



Virginia Board for
People with Disabilities

connection

The Commonwealth's
Developmental
Disabilities Council

What's Inside:

DOJ Settlement
Agreement..... p. 3

State Plan Update p. 5

Ace-It in College
at VCU p. 7

Integrated Planning..... p. 10

Disability History
and Awareness..... p. 11

The Americans with Disabilities Act: A Civil Rights Law



www.virginia.org, Virginia Tourism Corporation

Passed with bipartisan support by both houses of Congress and signed into law by President George H.W. Bush on July 26, 1990, the Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities and mandates that places that offer goods and services to the public must be accessible to people with a variety of disabilities. At the ADA signing ceremony President Bush said, "Let the shameful wall of exclusion finally come tumbling down."

Historically, lack of access has been more than an inconvenience for people with disabilities. It has been a barrier to living a life of dignity, respect, and independence with many opportunities, choices and friends in the community. Lack of access meant exclusion, segregation and restricted living situations. The ADA has, literally and figuratively, opened many doors for people with disabilities.

July 26, 2012 marks the 22nd anniversary of the signing of the ADA. Since its passage, many in the disability community expressed concern that a series of U.S. Supreme Court decisions narrowed the scope of the ADA and how it is to be implemented with some arguing that the Supreme Court has "gutted" the employment provisions in the ADA. In 2008, President George W. Bush signed into law the ADA Amendments Act of 2008 (ADAAA). The ADAAA broadened the definition of disability under the ADA and restored the original intent of congress at the time the ADA became law back in 1990.



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Message from the Executive Director

This summer, the Board continues to focus on sustaining current priorities while expanding to new and emerging issues facing individuals with developmental and other disabilities and their families. In May, we graduated our 2012 Partners in Policymaking class (PIP) adding to the great pool of advocates across our Commonwealth. From July 23-27, the 2012 Youth Leadership Forum helped student delegates improve their advocacy and leadership skills and plan for their bright futures. As we continue to invest in our flagship training programs, we are also supporting important new initiatives. In June, we released a Request for Proposal (RFP) to help expand the pool of direct support professionals available to work with individuals with disabilities in the community and to link individuals with disabilities



“We are...integrally involved in the important work... that will move individuals...into the community.”

to these job opportunities. The Board is also funding an initiative that looks at “transition” as lifelong rather than beginning in high school and continuing onward with the expectation that earlier and better planning and coordination will lead to better outcomes for students. We are excited and gratified to be integrally involved in the important work being undertaken to support the settlement agreement between

the Commonwealth of Virginia and the U.S. Department of Justice that will move individuals from the state’s five large training centers into the community with the services and supports they need to be successful.

On October 1, the Board’s federal State plan update will go into effect. While many of our current priorities remain (housing, transportation, employment, self advocacy), we are also expanding our work to examine, over the next five years, issues such as financial stability strategies for individuals with disabilities, voter and civic engagement, emergency preparedness, protective measures against abuse and exploitation, and healthcare. The Board is 89 percent federally funded and has not received an increase in its allocation in over 10 years. This means an ever-dwindling amount of resources available for critical activities. The Board is determined to be strategic about its investments. We have high expectations of ourselves and the organizations we fund, but understand that our work is only the tip of the iceberg. Successful systems change depends on all our advocacy partners, our state agency partners, and the thousands of individuals with disabilities, family members, providers, professionals, and policymakers that share the Board’s vision of a Commonwealth in which *Virginians with developmental and other disabilities direct their own lives and choose how they live, learn, work, and play.* ■



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VBPD posts the latest news on its Facebook page.

Like the Virginia Board for People with Disabilities (VBPD) and get the feed!

Federal Judge Rules on DOJ Settlement Agreement

Judge John A. Gibney, of the U.S. District Court for Eastern District in Virginia, made an historic decision at a Fairness Hearing held on June 8, 2012. Judge Gibney stated that he would approve, with conditions, the Settlement Agreement between the U.S. Department of Justice (DOJ) and the Commonwealth of Virginia regarding plans to expand community-based services to individuals with intellectual and other developmental disabilities.

Judge Gibney convened the hearing to provide opponents to the Settlement Agreement—family members of current Training Center residents—the opportunity to voice their concerns in court. Legal counsel for family members, with support of the national organization VOR, had written Judge Gibney to request the hearing as “intervenor.”

Prior to the hearing, numerous letters, both for and against the Settlement Agreement, were sent to Judge Gibney by individuals, family members and disability advocates. Additionally, several briefs (known as “Amicus Curiae”, or “friend of the court”) were filed by state and national organizations and coalitions.



The District Court in Richmond had to open another room to accommodate the crowd overflow.

In announcing his decision, Judge Gibney asked that language be added to the final agreement which would: allow residents the option of remaining in a state-operated facility if consent for discharge was not given; specify the parties who can give consent to discharge as well as the process for obtaining consent; and require a report of any deaths or significant injuries to individuals who transitioned to community residences to an independent reviewer who will share them with the court. The Commonwealth and DOJ were given 15 business days to accept or reject the conditions. Following the June 8 Fairness Hearing, the Commonwealth and the United States submitted their separate responses to the Judge’s proposed amendments to the Settlement Agreement. Neither the

Commonwealth nor DOJ agreed in whole to the proposed modifications and suggested alternative language. The intervenors also submitted a response. A second status conference with the judge took place on July 17. Between the date of the fairness hearing and the July 17 call the intervenors filed a separate complaint asking that the Settlement Agreement be stopped.

Those interested in reading the original Settlement Agreement and related documents can go to either the VBPD website (www.vaboard.org) or to the website for the Department of Behavioral Health and Developmental Services (DBHDS) at <http://www.dbhds.virginia.gov/Settlement.htm>. DBHDS has posted several documents regarding plans related to the Settlement Agreement, including plans for transitioning individuals from the Training Centers to communities.

According to Jamie Liban, Executive Director of the Arc of Virginia, “It was a historic day in the ID/DD civil rights movement.” The Arc and other organizations showed strong support of the agreement through numerous self advocates, family members, providers and concerned citizens. ■

Department for Aging and Rehabilitative Services

by Jim Rothrock, Commissioner

Our Commonwealth now benefits from a new agency, DARS. The agency was created by merging the former Department of Rehabilitative Services and Department for the Aging. In 2013, the adult services units from Virginia's Department of Social Services will become part of DARS. DARS' merger was proposed by Gov. McDonnell and took effect July 1 to provide and advocate for the highest quality of services to help older Virginians and those with disabilities to maximize and secure their employment, independence and full inclusion into society and guide the Commonwealth in preparing for an aging population.

At the state level, this new agency will work with its community partners to be more effective in strategic planning, budgeting, program monitoring and evaluation and training and technical support. The agency will be at the center of the Commonwealth's response to two critical emerging issues.

First, many Virginians who are often referred to as "boomers" or "seniors" are in, or are approaching, their retirement years. They rightly expect to be secure in their efforts to age in place and to have safe options for their long-term care needs. DARS will be there for them.

Secondly, Virginia is also committed to having livable communities for those Virginians with disabilities who are transitioning from institutions to community settings or those who wish to live and work with long-term supports and services. DARS will also be there in support of their new choices.

In just two decades, one in five Virginians will be over age 65. Today at least one in every 100 adults age 60 or older lives with a lifelong disability, totaling more than 10,000 people in the Commonwealth—a number expected to triple in the next decade. Recognizing the coming "Age Wave," the VDA and its partners updated Virginia's Four-Year Plan for Aging Services. Another initiative, *The Blueprint for Livable Communities*, focuses on accessible and affordable transportation, housing and other support services to facilitate independence and helping Virginians—regardless of their age or abilities—stay in their communities.

Your new agency, DARS, will work with these individuals and their families to realize this vision of increased options for adults and a true Commonwealth of Opportunity for all. ■



Consumer Satisfaction Survey Open August-September

Do you want your voice to be heard? Take the Virginia Board for People with Disabilities' annual consumer satisfaction and stakeholder feedback survey. Available online (or by print or fax if requested), the survey is open from late August until the end of September.

If you are a person with a disability, a family member, a service provider, a policymaker, an advocate, or a concerned citizen, you are encouraged to complete the survey. Stakeholder feedback and public comment is essential to improving the advocacy, outreach, training, and other activities of the Board.

Continues on page 6

2012- 2016 State Plan

October 1, 2012 marks the beginning of the second year of the Board's five year State Plan which spans from October 1, 2011 – September 30, 2016. VBPD's State Plan is required by the Administration on Intellectual and Developmental Disabilities (AIDD), our authorizing and funding agency. The State Plan forms the foundation for our advocacy, policy, and systems change activities. Each year, we have the opportunity to refine our objectives and activities based on new or emerging issues.

The purpose of developmental disabilities Councils, such as VBPD, is to help ensure that individuals with developmental disabilities are fully included in all facets of community life. Most of the Board's work is also beneficial to individuals with other disabilities, too. The work we do in employment, housing, and transportation benefits people with all types of disabilities—as well as the aging population.

The Board has three overall goals that relate to (1) improved opportunities for independence, productivity and self-determination; (2) rebalancing of state financial supports and policies to community-based systems and supports vs. institutions; and (3) training/engaging individuals with disabilities of all agencies and family members in leadership and advocacy.

This year, the Board made several adjustments to its activities for 2012-2013. VBPD has new activities related to inclusive communities that support the implementation of the settlement agreement between the U.S. Department of Justice and the Commonwealth. The Board will also focus on voter education/access and protective measures against abuse and exploitation.

With health care reform as a continuing priority, the Board will work to help ensure that health care policies and programs increase access to patient-centered, integrated medical and dental care. Education on the states' implementation of health care reform will also occur as changes are announced. The Board also plans to play a greater role in special education policy this year, having just been voted as an ex-officio member of the State Special Education Advisory Committee. Board initiatives are already underway regarding lifelong transition planning for children and youth with disabilities, and promoting Employment First.

We will continue our work in accessible, affordable housing and transportation, including in rural areas. We will continue educating individuals and policymakers on potential mechanisms that help ensure financial stability for individuals with disabilities. We will continue supporting self-advocacy via Board training programs (Youth Leadership Forum and Partners in Policymaking). We will review our activities to better support alumni of these advocacy and leadership training programs so that they can better effect changes and build coalitions on the local, regional or state level post-graduation.

The Board cannot accomplish any of its goals and objectives without the support of our advocacy partners, grantees, state agency partners, providers, professionals, and policymakers. We appreciate your support and look forward to working with you over the coming year. ■



Vision:

Virginians with developmental and other disabilities direct their own lives and choose how they live, learn, work, and play

In His Own Words: MFP

Editor's Note: This article was made possible by Korinda Rusinyak, who interviewed Bobby Lee Jarrell at the Endependence Center in Norfolk.

"I was living with my aunt who passed away. Then I moved into the efficiency apartment, behind the bar, with a roommate who also passed away." Bobby goes on to explain that he was working, not making much money because they paid by the piece, but lost the job because the company no longer exists.

"I was left with my income from Social Security," he says. "There were roaches, and the roof was falling in over me, they [the city] deemed it unsanitary." The apartment got condemned. "I had nowhere to go, and due to complications from my Spina Bifida that needed to be taken care of, the city made me move into the nursing home." While discussing his experience in the nursing home, he reflected, "there was some good, and some bad; I couldn't get much help—the help I required." Bobby went on to explain that the nursing home had difficulty keeping nurses.

After living in the nursing home for three years, Bobby decided he wanted something different. He simply said, "I wanted my independence back." Bobby explained he spoke with his social worker and got connected with the Endependence Center, where he began to discuss the possibility of moving. In response to the process of moving out, Bobby says "it is not easy, it is long and definitely takes patience, but it is worth it."

Bobby utilized the Money Follows the Person (MFP) program, and is currently residing in his own apartment. Discussing MFP, Bobby explained, "I was able to get furniture, some new clothes—basic necessities." Bobby also has a consistent aide that comes to help him with activities such as transferring in and out of bed and to and from the shower. Bobby explains, "she's there in case anything happens." Along with the aide, he has a nurse that helps to manage his medical needs.

Since moving, Bobby relayed with excitement, he has more freedom. When asked what his favorite thing to do is, he responded "grocery shopping, because I like having choices of what to eat." Even though it is obvious that Bobby is enjoying his new home, he said with honesty, "I have my ups and downs; it's a struggle—not easy at all." Discussing his future plans, Bobby says, "I hope to find work again, once things settle down." Willing to share his experience with others in the future, Bobby ends by saying, "Life is a challenge, don't give up!" ■



Consumer Satisfaction Survey

Continued from page 4

Individual responses are anonymous and confidential. Tabulated results will be reported to federal and state funding authorities. Your comments will ensure the quality and support of the Board's mission on behalf of Virginians with developmental and other disabilities.

Check the Board's website at www.vaBoard.org or visit VbpdVoice.com to complete the survey. If you need a printed copy or other accessible formats, contact the Board at 1-800-846-4464 (voice & TTY) fax at 804-786-1118, or email at info@Vpbd.virginia.gov



Has the 2011 Assessment Been Useful to You?

If so, be sure to complete the Consumer Satisfaction and Stakeholder Feedback Survey... we want to know!



Virginia Board for People with Disabilities

Did You Know?

On occasion the Board may support an event or contract with an organization to implement a project that furthers specific Board State Plan goals and objectives. In these instances, the Board must negotiate a contract with the organization. *The Board allocates \$10,000 per Federal Fiscal Year (FFY) for event support. As of June 7, 2012, there are no funds available for the current FFY 2012. Funds for FFY 2013 will become available on October 1, 2012.*

Funding is more likely if the Board is involved in the planning of the event.

Visit <http://www.vaboard.org/grants.htm> to download documents on how to request funds for event support.



Don't forget...summer is the best time to contact your legislator. Visit the Virginia General Assembly website to find out the name and contact information of your representative, and make an appointment to see them this summer or in the early fall to discuss your concerns. <http://bit.ly/VALegislators>

ACE-IT in College

Do you know a prospective college student who wants to be successful, earn a certificate from VCU, and become employed in a career of their choice?

In 2010, Virginia Commonwealth University (VCU) was one of 27 universities across the U.S. to receive funding from the federal Office of Postsecondary Education to demonstrate opportunities for students with Intellectual Disabilities to have authentic college experiences that lead to successful career and life paths.

The Academic & Career Exploration: Individualized Techniques (ACE-IT) in College program at VCU is a 30 month certificate program. Eligible students are individuals aged 18-26 with documented intellectual disabilities, autism, or traumatic brain injury who graduated, or are expected to graduate, with a Modified or Special Diploma. Three students were selected in 2011 and five will begin in August 2012.

Each ACE-IT in College student participates in a minimum of 8 classes (21 credits total) over four semesters as well as a semester long work internship. Courses are chosen from the VCU catalog—no special curriculum or classes are designed for the students—based on their career interests identified through person-centered planning. And, students can audit the classes or take them for credit. Students apply for accommodations from VCU's Disability Support Services, meet frequently with an Academic Advisor, and are provided with an 'educational coach' who is an undergraduate student specially trained to mentor and support the student in navigating campus, participating in class, and taking part in VCU social activities.

To learn more about the ACE-IT in College program at VCU, and download an application with timelines and participation criteria, visit www.vcu.edu/partnership (click on 'programs' tab) or <http://bit.ly/AceITvcu> or contact Liz Getzel at (804) 827-0748 or lgetzel@vcu.edu or Dana Yarbrough at (804) 828-0352 or dvyarbrough@vcu.edu.



22 More Added to Partners Alumni

By Rachel Loria



On May 19, 2012, the Virginia Board for People with Disabilities welcomed 22 new Partners in Policymaking to the ranks of Partners alumni. A requirement for graduation from Partners is the completion of a project, which should in some way address a need, gap or barrier. Prior to the graduation ceremony, each Partner presented their project sharing their goals, obstacles, outcomes and

lessons learned. Projects such as legislation for national disability history awareness month, employment for young adults who have autism, and community access reflected the competencies the PIP program strives to teach. Overall, the graduation weekend was a celebration of what these 22 individuals accomplished during the nine months.

Congratulations to these Partners graduates:

Sarah Alsop—Bowling Green	Angela Kahler—Virginia Beach
Brittney Chadwick—Richmond	Genie Mae Denton—Culpeper
Katja Kox Fishe—Yorktown	Christine Chewning—Virginia Beach
Lisa Lockhart—Manakin Sabot	David Hoggan—Vienna
Blair Morgan McVeigh—Norfolk	Matthew Shapiro—Glen Allen
Hollie Monroe—Hampton	Vanessa Siedlecki—Chesapeake
Katherine Montgomery—Chantilly	Jo Elizabeth Strong—Virginia Beach
Caroline Raker—Winchester	Kimberly Thomas—Newport News
Michelle Ray—Ashburn	Katherine Williams—Keswick
Elizabeth Salter—Hampton	Brett Wills—Staunton
	Heather Wynn—Chesterfield

Now on the horizon is the PIP class of 2013. A Partners selection committee made up of five PIP graduates reviewed and scored each application. On June 20, 2012 the Committee selected 30 applicants and four alternates to participate in the PIP class beginning September 14, 2012. ■



Parent David Hoggan of Vienna took vacation time from his job to attend Partners during 2011-12. He told his fellow partners he'd learned a great deal about the lives of people with disabilities through the training.



Christine Chewning presents her project about encouraging acceptance of people with different abilities. Christine recently won a Young Church Woman award from Virginia Beach Church Women United after organizing a "sensitivity and awareness" training using the tools and connections that she found in Partners.



Caroline Raker reflects on her Partners in Policymaking experience at the annual graduation banquet.

Learn TODAY, LEAD Tomorrow

July 23-27:

Youth Leadership Forum @ VCU

By Kara White

Student delegates from across the Commonwealth convened in Richmond during this exciting week of learning and activity. Effective communication with legislators and policymakers is one focus of the YLF, as well as learning about leaders in the Disability Rights Movement and engaging in activities that prepare youth with disabilities to lead tomorrow.



Congratulations to the rising high school juniors and seniors that comprise the 2012 Youth Leadership Forum (YLF) Delegates:

Karlian Achenie, *Blacksburg*

Justin Bradley, *Chesterfield*

Tabitha Copeland, *Suffolk*

Dontavious Culp, *Newport News*

Annie Downing, *Williamsburg*

Moyra Gautney, *Midlothian*

Rachelle Hope, *Sandy Hook*

Kalen Joy, *Virginia Beach*

Emily LeSueur, *Fork Union*

Eduardo Martin, *Gainesville*

Anna Montaperto, *Maidens*

Kimberly Poff, *Roanoke*

Olivia Price, *Covington*

Kennedy Rose, *Marion*

Anise Saunders, *Richmond*

Shayla Smith, *Norfolk*

Amy Stone, *Ashburn*

Dondre Tucker, *Powhatan*

Gavin Watkins, *Manassas*

Shea Zatkulak, *Powhatan*



Victoria "Tori" Herrera, Elsie Swale, Megan Coglio, and Jessica Rodriguez graduated from YLF in 2009. Spread the word about YLF...recruitment begins each January and closes in March for the week-long event in July.

The Toolkit: Inclusive Communities Through Integrated Planning



Since 2005, the Virginia Board for People with Disabilities has been working with Thomas Jefferson Planning District Commission on the Transportation and Housing Alliance (THA) grant project. Educating local planners on the importance of an inclusive process to create plans that lead to livable communities for all citizens has been a goal of the THA project. During the past six years, Thomas Jefferson Planning District Commission (TJPDC) has developed, tested and marketed a THA Toolkit. The purpose of the Toolkit is to assess housing and transportation needs, project future needs and identify overlapping issues and opportunities.

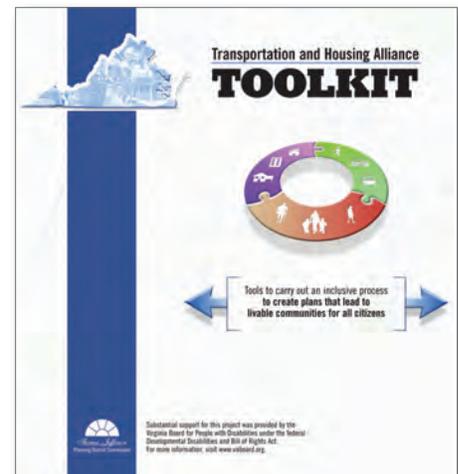
Local planners are the gatekeepers of development. Increasing their knowledge and understanding of planning tools for inclusive communities will help to imbed these principles into the day-to-day operations of planning departments. The THA message is that planning that considers the needs of all people results in livable communities for all citizens.

Identified barriers to inclusive communities have been sorted into one of two categories:

- 1) The knowledge and awareness of planning staff at the local level, and
- 2) Regulations and procedures in place that fail to encourage accessibility and inclusion.

These categories represent the influence of both the informal habits of planners and local government staff, as well as the legal codes, formal resolutions, and policies that govern local operations. Between October 2010 and March 2012, TJPDC has been encouraging the Toolkit's use statewide and, to help address barriers, supplemented the Toolkit with two new resources that add to its effectiveness.

- 1) An *Assessment Tool* which helps localities assess the existing condition of their plans, ordinances, and practices as it relates to creating an inclusive community. It helps localities evaluate how well their regulations, plans and development procedures address the needs of people with disabilities and the elderly. The assessment tool can be used to identify barriers in local regulatory instruments.
- 2) *Model Ordinance Language* which includes a collection of best regulatory practices from localities throughout the state and organizes the information into model ordinances providing a clear path for implementing ordinance revisions at the local level. The model ordinance language can be considered for adoption to address barriers identified through the use of the assessment tool.



The use of the THA Toolkit can equip planners to become effect agents for positive change in their localities. To find out more about the Toolkit and how to use it, visit <http://tjpd.org/housing/index.asp>.

Mark Your Calendar!

The Arc of Virginia 2012 State Convention

August 9-11, 2012

Wyndham Virginia Beach
Oceanfront Hotel
5700 Atlantic Avenue
Virginia Beach, VA 23451
800-365-3032 for hotel
reservations; for brochure &
convention registration, visit
<http://www.thearcofva.org>

Collaborations Conference

September 30-October 2, 2012

and

Employment First Summit

October 2-3, 2012

Wyndham Virginia Beach
Oceanfront Hotel
5700 Atlantic Avenue
Virginia Beach, VA 23451
800-365-3032 for hotel
reservations; for brochure and
conference or summit registration,
visit www.vaaccses.org

Virginia Board for People with Disabilities

September 12, 2012

Wyndham Richmond Airport
4700 S. Laburnum Ave.
Richmond, VA 23231

Executive Committee
7:45-9:15 am

Board Meeting
11:45 am-4:15 pm

Plan Now for Disability History and Awareness Month in October

In 2009 a group of Virginia Youth Leadership Forum (YLF) graduates advocated for the passage of Senate Joint Resolution No. 321 by the General Assembly. This resolution established October as a Disability History and Awareness Month throughout the Commonwealth.

Now, those same Virginia youth have taken on the challenge of trying to establish a National Disability History and Awareness Month. Efforts began in 2011 when YLF alumni were doing a summer program in Washington, D.C. The group met with Virginia Senator Mark Warner and asked, "what would it take to establish a National Disability History and Awareness Month?" He then challenged the youth to draft a proposal.

YLF alumnus Matthew Shapiro took the lead on this effort. After meeting with several disability advocates over the summer and creating a youth action committee, a draft bill was written. That draft took many forms as Matt continued to work on the project throughout his Partners in Policymaking training in 2011-12. The bill was put into its current form in May of 2012. The group is now working, through different networks, to gain support for the legislation and present it to Senator Warner within the next year.

This legislation will help educate all people throughout the U.S. about disability rights and disability history, thus eliminating stereotypes and continuing the disability rights movement. ■



Share Your News

Are you a Partners in Policymaking or Youth Leadership Forum alumnus? Submit an update online... we want to hear from you! Visit <http://www.vaboard.org/sponprogs.htm> and click on "Go to Share the News" today.

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Lights, Camera, Action! Starring the Virginia Annual Absentee Application



The Virginia State Board of Elections, in partnership with the Virginia Board for People with Disabilities, is beginning production of a four part video series in July 2012.

The videos will be starring the Virginia Annual Absentee Application and co-starring will be Registering to Vote, Absentee Voting on Election Day, and your all-time favorite: Polling Place Accessibility.

The theme of this production is increasing the accessibility of the voting process to citizens with disabilities and seniors. Through this initiative, The State Board of Elections is developing an education outreach program and materials designed to ensure that voters with disabilities and seniors are aware of their right to vote in person at the polls or by absentee ballot voting.

The videos will show easy it is to:

- ▶ Register to Vote
- ▶ Apply for a Virginia Annual Absentee Application
- ▶ Vote on Election Day
- ▶ Vote Curbside

Look for more information in the upcoming months about the premier of this exciting production!

**If you have any questions please call or e-mail
Terry.Wagoner@SBE.Virginia.gov or call 804-864-8937.**

The Americans with Disabilities Act: A Civil Rights Law

Continued from page 1

As Dr. Martin Luther King observed with regard to the civil rights movement, "the greatest victory of this period was...something internal....The greatness of this period was that we armed ourselves with dignity and self-respect." The same can be said with regard to the passage of the ADA and the disability rights movement, a civil rights movement. Great leaders paved the way for the passage of the ADA. Today, a new and powerful group of young and emerging leaders, many of whom have never known a United States of America without the ADA, demand their civil rights as citizens with disabilities.

To learn more about the ADA and ADAAG visit www.ada.gov.

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