

ADA for State and Local Governments Conference

General ADA Learning Track



The Georgia Aquarium
Atlanta, Georgia
Thursday, October 31, 2019

What Works! Strategies for Effective ADA Coordination

GENERAL ADA LEARNING TRACK
ADA FOR STATE AND LOCAL GOVERNMENTS CONFERENCE
OCTOBER 31, 2019
GEORGIA AQUARIUM

Presenters



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Agenda

- The Basics
- Requirements for State and Local Governments
- Primary Roles/Duties of an ADA Coordinator
- Viable Resources
- ADA Coordination in Action



THE BASICS



State ADA Coordinator's Office

ADA

- Civil Rights law
- Origins in the Civil Rights Act of 1964 and the Disability Rights Movement

The ADA generally uses the framework of Titles II and VII of the Civil Rights Act of 1964 for coverage and enforcement and the terms and concepts of Section 504 for what constitutes discrimination.



Code of Federal Regulations

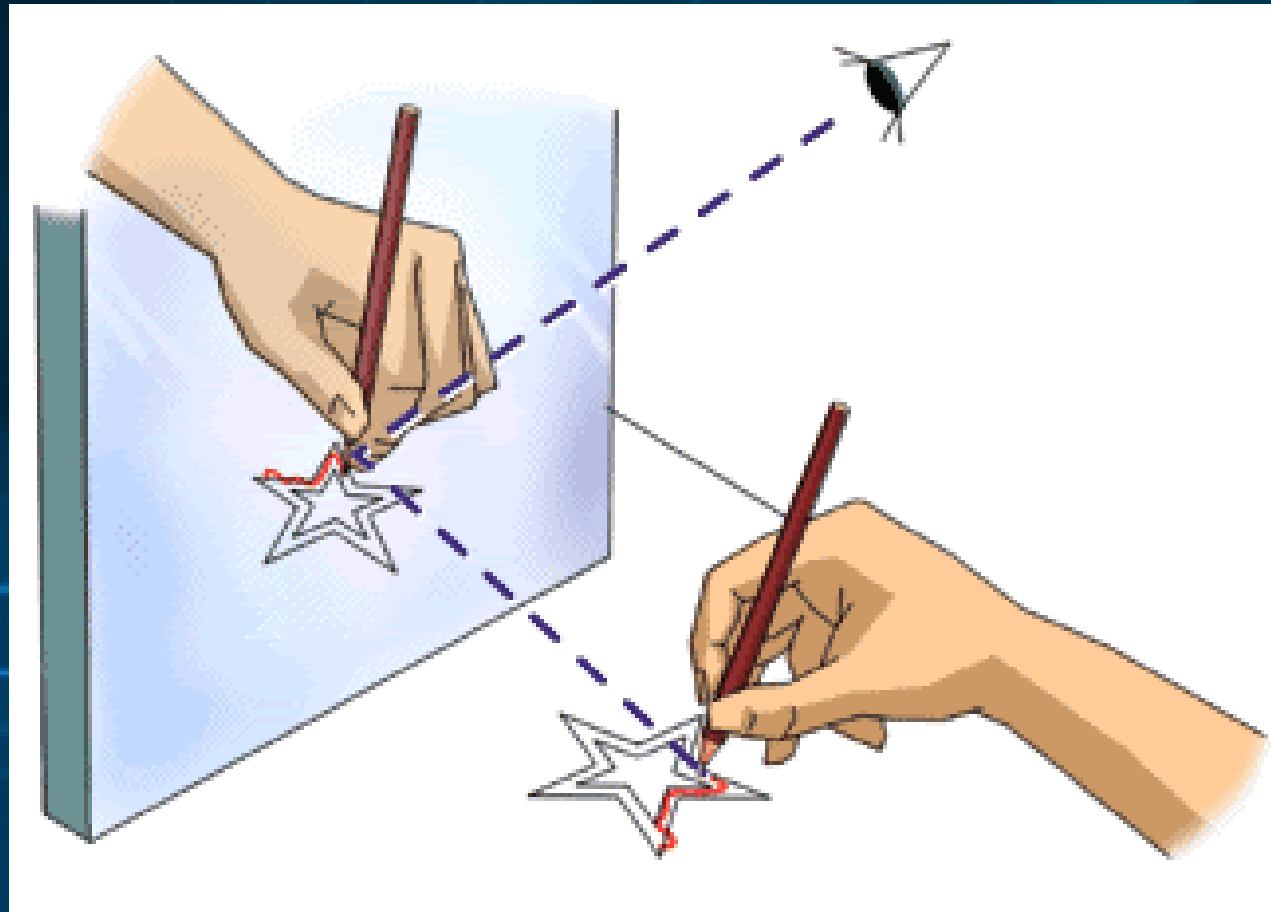
28 C.F.R. § 35.130(a)

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.

MIRROR EXERCISE

Cognitive Disabilities /Learning to Process



COUNTDOWN CLOCK

2 minutes per participant



DEFINE DISABILITY

- An individual is considered to have a "disability" if s/he has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

MAJOR LIFE ACTIVITIES



HEARING



SEEING



WALKING



EATING



SLEEPING



LEARNING

ADA Amendments Act of 2008

- Restores the ADA's broad protections as intended by Congress;
- Definition of disability construed broadly;
- Mitigating measures (other than ordinary corrective lenses) will not be considered;
- Impairment can be a disability even if episodic or in remission.



PREDICTABLE ASSESSMENTS

Impairments that will, at a minimum, substantially limit the major life indicated:

Deafness – Hearing

Blindness – Seeing

Autism – Brain Function

Intellectual Disability – Brain Function

Cancer – Normal Cell Growth

Missing Limbs or Mobility Impairments – Musculoskeletal Function

Cerebral Palsy – Brain Function

Diabetes – Endocrine Function



PREDICTABLE ASSESSMENTS

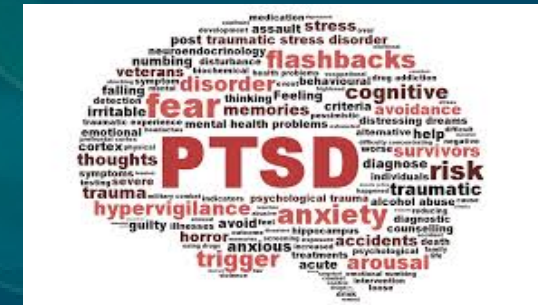
Epilepsy, Muscular Dystrophy, Multiple Sclerosis – Neurological Function

Human Immunodeficiency Virus (HIV) infection – Immune Function

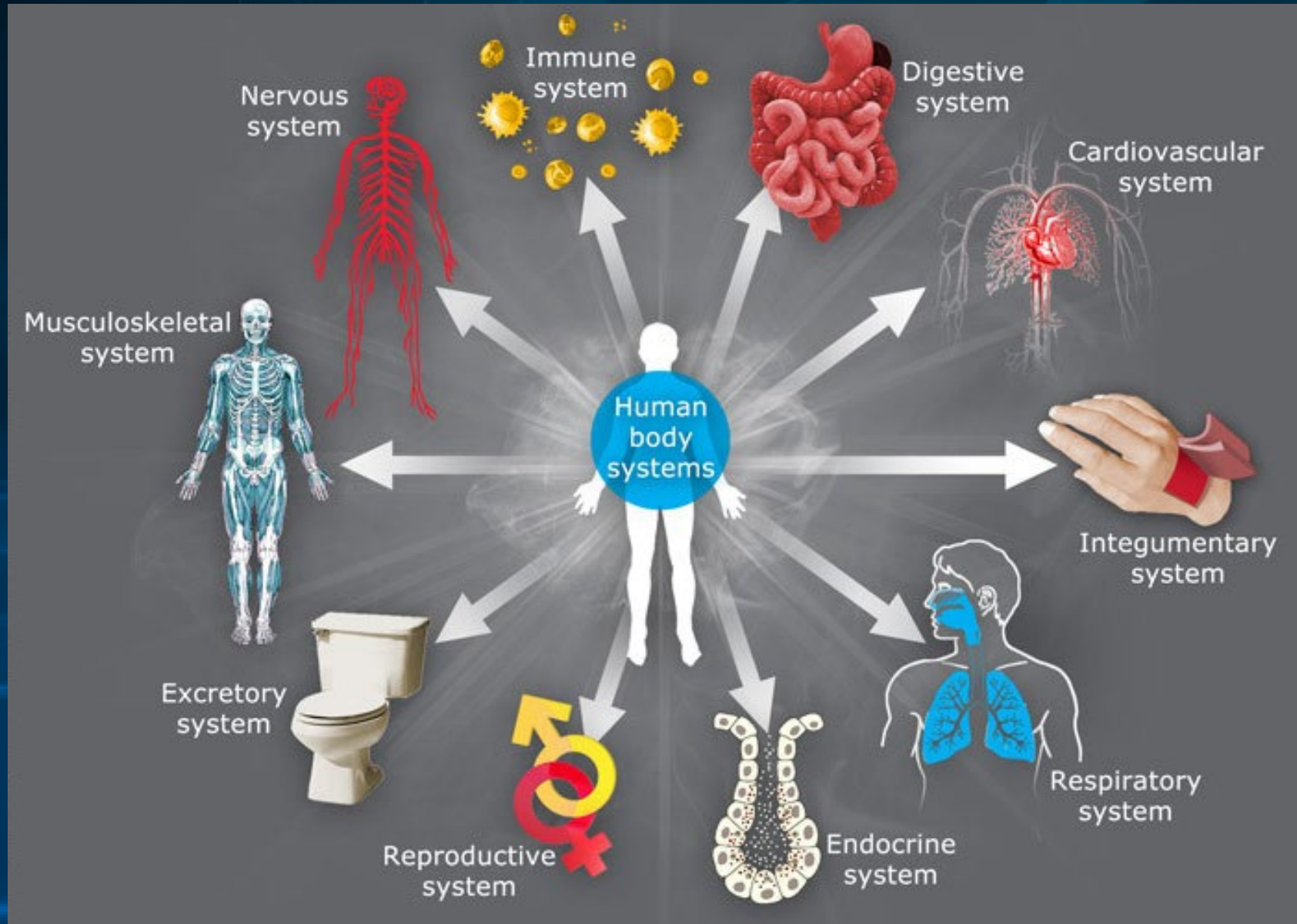
Major Depressive Disorder, Bipolar Disorder, Schizophrenia – Brain Function

Post-Traumatic Stress Disorder, Traumatic Brain Injury – Brain Function

Obsessive Compulsive Disorder – Brain Function



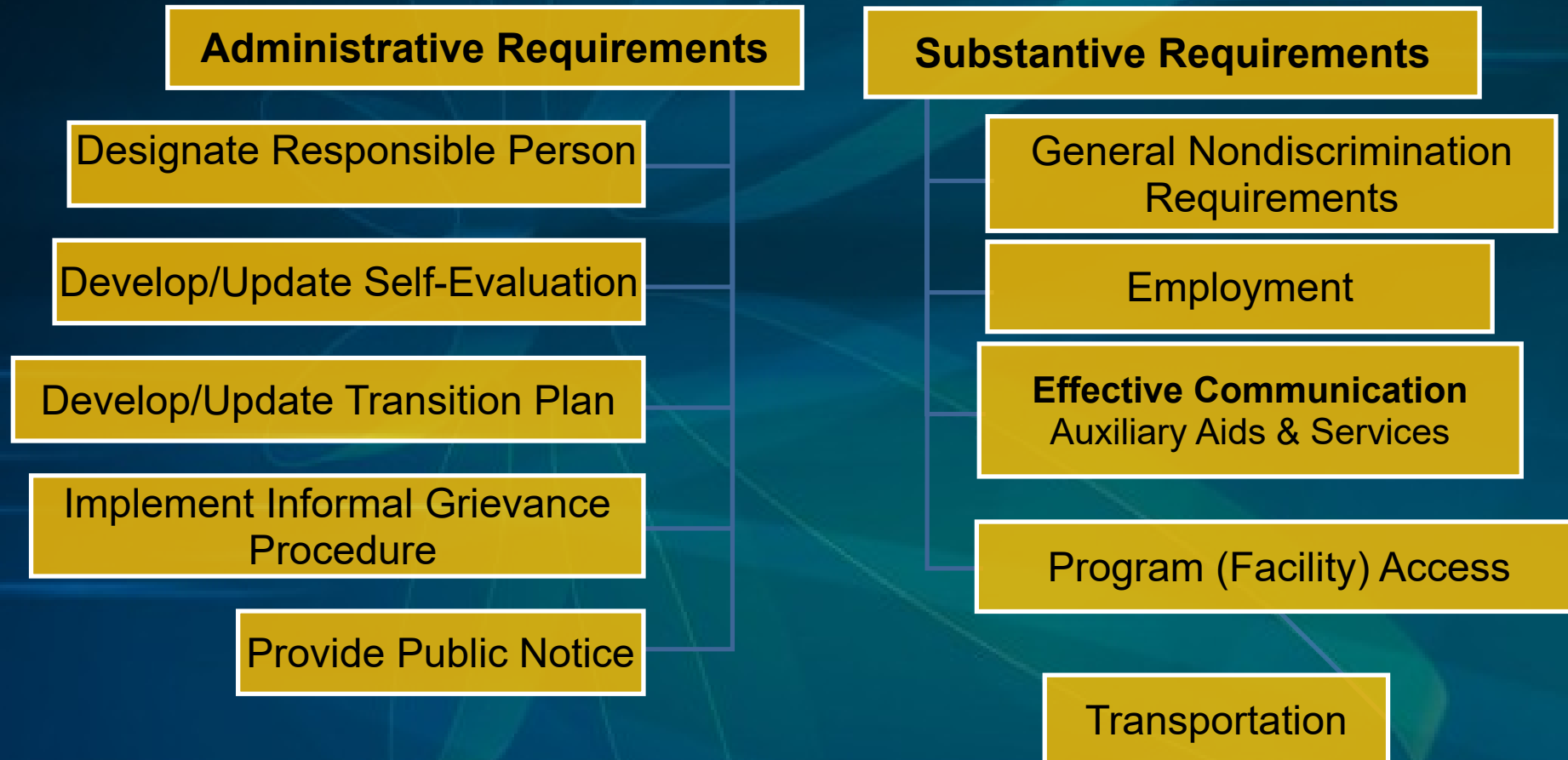
BODILY SYSTEMS/ FUNCTIONS



ADA REQUIREMENTS STATE AND LOCAL GOVERNMENTS



Administrative and Substantive Requirements



Title II Requirements Overview

Public Services: State and Local Governments

- Prohibits discrimination on the basis of disability by “public entities” such as state and local government agencies
- Requires public entities to make their programs, services and activities accessible to individuals with disabilities.
- Outlines requirements for self-evaluation and planning; making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; identifying architectural barriers; and communicating effectively with people with hearing, vision and speech disabilities.
- Regulated and enforced by the U.S. Department of Justice.



Programs, Services, and Activities

- Initial face-to-face customer engagement
- College classes
- Service Animals
- Websites
- Telephone Calls
- Filling Out Forms
- Emergency Evacuations
- Student Council/ Organizations

Programs, Services, and Activities

- **Social Security Applications**
- **Job Applications**
- **Job Placement**
- **Food Stamps Request**
- **Health and Welfare Appointments**
- **Prison Intake**
- **Probation Supervision**
- **Court Documents**



RATE YOUR AGENCY!



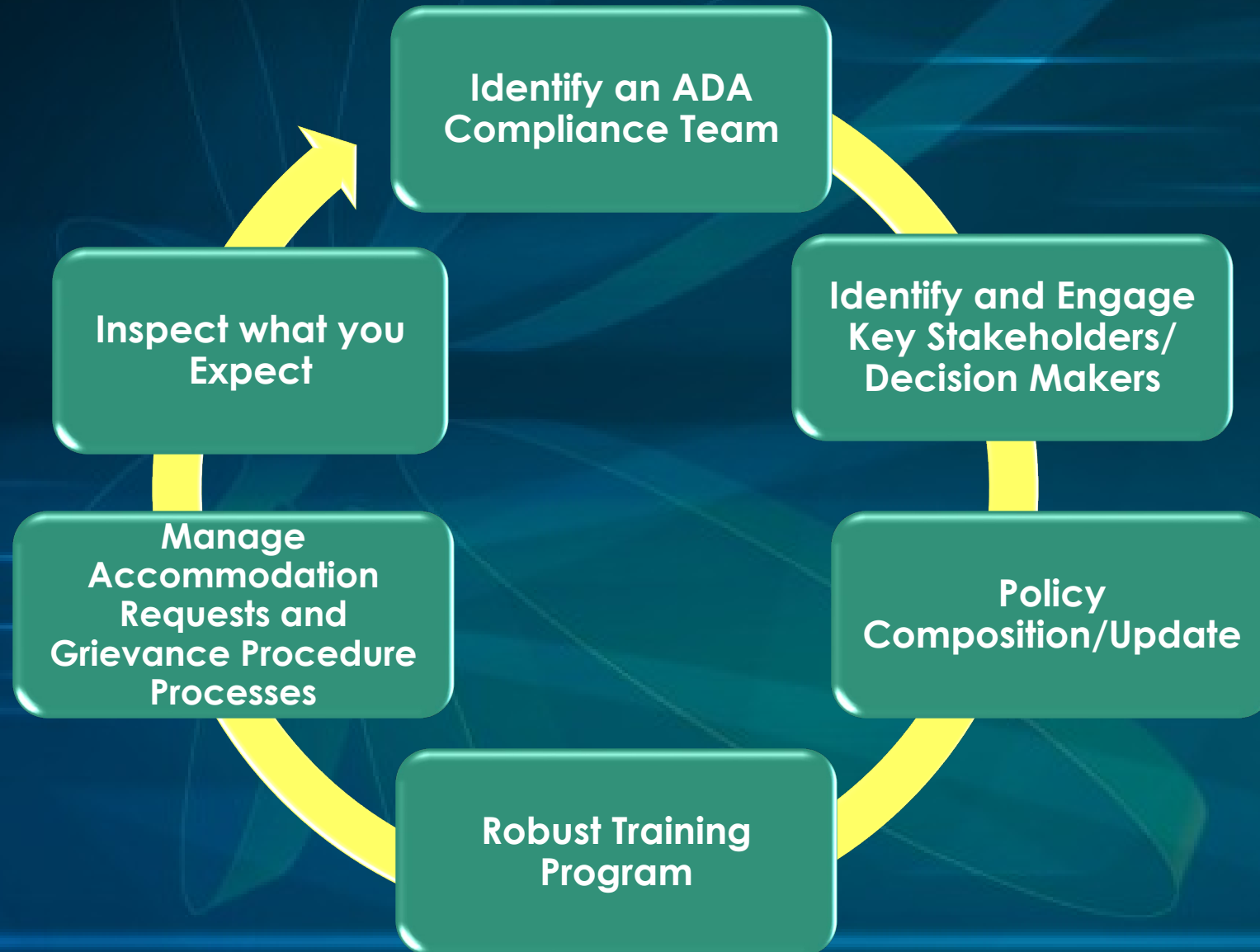
State ADA Coordinator's Office

Tool Kit for State and Local Governments

Chapter	Topic
1	ADA Basics: Statutes and Regulations
2	ADA Coordinator, Notice and Grievance Procedures
3	General Effective Communication Requirements
4	9-1-1 and Emergency Communication Services
5	Website Accessibility
6	Curb Ramps and Pedestrian Crossing

ADA COORDINATOR'S PRIMARY ROLES/DUTIES

Primary Roles/ Duties of ADA Coordinator



Identify an ADA Compliance Team

- **Organizational Chart Review**
- Why do you need each member you chose to be on the team?
- What are some of the roles the members should hold?
- How often should you meet?
- What will you discuss during the meetings?
- What is the importance of timelines and task completion?

Identify and Engage Key Stakeholders

- Who are your stakeholders?
- Who makes the decisions in your agency?
- How do you encourage buy-in from your stakeholders and decision makers?
- What does buy-in look like for your agency?

Policy Composition/ Update

- Use existing policy examples from credible sources
- Ensure information is aligned with the ADA regulations
- Establish a review committee and timeline for completion
- Ensure input does not alter ADA regulations/definitions/language
- Consider your audience
- Ensure clarity with each sentence
- Use language that will distinguish Ministerial from Discretionary duties

Create a Robust Training Program

- New Employee Training
- Annual Training
- Specialty Training
- Daily/ Weekly/ Monthly Meetings
- Email Groups
- Ensure updates are shared with all employees and affected individuals
- Create a resource location for staff, members of the public, etc.

Manage Accommodation Requests and Grievances

- Create a review process to include all necessary participants
- Ensure an interactive dialogue with individuals submitting information – Ask the individual what works for them?
- Investigation (be thorough)
- Consideration of needs and resources (consult the law)
- Recommend Resolution
- Document Conclusion of Review

Inspect what you Expect

Trust, but erify

Questions?



2nd Session



State ADA Coordinator's Office

Self-Evaluation Planning



CONTENTS OF A SELF-EVALUATION

What should a self-evaluation contain? A self-evaluation is a public entity's assessment of its current policies and practices. The self-evaluation identifies and corrects those policies and practices that are inconsistent with title II's requirements. As part of the self-evaluation, a public entity should:

- 1) Identify all of the public entity's programs, activities, and services;
and
- 2) Review all the policies and practices that govern the administration of the public entity's programs, activities, and services.

CAREFUL EXAMINATION

Areas that need **careful examination** include the following:

- 1) A public entity must examine each program to determine whether any physical barriers to access exist. It should identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. If structural changes are necessary, they should be included in the transition plan (see II-8.3000).

REVIEW OF POLICIES AND PRACTICES

2) A public entity must **review its policies and practices** to determine whether any exclude or limit the participation of individuals with disabilities in its programs, activities, or services. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, service, or activity. The self- evaluation should identify policy modifications to be implemented and include complete justifications for any exclusionary or limiting policies or practices that will not be modified.

EFFECTIVE COMMUNICATION REVIEW

3) A public entity should review its policies to ensure that it communicates with applicants, participants, and members of the public with disabilities in a manner that is as effective as its communications with others. If a public entity communicates with applicants and beneficiaries by telephone, it should ensure that **TDD's or equally effective telecommunication systems** are used to communicate with individuals with impaired hearing or speech.

Finally, if a public entity provides **telephone emergency services**, it should review its policies to ensure direct access to individuals who use TDD's and computer modems.

EFFECTIVE COMMUNICATION REVIEW (con't)

4) A public entity should review its policies to ensure that they include provisions for **readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and amanuenses for individuals with manual impairments.**

Where equipment is used as part of a public entity's program, activity, or service, an assessment should be made to ensure that the equipment is usable by individuals with disabilities, particularly individuals with hearing, visual, and manual impairments. In addition, a public entity should have policies that ensure that its equipment is maintained in operable working order.

EMERGENCY PROCEDURES

5) A review should be made of the **procedures to evacuate individuals with disabilities during an emergency**. This may require the installation of visual and audible warning signals and special procedures for assisting individuals with disabilities from a facility during an emergency.

AUDIO-VISUAL MATERIALS

6) A review should be conducted of a public entity's written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning manner.

PHYSICAL ACCESS

7) If a public entity operates historic preservation programs, it should review its policies to ensure that it gives priority to methods that provide physical access to individuals with disabilities

FINANCIAL AND ADMINISTRATIVE BURDEN

8) A public entity should review its policies to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity, or service, or a decision that an undue financial and administrative burden will be imposed by title II, are made properly and expeditiously.

ACCESS TO PUBLIC MEETINGS

9) A public entity should review its policies and procedures to ensure that individuals with mobility impairments are provided access to public meetings.

EMPLOYMENT PRACTICES

10) A public entity should review its employment practices to ensure that they comply with other applicable nondiscrimination requirements, including section 504 of the Rehabilitation Act and the ADA regulation issued by the Equal Employment Opportunity Commission.

BUILDING AND CONSTRUCTION POLICIES

11) A public entity should review its building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under the title II regulation.

TRAINING

12) A review should be made to ascertain whether measures have been taken to ensure that employees of a public entity are familiar with the policies and practices for the full participation of individuals with disabilities. If appropriate, training should be provided to employees.

DENIAL OF PARTICIPATION IN PROGRAMS, SERVICES, OR ACTIVITIES

13) If a public entity limits or denies participation in its programs, activities, or services based on drug usage, it should make sure that such policies do not discriminate against former drug users, as opposed to individuals who are currently engaged in illegal use of drugs.

Questions?



Transitional Plan



Title II Technical Assistance Manual

II-8.3000 Transition plan.

Where structural modifications are required to achieve program accessibility, a public entity with 50 or more employees must do a transition plan by July 26, 1992, that provides for the removal of these barriers. Any structural modifications must be completed as expeditiously as possible, but, in any event, by January 26, 1995.

TRANSITION PLANS DEVELOPED UNDER SECTION 504

What if a public entity has already done a transition plan under section 504 of the Rehabilitation Act of 1973?

If a public entity previously completed a section 504 transition plan, then, at a minimum, a title II transition plan must cover those barriers to accessibility that were not addressed by its prior transition plan.

Although not required, it may be simpler to include all of a public entity's operations in its transition plan rather than identifying and excluding those barriers that were addressed in its previous plan.

PUBLIC ACCESS TO DOCUMENTATION

Must the transition plan be made available to the public?

If a public entity has 50 or more employees, a copy of the transition plan must be made available for public inspection.

What are the elements of an acceptable transition plan?

A transition plan should contain at a minimum

- 1) A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible;

What are the elements of an acceptable transition plan?

3) The schedule for taking the necessary steps to achieve compliance with title II. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period; and,

4) The name of the official responsible for the plan's implementation.

Questions?



Viable Resources

- State ADA Coordinator's Office
- ADA Tutorial – Title II (Mid-Atlantic ADA Center)
- ADA Coordinator Training Certification Program
- US Department of Justice (www.ada.gov)
- Center for Inclusive Design and Innovation (CIDI) at Georgia Tech
- AccessGA



Viabile Resources

- Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD)
- Georgia Department of Vocational Rehabilitation
- Other ADA Coordinators
- Stay Abreast of Legal Trends
- Attorney William Goren's blog (www.williamgoren.com/blog)
- US Access Board
- And, many more!



ADA Coordination in Action

SCENARIOS



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COLLABORATION



State ADA Coordinator's Office

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DOCUMENTATION



State ADA Coordinator's Office

ADA Coordination in Action

CYA!

(Cover Your Agency)



What Works!

Strategies for Effective ADA Coordination

SPEAKERS' CONTACT INFORMATION

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