



recreation accessibility consultants, llc

April 2013

## Service Animal Fraud... A Crackdown in Hawaii

Hilo, Hawaii is one of many communities concerned about the fraudulent claim by some Americans that their dog is a "service animal". The linked article below, from our favorite daily e-newsletter the [Inclusion Daily Express](#), describes steps being taken by the Hawaii Legislature. It would impose a \$1,000 fine on anyone falsely claiming their pet is a "service animal". The article... [Click \*\*HERE\*\* to read more.](#)

## Another New Jersey Story...

RAC President John McGovern spoke in early March at the New Jersey Recreation and Park Association (NJRPA) conference. Feedback has been great, in fact the town recreation director brought up the notion of an access audit and transition plan. The town administrator liked the idea and asked the recreation director to talk to the town engineer. He promptly killed the idea, claiming (wrongly) that the access audit and transition plan only applied to recreation sites, and to new construction.

That's wrong on so many levels.

All new construction must meet the 2010 Standards and in New Jersey, the Barrier Free Subcode where it is more stringent than the 2010 Standards.

But all existing sites, recreation or otherwise, must be evaluated for compliance. And a transition plan that identifies corrective work must be developed.

The moral to the story? A little knowledge can be a dangerous thing. Don't let a misinformed town official, engineer or otherwise, sidetrack your initiatives.

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## ABOUT US

Recreation Accessibility Consultants, LLC has the skill to aid park districts, park and recreation agencies, forest preserve and conservation districts, and special recreation agencies in their

## University of Southern Maine Therapeutic Recreation Program Gets a Reprieve

Citing budget problems in late February and early March, it became clear that the President of the University of Southern Maine was going to eliminate four curricula, one of which was the therapeutic recreation degree program. After the President announced the cuts, a huge wave of communication, citing the value of TR to the University, the community, and the New England area in general, occurred. Students led a social media campaign and met with Maine legislators. New York media outlets and famous east coast philosophers got involved too. The budget issues remain to be resolved, though, for the time being, the therapeutic recreation program remains intact.

## Byron Forest Preserve District (IL) Retains RAC for System-Wide Access Audit and Transition Plan

"I was in the session at state conference for forest preserve and conservation districts and John came in to share an update regarding the ADA," said Todd Tucker, Executive Director of the Byron Forest Preserve District. "I know his firm has successfully worked with forest preserve districts in Rock Island County, Winnebago County, and Kane County, as well as conservation districts too. And we had planned to do an access audit this year."

RAC staff waited until snow on the ground had melted and then audited Byron FPD sites. We look forward to completing our analysis and getting a transition plan to the District later this spring.

## Great Story from a Virginia County Client

Michael Hanson, the Southern Region Superintendent for Fauquier County Parks and Recreation Department in Virginia, approached me on April 10 as I was preparing to start speaking for the VRPS Northern Service Area in McLean, VA. RAC had completed access audits and a transition plan for Fauquier County Parks and Recreation in 2011.

"Of course one of the keys is funding the transition plan work," said Larry Miller, Director of Parks and Recreation. "We approached county administrators and board members with the transition plan developed by RAC for our department, and it was logical, clear, and easy to

endeavors to provide recreation to people.  
[More About RAC...](#)

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understand.” Miller went on to say that the County has committed to fund the work at \$100,000 to \$200,000 annually, with occasional fluctuations for budget reasons.

Congratulations to the County Board of Supervisors and the County Administrator for their vision to make the benefits of parks and recreation accessible to all.

## What is Recreation Inclusion?

On a therapeutic recreation list serve, a number of late-March posts debated the difference between recreation inclusion and specialized therapeutic recreation programs. After seeing a number of comments describe programs serving only persons with disabilities as inclusive, RAC President John McGovern offered some thoughts about the difference between the two. “Let’s not confuse ‘recreation inclusion’ with ‘community based TR services’... **Click [HERE](#) to read more.**

## Olmstead is Real Folks...

Some wonder about the effect of Olmstead requirements, which mandate that services for adults comply with ADA requirements and be available in the most integrated setting, and in community settings. This requirement just got another boost from the US Department of Justice on April 8, 2014 in a Settlement Agreement between US DOJ and the State of Rhode Island. “The settlement agreement with the State of Rhode Island resolves the Civil Rights Division’s January 6, 2014 findings, as part of an ADA Olmstead investigation, that the State’s day activity service system... **Click [HERE](#) to read more.**

## Shelley Says...

Senior Project Manager Shelley Zuniga writes this week, cleverly about the use of People First Language.

### ***Is My Parking Handicapped?***

They are just words, right? Why do people get so upset about how you say things? Well, if you research the origins of words, both handicapped and disabled elicit negative connotations towards the individual being referenced. These terms label the individual as... **Click [HERE](#) to read more.**

## Disney Policy Discriminatory?

The moms of 16 kids and young adults with disabilities have sued Walt Disney Parks and Resorts for its new policy regarding ride access for families with a member with a disability. The old policy allowed families with a child or young adult with a disability... **Click [HERE](#) to read more.**

### Disclaimer

*Nothing in this newsletter is legal advice. It is instead a relaying of decisions and information about the application of the Americans with Disabilities Act to public parks and recreation. Readers interested in legal advice should seek an attorney licensed in your state that knows the ADA and can apply it to parks and recreation.*



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