;
- (iii) have a seat to which a passenger in a wheelchair can transfer, or a space to fold and store such passenger's wheelchair; or
- (iv) have a restroom usable by an individual who uses a wheelchair.

(3) Accessibility of single- level coaches.

(A) General rule. It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person who provides intercity rail transportation to fail to have on each train which includes one or more single- level rail passenger coaches

(i) a number of spaces

(I) to park and secure wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than one- half of the number of single- level rail passenger coaches in such train; and

(II) to fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than one- half of the number of single- level rail passenger coaches in such train, as soon as practicable, but in no event later than 5 years after the date of enactment of this Act; and

(ii) a number of spaces

(I) to park and secure wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than the total number of single- level rail passenger coaches in such train; and

(II) to fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than the total number of single- level rail passenger coaches in such train, as soon as practicable, but in no event later than 10 years after the date of enactment of this Act.

(B) Location. Spaces required by subparagraph (A) shall be located in single- level rail passenger coaches or food service cars.

(C) Limitation. Of the number of spaces required on a train by subparagraph (A), not more than two spaces to park and secure wheelchairs nor more than two spaces to fold and store wheelchairs shall be located in any one coach or food service car.

(D) Other accessibility features. Single- level rail passenger coaches and food service cars on which the spaces required by subparagraph (A) are located shall have a restroom usable by an individual who uses a wheelchair and shall be able to be entered from the station platform by an individual who uses a wheelchair.

(4) Food service.

(A) Single-level dining cars. On any train in which a single-level dining car is used to provide food service

(i) if such single-level dining car was purchased after the date of enactment of this Act, table service in such car shall be provided to a passenger who uses a wheelchair if

(I) the car adjacent to the end of the dining car through which a wheelchair may enter is itself accessible to a wheelchair;

(II) such passenger can exit to the platform from the car such passenger occupies, move down the platform, and enter the adjacent accessible car described in subclause (I) without the necessity of the train being moved within the station; and

(III) space to park and secure a wheelchair is available in the dining car at the time such passenger wishes to eat (if such passenger wishes to remain in a wheelchair), or space to store and fold a wheelchair is available in the dining car at the time such passenger wishes to eat (if such passenger wishes to transfer to a dining car seat); and

(ii) appropriate auxiliary aids and services, including a hard surface on which to eat, shall be provided to ensure that other equivalent food service is available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals.

Unless not practicable, a person providing intercity rail transportation shall place an accessible car adjacent to the end of a dining car described in clause (i) through which an individual who uses a wheelchair may enter.

(B) Bi-level dining cars. On any train in which a bi-level dining car is used to provide food service

(i) if such train includes a bi-level lounge car purchased after the date of enactment of this Act, table service in such lounge car shall be provided to individuals who use wheelchairs and to other passengers; and

(ii) appropriate auxiliary aids and services, including a hard surface on which to eat, shall be provided to ensure that other equivalent food service is available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals.

(b) Commuter Rail Transportation.

(1) One car per train rule. It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person who provides commuter rail transportation to fail to have at least one passenger car per train that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, in accordance with regulations issued under section 244, as soon as practicable, but in no event later than 5 years after the date of enactment of this Act.

(2) New commuter rail cars.

(A) General rule. It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease any new rail passenger cars for use in commuter rail transportation, and for which a solicitation is made later than 30 days after the effective date of this section, unless all such rail cars are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(B) Accessibility. For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), a requirement that a rail passenger car used in commuter rail transportation be accessible to or readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, shall not be construed to require

- (i) a restroom usable by an individual who uses a wheelchair if no restroom is provided in such car for any passenger;
  - (ii) space to fold and store a wheelchair; or
  - (iii) a seat to which a passenger who uses a wheelchair can transfer.
- (c) **Used Rail Cars.** It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease a used rail passenger car for use in intercity or commuter rail transportation, unless such person makes demonstrated good faith efforts to purchase or lease a used rail car that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.
- (d) **Remanufactured Rail Cars.**
  - (1) **Remanufacturing.** It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to remanufacture a rail passenger car for use in intercity or commuter rail transportation so as to extend its usable life for 10 years or more, unless the rail car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.
  - (2) **Purchase or lease.** It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease a remanufactured rail passenger car for use in intercity or commuter rail transportation unless such car was remanufactured in accordance with paragraph (1).
- (e) **Stations.**
  - (1) **New stations.** It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to build a new station for use in intercity or commuter rail transportation that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.
  - (2) **Existing stations.**
    - (A) **Failure to make readily accessible.**
      - (i) **General rule.** It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a responsible person to fail to make existing stations in the intercity rail transportation system, and existing key stations in commuter rail transportation systems, readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.
      - (ii) **Period for compliance.**
        - (I) **Intercity rail.** All stations in the intercity rail transportation system shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable, but in no event later than 20 years after the date of enactment of this Act.
        - (II) **Commuter rail.** Key stations in commuter rail transportation systems shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than 3 years after the date of enactment of this Act, except that the time limit may be extended by the Secretary of Transportation up to 20 years after the date of enactment of this Act in a case where the raising of the entire passenger platform is



the only means available of attaining accessibility or where other extraordinarily expensive structural changes are necessary to attain accessibility.

(iii) Designation of key stations. Each commuter authority shall designate the key stations in its commuter rail transportation system, in consultation with individuals with disabilities and organizations representing such individuals, taking into consideration such factors as high ridership and whether such station serves as a transfer or feeder station. Before the final designation of key stations under this clause, a commuter authority shall hold a public hearing.

(iv) Plans and milestones. The Secretary of Transportation shall require the appropriate person to develop a plan for carrying out this subparagraph that reflects consultation with individuals with disabilities affected by such plan and that establishes milestones for achievement of the requirements of this subparagraph.

(B) Requirement when making alterations.

(i) General rule. It shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), with respect to alterations of an existing station or part thereof in the intercity or commuter rail transportation systems that affect or could affect the usability of the station or part thereof, for the responsible person, owner, or person in control of the station to fail to make the alterations in such a manner that, to the maximum extent feasible, the altered portions of the station are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations.

(ii) Alterations to a primary function area. It shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), with respect to alterations that affect or could affect the usability of or access to an area of the station containing a primary function, for the responsible person, owner, or person in control of the station to fail to make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area, and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations, where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

(C) Required cooperation. It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for an owner, or person in control, of a station governed by subparagraph (A) or (B) to fail to provide reasonable cooperation to a responsible person with respect to such station in that responsible person's efforts to comply with such subparagraph. An owner, or person in control, of a station shall be liable to a responsible person for any failure to provide reasonable cooperation as required by this subparagraph. Failure to receive reasonable cooperation required by this subparagraph shall not be a defense to a claim of discrimination under this Act.

**Section 243. Conformance Of Accessibility Standards. 42 USC 12163.**

Accessibility standards included in regulations issued under this part shall be consistent with the minimum guidelines issued by the Architectural and Transportation Barriers Compliance Board under section 504(a) of this Act.

**Section 244. Regulations. 42 USC 12164.**

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations, in an accessible format, necessary for carrying out this part.

**Section 245. Interim Accessibility Requirements. 42 USC 12165.**

(a) Stations. If final regulations have not been issued pursuant to section 244, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under such section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice to satisfy the requirement that stations be readily accessible to and usable by persons with disabilities as required under section 242(e), except that, if such final regulations have not been issued one year after the Architectural and Transportation Barriers Compliance Board has issued the supplemental minimum guidelines required under section 504(a) of this Act, compliance with such supplemental minimum guidelines shall be necessary to satisfy the requirement that stations be readily accessible to and usable by persons with disabilities prior to issuance of the final regulations.

(b) Rail Passenger Cars. If final regulations have not been issued pursuant to section 244, a person shall be considered to have complied with the requirements of section 242 (a) through (d) that a rail passenger car be readily accessible to and usable by individuals with disabilities, if the design for such car complies with the laws and regulations (including the Minimum Guidelines and Requirements for Accessible Design and such supplemental minimum guidelines as are issued under section 504(a) of this Act) governing accessibility of such cars, to the extent that such laws and regulations are not inconsistent with this part and are in effect at the time such design is substantially completed.

**Section 246. Effective Date. 42 USC 12161 Note.**

(a) General Rule. Except as provided in subsection (b), this part shall become effective 18 months after the date of enactment of this Act.

(b) Exception. Sections 242 and 244 shall become effective on the date of enactment of this Act.

**Title III -- Public Accommodations And Services Operated By Private Entities**

**Section 301. Definitions. 42 USC 12181.**

As used in this title:

- (1) Commerce. The term commerce means travel, trade, traffic, commerce, transportation, or communication
  - (A) among the several States;
  - (B) between any foreign country or any territory or possession and any State; or
  - (C) between points in the same State but through another State or foreign country.
- (2) Commercial facilities. The term commercial facilities means facilities
  - (A) that are intended for nonresidential use; and
  - (B) whose operations will affect commerce. Such term shall not include railroad locomotives, railroad freight cars, railroad cabooses, railroad cars described in section 242 or covered under this title, railroad rights-of-way, or facilities that are covered or expressly exempted from coverage under the Fair Housing Act of 1968 (42 U.S.C. 3601 et seq.).

- (3) Demand responsive system. The term demand responsive system means any system of providing transportation of individuals by a vehicle, other than a system which is a fixed route system.
- (4) Fixed route system. The term fixed route system means a system of providing transportation of individuals (other than by aircraft) on which a vehicle is operated along a prescribed route according to a fixed schedule.
- (5) Over-the-road bus. The term over-the-road bus means a bus characterized by an elevated passenger deck located over a baggage compartment.
- (6) Private entity. The term private entity means any entity other than a public entity (as defined in section 201(1)).
- (7) Public accommodation. The following private entities are considered public accommodations for purposes of this title, if the operations of such entities affect commerce
- (A) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
  - (B) a restaurant, bar, or other establishment serving food or drink;
  - (C) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
  - (D) an auditorium, convention center, lecture hall, or other place of public gathering;
  - (E) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
  - (F) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;
  - (G) a terminal, depot, or other station used for specified public transportation;
  - (H) a museum, library, gallery, or other place of public display or collection;
  - (I) a park, zoo, amusement park, or other place of recreation;
  - (J) a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;
  - (K) a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and
  - (L) a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.
- (8) Rail and railroad. The terms rail and railroad have the meaning given the term railroad in section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)).
- (9) Readily achievable. The term readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include
- (A) the nature and cost of the action needed under this Act;
  - (B) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
  - (C) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(D) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

(10) Specified public transportation. The term specified public transportation means transportation by bus, rail, or any other conveyance (other than by aircraft) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

(11) Vehicle. The term vehicle does not include a rail passenger car, railroad locomotive, railroad freight car, railroad caboose, or a railroad car described in section 242 or covered under this title.

**Section 302. Prohibition Of Discrimination By Public Accommodations. 42 USC 12182.**

(a) General Rule. No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.

(b) Construction.

(1) General prohibition.

(A) Activities.

(i) Denial of participation. It shall be discriminatory to subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.

(ii) Participation in unequal benefit. It shall be discriminatory to afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

(iii) Separate benefit. It shall be discriminatory to provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(iv) Individual or class of individuals. For purposes of clauses (i) through (iii) of this subparagraph, the term individual or class of individuals refers to the clients or customers of the covered public accommodation that enters into the contractual, licensing or other arrangement.

(B) Integrated settings. Goods, services, facilities, privileges, advantages, and accommodations shall be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(C) Opportunity to participate. Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

(D) Administrative methods. An individual or entity shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration

(i) that have the effect of discriminating on the basis of disability; or

(ii) that perpetuate the discrimination of others who are subject to common administrative control.

(E) Association. It shall be discriminatory to exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities 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.

(2) Specific prohibitions.

(A) Discrimination. For purposes of subsection (a), discrimination includes

(i) the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered;

(ii) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;

(iii) a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden;

(iv) a failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable; and

(v) where an entity can demonstrate that the removal of a barrier under clause (iv) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

(B) Fixed route system.

(i) Accessibility. It shall be considered discrimination for a private entity which operates a fixed route system and which is not subject to section 304 to purchase or lease a vehicle with a seating capacity in excess of 16 passengers (including the driver) for use on such system, for which a solicitation is made after the 30th day following the effective date of this subparagraph, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(ii) Equivalent service. If a private entity which operates a fixed route system and which is not subject to section 304 purchases or leases a vehicle with a seating capacity of 16 passengers or less (including the driver) for use on such system after the effective date of this subparagraph that is not readily accessible to or usable by individuals with

disabilities, it shall be considered discrimination for such entity to fail to operate such system so that, when viewed in its entirety, such system ensures a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities.

(C) Demand responsive system. For purposes of subsection (a), discrimination includes

(i) a failure of a private entity which operates a demand responsive system and which is not subject to section 304 to operate such system so that, when viewed in its entirety, such system ensures a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities; and

(ii) the purchase or lease by such entity for use on such system of a vehicle with a seating capacity in excess of 16 passengers (including the driver), for which solicitations are made after the 30th day following the effective date of this subparagraph, that is not readily accessible to and usable by individuals with disabilities (including individuals who use wheelchairs) unless such entity can demonstrate that such system, when viewed in its entirety, provides a level of service to individuals with disabilities equivalent to that provided to individuals without disabilities.

(D) Over-the-road buses.

(i) Limitation on applicability. Subparagraphs (B) and (C) do not apply to over- the- road buses.

(ii) Accessibility requirements. For purposes of subsection (a), discrimination includes (I) the purchase or lease of an over- the- road bus which does not comply with the regulations issued under section 306(a)(2) by a private entity which provides transportation of individuals and which is not primarily engaged in the business of transporting people, and (II) any other failure of such entity to comply with such regulations.

(3) Specific Construction. Nothing in this title shall require an entity to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of such entity where such individual poses a direct threat to the health or safety of others. The term direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services.

### **Section 303. New Construction And Alterations In Public Accommodations And Commercial Facilities. 42 USC 12183.**

(a) Application of Term. Except as provided in subsection (b), as applied to public accommodations and commercial facilities, discrimination for purposes of section 302(a) includes

(1) a failure to design and construct facilities for first occupancy later than 30 months after the date of enactment of this Act that are readily accessible to and usable by individuals with disabilities, except where an entity can demonstrate that it is structurally impracticable to meet the requirements of such subsection in accordance with standards set forth or incorporated by reference in regulations issued under this title; and

(2) with respect to a facility or part thereof that is altered by, on behalf of, or for the use of an establishment in a manner that affects or could affect the usability of the facility or part thereof, a failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Where the entity is undertaking an alteration that affects or could affect usability of or access to an area of the facility containing a primary

function, the entity shall also make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

(b) Elevator. Subsection (a) shall not be construed to require the installation of an elevator for facilities that are less than three stories or have less than 3,000 square feet per story unless the building is a shopping center, a shopping mall, or the professional office of a health care provider or unless the Attorney General determines that a particular category of such facilities requires the installation of elevators based on the usage of such facilities.

**Section 304. Prohibition Of Discrimination In Specified Public Transportation Services Provided By Private Entities. 42 USC 12184.**

(a) General Rule. No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of specified public transportation services provided by a private entity that is primarily engaged in the business of transporting people and whose operations affect commerce.

(b) Construction. For purposes of subsection (a), discrimination includes

(1) the imposition or application by a entity described in subsection (a) of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully enjoying the specified public transportation services provided by the entity, unless such criteria can be shown to be necessary for the provision of the services being offered;

(2) the failure of such entity to

(A) make reasonable modifications consistent with those required under section 302(b)(2)(A)(ii);

(B) provide auxiliary aids and services consistent with the requirements of section 302(b)(2)(A)(iii); and

(C) remove barriers consistent with the requirements of section 302(b)(2)(A) and with the requirements of section 303(a)(2);

(3) the purchase or lease by such entity of a new vehicle (other than an automobile, a van with a seating capacity of less than 8 passengers, including the driver, or an over-the-road bus) which is to be used to provide specified public transportation and for which a solicitation is made after the 30th day following the effective date of this section, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; except that the new vehicle need not be readily accessible to and usable by such individuals if the new vehicle is to be used solely in a demand responsive system and if the entity can demonstrate that such system, when viewed in its entirety, provides a level of service to such individuals equivalent to the level of service provided to the general public;

(4)

(A) the purchase or lease by such entity of an over- the- road bus which does not comply with the regulations issued under section 306(a)(2); and

(B) any other failure of such entity to comply with such regulations; and

(5) the purchase or lease by such entity of a new van with a seating capacity of less than 8 passengers, including the driver, which is to be used to provide specified public transportation and for which a solicitation is made after the 30th day following the effective date of this section that is not readily accessible to or usable by individuals with disabilities, including individuals who use wheelchairs; except that the new van need not be readily accessible to and usable by

such individuals if the entity can demonstrate that the system for which the van is being purchased or leased, when viewed in its entirety, provides a level of service to such individuals equivalent to the level of service provided to the general public;

(6) the purchase or lease by such entity of a new rail passenger car that is to be used to provide specified public transportation, and for which a solicitation is made later than 30 days after the effective date of this paragraph, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; and

(7) the remanufacture by such entity of a rail passenger car that is to be used to provide specified public transportation so as to extend its usable life for 10 years or more, or the purchase or lease by such entity of such a rail car, unless the rail car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) Historical or Antiquated Cars.

(1) Exception. To the extent that compliance with subsection (b)(2)(C) or (b)(7) would significantly alter the historic or antiquated character of a historical or antiquated rail passenger car, or a rail station served exclusively by such cars, or would result in violation of any rule, regulation, standard, or order issued by the Secretary of Transportation under the Federal Railroad Safety Act of 1970, such compliance shall not be required.

(2) Definition. As used in this subsection, the term

historical or antiquated rail passenger car means a rail passenger car

(A) which is not less than 30 years old at the time of its use for transporting individuals;

(B) the manufacturer of which is no longer in the business of manufacturing rail passenger cars; and

(C) which

(i) has a consequential association with events or persons significant to the past; or

(ii) embodies, or is being restored to embody, the distinctive characteristics of a type of rail passenger car used in the past, or to represent a time period which has passed.

**Section 305. Study. 42 USC 12185.**

a) Purposes. The Office of Technology Assessment shall undertake a study to determine

(1) the access needs of individuals with disabilities to over-the-road buses and over-the-road bus service; and

(2) the most cost-effective methods for providing access to over-the-road buses and over-the-road bus service to individuals with disabilities, particularly individuals who use wheelchairs, through all forms of boarding options.

(b) Contents. The study shall include, at a minimum, an analysis of the following:

(1) The anticipated demand by individuals with disabilities for accessible over-the-road buses and over-the-road bus service.

(2) The degree to which such buses and service, including any service required under sections 304(b)(4) and 306(a)(2), are readily accessible to and usable by individuals with disabilities.

(3) The effectiveness of various methods of providing accessibility to such buses and service to individuals with disabilities.

(4) The cost of providing accessible over-the-road buses and bus service to individuals with disabilities, including consideration of recent technological and cost saving developments in equipment and devices.



(5) Possible design changes in over-the-road buses that could enhance accessibility, including the installation of accessible restrooms which do not result in a loss of seating capacity.

(6) The impact of accessibility requirements on the continuation of over-the-road bus service, with particular consideration of the impact of such requirements on such service to rural communities.

(c) Advisory Committee. In conducting the study required by subsection (a), the Office of Technology Assessment shall establish an advisory committee, which shall consist of

(1) members selected from among private operators and manufacturers of over-the-road buses;

(2) members selected from among individuals with disabilities, particularly individuals who use wheelchairs, who are potential riders of such buses; and

(3) members selected for their technical expertise on issues included in the study, including manufacturers of boarding assistance equipment and devices.

The number of members selected under each of paragraphs (1) and (2) shall be equal, and the total number of members selected under paragraphs (1) and (2) shall exceed the number of members selected under paragraph (3).

(d) Deadline. The study required by subsection (a), along with recommendations by the Office of Technology Assessment, including any policy options for legislative action, shall be submitted to the President and Congress within 36 months after the date of the enactment of this Act. If the President determines that compliance with the regulations issued pursuant to section 306(a)(2)(B) on or before the applicable deadlines specified in section 306(a)(2)(B) will result in a significant reduction in intercity over-the-road bus service, the President shall extend each such deadline by 1 year.

(e) Review. In developing the study required by subsection (a), the Office of Technology Assessment shall provide a preliminary draft of such study to the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792). The Board shall have an opportunity to comment on such draft study, and any such comments by the Board made in writing within 120 days after the Board's receipt of the draft study shall be incorporated as part of the final study required to be submitted under subsection (d).

### **Section 306. Regulations. 42 USC 12186.**

(a) Transportation Provisions.

(1) General rule. Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations in an accessible format to carry out sections 302(b)(2) (B) and (C) and to carry out section 304 (other than subsection (b)(4)).

(2) Special rules for providing access to over-the-road buses.

(A) Interim requirements.

(i) Issuance. Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations in an accessible format to carry out sections 304(b)(4) and 302(b)(2)(D)(ii) that require each private entity which uses an over-the-road bus to provide transportation of individuals to provide accessibility to such bus; except that such regulations shall not require any structural changes in over-the-road buses in order to provide access to individuals who use wheelchairs during the effective period of such regulations and shall not require the purchase of boarding assistance devices to provide access to such individuals.

(ii) Effective period. The regulations issued pursuant to this subparagraph shall be effective until the effective date of the regulations issued under subparagraph (B).

(B) Final requirement.

(i) Review of study and interim requirements. The Secretary shall review the study submitted under section 305 and the regulations issued pursuant to subparagraph (A).

(ii) Issuance. Not later than 1 year after the date of the submission of the study under section 305, the Secretary shall issue in an accessible format new regulations to carry out sections 304(b)(4) and 302(b)(2)(D)(ii) that require, taking into account the purposes of the study under section 305 and any recommendations resulting from such study, each private entity which uses an over-the-road bus to provide transportation to individuals to provide accessibility to such bus to individuals with disabilities, including individuals who use wheelchairs.

(iii) Effective period. Subject to section 305(d), the regulations issued pursuant to this subparagraph shall take effect

(I) with respect to small providers of transportation (as defined by the Secretary), 7 years after the date of the enactment of this Act; and

(II) with respect to other providers of transportation, 6 years after such date of enactment.

(C) Limitation on requiring installation of accessible restrooms. The regulations issued pursuant to this paragraph shall not require the installation of accessible restrooms in over-the-road buses if such installation would result in a loss of seating capacity.

(3) Standards. The regulations issued pursuant to this subsection shall include standards applicable to facilities and vehicles covered by sections 302(b)(2) and 304.

(b) Other Provisions. Not later than 1 year after the date of the enactment of this Act, the Attorney General shall issue regulations in an accessible format to carry out the provisions of this title not referred to in subsection (a) that include standards applicable to facilities and vehicles covered under section 302.

(c) Consistency With ATBCB Guidelines. Standards included in regulations issued under subsections (a) and (b) shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 504 of this Act.

(d) Interim Accessibility Standards.

(1) Facilities. If final regulations have not been issued pursuant to this section, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under this section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities as required under section 303, except that, if such final regulations have not been issued one year after the Architectural and Transportation Barriers Compliance Board has issued the supplemental minimum guidelines required under section 504(a) of this Act, compliance with such supplemental minimum guidelines shall be necessary to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities prior to issuance of the final regulations.

(2) Vehicles and rail passenger cars. If final regulations have not been issued pursuant to this section, a private entity shall be considered to have complied with the requirements of this title, if any, that a vehicle or rail passenger car be readily accessible to and usable by individuals with disabilities, if the design for such vehicle or car complies with the laws and regulations (including the Minimum Guidelines and Requirements for Accessible Design and such supplemental minimum guidelines as are issued under section 504(a) of this Act) governing accessibility of

such vehicles or cars, to the extent that such laws and regulations are not inconsistent with this title and are in effect at the time such design is substantially completed.

**Section 307. Exemptions For Private Clubs And Religious Organizations. 42 USC 12187.**

The provisions of this title shall not apply to private clubs or establishments exempted from coverage under title II of the Civil Rights Act of 1964 (42 U.S.C. 2000- a(e)) or to religious organizations or entities controlled by religious organizations, including places of worship.

**Section 308. Enforcement. 42 USC 12188.**

(a) In General.

(1) Availability of remedies and procedures. The remedies and procedures set forth in section 204(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000a- 3(a)) are the remedies and procedures this title provides to any person who is being subjected to discrimination on the basis of disability in violation of this title or who has reasonable grounds for believing that such person is about to be subjected to discrimination in violation of section 303. Nothing in this section shall require a person with a disability to engage in a futile gesture if such person has actual notice that a person or organization covered by this title does not intend to comply with its provisions.

(2) Injunctive relief. In the case of violations of sections 302(b)(2)(A)(iv) and section 303(a), injunctive relief shall include an order to alter facilities to make such facilities readily accessible to and usable by individuals with disabilities to the extent required by this title. Where appropriate, injunctive relief shall also include requiring the provision of an auxiliary aid or service, modification of a policy, or provision of alternative methods, to the extent required by this title.

(b) Enforcement by the Attorney General.

(1) Denial of rights.

(A) Duty to investigate.

(i) In general. The Attorney General shall investigate alleged violations of this title, and shall undertake periodic reviews of compliance of covered entities under this title.

(ii) Attorney General Certification. On the application of a State or local government, the Attorney General may, in consultation with the Architectural and Transportation Barriers Compliance Board, and after prior notice and a public hearing at which persons, including individuals with disabilities, are provided an opportunity to testify against such certification, certify that a State law or local building code or similar ordinance that establishes accessibility requirements meets or exceeds the minimum requirements of this Act for the accessibility and usability of covered facilities under this title. At any enforcement proceeding under this section, such certification by the Attorney General shall be rebuttable evidence that such State law or local ordinance does meet or exceed the minimum requirements of this Act.

(B) Potential violation. If the Attorney General has reasonable cause to believe that

(i) any person or group of persons is engaged in a pattern or practice of discrimination under this title; or

(ii) any person or group of persons has been discriminated against under this title and such discrimination raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

(2) Authority of court. In a civil action under paragraph (1)(B), the court

(A) may grant any equitable relief that such court considers to be appropriate, including, to the extent required by this title

- (i) granting temporary, preliminary, or permanent relief;
- (ii) providing an auxiliary aid or service, modification of policy, practice, or procedure, or alternative method; and
- (iii) making facilities readily accessible to and usable by individuals with disabilities;

(B) may award such other relief as the court considers to be appropriate, including monetary damages to persons aggrieved when requested by the Attorney General; and

(C) may, to vindicate the public interest, assess a civil penalty against the entity in an amount

- (i) not exceeding \$50,000 for a first violation; and
- (ii) not exceeding \$100,000 for any subsequent violation.

(3) Single violation. For purposes of paragraph (2)(C), in determining whether a first or subsequent violation has occurred, a determination in a single action, by judgment or settlement, that the covered entity has engaged in more than one discriminatory act shall be counted as a single violation.

(4) Punitive damages. For purposes of subsection (b)(2)(B), the term monetary damages and such other relief does not include punitive damages.

(5) Judicial consideration. In a civil action under paragraph (1)(B), the court, when considering what amount of civil penalty, if any, is appropriate, shall give consideration to any good faith effort or attempt to comply with this Act by the entity. In evaluating good faith, the court shall consider, among other factors it deems relevant, whether the entity could have reasonably anticipated the need for an appropriate type of auxiliary aid needed to accommodate the unique needs of a particular individual with a disability.

**Section 309. Examinations And Courses. 42 USC 12189.**

Any person that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.

**Section 310. Effective Date. 42 USC 12181 Note.**

(a) General Rule. Except as provided in subsections (b) and (c), this title shall become effective 18 months after the date of the enactment of this Act.

(b) Civil Actions. Except for any civil action brought for a violation of section 303, no civil action shall be brought for any act or omission described in section 302 which occurs

- (1) during the first 6 months after the effective date, against businesses that employ 25 or fewer employees and have gross receipts of \$1,000,000 or less; and
- (2) during the first year after the effective date, against businesses that employ 10 or fewer employees and have gross receipts of \$500,000 or less.

(c) Exception. Sections 302(a) for purposes of section 302(b)(2) (B) and (C) only, 304(a) for purposes of section 304(b)(3) only, 304(b)(3), 305, and 306 shall take effect on the date of the enactment of this Act.

## **Title IV -- Telecommunications**

### **Section 401. Telecommunications Relay Services For Hearing-Impaired And Speech- Impaired Individuals.**

(a) Telecommunications. Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section:

Section 225. Telecommunications Services For Hearing-Impaired And Speech-Impaired Individuals. *State And Local Governments. 47 USC 225.*

(a) Definitions. As used in this section

(1) Common carrier or carrier. The term `common carrier or `carrier includes any common carrier engaged in interstate communication by wire or radio as defined in section 3(h) and any common carrier engaged in intrastate communication by wire or radio, notwithstanding sections 2(b) and 221(b).

(2) TDD. The term `TDD means a Telecommunications Device for the Deaf, which is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system.

(3) Telecommunications relay services. The term `telecommunications relay services means telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. Such term includes services that enable two- way communication between an individual who uses a TDD or other nonvoice terminal device and an individual who does not use such a device.

(b) Availability of Telecommunications Relay Services.

(1) In general. In order to carry out the purposes established under section 1, to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing- impaired and speech- impaired individuals in the United States.

(2) Use of General Authority and Remedies. For the purposes of administering and enforcing the provisions of this section and the regulations prescribed thereunder, the Commission shall have the same authority, power, and functions with respect to common carriers engaged in intrastate communication as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier engaged in interstate communication. Any violation of this section by any common carrier engaged in intrastate communication shall be subject to the same remedies, penalties, and procedures as are applicable to a violation of this Act by a common carrier engaged in interstate communication.

(c) Provision of Services. Each common carrier providing telephone voice transmission services shall, not later than 3 years after the date of enactment of this section, provide in compliance with the regulations prescribed under this section, throughout the area in which it offers service, telecommunications relay services, individually, through designees, through a competitively selected vendor, or in concert with other carriers. A common carrier shall be considered to be in compliance with such regulations

(1) with respect to intrastate telecommunications relay services in any State that does not have a certified program under subsection (f) and with respect to interstate telecommunications relay services, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with the Commissions regulations under subsection (d); or

(2) with respect to intrastate telecommunications relay services in any State that has a certified program under subsection (f) for such State, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with the program certified under subsection (f) for such State.

(d) Regulations.

(1) In general. The Commission shall, not later than 1 year after the date of enactment of this section, prescribe regulations to implement this section, including regulations that

(A) establish functional requirements, guidelines, and operations procedures for telecommunications relay services;

(B) establish minimum standards that shall be met in carrying out subsection (c);

(C) require that telecommunications relay services operate every day for 24 hours per day;

(D) require that users of telecommunications relay services pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to point of termination;

(E) prohibit relay operators from failing to fulfill the obligations of common carriers by refusing calls or limiting the length of calls that use telecommunications relay services;

(F) prohibit relay operators from disclosing the content of any relayed conversation and from keeping records of the content of any such conversation beyond the duration of the call; and

(G) prohibit relay operators from intentionally altering a relayed conversation.

(2) Technology. The Commission shall ensure that regulations prescribed to implement this section encourage, consistent with section 7(a) of this Act, the use of existing technology and do not discourage or impair the development of improved technology.

(3) Jurisdictional separation of costs.

(A) In general. Consistent with the provisions of section 410 of this Act, the Commission shall prescribe regulations governing the jurisdictional separation of costs for the services provided pursuant to this section.

(B) Recovering costs. Such regulations shall generally provide that costs caused by interstate telecommunications relay services shall be recovered from all subscribers for every interstate service and costs caused by intrastate telecommunications relay services shall be recovered from the intrastate jurisdiction. In a State that has a certified program under subsection (f), a State commission shall permit a common carrier to recover the costs incurred in providing intrastate telecommunications relay services by a method consistent with the requirements of this section.

(e) Enforcement.

(1) In general. Subject to subsections (f) and (g), the Commission shall enforce this section.

(2) Complaint. The Commission shall resolve, by final order, a complaint alleging a violation of this section within 180 days after the date such complaint is filed.

(f) Certification.

(1) State documentation. Any State desiring to establish a State program under this section shall submit documentation to the Commission that describes the program of such State for implementing intrastate telecommunications relay services and the procedures and remedies available for enforcing any requirements imposed by the State program.

(2) Requirements for certification. After review of such documentation, the Commission shall certify the State program if the Commission determines that

- (A) the program makes available to hearing- impaired and speech- impaired individuals, either directly, through designees, through a competitively selected vendor, or through regulation of intrastate common carriers, intrastate telecommunications relay services in such State in a manner that meets or exceeds the requirements of regulations prescribed by the Commission under subsection (d); and
- (B) the program makes available adequate procedures and remedies for enforcing the requirements of the State program.
- (3) Method of funding. Except as provided in subsection (d), the Commission shall not refuse to certify a State program based solely on the method such State will implement for funding intrastate telecommunication relay services.
- (4) Suspension or revocation of certification. The Commission may suspend or revoke such certification if, after notice and opportunity for hearing, the Commission determines that such certification is no longer warranted. In a State whose program has been suspended or revoked, the Commission shall take such steps as may be necessary, consistent with this section, to ensure continuity of telecommunications relay services.
- (g) Complaint.
  - (1) Referral of complaint. If a complaint to the Commission alleges a violation of this section with respect to intrastate telecommunications relay services within a State and certification of the program of such State under subsection (f) is in effect, the Commission shall refer such complaint to such State.
  - (2) Jurisdiction of commission. After referring a complaint to a State under paragraph (1), the Commission shall exercise jurisdiction over such complaint only if
    - (A) final action under such State program has not been taken on such complaint by such State
      - (i) within 180 days after the complaint is filed with such State; or
      - (ii) within a shorter period as prescribed by the regulations of such State; or
    - (B) the Commission determines that such State program is no longer qualified for certification under subsection (f). .
- (b) Conforming Amendments. The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended
  - (1) in section 2(b) (47 U.S.C. 152(b)), by striking section 224 and inserting sections 224 and 225 ; and
  - (2) in section 221(b) (47 U.S.C. 221(b)), by striking section 301 and inserting sections 225 and 301.

**Section 402. Closed-Captioning Of Public Service Announcements.**

Section 711 of the Communications Act of 1934 is amended to read as follows:

SEC. 711. CLOSED- CAPTIONING OF PUBLIC SERVICE ANNOUNCEMENTS. *47 USC 611.*

Any television public service announcement that is produced or funded in whole or in part by any agency or instrumentality of Federal Government shall include closed captioning of the verbal content of such announcement. A television broadcast station licensee

- (1) shall not be required to supply closed captioning for any such announcement that fails to include it; and
- (2) shall not be liable for broadcasting any such announcement without transmitting a closed caption unless the licensee intentionally fails to transmit the closed caption that was included with the announcement. .

## **Title V -- Miscellaneous Provisions**

### **Section 501. Construction. 42 USC 12201.**

(a) In General. Except as otherwise provided in this Act, nothing in this Act shall be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.) or the regulations issued by Federal agencies pursuant to such title.

(b) Relationship to Other Laws. Nothing in this Act shall be construed to invalidate or limit the remedies, rights, and procedures of any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for the rights of individuals with disabilities than are afforded by this Act. Nothing in this Act shall be construed to preclude the prohibition of, or the imposition of restrictions on, smoking in places of employment covered by title I, in transportation covered by title II or III, or in places of public accommodation covered by title III.

(c) Insurance. Titles I through IV of this Act shall not be construed to prohibit or restrict

(1) an insurer, hospital or medical service company, health maintenance organization, or any agent, or entity that administers benefit plans, or similar organizations from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

(2) a person or organization covered by this Act from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

(3) a person or organization covered by this Act from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance. Paragraphs (1), (2), and (3) shall not be used as a subterfuge to evade the purposes of title I and III.

(d) Accommodations and Services. Nothing in this Act shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not to accept.

### **Section 502. State Immunity. 42 USC 12202.**

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.

### **Section 503. Prohibition Against Retaliation And Coercion. 42 USC 12203.**

(a) Retaliation. No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this Act or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) Interference, Coercion, or Intimidation. It shall be unlawful to 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 this Act.

(c) Remedies and Procedures. The remedies and procedures available under sections 107, 203, and 308 of this Act shall be available to aggrieved persons for violations of subsections (a) and (b), with respect to title I, title II and title III, respectively.



**Section 504. Regulations By The Architectural And Transportation Barriers Compliance Board. 42 USC 12204.**

(a) Issuance of Guidelines. Not later than 9 months after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board shall issue minimum guidelines that shall supplement the existing Minimum Guidelines and Requirements for Accessible Design for purposes of titles II and III of this Act.

(b) Contents of Guidelines. The supplemental guidelines issued under subsection (a) shall establish additional requirements, consistent with this Act, to ensure that buildings, facilities, rail passenger cars, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities.

(c) Qualified Historic Properties.

(1) In general. The supplemental guidelines issued under subsection (a) shall include procedures and requirements for alterations that will threaten or destroy the historic significance of qualified historic buildings and facilities as defined in 4.1.7(1)(a) of the Uniform Federal Accessibility Standards.

(2) Sites eligible for listing in national register. With respect to alterations of buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 et seq.), the guidelines described in paragraph (1) shall, at a minimum, maintain the procedures and requirements established in 4.1.7 (1) and (2) of the Uniform Federal Accessibility Standards.

(3) Other sites. With respect to alterations of buildings or facilities designated as historic under State or local law, the guidelines described in paragraph (1) shall establish procedures equivalent to those established by 4.1.7(1) (b) and (c) of the Uniform Federal Accessibility Standards, and shall require, at a minimum, compliance with the requirements established in 4.1.7(2) of such standards.

**Section 505. Attorneys Fees. 42 USC 12205.**

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

**Section 506. Technical Assistance. 42 USC 12206.**

(a) Plan for Assistance.

(1) In general. Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Chair of the Equal Employment Opportunity Commission, the Secretary of Transportation, the Chair of the Architectural and Transportation Barriers Compliance Board, and the Chairman of the Federal Communications Commission, shall develop a plan to assist entities covered under this Act, and other Federal agencies, in understanding the responsibility of such entities and agencies under this Act.

(1) Publication of plan. The Attorney General shall publish the plan referred to in paragraph (2) for public comment in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act).

(b) Agency and Public Assistance. The Attorney General may obtain the assistance of other Federal agencies in carrying out subsection (a), including the National Council on Disability, the President's Committee on Employment of People with Disabilities, the Small Business Administration, and the Department of Commerce.

(c) Implementation.

(1) Rendering assistance. Each Federal agency that has responsibility under paragraph (2) for implementing this Act may render technical assistance to individuals and institutions that have rights or duties under the respective title or titles for which such agency has responsibility.

(2) Implementation of titles.

(A) Title I. The Equal Employment Opportunity Commission and the Attorney General shall implement the plan for assistance developed under subsection (a), for title I.

(B) Title II.

(i) Subtitle a. The Attorney General shall implement such plan for assistance for subtitle A of title II.

(ii) Subtitle b. The Secretary of Transportation shall implement such plan for assistance for subtitle B of title II.

(C) Title III. The Attorney General, in coordination with the Secretary of Transportation and the Chair of the Architectural Transportation Barriers Compliance Board, shall implement such plan for assistance for title III, except for section 304, the plan for assistance for which shall be implemented by the Secretary of Transportation.

(D) Title IV. The Chairman of the Federal Communications Commission, in coordination with the Attorney General, shall implement such plan for assistance for title IV.

(3) Technical assistance manuals. Each Federal agency that has responsibility under paragraph (2) for implementing this Act shall, as part of its implementation responsibilities, ensure the availability and provision of appropriate technical assistance manuals to individuals or entities with rights or duties under this Act no later than six months after applicable final regulations are published under titles I, II, III, and IV.

(d) Grants and Contracts.

(1) In general. Each Federal agency that has responsibility under subsection (c)(2) for implementing this Act may make grants or award contracts to effectuate the purposes of this section, subject to the availability of appropriations. Such grants and contracts may be awarded to individuals, institutions not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual (including educational institutions), and associations representing individuals who have rights or duties under this Act. Contracts may be awarded to entities organized for profit, but such entities may not be the recipients or grants described in this paragraph.

(2) Dissemination of information. Such grants and contracts, among other uses, may be designed to ensure wide dissemination of information about the rights and duties established by this Act and to provide information and technical assistance about techniques for effective compliance with this Act.

(e) Failure to Receive Assistance. An employer, public accommodation, or other entity covered under this Act shall not be excused from compliance with the requirements of this Act because of any failure to receive technical assistance under this section, including any failure in the development or dissemination of any technical assistance manual authorized by this section.

**Section 507. Federal Wilderness Areas. 42 USC 12207.**

(a) Study. The National Council on Disability shall conduct a study and report on the effect that wilderness designations and wilderness land management practices have on the ability of individuals with disabilities to use and enjoy the National Wilderness Preservation System as established under the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) Submission of Report. Not later than 1 year after the enactment of this Act, the National Council on Disability shall submit the report required under subsection (a) to Congress.

(c) Specific Wilderness Access.

(1) In general. Congress reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires use of a wheelchair, and consistent with the Wilderness Act no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a wilderness area in order to facilitate such use.

(2) Definition. For purposes of paragraph (1), the term wheelchair means a device designed solely for use by a mobility- impaired person for locomotion, that is suitable for use in an indoor pedestrian area.

**Section 508. Transvestites. 42 USC 12208.**

For the purposes of this Act, the term disabled or disability shall not apply to an individual solely because that individual is a transvestite.

**Section 509. Coverage Of Congress And The Agencies Of The Legislative Branch. 42 USC 12209.**

(a) Coverage of the Senate.

(1) Commitment to Rule XLII. The Senate reaffirms its commitment to Rule XLII of the Standing Rules of the Senate which provides as follows:

No member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof

(A) fail or refuse to hire an individual;

(B) discharge an individual; or

(C) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment on the basis of such individuals race, color, religion, sex, national origin, age, or state of physical handicap. .

(2) Application to Senate employment. The rights and protections provided pursuant to this Act, the Civil Rights Act of 1990 (S. 2104, 101st Congress), the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973 shall apply with respect to employment by the United States Senate.

(3) Investigation and adjudication of claims. All claims raised by any individual with respect to Senate employment, pursuant to the Acts referred to in paragraph (2), shall be investigated and adjudicated by the Select Committee on Ethics, pursuant to S. Res. 338, 88th Congress, as amended, or such other entity as the Senate may designate.

(4) Rights of employees. The Committee on Rules and Administration shall ensure that Senate employees are informed of their rights under the Acts referred to in paragraph (2).

(5) Applicable Remedies. When assigning remedies to individuals found to have a valid claim under the Acts referred to in paragraph (2), the Select Committee on Ethics, or such other entity as the Senate may designate, should to the extent practicable apply the same remedies applicable to all other employees covered by the Acts referred to in paragraph (2). Such remedies shall apply exclusively.

(6) Matters Other Than Employment.

(A) In General. The rights and protections under this Act shall, subject to subparagraph (B), apply with respect to the conduct of the Senate regarding matters other than employment.

(B) Remedies. The Architect of the Capitol shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to subparagraph (A). Such remedies and procedures shall apply exclusively, after approval in accordance with subparagraph (C).

(C) Proposed remedies and procedures. For purposes of subparagraph (B), the Architect of the Capitol shall submit proposed remedies and procedures to the Senate Committee on Rules and Administration. The remedies and procedures shall be effective upon the approval of the Committee on Rules and Administration.

(7) Exercise of rulemaking power. Notwithstanding any other provision of law, enforcement and adjudication of the rights and protections referred to in paragraph (2) and (6)(A) shall be within the exclusive jurisdiction of the United States Senate. The provisions of paragraph (1), (3), (4), (5), (6)(B), and (6)(C) are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

(b) Coverage of the House of Representatives.

(1) In general. Notwithstanding any other provision of this Act or of law, the purposes of this Act shall, subject to paragraphs (2) and (3), apply in their entirety to the House of Representatives.

(2) Employment in the house.

(A) Application. The rights and protections under this Act shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(B) Administration.

(i) In general. In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

(ii) Resolution. The resolution referred to in clause (i) is House Resolution 15 of the One Hundred First Congress, as agreed to January 3, 1989, or any other provision that continues in effect the provisions of, or is a successor to, the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988).

(C) Exercise of rulemaking power. The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

(3) Matters other than employment.

(A) In general. The rights and protections under this Act shall, subject to subparagraph (B), apply with respect to the conduct of the House of Representatives regarding matters other than employment.

(B) Remedies. The Architect of the Capitol shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to subparagraph (A). Such remedies and procedures shall apply exclusively, after approval in accordance with subparagraph (C).

(C) Approval. For purposes of subparagraph (B), the Architect of the Capitol shall submit proposed remedies and procedures to the Speaker of the House of Representatives. The remedies and procedures shall be effective upon the approval of the Speaker, after consultation with the House Office Building Commission.

(c) Instrumentalities of Congress.

- (1) In general. The rights and protections under this Act shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.
- (2) Establishment of remedies and procedures by instrumentalities. The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively.
- (3) Report to congress. The chief official of each instrumentality of the Congress shall, after establishing remedies and prcedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.
- (4) Definition of instrumentalities. For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the United States Botanic Garden.
- (5) Construction. Nothing in this section shall alter the enforcement procedures for individuals with disabilities provided in the General Accounting Office Personnel Act of 1980 and regulations promulgated pursuant to that Act.

**Section 510. Illegal Use Of Drugs. 42 USC 12210.**

- (a) In General. For purposes of this Act, the term individual with a disability does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.
- (b) Rules of Construction. Nothing in subsection (a) shall be construed to exclude as an individual with a disability an individual who
  - (1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;
  - (2) is participating in a supervised rehabilitation program and is no longer engaging in such use; or
  - (3) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (1) or (2) is no longer engaging in the illegal use of drugs; however, nothing in this section shall be construed to encourage, prohibit, restrict, or authorize the conducting of testing for the illegal use of drugs.
- (c) Health and Other Services. Notwithstanding subsection (a) and section 511(b)(3), an individual shall not be denied health services, or services provided in connection with drug rehabilitation, on the basis of the current illegal use of drugs if the individual is otherwise entitled to such services.
- (d) Definition of Illegal use of drugs.
  - (1) In general. The term illegal use of drugs means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). Such term 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.
  - (2) Drugs. The term drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act.

**Section 511. Definitions. 42 USC 12211.**

(a) Homosexuality and Bisexuality. For purposes of the definition of disability in section 3(2), homosexuality and bisexuality are not impairments and as such are not disabilities under this Act.

(b) Certain Conditions. Under this Act, the term disability shall not include

- (1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
- (2) compulsive gambling, kleptomania, or pyromania; or
- (3) psychoactive substance use disorders resulting from current illegal use of drugs.

**Section 512. Amendments To The Rehabilitation Act. 42 USC 12115.**

(a) Definition of Handicapped Individual. Section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)) is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following subparagraph:

(C)

(i) For purposes of title V, the term `individual with handicaps does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use.

(ii) Nothing in clause (i) shall be construed to exclude as an individual with handicaps an individual who

(I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(III) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

(iii) Notwithstanding clause (i), for purposes of programs and activities providing health services and services provided under titles I, II and III, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

(iv) For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any handicapped student who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against non-handicapped students. Furthermore, the due process procedures at 34 CFR 104.36 shall not apply to such disciplinary actions.

(v) For purposes of sections 503 and 504 as such sections relate to employment, the term individual with handicaps does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. .

(b) Definition of Illegal Drugs. Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is amended by adding at the end the following new paragraph: (22)

(A) The term `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).

(B) The term illegal use of drugs means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. Such term 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.

(c) Conforming Amendments. Section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B)) is amended

(1) in the first sentence, by striking Subject to the second sentence of this subparagraph, and inserting Subject to subparagraphs (C) and (D), ; and

(2) by striking the second sentence.

**Section 513. Alternative Means Of Dispute Resolution. 42 USC 12212.**

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 this Act.

**Section 514. Severability. 42 USC 12213.**

Should any provision in this Act be found to be unconstitutional by a court of law, such provision shall be severed from the remainder of the Act, and such action shall not affect the enforceability of the remaining provisions of the Act.

Approved July 26, 1990.

**Legislative History- S. 933 (H.R. 2273):**

HOUSE REPORTS: No. 101- 485, Pt. 1 (Comm. on Public Works and Transportation), Pt. 2 (Comm. on Education and Labor), Pt. 3 (Comm. on the Judiciary), and Pt. 4 (Comm. on Energy and Commerce) all accompanying H.R. 2272; and No. 101- 558 and No. 101- 56 both from (Comm. of Conference).

SENATE REPORTS: No. 101- 116 (Comm. on Labor and Human Resources).

**CONGRESSIONAL RECORD:**

Vol. 135 (1989): Sept. 7, considered and passed by Senate.

Vol. 136 (1990): May 17, 22, H.R. 2273 considered and passed House; S. 933 passed in lieu.

July 11, Senate recommitted conference report.

July 12, House agreed to conference report.

July 13, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990): July 26, Presidential remarks and statement.

## **Selected Bibliography<sup>32</sup>**

### **Statutes**

P.L. 101-336, 104 Stat. 327, July 30, 1990. 42 U.S.C. §1201 et seq.; 47 U.S.C.A. §§152, 221, 225, 611

P.L. 102-166, 105 Stat. 1077, Nov. 21, 1991. 42 U.S.C. §§121 11, 12112, 12209

P.L. 104-1, 109 Stat. 8, Jan. 23, 1995. 2 U.S.C. §§1311, 1331

P.L. 104-59, 109 Stat. 608, Nov. 28, 1995. 42 U.S.C. §§12209, 12186

P.L. 104-287, 110 Stat. 3400, Oct. 11, 1996. 42 U.S.C. §12161

### **Legislative History**

1990 U.S.C.C.A.N., vol. 4, pp. 267 et seq. (selected materials)

1995 U.S.C.C.A.N., vol. 2, pp. 545 et seq. (selected materials)

1996 U.S.C.C.A.N., vol. 6, pp. 385 et seq. (selected materials)

### **Regulations**

29 C.F.R. Sections 1630 et seq., 56 F.R. 35726 (July 26, 1991)

29 C.F.R. 1602 et seq., 56 F.R. 35753 (July 26, 1991)

28 C.F.R. 36 et seq., 56 F.R. 35544 (July 26, 1991)

28 C.F.R. 35 et seq., 56 F.R. 35694 (July 26, 1991)

36 C.F.R. 1191 et seq., 56 F.R. 35408 (July 26, 1991)

36 C.F.R. 1192 et seq., 56 F.R. 45530 (Sept. 6, 1991)

49 C.F.R. 37 et seq., 56 F.R. 45584 (Sept. 6, 1991)

29 C.F.R. 1641, 41 C.F.R. 60742 (Joint regulations), 57 F.R. 2960 (Jan. 24, 1992)

47 C.F.R. 64, 56 F.R. 36731 (Aug. 1, 1991)

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<sup>32</sup> Source: The New York County Lawyers' Association, <http://www.nycla.org/library/bib-disabilities.htm>



## **APPENDIX E: FINAL RULE IMPLEMENTING SECTION 508 OF THE REHABILITATION ACT**<sup>33</sup>

### **Final Rule for Implementing Section 508 of the Rehabilitation Act: Electronic and Information Technology Accessibility for Persons with Disabilities**

As published in the *Federal Register*, April 25, 2001

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DEPARTMENT OF DEFENSE  
GENERAL SERVICES ADMINISTRATION  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION  
48 CFR Parts 2, 7, 10, 11, 12, and 39  
[FAC 97-27; FAR Case 1999-607]  
RIN 9000-AI69  
Federal Acquisition Regulation; Electronic and Information Technology Accessibility

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to implement Section 508 of the Rehabilitation Act of 1973. Subsection 508(a)(3) requires the FAR to be revised to incorporate standards developed by the Architectural and Transportation Barriers Compliance Board (also referred to as the "Access Board").

DATES: Effective Date: June 25, 2001.

Applicability Date: For other than indefinite-quantity contracts, this amendment applies to contracts awarded on or after the effective date. For indefinite-quantity contracts, it is applicable to delivery orders or task orders issued on or after the effective date.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, at (202) 501-1900. Please cite FAC 97-27, FAR case 1999-607.

SUPPLEMENTARY INFORMATION:  
A. Background

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<sup>33</sup> Source: Federal IT Accessibility Initiative, <http://www.section508.gov>

The Workforce Investment Act of 1998, Public Law 105-220, was enacted on August 7, 1998. Title IV of the Act is the Rehabilitation Act Amendments of 1998. Subsection 408(b) amended section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d). Subsection 508(a)(1) requires that when Federal departments or agencies develop, procure, maintain, or use Electronic and Information Technology (EIT), they must ensure that the EIT allows Federal employees with disabilities to have access to and use of information and data that is comparable to the access to and use of information and data by other Federal employees. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal department or agency, have access to and use of information and data that is comparable to that provided to the public without disabilities. Comparable access is not required if it would impose an undue burden.

Subsection 508(a)(2)(A) required the Access Board to publish standards setting forth a definition of EIT and the technical and functional performance criteria necessary for accessibility for such technology by February 7, 2000. Subsection 508(a)(3) required the Federal Acquisition Regulatory Council to revise the FAR to incorporate the Access Board's standards not later than 6 months after the Access Board regulations were published. The Access Board published the final standards in the Federal Register at 65 FR 80500, December 21, 2000.

A proposed rule to amend the FAR was published in the Federal Register at 66 FR 7166, January 22, 2001. The 60-day comment period ended March 23, 2001.

This final rule implements the Access Board's regulations by—

- Including the definition of the term "electronic and information technology," a term created by the statute;
- Incorporating the EIT Standards in acquisition planning, market research, and when describing agency needs; and
- Adding a new Subpart 39.2.

#### Applicability

The proposed rule did not address the issue of whether the new rule would apply to contracts already in existence. A number of public commentors asked for clarification about the applicability of the rule.

For other than indefinite-quantity contracts, this amendment applies to contracts awarded on or after the effective date. For indefinite-quantity contracts, it is applicable to delivery orders or task orders issued on or after the effective date. Indefinite quantity contracts may include Federal Supply Schedule contracts, governmentwide acquisition contracts (GWACs), multi-agency contracts (MACs), and other interagency acquisitions. Exception determinations are not required for award of the underlying indefinite-quantity contracts, except for requirements that are to be satisfied by initial award. Indefinite-quantity contracts may include noncompliant items, provided that any task or delivery order issued for noncompliant EIT meets an applicable exception. Accordingly, requiring activities must ensure compliance with the EIT accessibility standards at 36 CFR part 1194 (or that an exception applies) at time of issuance of task or delivery orders.

Contracting offices that award indefinite-quantity contracts must indicate to ordering offices which supplies and services the contractor indicates as compliant, and show where full details of compliance can be found (e.g., vendor's or other exact web page location).

The Access Board's EIT standards at 36 CFR part 1194 do not apply to—

- Taking delivery for items ordered prior to the effective date of this rule;

- Within-scope modifications of contracts awarded before the effective date of this rule;
- Exercising unilateral options for contracts awarded before the effective date of this rule; or
- Multiyear contracts awarded before the effective date of this rule.

#### Exceptions

Unless an exception at FAR 39.204 applies, acquisitions of EIT supplies and services must meet the applicable accessibility standards at 36 CFR part 1194. The exceptions in 39.204 include—

- Micro-purchases, prior to January 1, 2003. However, for micro-purchases, contracting officers and other individuals designated in accordance with 1.603-3 are strongly encouraged to comply with the applicable accessibility standards to the maximum extent practicable;
- EIT for a national security system;
- EIT acquired by a contractor incidental to a contract;
- EIT located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment; and
- EIT that would impose an undue burden on the agency.

#### Micro-purchases

The exception for micro-purchases was in the proposed rule. It was made in recognition of the fact that almost all micro-purchases are made using the Government wide commercial purchase card. Government personnel, who are not warranted contracting officers, use the purchase card to purchase commercial-off-the-shelf items. Use of the purchase card makes it generally impractical to comply with the EIT accessibility standards unless commercial-off-the-shelf products are labeled for standards compliance. Manufacturers are continuing to develop products that comply with the EIT accessibility standards. It is expected that almost all products will comply with the standards within the next two years, and be labeled by the manufacturer accordingly. Therefore, we have established a sunset date of January 1, 2003, for the micro-purchase exemption. Prior to that date, the Government will revisit the state of technology and the pace at which manufacturers have conformed to the required standards.

The micro-purchase exception does not exempt all products that cost under \$2,500. Some commentors were confused about this. The exception is for a one-time purchase that totals \$2,500 or less, made on the open market rather than under an existing contract. A software package that costs \$1,800 is not a micro-purchase if it is part of a \$3,000 purchase, or part of a \$3,000,000 purchase. Regardless of purchase price, there still is an agency requirement to give reasonable accommodation for the disabled under section 504 of the Rehabilitation Act of 1973. The current micro-purchase limit is \$2,500, set by statute. If the threshold is increased by a statutory change, the FAR Council will consider keeping the FAR Subpart 39.2 limit at \$2,500.

In addition, GSA will recommend that agencies modify cardholder training to remind purchase cardholders of EIT accessibility requirements.

#### Undue burden

Another set of comments wanted the FAR to elaborate on undue burden. The Access Board discussed undue burden in its final rule preamble (at 65 FR 80506 of the Federal Register). Substantial case law exists on this term, which comes from disability law. The Access Board chose not to disturb the existing understanding of the term by trying to define it. The FAR Council agrees with this approach. Agencies are required by statute to document the basis for an undue burden. Requiring officials

should be aware that when there is an undue burden, the statute requires an alternative means of access to be provided to individuals with disabilities.

### Clauses

Some commentors asked for a clause, pointing out that unless the FAR prescribes a clause, agencies may produce different clauses, resulting in inconsistent coverage across the Government. Some procurement offices want a clause to help address their lack of experience with the Access Board standards. No clauses were in the January proposed rule. The FAR Council is carefully considering whether clauses are needed and welcomes comments on this issue that would inform a potential rulemaking.

### Other issues

A topic of concern to commentors was the play between the definition of EIT and a contractor's incidental use of EIT. The rule was not intended to automatically apply to a contractor's internal workplaces. For example, EIT neither used nor accessed by Federal employees or members of the public is not subject to the Access Board's standards (contractor employees in their professional capacity are not members of the public for purposes of section 508).

Commentors asked for further information on section 508 product compliance. There is a website at <http://www.section508.gov>, providing information from manufacturers and vendors on how they meet Access Board standards. The website reference has been added to the FAR language at Subpart 39.2.

Commentors asked whether the Committee for Purchase from People Who Are Blind or Severely Disabled, and Federal Prison Industries (UNICOR) were covered. These are required sources for certain items. Agencies must consider noncompliant EIT items from these sources the same way that they would consider items from commercial sources, *i.e.*, whether purchasing the item would come under an exception. As a matter of policy, purchases from the Committee for Purchase from People Who Are Blind or Severely Disabled and Federal Prison Industries are to be treated as procurements. The current status of compliance testing also was discussed in comments. Currently there is no uniform testing. However, there is an industry-led, Government-sponsored, program in the works, Accessibility for People with Disabilities through Standards Interoperability and Testing (ADIT). See the Section 508 website for information.

Questions arose on draft rule section 39.X03, Applicability, on the interpretation of standards available in the marketplace. The rule intended to recognize that initially there will be many products that do not meet all the Access Board's technical standards. Agencies may need to acquire these products. When acquiring commercial items, an agency must comply with those accessibility standards that can be met with supplies and services available in the commercial marketplace in time to meet the agency's delivery requirements. Individual standards that cannot be met would be documented by the requiring official, with a copy to the contract file. If products are available that meet some, but not all applicable standards, agencies cannot claim a product as a whole is nonavailable just because it does not meet all of the standards.

### Requirements development, market research, and solicitations

The requiring official must identify which standards apply to the procurement, using the Access Board's EIT Accessibility Standards at 36 CFR part 1194. Then the requiring official must perform market research to determine the availability of compliant products and services; vendor websites and the Section 508 website would be helpful here. The requiring official must then identify which standards, if any, would not apply in this procurement because of, for example, nonavailability (FAR 39.203) or undue burden (FAR 39.204(e)). Technical specifications and minimum requirements would be developed based on the market research results and agency needs. This information would

be submitted with the purchase request. The solicitation would then be drafted, or a task order or delivery order would be placed. Proposal evaluation may yield additional information that could require reconsideration of the need for an exception.

#### B. Executive Order 12866

The Access Board determined that their December 21, 2000, final rule was an economically significant regulatory action under E.O. 12866, and was a major rule under 5 U.S.C. 804. An economic assessment was accomplished and was placed on the Access Board's website at <http://www.access-board.gov/sec508/assessment.htm>. A copy can be obtained from the Access Board. The FAR Council has determined that the assessment conducted by the Access Board provides an adequate economic assessment of both the Access Board rule and this change to the FAR. Accordingly, the Access Board's regulatory assessment meets the requirement of performing a regulatory assessment for this change to the FAR and no further assessment is necessary.

This is an economically significant regulatory action and was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is a major rule under 5 U.S.C. 804.

#### C. Regulatory Flexibility Act

This rule has a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because small businesses that choose to market their products to the Federal Government must ensure that their electronic and information technology supplies or services meet the substantive requirements of the Access Board's standards. Since this may result in increased costs of producing and selling their products, a Final Regulatory Flexibility Analysis (FRFA) has been performed and the analysis is summarized as follows:

The objective of this rule is to revise the FAR to improve the accessibility of electronic and information technology used by the Federal Government. The standards developed by the Access Board affect Federal employees with disabilities as well as members of the public with disabilities who seek to use Federal electronic and information technologies to access information. This increased access reduces barriers to employment in the Federal Government for individuals with disabilities and reduces the probability that Federal employees with disabilities will be underemployed. The EIT standards developed for the Federal Government may result in benefiting people outside the Federal workforce, both with and without disabilities. The accessible technology from the Federal Government may spill over to the rest of society.

Section 508 uses the Federal procurement process to ensure that technology acquired by the Federal Government is accessible. Failure of an agency to purchase electronic and information technology that complies with the standards promulgated at 36 CFR part 1194, may result in an individual with a disability filing a complaint alleging that a Federal agency has not complied with the standards. Individuals may also file a civil action against an agency. The enforcement provision of section 508 takes effect June 21, 2001.

This rule establishes that contractors must manufacture, sell, or lease electronic and information technology supplies or services that comply with standards promulgated at 36 CFR part 1194. For many contractors, this may simply involve a review of the supply or service with the standards to confirm compliance. For other contractors, these standards could require redesign of a supply or service before it can be sold to

the Federal Government. According to the Federal Procurement Data System in fiscal year 2000, we estimate that there are approximately 17,550 contractors to which the rule will apply. Approximately, 58 percent, or 10,150, of these contractors are small businesses.

Small businesses will have to analyze whether the electronic and information technology they or their customers plan to sell to the Federal Government complies with the standards. Manufacturers may want to redesign to make their supplies and services compliant, to have a better chance for their items to be purchased by the Government. Retailers will need to coordinate with the manufacturers. The statute will decrease demand for some supplies and services that are not compliant, leading to decreased sales for small entities manufacturing or selling those items. Conversely, the statute will increase demand for some supplies and services that are compliant, leading to increased sales for small entities manufacturing or selling those items.

Since the statute imposes private enforcement, where individuals with disabilities can file civil rights lawsuits, the Government has little flexibility for alternatives in writing this regulation. To meet the requirements of the law, we cannot exempt small businesses from any part of the rule.

The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the FRFA may be obtained from the FAR Secretariat. The Councils will consider comments from small entities concerning the affected FAR parts in accordance with 5 U.S.C. 610. Comments must be submitted separately and should cite 5 U.S.C. 601, et seq. (FAR case 1999-607), in correspondence.

#### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR parts 2, 7, 10, 11, 12, and 39:

Government procurement.

Dated:

AL MATERA,  
Director,  
Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 2, 7, 10, 11, 12, and 39 as set forth below:

1. The authority citation for 48 CFR parts 2, 7, 10, 11, 12, and 39 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

#### PART 2—DEFINITIONS OF WORDS AND TERMS

2. In section 2.101, add in alphabetical order, the definition "Electronic and information technology (EIT)" to read as follows:

#### 2.101 Definitions.

\* \* \* \* \*

Electronic and information technology (EIT) has the same meaning as "information technology" except EIT also includes any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term EIT, includes, but is

not limited to, telecommunication products (such as telephones), information kiosks and transaction machines, worldwide websites, multimedia, and office equipment (such as copiers and fax machines).

\* \* \* \* \*

#### PART 7—ACQUISITION PLANNING

3. In section 7.103, redesignate paragraphs (o) through (r) as (p) through (s), respectively; and add a new paragraph (o) to read as follows:

7.103 Agency-head responsibilities.

\* \* \* \* \*

(o) Ensuring that acquisition planners specify needs and develop plans, drawings, work statements, specifications, or other product descriptions that address Electronic and Information Technology Accessibility Standards (see 36 CFR part 1194) in proposed acquisitions (see 11.002(e)) and that these standards are included in requirements planning, as appropriate (see Subpart 39.2).

\* \* \* \* \*

#### PART 10—MARKET RESEARCH

4. In section 10.001, add paragraph (a)(3)(vii) to read as follows:

10.001 Policy.

(a) \* \* \*

(3) \* \* \*

(vii) Assess the availability of electronic and information technology that meets all or part of the applicable accessibility standards issued by the Architectural and Transportation Barriers Compliance Board at 36 CFR part 1194 (see Subpart 39.2).

\* \* \* \* \*

#### PART 11—DESCRIBING AGENCY NEEDS

5. In section 11.002, add paragraph (f) to read as follows:

11.002 Policy.

\* \* \* \* \*

(f) In accordance with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), requiring activities must prepare requirements documents for electronic and information technology that comply with the applicable accessibility standards issued by the Architectural and Transportation Barriers Compliance Board at 36 CFR part 1194 (see Subpart 39.2).

\* \* \* \* \*

#### PART 12—ACQUISITION OF COMMERCIAL ITEMS

6. Amend section 12.202 by adding a new paragraph (d) to read as follows:

12.202 Market research and description of agency need.

\* \* \* \* \*

(d) Requirements documents for electronic and information technology must comply with the applicable accessibility standards issued by the Architectural and Transportation Barriers Compliance Board at 36 CFR part 1194 (see Subpart 39.2).

\* \* \* \* \*

#### PART 39—ACQUISITION OF INFORMATION TECHNOLOGY

7. Revise section 39.000 to read as follows:

39.000 Scope of part.

This part prescribes acquisition policies and procedures for use in acquiring—

(a) Information technology, including financial management systems, consistent with other parts of this regulation, OMB Circular No. A-127, Financial Management Systems, and OMB Circular No. A-130, Management of Federal Information Resources; and

(b) Electronic and information technology.

8. Add Subpart 39.2, consisting of sections 39.201 through 39.204, to read as follows:

Subpart 39.2—Electronic and Information Technology

Sec.

39.201 Scope of subpart.

39.202 Definition.

39.203 Applicability.

39.204 Exceptions.

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

39.201 Scope of subpart.

- (a) This subpart implements Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Architectural and Transportation Barriers Compliance Board Electronic and Information Technology (EIT) Accessibility Standards (36 CFR part 1194).
- (b) Further information on Section 508 is available via the Internet at <http://www.section508.gov>.
- (c) When acquiring EIT, agencies must ensure that—
  - (1) Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities; and
  - (2) Members of the public with disabilities seeking information or services from an agency have access to and use of information and data that is comparable to the access to and use of information and data by members of the public who are not individuals with disabilities.

39.202 Definition.

Undue burden, as used in this subpart, means a significant difficulty or expense.

39.203 Applicability.

- (a) Unless an exception at 39.204 applies, acquisitions of EIT supplies and services must meet the applicable accessibility standards at 36 CFR part 1194.
- (b)
  - (1) Exception determinations are required prior to contract award, except for indefinite-quantity contracts (see (b)(2)).
  - (2) Exception determinations are not required prior to award of indefinite-quantity contracts, except for requirements that are to be satisfied by initial award. Contracting offices that award indefinite-quantity contracts must indicate to requiring and ordering activities which supplies and services the contractor indicates as compliant, and show where full details of compliance can be found (e.g., vendor's or other exact website location).
  - (3) Requiring and ordering activities must ensure supplies or services meet the applicable accessibility standards at 36 CFR part 1194, unless an exception applies, at the time of issuance of task or delivery orders. Accordingly, indefinite-quantity contracts may include noncompliant items; however, any task or delivery order issued for noncompliant items must meet an applicable exception.
- (c)
  - (1) When acquiring commercial items, an agency must comply with those accessibility standards that can be met with supplies or services that are available in the commercial marketplace in time to meet the agency's delivery requirements.
  - (2) The requiring official must document in writing the nonavailability, including a description of market research performed and which standards cannot be met, and provide documentation to the contracting officer for inclusion in the contract file.

39.204 Exceptions.

The requirements in 39.203 do not apply to EIT that—



- (a) Is purchased in accordance with Subpart 13.2 (micro-purchases) prior to January 1, 2003. However, for micro-purchases, contracting officers and other individuals designated in accordance with 1.603-3 are strongly encouraged to comply with the applicable accessibility standards to the maximum extent practicable;
- (b) Is for a national security system;
- (c) Is acquired by a contractor incidental to a contract;
- (d) Is located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment; or
- (e) Would impose an undue burden on the agency.
  - (1) Basis. In determining whether compliance with all or part of the applicable accessibility standards in 36 CFR part 1194 would be an undue burden, an agency must consider—
    - (i) The difficulty or expense of compliance; and
    - (ii) Agency resources available to its program or component for which the supply or service is being acquired.
  - (2) Documentation.
    - (i) The requiring official must document in writing the basis for an undue burden decision and provide the documentation to the contracting officer for inclusion in the contract file.
    - (ii) When acquiring commercial items, an undue burden determination is not required to address individual standards that cannot be met with supplies or service available in the commercial marketplace in time to meet the agency delivery requirements (see 39.203(c)(2) regarding documentation of nonavailability).



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