



HR/LR Policy #1358

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Authority: Enterprise Human Capital

## Americans with Disabilities Act – Title II

### OVERVIEW

#### Objectives

- To ensure the rights of individuals with disabilities are respected through compliance with all applicable state and federal laws, including Title II of the Americans with Disabilities Act, as amended (hereinafter “ADA”)
- To ensure qualified individuals with disabilities have equal access to and can fully participate in every state agency’s programs, services, products, and activities
- To provide agencies with guidance and resources about physical and program access, as well as auxiliary aids and services
- To ensure agencies do not discriminate against qualified individuals with disabilities on the basis of disability when providing services, programs, products, or activities
- To provide individuals with disabilities an opportunity to request auxiliary aids and services to participate in an agency’s programs, services, products, and activities

#### Policy Statement

The State of Minnesota strives to be a model service provider, valuing inclusion and equity. The programs, services, products, and activities of state agencies must be accessible to individuals with disabilities. State agencies are responsible for fully complying with all applicable state and federal laws concerning the rights of individuals with disabilities. This includes relevant state laws and federal laws, such as the Minnesota Human Rights Act and the Americans with Disabilities Act. In particular, the Americans with Disabilities Act ([Public Law 101-336](#)), commonly referred to as the [ADA](#), makes it unlawful to discriminate against individuals on the basis of disability in state employment, services, programs, products, or activities. Title II of the Americans with Disabilities Act requires that the programs, services, products, and activities of state and local governments be accessible to and usable by qualified individuals with disabilities. It also requires public entities to take appropriate steps to ensure communications with applicants, participants, and members of the public with disabilities are as effective as communications with individuals without disabilities. The ADA includes a separate chapter, Title I, which governs equal opportunities for individuals with disabilities in employment and is covered in [HR/LR Policy #1433 ADA Reasonable Accommodation](#).

#### Scope

This policy applies to:

Executive Branch state agencies providing public programs, services, products, activities, and communications.

## Definitions and Key Terms

*An Individual with a disability* is defined as:

(1) A person with a physical or mental impairment that substantially limits one or more of the person's major life activities. Major life activities include, but are not limited to:

- a. Caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working
- b. Operating a major bodily function

(2) A person with a history of, or who has been misclassified as having, a physical or mental impairment that substantially limits one or more major life activities

(3) A person who is regarded as having such an impairment. Being regarded as having an impairment means:

- a. Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such limitation
- b. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment
- c. Has no disability but is treated by a public entity as having such impairment

[\(28 CFR 35.104; 28 C.F.R. § 35.108\)](#)

*A qualified individual with a disability* is defined as “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 a public entity.” [\(28 C.F.R. § 35.104\)](#)

*Auxiliary Aids and Services* may include:

(1) Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services (also known as communication access real-time translation or CART); written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing.

(2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

(3) Acquisition or modification of equipment or devices.

(4) Other similar services and actions. [\(28 C.F.R. § 35.104\)](#) . An example of other similar services and actions includes audio descriptions.

*Direct threat* means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. ([28 C.F.R. § 35.104](#))

*Wheelchair* means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor, locomotion. ([28 C.F.R. § 35.104](#))

*Other power-driven mobility device* means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but is not a wheelchair within the meaning of this section. ([28 C.F.R. § 35.104](#)) Power-driven mobility devices are not limited to those listed here, and may change based on technological advances.

*Service animal* means a dog that is individually trained to do work or perform tasks for a person with a disability. Other species of animals are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler’s disability. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. ([28 C.F.R. § 35.104](#)). For service animal alternatives to dogs, see 28 CFR 35.136(i)(2).

*Reasonable modification* means an agency must make a reasonable modification or adjustment in its policies, practices, or procedures when that modification is necessary to avoid discrimination on the basis of disability, unless the agency can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. An agency is not required to provide a reasonable modification to an individual who meets the definition of “individual with a disability” solely under the “regarded as” prong of the definition of “individual with a disability.” ([28 CFR 35.130\(b\)\(7\)](#))

## Exclusions

N/A

## Statutory References

Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

Revised ADA Regulations Implementing Title II and Title III, 28 C.F.R. Part 35

Rehabilitation Act of 1973, Title 29 USC § 701

Rehabilitation Act of 1973, Section 504

Rehabilitation Act of 1973, Section 503

MN Statutes Chapter 363A, including but not limited to M.S. 363A.12, .19, .42, & .43 (MN Human Rights Act)

[M.S. 16E.03, Subd. 9](#), IT Accessibility Standards

[M.S. 15.44](#), Aids for Persons with Disabilities at State Meetings

[M.S. 16C.145](#), Nonvisual Technology Access Standards

[M.S. Chapter 237.50-56](#), Telecommunications.

[M.S. 256C.02](#), Public Accommodations

# GENERAL STANDARDS AND EXPECTATIONS

State agencies are committed to providing a welcoming environment to individuals with disabilities, ensuring equal access, full participation, and non-discrimination on the basis of disability. As part of that commitment, state agencies must provide qualified individuals with disabilities an equal opportunity to participate in agency programs, services, products, and activities. This requirement goes beyond physical accessibility to agency offices. Rather, agencies must take appropriate steps to ensure qualified individuals with disabilities can take part in and benefit from agency programs, services, products, and activities.

The information provided below is intended to assist agencies in complying with the applicable state and federal law. The information below is not exhaustive. Ultimately, it is the responsibility of each agency to ensure compliance with laws that are relevant to its programs, services, products, and activities. This is particularly true when an agency has specific programmatic responsibilities that require creation of relevant policies or procedures or when an agency engages in activities that carry their own planning or reporting requirements (e.g., *Olmstead* requirements).

## Accessible Communications

A state agency must take appropriate steps to ensure all communications with applicants for services, participants, members of the public with disabilities and their companions with disabilities, are as effective as communications with those without disabilities. Companions include family members, friends, or associates of the individual seeking to access a service, program, or activity of an agency, who, along with such individual, is an appropriate person with whom the state agency should communicate. Information created, published, or distributed by state agencies must be accessible or available in an accessible format upon request. In particular, agencies must ensure electronic and web-based communications meet appropriate accessibility standards (see IT Accessibility, below). For guidance from the Department of Justice, review the ADA Effective Communications Guidelines.

### *Auxiliary Aids and Services*

A state agency must generally, upon request, provide appropriate auxiliary aids and services leading to effective communication for qualified individuals with disabilities so they can enjoy the benefit of and have an equal opportunity to participate in the agency's programs, services, products, and activities. ([28 C.F.R. § 35.160\(b\)](#))

The type of auxiliary aids and services necessary to ensure effective communication will vary with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. To determine what types of auxiliary aids and services are appropriate, a state agency must give primary consideration to the requests of individuals with disabilities. To be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. ([28 C.F.R. § 35.160\(b\)](#))

An agency may not charge an individual with a disability or a group of individuals with disabilities for the cost of measures, such as auxiliary aids and services that are required to ensure effective communication. ([28 C.F.R. § 35.130](#))

A state agency must not:

- Require individuals with disabilities to bring their own interpreter to interpret
- Rely on an adult accompanying an individual with a disability to interpret or facilitate communication (unless (1) There is an emergency involving an imminent threat to the safety or welfare of an individual or

the public where there is no interpreter available; or (2) The individual with a disability specifically requests the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances

- Rely on a minor child to interpret or facilitate communication unless there is an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available ([28 C.F.R. § 35.160\(c\)](#))

If you have questions about these and other requests for auxiliary aids and services please contact your ADA Coordinator or the MMB State ADA Coordinator.

### *Statement on Availability of Information in Alternative Formats*

All written, electronic, or multimedia material intended for distribution to the public and is developed, used, or distributed by an agency will contain a statement indicating the information is available in alternative formats to individuals with disabilities upon request. The alternative format must be provided in a timely manner. Alternative formats may include, but are not limited to: large text, audio description, CART transcript, closed captioning, Braille, or other alternative formats. These alternative formats are not mutually exclusive, and an agency may need to provide information in more than one alternative format depending on need.

The following statement must be included on all new materials and must be added to existing materials when they are reprinted. Preprinted materials in use prior to reprinting must have a label attached that contains the following statement:

- This [document/information/insert medium] is available in alternative formats to individuals with disabilities by contacting [state agencies must enter contact information including phone, email or through preferred telecommunications provider, and/or at the agency's physical address or general email address for this purpose].

### *Telecommunications*

When contacting the general public by telephone, all agencies must ensure communication is equally accessible and effective to people who are deaf, deafblind, hard of hearing, or speech-impaired by providing telecommunication access.

Agencies, departments, divisions, and units that do not receive frequent calls from persons using TTYs or TDDs (approximately 5–6 calls per month), should use the following language:

- “Call (your agency contact number/651-xxx-xxxx) (Voice) or call using your preferred Telecommunications Relay Provider.”

It is the responsibility of each agency to provide proper training to employees answering telecommunications relay calls.

### *Written Materials*

Agencies will ensure written materials, including email messages, electronic materials, and multimedia materials, which are developed, used, or purchased for distribution to the public contain a statement explaining the information is available in alternative formats to individuals with disabilities upon request. In particular, one of the following statements must be included on all new materials to be distributed to the public and must be added to existing materials when they are reprinted for public distribution.

Preprinted materials in use for public distribution prior to reprinting must have a label attached that contains the following statement:

- This document is available in alternative formats to individuals with disabilities by calling (agency phone number), or by emailing (agencies may add preferred email address for this type of request).

Before being distributed to the public, agencies should review accessibility best practices in creating and testing the documents. Each document must, at minimum, be checked using a software-based accessibility checker if available. Please see the [electronic documents](#) section of the Office of Accessibility website or consult your agency's digital accessibility coordinator for more information.

Agencies must promptly respond to requests for reasonable accommodations, auxiliary aids, or materials in an alternative format.

## **Information Technology (IT)/Multimedia Accessibility**

Agencies must comply with the Minnesota State Accessibility Standard. The goal of the Accessibility Standard is to improve the accessibility and usability of information technology products and services for all customers and employees of the State of Minnesota.

All information technology procured or developed for public services or state operations must adhere to the State of Minnesota Accessibility Standard and associated processes, which are posted on [MNIT's website](#). Website accessibility has been required as of September 1, 2010 under Minnesota's State Accessibility Standard.

Any exceptions to the standards may be granted by the chief information accessibility officer based upon a request by an agency. Please see the MNIT [Accessibility Policies and Standards](#) website for more information.

## **Modifications in Policies, Practices, and Procedures**

A state agency must make all reasonable modifications to policies and programs to ensure qualified individuals with disabilities have an equal opportunity to use all of its programs, services, products, and activities, unless the agency can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity, or result in undue financial and administrative burdens. Agencies are not required to provide a reasonable modification to an individual who qualifies as having a "disability" solely because the individual is "regarded as" having a disability.

An agency must not charge an individual with a disability or a group of individuals with disabilities for the cost of providing a reasonable modification, and should account for potential reasonable modification costs in the event or meeting budget.

### *Requests for Modifications*

Requests for reasonable modifications may be made by any qualified individual with a disability to ensure equal opportunity to access to an agency's programs, services, products, and activities, or by a third party, such as a family member, friend, union representative, health professional or other representative, on behalf of a qualified individual with a disability.

A request for reasonable modification may be made to any or all of the following:

- An agency employee who has contact with the qualified individual with a disability as part of the related program, service, or activity, or the supervisor or manager of that agency employee
- Agency Affirmative Action Officer/Designee
- Agency ADA Coordinator
- Agency Human Resources Office
- Any agency official with whom the applicant has contact during the agency program, service, or activity

## Meeting/Program/Event Accessibility

It is the responsibility of the agency hosting or sponsoring a meeting to ensure all accessibility requirements are met. Meetings include but are not limited to in-person meetings, conference calls, and video conferences.

Public meetings hosted or sponsored by a state agency must be held in a location that meet the State Building Code requirements relating to accessibility for persons with disabilities. Meetings or events for specific individuals must be held in a space that meets State Building Code requirements relating to accessibility for persons with disabilities if a person with a disability gives reasonable advance notice of an intent to attend the event.

Prior to holding a meeting, agencies must ask if any participants require a reasonable accommodation, auxiliary aids, or materials in alternative formats. Public meetings hosted or sponsored by state agencies are encouraged to follow accessibility guidelines for meetings published on the [ADA Guidance on Accessible Meetings](#) website and on the [Minnesota IT Services website](#).

Agencies must inform potential participants of public, enterprise-wide or agency-wide meetings about the availability of reasonable accommodations, modifications, and auxiliary aids, by including one of the following statements on online registration materials, invitations, bulletins, flyers, brochures, public service announcements, or any other printed, electronic, or multimedia material used to inform participants of the event. Agencies should provide this information within a reasonable time prior to the anticipated date of the meeting. Agencies may not deny a request for a reasonable accommodation based solely on the agency's failure to solicit requests for reasonable accommodations in a timely manner.

For meetings or events for which individuals are not pre-registering, the following statement must be used:

- Individuals with a disability who need a reasonable accommodation to participate in this event please contact the agency ADA Coordinator at (phone number) by (date) or call using your preferred Telecommunications Relay Provider.

Use the following statement for meetings or events for which individuals are pre-registering

- To request a reasonable accommodation and/or alternative format of this [document] [other type of communication], contact us at xx-xxx-xxxx [unit's phone number] or [accessibility.mmb@state.mn.us](mailto:accessibility.mmb@state.mn.us). All requests must be submitted by (date).
- Requests submitted after this date may not be able to be accommodated. If you have any questions please contact your preferred telecommunications provider, or email (agencies may add preferred email address for this type of request.)

Agencies are encouraged to include a separate field in the registration form for individuals to request and specify accommodations for the event or meeting.

## Building Accessibility

### *Physical Accessibility*

Agencies must comply with state and federal legal requirements regarding the provision of facilities that are accessible to and usable by individuals with disabilities. For further information regarding building accessibility, including accessibility of non-state owned leased and rented space, agencies should contact the Minnesota Department of Administration.

Please contact your ADA Coordinator to determine physical building accessibility needs.

### *Evacuation Procedures for Individuals with Disabilities*

Agencies may have multiple evacuation options including horizontal evacuation, stairway evacuation, elevator evacuation, shelter in place, and area of rescue assistance. Agencies have a responsibility to develop an emergency evacuation plan that is readily accessible to and usable by individuals with disabilities. The Americans with Disabilities Act Coordinator or designee in each agency will work to develop a plan and consult the appropriate building and safety personnel to ensure the agency has evacuation procedures for people with disabilities.

## Mobility Devices

An agency must permit individuals with mobility disabilities to use wheelchairs 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.

An agency must make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the agency can demonstrate the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements based on actual risks.

In determining whether a particular power-driven mobility device may be allowed in a specific facility as a reasonable modification, state agencies must consider:

- The type, size, weight, dimensions, and speed of the device
- The facility's volume of pedestrian traffic
- The facility's design and operational characteristics
- Whether legitimate safety requirements can be established to permit the safe operation of the power-driven mobility device in the specific facility
- Whether the use of the power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with federal land management laws and regulations

An agency must not ask an individual using a wheelchair or other mobility device questions about the nature and extent of the individual's disability.

An agency may ask a person using a mobility device other than a wheelchair to provide a credible assurance the mobility device is required because of the person's disability. A state agency that permits the use of another power-driven mobility device by an individual with a mobility disability must accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability

parking placard or card, or State-issued proof of disability, a state agency must accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A “valid” disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance’s requirements for disability placards or cards.

## Service Animals

Agencies must modify their policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless they can demonstrate that allowing the use of the service animal would fundamentally alter the nature of the service, program, or activity. However, agencies are not responsible for the care and supervision of a service animal. A service animal must be under the control of its handler through the use of a harness, leash, tether, voice control, or other effective means. An agency may ask an individual with a disability to remove a service animal if: (1) the animal is out of control and the animal’s handler does not take effective action to control it; or (2) the animal is not housebroken. If a service animal is excluded for one of these reasons, an agency must give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

If it is not readily apparent, an agency may ask if an animal is required because of a disability and what work or task an animal has been trained to perform.

An agency may not:

- Ask about the nature or extent of a person’s disability or require documentation of the disability
- Request special documentation for the service animal to be produced, such as proof that the service animal has been certified, trained, or licensed as a service animal
- Require that the dog demonstrate its ability to perform work
- Require individuals with a service animal to use a specific entrance

Individuals with disabilities must be permitted to be accompanied by their service animals in all areas of an agency’s facilities where members of the public, participants in services, programs, or activities, or invitees, as relevant, are allowed to go.

Agencies must not charge an individual with a disability for being accompanied by a service animal, even if people accompanied by pets are required to pay fees. However, if an agency normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by the individual’s service animal.

## ADA Annual Report

Agencies are required to complete and submit an annual report that documents compliance with the ADA. The reporting period is from July 1 through June 30. The report must be submitted [online at MMB’s website](#) by the first business day in September. Direct any questions to the State ADA Coordinator.

## ADA Self-Evaluation

1991 ADA regulations required that by January 1993, all public entities were to evaluate all of their services, policies, and practices, to modify any that did not meet ADA requirements, and to develop a transition plan and time frame to make necessary structural changes. Agencies are encouraged to conduct additional self-evaluations to review the agency’s programs, activities, and services for compliance with the ADA. The self-evaluation should cover nondiscrimination provisions, communications, program and facility accessibility, and web accessibility. After

conducting a self-evaluation, agencies should also develop a plan that addresses making structural and non-structural changes necessary to achieve accessibility. The plans should specify a time frame for completion. A self-evaluation may include an assessment of:

- Whether agency employees are familiar with the agency’s Title II ADA obligations
- Whether employees know how to arrange for auxiliary aids and services to provide equal and effective communication with people with disabilities
- Whether agency policies and procedures provide equal opportunities for people with disabilities
- Whether there are physical or other barriers to access programs

Agencies must keep the self-evaluation for at least three years and available for public inspection upon request. Please contact your ADA Coordinator for further assistance.

## Limitations

### *Safety Requirements*

An agency may impose legitimate safety requirements necessary for the safe operation of its services, programs, products, or activities. However, such safety requirements must be based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities. ([28 C.F.R. § 35.130\(h\)](#))

### *Personal Devices and Services*

A state agency is not required to provide personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing. ([28 C.F.R. § 35.135](#))

### *Fundamental Alterations to Programs/Undue Burden*

The law does not require modifications or actions that would fundamentally alter the nature of an agency’s programs or services or impose an undue financial and administrative burden. An agency bears the burden of showing that a proposed modification or requested auxiliary aids or services would fundamentally alter the nature of the program, activity, or service, or impose an undue burden.

Any decision that providing a proposed modification or requested auxiliary aid or service would result in such fundamental alterations or undue burdens must be made by the agency head or the agency head’s designee after considering all resources available for use in the funding and operation of the service, program, or activity. In addition, a decision to deny the proposed modification or requested auxiliary aid or service must be accompanied by a written statement of the reasons for the decision. If the agency denies the proposed modification or requested auxiliary aid or service, it must take any other action, that would not result in a fundamental alteration or undue burden, but that would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the agency.

### *Direct Threat*

An agency is not required to permit an individual to participate in or benefit from the services, programs, products, or activities of the agency when that individual with a disability poses a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, an agency must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best

available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. The agency bears the burden of showing a direct threat exists.

## Retaliation Prohibited

The agency does not allow retaliation against any person who does any of the following:

- Requests an accommodation, modification, or auxiliary aids or services on behalf of themselves or a third party
- Reports a violation under this policy
- Files a charge or complaint in connection with this policy or Title II of the ADA
- Participates in a related investigation or proceeding

Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

## PROCEDURAL REQUIREMENTS

Agencies must have certain procedures in place.

### Notice

Agencies must provide notice to members of the public of their rights under the ADA. MMB has a sample [notice](#) available on its website.

### Grievance Procedure

Under the ADA, public entities with 50 or more employees must adopt and publish on the agency website a grievance procedure, which provides for prompt and equitable resolution of complaints related to accessibility. MMB has a [sample grievance procedure](#) available on its website.

An individual who believes they or a specific class of individuals has been subjected to discrimination on the basis of disability by a state agency may, by themselves or by an authorized representative, file a complaint using the agency's grievance procedure. Individuals are encouraged to work directly with the agency and to resolve the issue. If a resolution is not reached, an individual may also contact the Agency ADA Coordinator.

Individuals are encouraged to use the state's internal complaint procedures, but may also choose to file a complaint externally with a relevant government enforcement agency. Depending on the circumstances, a complaint may be filed with the Minnesota Department of Human Rights (MDHR), the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Justice, or through other legal channels. There are time limits for filing such complaints; individuals may contact the relevant enforcement agency or legal counsel for more information.

## Americans with Disabilities (ADA) Coordinator

Under the ADA, public entities with 50 or more employees must designate at least one responsible employee to coordinate ADA compliance (commonly referred to as the “ADA Coordinator”). Each agency head must appoint an ADA Coordinator and communicate that appointment to the State ADA/Disability Coordinator at Minnesota Management and Budget. The ADA Coordinator is responsible for directing and coordinating the agency’s compliance with Title I & Title II of the ADA.

## RESPONSIBILITIES

### Agencies are responsible for:

- Adopting this policy. However, agencies may develop additional agency-specific sections and supplemental forms that are consistent with this policy and the law
- Ensuring qualified individuals with disabilities have an opportunity to request accessible communications, auxiliary aids and services to participate in an agency’s programs, services, products, and activities
- Providing, as appropriate, employees with the training, supervision, and coaching necessary to ensure the employees can timely and appropriately respond to requests from individuals with disabilities in accordance with the law and this policy
- Providing the name and contact information of the agency ADA Coordinator to employees upon request
- Completing and submitting an annual report that documents compliance with the ADA
- Completing an ADA self-evaluation and developing a transition plan
- Providing notices, establishing required policies and procedures
- Ensuring compliance with laws, creating relevant policies, and drafting timely and accurate reports which are relevant to their specific programmatic responsibilities (e.g., *Olmstead* requirements)
- Posting the ADA grievance procedure in public areas with the contact information of the agency’s and/or state’s ADA coordinator

### MMB is responsible for:

- Administering and maintaining this policy
- Assisting agencies with implementing the provisions of this policy
- Developing training for use by agencies

## FORMS AND SUPPLEMENTS

The following documents are available on MMB’s website:

- [Request for Accommodation Form](#) (pdf version)
- [ADA Title II Sample Notice and Grievance Procedure](#) Template

## REFERENCES

The following policies, procedures, and guidance are available online:

- [Accessibility Policy and Standards page on MNIT's website](#), which includes the [State of Minnesota Accessibility and Usability of Information Technology Standard](#)
- [Executive Order 19-13](#) Supporting Freedom of Choice and Opportunity to Live, Work, and Participate in the Most Inclusive Setting for Individuals with Disabilities through the Implementation of Minnesota's Olmstead Plan
- [Executive Order 19-14](#) Providing for State Agency Coordination of the Americans with Disabilities Act
- [MMB ADA Resources](#)

The following guidance is available on the United States Department of Justice ADA website:

- [ADA Best Practices Tool Kit for State and Local Governments](#)
- [Title II Technical Assistance Manual](#)

The following is a guide from the American Bar Association:

- [ABA Guide on Planning Accessible Meetings and Events](#)

## CONTACTS

Agency ADA Coordinator

State ADA Coordinator, Equal Opportunity MMB