Ensuring Disability Access:

A Systematic Approach to

ADA Compliance

State of Georgia ADA Coordinator's Office

March 14, 2012
Atlanta, Georgia

Session Objectives

➢ Familiarize participants with our office's services;

➢ Provide an overview of the ADA's "program access" requirements applicable to state and local governments;

➢ Outline the next steps to take for ensuring compliance with the ADA's requirements.

What does the Office Do?

➢ Operates the State ADA Facilities Improvement Program;

➢ Collaborates with state agency colleagues and community partners on ADA specific projects;

➢ Conducts general and customized training on ADA topics for state agencies; and

➢ Serves as a technical resource to state agencies and provides information about the ADA to the general public.

ADA Title II

"… 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."
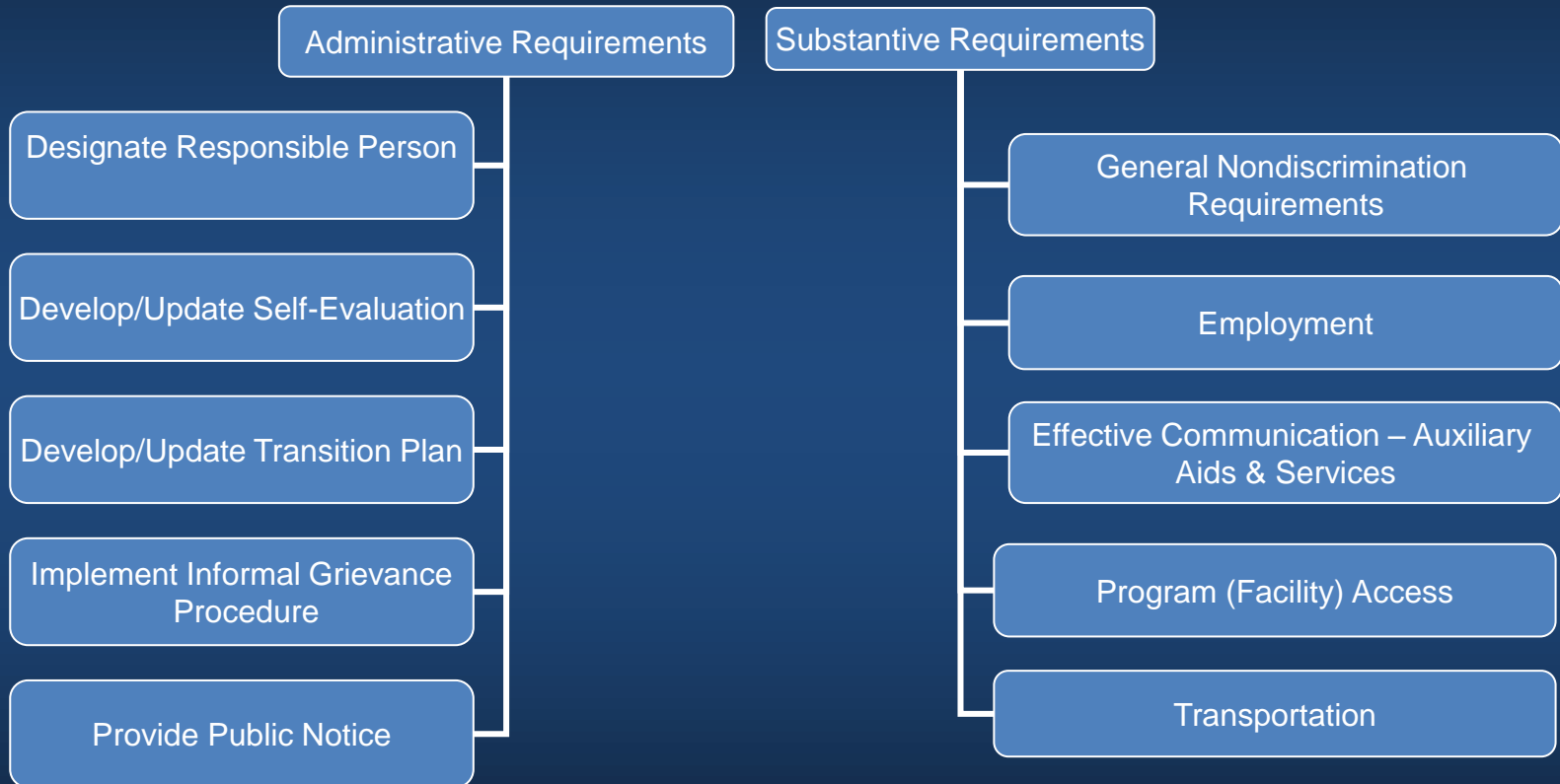
42 U.S.C. 12132 (emphasis added)

Qualified Individual with a Disability

An individual is qualified if s/he meets the essential eligibility requirements with or without:

➢ Reasonable modifications to rules, policies or practices;

➢ Auxiliary aids and services; or

➢ Removal of architectural, communications or transportation barriers.

ADA Title II

Administrative Requirements	Substantive Requirements

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

Architectural Access as a Civil Right: Facility Management and the ADA

➤ Those buildings that are constructed or altered by, on behalf of, or for the use of a public entity shall be designed, constructed, or altered to be readily accessible to and usable by individuals with disabilities.

➤ The "program accessibility" standard applies to all existing facilities of a public entity.

Title II of the ADA, continued…

The ADA also directs state agencies to carry out specific methods of administration enumerated in its implementing regulations to ensure compliance with the Act's mandate.

Administrative Requirements

➢ Designate a Responsible Person

➢ Provide Public Notice

➢ Adopt a Grievance Procedure

➢ Perform a Self-evaluation

➢ Develop and Update a Transition Plan

Transition Plan

Maintain a Transition Plan – required if structural changes are needed to achieve program accessibility. The plan should:

➢ Identify barriers
➢ Describe methods of removal
➢ Provide a schedule
➢ Identify responsible official.

- ADA's "program access" requirements for state and local governments:

  - New Construction;
  - Alterations;
  - Existing Buildings (when no changes are planned)

Overview of ADA Access Requirements

Title	New Construction	Alterations	Existing Facility (No changes planned)
Employment (Title I)	Reasonable Accommodation	Reasonable Accommodation	Reasonable Accommodation
State & Local Government (Title II)	Readily Accessible	Accessible/ Path of Travel	Program Accessibility
Private Businesses (Title III)	Readily Accessible	Accessible/ Path of Travel	Readily Achievable Barrier Removal

Revisions to ADA regulations published September 15, 2010

➢ Published in Federal Register September 15, 2010

➢ Two regulations
  ➢ Title II: State and local governments (title II)
  ➢ Title III: Public accommodations and commercial facilities

➢ Regulations, appendices, standards are at DOJ'S ADA website (www.ada.gov)

Existing Facilities

A public entity is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of the service, program or activity *or* in undue financial and administrative burdens.

Leased Buildings

A public entity is not required to lease accessible space. However, it must provide access to all of the programs conducted in that space.

Steps to Access

Step 1: Identify a Facility Access Team

Team members should include:

- Facilities / Plant Operations
- Agency Architect(s)
- Capital Planning/Financial Planning
- Disability Services/ ADA Coordinator
- People with disabilities

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Barriers

Program
Access
Options

Achieve
Access

Transitio
n Plan

Steps to Access

Step 2: Conduct a Facilities Inventory

Compile a list of facilities owned or leased by the institution and identify the programs, services and activities provided in each agency facility.

Step 5 Summarize Barriers

Examine Program Access Options

Step 7 How to Achieve Access

Step 8 Develop Transition Plan

Steps to Access

Step 3: Identify accessibility surveyor(s) for *each* facility to identify physical barriers to the participation of people with disabilities.

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Program Access Options

Achieve Access

Transition Plan

Steps to Access

Step 4: Choose a survey tool

Use simplified survey and provide training on how to conduct surveys.

Barriers

Access Options

Achieve Access

Transition Plan

Steps to Access

Step 5: Summarize identified barriers and provide a comprehensive list per facility.

 Make sure to describe and prioritize barriers for *each* facility.

Steps to Access

Parallel Step

- Gather capital planning information;
- Planned new construction and planned alterations;
- Planned facility closings;
- Identify underutilized facilities.

Steps to Access

Step 6: Examine program access options.

Identify whether identified barriers can be removed through nonstructural program changes or structural modifications.

Steps to Access

Step 7: Determine how to achieve program accessibility

Decide the most efficient method(s) (structural v. non-structural) for removing identified barriers.

Steps to Access

Step 8: Develop a Transition Plan for Improving Inclusion & Quality of Life for People With Disabilities

For structural modification solutions, identify:

- Cost estimates;
- Proposed timeline for completion of
   project(s);
- Responsible Official(s);
- Interim measures.

Also determine those structural modification solutions that cannot be implemented for reasons of "fundamental alteration" or "undue burden" and re-examine possible non-structural solutions.

A Proactive Approach for Agency Coordinators

A Proactive Approach for Agency Coordinators

➢ Identify potential "Points of Difficulty" in the system.

A Proactive Approach for Agency Coordinators

➢ How do people learn of accommodations available in your agency?

➢ Has an assessment of communication barriers been made?

A Proactive Approach for Agency Coordinators

➢ Do you have physical barriers to remove?

➢ What do you need to improve access to your facilities?

A Proactive Approach for Agency Coordinators

➢Develop and implement a "Reasonable Accommodation" procedure

➢Evaluate cases and circumstances on an individualized, case-by-case basis

For Administrative Personnel

➢ Familiarize yourself with the facility's accessibility features and accommodation protocol.

➢ Respond courteously to all accommodation requests and be sure to promptly direct the request to appropriate personnel who can assist.

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Thank you