



**Fall 2021**

Volume 25, Number 3

## **IN THIS ISSUE**

### **In the Foreground ..... page 2**

- TransCen Receives Funding to Operate Mid-Atlantic ADA Center for Five More Years!

### **Focal Point ..... page 4**

- Long COVID and Disability Under the Law

### **Zoom in on Training ..... page 7**

- ADAcon 2021: Registration Closes Today, September 7!
- ADA National Network Online Learning

### **Close-Ups: What's New ..... page 9**

- Research Brief: Digital Access for Students with Disabilities In Higher Education

## In the Foreground

### *TransCen Receives Funding to Operate Mid-Atlantic ADA Center for Five More Years!*

The Administration for Community Living (ACL) in the U.S. Department of Health and Human Services (HHS) announced the recipients of funding to continue the administration of the ADA National Network, including the ten regional ADA Centers, the ADA Knowledge Translation Center, and the ADA Collaborative Research Project. TransCen, Inc. is gratified to be chosen to continue operating the Mid-Atlantic ADA Center, and excited to continue providing ADA training, technical assistance, and materials to the people of Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

The members of the staff and Regional Advisory Board look forward to implementing a comprehensive plan of outreach and education to improve understanding and implementation of the ADA. Our research partners and collaborating organizations include:

- University of Maryland
- Coppin State University
- Delaware Assistive Technology Initiative (DATI)
- District of Columbia Assistive Technology Program (DCATP)

- Maryland Assistive Technology Program (MDTAP)
- TechOWL (Technology for Our Whole Lives, Pennsylvania Assistive Technology Act Program)
- Virginia Assistive Technology System (VATS)
- West Virginia Assistive Technology System (WVATS)
- The Arc of Northern Virginia
- Resources for Advocacy, Independence, Self-determination and Employment (RAISE)
- Pennsylvania Office of Vocational Rehabilitation (OVR)
- Resources for Independent Living, Inc. – Virginia (RIL-VA)
- Freedom Center for Independent Living for North Central Pennsylvania (CILNCP)
- Disability Pride Philadelphia, Inc./Disability Pride PA
- Concepts, Inc.
- Independent Marylanders Achieving Growth Through Empowerment (The IMAGE Center)
- Independence Now, Inc.

Collaborative efforts within the region and across the ADA National Network will seek to expand our outreach to underserved audiences, such as law enforcement and corrections officers, older people with disabilities, youth with disabilities preparing for transition to adulthood, people with

intellectual and developmental disabilities, and members of racial and ethnic minorities, including Spanish-speakers.

Watch this space for more details on new initiatives, training activities, research findings, and other developments as they unfold. As always, call us with your training needs and questions about the ADA! We're here to help!

## **Focal Point**

### ***Long COVID and Disability Under the Law***

The U.S. Department of Health and Human Services (HHS) and the U.S. Department of Justice (DOJ) recently published a document, [Guidance on “Long COVID” as a Disability Under the ADA, Section 504, and Section 1557](https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/guidance-long-covid-disability/index.html) (<https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/guidance-long-covid-disability/index.html>). The guidance addresses when and how people who are experiencing long-term symptoms from a COVID-19 infection may be protected as individuals with disabilities under Titles II and III of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and Section 1557 of the Patient Protection and Affordable Care Act (often called the Affordable Care Act, or ACA).

The official designation for so-called “long COVID” is Post-Acute Sequelae of SARS-CoV-2 infection (PASC). Symptoms may include fatigue, labored breathing, headache, dizziness, joint and muscle pain, difficulty thinking or concentrating

(sometimes called “brain fog”), depression, and loss of taste or smell. There may also be damage to organs, such as the brain, heart, kidneys, and/or lungs. Many people have wondered if the emergence of long COVID would expand the ADA’s definition of disability, but these symptoms and internal disruptions to normal organ function can fit within the already existing definition.

The ADA’s definition of disability protects three categories of people:

1. People who have a physical or mental impairment that substantially limits one or more major life activities
2. People who have a record of a physical or mental impairment that substantially limited one or more major life activities
3. People who are regarded as having such an impairment, whether they have an impairment or not

Long COVID can be both a physical and a mental impairment. Physically, it affects internal body systems such as the circulatory, respiratory, and neurological systems. Mentally, it can cause depression, anxiety, and other mental health problems. These impairments may lead to substantial limitation of one or more major life activities. The DOJ/HHS guidance document gives three examples:

- A person with long COVID who has lung damage that causes shortness of breath, fatigue, and related effects is substantially limited in respiratory function, among other major life activities.
- A person with long COVID who has intestinal pain, vomiting, and nausea that have lingered for months is substantially limited in gastrointestinal function, among other major life activities.
- A person with long COVID who experiences memory lapses and “brain fog” is substantially limited in brain function, concentrating, and/or thinking.

State and local government agencies covered by Title II of the ADA, businesses covered by Title III of the ADA, and organizations covered by Section 504 (recipients of federal funds) and/or the Affordable Care Act have obligations to ensure the provision of non-discriminatory services. This may include making reasonable modifications in policies and practices, making facilities accessible, and other measures to facilitate equal opportunities for individuals with disabilities.

According to the U.S. Equal Employment Opportunity Commission (EEOC), impairments related to long COVID may also meet the definition of a disability under Title I of the ADA. Employers may need to provide reasonable accommodations to employees with this condition. Long COVID will often include limitations that would not be obvious, in which case employers can request verification from appropriately qualified healthcare

professionals. And just like any other disability-related information, the fact that an employee is a “COVID long-hauler” must be kept confidential.

As more people experience lingering symptoms from a COVID-19 infection, one potential source of confusion regarding ADA protection may be the line between impairment and disability. Long-lasting symptoms from COVID-19 are not automatically considered to be a disability under the ADA. The symptoms must cause a substantial limitation of a major life activity, which is why DOJ and HHS emphasize that an individualized assessment is necessary to determine if impairments rise to the level of disability under the ADA and other civil rights laws.

Visit our [Coronavirus Information and Resources webpage](https://www.adainfo.org/content/coronavirus-information-and-resources) (<https://www.adainfo.org/content/coronavirus-information-and-resources>) for a wide variety of information and sources of assistance related to COVID-19 and long COVID in employment, business, health care, education, transit, housing, and more.

## **Zoom in on Training**

***[ADAcon 2021: Registration Closes TODAY, September 7!](https://www.adainfo.org/Content/ADAcon)***

***[www.adainfo.org/Content/ADAcon](https://www.adainfo.org/Content/ADAcon)***

September 21 – 23, 2021

Baltimore, Maryland

Join us for our annual conference, to be held this year at the Renaissance Baltimore Harborplace Hotel in the exciting Inner

Harbor, featuring expert speakers presenting sessions on the ADA and disability issues such as employment, housing, transportation, structural access, law enforcement and corrections, service animals, emergency management and disaster recovery, and more!

### ***ADA National Network Online Learning***

The ADA National Network's [online learning programs](https://www.accessibilityonline.org/training) ([www.accessibilityonline.org/training](https://www.accessibilityonline.org/training)) offer live webinars and archived sessions on a broad range of topics, including architectural design, accessible technology, arts and recreation, ADA legal developments, and much more. Upcoming sessions:



- **September 16, 2021:** [WCAG V2.1: Understanding the Basics](https://accessibilityonline.org/ada-tech/session/?id=110956) (<https://accessibilityonline.org/ada-tech/session/?id=110956>)
- **September 21, 2021:** [Best Practices for Ensuring Students with Food Allergies Have the Same Opportunities in Higher Education](https://accessibilityonline.org/ADA-Audio/session/?id=110953) (<https://accessibilityonline.org/ADA-Audio/session/?id=110953>)
- **September 22, 2021:** [COVID and the ADA](https://www.accessibilityonline.org/ada-legal/session/?id=110949) (<https://www.accessibilityonline.org/ada-legal/session/?id=110949>)



- **September 28, 2021:** [The Civil Rights Complaint Portal: An Accessibility Journey](https://accessibilityonline.org/cioc-508/session/?id=110950) (<https://accessibilityonline.org/cioc-508/session/?id=110950>)
- **October 7, 2021:** [Plumbed Elements: Lavatories and Sinks, Washers and Dryers, and Saunas and Steam Rooms](https://accessibilityonline.org/ao/session/?id=110952) (<https://accessibilityonline.org/ao/session/?id=110952>)

Visit our [Trainings](http://www.adainfo.org/trainings) ([www.adainfo.org/trainings](http://www.adainfo.org/trainings)) pages for more information on upcoming training programs!

## Close-Ups: What's New

### [Research Brief:](#)

### [Digital Access for Students in Higher Education](#)

([https://adata.org/research\\_brief/research-brief-digital-access-students-higher-education-and-ada](https://adata.org/research_brief/research-brief-digital-access-students-higher-education-and-ada))

This latest research brief from the ADA National Network outlines findings related to barriers and benefits experienced by post-secondary students with disabilities participating in online learning. When using websites to find information, register for programs, apply for financial aid, or access digital library collections and web courses, students encounter “built-in” barriers to access as well as lack of awareness and response to the need for individualized accommodations.

Students with disabilities, just like those without disabilities, report both benefits and disadvantages of distance learning,

though many of these may be related to, or magnified by, accessibility issues for students with disabilities. Some students with disabilities report feeling less anxiety in online settings versus traditional classrooms, more control over their learning pace and process, and enhanced ability to manage their disability-related needs. However, others report difficulty with focus and concentration, feelings of isolation, physical strains of sitting at computers for long periods of time, and widespread inaccessibility of websites and other digital content. Among the most common barriers encountered are websites that lack the coding needed to make them accessible to screen-reading technologies often used by students who have vision disabilities, and audio content that lacks captions for those who are deaf or hard of hearing.

One of the key findings of the research was that faculty and staff need more training and support in order to improve digital access. Among universities that offer workshops on how to accommodate students with



disabilities, whether online or in the classroom, attendance is typically voluntary, and few teachers or staff choose to attend. Greater understanding is needed about how to design and

create more accessible online content, as well as how to make appropriate adjustments to accommodate individual students.

## **About this Publication**

*ADA in Focus* is published three times yearly by the Mid-Atlantic ADA Center. It is also available by request in large print, Braille, and computer disk. To obtain copies in other formats, please contact us.

*ADA in Focus* is intended for use by individuals, state and local governments, businesses, legal entities, and others interested in developments in the Americans with Disabilities Act. This publication is intended solely as an informal guidance and should not be construed as legally binding. *ADA in Focus* does not serve as determination of the legal rights or responsibilities under the ADA for any individual, business, or entity.

TransCen, Inc. is a Rockville, Maryland based non-profit 501(c)3 organization dedicated to improving educational and employment outcomes for people with disabilities. TransCen administers the Mid-Atlantic ADA Center, providing information, guidance, and training on the American with Disabilities Act to DE, DC, MD, PA, VA, and WV.

Laura Owens, President

Ann Deschamps, Director

Caleb Berkemeier, Training Specialist

Mayor Guillen, E-Learning and Multimedia Specialist  
Nancy Horton, Technical Assistance Project Specialist  
Carleen Crespo, Information Specialist  
Barbara Van Dyke, Outreach Coordinator

12300 Twinbrook Parkway, Suite 350  
Rockville, MD 20852  
Telephone (Voice/TTY): 301-217-0124  
Fax: 301-251-3762  
Toll-Free (Voice/TTY): 800-949-4232  
E-Mail: [adainfo@transcen.org](mailto:adainfo@transcen.org)  
Web: [www.adainfo.org](http://www.adainfo.org)

The contents of this newsletter were developed under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant number 90DP0089). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The contents of this newsletter do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the federal government.

© 2021 TransCen, Inc.