

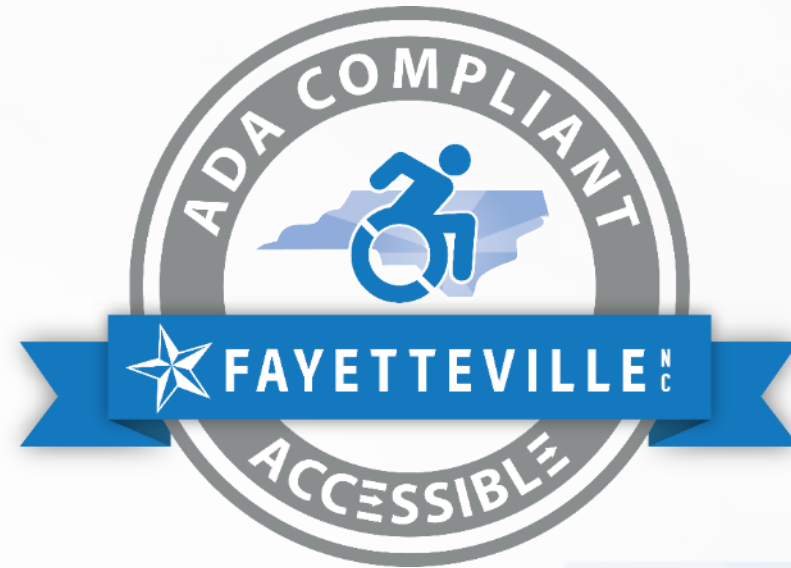
The Americans with Disabilities Act

Self-Evaluation, Transition Plan, and
Public Involvement Plan

January 4, 2021



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- Title II of the ADA
- Implementation Strategy
- Self-Evaluation
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- Project Timeline



The Americans with Disabilities Act (ADA) became law in 1990.

- The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life.
- The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.
- The ADA is divided into five titles (or sections) that relate to different areas of public life.
- The Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective in January 2009.
- The ADAAA made significant changes to the definition of “disability.” These changes apply to all Titles of the ADA.
- Title I – Employment
 - Equal Employment Opportunity for Individuals with Disabilities
- Title II – State and Local Government
 - Nondiscrimination on the Basis of Disability in State and Local Government Services
- Title III – Public Accommodations
 - Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities
- Title IV – Telecommunications
- Title V – Miscellaneous Provisions



Title II of the ADA

Under Title II of the ADA people with disabilities must have an equal opportunity to participate in and benefit from state and local governments' programs, services, and activities. Applying for a business license, using a city playground, registering to vote, and attending a public university are some of public entities' programs, services and activities covered by the ADA.

Title II is divided into two parts:

- Subtitle A: covers all programs, services, and activities of State and Local government.
- Subtitle B: contains requirements for public transportation systems such as regional transit authorities.
- In this project we will discuss the key aspects of the Title II Subtitle A.

Who is Protected: To be protected under the ADA a person needs to meet the ADA's definition of disability and be "qualified." We'll discuss the definition of disability first, and then we'll discuss what it means to be "qualified."

Definition of Disability

The definition of disability has three parts. A person only has to meet one of the parts to be covered. The definition applies to a person who:

1. has a physical or mental impairment that substantially limits one or more major life activities; or
2. has a history or record of a physical or mental impairment that substantially limited one or more major life activities; or
3. is regarded as having an impairment, whether the person has the impairment or not.

Obligation – Title II applies to state and local governments including state executive agencies, courts, legislatures, towns, cities, counties, school districts, universities, community colleges, water districts, special purpose districts, regional transit authorities, other state and local government instrumentalities and AMTRAK

General Nondiscrimination – Title II requires that people with disabilities have an equal opportunity to participate in public entities' programs, services and activities in the most integrated manner appropriate.

Integration – A primary goal of the ADA is the equal participation and integration of people with disabilities in the mainstream of American life. Public entities must evaluate and consider the following:

- **Effective Communication** – Many people with disabilities are prevented from participating fully in programs, activities and services because of communication difficulties. To address this, the ADA requires that communication with people with disabilities must be “as effective” as communication with others
- **Building Accessibility** – New Construction, Alterations, Historic Preservation
- **Program Accessibility** – Public entities must ensure that people with disabilities are not excluded from programs, services, or activities because facilities are inaccessible.
- **Web Accessibility** – The Department of Justice’s technical information publication, *Accessibility of Web Information and Services of State and Local Government Entities and Public Accommodations*, two resources are listed to provide guidance for web developers designing accessible web pages.
 - Section 508 Standards
 - Web Content Accessibility Guidelines (WCAG)

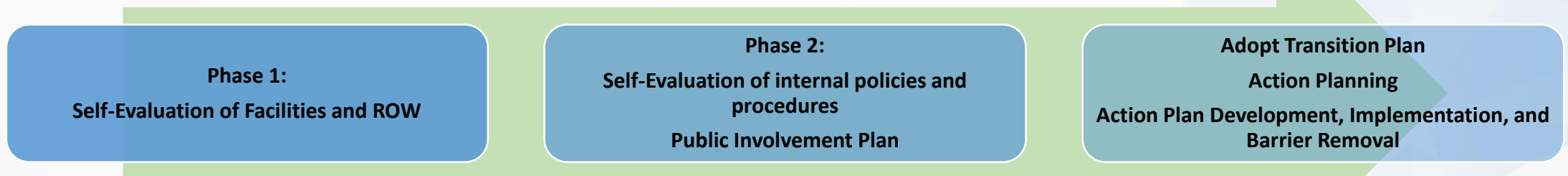
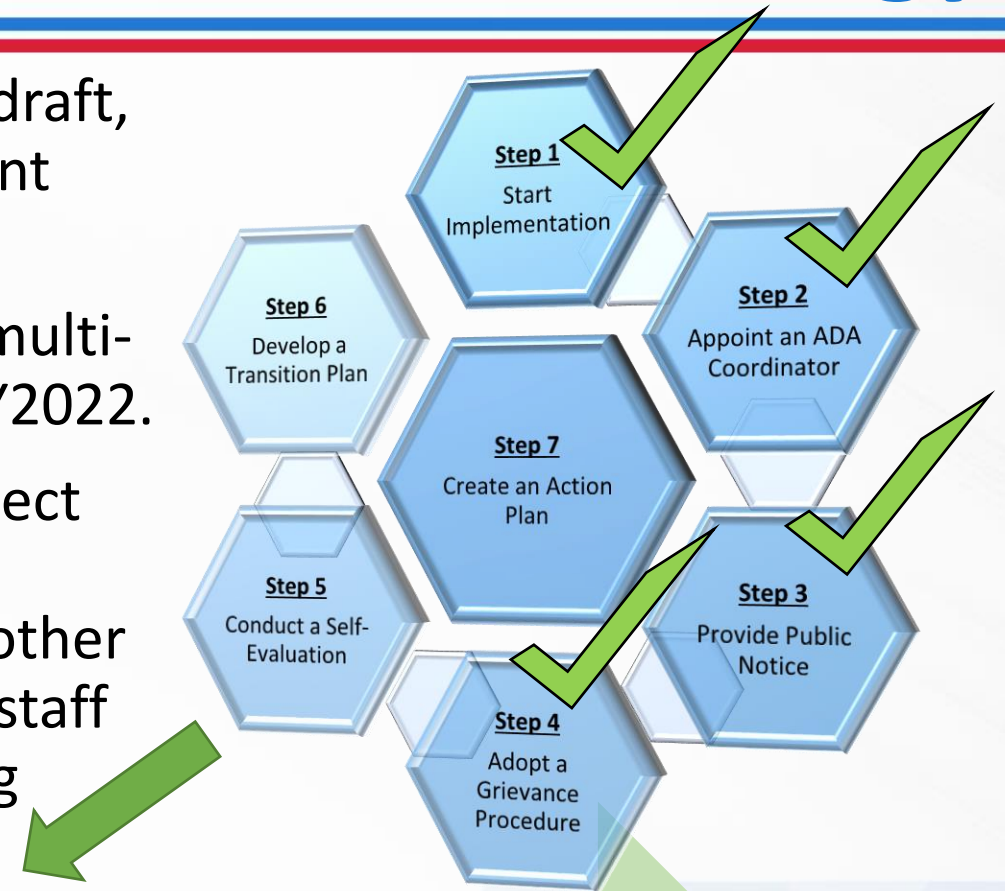


- **Emergency Preparedness** – Emergency preparedness and response programs is a critical part of ADA obligations. Include the needs of people who use mobility aids such as wheelchairs, scooters, walkers, canes or crutches, or people who have limited stamina. Plans should also include people who use oxygen or respirators, people who are blind or who have low vision, people who are deaf or hard of hearing, people who have a cognitive disability, people with mental illness, and those with other disabilities.
- **Public Elementary and Secondary Schools**
- **Public Postsecondary Schools**
- **Administrative Requirements** – Public entities with 50 or more employees are also required to:
 - Designate an employee to oversee Title II compliance.
 - Establish a grievance procedure.
 - Develop a transition plan if structural changes are necessary for achieving program accessibility.

Implementation Strategy

- Staff designated a project plan to, coordinate, draft, and draft the Transition Plan, Public Involvement Plan, and ADA Action Plan.
- The ADA Transition Plan Project established a multi-year timeline spanning FY2020, FY2021, and FY2022.

At the onset of the COVID-19 pandemic, the project plan was restructured to accomplish the self-evaluation of public facilities, rights of way, and other public areas. Although the pandemic continues, staff have developed a plan to involve the public using 2020 innovation and capabilities.



Self-Evaluation – External

The external self-evaluation identified barriers to access that are inconsistent with its title II requirements. These barriers have been cataloged and are currently being processed to display and discuss during the public involvement phase.

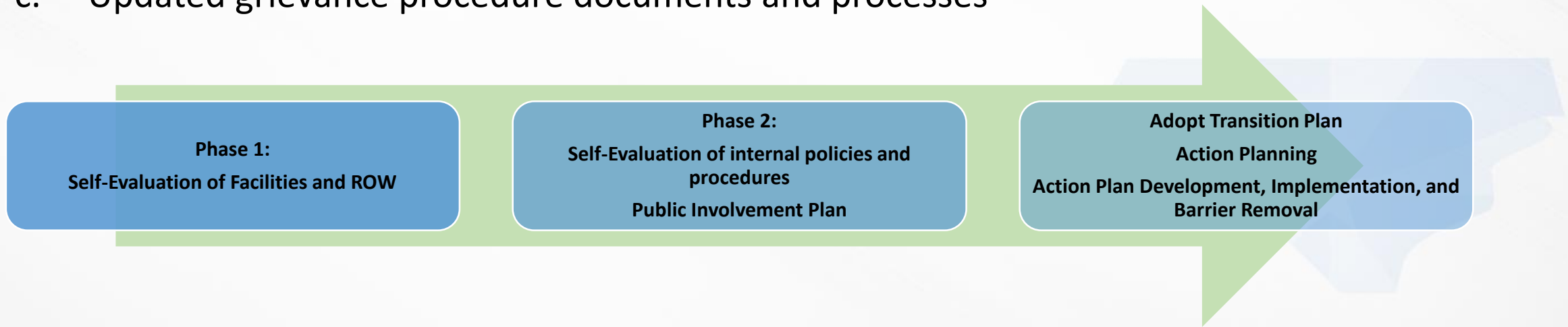
During 2020, City Staff conducted a self-evaluation of:



Type	Number
Administrative Buildings	18
Fire Stations	18
Police Stations	7
Historical Facilities	8
Recreation Centers	20
Public Parks	49
Pools & Splash Pads	9
Bus Stops	615
Curb Ramps (ongoing)	+/- 400 of 2258
Sidewalks inventoried	207 miles

Phase 2 of the Self-evaluation will carry three lines of effort:

1. A comprehensive review of all programs, activities, and services in physical and virtual environments operated by the City.
 - a. This will be accomplished by the ADA Project Team and ADA Liaisons for each department.
2. Launch the Public Involvement Plan
3. Revision of ADA webpage:
 - a. Addition of interactive GIS maps for the public to view what has been evaluated and what barriers have been identified
 - b. Updated Surveys for the public to provide geo-located input of what barriers they are experiencing and the location of the barrier
 - c. Updated grievance procedure documents and processes



The purpose of the Public Involvement Plan (PIP) is to create an open and transparent process to guide the ADA Transition Plan resulting in a shared community vision.

The scope of the PIP is to:

- Provide objective information to assist the public in understanding the purpose of the ADA Transition Plan.
- Seek and encourage the involvement of all community members.
- Provide a variety of opportunities for the public to contribute ideas and provide feedback through all phases of the process.
- Make the process accessible and engaging to interested community members and other stakeholders.
- Consider the public input the implementation of the ADA Transition Plan.
- Provide an opportunity for public participation by all stakeholders including people with disabilities and those who speak other languages but have limited understanding the English language.

January
2021

Conduct Public Outreach – Virtual Webinar

Present areas of the ADA Transition plan to the community for feedback, ideas, or other concerns.

-ADA Webinar #1

*Launch revised ADA webpage on fayettevillenc.gov

*Launch internal and external surveys for feedback

*Launch Public Education Campaign for ADA awareness

February
2021

Conduct Public Outreach - Community Virtual Meetings

Present overview of the ADA Transition plan to the community for feedback, ideas, or other concerns.

-ADA Webinar #2

-Community Watch

-Boards

-Commissions

*Drive all resident interest to the online products

*provide print material as needed

March
2021

Conduct Public Outreach – In Person Meeting

Present areas of the ADA transition plan to the community for feedback, ideas, or other concerns.

-Contingency for Virtual Webinar #3

-Community Watch

-Boards

-Commissions

-Citizen Academies

*Revise and add public feedback comments to ADA Transition Plan

April
2021

Present ADA Transition Plan & Self Evaluation to City Council for Adoption

*Establish Action Plan Steering Committee

*Submit Self Evaluation and Transition Plan to NCDOT for federal Compliance

*Publish ADA Transition Plan, PIP, ArcGIS Maps, and all other updated components of Accessibility in the City of Fayetteville

Questions?

Thank you.



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