



**Colorado Advisory Council
for Persons with Disabilities**

December 10, 2014

The Honorable John Hickenlooper
136 State Capitol
Denver, CO 80203

Re: ADA Title II Coordinators

Governor Hickenlooper:

The Colorado Advisory Council for Persons with Disabilities (CACPWD) was established to ensure equality of opportunity, independent living, and economic self-sufficiency for all of the state's citizens, including persons with disabilities. Two of the six powers and duties of the council are 1) to advise the governor and general assembly on legislation and state policy affecting persons with disabilities and 2) monitor the state's implementation of Title II of the federal "Americans with Disabilities Act of 1990" (ADA).

The Colorado Advisory Council respectfully requests that a letter be distributed from your office informing all state agencies and local public entities of their requirements listed below, for compliance with both the ADA as a recipient of federal funds, under section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA).

We also request that a list of the ADA Coordinators within each state agency be updated and made available. In the past the CACPWD attempted to compile this key information, but many departments did not know who their ADA Coordinator was and/or could not find them in their own directory. When the Council was able to contact an ADA Coordinator, the ADA Coordinator was versed in employment (Title I) issues but he/she was not aware of the physical access requirements to evaluate existing buildings and exterior elements like parking and path of travel to entrances or programmatic requirements to evaluate existing programs, services and activities to ensure compliance with the ADA when viewed in entirety. Please know that as far as the CACPWD is aware the only two departments that have ADA Title II Coordinators are the Colorado Department of Transportation (CDOT) and the Colorado Department of Health Care Policy and Financing (HCPF).

Title II requires that public entities with 50 or more employees have the following in place:

- **Designate a responsible employee to ensure ADA compliance - 28 CFR Part 35.107(a)**

Any public entity with 50 or more employees must designate at least one employee to coordinate ADA compliance. This requirement ensures that the public can identify a person who is familiar with the requirements of the ADA and who can communicate these requirements to other individuals in the agency who may be unaware of their responsibilities. The public entity must provide the ADA coordinator's name, office address, and telephone number to the general public.

The ADA coordinator's role includes:

- i. Planning and coordinating overall compliance efforts
- ii. Ensuring that the administrative requirements are achieved
- iii. Receiving and investigating grievances on programs, services, practices, and employment.

- **Provide notice of ADA requirements - 28 CFR Part 35.106**

All public entities, regardless of size, must provide information to all interested parties regarding the rights and protections afforded by Title II, including information about how the Title II requirements apply to its particular programs, services, and activities. The public entity must provide the information on an ongoing basis. While no

particular methods or language is recommended, public entities are well-advised to use a variety of methods including, but not limited to signs located in public buildings, information posted on agency web sites, notices included in television and radio broadcasts, and printed in materials promoting events, meetings, programs, or services.

- **Establish a grievance procedure - 28 CFR Part 35.107(b)**

All public entities with 50 or more employees must adopt and publish grievance procedures providing for prompt and equitable resolution of grievances arising under Title II. The ADA coordinator is responsible for receiving and investigating complaints. The purpose of the grievance procedure is to provide a mechanism for the resolution of discrimination issues at the state or local level.

- **Conduct a self-evaluation - 28 CFR Part 35.105**

All public entities must conduct a self-evaluation, a comprehensive review of the entity's programs, services, policies and practices, services, facilities and public rights-of-way. Through the self-evaluation, the entity must identify any policies or practices that do not comply with Title II requirements and modify those policies and practices to bring them into compliance.

Depending on the circumstances, as a Local Public Agency/Entity, the goal is to provide equivalent access, not necessarily "identical access," to all persons with disabilities. Depending on the number of facilities, services, and public rights-of-way for which each LPA is responsible, and the resources available, the self-evaluation process may seem overwhelming. To keep the self-evaluation process manageable, it is a good idea to divide an inventory into three parts to conduct assessments.

The three parts are:

- i. Policies, services, and communications
- ii. Buildings
- iii. Programs such as public rights-of-way.

- **Develop a transition plan - 28 CFR Part 35.150(d)**

Public entities with 50 or more employees must develop a transition plan when structural changes to existing facilities are necessary in order to make a program, service, or activity accessible to individuals with disabilities. The transition plan:

- i. Identifies physical obstacles that limit the accessibility of programs, services, or activities to individuals with disabilities
- ii. Describes the methods to be used to make the facilities accessible
- iii. Provides a schedule for making the access modifications
- iv. Indicates the public official responsible for implementation of the transition plan.

The Colorado Advisory Council for Persons with Disabilities strives to ensure equality of opportunity, independent living, and economic self-sufficiency for all of the state's citizens, including persons with disabilities.

On behalf of all members of the Colorado Advisory Council for Persons with Disabilities we respectfully request your assistance to encourage all public entities to recognize and fulfill their requirements under the ADA. The CACPWD is ready to support your efforts.

Sincerely,



Gina Robinson
Chair Person

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cc: CACPWD Members and website