

	CHAPTER:	POLICY:
		PAGES:
SUBJECT: ADA Reasonable Modification Policy		
RELATED POLICIES:	ENABLING RESOLUTION:	
	RESOLUTION DATE:	
	REVISED RESOLUTION & DATE:	
OFFICE WITH PRIMARY RESPONSIBILITY:		

I. PURPOSE

The purpose of the ADA Reasonable Modification Policy is to ensure equal and effective opportunities and access to County programs, services and activities for persons with disabilities and full compliance with the provisions of Title II of the ADA.

II. POLICY STATEMENT

Sedgwick County is committed to providing equal access and opportunity to qualified individuals with disabilities in all County programs and services. Sedgwick County recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies and procedures. Sedgwick County will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Questions regarding reasonable modification and/or discrimination on the basis of disability should be directed to the Sedgwick County ADA Coordinator. Contact information for the Sedgwick County ADA Coordinator can be found on the County web site or by calling the Human Resources Department.

The County shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the County can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

The County shall take appropriate steps to ensure that communication with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the County shall furnish upon request appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the County. In determining what type of auxiliary aid or service is necessary, the County shall give primary consideration to the requests of the individual with a disability.

Sedgwick County recognizes that providing services in an integrated setting through architectural barrier removal is the most desirable method to provide equally effective opportunities and benefits for many individuals with disabilities.

The County is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or any action that would

result in undue financial or administrative burdens. Any determination that compliance with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity or unduly burden the County shall be made by the Sedgwick County ADA Coordinator or the Sedgwick County Internal Compliance Team after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that determination.

When barrier removal is "technically infeasible" or when reasonable modification would result in "undue financial or administrative burden" or "fundamental alteration in the nature of a service, program, or activity," the procedures in this policy will help ensure that Sedgwick County adheres to the requirements of the ADA regulations and guidelines with respect to burden and infeasibility.

III. DEFINITIONS

Qualified individual with a disability: is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the County.

Reasonable Modification: Modifications or adjustments to a program, service or activity that will enable equal access, to the maximum extent possible, for qualified individuals with a disability.

Sedgwick County Internal Compliance Team (SCICT): A six member team consisting of the County ADA Coordinator, Director of HR, Director of Facilities, Employment Manager, Assistant County Counselor and a Finance Department Representative.

Auxiliary Aids and Services: "Auxiliary aids and services" includes:

- (1) qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments,
- (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments,
- (3) acquisition or modification of equipment or devices, and
- (4) other similar services and actions.

Technically Infeasible: With respect to an alteration of a building or a facility, is something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

Undue Burden: Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, an agency shall consider all agency resources available to the program or component for which the product is being developed, procured, maintained, or used.

IV. PROCEDURES

1. Sedgwick County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.
2. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Sedgwick County, should contact the Sedgwick County ADA Coordinator, as soon as possible but no later than 48 hours before the scheduled event. Please include the name, location and date of the service or program, and your contact information. The request will be routed through the appropriate Departmental ADA Liaison.
3. Sedgwick County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Sedgwick County's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. Requests for aids or services for effective communication should be directed to the County ADA Coordinator in the recommended timeframes as outlined below.
 - a. Audio Tape: Audio tape recordings of printed materials will be provided upon request by Sedgwick County's ADA Coordinator, in conjunction with the particular departmental ADA coordinator, with one week advance notice.
 - b. Braille: Pamphlets, brochures, and printed information will be provided in Braille upon request by Sedgwick County's ADA Coordinator, in conjunction with the particular departmental ADA Coordinator, with two weeks advance notice.
 - c. Reader: A reader will be provided, when necessary by Sedgwick County's ADA Coordinator, in conjunction with the particular departmental ADA Coordinator, upon request with one week advance notice.
 - d. Aide: An aide will be provided upon request to qualified individuals with disabilities, by Sedgwick County's ADA Coordinator, in conjunction with the particular departmental ADA Coordinator, to help ensure that printed materials are readily accessible to individuals with disabilities with a two-day advance notice. Example: Such aide may provide assistance to an individual in filling out an application.
 - e. Home Mailings: All printed information provided by Sedgwick County, which is typically available to the general public who visit County facilities, will also be mailed to individuals, where the individual's disability prevents or circumvents the individual's ability obtain the materials on-site at County facilities. Printed information will be mailed upon request by Sedgwick County's ADA Coordinator, in conjunction with the particular departmental ADA Coordinator with a one week advance notice.
 - f. Large Print Format: Printed information that is available to the general public will be provided in large print, upon request, by Sedgwick County's ADA Coordinator, in conjunction with the particular departmental ADA Coordinator, with two weeks advance notice.
 - g. Interpreter: It is the policy of Sedgwick County to provide an effective sign language interpreter in situations where the communication taking place is lengthy or complex; and/or other situations where a sign language interpreter may be necessary to effectively communicate with individuals who are deaf or hard of hearing. A sign language interpreter will be provided upon request with one week notice to Sedgwick County's ADA Coordinator, in conjunction with the particular departmental ADA Coordinator.
 - h. Other Assistance: Sedgwick County will help ensure that all services, programs and activities are fully accessible to individuals with communication disabilities by providing auxiliary aides or services, where necessary, due to an eligible individual's disability as defined by the Americans with Disabilities Act.

Note: Sedgwick County will make every attempt to provide the specific type of alternate format requested, however a different type of alternative format may be provided, if and when, such different type of alternative format provides equally effective communication.

4. In the provision of auxiliary aids or services, including modifications in policies, practices, or procedures; Sedgwick County will not place surcharges on individuals with disabilities to cover the costs involved in making programs accessible.
5. Sedgwick County facilities are either fully structurally accessible to individuals with disabilities or will be made fully accessible as described in the County's ADA Transition Plan. Should any facility not be fully accessible, all services normally provided to the public at that location will be provided at a fully accessible location upon request.
6. Departments wishing to declare Technical Infeasibility, Undue Administrative or Financial Burden, or that a modification would fundamentally alter the nature of the service, program, or activity must follow this procedure:
 - A. The Department Director or equivalent will submit a detailed written request for exemption, fully explaining the situation and stating the justification for exemption to the Sedgwick County ADA Coordinator.
 - B. The County ADA Coordinator will present all requests to the Sedgwick County Internal Compliance Team (SCICT) for review.
 - C. The SCICT may:
 - i. Request additional information from the Department Director
 - ii. Reject the request and notify the Department Director of the decision
 - iii. Tentatively approve and present the request to the Wichita Sedgwick County Access Advisory Board for comment
 - D. After Wichita Sedgwick County Access Advisory Board review and comment, the SCICT, by a majority vote of the entire membership, may:
 - i. Approve the request and notify the Department Director
 - ii. Reject the request and notify the Department Director
 - iii. Approve with modifications and notify the Department Director
 - E. Documentation of all requests will remain on file in the ADA Coordinator's office.
7. In alterations where the SCICT has determined that compliance with applicable requirements is technically infeasible or would result in undue administrative or financial burden, the alteration shall comply with the requirements to the maximum extent feasible, as determined by the SCICT.
8. The above policy and procedure is intended for events and circumstances where advance notice and scheduling is possible. In cases of emergency services, which are unplanned and may require complex and important communication, interpretation services consistent with the requirements of the ADA have been contracted by Sedgwick County to be available 24 hours a day, 7 days a week.
9. The County ADA Coordinator shall, in conjunction with the Sedgwick County Internal Compliance Team, coordinate the County's efforts to comply with and carry out its responsibilities under Title II of the ADA, including investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that are prohibited under the ADA. The County shall make available to all interested individuals the name, office address, telephone number, and Kansas Relay Number of the ADA Coordinator and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that is prohibited under the ADA. Complaints that a program, service, or activity of Sedgwick County is not accessible to persons with disabilities should be directed to the Sedgwick County ADA Coordinator, and may be filed using Sedgwick County's ADA Grievance Procedure.
10. For additional information, or to receive this document in alternate format, please contact the Sedgwick County ADA Coordinator.