



**Commission for Accessibility  
Meeting Minutes  
Monday, March 10, 2025**

Meeting Via Zoom

In Attendance: Christine Santori, Maureen Culhane, Debbie, Pregor, Michael Londrigan Debra Franceschini, Divya Dorairrajan, Tony Phillips, Don Ciota.

**5:05 PM CALL TO ORDER**

**N.B.** There was one motions made during this session.

**MOTION:** To approve CfA minutes from February 10, 2024 meeting.

Motion by Michael, Second by Debbie

**APPROVED UNANIMOUSLY**

**PUBLIC COMMENT:**

The Chair discussed the Commission's participation in the RPS Second Transition Fair on Thursday, March 13 from 6-8PM at the high school.

It was announced our two guests, Debra Franceshini and Divya Dorairrajan desire to be members of this Commission and will be interviewed by the BOS on April 9.

## **Review of ADA Requirements for Local Governments.**

### **ADA Update: A Primer for State and Local Governments**

Last updated: February 28, 2020

More than 55 million Americans –18% of our population–have disabilities, and they, like all Americans, participate in a variety of programs, services, and activities provided by their State and local governments. This includes many people who became disabled while serving in the military. And, by the year 2030, approximately 71.5 million baby boomers will be over age 65 and will need services and surroundings that meet their age-related physical needs.

### **Who is Protected by the ADA?**

The ADA protects the rights of people who have a physical or mental impairment that substantially limits their ability to perform one or more major life activities, such as breathing, walking, reading, thinking, seeing, hearing, or working. It does not apply to people whose impairment is unsubstantial, such as someone who is slightly nearsighted or someone who is mildly allergic to pollen. However, it does apply to people whose disability is substantial but can be moderated or mitigated, such as someone with diabetes that can normally be controlled with medication or someone who uses leg braces to walk, as well as to people who are temporarily substantially limited in their ability to perform a major life activity. The ADA also applies to people who have a record of having a substantial impairment (e.g., a person with cancer that is in remission) or are regarded as having such an impairment (e.g., a person who has scars from a severe burn).

## **Who Has Responsibilities under the ADA?**

Title II of the ADA applies to all State and local governments and all departments, agencies, special purpose districts, and other instrumentalities of State or local government (“public entities”). It applies to all programs, services, or activities of public entities, from adoption services to zoning regulation. Title II entities that contract with other entities to provide public services (such as non-profit organizations that operate drug treatment programs or convenience stores that sell state lottery tickets) also have an obligation to ensure that their contractors do not discriminate against people with disabilities.

## **General Nondiscrimination Requirements**

The integration of people with disabilities into the mainstream of American life is a fundamental purpose of the ADA. Historically, public entities provided separate programs for people with disabilities and denied them the right to participate in the programs provided to everyone else. The ADA prohibits public entities from isolating, separating, or denying people with disabilities the opportunity to participate in the programs that are offered to others. Programs, activities, and services must be provided to people with disabilities in integrated settings. The ADA neither requires nor prohibits programs specifically for people with disabilities. But, when a public entity offers a special program as an alternative, individuals with disabilities have the right to choose whether to participate in the special program or in the regular program.

People with disabilities have to meet the essential eligibility requirements, such as age, income, or educational background, needed to participate in a public program, service, or activity, just like everyone else. The ADA does not entitle them to waivers, exceptions, or preferential treatment. However, a public entity may not impose eligibility criteria that screen out or tend to screen out individuals with

disabilities unless the criteria are necessary for the provision of the service, program, or activity being offered.

## **Reasonable Modification of Policies and Procedures**

Many routine policies, practices, and procedures are adopted by public entities without thinking about how they might affect people with disabilities. Sometimes a practice that seems neutral makes it difficult or impossible for a person with a disability to participate. In these cases, the ADA requires public entities to make “reasonable modifications” in their usual ways of doing things when necessary to accommodate people who have disabilities.

Only “reasonable” modifications are required. When only one staff person is on duty, it may or may not be possible to accommodate a person with a disability at that particular time. The staff person should assess whether he or she can provide the assistance that is needed without jeopardizing the safe operation of the public program or service. Any modification that would result in a “fundamental alteration” – a change in the essential nature of the entity’s programs or services – is not required.

## **Communicating with People Who Have Disabilities**

Communicating successfully is an essential part of providing service to the public. The ADA requires public entities to take the steps necessary to communicate effectively with people who have disabilities, and uses the term “auxiliary aids and services” to refer to readers, notetakers, sign language interpreters, assistive listening systems and devices, open and closed captioning, text telephones (TTYs), videophones, information provided in large print, Braille, audible, or electronic formats, and other tools for people who have communication disabilities. In addition, the regulations permit the use of newer technologies including real-time captioning (also known as computer-assisted real-time transcription, or CART) in which a transcriber types what is being said at a meeting or

event into a computer that projects the words onto a screen; remote CART (which requires an audible feed and a data feed to an off-site transcriber); and video remote interpreting (VRI), a fee-based service that allows public entities that have video conferencing equipment to access a sign language interpreter off-site. Entities that choose to use VRI must comply with specific performance standards set out in the regulations.

Because the nature of communications differs from program to program, the rules allow for flexibility in determining effective communication solutions. The goal is to find a practical solution that fits the circumstances, taking into consideration the nature, length, and complexity of the communication as well as the person's normal method(s) of communication. What is required to communicate effectively when a person is registering for classes at a public university is very different from what is required to communicate effectively in a court proceeding.

### **Access to Programs and Services in Existing Facilities**

Public entities have an ongoing obligation to ensure that individuals with disabilities are not excluded from programs and services because facilities are unusable or inaccessible to them. There is no "grandfather clause" in the ADA that exempts older facilities. However, the law strikes a careful balance between increasing access for people with disabilities and recognizing the constraints many public entities face. It allows entities confronted with limited financial resources to improve accessibility without excessive expense.

### **ADA Coordinator, Grievance Procedure, Self-Evaluations, and Transition Plans**

Public entities that have 50 or more employees are required to have a grievance procedure and to designate at least one responsible employee to coordinate ADA compliance. Although the law does not require the

use of the term “ADA Coordinator,” it is commonly used by state and local governments across the country. The ADA Coordinator’s role is to coordinate the government entity’s efforts to comply with the ADA and investigate any complaints that the entity has violated the ADA. The Coordinator serves as the point of contact for individuals with disabilities to request auxiliary aids and services, policy modifications, and other accommodations or to file a complaint with the entity; for the general public to address ADA concerns; and often for other departments and employees of the public entity. The name, office address, and telephone number of the ADA Coordinator must be provided to all interested persons.

The 1991 ADA regulation required all public entities, regardless of size, to evaluate all of their services, policies, and practices and to modify any that did not meet ADA requirements. In addition, public entities with 50 or more employees were required to develop a transition plan detailing any structural changes that would be undertaken to achieve program access and specifying a time frame for their completion. Public entities were also required to provide an opportunity for interested individuals to participate in the self-evaluation and transition planning processes by submitting comments. While the 2010 regulation does not specifically require public entities to conduct a new self-evaluation or develop a new transition plan, they are encouraged to do so.

## **Staff Training**

A critical, but often overlooked, component of ensuring success is comprehensive and ongoing staff training. Public entities may have good policies, but if front line staff or volunteers are not aware of them or do not know how to implement them, problems can arise.

Does the ADA mandate training for local government employees?

Yes, the **Americans with Disabilities Act (ADA)** does not explicitly mandate training for local government employees in general terms. However, under **Title II** of the ADA, which applies to state and local

governments, public entities are required to ensure that their services, programs, and activities are accessible to individuals with disabilities.

### **Training Requirements - Indirect Obligation**

While the ADA does not prescribe specific training mandates, compliance often necessitates employee training to fulfill these obligations effectively. For example:

1. **Reasonable Accommodations:** Employees need to understand their responsibility to provide accommodations for individuals with disabilities.
2. **Effective Communication:** Staff must be aware of appropriate communication methods for individuals with hearing, vision, or speech disabilities.
3. **Program Accessibility:** Employees must know how to modify policies, practices, and procedures to avoid discrimination.
4. **Grievance Procedures:** Staff involved in handling ADA complaints must be familiar with the grievance process required under Title II.

### **DOJ Guidance and Best Practices**

The **U.S. Department of Justice (DOJ)**, which enforces Title II, strongly encourages training for local government employees to ensure compliance. While not strictly mandated, courts have found that inadequate training can contribute to ADA violations, making training a critical component of compliance efforts.

### **State and Local Policies**

Some states or municipalities may impose their own ADA training requirements for public employees to reinforce compliance with federal law.

In practice, effective ADA compliance often involves regular staff training to ensure employees understand their responsibilities in promoting accessibility and inclusivity.

**6:35 PM ADJOURN**

### **2025 Meeting Dates**

<b>Apr 7</b>	<b>May 12</b>	<b>June 9</b>
<b>July n/a</b>	<b>Aug n/a</b>	<b>Sept 8</b>
<b>Oct 6</b>	<b>Nov 10</b>	<b>Dec 8</b>

\*All meetings are Via Zoom on Monday of the dates above at 5:00 PM.

Minutes by Don Ciota