



ADA Coordination THE STATUTE AND REGULATIONS

**ADA FOR STATE AND LOCAL GOVERNMENTS CONFERENCE
GEORGIA STATE FINANCING AND INVESTMENT COMMISSION
STATE ADA COORDINATOR'S OFFICE**

**Atlanta, Georgia
November 29, 2018**

The Statute

Sec. 202 [42 U.S.C. 12132]

Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.



The Statute

- Enacted by Congress - the law itself;
- States broad principles of the law;
- Charges enforcement agencies with developing implementing regulations;
- Outlines purpose of the law and cites Congressional findings justifying the need for the law.



Code of Federal Regulations

28 C.F.R. § 35.130(a)

General prohibitions against discrimination

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

Regulatory Requirements

- Provides specific rules for compliance with the law;
- Outlines more specific enforcement provisions;
- “Operating manual.”

ADA Title II

Administrative Requirements

Designate Responsible Person

Develop/Update Self-Evaluation

Develop/Update Transition Plan

Implement Informal Grievance
Procedure

Provide Public Notice

Substantive Requirements

General Nondiscrimination
Requirements

Employment

Effective Communication
Auxiliary Aids & Services

Program (Facility) Access

Transportation

Administrative Requirements

35.107 Designation of responsible employee and adoption of grievance procedures.

1. (a) Designation of responsible employee. A public entity that *employs 50 or more persons* shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part.

Administrative Requirements

The public entity *shall make available* to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

Administrative Requirements: Grievance Procedure

(b) Complaint procedure. A public entity that *employs 50 or more persons* shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

Grievance Procedures



Primary Roles of an ADA Coordinator

- 1) Ensure that all citizens in community and members of your workforce have an opportunity to participate in the programs, activities and services offered in a full and meaningful way.
- 2) Ensure that ADA violations do not occur or are remedied if they do.
- 3) Serve as primary point of contact for ADA compliance, for both your agency and for members of the community.

Questions to Ask

- Where do you fit in the agency hierarchy?
- Who do you report to? (Human Resources Director? Mid-Level Administrator? Agency Director?)
- Do you report to anyone?
- Who reports to you? (Directly and Indirectly)

Questions to Ask

- Do you have a job description? Did your predecessor? Was there a predecessor?
- Whose ear/support do you have?
Consider other departments, as well as leadership.
- Whose ear/support do you need?
Remember to consider other departments, as well as leadership.

Questions to Ask

- Understand your agency's programs, activities and services:
 - What are they?
 - What are they intended to do?
 - Why are they carried out or delivered in the manner they are?
 - What is the underlying purpose of them?
 - What, if any, eligibility requirements exist for each program? Are they necessary?
- Assess institutional commitment - does one exist? Can it be built?

Questions to Ask

- Know who has responsibility for what. What are your responsibilities? Who has responsibilities for program access, policy, and facilities issues? EEO?
- Do we have an ADA Coordinator? Is there an ADA Coordinator for each section?
- Do we have an ADA grievance procedure? If not, do we have *any* grievance procedures?

Where Do I Go From Here?

- Understand the requirements of the ADA. Don't be afraid to ask and use resources.
- Set realistic, achievable timeframes for all your activities. Don't set yourself up for failure.

Where Do I Go From Here?

- Respond to inquiries, complaints, or compliments in a timely manner - even if you don't know what the answer is. Outline realistic, clear, and measurable steps, including timelines, in your grievance procedure and adhere to them.
- Don't be afraid to ask questions or say you don't know the answer or to ask questions. Nobody knows the answer to every question.

Where Do I Go From Here?

- Develop your own support network. Developing relationships is important:
 - With the people at this conference and in this room. Chances are they have experienced what you are dealing with and have some good suggestions. You don't have to feel alone.
 - Reach out and develop relationships with the disability community in your area. They can identify priorities, help to develop a realistic compliance plan, and provide other valuable input.

Where Do I Go From Here?

Contact and develop relationships with the **State ADA Coordinator**, state and local government colleagues, ADA National Network, and designated Federal agencies.

HELP IS AVAILABLE!



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