

## ADA: Compliance *Plus* Commitment



Tony St. Romaine, Assistant  
City Manager & ADA Coordinator

## Americans with Disabilities Act

- The ADA is the world's first comprehensive civil rights law protecting those with disabilities (July 26, 1990)



## PROCLAMATION

WHEREAS, President George H. Bush signed into law the Americans with Disabilities Act (ADA) on July 26, 1990 to ensure the civil rights of people with disabilities; and

WHEREAS, this legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and

WHEREAS, the enactment of the ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions and increasing full participation in community life; and

WHEREAS, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA; and

WHEREAS, on the 20th anniversary of the Americans with Disabilities Act, the City of Columbia celebrates and recognizes the progress that has been made by reaffirming the principals of equality and inclusion and recommitting our efforts to reach full ADA compliance.

NOW, THEREFORE, I, Robert McDavid, Mayor of the City of Columbia, Missouri, do hereby reaffirm our commitment to work toward full ADA compliance in the City of Columbia.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereto the seal of the City of Columbia, this 17th day of May, 2010.

*Robert McDavid*  
Robert McDavid, Mayor

ATTEST

*[Signature]*

## Twenty Years of ADA: Disabilities Act aims to break barriers



*Photo courtesy of The Columbia Daily Tribune, July 11, 2010*

## **Our Role: Compliance *Plus* Commitment**

- **Compliance:**
- **Non-discrimination**
- **Program and Building Access Commitment**
- **Equity as a community value**
- **Educating for understanding**
- **Mutual adaptation for the gray areas**

## **There are 5 major sections or “Titles” within the ADA:**

- **Title I = Employment**
- **Title II = State and Local Government Entities**
- **Title III = Places of Public Accommodation**
- **Title IV = Telecommunications**
- **Title V = Miscellaneous Provisions**



## **Title II of the ADA**

**Protects Qualified Individuals  
with Disabilities Against  
Discrimination by State and  
Local Government Entities.**



## **ADA Purpose**

**Integration of individuals with  
disabilities into the mainstream  
of society is fundamental to the  
purposes of the ADA**

## **State and local governments**

- **May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.**
- **Must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.**

## **State and local governments**

- **Requirements that tend to screen out individuals with disabilities, such as requiring a driver's license as the only acceptable means of identification, are also prohibited.**
- **Unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy services, programs or activities must be eliminated.**

## **State and local governments -**

**Are required to make **reasonable modifications** in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a **fundamental alteration** in the program would result.**

## **State and local governments -**

**Must furnish auxiliary aids and services when necessary to ensure effective communication, unless an **undue burden** or **fundamental alteration** would result.**

## **State and local governments -**

**May provide special benefits to individuals with disabilities beyond those required by the regulation, but may not place special charges (**surcharges**) on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment.**

## **Program Access**

**State and local governments must ensure that individuals with disabilities are not excluded from services, programs, and activities because buildings are inaccessible.**

## **Program Access**

**But not all physical barriers in existing buildings, such as stairs, must be removed or made accessible, as long as programs are made accessible to individuals unable to use an inaccessible existing facility.**

## **Integrated Programs**

### **■ Remember:**

#### **Integration is Fundamental.**

- **Public entities may not provide services or benefits to individuals with disabilities through programs that are **separate or different**, unless the separate programs are necessary to ensure that the benefits and services are equally effective.**

## Integrated Programs

- Even when separate programs are permitted, an individual with a disability still has the right to choose to participate in the regular program.
- State and local governments may not require an individual with a disability to accept a special accommodation or benefit if the individual chooses not to accept it.

## Communication

- Title II entities must ensure that communication with individuals with disabilities is **effective**.
- Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are **as effective as communications with others**, the public entity must provide appropriate auxiliary aids.

## **"Auxiliary aids" include services or devices such as:**

- qualified interpreters
- assistive listening headsets
- TV captioning and decoding
- TDDs
- readers
- taped texts
- Braille materials
- large print materials

## **At what cost?**

- **Public entities are not required to provide auxiliary aids that would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial or administrative burdens.**
- **But . . . a public entity may not charge an individual with a disability for the use of an auxiliary aid.**

## State & Local Governments

Are required to make **reasonable modifications** in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a **fundamental alteration** in the program would result.

## The bottom line is...

State and local governments shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities. This standard is known as **Program Access**

## ADA Coordinator's Role

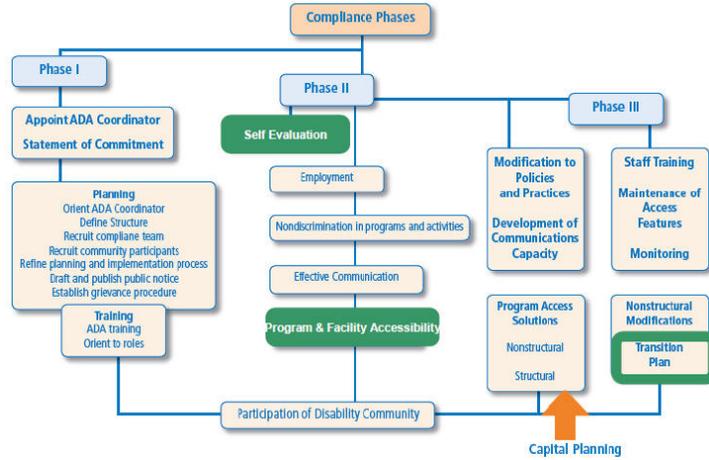
Title II of the the ADA stipulates five major duties:

- Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance;
- Administer and write self-evaluation of the programmatic barriers in services offered by the local government;
- Establish a complaint/grievance procedure to respond to complaints of noncompliance from the public;
- Develop a transition plan if structural changes are necessary for achieving program accessibility; and
- Retain the self-evaluation for three years.

## Title II Elements



# ADA Title II Compliance Flowchart



# Grievance Procedure



## City of Columbia, MO ADA Grievance Procedure Americans With Disabilities Act

### Provisions of Services and Employment Practices

The City of Columbia has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints should be addressed to: City of Columbia ADA Coordinator-Assistant City Manager, 701 East Broadway, Columbia, MO 65201. Phone: (573) 874-7214

1. A complaint shall be filed in writing and shall contain the name and address of the person filing it together with a brief description of the violation(s) alleged.
2. A complaint should be filed within 14 days of when the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this written grievance procedure was in place shall be considered on a case-by-case basis.)
3. An investigation, when deemed appropriate, shall follow the filing of a complaint. The investigation shall be conducted by the ADA Coordinator or his/her designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy shall be forwarded to the complainant no later than 14 business days after its filing. In the event a complex issue arises that requires additional review, the response time may be extended beyond 14 days.
5. The ADA Coordinator shall maintain the files and records of the City of Columbia relating to the complaints filed.
6. The complainant may request reconsideration of their case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 14 days of the issuance of the ADA Coordinator's written resolution, to the City Manager.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the City of Columbia complies with the ADA and implementing regulations.



CITY OF COLUMBIA, MISSOURI

**Public Notice and Posting**  
July 22, 2010

The City of Columbia is in the process of conducting an **Americans with Disabilities Act (ADA)** self-evaluation and transition plan update. Areas to be evaluated include facility and program accessibility, accommodations for individuals with disabilities, and administrative policies and procedures.

Individuals who would like to provide input are invited to complete a survey. Surveys are available for organizations that represent individuals with disabilities, community members, employees, and other interested individuals who wish to participate in the evaluation.

Your comments and opinions are important to us and will provide valuable information regarding how the City of Columbia can better serve individuals with disabilities. Surveys can be mailed to you or are available at:

City of Columbia  
City Hall Addition – (1<sup>st</sup> Floor Lobby)  
701 East Broadway  
Columbia, MO 65205

Please contact Tony St Romaine, Assistant City Manager and ADA Coordinator at (573) 874-7214, TTY/Relay MO 800-735-2966 or [Tony@GoColumbiaMo.com](mailto:Tony@GoColumbiaMo.com) if you have questions or comments or would like to request a survey in an alternate format. Surveys and information regarding the Americans with Disabilities Act are also available on the City's website at [GoColumbiaMo.com](http://GoColumbiaMo.com) or from the ADA Coordinator

The City of Columbia complies with the Americans with Disabilities Act of 1990, Public Law 101-336, which prohibits discrimination on the basis of disability.

## Public Input

City of Columbia  
City Manager's Office  
701 E. Broadway  
Columbia, MO 65201  
(573) 874-7214

## Self-Evaluation/Transition Plans

- **Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all State and local governments**
- **All public entities subject to Title II of the ADA must complete a self-evaluation**



## **What is a Self-Evaluation**

- **A self-evaluation is a public entity's assessment of its current policies and practices. The self-evaluation is a review of all services, programs, and activities to identify any physical barriers or policies, practices, or procedures that may limit or exclude participation by people with disabilities.**



## **What is a Self-Evaluation**

- **The self-evaluation includes permanent, temporary, and periodic services, programs, and activities.**
- **If the self-assessment identifies areas not in compliance with the ADA, public entities must formulate a plan to address the problems.**



## **What is a Self-Evaluation**

- **A public entity that employs 50 or more employees must retain its self-evaluation for three years. Other public entities are not required to retain their self-evaluations, but are encouraged to do so because these documents evidence a public entity's good faith efforts to comply with Title II's requirements.**



## **What is a 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.**



## **What should a Self-Evaluation Contain?**

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



## **Facilities Survey**

- **Completion August 31, 2010  
(see list of facilities)**

# PROW Survey

- Project with University of Missouri
  - School of Engineering
    - Dr. Carlos Sun
- Columbia Public Works
  - Dave Nichols
    - Assistant Director
  - Ted Curtis
    - Bike/Ped Program Manager

**This summer/fall, University of MO Engineering students will capture accurate information about slope and surface variations that can make a sidewalk difficult to navigate.**

**Running Slope**



1:20 (5%) max  
*ADAAG 4.8*

**Cross Slope**



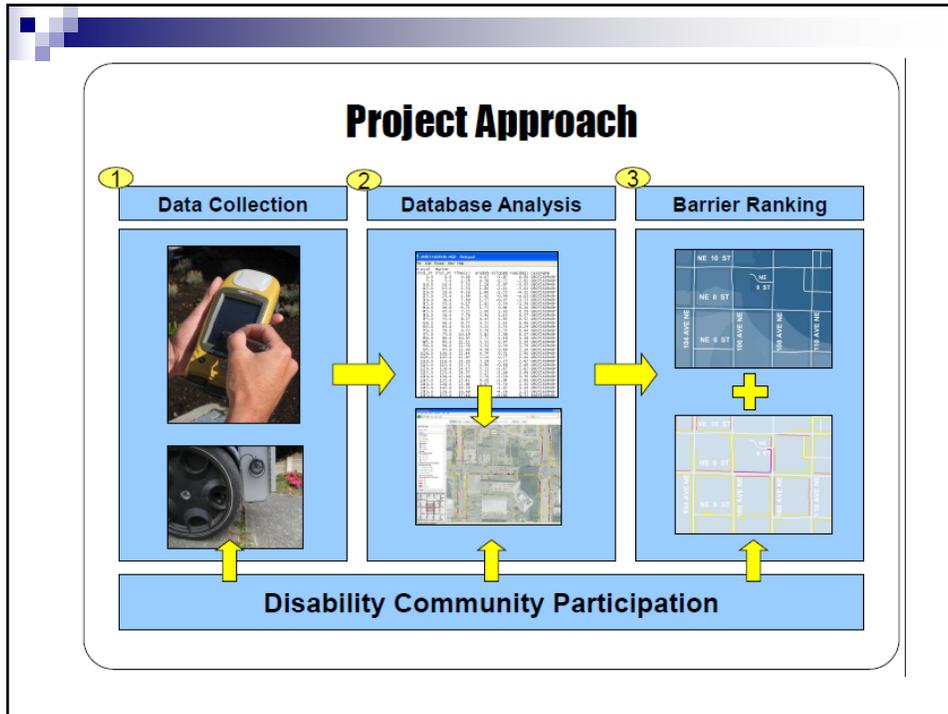
1:50 (2%) max  
*ADAAG 4.3.7*

**Change in Level**



1/4 inch max  
*ADDAG 4.5.2*





## Challenge #1: Shift Perspective

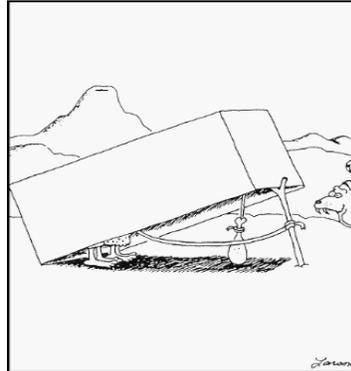
- **What you see depends on what you look for:**
  - We're used to looking for compliance issues
  - Also look for commitment issues and meet the intent of the ADA



Optical illusion picture

## Challenge #2: Step Outside Your Box

- You must know what you don't know
- Seek out the perspectives of people with various disabilities

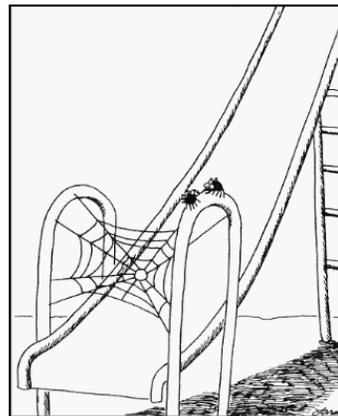


"Shhhh, Zog! ... Here come one now!"

Cartoon of two hunters who are inside of the trap designed to catch a tiger.

## Challenge #3: Develop Partnerships

- Partners can help you with what you don't know
- Partners can share expertise
- Partners can leverage resources
- Partners can be strong advocates

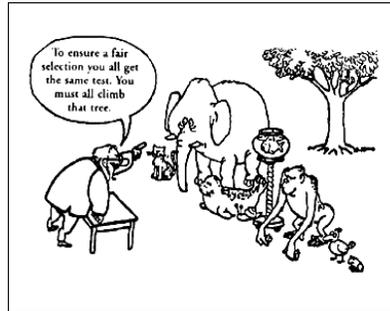


"If we pull this off, we'll eat like kings."

Cartoon of two spiders spinning a web at the bottom of a slide, hoping to catch a child.

## Challenge #4: Understand Impact

- In the end, it is all about equal access and opportunity
- The best communities cultivate a broad understanding of this reality



Cartoon of various mammals, fish, birds, all being told to climb a tree in order to be "fair."

## Challenge #5: Don't Give Up

- Mistakes will happen
- Correct the compliance issues
- Use the opportunity to educate – get others to shift perspective



Photo of parking access aisle without a curb cut.



## Contact Information

**Tony St. Romaine**

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ADA Coordinator

701 East Broadway

Columbia, MO 65201

(573) 874-7214

[Tony@GoColumbiaMo.com](mailto:Tony@GoColumbiaMo.com)

<http://www.gocolumbiamo.com/ADA/index.php>