



THE AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE MODIFICATIONS POLICY AND PROCEDURES

POLICY

It is the policy of Broward County to provide equal opportunity to qualified individuals with disabilities. The County shall not discriminate against qualified individuals on the basis of disability, including applicants, participants, members of the public, and companions, in any of its programs, services, and activities in accordance with 28 C.F.R. § 35.130(b)(1)(i)-(iv),(vii)

The County shall not, in any of its programs, services, activities and facilities:

- deny a qualified individual on the basis of disability, the opportunity to participate in and benefit from programs, services and activities, including volunteer opportunities, that are not equal to that afforded to others;
- otherwise limit or separate a qualified individual on the basis of disability in the enjoyment of any right, privilege, advantage or opportunity enjoyed by other individuals receiving the aid, benefit, or service.

This policy does not require the County to undertake an action that would pose an undue financial or administrative burden or fundamentally alter the nature of programs, services and activities.

I. REASONABLE MODIFICATIONS

Broward County will make reasonable modifications to policies, practices and procedures when necessary to provide equal opportunity to qualified individuals with disabilities, including applicants, participants, members of the public, and companions, unless making the modification would fundamentally alter the nature of the program, service, or activity. 28 C.F.R. § 35.130(b)(7)

II. ELIGIBILITY CRITERIA AND SAFETY REQUIREMENTS

Broward County will not impose or apply eligibility or safety criteria that screen out or tend to screen out an individuals on the basis of disability or any class of individuals on the basis of disabilities from fully and equally enjoying any program, service, or activity, unless such criteria can be shown to be necessary for the provision of programs, services, and/or activities. 28 C.F.R. § 35.130(b)(8)

It is the responsibility of the ADA Administrator in any situation where eligibility and safety standards may limit or exclude the participation of individuals on the basis of disabilities to:

- Review the standards and their application;
- Ensure that mitigating measures are used to reduce the hazard or threat to the safety of individuals with disabilities and other participants in the program;

- Provide for the participation of individuals with disabilities to the greatest extent possible.

III. INTEGRATED SERVICES

Broward County shall administer all programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. – This policy does not prohibit the establishment of separate programs for individuals with disabilities. However, it prohibits the County from denying qualified individuals on the basis of disabilities the opportunity to participate in programs, services, and activities that are not separate or different, despite the existence of permissible separate or different services, programs, or activities. 28 C.F.R. § 35.130(b)(2);(d)

IV. SURCHARGES

Broward County will not impose surcharges on an individuals on the basis of disability, any group of individuals on the basis of disabilities, their families, companions, or organizations representing them for the provision of reasonable accommodation, communication aids and services, reasonable modification to policies, practices and procedures, the removal of structural barriers, or any other costs associated with the participation of individuals with disabilities in the County’s programs, services, and activities. 28 C.F.R. § 35.130(f)

V. SIGNIFICANT ASSISTANCE

Broward County shall not give significant assistance, either financial or in-kind, to any organization that discriminates against individuals on the basis of disability. It is the County’s responsibility to investigate any situation in which discrimination against individuals on the basis of disability may have occurred and take appropriate action, either to see that the discriminatory action is remedied or to recommend that the County’s assistance be terminated.

Broward County, in the selection of procurement contractors, may not use criteria that subject qualified individuals to discrimination of the basis of disability. 28 C.F.R. § 35.130(b)(5)

The Professional Standards/Human Rights Section (PS/HRS) shall be responsible for the oversight, dissemination, coordination, and enforcement of procedures related to this policy.

VI. PROCEDURE

In accordance with Section 35.130(b)(7) of the Americans with Disabilities Act of 1990, as amended, (ADA) Broward County has adopted the following procedures for addressing requests for reasonable modifications of County policies, practices, or procedures made by individuals with disabilities in order to participate in County programs, services, and activities.

Requests for modifications that have no or little cost and pose no administrative burden, such as assistance in filling out a form for an individual who does not write because of a disability, providing a chair to an individual with a mobility disability who has difficulty standing in line, providing documents in Braille or Large Print, or obtaining a qualified Sign Language Interpreter, may be granted by the County agency responsible for the program, service, or activity.

Individuals seeking/requesting more complex modifications should submit their request in writing to:

Professional Standards/Human Rights Section

115 S. Andrews Avenue, Suite 427

Fort Lauderdale, FL 33301

ATTN: ADA Administrator

(954) 357-6500

(954) 357-7888 (TTY)

The request should contain the name, address and telephone number of the individual requesting the modification, location of the program, service, activity or facility where the accommodation is required and a description of why the accommodation is needed.

The request can be submitted in any written format. However, it is recommended that the *"Accommodation Request Form"* (see Attachment A) is used. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing. This form is available by contacting the PS/HRS. Alternative means of filing a request will be made available, upon request.

If the modification is granted, the individual will be notified within 15 days of receipt of the request and no further action will be required by the individual. The request will then be implemented by the appropriate County Agency. Should the modification request be denied, the individual will be notified in writing of the decision, along with his or her rights to file a grievance under the County's Grievance Procedure, in a format acceptable to the individual. A copy of that procedure will be included in the correspondence to the individual.

Bertha Henry
County Administrator

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