

University Park agrees to fund elevator replacement project

"ELEVATOR," continued from pg. 1

South estimated that approximately 11 students are currently affected by the elevator, being either wheelchair-bound or unable to use the stairs to reach other floors.

In 1972, Labor and Industry's Industrial Board granted a temporary approval to Capitol Campus to allow use of the elevator by handicapped persons. And, while this "temporary measure" has been sustained for the past decade, the elevator has apparently been operating against U.S. standards for over three years.

The U.S. Department of Health, Education and Welfare in 1977 passed regulations requiring federally supported institutions to make all necessary structural changes by June, 1980, to bring buildings up to current federal standards for accessibility.

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**James Benedict
Department of Health
and Human Services**

Those standards require elevators to have automatic doors with sensing devices, control panels no higher than four feet from the floor and raised or notched information adjacent to the control buttons. Also required is an emergency telephone accessible by persons in wheelchairs.

A check by Capitol Times showed the present structure has no emergency telephone, control buttons that are no lower than 51

inches from the floor and "open" and "close" buttons that are 61 inches from the floor. The doors have no sensing device and no automatic device for closing.

The Rehabilitation Act, as amended, requires that "any program in any building must be physically accessible," said James Benedict, Branch Chief in the Office for Civil Rights of the Department of Health and Human Services.

"Any federal funds given to state governments or any other entity such as nursing homes and schools," that are given for program support, require those programs to be accessible to all participants in the program, he said.

"If the existing elevator is not sufficient," Benedict explained, "then either the elevator must be replaced or the programs must be moved."

Although the actual starting date of the construction is unknown, the fact that the project will leave the Olmsted Building without an operational elevator for an undetermined period of time raises questions about the ability of handicapped students to reach upper level floors if construction is done during the school term.

"Handicapped students should confront the dean of students to find a means of temporary accessibility" if the construction is done during the term, said Bob Waterstradt, Equal Opportunity Specialist on the Regional Technical Assistant staff of the U.S. Department of Education.

"The laws (of accessibility) are still in place," he said. "The school would not be forced to close down the present structure, due to the fact that an upgrade is being planned."

"That idea is ludicrous," he said. "If that were to happen," he said, "it would not bode well for Penn State."

"If the school were not planning to replace the (freight)

elevator," Waterstradt said, "the handicapped students would have two alternatives: to complain (to the Department of Education) as individuals, or a class action complaint would have to be filed with the Office of Civil Rights."

Such a class action complaint would lead to an official investigation. According to Waterstradt, the time period between the beginning of the investigation and the sending of a letter describing the results to the school is 90 days.

Schools that do not comply within 225 days, according to Waterstradt, would have their cases turned over to the Justice Department.

"Almost all schools comply immediately," he said.

Although he said he was "very glad" that Penn State has decided to replace the elevator, he said the handicapped students on campus "need to get together and ask what they will do while the new elevator is under construction."

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