



**Americans with Disabilities Act**  
**Transition Plan**

**September 2017**

**Americans with Disabilities Act**

The passage of the Americans with Disabilities Act (ADA) of 1990 produced a comprehensive package of civil rights protections for persons with disabilities. The key goals of ADA are to ensure that all people with disabilities have equality of opportunity, economic self-sufficiency, full participation in American life, and independent living. To ensure these goals are met, Title II of the ADA requires state and local governments to make their programs and services accessible to persons with disabilities. [28 CFR §35.149]

In accordance with these requirements the Town of Lexington will not discriminate against qualified individuals with disabilities on the basis of disability in services, programs or activities.

Under the ADA, the Town of Lexington is required to “make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.” The Town of Lexington is required to do so in every situation, unless it can demonstrate “that making the modifications would fundamentally alter the nature of the service, program, or activity.” [28 CFR § 35.130(7)]

The “reasonable modification requirement” does not require the Town to take any action that would impose an undue financial or administrative burden. The Town of Lexington will strive to provide its services, programs and activities in the most accessible manner feasible.

## **General & Administrative Requirements**

Title II of the Americans with Disabilities Act (ADA) identifies specific steps that state and local governments must follow to comply with the ADA. These include:

1. Designate a responsible employee as ADA Coordinator to be responsible for the ADA compliance program;
2. Provide notice to the public of the County’s obligations under Title II to prohibit discrimination on the basis of disability;
3. Establish a Grievance Procedure to respond to complaints regarding accessibility;
4. Prepare a Self- Evaluation of programs, services and activities that may not be accessible to persons with disabilities; and
5. Develop a Transition Plan to provide for the elimination of barriers for disabled persons to access these programs, services and activities.

**ADA Coordinator** - As required by the ADA, public agencies with 50 or more employees must designate a least one responsible employee to coordinate ADA compliance and investigate complaints. The Towns Title VI Coordinator can be reached at the following:

Town of Lexington  
Attn: Title VI Coordinator  
111 Maiden Lane  
Lexington, SC 29072  
Phone: 803-358-1534  
Fax: 803-358-1535

**Public Notice** - All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR § 35.106]. In order to assist individuals with disabilities who require special

services for participation in or access to Town programs, services, or meetings, the Town posts the following accommodations notice for all meetings and public hearings:

If special accommodations are needed to participate in this public meeting, please contact the Town of Lexington at (803) 358-1534 at least two business days prior to the scheduled meeting date.

**Grievance Procedure** - The Town of Lexington is required to adopt and public procedures for resolving grievances arising under Title II of the ADA [28 CFR §35.107 (b)]. The ADA Grievance Policy was adopted by Town Council. A copy of the ADA Grievance Policy is attached.

**Self-Evaluation** - The Town of Lexington has completed its Self-Evaluation by using a system to identify and assess obstacles in its public programs and services, and facilities. The detailed evaluation was accomplished with the use of *ADA Readily Accessible Checklist for Place of Public Accommodations*. The purpose of the checklist is to obtain a comprehensive overview of the complete list of programs and services, and facilities open to the public; to determine which programs and services, and facilities are not in compliance with the ADA guidelines; and to get the highest priority programs and services under review and to remediate as soon as practical. The checklist helped to determine whether the removal of barriers is “readily achievable” and could be decided on a case-by-case basis. If it is determined that some barriers cannot be removed under the “readily achievable” mandate, the list can help identify “alternative methods” enabling persons with disabilities to gain access to services. Barrier removal to programs and services, and facilities are prioritized in order of importance of: 1) access into the facility; 2) access to the goods and services; 3) accessible restrooms; and 4) any other measure improving accessibility. Evaluation of Town Facilities was completed and a chart is shown as Exhibit A.

**Transition Plan** - The major purpose of a Transition Plan, as it relates to buildings and facilities owned and operated by the Town, is to document the barriers to persons with disabilities, that are present in the facilities, and to propose the structural modifications that will be undertaken to provide program accessibility. The Town reserves the right to modify barrier removal priorities in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in Town programs, and funding constraints and opportunities. Due to the Town’s efforts to make as many accessibility improvements as possible on a continual basis, some physical improvements listed in the detailed surveys may have been begun, partially completed, or fully completed prior to the adoption of this Transition Plan. The implementation schedules will be updated by the ADA Coordinator to account for progress to provide for inclusion of new information or ADA complaints. It is the goal of this Transition Plan to provide access to the programs, activities and services provided by the Town. Interim measures will be explored and implemented in order to provide programmatic access to the public pending the implementation of physical barrier removal projects.



## **ADA Grievance Policy**

The Town has a policy of nondiscrimination and does not discriminate on a basis of disability in its hiring or employment practices. Anyone who wishes to file a complaint alleging discrimination by the Town of Lexington on the basis of disability in employment practices and policies or in the provision of services, activities, programs or benefits, should follow the grievance procedure below:

1. The complaint should be in \*writing and contain information about the alleged discrimination including:
  - name, address, phone number of complainant
  - date, location, and description of the problem
  - any evidence relevant to the complaint\*Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available upon request for persons with disabilities.
2. The complaint should be submitted by the grievant (and/or his/her designee) as soon as possible, but no later than 60 calendar days after the alleged violation to: ADA/Section 504 Compliance Coordinator, 111 Maiden Lane, Lexington, South Carolina, 29072.
3. Following the filing of a complaint, the Coordinator will conduct an investigation of the complaint, as may be appropriate. Within 30 calendar days after the receipt of the complaint, the Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Coordinator will respond in writing, or where appropriate, in a format accessible to the complainant, such as large print, audio tape or Braille. The response will explain the position of the Town of Lexington and offer options for substantive resolution of the complaint.
4. If the response by the Coordinator does not satisfactorily resolve the issue, the complainant (and/or his/her designee) may appeal the decision of the Coordinator to the Town Administrator within 15 calendar days after receipt of the response.
5. Within 15 calendar days after receipt of the appeal, the Town Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Administrator will respond in writing, or, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
6. It shall be the duty of the Coordinator and Town Administrator to keep Council informed of every step of the proceedings.

7. All written and/or taped complaints received by, and all written and/or taped responses from the Coordinator or the Town Administrator will be kept on file by the Town of Lexington for at least three years.
8. Use of this grievance procedure by a complainant is not a prerequisite to the pursuit of other remedies, such as the filing of an ADA complaint with the responsible federal department or agency.

## **Exhibit A - Self-Evaluation Documentation**