



Public Entities: Discrimination in Government Services

Federal, state, and local governments are not allowed to discriminate against people with disabilities. While federal government services are covered by the Americans with Disabilities Act (ADA) and Section 504, state and local government services are covered by the ADA and the Colorado Anti-Discrimination Act. If state and local government agencies get money from the federal government, they may also be covered by Section 504. For example, Colorado public schools are covered by the ADA, the Colorado Anti-Discrimination Act, and Section 504.

Frequently Asked Questions

▶ What state and local government services are covered by the ADA?

The ADA says any service a government provides must be accessible to people with all kinds of disabilities, including:

- Public schools, universities, colleges, and trade schools
- Public transportation like buses and trains
- State, county, and city government buildings
- Police and fire services
- Courthouses
- Elections polling places

▶ What do these places have to do under the ADA?

These types of places must follow rules under the ADA to make sure people with disabilities can access their products and services. These rules include:

- When requested by a person with a disability, make changes to their rules or policies to make the building or services accessible for people with disabilities.

- Remove things that make it hard for a person with a disability to get into the business. If they can't change the main entrance so people can get into the building, they need to make another entrance accessible.
- Make sure people with disabilities can navigate the building. They might need to move or take down displays that make it hard to get around the space.
- Allow service animals.
- Allow wheelchairs and powered chairs or scooters that help people with disabilities to get around more easily.
- Communicate with people who have disabilities that affect talking, hearing, and understanding. This may include providing what is called Auxiliary Aids. See the Auxiliary Aids section below.
- If they have a parking lot, there must be parking spaces designated for people with disabilities, including van accessible parking spots.
- Provide a process for people to complain when the agency has violated the ADA. This is typically called a grievance process.
- If the government agency has more than 50 employees, they must appoint an "ADA coordinator." If there are issues with the government agency because of an individual's disability, find out who the ADA coordinator is for that agency and contact them.

► What is an Auxiliary Aid?

An auxiliary aid is a service or a device that assists with communication. Government service providers must give an individual with a disability the auxiliary aids they need. What they must provide depends on the type of communication needed.

For example, a receptionist may be able to communicate with a deaf individual by writing something down to schedule the next appointment. In contrast, a case worker would need to get an American Sign Language (ASL) interpreter (if requested) for an appointment to discuss something more complex, such as applying for benefits. It is best to request the aid ahead of time. Depending on what the individual needs, it may take time to arrange for the auxiliary aid.

► What Are Some Examples of auxiliary aids and services?

For people who are deaf or hard of hearing:

- Qualified interpreters
- Note takers
- Computer-aided transcription services

- Phone amplifiers
- Video-text displays

For people with vision impairments:

- Qualified readers
- Audio recordings
- Braille
- Large print materials.

The government agency cannot charge the individual with the disability for the aid.

▶ **Do governments have to make changes to buildings to make them accessible?**

Not always but they do have to make sure everyone has access. In older buildings, state and local governments may not have to get rid of physical barriers that stop people from getting inside or using services. However, newer government buildings must meet all accessibility requirements.

Governments must make sure all of the services and programs are accessible. For example, think of a library with books on the second floor but no elevator or ramp. The library does not have to put in ramps or an elevator if it has staff who will go upstairs to get books for people in wheelchairs who cannot go upstairs.

▶ **Can governments use a back door to make a building accessible?**

Yes. But only if the back door is kept unlocked the entire time that the front door is unlocked, and if the back door is not too far away. It must be clearly marked that the back door is the accessible entrance. There must be an accessible way to go from the back door to the inside of the building.

▶ **Can governments have separate programs for people with disabilities?**

People with disabilities have the right to the same programs and services as people without disabilities. Governments generally cannot require that people with disabilities use separate services or benefits, unless there is no other good alternative. Even if a separate service is offered, the individual with a disability does not have to use it. You can choose to use the one everyone else uses and the government must make it accessible to you.

▶ **What do I do if a government office discriminates against me because of my disability?**

You can file a complaint with the [U.S. Department of Justice](https://tinyurl.com/4j7ux64m)ⁱ or [Colorado Civil Rights](https://ccrd.colorado.gov/)ⁱⁱ Division. They both accept public entity complaints. You do not need an attorney to file a complaint.

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www.DisabilityJustice.com

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ⁱ <https://tinyurl.com/4j7ux64m>

ⁱⁱ <https://ccrd.colorado.gov/>