A Message from Our Staff Attorney

By Evan C. Bjorklund, Staff Attorney

One of the mandates of MOD is to provide technical and legal assistance to Executive Branch agencies and local Commissions on Disability (CODs), especially when there is a change to disability related laws. CODs advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities. Recently, the Massachusetts Open Meeting Law, which guides how public meetings must operate, was amended to aid CODs.

As of April 7, 2015, CODs can decide by majority vote of the commissioners at a regular meeting to permit remote participation during a specific meeting or during all commission meetings. Prior to this amendment, CODs had to seek approval from their respective mayor or city council prior to allowing remote participation. Now that this barrier has been removed, CODs, which are statutorily comprised of mostly persons with disabilities, are more easily able to complete their business.

However, any public body using remote participation during a meeting must ensure that the following minimum requirements are met: 1) A quorum, including the chair or, in the chair’s absence, the person chairing the meeting in the chair’s absence, must be present at the meeting location. 2) Members of a public body who participate remotely or in person, must still take place and the chair must be physically present at the meeting location. The Attorney General’s FAQ on the Open Meeting Law further explains this amendment:

“We are confident that these amendments will facilitate more meetings for local CODs throughout the Commonwealth.”

Jeffrey’s Access Corner

By Jeffrey Dougan

“Jeffrey’s Access Corner” will be a recurring segment in our newsletter that will discuss specific topics related to architectural features that can be found in accessibility codes that are required in Massachusetts. I hope you will find this interesting.

For my inaugural entry into what I hope will be a continuing saga explaining common architectural access related topics, I wanted to spend some time discussing automatic door openers.

Well, like anything, there are a couple of answers depending on the specific situation. In a perfect world, if an entrance is built compliant with both the Massachusetts Architectural Access Board’s rule and regulations (MAAB) and the Americans with Disabilities Act (ADA), they would not be required. For example, if the door has the appropriate weight, maneuvering clearances, hardware, width, and level landings, the code would not require an automatic door opener to be installed. This is where it gets a little complicated. The MAAB would require a variance if any of the above features could not be built compliant. Often times, to mitigate some of those issues, automatic door openers are ordered by the Board to be installed. However, if a project is having difficulty complying with the pull or push side clearances, the space needed to get to and open the door, or the actual weight of the door, automatic door openers can be installed to mitigate those issues without the need for a variance from the MAAB. Automatic door openers are useful to everyone.

If there is a topic you would like discussed, please let me know. You can reach me at jeff.dougan@state.ma.us or 617-727-7440.

Please contact our office should you have any questions regarding these changes to the Open Meeting Law.

DISCLAIMER: Note that the Attorney General is ultimately responsible for interpretation and guidance on this issue. As such, we may refer you to them for guidance depending on the substance of your query.

A Brief History of Disability Rights in the U.S.

...In honor of Disability History Month in October

1920, The Smith-Fess Act creates the Vocational Rehabilitation Program for people with disabilities.

1935, President Franklin D. Roosevelt signs the Social Security Act into law, establishing an income for Americans under works, including people with disabilities.

1935, The Smith-Fess Act brings about the barrier-free movement, resulting in the establishment of national “barrier-free” building standards.

1947, the Architectural Barriers Act requires that all facilities designed, built, altered or leased by the federal government be accessible to the public.

1966, the Education for All Handicapped Children Act (EHA), later renamed the Individuals with Disabilities Education Act (IDEA) in 1990, is signed into law, extending civil rights to people with disabilities under the Act.

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1977, regulations implementing Section 504 of the Rehabilitation Act of 1973 are signed into law, extending civil rights to people with disabilities under the Act.

1988, protection from discrimination in housing under the Fair Housing Act, as expanded to prohibit discrimination based on disability status.

1990, the Americans with Disabilities Act is signed into law by President George W.H. Bush. The wide-ranging civil rights law afforded people with disabilities protection from discrimination in employment, state and local government programs, programs of public accommodation, and telecommunications companies.

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2008, the ADA Amendments Act of 2008 clarifies and broadens the definition of “disability,” facilitating enforcement of rights under the ADA.

2010, ADA Standards for Accessible Design created enforceable minimum architectural standards for newly constructed or altered facilities.

2015, the Architectural Barriers Act requires that all facilities designed, built, altered or leased by the federal government be accessible to the public.

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By Rita DiNunzio
MOD Receives Supplier Diversity Award

By Michael Dumont

On June 12, 2015, the Massachusetts Office on Disability (MOD) was very proud to receive an Award of Excellence from the Commonwealth’s Operational Service Division for MOD exceeding the Supplier Diversity Program minority and woman-owned businesses spending benchmarks for state fiscal year 2014. The Supplier Diversity Program, located within Massachusetts state agency Operational Services Division, oversees access and opportunity in state procurement for the Commonwealth of Massachusetts. MOD hopes to do even better next year.

MOD Director David D’Arcangelo and Assistant Director for Administration and Finance Michael Dumont accepting the award at the Hall of Flags in the State House.

MOD Plans 2015 Disability Summit: The ADA at 25

By Rita DiNunzio

MOD had the pleasure of welcoming professionals from the international disability community this past summer. MOD was visited on two separate occasions by leaders in disability policy and Independent Living from both Canada and South Korea through the U.S. Department of State’s International Visitor Leadership Program (IVLP). This professional exchange program connects foreign leaders in various fields to their American counterparts through short-term visits to the United States.

The Canadian group included staff from the Manitoba Disabilities Issues Office and the Canadian Centre on Disability Studies. The South Korean group was comprised of representatives from the Republic of Korea’s Policy and Support for the Disabled project and the Seoul Center for Independent Living among others. MOD was visited on two separate occasions by MOD Staff with South Korean IVLP Participants.

MOD hopes to build on this past year of engagement with its international counterparts and future work as it relates to specific ADA topics. Disability Summit 2015 will be held at the Boston Convention and Exhibition Center, 415 Summer Street, Boston, MA 02210. Contact MOD at 617-727-7440 or MOD-Events@state.ma.us for more event information.