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ADA and Ice Arenas

by Wes Smith

The Americans with Disabilities Act (ADA) of 1990 is the nation's first comprehensive civil rights law for people with disabilities. The ADA gives people with disabilities equal opportunity in employment, places of public accommodation, public and private transportation, telecommunications, and government services. Under the ADA, a disability is a physical or mental impairment that substantially limits a person in at least one major life activity. Disabilities include cerebral palsy, epilepsy, multiple sclerosis, heart disease, diabetes, mental retardation, psychiatric disability, and learning disabilities.

The ADA has five Titles or sections. Businesses and organizations involved in ice sports are likely to fall under two sections: Title I which applies to employment practices in organizations with 15 or more employees, and Title III which applies to the way public accommodations, commercial facilities, and other private entities provide public access to their goods and services.

Employment and the ADA

Under Title I, employers must make reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee unless such accommodations would impose an undue hardship on the employer. Accommoda- tions include making worksites accessible, modifying existing equipment, providing new devices, modifying work schedules, or restructuring jobs.

Public Accommodations and the ADA

Title III of the ADA specifies that ice arenas, regardless of size, are public accommodations that cannot deny a person access to goods and services. An arena or skating program, for example, cannot refuse to admit someone with a disability out of fear of higher insurance rates. Safety rules and criteria may be imposed, even when they screen out individuals with disabilities – as long as those rules are necessary for the safety of the operation.

Services in an Integrated Setting

Title III of the ADA requires that public accommodations make their goods and services available to people with disabilities in the most integrated setting possible. For example, an arena cannot assign wheelchair users to only the back rows of spectator seats. Spaces for people who use wheelchairs must be dispersed throughout the facility.

Under Title III, an arena may also need to make reasonable modifications in policies or procedures in order to accommodate people with disabilities. For example, an arena that has a policy of not allowing dogs must modify the rule to allow seeing-eye dogs, hearing dogs, or other dogs used to assist people with disabilities.

Removal of Architectural Barriers

Ice arenas and businesses undertaking new construction must make those buildings and sites accessible to people with disabilities. Ice arenas and businesses using existing buildings and sites must remove architectural barriers – anything that prevents access by people with disabilities. However, the ADA does specify barrier removal that is readily achievable. Examples of barriers are

curbs and steps, narrow exterior and interior doorways and aisles, restroom doorways and stalls that are too narrow for a person who uses a wheelchair, and inaccessible drinking fountains and telephones.

The U.S. Department of Justice recommends the following order of priorities for barrier removal:

- First, provide access from parking areas, sidewalks and entrances so a person with a disability can "get through the door."
- Second, provide access to areas where goods and services are provided.
- Third, provide access to public restroom facilities.
- Fourth, take other measures to provide access.

Effective Public Communication

Under Title III, ice arenas and businesses are required to communicate effectively with customers and clients who are deaf or hard of hearing or who have speech or vision impairments. Accommodations may include sign language interpreters; written materials; assistive listening devices; Text-typing Telephones (TTYs); or taped information, messages in Braille or large print materials; readers; and other communication tools. The law provides flexibility; the goal is to find an effective means of communication that is appropriate for the particular circumstance.

Rink Link Can Help

Rink Link is a one-stop resource on accessible ice sport. Rink Link offers information and support on organizing accessible team sports and individual recreation on ice, information about equipment and training, a database of accessible teams, facilities and equipment sources, and assistance in making ice arenas and recreational programs accessible under the ADA and other state and federal laws.

Every ice arena and ice sports business is different. Contact Rink Link to find out how the ADA affects you and for ADA resources in your community. For more information on Rink Link, call 800-300-6016, send e-mail to rinklink@alpha-one.org or send faxes to 207-989-7976.

**Editor's Note: Wes Smith is an Independent Living Specialist*