



Office of Civil Rights & Open Government

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DISABILITY 101 FOR KING COUNTY BOARD & COMMISSION STAFF LIAISONS AND MEMBERS

As a Staff Liaison or Board/Commission member, you are responsible for ensuring accessibility for any members of the public who serve on your King County Board or Commission who have disabilities. This fact sheet outlines the requirements of disability access laws that apply to King County Boards and Commissions.

What laws govern disability access?

The Americans with Disabilities Act (ADA) is a federal law which mandates equal access and reasonable accommodations for people with disabilities in employment, government services, transportation, and public accommodations (such as businesses)). Title II of the ADA outlines the responsibilities of local governments to make their facilities, programs, activities and services accessible to members of the public who have disabilities.

Other nondiscrimination and disability access laws that apply include the Washington State Law Against Discrimination (RCW 49.60), Section 504 of the Rehabilitation Act of 1973, and King County ordinances.

How is disability defined?

A person with a disability is an individual who:

- 1) has a physical or mental condition that substantially limits one or more major life activities; or
- 2) has a record or history of such an condition; or
- 3) is perceived or regarded as having such a condition.

“Major life activities” means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

We are concerned primarily with those individuals who fit the first prong of this definition – those who have a current disability and thus, may have an accommodation need that we should meet. This includes people who have:

- physical disabilities such as paralysis, blindness, deafness, arthritis, multiple sclerosis, HIV/AIDS, heart disease, cerebral palsy, cancer, etc.

- mental or cognitive disabilities such as depression, PTSD, brain injury, learning disability, etc.
- some short-term conditions that substantially limit an individual, such as a back injury, severely broken leg, etc. (the definition does not include common conditions such as the flu).

What is important to know about disabilities?

Some characteristics of disability that are helpful to understand:

- People with disabilities in the U.S. number about 55 million, comprising about 20% of the total population.
- Most disabilities occur after childhood as a result of injury, disease, or disorders – only one out of every six disabilities is present at birth.
- Although many disabilities are apparent due to physical differences or use of aids such as a wheelchair or a white cane, some disabilities are “unseen” or “invisible” – the condition is not obvious to an observer.
- Some disabilities are variable from day to day. Other conditions are progressive, becoming more severe over time.
- The language used to refer to people with disabilities is important. Various terms and phrases (such as “handicapped” or “wheelchair-bound”) are inappropriate and should not be used. See OCR’s fact sheet titled “Disability Language and Etiquette”.

What are the requirements of Title II of the ADA?

The ADA identifies steps that local governments must undertake to comply with the ADA. King County has designated a Disability Compliance Specialist to be responsible for public access compliance, has conducted a self-evaluation and transition plan to enhance access, and has developed a grievance procedure. Beyond these basic steps, the ADA requires:

- **Equal opportunity** – People with disabilities must be assured an equal opportunity to participate in the programs and activities offered by King County.
- **Program accessibility** – The standard for ADA compliance is one of overall program accessibility: Is the program, service or activity, when viewed in its entirety, readily accessible to and usable by individuals with disabilities?
- **Reasonable modification (also called reasonable accommodation)** – Policies, practices and procedures must be modified when necessary to avoid discrimination against people with disabilities, unless to do so would fundamentally alter the nature of the service, program or activity, or would create an undue administrative or financial burden.
- **Equally effective communication** – The county is required to ensure that applicants, participants, and members of the general public with disabilities have communication access that is equally effective as that provided to people without disabilities.

How can Board or Commission Staff Liaisons and members ensure accessibility?

Many people with disabilities want to participate in their government, and they should be encouraged to participate as members of county Boards and Commissions. Equal opportunity can be best assured by including people with disabilities in planning and decision-making. Some of them may need program access assistance.

Here's what the Staff Liaison and Board/Commission members can do:

- **Facility access** – Make certain that board meeting locations are accessible. This means that accessible parking or bus routes are nearby, that the path from parking or bus stops to the facility is ramped, that the doors are sufficiently wide, and that accessible restroom facilities are available. It's a good idea to scout out a facility for access ahead of time.
- **Alternate formats** – For people who are blind or who have learning disabilities, written materials must be made available upon request in accessible formats, such as large print, Braille, computer disk, or providing a reader. See OCR's fact sheet titled "Alternate Formats and Resources".
- **Telephone communications** – Use of the statewide Telecommunications Relay Service or a TTY is an appropriate means of ensuring access for people who have speech or hearing disabilities. Familiarize yourself with the relay service and use "TTY Relay: 711" on your written materials.
- **Sign language interpreters** – King County Boards and Commissions are responsible for providing interpreter services upon request. Use of a notepad and pen for written communication may be sufficient for simple conversations; however, an interpreter may be necessary where the information is complex or the exchange is lengthy, as in a board meeting.
- **Meeting notices, minutes, and other printed materials** – You are responsible for providing effective notice that your county Board or Commission is accessible and that accommodations are available upon request. This includes the following required notices on all written materials:
 - State in 14-point type that the written material is available in alternate formats upon request (often this notice is placed in the footer).
 - Note that reasonable accommodations for people with disabilities are available upon request.
 - A TTY or Relay Service number (711) next to the telephone number.

It is appropriate and helpful to mention that your meeting location is accessible. You can state "this is an accessible facility" on your meeting notices or use the International Symbol of Access:



- **Service animals** – Growing numbers of people with disabilities are using service animals (or assistance animals) such as dog guides, hearing dogs, alert dogs, therapeutic companion animals, etc. See OCR's fact sheet titled "Commonly Asked Questions About Service Animals."

If I have questions about how to meet the needs of people with disabilities, what resources are available?

Your primary resources are the individual with a disability and the Disability Compliance Specialist at the King County Office of Civil Rights & Open Government. Most people with disabilities know what works best for them and will make specific requests. In choosing an auxiliary aid or service, give primary consideration to the request by the person, unless you can show that another equally effective means of providing access is available.

Roxanne Vierra is OCR's Disability Compliance Specialist and the county's ADA Coordinator for access to the public. She is available to provide you with technical assistance such as interpretation and practical application of disability access laws, accommodations options and resources, and help with evaluating facilities access. OCR's intranet website has numerous fact sheets on a variety of disability topics, and Roxanne is available to conduct staff training. If you are unclear about whether or how to provide a requested accommodation, contact her at 263-2453 or Roxanne.Vierra@kingcounty.gov.

Technical guidance is available on the internet and through local disability organizations. See OCR's fact sheets online at www.kingcounty.gov/exec/CivilRights/DA.aspx.