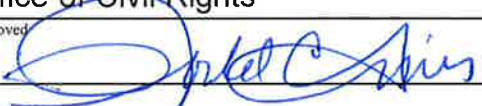




<small>Title</small> King County Disability Access Policy: Access to Programs, Services, Activities and Physical Facilities by Qualified Individuals with Disabilities	<small>Document Code No.</small> PER 22-2-2
<small>Department/Issuing Agency</small> Office of Civil Rights	<small>Effective Date.</small> MAY 10, 2003
<small>Approved:</small> 	

1.0 SUBJECT TITLE: Section 504 and ADA Title II - Public Services Implementation

1.1 EFFECTIVE DATE: ~~Ten (10) days after Executive signature~~ MAY 10, 2003

1.2 TYPE OF ACTION: Superseding PER 22-2-1 (AEP), "504 Implementation" dated 4/20/00.

1.3 KEY WORDS: Disability, Disability Access, Disability Discrimination, Accessibility, Non-discrimination, People with Disabilities, Reasonable Accommodations, Program Modifications, Program Accessibility, Barrier-Free Design, Corrective Action Plan, Transition Plan, ADA, Disability Compliance

2.0 PURPOSE:

To reaffirm King County's Executive Branch policy and practice that physical facilities, and programs, services and activities of King County government are accessible to members of the public, including qualified individuals with disabilities. The Executive Branch policy on accommodations for employees with disabilities is set out in PER 22-4-1, "Disability Accommodation in Employment."

3.0 ORGANIZATIONS AFFECTED:

All King County Executive Branch Departments, Divisions, Offices and Agencies.

4.0 REFERENCES:

- 4.1 Americans with Disabilities Act of 1990 (ADA)
- 4.2 Section 504 of the Rehabilitation Act of 1973, as amended (Section 504)
- 4.3 Chapters 2.42, 49.60, and 70.84 of the Revised Code of Washington (RCW)
- 4.4 Washington State Building Code: Chapters 19.27, 51.40, and 70.92 of the Washington Administrative Code (WAC)
- 4.5 Sections 3.10.080 and 12.22 of the King County Code (K.C.C.)
- 4.6 Regulations promulgated under Section 504 include those by the U.S. Departments of Agriculture (7 CFR 156), Education (34 CFR 104), Health and

Human Services (45 CFR 84), Justice (28 CFR 42), Interior (43 CFR 17), Housing and Urban Development (24 CFR 8), Labor and Transportation (49 CFR 27) implementing the ADA and Section 504 Requirements

- 4.7 Regulations promulgated by Washington State agencies implementing state disability non-discrimination laws

5.0 DEFINITIONS:

- 5.1 "Qualified individual with a disability": An individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided to the public by King County, with or without reasonable modifications to rules, policies, or practices, the removal of architectural or communication barriers, or the provision of auxiliary aids and services (Section 504 of the Rehabilitation Act of 1973, as amended, 42 U.S.C. Section 12131 *et seq.*, 28 CFR Part 35, the Americans with Disabilities Act of 1990, and RCW 49.60).
- 5.2 Barrier-free design: Design that gives users the opportunity for movement without restriction. By using principles of barrier-free design, people with disabilities will be able to participate fully and avail themselves equally of the opportunities to benefit from King County programs and services.
- 5.3 Usability: Within facilities constructed prior to the passage of the ADA, some architectural elements may not meet current codes and requirements for accessibility. If a barrier to access by people with disabilities does not result, the facility is usable and complies with this policy. In other cases, though requirements of the applicable laws, codes, and regulations have been met, a barrier may exist to a qualified individual with a disability. In such cases, it may be necessary to modify the element in the facility to make the facility usable by qualified individuals with disabilities.
- 5.4 Overall Program Accessibility: The ADA requires that programs as a whole be accessible to people with disabilities, taking into account how the program's elements work together as a whole and how services are delivered.
- 5.5 Self-evaluation: The evaluation of policies, practices, and physical facilities to identify potential barriers to accessibility and corrective actions to reduce or eliminate those barriers.
- 5.6 Disability Corrective Action Plan for Programs, Services and Activities: A written plan which states what activities need to be completed to meet the requirements of this policy as it relates to programs, services and activities provided by King County. This plan also includes timelines for completion.

5.7 Disability Transition Plan for Physical Facilities: A written plan which outlines identified physical barriers and a schedule of activities to remove those barriers and improve program accessibility. A transition plan must contain:

- 1) a list of physical barriers that limit accessibility to county programs, activities or services;
- 2) a detailed outline of the methods which will be used to remove the barriers and make the facility more accessible;
- 3) the schedule for taking the necessary steps to achieve improved compliance (if the time period is longer than one year, interim steps should be identified); and
- 4) the name of the management staff responsible for the plan's implementation.

## 6.0 POLICIES:

6.1 In accordance with Title II of the ADA and its implementing regulations, Section 504, WAC 51-40, and RCW 49.60 (collectively called the "disability non-discrimination laws"), no qualified individual with a disability shall, on the basis of such a disability, be subjected to discrimination or be excluded from participation in, or denied the benefits of the services, programs, activities or physical facilities which King County provides to the public.

6.1.1 King County's Executive Branch shall comply with the provisions of the disability non-discrimination laws regarding access applicable to Executive Branch programs, activities, services, and physical facilities.

6.1.2 To the extent possible, King County's Executive Branch will ensure that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility must be ensured.

6.1.3 Physical facilities owned by King County shall comply with the applicable regulations on barrier-free design and physical accessibility.

6.1.4 The County will seek to lease space that complies with the applicable regulations on barrier-free design and physical accessibility.

6.1.5 The construction and renovation of County facilities shall comply with applicable regulations on barrier-free design and physical accessibility.

6.1.6 Public meetings will be held at accessible locations and in such a manner that qualified people with disabilities are able to participate fully.

6.1.7 Qualified people with disabilities shall not be discriminated against in participation on boards, commissions, or on advisory and planning committees.

6.1.8 All King County offices and programs shall be accessible to users of TTYs (teletypewriters), either by having a TTY to provide direct TTY access or by using the Washington Relay Service, also known as the "TTY Relay Service."

6.1.9 Individuals with disabilities accompanied by service animals will be afforded access to all King County facilities, programs, services, and activities as are open to other members of the public, unless the service animal's presence or behavior creates a fundamental alteration to the program or service being provided or presents a direct threat to safety. In addition, as a matter of policy, not compliance, King County will afford access to individuals, with or without a disability, accompanied by service animals-in-training. Individuals and their accompanying service animals-in-training will be subject only to the conditions and limitations established by law and applicable alike to individuals with disabilities and their service animals.

6.1.10 Upon advance request, reasonable steps will be taken to furnish appropriate auxiliary aids and services (e.g., assistive listening devices, sign language interpreters, Braille) to afford a qualified individual with a disability an equal opportunity to participate in and enjoy the benefits of the services, programs, activities, and physical facilities provided to the public by King County. Primary consideration will be given to the requests of the qualified individual with a disability unless another equally effective accommodation is available, or the use of the means requested would result in a fundamental alteration of the service, program, activity or in undue financial or administrative burden.

6.1.11 All King County contractors, except contractors providing tangible goods, shall comply with the requirement of K.C.C. 12.16.060(D) and submit a Section 504/ADA Disability Assurance of Compliance, unless an accessibility waiver is obtained. Minority/Women Business Enterprises & Contract Compliance (M/WBE) shall ensure compliance.

6.1.12 All King County contracts in which a contractor, other than another government, provides programs, services, or activities to the public shall require the contractor to comply with the Section 504/ADA requirements applicable to governments. The contracting Department shall monitor their contracts for compliance with Section 504/ADA.

6.1.13 An internal OCR grievance procedure will provide an avenue for prompt and equitable resolution of grievances alleging discrimination on the basis of disability in the County's provision of programs, services, and activities, and access to physical facilities.

7.0 PROCEDURES:

Action By:

King County Executive

Office of Civil Rights (OCR)  
Disability Compliance Specialist(s)

Department Directors

Action:

7.1 Designate ADA Coordinator(s). OCR Disability Compliance Specialist(s) shall be designated ADA Coordinators.

7.2 Work with Disability Compliance Liaisons to coordinate training sessions, complete the evaluation of all County facilities, programs, services, and activities, and write Disability Corrective Action Plans and Disability Transition Plans for any accessibility non-compliance issues.

7.2.1 Review the Disability Corrective Action Plans for Programs, Services, and Activities, and the Disability Transition Plans for Physical Facilities every year.

7.2.2 Coordinate the updating of the County's disability self-evaluation every five years.

7.2.3 Provide technical assistance to King County departments on disability access issues and disability non-discrimination laws regarding access.

7.2.4 Receive, coordinate activities, and assist in the resolution of grievances alleging discrimination based on disability by King County in the provision of programs, services, and activities, and access to facilities. (See Grievance Procedure; copy available from OCR.)

7.3 Appoint a representative to be the Disability Compliance Liaison for each Department and/or division. Ensure that actions called for by Disability Corrective Action Plans and Disability Transition Plans are completed.

7.3.1 Monitor contractors to ensure

contract provisions requiring compliance with disability non-discrimination laws regarding access are satisfied. (Note: Contractor paperwork includes a section regarding disability access – “504/ADA Assurance of Compliance.”)

Department Disability Compliance Liaison

7.4 Update self-evaluation of Department programs, services, and activities at least every five years and develop a Disability Corrective Action Plan. OCR encourages Departments and Divisions to conduct annual reviews to better ensure on-going compliance. Any new facilities, programs, services, or activities should be evaluated to ensure disability access issues are addressed.

7.4.1 Monitor progress on completion of items and timetables established in Department Disability Corrective Action Plan for programs, services and activities, and the Disability Transition Plan developed by Departments with responsibility for facilities.

7.4.2 As appropriate, participate in training activities organized by OCR on compliance with disability non-discrimination laws regarding access.

King County Departments with responsibility for any owned or leased facilities.

7.5 Ensure King County owned and leased facilities are evaluated to determine compliance with the applicable regulations on barrier-free design and physical accessibility and ensure that they are usable by qualified individuals with disabilities whenever possible. Overall program accessibility must exist if a facility cannot be made usable.

7.5.1 Write a Disability Transition Plan for evaluated facilities, and ensure that activities noted in the Plan are completed.

King County Departments with responsibility for any owned or leased facilities.

7.6 Any space being considered for lease by a King County agency will be evaluated by staff knowledgeable about disability non-discrimination laws regarding access, regulations, and codes. OCR Disability Compliance Specialists are available to consult or to conduct on-site evaluations. If a County Department must lease space in a building that is not accessible to qualified individuals with disabilities, the Department will provide written justification to the OCR prior to entering into the lease. The letter of justification will include corrective actions that will be taken to make the building as accessible as possible and usable by qualified individuals with disabilities. If usability is not possible, the letter of justification will include how overall program accessibility will be achieved. OCR will approve the leasing or work further with the Department to ensure compliance with disability non-discrimination laws regarding access.

504/ADA Advisory Committee

7.7 Advise the King County Executive in developing strategies, systems, and guidelines in implementing the 504/ADA Compliance Work Plan.

Grievant

7.8 Initiate grievance by contacting the Disability Compliance Specialist in the OCR and by filing a written grievance according to the OCR grievance procedures.

ADA Coordinator (Disability Compliance Specialist in OCR)

7.9 Assist the Grievant, as needed, in filing the grievance.

7.9.1 Work with the Department to respond to and resolve the grievance, providing technical assistance as necessary.

7.9.2 Monitor any agreements resulting from grievance resolution.

8.0 RESPONSIBILITIES:

- 8.1 The King County Executive is responsible for ensuring the County's compliance with disability non-discrimination laws regarding access. Under the law, King County is required to have at least one designated ADA coordinator. The Executive has designated the OCR Disability Compliance Specialist(s) as the ADA Coordinator(s) to facilitate the County's efforts to comply with disability non-discrimination laws regarding access.
- 8.2 Executive Branch Directors are accountable to the King County Executive for ensuring compliance with the requirements of disability non-discrimination laws regarding access, and with this policy and related procedures. Executive Branch Directors or their designee(s) are responsible for working with the OCR to ensure compliance with this policy and disability non-discrimination laws regarding access. Compliance-related activities include documenting:
- 1) disability accessibility accommodations made within their Departments;
  - 2) participation in the evaluation of programs, services, activities, and physical facilities to identify potential barriers to accessibility;
  - 3) the preparation of necessary Disability Corrective Action Plans and/or Disability Transition Plans; and,
  - 4) the coordination of budget approval to implement such plans.
- 8.3 The OCR Disability Compliance Specialist(s) will provide technical assistance to King County personnel on disability access issues.
- 8.4 The OCR shall establish and implement internal grievance procedures to receive and resolve grievances from the public alleging non-compliance with disability non-discrimination laws regarding access.
- 8.5 OCR shall also develop such other policies and procedures necessary to improve accessibility of programs, services, activities, and physical facilities of King County government.

9.0 APPENDICES:

These appendices are available from the Office of Civil Rights.

- 9.1 Disability Access Grievance Procedure