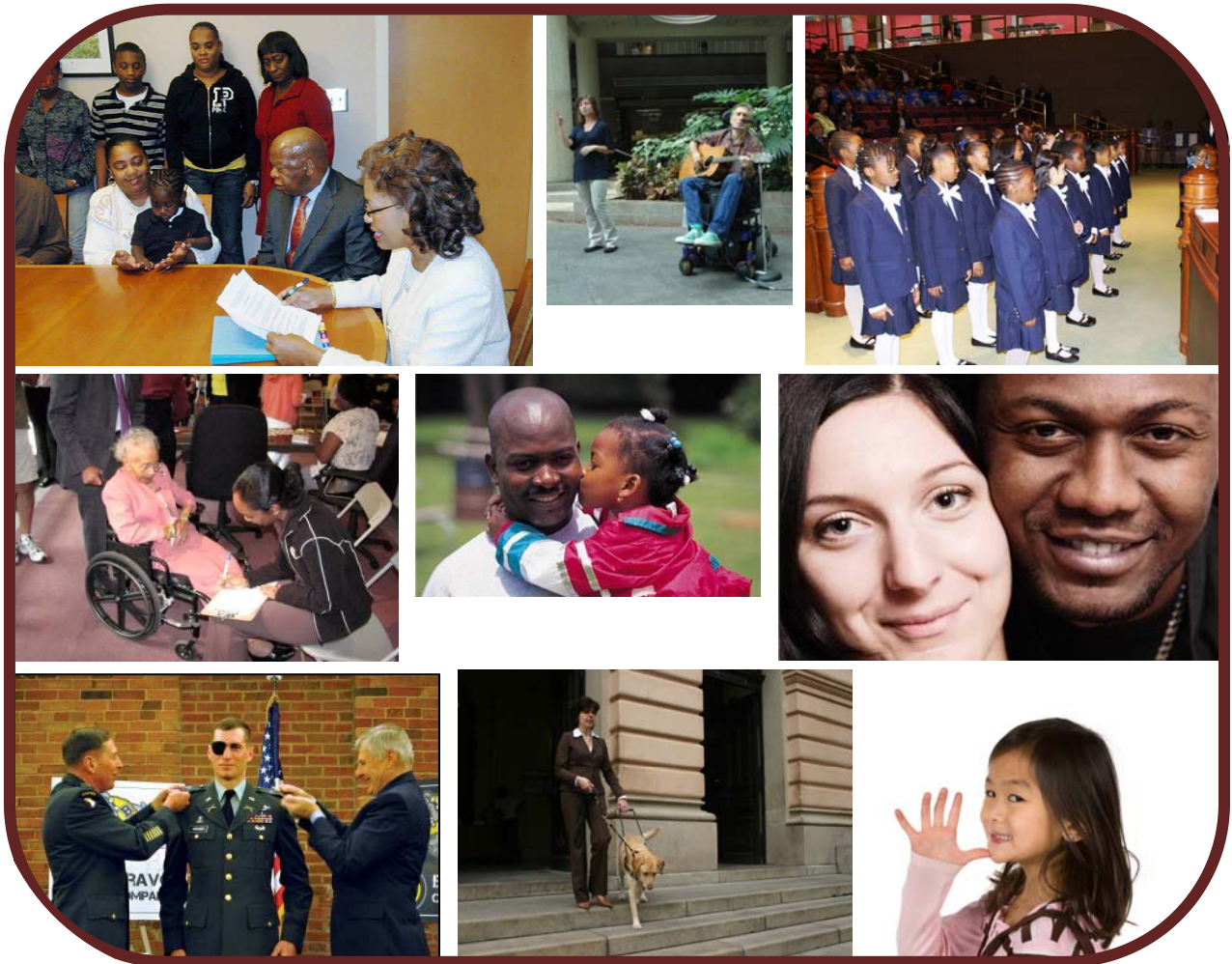




FULTON COUNTY: FULL ACCESS AHEAD

Consultant's Report to the Board of Commissioners
Self-Evaluation and Transition Plan of Fulton County, Georgia
Under the Americans with Disabilities Act



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August 2012

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APPENDIX A: Description of Reviewed Programs and Activities

THE AMERICANS WITH DISABILITIES ACT

Title II of the Americans with Disabilities Act promises full access to state and local government services and activities for individuals with disabilities.

It is based on four principles:

1. Policy and operations

Make reasonable modifications and accommodations to policies and practices if reasonable.

2. Communication

Ensure effective communication with people with disabilities affecting hearing, vision, or speech, including through the provision of auxiliary aids and services.

3. Integration

Offer services in the most integrated setting appropriate to the needs of individuals with disabilities.

4. Physical access

Meet accessibility standards for new and altered buildings and ensure that programs are accessible as a whole.

EQUAL OPPORTUNITY underlies all the principles and requirements of the ADA. The law does not require equal treatment, which, in fact, can often lead to discrimination against people with disabilities. But it requires modifying policies or the way they are implemented, providing auxiliary aids, and ensuring physical accessibility in order to ensure that people with disabilities are offered the same opportunity as others to benefit from County programs. If the County does not make these changes and fails to serve or underserves people with disabilities, it is not reaching a large part of the population.

EXECUTIVE SUMMARY

The Americans with Disabilities Act of 1990 (the ADA)¹ has been hailed as one of the most significant civil rights laws since the Civil Rights Act of 1964. Its intent is to ensure that people with physical and mental disabilities are able to participate in and enjoy the benefits of the services and activities of state and local governments, as well as most private entities, without experiencing discrimination.

The year 2010 marked the twentieth anniversary of the ADA. The anniversary brought revised, expanded ADA regulations from the Department of Justice.² Two years earlier, the ADA Amendments Act of 2008³ had reset the broad definition of “person with a disability.” Prompted in part by these developments, and as part of its ongoing commitment to civil rights, Fulton County determined that it would renew its efforts to offer full and equal access to people with disabilities. To guide it in reaching those goals, the County began an in-depth evaluation of its policies, practices, and facilities, to determine whether they present any barriers to the receipt of services or participation in activities by people with disabilities.

In Fulton County, as elsewhere, people with disabilities are more likely than their peers to be unemployed, undereducated, or living in poverty – and thus more likely to be among the population served by a number of County programs, including those aimed at community development, employment readiness, availability of affordable housing, prevention of homelessness and hunger, and provision of shelter for those who are homeless. At the same time, individuals with disabilities are among those seeking other types of opportunities offered by the County, such as access to education, recreation, arts, and culture, as well as physical and mental health care.

This report,⁴ capping the first phase of the project, describes the County’s current policies and practices with respect to a large portion of its programs, against a backdrop of the ADA and best practices. It also includes an assessment of certain existing County recreation facilities.

¹ 42 U.S.C. 12101 et seq., H<http://www.ada.gov/pubs/adastatute08.htm>H. All links were last accessed between June 15, 2012, and July 19, 2012.

² The 2010 regulations are found at 28 C.F.R. part 35 or Hhttp://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htmH.

³ See footnote and text at footnote 10.

⁴ This report represents the views of the consultant, Irene Bowen, and her interpretation and application of the relevant laws, regulations, and guidance based on the information provided to her. This document is not intended to provide legal advice or a legal opinion.

Interviews, surveys completed by departments, and a review of documents showed that the County has in place several policies and procedures intended to facilitate services to people with disabilities. In addition, the staff shows a strong interest in serving people with disabilities. However, it is not clear that all staff have an understanding of the rights of people with disabilities – the rights to access services independently and with the same degree of opportunity as others – or that they are equipped with the knowledge and procedures to put the promise of the ADA into action.

This report details findings in several key areas. Most significantly --

- Facets reflecting the “public face” of access (physical accessibility) fared best.
 - Managers and the public generally view the locations of County programs and activities as being offered in accessible locations, with regular maintenance of accessible features.
 - Programs report that computer stations, furniture such as tables and chairs, and equipment do not pose barriers to full participation.⁵
- Two elements are generally successful County-wide: infrastructure and transportation.
 - The County’s management and staff are clearly committed to ADA compliance. The ADA Coordinator is knowledgeable and effective. However, the County needs to make ADA-specific additions to its public notices and grievance procedures and to train staff in several areas on a regular basis, including on interaction with people with disabilities. All staff should be aware of the ADA Coordinator’s availability as a County-wide resource.
 - Most programs that provide transportation as a service or as part of an activity report that they ensure that accessible transportation is provided, although some vehicles used are not accessible.
- The County needs to make significant improvements in half of the areas surveyed:
 - Reasonable modifications to policies
 - The County should create or modify its policies relating to service animals and mobility devices.
 - It should let the public know that they can request reasonable modifications to policies and procedures.
 - While most programs offer assistance and informally make simple modifications as a matter of customer service, the County needs to let people know they can request modifications, and should develop a process for considering requests for reasonable modifications (other

⁵ Some of this data may not be reliable.

than simple or routine requests) and for documenting reasons for denials.

- Effective communication
 - With a few exceptions, Fulton County does not have a process for providing forms, applications, or other print documents in alternate formats – such as large print, Braille, or accessible electronic format – for people with vision disabilities, other than for meetings of the Board of Commissioners and a few advisory committees. Staff is generally unaware of how to obtain or prepare materials in alternate formats.
 - Communication raises several “red flag” issues – suggesting that individuals with disabilities may be excluded or affected in ways clearly prohibited by the ADA. Some programs deny requests for or charge a fee for auxiliary aids or services, and some rely on companions of people with disabilities for assistance in communication.
 - No programs that use assembly areas or courtrooms report use of assistive listening devices.
- Outside entities: Although the County is responsible for ensuring that vendors, contractors, or other entities that carry out County services and activities do so in a way that is consistent with the ADA, the County rarely monitors these outside parties for this purpose.
- Emergency procedures: The departments report that they have procedures that take the needs of people with disabilities into account during an evacuation from a building or sheltering in place. However, almost none have plans for communicating with people with hearing or vision disabilities.

The County needs to modify several recreation facilities, in order to meet new requirements for physical access under the 2010 regulations.

With its planned evaluation of other facets of its operations, and its continuing commitment to the principles of the ADA, Fulton County will be prepared to achieve its goal of providing high-quality services in ways that are inclusive of, and effective for, people with disabilities.

Section I. A GUIDE TO THIS REPORT

The remainder of this report includes seven sections.

[Section II, Background: The ADA, People with Disabilities, and Fulton County](#)

Section II lays the background for the rest of the report by outlining the purpose of the ADA, its primary provisions, and the demographics of people with disabilities and Fulton County.

[Section III, Fulton County's Past Compliance Efforts](#)

Section III recounts the County's history in developing a self-evaluation and transition plan and otherwise endeavoring to comply with the ADA.

[Section IV, The Self-Evaluation Project](#)

Section IV discusses the project approach, scope, milestones, and limitations as well as the methods used to gather public input.

[Section V, Core Services: Challenges and Good Practices](#)

Section V presents the types of issues identified through the consultant's analysis of the responses to the departmental and public input questionnaires, document reviews, and other information and draws conclusions about the state of compliance on the part of Fulton County government.

The consultants gathered all surveys and created individual "issue reports" for each program, identifying areas where responses suggest that current policies or practices are not in full compliance with Title II. The data was analyzed across all departments and clusters and within individual programs and divisions.

[Subsection V.A](#)

Subsection V.A offers a snapshot of compliance county-wide by eight subject areas (e.g., communication, infrastructure, transportation) and "ranks" compliance in each subject matter area as –

- highly successful,
- generally successful, or
- needs significant improvement.

Chart 1 is a simple graphic showing the rankings listed above for each of the eight subject area categories.

Chart 2 is a matrix that shows the same rankings by subject area for each department and highlights “red flag” issues: those that should receive immediate attention because the policies or practices may result in exclusion of people with disabilities or because they are directly prohibited by the ADA.

Chart 3 is titled “Best Practices: How the County Measures Up.” It describes ADA requirements and best practices by the report’s eight subject areas and the County’s status for each, along with specific comments about each best practice or requirement and steps the County has taken or should take.

[Subsections V.B through V.J](#)

Subsections V.B through V.J hone in on each subject area summarized in V.A. For each area, a subsection explains the general requirements and best practices, and then synthesizes examples of compliance or apparent deficiencies in each category.

Insights from public input are included for each subsection, as appropriate. Text boxes highlight “beacons of light” or good practices.

Other text boxes -- captioned “DO IT NOW” -- urge steps that should be taken immediately, generally without the need for extensive planning or analysis.

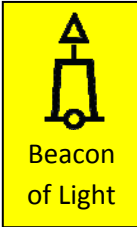
[Section VI, Recreation Facilities without Safe Harbors](#)

Section VI synthesizes the results of the facility surveys by LCM Architects, LLC, of certain types of existing recreation facilities.

[Section VII, Charting the Course: Conclusions and Next Steps](#)

Section VII closes the report with general conclusions and considerations for taking the next steps toward completing a self-evaluation and transition plan for Fulton County.

Public Input:
➤ Insight from residents and community groups

 <p>Beacon of Light</p>	The County is commended for good practices.
--	---

DO IT NOW:
Immediate step

[Appendix A](#)

Appendix A lists and describes the programs evaluated through this effort, by cluster and department.

Section II. BACKGROUND: THE ADA, PEOPLE WITH DISABILITIES, AND FULTON COUNTY



Fulton County is creating a new self-evaluation and transition plan to reflect its on-going commitment to civil rights and revised regulations under the Americans with Disabilities Act (ADA). The ADA was signed by President George Bush on July 26, 1990.

On the twentieth anniversary of the ADA, the U.S. Census Bureau announced that almost one in five people living in the United States – a total of about 54 million – have one or more disabilities, including those affecting sight, hearing, and mobility, as well as mental disabilities and learning disabilities. Most people have disabilities that are not readily visible, including disabilities such as hearing impairments, low vision, cognitive or mental disabilities, AIDS, diabetes, cancer, and epilepsy.

Disabilities are most frequently related, in order of prevalence, to –

- cognitive functioning or mental or emotional illness (16.1 million), including intellectual disabilities;⁶
- mobility (with 13.3 million using a wheelchair or other walking aid);
- speech (with 2.5 million having difficulty having their speech understood);
- vision (1.8 million who report being unable to see printed words); and
- hearing (1 million who report being unable to hear conversations).⁷

Our elderly population (age 65 and older), is growing rapidly. As reported in the 2010 American Community Survey (see footnote 12), 8.9% of Fulton County’s population, or 82,366 people, were reported to be 65 years and over, an increase from 8.0% or 77,146 people, reported in 2006. More than 36.2% of these elderly individuals have one or more disabilities. While older persons do not necessarily have disabilities, the aging process can reduce physical strength, stamina, balance, vision, or hearing.

Others experience conditions such as epilepsy and Parkinson’s, HIV/AIDS, asthma, and diabetes.

Additional information presented by the Census Bureau on the twentieth anniversary shows that people with disabilities comprise more than 19% of the people living in the United States⁸ -

⁶ In the past, people with “intellectual disabilities” were sometimes called people with “mental retardation” and people with disabilities were sometimes referred to as “handicapped.” The terms “mental retardation,” and “handicapped” are no longer in general use and the language of all federal laws has been changed accordingly.

⁷ 20th Anniversary of Americans with Disabilities Act: July 26, U.S. Census Bureau News, issued May 26, 2010, <http://www.census.gov/newsroom/releases/pdf/cb10ff-13.pdf>

- an even larger percentage than Hispanics/Latinos (about 16% of the population), our largest ethnic, racial, or cultural minority group.⁹ Those who have disabilities include people of all races, ethnic backgrounds, religious beliefs, ages, and sexual orientations.

Most likely, the impact of the ADA is even broader than what is revealed by the census data. The Act's comprehensive civil rights protections extend to "individuals with disabilities," which includes those who have, have a record of, or are regarded as having a physical or mental impairment that substantially limits a major life activity. The ADA Amendments Act of 2008 (ADAAA) clarifies that the definition of "disability" is intended to be broadly inclusive. In the author's opinion, the census numbers do not include in their numbers some of the types of disabilities covered by the ADA.¹⁰

Fulton County, created in 1853, is the principal county of the Atlanta metropolitan area. The County is governed by a seven-member Board of Commissioners (BOC). A county manager handles daily operations and oversees the work of its estimated 5,802¹¹ employees in approximately 400 buildings. The County's name honors Robert Fulton, inventor of the steam boat and inspiration for the title of this report, "Fulton County: Full Access Ahead."

Of 919,336 people living in Fulton County in 2010, about 8.7% are estimated to have a disability.¹²

People with severe disabilities live below poverty at a rate three times the rate of those without disabilities (27% vs. 9%). Compared to those without disabilities, individuals with disabilities are about half as likely to have a college degree or to be in the work force. Once they do enter the

⁸ US Census Bureau's 2008 American Community Survey, <http://www.prnewswire.com/news-releases/us-census-bureau-facts-for-features--20th-anniversary-of-americans-with-disabilities-act-july-26-94914034.html>H; <http://factfinder.census.gov>

⁹ Overview of Race and Hispanic Origin: 2010 <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>

¹⁰ The ADAAA became effective January 1, 2009, and makes several significant changes to the definition of the term "disability." The Equal Employment Opportunities Commission (EEOC) has amended its regulations to reflect those changes, and the Department of Justice has stated its intention to amend its regulations as well. There is more information at EEOC's web site, http://www.eeoc.gov/policy/docs/qanda_adaaa_nprm.htmlH.

¹¹ Fulton County Workforce data reported as of June 18, 2012

¹² S1810: Disability Characteristics of the 2010 ACS (Fulton County)

work force, they experience a significant earnings gap.¹³ People with disabilities are also more likely to be victims of crimes. According to the Department of Justice, the age-adjusted rate of nonfatal violent crime against persons with disabilities was 1.5 times higher than the rate for persons without disabilities.¹⁴

Finally, the current and recent wars and conflicts in which the United States has participated have also had a profound impact on the population of individuals with disabilities. As medical procedures and military equipment have improved, a greater number of wounded veterans are returning with disabilities. One quarter of veterans nationwide have disabilities, as noted by the 2010 ACS.¹⁵ According to the U.S. Census, approximately 48,118 men and women who have served on active duty in the military reside in Fulton County (2006-2010).¹⁶ Nineteen percent of Fulton County's veterans report having a disability.¹⁷

The ADA seeks to address the causes of these disparities with broad and wide-ranging prohibitions of discrimination. Generally, Title II requires a public entity such as Fulton County to make reasonable changes to policies, ensure effective communication with people with disabilities, and provide physical access to buildings and facilities, with the goal of ensuring meaningful access to all of its services and offerings. In the case of Fulton County, this promise – and this project – extend to a wide variety of activities, including –

- Communication
- Parks and recreation
- Libraries
- Police, fire, and emergency response services
- Correctional programs
- Courts
- The Board of Commissioners
- Public assistance programs
- Events such as those relating to the arts and culture

¹³ See ACS 2006.

¹⁴ [Hhttp://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2022](http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2022)

¹⁵ ACS S2101

[Hhttp://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_1YR_S2101&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_1YR_S2101&prodType=table)

¹⁶ [Hhttp://quickfacts.census.gov/qfd/states/13/13121.html](http://quickfacts.census.gov/qfd/states/13/13121.html)

¹⁷ http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_1YR_S2101&prodType=table

- Licensing
- Procurement
- Human services
- Health care and prevention efforts
- Community development
- Housing
- Furniture and equipment
- Technology and
- County government web sites

Toward that end, the regulations require that each public entity conduct a self-evaluation of its services, policies, and practices in order to determine whether any modifications are required in order to comply with the regulations, and then to proceed to make those modifications. If physical changes are needed in order to ensure program accessibility, an entity with 50 or more employees is required to develop a transition plan setting forth the steps necessary to complete the changes.

The self-evaluation measures compliance with the ADA's mandate to --

- Eliminate any policies or practices that deny an opportunity for a person to participate simply because of a disability.
- Eliminate any unnecessary eligibility standards or criteria (e.g., requiring people who have mobility disabilities to be accompanied by an attendant in a class) unless they are necessary for the provision of the service, program, or activity.
- Make reasonable modifications to policies, practices, and procedures that deny equal access, unless a fundamental alteration in the program would result. For example, the County would be required to make an exception to a rule prohibiting animals in its buildings in order to admit service animals.
- Ensure effective communication (subject to limitations concerning financial and administrative burden and fundamental alteration of the nature of the program) with people with disabilities, including providing auxiliary aids and services such as oral and sign language interpreters, captioning, and alternate formats such as Braille or large print documents and accessible electronic formats.
- Provide the same protections to people who are associated with a person with a disability. For example, the County cannot deny a position on an advisory board to a parent of a child with a severe disability because of a concern that the parent will be unreliable because of the needs of the child.

- Not impose charges on individuals with disabilities to cover the costs of necessary measures, such as interpreters and alternate formats.
- Ensure that any programs carried out by contractors or others on behalf of the County – such as processing applications or providing benefits – comply with the Act.
- Ensure that people with disabilities are not excluded from programs or activities, or otherwise discriminated against, because of inaccessible facilities. The “program access” provision of Title II requires that an entity operate its programs so that, when viewed “in their entirety,” each is accessible to people with disabilities.
- Ensure that newly constructed or altered facilities meet DOJ’s accessibility standards.
- Remove physical barriers to full participation in programs and activities.
- Provide all activities in the most inclusive setting appropriate to the needs of individuals with disabilities.

Section III.

FULTON COUNTY'S PAST COMPLIANCE EFFORTS



Fulton County has shown a clear commitment to meeting – and exceeding – Title II since the passage of the ADA.

As part of its ongoing efforts to comply with the ADA since its passage in 1990, Fulton County developed its first self-evaluation in 1991 and 1993 and its first transition plan in 1998. The County has consistently taken significant steps toward ADA compliance in all three major substantive areas: facilities, employment, and other policies and procedures.¹⁸

Facilities



Shortly after the passage of the ADA, the Fulton County Board of Commissioners (BOC or Board) created a Blue Ribbon Panel for Disability Affairs, the membership of which included people with disabilities and others. The Board directed the panel to “review and identify those factors in Fulton County which most directly affect

the quality of life for persons with disabilities and make recommendations.” In 1992, after a public hearing and a series of meetings with County officials and the public, the panel provided its recommendations, including establishment of an Office of Disability Affairs (ODA), an ADA Coordinator position within that office, and a permanent citizen advisory committee, the Commission on Disability Affairs (CODA).

From 1992 through 1993, the ODA collaborated with the Department of Public Works to conduct accessibility surveys of 350 county-owned facilities used by the public. The County then identified 246 projects for barrier removal in its June 1998 Transition Plan¹⁹ with specifications about renovations to be completed for each County location and prioritized for action.

Between 1991 and 2000 Fulton County appropriated \$3,401,277 for ADA compliance. In August 1993 the Board, acting on recommendations from the CODA, called for the identification and

¹⁸ Section III is a summary of information provided by Fulton County as documented in its ADA Fulton County Government Compliance Project Report, August 19, 2009. The factual accuracy and sources have not been verified by the consultant.

¹⁹ Language in the 1998 Fulton County Transition Plan refers to a version having been established as early as 1994. However, only the 1998 version has been found.

utilization of “all available resources to insure the Fulton County Government Center becomes a model building of access” and directed the County Manager to provide quarterly progress reports (e.g. , #93-RC-437, minutes of BOC meeting of August 18, 1993, and Department of Human Services Annual/Quarterly Reports 1994). With the 1997 enactment of the Georgia Accessibility Code for Buildings and Facilities, the County identified 160 facilities requiring renovation. From 2001 through 2009 these efforts were continuously implemented through the funding of structural barrier removal projects identified annually by the ODA/CODA as priorities. According to two reports from the former Department of General Services, Fulton County implemented 42 such projects and spent \$2,921,939.00 to support these activities.

In FY 2009, with input from CODA, the Office of Disability Affairs identified physical remediation projects that warranted priority attention. The BOC approved funding for remediation efforts and over the next two years, the County used the appropriated funds for this purpose. Projects identified for attention were located in the following departments: Arts & Culture, Parks and Recreation, Housing and Human Services, Library System, Justice Center Tower, Health and Wellness and Registrations and Elections Polling Sites. Between 2009 and 2011 the remaining remediation projects were completed.²⁰

Policies and procedures

In 1993 the County initiated its first self-evaluation. In November 1994 the CODA presented programmatic recommendations and legislative initiatives addressing employment, self-assessment/ADA compliance activities, public safety, mental health, HIV and AIDS, housing, parks and recreation.

In May 1994 the Office of Disability Affairs and then County Manager John Stanford requested that all departments complete a lengthy Self Evaluation Guide (SEG).²¹ The SEG was a data collection tool developed to obtain “a detailed list of every program and service” which departments provided (internally and externally) and to describe “how such programs, goods and services would be provided to individuals with various disabling conditions.” The results of the survey were to be reviewed by the ODA and used to develop a companion Program/Services Transition Plan for the Facilities Plan. However, very few departments completed the SEG, and therefore the Program/Services Transition Plan was never completed.

In the absence of such a plan, the ODA initiated countywide training to assist departments in identifying weaknesses concerning disability laws and accessibility issues. Departments were

²⁰ Data reflected in OEEODA Annual Reports 2009-2011

²¹ Memorandum from former ADA Coordinator Marc Henson to Human Services Deputy Director Gerry Easley; Access Fulton County, 2005

instructed to contact the ODA whenever questions concerning program or service accessibility arose. The ODA was to research methods whereby the program/service might become accessible, make a determination regarding whether the accommodation would present “undue hardship” for the County, and provide technical assistance to departments.

Employment

On December 9, 1998, the Board approved an ADA Policy and Procedure for Fulton County Employees (100-39) addressing the ADA’s requirements as to employment. The policy was amended in 2001 and 2005, and revisions to this policy are currently being developed pursuant to the ADA Amendments Act.

Recent and current compliance efforts

During FY 2010 the former Office of Equal Employment Opportunity (OEEEO) and Office of Disability Affairs (ODA) were consolidated into the Office of Equal Employment Opportunity and Disability Affairs (OEEODA), reporting to the County Manager. The OEEODA is responsible for the day-to-day implementation and coordination of Fulton County’s non-discrimination and accessibility efforts under the ADA and other laws. The OEEODA annual and quarterly reports address County efforts related to employee reasonable accommodations, communications (including alternate formats and sign language interpreting services), technical assistance to departments, and remediation efforts under the 1998 ADA Transition Plan/Priority Projects.

In January 2011 the OEEODA hired a new ADA Administrator, Nadine Oka. Ms. Oka came to Fulton County with an extensive background as an ADA coordinator in the private sector, beginning in 1994 as the ADA Coordinator for the 1996 Centennial Olympic Games in Atlanta. Following the Games, she was the ADA Coordinator for a private consulting firm, where she further increased her expertise in the ADA, Section 504 of the Rehabilitation Act, and the Fair Housing Act while representing a premier housing authority. Ms. Oka’s primary assignments as the County’s ADA Administrator included developing a plan to conduct a new ADA self-evaluation survey, developing a new transition plan, and serving as the County’s ADA coordinator.

Interviews conducted by the County verified that when OEEODA receives a complaint about physical barriers to access, these items are given priority status for attention and remediation. Interviewees further reported that as a practice, the ADA Coordinator has been included routinely in new facility construction planning and site assessment activities in order to ensure that any newly constructed County-owned facilities are ADA compliant.

Section IV. THE SELF-EVALUATION PROJECT AND REPORT



Phase I of the project takes a **high-level view** of whether people with disabilities can “get in the door” to County locations...



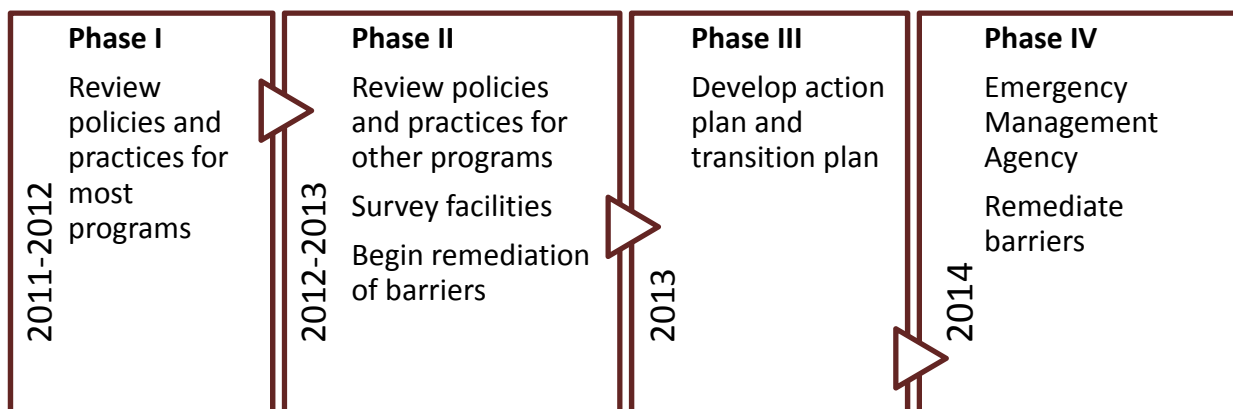
... and takes a **close look** at whether they can fully participate in the County’s activities and take advantage of the County’s services.

A. Approach and scope of project

This report concludes the first phase of Fulton County's effort to complete a four-phase project that will result in an action plan based on a self-evaluation, a transition plan related to its facilities, and implementation of those plans.

Due to the size and complexity of Fulton County Government, the scope of work for the project was organized for completion over four phases:

- Phase I (September 2011 to July 2012) – County-wide review of policies and practices in the vast majority of County programs (the subject of this report) and an assessment of certain recreation facilities
- Phase II (2012 and 2013) -- evaluation of other policy and practice areas and facilities, including
 - Policy and practice: Employment Policies and Procedures, three programs of the Department of Housing and Human Services, Information Technology, Emergency Communications-911, and Registration and Elections
 - Surveys of County facilities and assessment of their accessibility
- Phase III (2013) – development of
 - an action plan for resolution of policy and practice concerns identified in Phases I and II and
 - a transition plan, which will guide remediation efforts for all identified physical barriers or steps to provide program access through other means.
- Phase IV (tentatively scheduled for 2014) -- evaluation of the Atlanta-Fulton County Emergency Management Agency, and ongoing remediation of barriers identified through the Self Evaluation Plan (SEP).



Several departments, programs, and activities were not included for evaluation in this first phase but are expected to be assessed in Phases II through IV, as described below. These include program access (new construction, alterations, existing facilities other than certain recreation facilities), employment, County web sites, information technology, emergency evacuation and response (other than evacuation from individual buildings), three programs (Workforce Development, Housing, Emergency and Transitional Housing) that were not submitted from the Department of Housing and Human Services in Phase I, and two departments: Registration and Elections, and Emergency Communications 911. Not included in the project are schools (operated by an entity separate from the County government), the Public Housing Authority, and pedestrian access (curb cuts and sidewalks) in the public right of way.

At this point, the consultant has not taken into account the limitations on the County's responsibilities according to the ADA. Generally, the County is not required to take steps that would impose an undue financial or administrative burden, cause a fundamental alteration in the nature of a program, or pose a direct threat to the health or safety of others. These considerations are expected to be addressed as part of Phase III.

B. Milestones for Phase I

Leading to this report, several key milestones have been completed for Phase I:

1. Identification of Fulton County Point of Contact: In January 2011 the Office of Equal Employment Opportunity and Disability Affairs (OEEODA or the Office) identified the new ADA Administrator, Nadine Oka, as the internal point of contact, to provide overall coordination and project management support for the project.
2. Establishment of the Scope of Work: In August 2011 the Office established the scope of work for a contractor: to provide training, questionnaires, survey tools, and technical assistance to the County and prepare a draft report based on information the County would gather from the involved departments. The contractor was also to survey certain existing facilities that are affected by the 2010 revisions to the ADA regulations.
3. Identification of a Qualified Consultant: The County identified several local firms as possible Standby Professional Services contractors, and interviewed each in order to evaluate the company's program management capabilities. Fulton County chose AMEC Engineering and Consulting (formerly known as MACTEC) for the project management role. However, the County also reached out to nationally known ADA consultants seeking a sub-contractor with experience and expertise in conducting self-evaluations. ADA One was chosen as the sub-

contractor, with LCM Architects as the sub-subcontractor.²² Work on the contract began in November 2011.

4. Identification of County Department ADA/SEP Liaisons: In September 2011 the Office began working with the County Manager's Office and Department Directors to identify individuals who were most knowledgeable about Fulton County programs. Numerous liaisons were identified, with at least one for each division, and as many as three for larger departments, such as Health Services and Housing and Human Services. Each liaison was a senior level manager and highly knowledgeable about the programs and services available for external clients. These liaisons were tasked with completing the survey forms based on their own knowledge, interviews with others in the departments, and/or other available information such as documents.
5. Development and Completion of Preliminary Program Overview (PPO) Form: The OEEODA, in conjunction with ADA One, developed a Preliminary Program Overview (PPO) Template. Each department completed the form, listing each of its "programs, services, and activities" ("programs"), an identifier (e.g., numerical code) for each program based on the County's budget book, and basic information such as a description of the program, where it is carried out, and who it serves. A "program" was defined as an activity through which a department offers services, advantages, opportunities, or benefits to the public or specific groups who are eligible for the services. In some instances, for purposes of the assessment, clusters of services were grouped together as one, if they were administered in the same or closely similar way or were implemented together. The contents of the PPO provided valuable information about all Fulton County programs to the consultants for development of the

²² ADA One, LLC, is a consulting firm based in the Washington, D.C., area and established in 2009 by Irene Bowen, J.D., after her retirement as Deputy Chief of the Disability Rights Section of the Department of Justice (DOJ). At DOJ, Ms. Bowen had been actively involved in the development of the ADA, the original ADA Accessibility Guidelines, and DOJ's 1991 and 2010 regulations. She oversaw enforcement of Titles II and III and established the Disability Unit in the Civil Rights Division, the Department's program for certifying state and local accessibility laws and codes, the first ADA investigation procedures, and the use of mediation as a means of resolving litigation. ADA One assists federal, state, and local governments as well as businesses and nonprofits in understanding the ADA and related laws and applying them to their unique circumstances in cost-effective ways. LCM Architects, LLC, is a Chicago firm dedicated to architecture and accessibility consulting. It has earned a nationwide reputation consulting with clients regarding the ADA, section 504 of the Rehabilitation Act, and the Fair Housing Act. Principal John H. Catlin, FAIA, and Gigi McCabe-Miele, AIA, were responsible for the facility-related provisions of Phase I. Also from LCM, Kate Gonzalez, Accessibility Specialist, assisted in developing the survey tool and analyzing the information, and she drafted substantial portions of this report. Shannon Labuz, Accessibility Project Coordinator, developed the database for the project.

Program and Activities Questionnaire and assisted in organizing the data to be collected. The departments completed approximately 95% of the PPO's by the given deadline.

6. Solicitation of Public Input: The Title II regulations require that interested persons are to have an opportunity to participate in the self-evaluation by submitting comments.²³ For three years after completion of the self-evaluation, the public is also to have access to --
 - a. A list of the interested persons consulted
 - b. A description of areas examined and problems identified and
 - c. A description of modifications made.

Similar public participation and record-keeping provisions apply to the transition plan effort. The County provided an opportunity for interested parties (e.g., persons with disabilities, the CODA, and organizations representing persons with disabilities) to offer their views about the County's services and accessibility. Outreach activities included:

- a. Establishment of an ADA-SEP webmail account in January 2012:
Survey@fultoncountyga.gov.
- b. Development and Conduct of Two Public Surveys: These surveys were developed and posted on the Fulton County website and were also available through www.SurveyMonkey.com. Hard copies of the surveys were available through the Fulton County Library System and the Fulton County Senior Multi-Purpose Centers. The surveys captured information from (1) organizations representing individuals with disabilities and (2) individuals utilizing Fulton County programs and facilities. Organizations who were contacted to provide comments included the following: ABEL2, Alzheimer's Association, American Diabetes Association, Atlanta Beltline Partnerships, Atlanta Housing Authority, Atlanta Regional Commission, Community Life Concepts (CLC), the Center for the Visually Impaired, Disability Link, Disability Resource Group, Friends of Disabled Adults (FODAC), Georgia Radio Reading Service, and the Fulton County Commission on Disability Affairs (CODA). The County received 94 responses, summarized in section IV.F.
- c. Provision of Interviews and PSAs: ADA Administrator Nadine Oka was interviewed on FGTV (Fulton County Government Television) regarding the importance of conducting a new self-evaluation. In addition, Ms. Oka taped a Public Service Announcement (PSA) which was aired on FGTV, as well as the local Clark Atlanta (University) radio station, WCLK. A similar

²³ The Title II regulation requires that a public entity provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

PSA was recorded and aired on the Georgia Radio Reading Service station (GARRS) shortly thereafter.

d. Publication of Newsletter Article: Inside Fulton, the newsletter for employees of Fulton County Government, posted a feature column, "Fulton Seeks Employee Comment Regarding Disability Access."

7. Development of Program and Activities Questionnaire: ADA One developed a Program and Activities Questionnaire, through which departmental ADA Liaisons were to capture program information available to the external client. Each survey tool contained ten tabs covering topics that ranged from eligibility and participation, to general practices and training.

8. Conduct of Introductory Training: Starting on December 10, 2011, the OEEODA hosted a series of training sessions for the conduct of the ADA Self-evaluation. Topics included –


- a. Understanding the Self Evaluation and Transition Plan
- b. Overview: SEP Process & Organization
- c. Overview: Departmental Program Information Form
- d. Next Steps

9. Conduct of In-depth Training on the ADA and the Program Survey: On February 14 and 15, 2012, ADA Administrator Nadine Oka and ADA One conducted training for the designated ADA Liaisons. This training was conducted in four parts over a six-hour period (over two days, with each department attending one of the sessions). It addressed the reasons for and provisions of the ADA, the ADA regulations, the project, and the survey. The trainers walked the participants through each part of the survey. Much of the session was devoted to hands-on work by each attendee, through completing mock interviews and inputting data into a sample survey template at a computer.

10. Conduct of Training and Surveys Related to Facilities: On February 14, 2012, concurrent with the conduct of Program and Activity Training, representatives from LCM Architects conducted site surveys and trained County staff to conduct surveys for recreation facilities that are newly covered by the 2010 accessibility standards and subject to alterations to achieve program accessibility. Assisted by County staff, LCM surveyed a number of shooting facilities, swimming pools, playgrounds, and exercise facilities. LCM submitted a report summarizing and detailing its findings.

12. Establishment of a Project Database: The subcontractors developed a database that allowed for survey data input and maintenance as well as the generation of reports.

13. Completion of Survey Forms: Departmental surveyors submitted the survey forms to the Fulton County ADA Administrator, who reviewed submissions for completeness and posted survey data to an FTP site. By April 18, 2012, data had been collected by Fulton County's Appointing Authorities for almost 190 programs serving external clients. The programs evaluated are listed in the appendix.

 <p>Beacon of Light</p>	<p>The County's leadership and liaisons demonstrated an outstanding degree of commitment to this project, by completing surveys for almost all of the programs intended to be covered by this phase of the project, within two months after training.</p>
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14. Analysis of Data: The consultant reviewed all surveys and created individual "issue reports," to identify where department responses indicate that current practices are not in full compliance with Title II responsibilities. The data was analyzed across all departments and clusters and within individual programs and divisions.

C. Baselines and sources consulted

This report evaluates a variety of the County's policies and practices, including those in areas addressed directly by the ADA regulations of the U.S. Department of Justice (DOJ) or for which federal agencies have issued guidance or technical assistance.

The primary sources consulted as baselines for evaluation were the statute itself and the DOJ Title II regulations. Other sources included DOJ's technical assistance documents, proposed regulations and comments on them, settlement agreements entered by the federal government and/or private litigants, and available best practices.

The first major revisions to the original Department of Justice regulations (issued in 1991) were published in September 2010 and effective March 15, 2011, for most purposes, and March 15, 2012, as to facilities. They include new accessibility standards as well as new and more detailed guidance in several policy arenas.

http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm ²⁴

In the early 1990s DOJ issued a technical assistance manual for Title II, and since that time it has issued a series of technical assistance documents, including several relating to the revised regulations. [Title II Technical Assistance Manual](#) (1993) and [Supplement](#). (See other materials at www.ada.gov.)

Also considered were the DOJ Tool Kit for State and Local Governments at <http://www.ada.gov/pccatoolkit/toolkitmain.htm> and agreements reached through DOJ's Project Civic Access, a wide-ranging effort to ensure that counties, cities, towns, and villages comply with the ADA by eliminating physical and communication barriers. See <http://www.ada.gov/civcac.htm>.

The comments and recommendations contained in the report are drawn from all these sources, even though not all of the documents consulted contain binding requirements. For example, the ADA and its regulations require that a Title II entity ensure effective communication with people with hearing, speech, or vision disabilities and require that auxiliary aids and services be provided in accessible formats and in a timely manner. It does not require specifically that the County keep certain documents in alternate format, make others available on demand, implement particular procedures or training about obtaining alternate formats, or include specific information in meeting notices about available alternate formats (such as large print

²⁴ The regulations have been amended twice, once for technical reasons and once as to the compliance deadline for swimming pools and similar facilities.

[Hhttp://www.ada.gov/regs2010/ADAregs2012/finalrule_existingpools_FR_may21.htm](http://www.ada.gov/regs2010/ADAregs2012/finalrule_existingpools_FR_may21.htm)H

versions of agendas for large public meetings). However, the consultant views these actions as steps that put the County on a course to compliance with the regulations and statute.

D. The program surveys

Liaisons were tasked with completing an electronic survey instrument (in an Excel spreadsheet format) for each program. The survey first called for a description of the program, the population it serves, the locations where it operates, and how people find out about the programs. An additional 27 sections contained a series of questions organized by topic and geared to gather information on official policies as well as day-to-day practices, as they affect people with a wide range of disabilities. The instructions and the training encouraged the liaisons to be forthcoming and complete in their responses, with the understanding that competence of employees and the quality of programming was not being evaluated.

Finally, program managers had an opportunity to provide comments on how access might be improved in the program, what is currently being done well, and what difficulties they might encounter in reaching full compliance.

The survey divided departments into groups, or “clusters,” according to similar functions and based on the County’s organization. The clusters include:

- Community Services (e.g., Water Resources, Police, Fire)
- Health and Human Services (e.g., Library, Arts & Culture, Health Services)
- Internal Services (e.g., Broadcast and Cable, OEEODA, Facilities and Transportation Services)
- Justice System (e.g., Solicitor General, Clerk of Superior Court, Sheriff)
- Other (e.g., County Attorney, Tax Assessor)

Data from the completed survey submissions were analyzed by the consultant primarily at the county and department levels. As trends emerged, it appeared that these two levels of analysis would present more valuable data by discussing the operations of the whole county to get a global, or “high level” view; examining departments to get an idea of how individual departments as a whole operate; and gleaning examples of how individual programs are administered. (Programs and departments were not assessed on an individual level.)

E. Limitations

The analysis and recommendations do not take into account any difficulties in implementation that would be presented by financial or administrative constraints and recognized by the statute as legitimate limitations on a public entity’s obligations. These include “undue financial and administrative burdens” and “fundamental alterations” to the nature of a program, service, or activity.

This document reports only on the information made available by the County. User error may affect the validity of some of the reports' specific findings or the completeness of the findings. Although the ADA Departmental Liaisons were thoroughly trained in how to complete the survey questionnaires, and the ADA Administrator provided constant technical assistance and guidance upon request, there was minimal quality control and no fact-checking of the information provided. The data reveal some internal inconsistencies, and a few submitted surveys were not complete. If a program did not enter an answer to a particular question on the survey form, the data did not reflect an issue; thus some of the percentages set out in the report may be skewed.

Additionally, surveys for three programs within the Department of Housing and Human Services (Emergency and Transitional Housing, Housing, and Workforce Development) were not completed. The analysis for this department is presented without these programs, and findings on these three surveys will be reported in the next phase.

Some of the programs assessed will undergo further analysis in later stages of the project, or by the County independently of the consultant's input, based on detailed information already in the database for each program as a result of the completion of this first phase of the project.

F. Public input

The results of the surveys completed by the public as described in section IV.A.6 above are as follows:

Public Input Responses (Self Evaluation Plan)	Yes	No	N/A	Don't Know
6. Have you ever requested an accommodation from the County?	10.6%	75.5%	1.1%	0.0%
7. If an accommodation was requested, was your accommodation addressed by the County?	6.4%	12.8%	42.6%	5.3%
8. Have you experienced any exterior barriers, non-accessible areas or non-accessible programs?	16.0%	48.9%	14.9%	6.4%
9. Have you experienced any interior barriers, non-accessible areas, or non-accessible programs inside the facility?	8.5%	62.8%	14.9%	0.0%
10. Is accessible seating provided for individuals with disabilities at programs, community events, etc. held at the facility?	22.3%	12.8%	8.5%	16.0%
11. Are you aware of any programs, services or activities that are not accessible to individuals with disabilities?	4.3%	42.6%	5.3%	12.8%
12. Are you aware of any areas and elements of the facility that are not accessible to individuals with disabilities?	3.2%	46.8%	4.3%	8.5%
13. Is information provided regarding accommodations, auxiliary aids (such as assistive listening systems, interpreters), alternate formats, specialized equipment, or assisted services, etc.?	10.6%	26.6%	8.5%	19.1%
14. Is there adequate directional and informational signage provided at the facility?	39.4%	9.6%	11.7%	18.1%
15. If you have requested auxiliary aids, an interpreter, or specialized equipment, was your request accommodated?	7.4%	16.0%	52.1%	3.2%
16. Do you know who to contact to request accommodations for yourself, a relative or a friend with a disability?	21.3%	36.2%	16.0%	6.4%
17. Is the attitude of Fulton County (or its employees) toward you, or someone you know with a disability, generally helpful, supportive, positive and proactive in solving accessibility issues?	38.3%	12.8%	13.8%	12.8%
18. What do you feel is the highest priority for Fulton County to improve accessibility for individuals with disabilities?	2.1%	0.0	2.1%	0.0
19. Would you like a copy of the Fulton County Transition Plan or Self Evaluation?	21.3%	27.7%	0.0%	0.0%
20. If you would like, please add any additional comments regarding Fulton County's efforts for increased accessibility....				

Top 5 added comments (highest to lowest numbers of comments):

1. Greater transportation services for seniors and people with disabilities

2. Increase accessible parking and parking for seniors

3. Improve sidewalks/street and curb ramps

4. Greater accessibility to buildings

5. More accessible seating at events and/or seating for long lines

Section V. CORE SERVICES: CHALLENGES AND GOOD PRACTICES



Every day, Fulton County employees serve people with many types of disabilities.

As part of customer service, a staff person may exchange notes in a simple communication with a person who has a speech disability, offer a large print form to a person with low vision, read an application aloud to a person who is blind, find a place for a person with stamina limitations to sit rather than wait in line, or help a person with anxiety disorder remain calm in a stressful situation.

Some accommodations or modifications will require more extensive examination, preparation, or effort on the part of the County. People who are deaf may need interpreters at meetings and events. People who are blind may need documents in electronic format. The County should monitor contractors and grantees for compliance. At least some equipment and furniture should be accessible. Some policies or practices will need to be changed to accommodate people with disabilities.

“We have not received a request for this service; however, we will make every attempt to make the meeting accessible.” – Fire Department (Community Risk Reduction)

“Every effort is made to accommodate reasonable requests.” – Cable Franchise Division

“Completing this program has given us a greater awareness of the broader definition of Americans with Disabilities so we will endeavor to inquire from those who use our facility to assist them based on their special needs.” – Medical Examiner

These statements are taken directly from survey forms completed by Fulton County employees as part of this project. The statements illustrate a common theme that emerged from the responses: Staff members often strive to accommodate the public and make programs accessible, and they often do this as part of day-to-day customer service. They are interested in enabling individuals with disabilities to participate in programs and receive the benefits those programs offered. However, not all staff members are prepared – through official guidance and training – or equipped with the tools they need to accomplish this end.

For the purpose of this section of the report, the issues or concerns²⁵ revealed through the responses to program surveys are analyzed according to the following subject areas:

- Infrastructure
- Policies (reasonable modifications and eligibility criteria)
- Communication
- Furniture and equipment (including testing technology)
- Physical access: the basics
- Transportation
- Emergency procedures
- Outside entities

The information from the program surveys was combined and analyzed for trends across departments and the County as a whole. Trends emerged by subject area, by department, and by issue (see Charts 1 and 2), permitting some general conclusions to be drawn. The data in Charts 1 and 2 is useful in the evaluation of “big picture” trends, but this is the extent of its reliability. Individual departments or individual issues may differ from the

²⁵ See discussion under the heading “Section V” at the beginning of Section I above.

category's level of success across all programs. For instance, while the aggregate data indicates that all departmental programs "need significant improvement" in the area of Communication, some individual departments, such as Chaplain and the Probate Court, report practices that meet the "highly successful" criteria. As illustrated in the narrative below, although the average of all program results may reflect the aggregate, it may not represent the unique circumstances of a program or department.

A. Overview of Strengths and Areas Needing Improvement



Fulton County's strengths lie in providing basic access to facilities and meetings, and using accessible furniture and equipment. Its ADA "infrastructure" and transportation services are "generally successful." The most significant improvements are called for in modification of policies, effective communication, emergency procedures, and monitoring outside entities for compliance.

This section provides an overview of compliance by “ranking” the eight subject areas of services and activities into the following three performance levels: highly successful, generally successful, and needs significant improvement. Program performance levels were determined by averaging the scores from questions in a given subject area category, and the percentage of responses indicating no issues was compared to the following scale:

- 80-100% Highly Successful
- 65-79% Generally Successful
- 0-64% Needs Significant Improvement

In other words, in a particular subject area, if 80% or more of the responses across all departments did not reflect an “issue” or concern, the County was rated highly successful in that area. If 65-79% of the responses did not reflect an issue, the County was rated generally successful in that area. If 64% or less of the responses did not reflect an issue, the County was ranked as needing significant improvement. Chart 1 shows these subject areas by the percentages in which the responses generally showed no concerns or issues. Subsections V.B. through V.I. provide details about each of the eight subject areas. The distribution of the County’s performance level ratings by category follows:

Highly successful

- Basic Access
- Furniture and Equipment

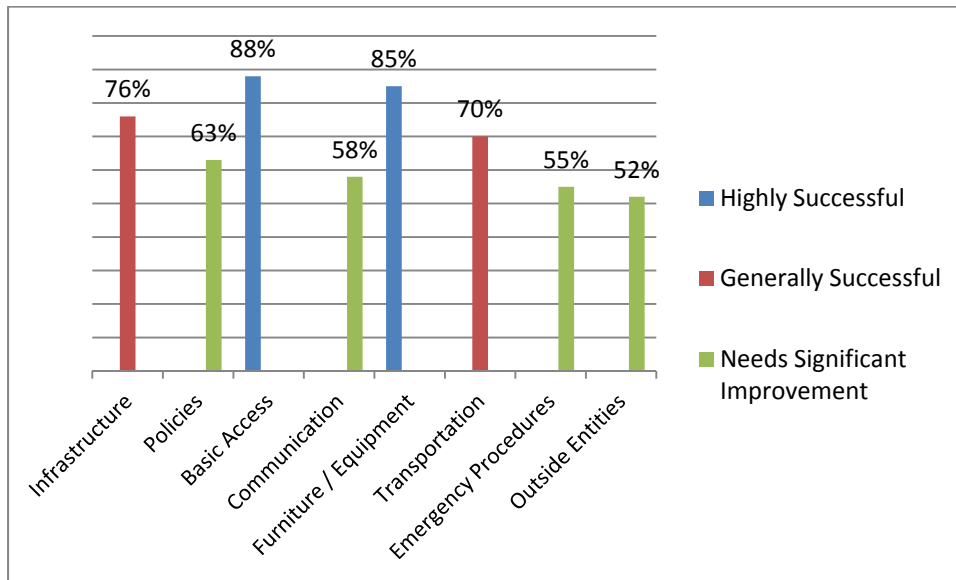
Generally successful

- Infrastructure
- Transportation

Needs significant improvement

- Policies (reasonable modifications and eligibility criteria)
- Communication
- Emergency Procedures
- Outside Entities

Chart 1: Strengths and Weaknesses County-wide



See caveat in text about validity of responses to “furniture/equipment” questions.

“Highly Successful”

An entire subject area of programs was designated as “highly successful” if 80% or more of the programs surveyed across all departments did not report issues in the survey. Similarly, responses to individual questions within subject areas were also analyzed to determine the level of success across programs and departments.

Highly successful	<ul style="list-style-type: none"> ✓ Basic Access ✓ Furniture and Equipment (with caveat)
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The County shows its most noteworthy success in the categories of Basic Access and Furniture and Equipment (with caveats explained below as to the second category).

Basic Access

Two parts of the survey sought information about “basic access” to facilities and meetings. They were not geared to the accessibility of any particular facilities but, instead, toward obtaining a general overview/high level view of features related to facilities, as follows:

- Whether elevators, lifts, automatic doors, lowered service counters, and assistive listening systems are provided for County programs and activities

- Whether the accessibility features are maintained (e.g., exterior accessible routes are kept free of snow, furniture, and debris; interior routes and counters are not obstructed; elevators and automatic doors are kept in working order)
- Whether events and meetings, including training, classes, tours, and other gatherings, as well as tests, are held in or relocated to accessible locations and
- Whether information about accessible features and accommodations at events is provided on notices of the events.

In effect, these listed inquiries address the “public face” of accessibility for people with disabilities. While success here obviously does not indicate overall compliance with the ADA, it does demonstrate whether it is likely that “basic access” to fundamental government programs is achieved, with respect to physically getting in the door of a building and getting to essential services – or at least whether County staff members perceive this to be the case.

Almost all programs reported that meetings and events are always held at accessible locations, accessible features like elevators and automatic doors are operable and available at all times, and there are policies for requesting service or program relocation if these elements are out of order. The substantial majority of programs reported that they relocate interviews to accessible locations and that they conduct tests in accessible locations upon request.

Furniture and Equipment

A significant number of programs reported steps that they have taken to ensure that, to the extent the public uses furniture or equipment as part of programs or activities, the furniture or equipment does not pose barriers to access, equal opportunity, or meaningful participation. The related questions covered accessible computer stations and computers (i.e., stations that are lowered for people who use wheelchairs or other mobility devices and computers that have software making them usable by persons with vision disabilities); furniture such as tables and desks; and other equipment and furniture such as medical examination tables, emergency call stations, exercise equipment, and public-use copiers (for example, in a library).

However, there is some reason to question whether the responses offer a true picture of the state of affairs in this arena. A number of highly public programs such as those related to the Judiciary, Arts, and Health Departments gave negative responses to these questions, and it appears that some data for other programs could have been inappropriately entered on the survey form, distorting the extent of accessibility offered.

Whether County programs and services truly meet the ADA’s program accessibility requirements – i.e., whether each program in its entirety is accessible to people with physical disabilities – will be the subject of closer evaluation in Phases II and III.

“Generally Successful”

Generally successful	✓ Infrastructure ✓ Transportation
----------------------	--

County-wide compliance was designated “generally successful” if between 65% and 79% of the programs surveyed across all departments did not report issues.

Two areas fall within this “middle ground:”

- Infrastructure and
- Transportation.

Infrastructure

For purposes of this study, “infrastructure” refers to the procedural requirements set out in the Title II regulations: that a covered entity –

- Designate an ADA Coordinator,
- Publish notice to the public of rights under the ADA, and
- Establish and publicize a complaint procedure.

The County has appointed the ADA Administrator as its ADA Coordinator, and she is apparently widely known to the departments and works effectively with them. However, there is no general or program-specific notice of ADA rights provided to the public and apparently no complaint procedure other than one for employment.

The survey also covered the best practice of the provision of training. A high percentage of respondents said that staff receives training at new employee orientation or the beginning of employment; fewer reported receiving it annually.

Transportation

An activity is covered by this subject matter area when a department provides transportation to or from an event or activity, or as part of one. For example, this includes transportation on a camp field trip; a shuttle at a festival, fair, or performance; a bus or van that takes elderly people to appointments, shopping, or senior centers; or transportation to and from a senior center.

A significant majority of respondents that provide or arrange for transportation or transportation vouchers as part of a program or activity reported that staff know how to obtain accessible transportation and that they provide equivalent transportation if not all vehicles are accessible.

“Needs Significant Improvement”

When 64% or less of all programs reported compliance, a subject area is designated as needing significant improvement. The County is considered to be in need of significant improvement in half of the self-evaluation survey subject matter areas, including:

- Policies
- Communication
- Emergency Procedures
- Outside Entities

Policies

Needs Significant Improvement	<ul style="list-style-type: none">✓ Policies✓ Communication✓ Emergency Procedures✓ Outside Entities
--------------------------------------	--

This category broadly encompasses most compliance-related areas that fall outside the facilities or communication rubrics. It is based on one of the fundamental principles of the ADA: that public entities must make reasonable modifications to their rules, policies, and procedures when necessary to prevent or avoid discrimination against people with disabilities. (A particular modification is not required if it would fundamentally alter the nature of the program, service, or activity.) For purposes of this evaluation, the consultants also included the following ADA provisions in this category:

- The prohibition on eligibility criteria that screen out or tend to screen out individuals with disabilities from full enjoyment of a program or activity, unless the criteria can be shown to be necessary for the program or activity;
- The requirement that exams and tests must be offered in an accessible place and manner (including through provision of auxiliary aids); and
- The mandate that programs be administered in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

On a positive note, 87% of programs reported that individuals can request modifications. The responses also indicate that staff members make reasonable modifications as part of everyday customer service. But more than half of the individuals completing the survey (59%) indicated that program staff do not inform the members of the public that they may request modifications, and the majority of programs have no formal process for reviewing requests or for documenting denials and the reasons for them.

While most programs report that they permit service animals (that is, they modify “no animals” policies to allow service animals), a significant number of programs report that staff is not

trained about the types of permissible questions about service animals, and several programs note that they do require certification or documentation for a service animal, which is contrary to the ADA regulation's provisions.

For 86% of the programs, information on accessible features, reasonable accommodations, auxiliary aids and alternate formats is not provided on public notices of events, meetings, hearings, trainings, and classes.

Emergency Procedures

The departments generally also reported that they have procedures that take the needs of people with disabilities into account during an evacuation from a building or sheltering in place. However, almost none have plans in place for communicating with people who have hearing disabilities (e.g., through a registry, text messages, or TTY) or vision disabilities in the event of an emergency.

Communication

Title II requires the County to ensure that communications with individuals with disabilities are as effective as communications with others. At its most basic, the law requires that public entities provide appropriate tools for communication: alternate formats (for example, materials in large print, in Braille, on recordings, or in accessible electronic formats for persons with vision disabilities) and auxiliary aids and services (for example, sign language interpreters, printed materials, or captioning for people with hearing disabilities and readers for people with vision disabilities). The types of communication evaluated included in-person interactions, written materials, telephone contact, and electronic methods.

This area revealed a number of "red flag" issues: policies or practices that are likely to result in exclusion of people with disabilities and/or are directly prohibited by the ADA. A substantial number of programs -- 42% -- do not provide auxiliary aids and services for people who are deaf, hard of hearing, or have speech impairments. More than half of all programs -- 51% -- do not provide written materials in alternate formats for people who are blind or have visual impairments. No programs that use assembly areas or courtrooms report use of assistive listening systems for people who are hard of hearing. Some programs charge fees for auxiliary aids and services, which are prohibited by the ADA regulations. Some request that companions provide assistance that should be provided by the County under the ADA.

"Red Flag" Issues

12% of programs report that they have requested that a **companion of a person with disabilities provide services.**

4% of programs report **charging a fee** for auxiliary aids and services.

12% of programs report that they have **denied requests** for auxiliary aids and services between 2009 and 2001.

A high number of responses revealed that staff members are not trained in the use of TTYs and TRS for communicating with people with hearing or speech disabilities.²⁶ A substantial portion of programs also do not have clear guidance about accessibility of electronic communication and use of captioning for videos developed and purchased by the County.

Outside Entities

Many programs report use of vendors, contractors, or other entities to carry out County services and activities. The County is required to ensure that these contractors comply with the ADA when they are carrying out those programs and activities; it cannot “contract away” its Title II duties.

However, the survey responses show that the County rarely monitors outside agencies to ensure this compliance.

As seen below in Chart 2, data was also analyzed for the eight subject areas within departments. Responses for a department’s programs were averaged and the value became the rating on the scale of “highly successful” (a value of 1), “generally successful” (a value of 2), and “needs significant improvement” (a value of 3). “Red Flag Issues” are indicated on this chart, with a description of each in the text box below.

²⁶ See discussion in section V.D.2.

Chart 2: Compliance matrix (by department and subject area)

Key:

1	80-100% Highly Successful
2	65-79% Generally Successful
3	0-64% Needs Significant Improvement

Rankings are based on percentages of responses reporting no issues or concerns. “Red flag” issues are noted where policies or practices should receive immediate attention, because they may result in exclusion of individuals with disabilities and/or they are directly prohibited by the ADA. Highlights of some of the issues are described after the chart.

RED FLAG ISSUE
SECTION NOT APPLICABLE ACCORDING TO RESPONDENT

DEPARTMENT	SUBJECT AREA								
	INFRASTRUCTURE	POLICIES	COMMUNICATION	TECHNOLOGY	FURNITURE AND EQUIPMENT	BASIC ACCESS	TRANSPORTATION	EMERGENCIES	OUTSIDE ENTITIES
ARTS & CULTURE	3	2	3		2	2		3	1
CHAPLAIN	1	1	1			1			1
CLERK OF THE SUPERIOR COURT	2	3	3			1		3	
BOARD OF COMMISSIONERS	2	3	1		1	1		2	
COOPERATIVE EXTENSION	3	2	3	1	1	1	2	2	2
COUNTY ATTORNEY	1	1	1			1			1
COUNTY MANAGER- BROADCAST & CABLE	1	2	3	1	2	1		2	
COUNTY MANAGER- CHILD ATTORNEY	2	2	2			1		1	

DEPARTMENT	SUBJECT AREA								
	INFRASTRUCTURE	POLICIES	COMMUNICATION	TECHNOLOGY	FURNITURE AND EQUIPMENT	BASIC ACCESS	TRANSPORTATION	EMERGENCIES	OUTSIDE ENTITIES
COUNTY MANAGER-COMMUNICATIONS	3	1	2			2		3	
COUNTY MANAGER	1	3	2			1		3	
COUNTY MARSHAL ²⁷	1								
DISTRICT ATTORNEY	3	2	3		1	1	2	3	
FACILITIES AND TRANSPORTATION SERVICES	3	3	3		1	1	1	2	2
FINANCE	3	2	2			1			3
FIRE	1	3	3			1		3	
HEALTH SERVICES-HEALTH AND WELLNESS	1	2	2	1	2	1	1	2	1
HEALTH SERVICES-BEHAVIORAL HEALTH	2	3	2	1	2	2	3	3	2
HOUSING AND HUMAN SERVICES ²⁸	1	2	3		1	1	1	2	1
INTERNAL AUDIT	1	3	3			1			
JUVENILE COURT	3	3	2		1	1	1	1	1
LIBRARY	1	2	2	1	1	1		3	3
MEDICAL EXAMINER	1	1	1		1				

²⁷ Only one program completed the Infrastructure questions on the survey form. Other programs submitted were left blank

²⁸ Does not include three programs within the department

DEPARTMENT	SUBJECT AREA								
	INFRASTRUCTURE	POLICIES	COMMUNICATION	TECHNOLOGY	FURNITURE AND EQUIPMENT	BASIC ACCESS	TRANSPORTATION	EMERGENCIES	OUTSIDE ENTITIES
OEEODA	1	2	2			1		1	
PARKS AND RECREATION	3	3	3		2	2	3		3
POLICE	1	3	3	3		3		3	
PROBATE COURT	1	1	1			1			
PUBLIC DEFENDER	2	2	2		1	1		2	
PURCHASING	3	3	3		3	3		2	
SHERIFF	1	1	2	1	1	1	1	1	1
SOLICITORS OFFICE	1	1	1			1			1
STATE COURT - GENERAL	1	2	1	1	1	1			
STATE COURT - JUDGES	1	2	1	1	1	1			
SUPERIOR COURT - GENERAL	1	1	3		1	1	2	2	1
SUPERIOR COURT - JUDGES		1	1			1			
TAX ASSESSOR	3	3	3		2	2		2	
TAX COMMISSIONER	1	2	2		1	2			
WATER SERVICES	3	1	2			1		3	

Red Flag Issues (see Chart 2)

Some policies or practices reported in the surveys should receive immediate attention because they may result in exclusion and/or they are directly prohibited by the ADA.

Captioning

Within the Office of the County Manager, FGTV provides cable programming. There is no policy requiring that all videos and DVDs developed or produced by the department are captioned. However, the program reports that “We are working on this.” Since producing and recording aurally-delivered content is a core purpose of this program, it is critical that captioning be addressed as soon as possible. The audio content of broadcast material must also be accessible.

Emergency Planning

The Fire Rescue programs with first responder duties (Airport and Operations) report that there are no emergency plans in place that provide guidance on evacuating and sheltering in place people with disabilities, and auxiliary aids and services are not provided during emergencies. Both programs report that staff members are trained to assist people with disabilities; however, without instructions on how to assist individuals with disabilities in the emergency plan, practices may be carried out inconsistently.

Denial of Auxiliary Aids and Services

The County and its agents must make efforts to ensure that personnel communicate effectively with people whose disabilities affect hearing, sight, or speech. Five departments (Internal Audit, Library, Police, Superior Court – General, Water Services) report that auxiliary aids or services either were not provided or were not provided in the type requested, from 2009 through 2011. These instances range from the Library Department, which did not provide higher magnification software due to “extreme cost,” to the Police Department, reporting that auxiliary aids and services were not provided for all programs including during “calls for service,” with the decision to deny based upon the “nature of the incident.” The Law Library program for the Supreme Court – General reports that services have not been provided when advance notice was not given. The department should make every effort to secure services at any point, and must ensure that information distributed to the public advises as to the advance notice needed.

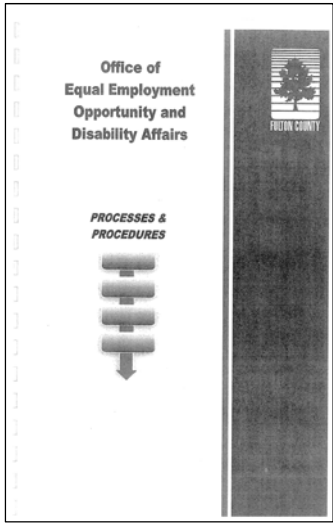
Fees for Auxiliary Aids and Services

The Purchasing Department reports that fees are charged for auxiliary aids and services, which is not permitted under Title II. However, this survey also reports that auxiliary aids and services are not provided. By this reasoning, fees may not have been charged, but it is evident that personnel would benefit from policies and training in this regard. Other departments that report a fee include Health Services, Parks and Recreation, Facilities and Transportation Services, and the Tax Assessor.

Requests that Family Members Serve as Interpreters

In most cases, it is inappropriate to request that family members serve as interpreters. This is especially important when personal information is exchanged, such as in the Health and Wellness Department, which reported that this situation occurs in some programs. Another department, the Superior Court – General, reports that family members are asked to provide auxiliary aids or services “to avoid rescheduling appointments” for the Family Division. The following departments also report requesting that family members serve as interpreters: Finance, Public Defender, and Sheriff.

B. Infrastructure: The Underpinnings for Success



Full compliance with the ADA is built on a strong infrastructure: A clear commitment to compliance “from the top,” specific and clear policies and procedures, training of staff, and notice to the public of their rights under the ADA.

General requirements and best practices

Some of the actions included here are not required specifically by the ADA or the ADA regulations, but they all address the essential underpinnings to effective implementation of the ADA.

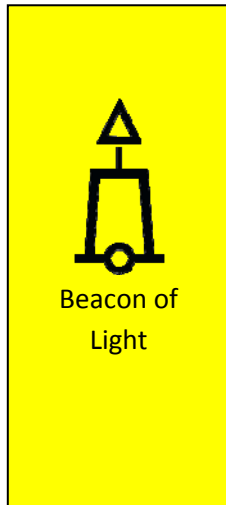
The ADA requires the County to –

- Name a responsible official or ADA Coordinator to coordinate compliance and investigate complaints
- Provide information on ADA requirements to applicants, participants, beneficiaries, and other interested person and
- Adopt and publish grievance procedures providing for prompt and equitable resolution of complaints.

Other elements of a strong compliance infrastructure include –

- A commitment to compliance from leadership,
- Periodic training of staff, and
- Inclusiveness of people with disabilities in materials and use of appropriate language when describing them.

Naming and publicizing contact information for an ADA Coordinator helps the public identify someone to help them with questions and concerns about accommodations or disability discrimination. For example, the ADA Coordinator is often the main contact when someone wishes to request an auxiliary aid or service for effective communication, such as a sign language interpreter or documents in Braille. This is also the specific contact person for management and staff – one who has sufficient



Of those responding to the public input survey, 38.2% said that the attitude of Fulton County employees toward people with disabilities is generally helpful, supportive, positive, and proactive in solving issues as to people with disabilities. Only 12.8% said this is not the case. (The others did not respond to the question.) One said, “Everyone has been courteous and most helpful.”

knowledge and information about the ADA to answer questions efficiently and consistently, and to help ensure that compliance plans and policies are implemented in the way intended by the highest levels of management.

The Department of Justice has developed a model grievance procedure under Title II for state and local governments that requires:

- A description of how and where a complaint under the ADA may be filed
- If a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative
- A description of the time frames and processes to be followed by the complainant and the covered entity
- Information on how to appeal an adverse decision and
- A statement of how long complaint files will be retained.

DOJ recommends that the procedure be distributed to all department heads, posted in public spaces and on the entity’s website, and made available in alternative formats.

Findings

The County is ranked “generally successful” for infrastructure, based on survey responses and information provided by the ADA Coordinator/Administrator.

The ADA Coordinator/Administrator is generally known to the staff in the various departments, who report (with a few exceptions) that they know whom to contact if they need assistance. However, a majority of individuals responding to the public input survey said that they did not know who they should contact to request accommodations. (See text box.)

Posters, brochures, and printed materials have a nondiscrimination notice but it is not specific to the ADA or people with disabilities and it is not provided in alternate formats.

The County’s policy manual has a detailed grievance procedure. Information about the procedure is available in brochures and printed materials and on the County web site. However, it appears to relate only to employment.

The OEEODA has trained security staff on ADA-conscious security checks as well as on how to deal with service animals (covering such areas as the prohibition on asking for documentation) and has provided some training on emergency evacuation procedures relating to people with disabilities. The Office provides training to new staff and periodic training to managers about the ADA, but it appears that almost all of that training

Public input:

- 26.6% said that information is provided about accommodations, auxiliary aids and alternate formats. 10.6% said it is not.
- 36.2% did not know who to contact to request accommodations; 23.1% did know.

DO IT NOW

- ✓ **Develop a grievance procedure that addresses issues other than employment.**
- ✓ **Make the public notice of nondiscrimination specific to ADA and people with disabilities.**
- ✓ **Train staff and managers on a wide range of ADA-related matters and on interaction with people with disabilities.**

is geared to employment issues. There apparently has been no training about interacting with people with disabilities.

C. Reasonable Modifications to Policies and Eligibility Criteria



County employees often make accommodations for people with disabilities “on the spot” as part of customer service. But at times it will be necessary to make more extensive changes to the usual way of doing things, so that people with disabilities are not denied opportunities offered to others. Some policies clearly need changes and the County should put in place consistent procedures as well as notice to the public of their ability to request changes.

An organization usually has certain ways of doing things. Policies, practices, and routines help an organization operate as smoothly as possible. But sometimes the way the County has “always done things” may unintentionally exclude people with certain disabilities or make it difficult for people with disabilities to take full advantage of County services.

The ADA addresses this issue by requiring “reasonable modifications” to policies and practices, when necessary to avoid discrimination.²⁹

This section of the report covers a broad range of subjects that fall under the ‘reasonable modifications’ rubric. It examines the following:

- Eligibility and participation, applications, and registration
- Testing
- Use of manual mobility devices and power-driven mobility devices like Segways
- Hearings, meetings, trainings, classes, tours and special events
- Service animals
- Advisory committees and boards
- Separate programs (an application of the statute’s “most integrated setting” mandate)

²⁹ See the limitations discussed in section V.C.1, General, below.

1. General

Making “reasonable modifications” to policies and practices may entail simple and informal steps such as carrying a tray of food for a person with a mobility disability at a shelter or congregate meal, or helping a person reach or carry an item at the County’s Clothing Closet. Or it may mean more formal and significant changes to the way a program has “always done things” so that people with disabilities can participate.



General requirements and best practices

At times, ensuring equal access to a program or service may require only minor adjustments to the program’s ways of doing business (or informal practices). For example, staff may need to:

- At congregate meals or the clothing closet, where people usually “help themselves,” carry a food tray or other items for a person who has a mobility disability,
- In an office where people are given a complicated form to fill out in order to apply for benefits, explain the instructions or the content to a person with an intellectual disability or help him or her obtain documents necessary to establish eligibility,
- Where people stand in line without a numbering system in order to be served, accommodate a person who has difficulty standing by offering them a seat and/or remembering their order in line.

At other times, compliance with the ADA may necessitate a more formal process. A program may impose a particular procedure that does not appear to be discriminatory, but if it is based on assumptions that do not take disabilities into account and do not allow the flexibility to do so, modifications may be required. A program may need to modify its policies; inform staff about them; identify a person to handle challenging situations; and document the reasons for denials of requests for

modifications. This may be the case, for example, as to:

- Modifying participation standards related to safety or physical abilities in appropriate situations
- Responding to requests to modify testing rules, such as the amount of time allowed to complete a test or the method of responding to questions and
- Ensuring that individuals with service animals are not excluded from facilities or asked intrusive questions that are not allowed by the ADA regulations.

There are limits to this requirement. The County must make changes to policies and procedures only if the changes are necessary and reasonable. It does not need to make changes if they would cause a “fundamental alteration” to the nature of its services or activities, undermine safe operation of the program or activity, or cause a “direct threat” to the health or safety of others. For example, it would be a fundamental alteration to the nature of a play, concert, or other performance to allow a service dog to bark during the event. The County could require the handler to control the dog or leave.

The County can impose legitimate safety requirements that are necessary for safe operation of its services and programs, but the requirements must be based on real risks rather than on speculation, stereotypes, or generalizations about people with disabilities. If there is a concern about whether someone can safely participate or poses a risk, staff needs to --

- Determine whether the risk is real (and not based on an assumption or stereotype) and
- If possible, take steps to minimize the risk of participation.

Although the Title II regulation does not establish any requirements for documenting denials of requests for reasonable modifications, it does do so for program accessibility and communication. Following that same procedure is a recommended best practice. (See discussion in section V.D.1.)

Other best practices would include notice to the public of their rights to request modifications and the process for doing so (unless it is a matter than can be handled informally), an internal procedure for considering difficult situations and for documenting denials of modifications, and, in some instances, a process for appealing a decision.

Findings

“Requests have not been made, however accommodations would be made.”
– South Fulton Arts Center

The responses in this subject area frequently recall the opening statements, which quoted Fulton County employees as saying

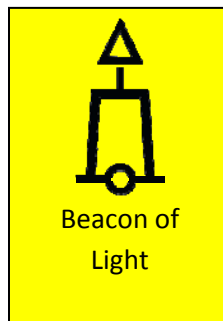
Public input:

- 12.8% said they had requested accommodations but their accommodation was not addressed by the County; 6.4 % said the accommodations sought were provided.

they would provide accommodations, but did not know how or where to obtain them. Common comments in responses included, “*unspecified but ASAP,*” “*some are aware, but not all,*” and “*will do if and when the situation arises.*” The survey responses and information from training participants suggest that staff often make the types of relatively simple modifications described above without a request or simply as a matter of customer service, without consciously identifying them as “ADA” modifications or accommodations.

Some commented that they rely upon the Disability Affairs Office for provision of these services, and others echo another common theme: *they have not encountered the situation and are not equipped to handle it.*

Overall, 59% of the programs report that they do not inform the public that they may request modifications. A significant percentage of programs (13%) reported that people cannot even request modifications. The majority of programs stated that there is not a formal review process.



Staff members often make relatively simple modifications without a request or simply as a matter of customer service, without consciously identifying them as “ADA” modifications or accommodations.

It appears that many programs are operating without an understanding of how to handle more complicated or challenging modifications, with our without requests, or how to document denials of requests. Even more significantly, if individuals with disabilities do not know that they can ask for modifications, they are not likely to ask for them and not likely to be accommodated. In addition, if staff does not understand how to apply the ADA’s principles, implementation is left to individual employees’ knowledge, sensitivity, and interpretation. With staff training and appropriate procedures (where necessary), the County can instill greater consistency in its approach and avoid problems before they arise.

DO IT NOW

- ✓ **Let the public know that they can request modifications to practices and procedures.**

On the other hand, there are some “pockets” of compliance. For example, the Sheriff Department’s Jail Operations Division reports that in deciding to make modifications, command staff would meet with the individual, listen to his/her request, and make a determination balancing the safety of the jail with the request made. For inmates who need accommodations, notations are made in their files to create a standing request.

2. Eligibility, participation, and applications

The County cannot use eligibility requirements that “screen out” people with disabilities unless the requirements are necessary to the program. Applications and interviews should conform to this principle. Decisions about eligibility for benefits and termination of them should not be based on discriminatory criteria.



A Pricess University graduating class

General requirements and best practices

Many County services and activities will have unspoken eligibility criteria and others will have specific “qualifications” that must be met in order to participate. It is important to examine both types of requirements to see whether they result in screening out people with disabilities. In other words, the eligibility criteria should not result in exclusion of people with disabilities or in making it less likely that they can benefit from the activity or program. Of course, if the criteria are necessary to the program, if the program is legitimately geared toward a particular category of people, or if there is a clear safety-based justification for the criteria, they are permissible.

- For example, a camp or recreation program that takes a group of children or teenagers on a rafting trip could not have a blanket policy of refusing to let teens with disabilities go on the trip because of concerns that they cannot swim, or of requiring only teens with disabilities to take a swim test. The program is not required simply to allow everyone to go on the trip, without showing that they can swim, because this approach would undermine the safety of the operation, due to the actual risk of harm to people who would not be able to swim to safety if the raft capsized. One reasonable way to modify such a blanket policy would be to require everyone to pass a swim test first.

- Similarly, the County generally cannot require a driver’s license as the only form of acceptable identification, because people with certain disabilities (e.g., people who are blind) cannot drive. But in some cases a person must have a driver’s license to meet an essential requirement for participation. For example,
 - One of the responsibilities of a volunteer is to drive clients or program participants from place to place. The County could require that volunteers have a driver’s license.
 - One of the responsibilities of a volunteer is to travel to three different locations to work with children after school. The individual should be able to arrange his or her transportation through a means other than driving, if he or she wishes. Here, being able to get to different places is the essential requirement, not being able to drive. Requiring a driver’s license would unnecessarily screen out people with disabilities.

The County should be certain not to impose discriminatory criteria through applications for benefits or services. It should also make sure that its application processes are accessible. At the application stage, questions about disability can be asked only if they are relevant to eligibility for a program or activity, safe participation in it, or accommodation of a person’s disability-related needs during the application process. Any limitation of participation because of drug or alcohol use must generally be based on current use of illegal drugs. Limitations can appropriately be based on judgments related to objective standards of conduct or behavior but not on speculation or on the basis of status, treatment, or history concerning drug or alcohol use. And finally, the County should examine the conditions under which it terminates benefits and make sure that people are not terminated for disability-related reasons. For example, if the County requires attendance at classes or a regular “check in” in order to receive benefits, it may need to allow some leeway to a person who has a legitimate disability-related reason for being late to the class or appointment.

Findings

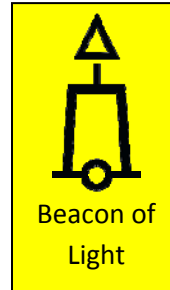
A number of programs reported disability-related inquiries that appear to be justified in the context of their programs. For example, the Women’s Health program, offered by the Health Services Department, asks individuals about disabilities during the application or screening process, in order to address a participant’s needs. Similarly, the Aging division of the Housing and Human Services Department asks questions to determine if a person needs accessible transportation or has other needs. The Purchasing program, in administering certification program for Service-Disabled Veteran Owned Businesses, asks questions about a participant’s disability to determine his or her eligibility, as the certification is dependent upon the business owner’s demonstration of a disability.

The Addictive Diseases Treatment program of Behavioral Health reports careful consideration of eligibility that appears to be consistent with the ADA, in that participants are excluded for only current use of alcohol or illegal use of drugs, and the decision is not based upon history of use. The survey also states that these policies have been reviewed to ensure that services are not denied to qualified

individuals. Additionally, all participants are tested for drugs, which is a permissible practice in order to ensure that an individual is not engaging in current illegal use of drugs.

The data about consideration of drug use and physical abilities as to eligibility for other programs was inconclusive. The County may wish to examine its programs individually in this regard.

The programs across all departments report a fairly high degree of success in meeting responsibilities with respect to the application process. With some exceptions (the State Court and its two related programs, as well as one program within Facilities and Transportation), all programs report that individuals are provided assistance in completing forms. All programs report that interviews are relocated to an accessible location at the request of an interviewee.



All programs report that they relocate interviews to accessible locations when necessary

3. Testing: locations and modifications

Examinations and courses must be offered in a place and manner that is accessible.



General requirements and best practices

Exams and tests must be offered in an accessible place and manner (including through provision of auxiliary aids). Thus a written test for any program (e.g., a class) should be available on request in alternate formats and in an accessible location. For oral interviews, interpreters or other auxiliary aids may be required. People with disabilities that affect manual dexterity may need assistance or extra time to fill out forms or take written tests.

Findings

All programs that administer tests (for example, the Library Department, which gives the GED test) report that the tests are always conducted in an accessible location. Responses concerning modification of testing rules are less consistent, with about half of the programs reporting that modifications are made. The Police and Library Departments report that modifications are not made, while the Cooperative Extension, State Court and Jail programs report modifications are made to rules and procedures. The Jail program, through the Sheriff Department, reports that tests are given by an outside contractor, but does not explain whether the Department ensures that they are administered in an accessible way. Some programs, including those through the Library and the Environmental Health Department, indicated that some such services were offered online. It is worth noting that some programs that stated that tests are administered may have misunderstood the question and responded affirmatively concerning other types of tests (pregnancy tests, for example). Where this appeared to be the case, the data was removed from consideration.

4. Hearings, meetings, trainings, classes, tours, and events

Hearings, meetings, training, classes, tours, and events must be held in accessible locations or relocated upon request. Auxiliary aids and services must be provided on request.



General requirements and best practices

The County holds countless meetings, trainings, classes, and events – from Fire Rescue’s fire safety education classes to the Arts Centers’ art instruction, performances, special events, and camps. The types of gatherings or events covered by this section must be accessible to people with disabilities, both as to their physical locations and features as well as to auxiliary aids and services. (Auxiliary aids and services at meetings are discussed in Section V.D, below.) At times it may be necessary to allow an individual to participate remotely (via telephone or internet connection, or TRS), if the person’s disability, such as agoraphobia or severe allergies, prevents him or her from appearing in person.

Findings

Most programs require that events be held in accessible locations, and some programs follow the best practice of evaluating the locations for accessibility. However, a significant number of programs state that events are not relocated if a person wants to attend and the location is not accessible. Some programs, such as Family and Consumer Sciences’ Cooperative Extension, report that if “technology permits” they will permit people to attend events and tours remotely, and the Building Construction program within FTS notes that it has alternate methods of conducting virtual tours, including through Building Information Modeling. But the majority of County programs reported that remote attendance is either not permitted or has not been requested. One exception is the Environmental Health program, offered by the Health Services Department, which states that “webinars are conducted to provide increased accessibility.”

5. Service animals

Service animals that assist people with disabilities must be permitted to accompany the individuals in all areas of the facility where the public is allowed to go.



General requirements and best practices

As the population of people with disabilities increases, so do the number and types of service animals they use and wish to bring to public places. For some people with disabilities, service animals are essential to finding their way, maintaining their stability or balance, or being kept aware of sounds in the environment. Others rely on animals to assist them during a seizure or to prevent or interrupt impulsive or destructive behaviors.

Under the ADA, it is considered discriminatory to deny access to a person who uses a service animal, in most circumstances. Generally, a policy that excludes all animals from a building or program should be changed to permit people who use service animals to enter the building with their animals. The ADA limits the category of “service animals” to dogs that are trained to do work or perform tasks for a person with a disability, whether the disability is mental or physical.³⁰

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions:

- (1) Is the dog a service animal required because of a disability?
- (2) What work or task has the dog been trained to perform?

³⁰ Other state, local, or federal laws such as the Fair Housing Act may require admission of a broader range of animals and/or those that provide emotional support or other assistance.

Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Generally, service animals must be allowed to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

In addition, although DOJ does not consider them service animals, its 2010 revisions to the ADA rules require admission of a person with a miniature horse if it has been individually trained to perform tasks for an individual with a disability and its admission is otherwise reasonable under the circumstances.

Findings

While most programs report that service animals are permitted in their facilities even if pets are not permitted, a significant number of programs report that staff members are not trained about the types of questions that are permissible, and several programs note that they do require certification or documentation for a service animal. For instance, the Clerk of Superior Court’s Administration program reports that service animals are not prevented from entering “as long as participant provides documentation that the animal is a certified service animal.”

In addition, 60% of the programs report that staff members are not aware that miniature horses are sometimes used as service animals and 51% of the program representatives are not aware that other animals may provide emotional support or comfort. These findings indicate that while departments are generally successful in knowing that service animals should be permitted in facilities, staff may not be aware of the finer points.

DO IT NOW

- ✓ **Inform staff about the questions they can ask about service animals.**
- ✓ **Let staff know about the new regulatory provisions about other animals.**

6. Mobility devices

The County must allow people who use wheelchairs, canes, walkers, and other manually powered devices to use them in areas where pedestrians can go. In addition, more and more frequently, people with disabilities are using nontraditional mobility devices such as Segways,[®] and the County must allow their use where reasonable.



General requirements and best practices

People who use manual mobility devices such as wheelchairs, canes, crutches, braces, and walkers must be allowed to use them anywhere that pedestrians are allowed to go. In addition, returning veterans and others with disabilities are using nontraditional devices such as the Segway[®] PT as their mobility aids of choice more and more frequently. The 2010 DOJ regulations acknowledge this development and state that the use of these and similar devices such as motorized scooters, called “other power-driven mobility devices” or OPDMDs, must be allowed unless the covered entity can demonstrate that the class of devices cannot be operated in accordance with legitimate safety requirements. The rule also lists factors to consider in making this determination.

Findings

Program managers are generally aware that use of manually powered mobility devices must be permitted by individuals with mobility disabilities in any area open to the public, with only 4% of the programs reporting issues in this element. However, 20% of departments report that staff is not aware that people with disabilities must be permitted to use OPDMDs in some circumstances. Airport Administration, a program within Facilities and Transportation Services, reports that staff does not know

about use of manually powered mobility devices or OPDMDs. At least one program, the County Manager, reports that some staff members, but not all, are aware of this provision. Programs that are not aware of this provision tend to be the same ones that report that staff members are not trained to handle other modification-related issues like those pertaining to service animals. These include Parks and Recreation, one Library program, and numerous administrative programs.

7. Advisory committees

The County should consider people with disabilities for membership on advisory committees, modify procedures to ensure an equal opportunity to participate, and provide auxiliary aids and services to members and meeting attendees.




General requirements and best practices

The County must be sure that it does not discriminate against people with disabilities as to membership on or participation in its numerous advisory committees and boards, from Library Services to the Police Department.

Findings

Some programs report compliant practices. These include the Public Access Board of Directors within the Cable Franchise Division of the FGTV and the OEEODA, which states that the Commission on Disability Affairs has several members with disabilities, and modifications such as allowing remote attendance are routinely made.

However, other departments report a lesser degree of compliance. For example, all programs within the Arts and Culture Department using advisory boards report issues with making people with disabilities aware of the opportunity to participate on the boards, as well as ensuring that requests for modifications are considered standing requests and honored continually. Of the 45 programs within the County that state advisory committees are part of the program, about half report issues in these two areas (23 and 27 programs respectively). This suggests that while some committees are operating in a compliant manner, a significant number are not and would benefit from implementation of uniform policies.

 <p>Beacon of Light</p>	<p>The OEEODA provides the meeting agenda and minutes in Braille for a member of the Commission on Disability Affairs who is blind. Modifications are made so that other members with disabilities can attend meetings by conference call.</p>
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8. Separate programs

Integration of individuals with disabilities into the mainstream of society is a fundamental purpose of the ADA. Activities must be provided in the most integrated setting appropriate to an individual's needs. The County may provide different programs and services when they are necessary to ensure equal opportunity or effective benefits and services.



General requirements and best practices

Consistent with its theme of inclusion, the ADA mandates that programs and services be provided in the most integrated setting appropriate to the needs of an individual. This means that separate programs or different measures can be provided only if doing so is necessary to ensure equal opportunity in accessing benefits and services. The separate program must be specifically designed to meet the needs of the individuals with disabilities for whom they are intended. Even when separate programs are permitted (such as an art class for children with certain disabilities), an individual should be able to choose to participate in the “regular” program (e.g., the general art class that most children of that age attend).

Of course, safety considerations can be taken into account. For example, the County may sponsor a wheelchair basketball league. This specialized program is acceptable, because having people in wheelchairs and those who are highly mobile playing on the same court could create a safety hazard, and without this program, people who use wheelchairs would not be able to play with a basketball

league. On the other hand, if a person with a different type of disability can play on a team without creating a safety hazard, and without modifying the fundamental nature of the game, the person should be allowed to play.

Similarly, it may be appropriate to offer a class about how to use adaptive technology to access computers, in a setting that geared to people with disabilities and is “separate” from those classes that teach general computer skills. Again, however, an individual should have the choice of attending an integrated computer class unless there are other reasons that participation should be limited. The separate program cannot be used as a substitute for providing auxiliary aids, accessible locations, or policy modifications that would make participation in the mainstream programs and services possible.

Findings

The County has several programs that are clearly designated for people with disabilities; all those that were reported appear to be created in order to meet the needs of people with disabilities or particular disabilities, and they do not appear to run afoul of the provisions that apply to separate programs.

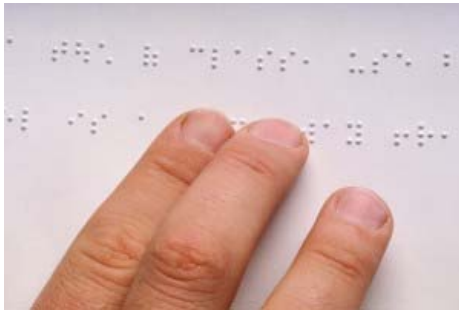
These include –

- A Health and Wellness Department program, Children with Special Needs.
- A Behavioral Health Department program, Adult Developmental Disabilities.
- The Superior Court Drug and Mental Health Accountability Court. Drug Court gives non-violent, drug-dependent felony defendants the opportunity to avoid jail time if they successfully complete an intensive drug-treatment program. Mental Health Court is a partnership with the Department of Mental Health, Developmental Disabilities and Addictive Diseases (MHDDAD), which is responsible for all therapeutic portions of the program while the Court maintains responsibility for compliance monitoring, quality control and oversight over the program.
- The Service Disabled Veteran-Owned Business certification offered by the Purchasing and Contract Compliance Department.

D. Effective Communication



**Large
Print**



The County must communicate effectively with people who have difficulty seeing or hearing or who have speech impairments. At times this will mean offering auxiliary aids and services, such as –

- Interpreters, printed materials, use of telecommunications relay services or TTYs for people who are deaf or hard of hearing.
- Similar auxiliary aids for people with speech disabilities, and extra time to complete the exchange of information
- Auxiliary listening systems and video/DVD captions for people who are deaf or hard of hearing
- Large print, screen reader or magnification software, Braille materials, and readers for people who are blind or have low vision.
- Accessible information technology and electronic technology.

Every day, the County communicates in thousands of ways with residents and visitors – in face-to-face meetings and office visits, in training, on the phone, through social networking sites, through its cable TV station, and by handing out information or receiving filled-out forms. The ADA guarantees that these communications be “effective” for people with disabilities, in a way that works for them as individuals. With some exceptions, entities subject to Title II must ensure that they communicate with people with hearing, speech, or vision disabilities in a way that is “as effective as” communication with others, in all types of settings.

For purposes of this evaluation, communications were categorized as follows:

- In-Person Communication and Interaction: the effective communication provisions in face-to-face settings.
- Effective Written Communication
- Effective Telephone Communication
- Effective Electronic Communication
- Videos and DVDs

Ensuring effective communication will often include the provision of auxiliary aids or services of the type listed in the text box above.

1. In-Person and Written Communication

The County needs to provide means of communicating effectively in face-to-face settings and in writing, according to the situation and the individual's needs.



General requirements and best practices

Regardless of the type of situation, the type of accommodation or auxiliary aid will be driven by the nature of the communication and the needs of the individual with a disability. In the language of the ADA, the County is required to give “primary consideration” to the request of an individual with a disability for a particular type of auxiliary aid or service. The County should consult with individuals with disabilities, whenever possible, to determine what type of auxiliary aid or service is needed to ensure effective communication. But the ultimate decision as to what measure to take rests in the hands of the County, as long as the chosen method results in effective communication.

People with different disabilities have different needs:

- A person who is deaf or hard of hearing may need qualified interpreters (on site or through video remote interpreting (VRI) services), assistive listening devices (ALD's) and systems, television or video captioning, text telephones (TTYs), the exchange of written notes, computer assisted real-time transcription (CART), note-takers, and/or the use of keyboard-and-screen devices.
- A person with speech disabilities may benefit from some of these same auxiliary aids or a communication board.

- A person who is blind or has low vision may request or need qualified readers, taped texts, Braille materials, large print materials, Braille displays, and accessible electronic and information technology.

The decision as to what type of auxiliary aid or service is needed and appropriate is made on a case-by-case basis.

Sometimes staff can quickly find a relatively easy way of communicating. For example, they can exchange written notes with a person who has a hearing or speech disability, when the communication is relatively basic – the individual is picking up a form, paying a bill, getting a vaccination. This approach will only work, of course, if the individual can communicate in written English effectively.

For more complex communications, interpreters may be needed. For training or other educational services, it may be necessary to offer additional aids and services such as note takers, captioned videos, and assistive listening systems.

Certain situations will almost always call for an interpreter for a person who is deaf or hearing impaired and prefers to communicate via an interpreter:

- Providing health services (other than making appointments or providing minimal routine care), including group or individual therapy or counseling for people with disabilities and family members, diagnostic assessments, and physicals.
- Making educational presentations
- Public meetings
- Follow-up investigations of criminal matters
- Jury service; court hearings; meetings with public defenders.

Public input:

➤ 16% said that they requested auxiliary aids, an interpreter, or specialized equipment, and their requests were accommodated. Almost half that many (7.4%) said their request was not accommodated.

For a person who is blind or has low vision, the County will, when necessary for effective communication, need to provide alternate formats (i.e., alternatives to print or written documents, or to other visual presentations) that are accessible. These include Braille or large print documents, audio recordings, audio description, and accessible electronic formats. A person who is blind or has low vision may request such assistance as readers, taped texts, Braille materials, or large print materials. More and more often, people who are blind request an accessible electronic version of a document (e.g., in Word or accessible PDF); they can use this format with screen reader software on a computer, which “reads” the words and associated graphics aloud to them.

Again, the decision as to what type of communication accommodation is needed and appropriate for a person who is blind or has low vision is made on a case-by-case basis. For example, people who are newly disabled are not likely to use Braille, whereas some people who are blind prefer it. An electronic document will not be helpful to someone who does not have a computer. A large print document may be a relatively simple and effective means of accommodating a person with low vision, depending on the degree of his or her disability. Reading a document aloud, if it does not contain information that needs to be retained by the individual with a disability, may suffice in some situations.

It is advisable to keep on hand large print and accessible electronic versions of materials that are widely distributed or used regularly, so that they are available when needed. Other materials that are not used often can be provided in alternate formats on request.

If computer terminals are made available, a person with a vision disability may need screen reader software or magnification software to use the terminals. Interactive kiosks or touch screens should also contain an audio element for people with vision disabilities.

A public entity does not have to take steps to ensure effective communication if those steps would create an “undue financial or administrative burden” or “fundamentally alter” the nature of the program or the services offered. A fundamental alteration is one so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations provided. The County has the burden of proving that compliance would lead to these results and –

- The decision must be documented in writing by the head of the agency (or designee).
- That person must consider all resources available, with reasons for the conclusion.
- The decision must include the reasons for the conclusion.
- The entity must take other actions that would not result in such an alteration or burdens but would ensure, to the extent possible, that individuals with disabilities receive the entity’s benefits or services.

The obligation to ensure effective communication extends to companions who have communication disabilities.

According to DOJ,

The controlling principle is that auxiliary aids and services must be provided if the companion is an appropriate person with whom the public entity should or would communicate... When a deaf spouse attempts to communicate with public social service agencies about the services necessary for the hearing spouse, appropriate auxiliary aids and

DO IT NOW

- ✓ **Develop a standard notice of availability of auxiliary aids, alternate formats, and accommodations, to include with information about meetings, events, and other gatherings. Post the policies on the web site and in announcements.**

services to the deaf spouse must be provided by the public entity to ensure effective communication. Parents or guardians, including foster parents, who are individuals with disabilities, may need to interact with child services agencies on behalf of their children; in such a circumstance, the child services agencies would need to provide appropriate auxiliary aids and services to those parents or guardians.

(Guidance to Section 35.160 of DOJ's 2010 regulation.)

Family members or companions should not be asked to interpret for a person who is deaf or hard of hearing or to read materials to a person who is blind or has low vision. The regulation allows two exceptions:

- (1) In an emergency involving an imminent threat to safety or individual/public welfare or
- (2) Where the individual with a disability requests that an accompanying adult interpret or assist and the adult agrees to do so.

Findings

The County needs to improve its communication with people with disabilities, in significant ways.

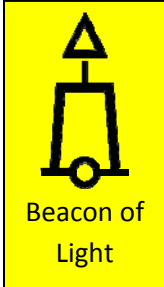
Several striking deficiencies are immediately clear from the survey forms. For example,

- More than half -- 51% -- of programs do not provide written materials in alternate formats for people who are blind or have visual impairments.
- 42% of programs do not provide auxiliary aids and services for people who are deaf or hard of hearing or have speech impairments.³¹

³¹ The data should be interpreted in light of the instructions to liaisons. The surveys directed that if people could meet with staff or obtain information by appointment or as a "walk-in" or if the program does audits, inspections, or home visits, the program was to complete the in-person communication part of the survey. Respondents were also told that if a particular question had never come up, but there was no policy for handling it, they should respond to a question such as "Do you provide auxiliary aids and services" or "Do you ensure primary consideration of the individual's request" with "no," even if their inclination was to mark "not applicable" and even if they thought they might respond "yes" if the question had arisen. This approach was intended to ensure consistency in reporting as well as clarity, but it may have skewed the results slightly. At the same time, however, a government the size of Fulton County would be expected to have received communication-related requests from people with disabilities if the public was aware of the availability of auxiliary aids and services, and to have a policy for responding to requests.

- No programs that use assembly areas or courtrooms report that they offer assistive listening systems, which may be needed by some people with hearing impairments.

However, some programs come close to full compliance. For instance, the Ryan White Clinic reported that sign language interpreters are scheduled at each appointment, through the Disability Affairs Office, and are also present at support group meetings and educational sessions.

	<p>The Ryan White Clinic provides sign language interpreters for scheduled appointments and meetings and sessions.</p>
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The programs of Housing and Human Services provide alternate formats and auxiliary aids in most situations. But generally the department does not give notice that these services are available and does not provide them for walk-in encounters.

The OEEODA reports that it has a policy for alternate formats, which sets out a process for obtaining them, but many departments seem unaware of the policy.

The reasons stated for denying auxiliary aids and services include (1) cost, (2) no receipt of a request, and (3) no advance notice. For example,

- The Probate Court reports that American Sign Language interpreters are not provided because “We used to have a person on staff, but no longer.”
- The Recreation program of the Parks Department related, “Years ago, when we had 200+ employees in Parks and Recreation, we included in our budget, funding and staffing for Braille and large print brochures to be distributed free of charge. With the downsizing of Parks and Recreation over the last several years, we have been unable to provide this service. In addition, years ago, we had an entire subdivision in the Recreation division devoted to therapeutic recreation. Again, we are unable to offer this service.”
- The Library also reported denial of auxiliary aids and services due to cost (magnification software) and identified this as a priority change that would be relatively easy to make.
- The Police Department reported that auxiliary aids and services have not been provided during calls for service – based not on cost but on the nature of the incident. In a situation where an interaction calls for immediate communication or action, especially when the safety or welfare

DO IT NOW

- ✓ Make clear to staff that they cannot charge for auxiliary aids and services.
- ✓ Make clear to staff that they should avoid asking or expecting companions of people with disabilities to assist with communication.

of individuals is threatened, law enforcement officials have the discretion to make such a decision; but the County may want to review the way in which these decisions are made, to ensure consistent compliance with the ADA.

Even though Title II explicitly prohibits charging a fee for auxiliary aids and services, some departments (Health Services, Parks and Recreation, the Tax Assessor, and Purchasing and Contract Compliance) report that they do charge for them (“Red Flag Issue” on Chart 2). For example, the latter department reports that fees are charged for auxiliary aids and services, but also reports that auxiliary aids and services are not provided. The STD Clinic within Health Services reports that auxiliary aids and services are not free of charge and that there is a fee charged for an American Sign Language interpreter.”

At times, programs request that companions provide services. These include the Health and Wellness, Finance, Public Defender, and Sheriff

Departments. The Superior Court’s Family Division asks family members to provide auxiliary aids or services “to avoid rescheduling appointments.” The Adult Developmental Disabilities program reports that family members may be asked to provide interpretation, and that “any clients that do not have the ability to communicate verbally are assisted by a caregiver or family member or even a staff member who is familiar with the client’s form of communication.”

The programs that charge fees, deny services, or request that companions provide assistance may not be aware of the implications of these actions, and would benefit from clear policies and training about staff’s responsibilities.

The County should also evaluate the interplay between the Georgia Open Records Act, which imposes a fee for administrative and duplication costs, and the ADA. It may not be permissible to charge these fees when a person who is deaf, for example, requests a copy of a hearing or meeting transcript as an accommodation when the person was not provided an interpreter, or when a person with a vision disability requests a large print version of a standard print document.

DO IT NOW

Consider two cost-effective ways of communicating with people with hearing disabilities when appropriate:

- ✓ A keyboard device usable by more than one person, with a screen display, such as a Ubi-Duo, which can be shared by more than one office and used for unscheduled appointments. (See photo on cover page for Section V.D.)
- ✓ Expanded use of Video Remote Interpreting (VRI), which can also be shared and which allows use of an interpreter who is at a remote location.

2. TTYs, TRS, and Phone Systems

When the County's programs communicate by phone, they need to make effective use of telecommunications relay services, make sure people with disabilities can access and use voice mail and other interactive phone systems, and at times make TTYs available.



General requirements and best practices

If a public entity that offers a customer, client, patient, or participant the opportunity to make outgoing telephone calls using its equipment on more than an incidental convenience basis, it is to make available public telephones, TTYs, or other telecommunications products and systems for use by an individual who is deaf or hard of hearing, or has a speech impairment. This mandate would be triggered if the County offers pay phones or other phones for the public or a segment of the public (such as those who have been detained by law enforcement), from which they can make outgoing calls for any purpose -- for example, to call about a cab or other pick-up, or call another agency for information.

A TTY is a machine (sometimes called a TDD) that allows people with hearing or speech disabilities to communicate over the phone using a keyboard and a viewing screen. It includes a keyboard that is connected to a modem, a text display, and sometimes a printer.

Secondly, the regulation addresses telephone communication with applicants and beneficiaries. A department can use either TTYs or equally effective telecommunication systems, which will generally mean placing and receiving calls through telecommunications relay services (TRS). TRS enables people who use TTYs or other telecommunication devices to have a third party transmit and translate (or “relay”) a call. This is a service provided by each state at no additional cost, as mandated by title V of the ADA.

The ADA regulations newly require that a covered entity respond to telephone calls from a TRS caller in the same manner that it responds to other telephone calls. In other words, the person receiving the call should not hang up if there is a delay in the start of the call or if the call is taking longer than a non-relay call would.

For the first time, the 2010 DOJ Regulations address automated-attendant systems, including voicemail and messaging, and interactive voice response systems. If these are used for receiving and directing incoming calls, the systems must provide effective real-time communication with individuals using auxiliary aids and services, such as TTYs and relay services, including Internet-based relay systems. Although it is not clear to what length entities must go to comply, the regulation most likely means that a caller using the listed technology should have an opportunity to opt for a live person rather than finding his or her way through the menu; that staff should take the time to complete a call; that automated systems should not shut off a call when a caller fails to respond after just a few seconds, because the delay may be due to use of assistive devices; and that callers using TTYs should have an opportunity to leave messages if others can leave voice mail messages.

DO IT NOW

- ✓ Train staff to handle TTY and TRS calls.
- ✓ Evaluate the voice mail system and other automated systems to see if they offer effective real-time communication for people with disabilities.

Findings

Very few County staff members are trained on use of the TTY and telecommunication relay service.

The vast majority of programs report that there is no TTY for use, and staff members are not trained to use either the TTY or relay service. For example, the OEEODA no longer maintains a TTY, and it says that “Communications with persons with hearing impairments are conducted through the Georgia Relay service.” While this is certainly an appropriate choice, its effectiveness hinges largely on training staff members about how to use TRS; but this department reports that staff members are not trained. The County Manager reports similar use of the Georgia Relay service, but no training. The Jail Diversion program within the Health Services department states that there is no TTY or related training. Recognizing this gap in services, this program specifically requests access to a TTY and training to better serve clients in its comments in the “Next Steps” section.

One program that does report use of a TTY, as well as related training on use of the TTY and telecommunication relay services, is the Victim Assistance Program of the Solicitor General. The Sheriff Department’s Jail Operations Program reports that staff members are trained on use of the TTY, but use the TTY only “when requested on an as-needed basis.” Staff members are also trained on use of the telecommunication relay service.

3. Electronic communication

New and emerging technology, email, and social media offer more options for communicating and conducting County business. The County should ensure that these can be effectively accessed and used by people with disabilities.



General requirements and best practices


The Department of Justice considers websites and email to be covered by the effective communication provisions and has proposed to issue specific regulations on the topic. See the [advance notice of proposed rulemaking](#) on Accessibility of Web Information and Services of State and Local Government Entities and Public Accommodations, issued in July 2010. Web accessibility means that people with disabilities can perceive, understand, navigate, and interact with the Web. This requires an evaluation of several factors, including web page content, web browsers, media players, screen readers and other assistive technology, and the software that creates web sites.

Although it is anticipated that County web sites will be reviewed at a later phase of this project, the survey posed some basic questions in this area, based on statements from DOJ. The survey addressed general policies and the use of email, e-newsletters, and social networking sites (Facebook, Twitter, YouTube) for communicating with the public.

Findings

With Housing and Human Services as a notable exception, a majority of programs have policies about accessibility of electronic communications. Virtually all programs report use of a standard email template that is in plain text. Some programs, such as the Abernathy Arts Center in the Arts and Culture Department, use social networking sites like Facebook but report that they do not take steps to ensure that the content provided there

is accessible. FGTV reports use of Twitter, but states that “Tweets are formatted for the Twitter service. We don't have the control to ensure [it is] accessible to people with disabilities.” The Police Department’s Public Safety Training Center sends out e-newsletters, but does not ensure accessibility.

 <p>Beacon of Light</p>	95% of programs report use of standard email templates in plain text.
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4. Videos and DVDs

Videos and DVDs that are developed or produced by the County must be accessible to people with hearing disabilities.



Teenagers at Fulton County Clubhouse for Youth produce a public service announcement.

General requirements and best practices

Videos and DVDs that are developed or produced by the County must be accessible to people with hearing disabilities. For example, if the County (or an individual or group as part of a County program) creates a video or DVD and then uses it in training, posts it on the County’s web site, shows it at public events, broadcasts it on FGTV, uses it as a public service announcement, or otherwise distributes it,

people who are deaf or hard of hearing must be able to access it. The video or DVD can be either open captioned (with this approach, the captions are always visible) or closed captioned (captions are activated by the user), depending on the nature of the video and whether it will be shown on television or elsewhere.

If the County purchases a video or DVD or otherwise acquires one that it uses, it similarly has an obligation to ensure that the communication is effective for people who are deaf or hard or hearing. Depending on how the video or DVD is used or distributed, the County may provide access through captioning, interpreters, or written transcripts.

The audio content of the County's broadcast or recorded TV programming must also be accessible to these individuals.

Findings

Programs report no consistent policies about accessibility of electronic communication and use of captioning for videos developed and purchased by programs. Without clear guidance in these areas, departmental staff representatives may not be aware that captions are needed so that people who are deaf or hard of hearing have access to the aural content and have the opportunity to understand the communication. The Office of the County Manager reported that FGTV provides cable programming but that there is no policy requiring that all videos and DVDs developed or produced by the department are captioned. The office is, however, "working on this." Videos and DVDs produced by or through the County, and FGTV programming, provided to all County residents and visitors, should be addressed as soon as possible.

E. Furniture and equipment (including testing technology)

Inaccessible furniture and equipment can pose barriers to access, equal opportunity, and meaningful participation in programs and activities. Reasonable modifications must be made to policies and practices to avoid that result.



General requirements and best practices

As explained in Subsection V.A., the project evaluated the “public face” of accessibility for people with disabilities, under two categories, (1) Furniture and Equipment and (2) Basic Access (explained in the next section). While new, altered, and existing facilities will be evaluated for compliance with accessibility standards and the program accessibility requirements in a later stage,³² the questions in these two sections of the survey were designed to give the County a basic idea of whether accessibility features are maintained so that access by an individual with physical disabilities is not impeded by broken elevators or lifts, snow-covered exterior routes, or obstructed interior routes. This subject area also covers the accessibility of locations used for meetings and events, as well as for interviews.

A thoughtful procurement process is important to achieving the goal of providing adequate accessibility to furniture and equipment used in programs, services, and activities. The survey asked several questions seeking to determine whether the departments make an effort to research accessible products and to purchase those that are accessible. It also asked the respondents to quantify the pieces of accessible equipment or furniture purchased in the last three years and to offer their views on whether cost is a bar to purchasing accessible equipment or furniture.

The questions covered accessible computer stations and computers (i.e., stations that are lowered for people who use wheelchairs or other mobility devices and computers that have software making them usable by persons with vision disabilities); furniture such as tables and desks; and other equipment and

³² Some recreation facilities were surveyed (see Section VI).

furniture such as medical examination tables, emergency call stations, exercise equipment, and public-use copiers (for example, in a library).

There are no specific requirements for furniture or equipment that is not “fixed”; however, the U.S. Access Board and DOJ are currently conducting rulemaking in this area, and the evaluation is based on statements from DOJ and best practices.

The survey also asked several questions about testing technology, geared to measure a program’s ability to provide accessible computer stations, software, and equipment when tests are given on computers at a County location or through another entity on behalf of the County.

Findings

A significant number of programs reported steps they have taken to ensure that, to the extent that the public uses furniture or equipment as part of programs or activities, these do not pose barriers to access, equal opportunity, or meaningful participation. However, the responses may not accurately reflect the state of affairs in this area. A number of highly public programs such as those in the Judiciary, Arts, and Health Services Departments gave negative responses to the questions, and it appears that some data for other programs may be inappropriately entered on the survey form, distorting the extent of accessibility offered.

The most common problem is that program staff often does not ensure that furniture and equipment is arranged in a manner that facilitates approach and independent use by people with disabilities. Generally, programs do not make sure that 5% of each type of seating is accessible. According to the programs that found the “Purchasing” section of the Program and Activities Questionnaire was applicable, program staff is more likely to take extra steps to seek out accessible equipment than to seek out accessible computer programs or applications. The Library Department reports fairly compliant efforts, but states that “cost is always a factor when considering these purchases.”

The Aging and Children and Youth programs of the Housing and Human Services Department offer accessible computer stations where computer stations are used in the program but they do not offer text to speech software for the computers.

However, it appears that awareness created by completing the questionnaire may encourage change in this area. For example, when asked if an effort is made to research accessible computers, the Clerk of the Superior Court remarked, “Yes, can be more proactive in this area.”

Three programs report that they have medical equipment (Dental, STD Clinic and TB Clinic). The Dental Services Program provides services to individuals who remain in their wheelchairs, rather than using dental chairs. The other two programs report that accessible medical equipment is not provided. The

Dental Services Program also states that some specialized pieces of dental equipment cannot be used by persons of short stature when at standard counter top height. All these issues should be further evaluated and the County should ensure that equal access to health services is not denied by the failure to provide accessible equipment.

The Library Department offers tests (for example, for the GED or General Educational Development) at designated locations, and reports that accessible technology is provided for all programs. The Police Department report showed that six programs have issues with test-related technology. But it appears that the section was not completed appropriately, and that the Department's only tests that are offered at a designated location are employment-related, so these results are not evaluated.

F. Physical access: the basics

New and altered buildings must be accessible and existing programs must be accessible “as a whole.” Accessible features such as elevators and automatic doors must be maintained to be accessible.



General requirements and best practices

The ADA regulations require that accessibility features of facilities and equipment must be maintained in operable working condition, except for isolated or temporary interruptions due to maintenance or repairs. For example, broken elevators or lifts must be repaired promptly, snow must be removed from approach walks quickly, and boxes and other items should not block accessible doors, elevator buttons, and accessible toilet stalls.

Findings

Almost all programs reported that meetings and events are held in accessible locations.

Two programs within the Facilities and Transportation Services Department provide comprehensive facility management services for County buildings. Central Fulton provides services within the downtown Atlanta area, including for the Fulton County Government Center, Justice Center, Juvenile Court, Central Library, and Helene S. Mills Senior Multipurpose Center, and Greater Fulton performs those functions for other buildings. Both reported that periodic inspections by a combination of third party service providers, in-house maintenance staff, and facility managers ensure that doors are working properly. These programs also maintain elevators and lifts. They said that it would be the responsibility of others to move programs to alternate locations if elevators that are used for access to programs are not working.

Interviews are held in accessible locations or relocated as needed. While this type of response is frequently considered a “customer service” practice, it is encouraging that departments report that they

automatically take these steps. However, without written policies guiding these actions, implementation is based on several factors that may change from day to day, and among different personnel.

Generally there appeared to be few problems with maintenance of accessible exterior and interior features. Programs within the Facilities and Transportation Services department consistently report that staff members monitor the interior and exterior accessible routes for the locations where County programs are offered.

However, managers did report that not all service desks or counters have a lowered service portion (the most frequent issue in this category), and there were some issues related to inaccessible arrangement of furniture and equipment, such as in reception areas and waiting rooms.

The second most commonly reported issue was that snow removal is not always promptly achieved.

Public input:

The public gave generally positive responses about their experiences with physical access to facilities.

- 48.9% said they had not experienced any exterior barriers, non-accessible areas, or non-accessible programs inside facilities; 16% said they had.
- 62.8% had not experienced any interior barriers of this type. Only 8.5% said they had.
- 42.6% were not aware of any inaccessible programs, services, or activities. Only 4.3% were aware of any.

This area drew the most additional comments, including recommendations for

- More accessible seating at events
- Seating for long lines
- Greater accessibility to buildings
- Improvements to curb ramps and access to sidewalks
- More accessible parking and parking for seniors

One individual commented,

- “Aisle way wide enough for wheelchairs, restrooms are good – door exterior/interiors has wall button (automatic openers) for entrance. Good!”

G. Transportation

When the County provides transportation as part of a program or as a service, accessible means of transportation should be provided to people with disabilities.



General requirements and best practices

When transportation is provided, arranged, or used as part of a program (including at events), accessible equivalent transportation should be provided, so that individuals with disabilities are not denied the benefits of the transportation service or the activity or program it serves.

This requirement will apply whether the program is providing transportation in support of its mission or as a convenience to its participants. For example, several programs of HHS (Kinship Care, Adult Day Care) have activity centers or adult day care centers, or offer outings for groups. HHS' Senior Transportation program (Coordinated Transportation System) provides transportation as a service in the form of rides to non-emergency medical services, neighborhood centers, and Fulton County Training Centers. The County also runs a juror shuttle service for the downtown area.

Public input:

- The most frequent comment was that the County should provide more transportation services for seniors and people with disabilities.

If the County offers a fixed-route shuttle service that is available without a request (that is, by a bus or van that arrives at a fixed location on a regular basis), all vehicles on that route should be accessible so that people with disabilities have the same opportunity to use the transportation as others do. If buses are used, this goal is reached by ensuring that any new bus that is purchased or leased for this purpose is accessible. The County can acquire and operate its own accessible vehicles or can contract with a company to provide accessible transportation services. For “demand-responsive” service (that is, one that provides bus or van service in response to a request, such as for an individual trip to a doctor or

shopping area) “equivalent service” must be provided; not all new buses that are purchased or leased need to be accessible if service is equivalent and provided in an integrated setting.

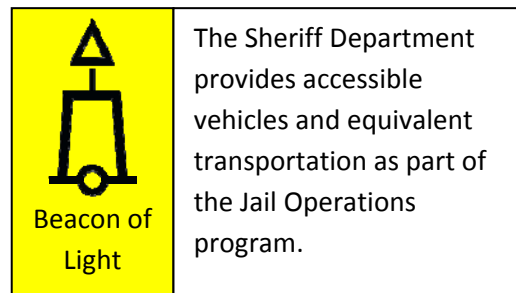
Findings

The survey responses submitted by ten departments with transportation programs showed the programs to be generally successful.

For example, the Sheriff Department’s Jail Operations Program and Housing and Human Services Department provide accessible vehicles and have means of providing equivalent transportation. HHS drivers are trained in use of the accessibility features, and information about these accessible services is disseminated.

The Accountability Courts of the Superior Court and Child and Adolescent Services within the Behavioral Health division of Health Services provides transportation to clients; but there are no accessible vehicles, there are no equivalent transportation policies, and no accessible alternatives to public transit vouchers, even though some individuals may not be able to use public transportation because of disabilities.

The most common problem is an absence of accessible vehicles. Programs also consistently stated that there are generally no policies for providing equivalent transportation, and that information provided to the public may not refer to the availability of accessible transportation. When public transit vouchers are provided, accessible transportation is not consistently provided. However, programs do report as a consistent practice that staff members know how to obtain accessible transportation, and the drivers are trained to use lifts, ramps, and securement devices.



The County offers a fixed-route shuttle for employees, visitors on official business, and jurors between the Turner Field Orange Lot and several County locations in proximity to the Fulton County Government Center. These include court houses, the Fulton County/Atlanta Library, the Public Defender’s Office, the Government Center, and the Juvenile Court building. Between 9 a.m. and 3 p.m., there is one Fulton County bus on this route and it is equipped with a lift. Before 9 a.m. and after 3 p.m., a contractor uses three buses to provide this service, but they are not accessible. If a juror or official visitor needs wheelchair accessibility, the person tells a driver of a contractor bus and the driver makes a call to ensure that a fourth contractor bus, which is accessible and stands by at the Orange lot, provides an accessible shuttle ride. This approach – using inaccessible buses and calling for an accessible bus on an as-needed basis -- does not appear to meet the requirements of the ADA.

H. Emergency procedures³³

If a building or site that houses a program has an emergency evacuation plan, it should have specific provisions for safely evacuating individuals with disabilities affecting mobility, vision, and hearing and people with cognitive or psychiatric disabilities.



The questionnaire addressed two aspects of emergency procedures on a program-specific basis. First, the survey addressed whether any plans for evacuating locations where services and activities are provided, or plans for sheltering/staying in place, incorporate considerations of the needs of people with disabilities. Secondly, it sought to determine whether those programs that communicate with the public during emergencies (through such means as outgoing recordings or phone lines about cancellations or closings) ensure effective communication.

General requirements and best practices

The ADA and its regulations do not specifically address emergency response, evacuation from a building, or sheltering in place. But DOJ has issued technical assistance emphasizing the need for Title II entities to include people with disabilities in emergency planning and response measures as a means of implementing the provisions on reasonable modifications and “full and equal enjoyment” of the entity’s services and facilities. See DOJ’s ADA Best Practices Tool Kit for State and Local Governments, [Chapter 7, Emergency Management under Title II of the ADA \(HTML\)](#) | [\(PDF\)](#).

Generally, if the site that houses a program has an emergency evacuation plan, it should have specific provisions for safely evacuating everyone, including people with disabilities affecting mobility, vision, and hearing as well as people with cognitive or psychiatric disabilities. The program should ensure that

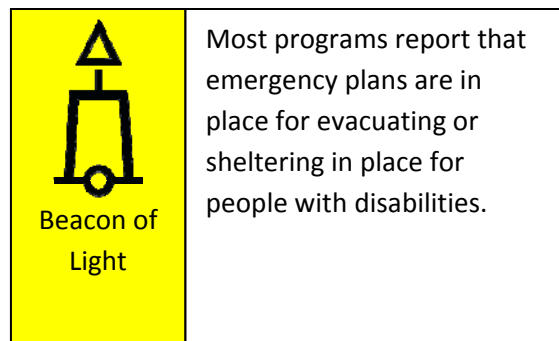
³³ County-wide emergency planning and response will be addressed in a later phase of the study.

people with disabilities are notified of the evacuation plan and procedures, using alternate formats for printed materials. If the building does not have visual alarms for people who are deaf or hard of hearing, it should have a way to notify them of an emergency evacuation or drill (such as through pagers, other electronic communication, or personal notification). It should also ensure that people are not separated from their wheelchairs or other equipment or their service animals. Evacuation chairs at locations other than the first floor may be helpful to people with mobility disabilities.

If a program has a means of notifying participants or beneficiaries that it is closing its facility or canceling or otherwise altering a planned event, class, counseling session, etc., it should make those means accessible to people with disabilities. For example, if the program activates automated emergency information lines, or if it calls people to inform them of cancellations or closings, it should have a way of notifying people with hearing disabilities, such as through text messages or the telecommunication relay service. If email blasts or text messages are used, they should be accessible to people who are blind or have visual impairments, or individuals should be contacted by phone. Any emergency information provided through television should be captioned and/or interpreted. Any registry or list of individuals who are contacted during emergencies must be confidential, voluntary, frequently updated, and always available in the event of an emergency.

Findings

Emergency Procedures are “generally successful” across programs as a whole. The Facilities and Transportation Service’s Central Fulton and Greater Fulton programs provide life safety services for County facilities. The County’s Emergency Evacuation coordinator, within the FTS Building Construction program, provides training, guidance in preparing plans, and scheduling of emergency evacuation drills; and observes drills.³⁴ Most programs report that emergency plans are in place for evacuating or sheltering in place people with all types of disabilities.



The Department of Health Services provided examples of its emergency operation plan documents, including a department-wide public health emergency response plan and several site-specific evacuation plans. The District Emergency Operations Plan (DEOP) outlines the Department’s responsibility to coordinate the response to emergencies of public health significance within its jurisdiction, in order to protect the health of all people during an emergency. It does not appear that effective communication is considered in the public outreach efforts of the crisis communication plan. Materials that are part of

³⁴ FTS noted that many services are coordinated by the County 911 Emergency Call Center and several of its answers should be verified with that department. That department was not evaluated in this phase.

this effort should be provided in alternate formats and in multiple channels to ensure that all residents are able to access the information. The DEOP includes a requirement that the Mental Health Liaison coordinate with other entities to ensure that communities and individuals affected by the disaster are provided needed support, outreach, and crisis counseling services and refers to a “Special Needs Population Shelter.”

Some of the DEOP’s site-specific evacuation plans (for example, the one for the Center for Health and Rehabilitation) do provide guidance on safe evacuation of people with disabilities, and some (for example, South Fulton Health Center’s) do not. The Central Training Center does not provide specific guidance, but does designate a staff member who is responsible for ensuring that individuals with disabilities are evacuated from unsafe areas. It also has a registry of consumers and staff members with “special needs.”

The majority of issues noted relate to communication. Specifically, the programs do not appear to have plans in place to provide accessible means of communicating written material or audible information to the public during emergencies. The Library Department and the Sheriff Department are the only departments in addition to the Central Training Center to report use of a registry (a list of individuals with disabilities that are informed about emergencies). The survey forms state that the registries for all Library programs are, as they should be, confidential, voluntary, and updated, but are not always available. While the Fire Rescue programs report that they do not currently have a registry, the “Next Steps” section of the surveys includes a statement that creating a list of individuals who need assistance during a disaster or emergency would be an immediate step to consider.

At least one department (Superior Court) reports that another department handles elements such as providing written materials and auxiliary aids during an emergency, as well as maintaining visual alarms and evacuation chairs.

I. Outside entities

The County provides a significant number of services through contracts, grants, or other partnerships with outside entities. The County must monitor those entities to make sure that it does not “contract away” its Title II responsibilities.



General requirements and best practices

When the County contracts with or otherwise partners with another entity, the County retains responsibility for ensuring that its services and activities are conducted in a way consistent with the ADA. This responsibility also extends to those entities to which the County provides sponsorship or significant assistance (for example, by providing assistance through grants). Additionally, in selecting contractors to provide services to the County, the County cannot discriminate on the basis of disability.

Findings

This subject area is classified as “needs improvement.”

Many of the County’s services are carried out by contract or grant. Programs reported that they use vendors, contractors, or other entities to carry out activities or services such as –

- Case management and housing services for the Ryan White Clinic
- Court reporters, couriers, copying and outside counsel for the Office of the County Attorney
- Non-profit arts groups for the Arts and Culture Department
- Residential treatment facilities and peer groups for the Behavioral Health Department
- Transportation and social service agencies for several programs and
- Operations and maintenance services at the County Jail

While the total amount of funding of this type is not known, information provided by the County³⁵ shows that in 2011 the County distributed the following funds (among others) to other entities:

- Community Development Block Grants -- \$1,215,000
- Neighborhood Stabilization Program -- \$3,913,000
- Ryan White Clinic -- \$19,381,000
- Older Americans program -- \$2,308,000
- F.R.E.S.H. grants – more than \$3,000,000 to community-based non-profit organizations to expand and / or enhance existing services for Fulton County children and youth
- Arts and Culture grants or contracts – more than \$1,500,000

Some survey forms do not name the specific outside entities used for programs, and some data is unclear, but there are indications that other agencies operating on the County's behalf or carrying out its programs are not captured in this data. For example, many units of local government rely partly or largely on contractors or other partners to provide social services, including homeless shelters, domestic violence shelters, and family and child protective services. But there was no information provided about these types of activities on the part of Fulton County. (Some will be evaluated as part of housing programs in the next phase of the project.)

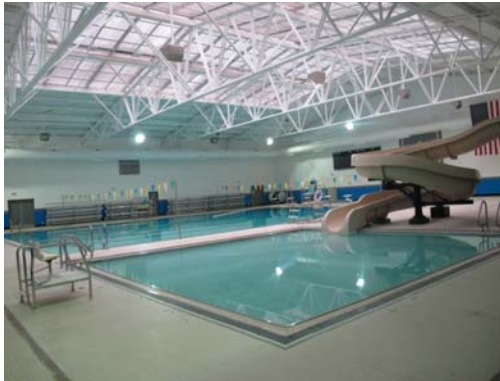
There is little indication that the departments ensure compliance with Title II through oversight of their outside entities by:

- Requiring that grantee/contract organizations offer equal access to goods and services
- Ensuring that grantee/contract organizations do not screen out individuals with disabilities in determining eligibility criteria
- Monitoring grantee/contract organizations provision of auxiliary aids and services and alternate formats
- Checking for compliance, rather than relying merely on assurances in contracts

Almost all programs report that their RFP/RFQ process does not include criteria for evaluating an applicant's record of compliance with these types of requirements. However, the Building Construction Program within FTS has an exemplary practice of not just stating that engineers and designers under contract with the County must comply with "all applicable standards, codes, and regulations" but of specifying the codes, standards, and regulations with which the contractors must comply. If codes change after execution of a contract, the County incorporates them into the contract through a change order.

³⁵ Single Audit Report, December 31, 2011; Contracts for Services, 2011/2012 Funding and Quick-reference document

Section VI. RECREATION FACILITIES WITHOUT SAFE HARBORS



As part of this first stage of the project, the County has begun steps to ensure that recreation facilities that are newly covered by the ADA Standards comply with the program access requirements of the law.

General requirements and best practices

Title II requires a public entity to ensure that people with disabilities are not excluded from programs or activities, or otherwise discriminated against, because of inaccessible facilities. The “program access” provision requires that an entity operate its programs so that, when viewed “in their entirety,” each is accessible to people with disabilities.

Generally, a public entity may comply with the program accessibility requirements of Title II through such means as redesign of the facility or facility elements, acquisition of equipment, or reassignment of services to accessible buildings. In choosing among available methods for meeting the program access obligation, a public entity must give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

The County should consider a number of factors in determining whether a particular facility needs to be accessible in order to achieve program access. As to recreation facilities such as pools and playgrounds that are offered at more than one site, DOJ has said that factors include the particular program features offered at each site, the geographical distance between sites, the travel times to the sites, the number of sites, and availability of public transportation to the sites. It is anticipated that decisions about which Fulton County recreation facilities, as well as other facilities, will require alterations will be made at a later phase of this project. However, the consultant recommended that the County quickly assess its recreation facilities because of a new deadline for achieving program accessibility for recreation facilities, in compliance with the 2010 Standards.

Where changes to recreation facilities are required in order to achieve program access, those changes must be carried out in accordance with the 2010 Standards. The 2010 Regulations provide a “safe harbor” for elements that comply with the 1991 Standards. If those elements comply with the 1991 Standards, they do not have to be modified in order to meet the 2010 Standards, just for the sake of program accessibility. But this safe harbor does not apply to elements for which there are no standards in the 1991 Standards, such as recreation or play areas or exercise facilities. The deadline for achieving program accessibility for those elements or areas that are not safe harbored is March 15, 2012. (In May 2012, this deadline was extended, with respect to existing pools and means of entry, to January 31, 2013. The deadline was not altered for other recreation facilities.)

The County identified its recreation facilities, and on February 14, 2012, LCM Architects provided training to members of the facilities services team who manage parks and park district facilities so that they could survey certain types of facilities that are not safe harbored (those related to team and player seating and accessible routes in court sports). On that date LCM also surveyed specific recreation area in the parks and in park district facilities. The purpose of the review was to determine whether barriers

to access existed in those facilities. LCM's findings were detailed in a report to the County and are summarized below.

Findings

1. Welcome All Field House

Swimming Pools

The Field House has two pools: a conventional pool and a smaller wading pool. Neither had a means of access, such as a lift or sloped entry. Park personnel said that two lifts complying with the 2010 ADA Standards have been ordered and will be installed at the pool and the wading pool, but the consultant has no information about the type of lift planned, whether it would comply, or whether it has been installed.

Fitness Center and Weight Room

The 2010 ADA Standards require an accessible route to connect the accessible entrance door to at least one of each type of exercise equipment. The accessible route must be at least 36" wide measured from the floor to a height of 80" above the floor. The 36" dimension may be reduced to 32" if the running distance is 24" or less. In addition, a clear floor space measuring 30" wide by 48" must be provided at the selected exercise equipment. The clear floor space must be positioned to allow a person with a disability to enter and use the piece of equipment. One 30" x 48" clear floor space may serve two pieces of equipment.

Exercise equipment was not located on an accessible route and did not provide the required 30" x 48" clear floor space. It appeared that the fitness room provides sufficient space to rearrange the exercise equipment to provide the required accessible routes and the required clear floor space at selected equipment.

2. Tom Lowe Shooting Grounds

The 2010 ADA Standards require shooting facilities with firing positions to provide at least 5% of each type of firing position to be accessible, but not less than one. An accessible firing position means that a circular turning space at least 60 inches in diameter is provided. This turning space must be level (e.g. slopes may not be steeper than 1:48 in any direction).

The Tom Lowe Shooting Grounds has nine firing positions. Eight of the positions provide Trap and Skeet shooting and one firing position provides "Five Stand" firing positions. One Trap and Skeet firing position, located at the bottom of the ramp that connects the parking lot to the firing positions, was surveyed and did provide the required level firing positions with a 60" turning diameter. The "Five

Stand” firing position is located at the south end of the shooting grounds and does not provide the required accessible firing positions. Each of the five firing positions is located in an open wood frame structure that is raised 4 1/2" above grade and each firing position measures 48" x 48". In addition, the route to each of the five firing positions was less than 36" wide.

3. Play areas

LCM surveyed the following parks:

- Burdett Park
- Clifftondale Park
- Creel Park – 2 areas
- Old National – 2 areas
- Sandtown Park – 2 areas
- Trammel Crow Park
- Welcome All Park



The 2010 ADA Standards require each specific play areas for children of various ages to comply with the standards for play areas, with specified numbers of accessible ground level and elevated play components. The accessible play components are to be dispersed throughout the play area and integrated with other play components. Ground level and elevated components must be on an accessible route and comply with specific standards for various types of ground level and elevated components, including ramps and transfer systems.

LCM visited seven parks, some with more than one play area. It was observed that all have non-compliant surfaces. Each of the parks has a rough surface throughout the play area, including the accessible route, which is a mix of soil and wood chips. Most of the play area surfaces are several inches below the surrounding surface so that there is a change of level at each entry point to the general play area. In some cases the surface of soil and wood chips has become compacted and the elevation of the transfer systems were higher than allowed. Some of the play areas have surfaces that are uneven due to water run-off or wear under various components, such as swing sets.

The play components in most of the parks had a combination of ground and elevated surfaces. Most have compliant transfer platforms, but may not have the correct balance of surface and elevated components. It appears that the surface in each park must be modified to comply with the 2010 Standards. In some locations the play components must be repaired and adjusted to provide the required number of ground and elevated components.

Section VII. CHARTING THE COURSE: CONCLUSION AND NEXT STEPS



The County is on a steady course to **“full access ahead”** for people with disabilities.

Fulton County has renewed its commitment to the ADA. It has completed the first phase of developing and implementing a new self-evaluation and transition plan. With extensive information from the public and its departments about its successes and shortcomings, the County can now chart the course to full compliance. This course will require deeper analysis of some programs and activities covered by this report, as well as similar evaluations of other programs, employment, IT, and facilities – all anticipated in later phases. Decisions about specific actions and priorities will need to take into account the realities of staffing, time, cost, and difficulty.

The County can be guided in this effort partly by remarks of department liaisons in the “Next Steps” section of each program and activities questionnaire.

“Education is the most important priority. We have to be knowledgeable of requirements and know the ways in which to fix those areas where we are deficient.” – Purchasing

“... items can be prioritized to accomplish overall corrective action plan. Most changes that are required are attainable over time” – Clerk of Superior Court Administration

“We need to re-evaluate our ADA policies and practices to determine how we can improve access to services based on the A.D.A. Confident that once it is identified that change is needed, this will be done.” – Sheriff Department (Courts Services)

“Filling out the survey has made Community Risk Reduction more aware of the many [facets] of ADA.” – Fire Rescue (Community Risk Reduction)

The liaisons and managers consistently report concerns with limited human and capital resources in implementing necessary changes. They acknowledge that meeting these requirements will involve extensive planning and training and express concern that integrating these changes into daily operations will require significant time and resources. They also seek assistance in identifying areas for improvement. Generally, they consider steps like staff training and provision of alternate formats and some auxiliary aids and services to be easy modifications, while more costly changes like structural modifications are considered more difficult.

Nonetheless, program managers also regularly observed that this survey process provided insight and added to their awareness about accessibility. The survey respondents state that initial and refresher training, along with clear guidance and resources, would support their ability to fully integrate these

measures into their daily functions, making accessibility a natural component of programs and ensuring equal opportunity to all programs, services, and activities of Fulton County.

As Fulton County moves forward in assessment and implementation, keeping paramount the views of the public and its managers and staff, it is on its way to “**full access ahead**” for people with disabilities.

Chart 3: Best Practices: How the County Measures Up³⁶

Compliance status

Highly successful

Generally successful

Needs Significant Improvement

Symbols for policies and practices

- Good policy or practice (check mark in box)
- Problems to address (blue arrow)

Area	ADA requirements and best practices	Fulton County’s policies and practices ³⁷	Compliance Status
Infrastructure	<ul style="list-style-type: none"> ▪ If >50 employees, designate an ADA Coordinator. ▪ Notify the public of their rights under the ADA. ▪ Have procedures for prompt and equitable resolution of complaints. ▪ Hold regular training for employees. ▪ State commitment to ADA compliance 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> ADA Coordinator actively working with Departments to implement the ADA ➤ No standardized or general notice as to ADA ➤ Complaint procedures apply only to employment ➤ No apparent regular training for non-employment areas, including interaction with individuals with disabilities <input checked="" type="checkbox"/> Managers and staff are committed to compliance 	Generally successful

³⁶ This table is based on information received in response to the Program and Activities Questionnaire for Phase I and documents provided by Fulton County. Not included are program access (new construction, alterations, existing facilities other than recreation facilities), employment, web and IT, emergency evacuation and response (other than evacuation from individual buildings), schools, pedestrian access in the public rights of way (e.g., curb cuts), three programs within the Housing and Human Services Department (Workforce Development, Housing, Emergency and Transitional Housing), and two departments (Registration and Elections, Emergency Communications 911).

<p>Policies (Reasonable Modifications, Eligibility Criteria)</p>	<ul style="list-style-type: none"> ▪ Make reasonable modifications to policies, practices, or procedures to avoid discrimination. ▪ Document denials that are based on fundamental alteration to nature of program or undue financial and administrative burdens. ▪ Eligibility, participation, and applications: Don't impose eligibility criteria or qualifications that screen out people with disabilities. ▪ Exams and courses: Offer in accessible place and manner. ▪ Hearings, meetings, trainings, classes, tours, and events: hold in accessible locations, provide auxiliary aids and services ▪ Allow service animals (dogs) and miniature horses as appropriate ▪ For service animals, don't require certification or documentation and don't ask intrusive questions ▪ Allow mobility devices such as wheelchairs and "other power-driven mobility devices" (e.g., Segways) 	<ul style="list-style-type: none"> ☑ Assistance and simple modifications provided on ad hoc basis as customer service. ➤ No official policy or procedure. ➤ No notice to public that they can request modifications. ➤ No formal process for documenting reasons for denials. ☑ Disability-related inquiries are for legitimate program-related purposes ☑ Drug-related limitations on participation are permissibly based on <u>current and illegal</u> use of drugs. ➤ Assistance with forms and accessible locations not always provided. ☑ Most are in accessible locations ➤ Some events not relocated to accessible locations ➤ Remote attendance not usually permitted ➤ No specific policy ➤ Certification/documentation required sometimes ➤ Security staff trained about service animals. ➤ Others not trained/aware. ➤ No specific policy. Lack of awareness. 	<p style="text-align: center;">Needs Significant Improvement</p>
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	<ul style="list-style-type: none"> ▪ Advisory committees: consider people with disabilities for membership and provide equal opportunity and auxiliary aid ▪ Integration: Provide activities in most integrated setting; offer different or separate programs and services only when necessary for equal opportunity 	<ul style="list-style-type: none"> ☑ Some committees have people with disabilities as members and make modification. ➤ Others do not reach out to people with disabilities or make adequate modifications. ➤ Programs that are separate were created to meet needs of people with disabilities 	
<p>Effective Communication</p>	<ul style="list-style-type: none"> ▪ Ensure communications with people with disabilities are as effective as those with others. ▪ Provide auxiliary aids and services (sign language interpreters, captioning, readers) when necessary for ensuring effective communication with people with hearing or speech disabilities. ▪ Provide alternate formats (electronic format, Braille, large print) and auxiliary aids for people with vision disabilities. ▪ Give primary consideration to individual's request for type of aid or service. ▪ Document any denial based on fundamental alteration to nature of program or undue financial and administrative burdens. ▪ Do not charge for auxiliary aids or services or alternate formats. ▪ Do not rely on companions of people with disabilities to provide service. ▪ Ensure effective communication when telephone communication is used, through TTYs or telecommunication relay services (TRS). Train staff. ▪ Caption videos and DVDs developed by County 	<ul style="list-style-type: none"> ☑ Some departments provide minimal ad hoc services (exchanging notes, reading to person with vision disability, assisting with applications). ➤ Some deny auxiliary aids. ☑ County has some policies in place. ➤ General lack of awareness of requirements and processes ☑ County has some policies in place. ➤ General lack of awareness of requirements. ➤ Minimal compliance and awareness. ➤ No process. ➤ Some programs impose fees. ➤ Some programs rely on companions. ➤ Minimal use of TTYs and TRS. No training. ➤ Minimal awareness and captioning, no consistent policies. ➤ ALDs not offered. 	<p style="text-align: center;">Needs Significant Improvement</p>

	<ul style="list-style-type: none"> ▪ Offer assistive listening devices in assembly areas, courtrooms ▪ Ensure accessibility of electronic communication (e.g., email, social networking sites) 	<ul style="list-style-type: none"> ☑ Most programs have policies about plain text email. 	
Basic access	<ul style="list-style-type: none"> ▪ Offer programs and services in accessible locations and ▪ Provide notice of accessible features. ▪ Relocate as needed ▪ Maintain accessible features (elevators, clear routes, automatic doors, lowered counters) in accessible condition. 	<ul style="list-style-type: none"> ☑ Managers and public say programs and activities (meetings, events) are held in accessible locations. (More detailed analysis to ensue in later phases.) ➤ Information generally not provided to public about accessible features at meetings, events. ➤ Interviews and tests relocated on request. ➤ Accessible features are regularly maintained. 	Highly successful
Furniture and equipment³⁸	<ul style="list-style-type: none"> ▪ Provide enough accessible furniture and equipment (computer stations, tables and chairs, other equipment) to ensure opportunity for full participation. 	<ul style="list-style-type: none"> ☑ Furniture and equipment generally don't pose barriers to participation. ➤ Some highly public programs (Judiciary, Arts, Health) don't take steps to ensure accessible equipment and furniture are available. 	Highly successful

³⁸ Data may not be reliable.

<p>Transportation</p>	<ul style="list-style-type: none"> ▪ When transportation is provided as part of an activity or as a service, ensure accessible equivalent transportation for people with disabilities. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Accessible transportation offered by most programs. <input checked="" type="checkbox"/> Some vehicles not accessible. 	<p>Generally successful</p>
<p>Emergency evacuation from buildings</p>	<ul style="list-style-type: none"> ▪ Take needs of individuals with disabilities into account for evacuation of buildings or sheltering in place. ▪ Ensure effective communication with individuals with hearing or vision disabilities. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Procedures take needs into account. ➤ Almost no programs have policies for communication. 	<p>Needs Significant Improvement</p>
<p>Outside entities</p>	<ul style="list-style-type: none"> ▪ Ensure that agencies/organizations that provide services on behalf of County are not discriminating against people with disabilities. 	<ul style="list-style-type: none"> ➤ Programs rarely monitor agencies with whom they partner through grants or contracts 	<p>Needs Significant Improvement</p>
<p>Recreation facilities</p>	<ul style="list-style-type: none"> ▪ Ensure program access in facilities for which standards did not exist prior to 2010 	<ul style="list-style-type: none"> ➤ Some facilities may need to be modified (e.g., shooting ranges, exercise facilities, play areas) <input checked="" type="checkbox"/> Pool lifts have been ordered for County facilities. 	<p>Not rated</p>

Photo Credits

Cover:

Logo (from Fulton Co.)

Adoption signing (from Fulton Co.)

http://www.fultoncountyga.gov/images/stories/2011_Annual_Report_FINAL.pdf

Musician (from Fulton Co.)

Youth Leadership Academy for Girls visit Fulton County BOC

<http://www.fultoncountyga.gov/images/stories/PICT6321 - web.jpg>

Ann Nixon Cooper casting vote at age 106 in 2008 presidential election (Fulton Co.)

<http://www.fultoncountyga.gov/images/stories/annual-report-08.pdf>

Child Hugging Man (Fulton Co.) <http://www.fultoncountyga.gov/eligibility-a-assistance-fcn>

Faces (Fulton Co.) <http://www.fultoncountyga.gov/services-bh>

Veteran U.S. Veterans Administration www.va.gov

Woman with Service Dog <http://itsallon.tv/media/slides/11-09-12-grii-sl-practices-05.pdf>

Girl Signing (from Fulton Co.)

Section II: Signing the ADA www.ada.gov

Section III

Festive Event in Fulton County (from Fulton County)

Adamsville Regional Health Center <http://www.fultoncountyga.gov/behavioral-health-home>

Section IV

County Building Reception Area (from Fulton Co.)

Meeting with Interpreter www.Ada.gov

Section V

People in Yellow Shirts

http://www.fultoncountyga.gov/images/stories/Clerk%20to%20The%20Commission/2009_annual_report.pdf

Vet with Dog www.Ada.gov

Health Services <http://www.fultoncountyga.gov/health-promotion/4852-webcast-presentations-available>

Library www.ada.gov

Interpreters at Hearing www.ada.gov

Adoption – see above

Section V.A

Citizens Police Academy Graduates 2011 <http://www.fultoncountyga.gov/citizen-police>

Man on Park Bridge www.Ada.gov

Section V.B

OEEODA Processes and Procedures --Fulton County

OEEODA Sign --Fulton County
Pen and Paper --Fulton County

Section V.C

Woman alighting from bus

<http://www.fultoncountyga.gov/images/stories/transparency/AnnualReport2010.pdf>

Library http://www.afpls.org/images/stories/content_images/Services/ParentAndTeen.jpg

Art class

http://www.fultoncountyga.gov/images/stories/Clerk%20to%20The%20Commission/2009_annual_report.pdf

Veteran with dog

<http://ww1.prweb.com/prfiles/2012/05/20/9527238/Captain%20James%20Van%20Thach%20and%20Service%20Dog%20Liz%20.JPG>

Fulton County Clothing Closet <http://www.fultoncountyga.gov/images/stories/annual-report-08.pdf>

Priceless University Emerges from Call to Womanhood Programs

<http://www.fultoncountyga.gov/images/stories/transparency/AnnualReport2010.pdf>

Man at computer <http://www.ittatc.org/images/manwithcomputer1.jpg>

Assembly arera (from Fulton Co.)

Veteran and Service Dog

http://ww1.prweb.com/prfiles/2012/05/20/9527238/gl_78482_Captain%20James%20Van%20Thach%20and%20Service%20Dog%20Liz%201.JPG

Man with miniature horse at airport <http://flickr.com/photos/18309730@N00/295965213>

Man using Segway http://media-cache-ec5.pinterest.com/upload/252131279108912780_wgonl8Bu_b.jpg

Woman with walker by cab

http://espaportal.devobal.net/resources/PDF/634713321342577985_Update_August2010.pdf

Meeting of four people, with others participating

http://www.navair.navy.mil/img/uploads/ENR_Diversity_Day20120627_sk0056_1.jpg

Man who is Wheelchair User Playing Basketball <http://www.access-board.gov/recreation/guides/images/sports/basketball-lores.jpg>

Section V.D

Sign Language Interpreter with two people

http://www.ncdhhs.gov/dsdhh/library/images/photos/web/interpreter_02_shadow.gif

Large Print www.clker.com

Braille <http://www.aisquared.com/blog/wp-content/uploads/2010/10/Braille.jpg>

Ubi-Duo <http://www.scomm.com/ubiduo/ubiduo-community>

Using VRI with Emergency Staff <http://itsallon.tv/media/slides/11-09-12-grii-sl-practices-32.pdf>

Using a TTY <http://www.abouttty.com/Whatis.html>

Using a computer at the library

http://www.fultoncountyga.gov/images/stories/2011_Annual_Report_FINAL.pdf

Producing a public service announcement

http://www.fultoncountyga.gov/images/stories/Behavioral_Health/Clubhouse_video.jpg

Section V.E: Eye exam http://www.fultoncountyga.gov/images/stories/2011_Annual_Report_FINAL.pdf

Section V.F: Fulton County Reception Area

http://www.fultoncountyga.gov/images/stories/Behavioral_Health/SC_Images/Main/NFSC2.jpg

Section V.I: Person giving shot

http://www.fultoncountyga.gov/images/stories/2011_Annual_Report_FINAL.pdf

Section VI

Pool (Fulton Co. from LCM survey)

Shooting Range (Fulton Co. from LCM survey)

Park with Ramp Feature – Fulton County

Section VII: Sidewalk and pedestrian bridge, with balloons – Fulton County