

Americans With Disabilities Act (ADA) Title II

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I. PURPOSE

Title II of the American's with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. Therefore, this policy outlines the provisions of Title II of the ADA, and the rights and obligations of citizens and the City under federal and state law.

II. POLICY

It is the policy of the City of Racine to ensure that all citizens have an equal opportunity to participate in and receive the benefits of the services, programs, or activities of the City. This will be done in the most integrated setting appropriate to the needs of the qualified individual with a disability. Only where it is absolutely necessary will the City provide services, programs, or activities separately to persons with disabilities. No qualified individual with a disability shall, on the basis of said disability, be screened out of a service, program or activity. Nor, shall any individual be excluded from participation in or denied the benefits of said services, programs or activities, because of their disability.

The City is required to ensure all programs and activities are accessible, but are not required to make each and every facility accessible, as long as all programs are accessible (see "*Transition Plans*"). There are several means by which the City can make its programs readily accessible to and usable by disabled individuals, including:

- Redesigning equipment;
- Reassigning services or programs to alternative, accessible buildings;
- Assigning aides to beneficiaries;
- Providing auxiliary aids;
- Making home visits; or
- Altering existing facilities or building new facilities

The City is required to reasonably modify City-wide policies, practices or procedures to avoid discrimination. However, modifications may not be required where a particular modification would fundamentally alter the nature of the service, program or activity.

a. Reasonable Accommodation

If a reasonable accommodation is necessary to participate in the services provided by the city, please contact the ADA Coordinator. Every attempt will be made to accommodate the request.

i. Due Process

The following procedure is intended to protect the rights of interested individuals to meet appropriate due process standards and to assure that the City complies with the Americans with Disabilities Act (ADA) and the implementation regulations.

ii. Complaint Procedure

If anyone utilizing the City's facilities, programs, services or activities believes they have been discriminated against on the basis of a disability in connection with access to any City facility or programs, services or activities, they have the right to file a complaint. Complaints should be addressed to the ADA Coordinator who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing, contain the address of the person filing it, and briefly describe the alleged violation.
2. An investigation, as appropriate, shall follow a complaint filing. The investigation shall be conducted by the ADA Coordinator, and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
3. A written response to the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant.
4. The ADA Coordinator maintains the files and records of all ADA complaints filed with the City.
5. The complainant can request a reconsideration of the case in instances where they are dissatisfied with the resolution.
6. The right of an individual to a prompt and equitable resolution of the complaint filed with the City shall not be impaired by the individual's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency.

b. Transition Plan

When structural modifications to facilities are necessary in order to make a program, service, or activity accessible to people with disabilities, Cities are required to develop a facility transition plan which must include:

- The physical barriers which limit access to and use of the programs, services, and activities for people with disabilities, including communications features which are structural in nature;
- A detailed description of how the City plans to make the facilities accessible;
- The schedule for barrier removal;
- A yearly schedule, if the transition plan is more than one year long; and
- The name of the individual who is responsible for implementing the transition plan;

The City is required to maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities. This includes locked accessible doors, elevators, accessible routes which are obstructed by parked cars or furniture, and complaint signage which is obstructed from vision and touch.