

General Nondiscrimination

Public Entity _____ Date _____

Contact Person _____ Email _____ Phone _____

Title II of the ADA requires that people with disabilities are assured an equal opportunity to participate in the services, programs and activities offered by public entities. This part of the Title II regulations covers a wide range of issues as you will see from the questions below.

Questions		Comments	Next Steps
<p>1. Do policies, practices and procedures provide an equal opportunity for people with disabilities to participate in services, programs and activities; that is, do policies not discriminate against people on the basis of disability?</p> <p>Examples: A school district requires that students with autism have a parent accompany them on school trips. This is a discriminatory practice.</p> <p>A city has a policy that applicants for a hunting license have a valid, state-issued driver's license. This is a discriminatory policy.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>2. Are there circumstances in which the participation of a person with a disability would be excluded or restricted?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>3. If yes, are the exclusions or restrictions necessary to the operation of the program or to the safety of other participants?</p> <p>Please explain:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		

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<p>4. Are there separate services, programs or activities for people with disabilities or a class of people with disabilities?</p> <p>Examples: A municipal recreation department has a wheelchair basketball program. A county museum has a tour for people who are blind with an opportunity to touch sculptures. These are not discriminatory.</p> <p>If yes, please describe:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
Contracting with External Organizations			
<p>5. Do all employees who contract with outside agencies, organizations or businesses know that the public entity's ADA obligations apply whether the public entity provides the service, program or activity directly or contracts for it?</p> <p>Example: If a state department of emergency services funds a private organization to provide emergency shelters, the department maintains its ADA obligations to make sure people with disabilities receive the same services as people without disabilities.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>6. Does the public entity notify each contractor of its responsibilities for providing contracted services in a nondiscriminatory manner?</p> <p>If yes, please describe:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>7. Does the public entity require assurances from contractors of their fulfillment of Title II requirements?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>8. Are there procedures to ensure that contractors provide the services, programs and activities in a nondiscriminatory manner consistent with</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		

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<p>the Title II requirements?</p> <p>If yes, please describe:</p>			
Reasonable Modifications			
<p>9. Are employees and officials aware that the public entity is obligated to make a reasonable modification in policies, practices, or procedures if the modification is necessary for a person with a disability to participate?</p> <p>Example: No food or beverages are allowed to be consumed at a regional transit authority's subway stations or in subway cars. In order to control blood sugar levels, a person with diabetes might need to drink juice. This would probably be a reasonable modification of a policy.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
Service Animals (Under Titles II and III only dogs can be service animals. Miniature horses can be service animals in some circumstances.)			
<p>10. Are employees and officials aware that:</p> <p>a. The public entity must allow service animals to accompany people with disabilities in all areas where people without service animals are allowed to go?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>b. Only two questions may be asked: (1) Is the dog a service animal required because of a disability? and (2) What work or task has the dog been trained to perform?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>c. The public entity may not ask about a person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		

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its ability to perform the work or task?			
<p>d. A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken and, in these circumstances employees must offer the person with the disability the opportunity to obtain goods or services without the animal’s presence?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>		
<p>e. The public entity must permit a miniature horse to accompany a person with a disability where reasonable?</p> <p><i>Assessment factors include, the size and weight, whether the horse is housebroken, and whether its presence compromises safety requirements.</i></p>	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Wheelchairs and Other Power-Driven Mobility Devices			
<p>11. Are employees and officials aware that:</p> <p>a. People with mobility disabilities may use wheelchairs, scooters and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>		
<p>b. People with mobility disabilities may use other power-driven mobility device in any areas open to pedestrian use unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements?</p> <p>Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines—whether or not</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>		

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<p>designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices, such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of Title II.</p> <p><i>Some of the factors that go into determining “legitimate safety requirements” include: size and speed of the device, the facility’s design and characteristics (outdoor, indoor), and risk of harm to the immediate environment.</i></p>			
<p>c. They may not ask about the nature and extent of the individual’s disability, but may ask an individual to provide a credible assurance that the mobility device is required because of the person’s disability?</p> <p><i>Credible assurance includes a state-issued, disability parking placard or card, or other state-issued proof of disability or a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability.</i></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
Surcharges and Costs			
<p>12. Are employees and officials aware that the public entity may not place a surcharge on people with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide nondiscriminatory treatment?</p> <p>Examples: Charging a person who is hard of hearing for the cost of providing an assistive listening system for a state hearing. A housing authority requires an additional damage deposit if tenants have service animals. These are discriminatory policies.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		

Questions		Comments	Next Steps
Ticketing (Not parking tickets, tickets for events that have seating.)			
<p>13. Are tickets for accessible seats sold during the same hours; through the same methods of purchase (by telephone, on site, through a website, or through third-party vendors); and during the same stages of sales (pre-sales, promotions, general sales, wait lists, or lotteries) as non-accessible seats?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>14. If accessible seating is not available in areas of the venue with lower prices, is lower priced accessible seating available in higher priced locations?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>15. Do venues and third-party sellers provide the same information about accessible seats as provided about non-accessible seats?</p> <p>Example: Maps or displays of seating configurations must include information on accessible seating.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>16. Can ticket sellers describe accessible seating in enough detail to permit the purchaser to determine if a seat meets his or her needs?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>17. Do ticket sellers know that people purchasing a ticket for a wheelchair space may purchase up to three additional seats for their companions as close as possible to the wheelchair space and that these companion seats may include wheelchair spaces?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>18. Do ticket sellers know that unsold accessible seats may be released and sold to members of the general public in only one of three circumstances:</p> <ul style="list-style-type: none"> • when all non-accessible seats have been sold (excluding luxury boxes, club boxes, suites, and seats the venue holds back when declaring a sell-out); or • when all non-accessible seats in a particular seating section have 	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		

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<p>been sold; or</p> <ul style="list-style-type: none"> when all non-accessible seats in a particular price category have been sold? 			
<p>19. If the venue permits patrons to give or sell their tickets to others, does the venue know that the same right must be extended to patrons with disabilities and that those tickets may be sold to someone who does not have a disability?</p> <p><i>A venue may choose to move a patron to another seat in order to give that accessible seat to a patron with a disability who requires it, but is not obligated to do so.</i></p>	Yes <input type="checkbox"/> No <input type="checkbox"/>		
<p>20. Do ticket sellers know that for single event tickets, venues may ask purchasers to state that they require, or are purchasing tickets for someone who requires, the features of an accessible seat?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>		
<p>21. Do ticket sellers know that for series of events tickets, purchasers may be asked to attest in writing that they require, or are purchasing tickets for someone who requires, the features of an accessible seat?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Other			
<p>22. Is information about the public entity's accessible services, activities and facilities available to the public and to current and future program participants?</p> <p><i>Example: A state department of recreation includes information about accessible swimming pools, fishing piers, boat launches, picnic and camping areas on its website and in a brochure.</i></p>	Yes <input type="checkbox"/> No <input type="checkbox"/>		