

AMERICANS WITH DISABILITIES (ADA)

As the City of Washington and East Washington Borough construct new buildings, develops new facilities, or develops new parks, they will be required to meet all ADA specification. Existing structures or facilities should be adapted to meet these standards allowing those with handicaps to easily be included in meetings, events and other functions and programs in the community. New standards for recreation became mandatory in 2012, so be sure to follow the most recent standards when planning all recreational facilities and in providing amenities at existing facilities.

The City of Washington is only partially ADA compliant in some areas of their parks. However, most of the facilities are not ADA compliant in many ways, especially having very poor accessibility. This includes: not only playgrounds, pavilions or other similar facilities, but amenities like individual picnic tables, water fountains, port-a-johns, trash receptacles, and trails.

East Washington Borough is completely non-ADA compliant at the Thayer Street Playground and Pavilion. This facility has no ADA access into the park. However, consideration is being giving to providing access from the other end of the park, possibly in 2013. When this occurs access will be needed to the playground, pavilion and certain other features in the park.

In order to be in compliance with the Americans with Disabilities Act, it is required that all public entities operate each service, program or activity in a manner that is accessible to persons with disabilities. If a program or an activity is in a building that is not accessible to a person with disabilities, the department must (Mertes and Hall, 1996):

- Remove the barrier to access into the facility
- Shift the location to an accessible site
- Provide the service in some alternative method in an accessible facility
- Construct a new facility for park programs

The Washington area should plan and develop or host programs that are inclusive based on the facilities to be used and the programs offered. Printed literature advertising the programs should indicate that the facilities and programs are accessible. It is understood that certain facilities and programs may not be fully compliant, but efforts should be made to meet these needs whenever and wherever possible.

ADA COMPLIANCE INFORMATION

The Americans with Disabilities Act of 1990 prohibits the discrimination against any individual because of a disability. In most cases this has primarily been taken into consideration in providing access to buildings and other facilities. However, [ADA Regulation for Title II](#), as printed in the Federal Register (7/26/91) states: The Department of Justice's regulation implementing title II, subtitle A, of the ADA which prohibits discrimination on the basis of disability in all services, programs, and activities provided to the public by State and local governments, except public transportation services. Public entities must comply with Title II regulations by the [US Department of Justice](#). These regulations cover access to all programs and services offered by the entity. Access includes physical access described in the ADA Standards for Accessible Design and programmatic access that might be obstructed by discriminatory policy or procedures of the entity.

Therefore, under Title II no person with a disability can be unjustly excluded from participation in or denied the benefits of services, programs or activities of any public entity. Thus, any type of program or activity that is offered must be available to anyone with a disability. The law states that if ask, you must make "reasonable accommodations" which may include: interpreters, aids or other needs. The expense for the accommodations must be incurred by the agency offering the program. ADA only requires a "reasonable accommodation" but what is unreasonable to you might be deemed to be reasonable to them. Losing money on the program is not considered unreasonable. Also, you can not cancel the program to avoid covering the costs incurred to make reasonable accommodations.

A public entity must also ensure that its communications with individuals with disabilities are as effective as communications with others. This obligation, however, does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of its services, programs, or activities or in undue financial and administrative burdens.

It is recommended that when programs are offered by the communities that a separate designated line item be included as part of the budget. An initial amount may be placed into an account. However, a designated figure, such as one dollar from every participant's registration in other programs, should be set aside in this special account. This should be a restricted interest bearing account to cover any costs incurred by requests from disabled individuals wanting to participate in the programs offered. The account should remain as a separate account and not be absorbed into the general fund.

(The Americans with Disabilities Act of 1990 – ADA Regulation for Title II)