

## Recreation and the Law

### Accessibility and Inclusion – What is the difference?

#### **Accessibility: The physical approach/architecture**

Removing environmental barriers so that a person with a disability can participate and have choices  
Physical access is only the beginning

#### **Inclusion: Knowledge/Understanding/Acceptance/Adaptation**

Offering welcoming, meaningful and purposeful opportunities to participate in all facets of community life is the goal

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## The American Disabilities Act (ADA)

- Right to the Most Integrated Setting
  - Right to Participate
  - Right to Reasonable Accommodations
  - Right to Adaptive Equipment
  - Right to an Assessment or Evaluation
  - Disparate Impact (policies cannot have a greater impact on people with disabilities than on people without disabilities.)
  - Fees (no higher fee or surcharge for the cost of accommodations or for providing the most integrated setting.)
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The Americans with Disabilities Act (ADA) was adopted in 1990. Over the last decade, we have seen many administrative complaints and many court decisions. The vast majority of these decisions have upheld the right of people with disabilities to enjoy recreation in the most integrated setting.

Some of these decisions speak about the right to an individualized assessment... most integrated setting and one-to-one staff accommodations...behavior management plans and accommodations...changes in rules and policies...and the retention of recreation programs for people with disabilities.

John McGovern, JD  
Recreation Accessibility Consultants

Only two types of entities are exempt from the ADA provisions...

- **Private clubs**

Where membership requires a nomination and a substantial initial fee, along with substantial annual obligations

- **Religious organizations**

However...the ADA does not exist in a vacuum:

State or local laws may apply similar non-discriminatory requirements to churches and private clubs.

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Adapted from the *National Center on Accessibility* and *National Center on Physical Activity and Disability* monograph: Recreation Access Rights Under the ADA  
(<http://www.ncaonline.org/index.php?q=node/742> )

For information and technical assistance about the Americans with Disabilities Act contact the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY). The ADA website ([www.ada.gov](http://www.ada.gov)) provides information and technical assistance. Some helpful information includes the *ADA Guide for Small Businesses* and *ADA Business Briefs*.

U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section - NYA  
Washington, D.C. 20530  
(202) 307-1198

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[www.childrens-specialized.org/KohlsAutismAwareness](http://www.childrens-specialized.org/KohlsAutismAwareness)

For more information about this program contact: [KohlsAutismAwareness@childrens-specialized.org](mailto:KohlsAutismAwareness@childrens-specialized.org)



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