



# **ADA TITLE II RECOMMENDED GUIDELINES**

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## 1. Introduction

### **Federal Policy**

[Current ADA Title II Regulations](#)

[Current ADA Title II Regulations with navigation](#)

### **Purpose**

Courts in Nevada need to be fully compliant with the requirements of the ADA, not only because it is the law, but because equal access to justice is a fundamental right.

As part of a state/local government you must:

- Communicate with people with disabilities as effectively as you communicate with others.
- Make reasonable modifications to policies, practices, and procedures where needed to make sure that a person with a disability can access the state/local government's programs, services, or activities.
  - If a state or local government has fewer than 50 employees, it is required to:
    - adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, activities, and services.
  - If a state or local government has 50 employees or more, it is required to:
    - adopt and distribute a public notice about the relevant provisions of the ADA to all persons who may be interested in its programs, activities, and services;
    - designate at least one employee responsible for coordinating compliance with the ADA and investigating ADA complaints; and
    - develop and publish grievance procedures to provide fair and prompt resolution of complaints under Title II of the ADA at the local level.
- Allow service animals to be with their person even if you have a no pets policy.
- Provide program access by ensuring that individuals with disabilities are not excluded from programs because existing buildings or facilities are inaccessible to them.
- Follow specific standards for physical accessibility when building or altering a building or facility.
- Follow specific requirements for ticket sales and testing accommodations.
- Conduct Self-evaluation of policies and procedures ideally every three years.

### **Modifications to these Recommendations**

There will be modifications to these recommendations as necessary.

### **Goals**

Adopt and implement an accommodation plan, including:

- Developing an ADA Policy Statement;
- Appointing an ADA Coordinator (if your court is lacking one);
- Developing a procedure for processing accommodation requests;
- Developing a grievance procedure;
- Notifying court users of your plan; and
- Ensuring effective communication in publications, websites, notices, and forms.

## 2. ADA Title II Review

Some of the information and illustrations included here have been taken from the [Americans with Disabilities Act Title II Technical Assistance Manual](#), and [ADA.gov](#). We have attempted to cover the basics of the law that need to be understood as a context for provision of reasonable accommodations, but do not intend it to be taken as a full explanation of the ADA rules.

### Title II Accommodation Requirements

To provide access to qualified individuals with disabilities, the courts are required to:

- Make reasonable modifications to policies and practices,
- Remove architectural, communication or transportation barriers, and
- Provide auxiliary aids and services. A public entity should give “*primary consideration*” to the auxiliary aid or service requested by the individual with the disability.

### Who is Protected?

The ADA defines disability as a mental or physical impairment that substantially limits one or more major life activities. ADA protection extends not only to individuals who currently have a disability, but to those with a record of a mental or physical impairment that substantially limits one or more major life activities, or who are perceived or regarded as having a mental or physical impairment that substantially limits one or more major life activities.

Three categories of individuals are covered under Title II:

1. Individuals who have a physical or mental impairment that substantially limits one or more major life activities;
2. Individuals who have a record of a physical or mental impairment that substantially limited one or more of the individual’s major life activities; and
3. Individuals who are regarded as having such an impairment, whether they have the impairment or not.

Physical impairments include physiological disorders or conditions, cosmetic disfigurement or anatomical loss that affect one or more of the following body systems:

- neurological
- musculoskeletal
- special sense organs
- respiratory (including speech organs)
- cardiovascular
- reproductive
- digestive
- genitourinary
- hemic and lymphatic
- skin
- endocrine

Physical impairments would include, for example: paralysis, amputation, and other mobility impairments; blindness and low vision; deaf, hard of hearing and deaf-blind; speech impairment; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; HIV; tuberculosis; drug addiction and alcoholism.

Mental impairments would include intellectual disabilities, organic brain syndrome, emotional or mental illness and specific learning disabilities. Mental impairments would also include, for example:

- schizophrenia, bipolar disorder, and personality disorders
- traumatic brain injury, Alzheimer’s disease, organic brain syndrome and other cognitive impairments
- autism spectrum disorders
- specific learning disabilities—dyslexia (reading and related language-based learning disabilities); dyscalculia (mathematical disability); and dysgraphia (writing or fine motor skills deficit).

A key factor in determining whether an individual has a “qualified disability” is the “substantial” limitation of one or more “major life activities.” Major life activities include:

- caring for one’s self
- performing manual tasks
- walking
- seeing
- hearing
- speaking
- breathing
- learning
- working

### Who is not Protected?

- Although drug addiction is considered an impairment under the ADA, this protection does not extend to addicts who are engaged in the current and illegal use of drugs.
- Homosexuality and bisexuality are not considered physical or mental impairments, and are, therefore, not covered under the protection of the ADA.
- The following conditions are specifically excluded from the definition of “disability”: transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual behavior disorders, compulsive gambling, kleptomania, and pyromania.
- Any individual who poses a direct threat to the health or safety of others is not considered a “qualified” individual. The ADA considers a “direct threat” to be a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level by the court’s modification of its policies, practices or procedures, or by the provision of auxiliary aids or services. The court’s determination that someone poses that risk must not be based on generalizations or stereotypes about the effects of a particular disability.

Determining whether a direct threat exists must be based on an individualized assessment that relies on current medical evidence, or on the best available objective evidence to assess:

1. The nature, duration and severity of the risk;
2. The probability that the potential injury will occur; and,
3. Whether reasonable modifications of policies, practices or procedures will mitigate or eliminate the risk.

## Program Accessibility

Public entities have an ongoing obligation to ensure that individuals with disabilities are not excluded from programs and services because facilities are unusable or inaccessible to them. There is no “grandfather clause” in the ADA that exempts older facilities. Any accommodation provided by the courts will be at no cost to qualified individuals with disabilities. Such accommodations include:

- Architecturally renovating facilities to make them readily accessible to and usable by an individual with disabilities.
- Relocating a service to enable a person with a disability to participate.
- Obtaining or modifying equipment or devices (including videophones or TDDs, assistive listening systems, videotext displays, or publishing materials in Braille and large print).
- Providing qualified readers and interpreters.
- Providing reserved parking for a person with a mobility impairment.
- Allowing a person with a disability to provide equipment or devices that the public entity is not required to provide.

## Reasonable Modifications of Policies and Procedures

A public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

- A person who uses crutches may have difficulty waiting in a long line to vote or register for college classes. The ADA does not require that the person be moved to the front of the line (although this would be permissible), but staff must provide a chair for him and note where he is in line, so he doesn't lose his place.
- A person who has an intellectual or cognitive disability may need assistance in completing an application for public benefits.
- A public agency that does not allow people to bring food into its facility may need to make an exception for a person who has diabetes and needs to eat frequently to control his glucose level.
- A city or county ordinance that prohibits animals in public places must be modified to allow people with disabilities who use service animals to access public places. (This topic is discussed more fully later.)
- A city or county ordinance that prohibits motorized devices on public sidewalks must be modified for people with disabilities who use motorized mobility devices that can be used safely on sidewalks. (This topic is discussed more fully later.)

## Effective Communication

A Court shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a Court shall give primary consideration to the requests of individuals with disabilities. In order to

be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

Some examples of solutions in relatively simple and straightforward situations:

- In a lunchroom or restaurant, reading the menu to a person who is blind allows that person to decide what dish to order.
- In a retail setting, pointing to product information or writing notes back and forth to answer simple questions about a product may allow a person who is deaf to decide whether to purchase the product.
- In a law firm, providing an accessible electronic copy of a legal document that is being drafted for a client who is blind allows the client to read the draft at home using a computer screen-reading program.
- In a doctor's office, an interpreter generally will be needed for taking the medical history of a patient who uses sign language or for discussing a serious diagnosis and its treatment options.

There are a variety of auxiliary aids and services. Here are a few examples.

- For individuals who are deaf or hard of hearing: qualified sign-language and oral interpreters, note takers, computer-aided transcription services, written materials, telephone headset amplifiers, assistive listening systems, telephones compatible with hearing aids, open and closed captioning, videotext displays, and TTYs (teletypewriters).
- For individuals with who are blind or have low vision: qualified readers, taped texts, Braille materials, large print materials, materials in electronic format on compact discs or in emails, and audio recordings.
- For individuals with speech impairments: TTYs, computer stations, speech synthesizers, and communications boards.

## Website Accessibility

The Internet has dramatically changed the way state and local governments do business. Today, government agencies routinely make much more information about their programs, activities, and services available to the public by posting it on their websites. As a result, many people can easily access this information seven days a week, 24 hours a day.

Many people with disabilities use assistive technology that enables them to use computers. Some assistive technology involves separate computer programs or devices, such as screen readers, text enlargement software, and computer programs that enable people to control the computer with their voice. Other assistive technology is built into computer operating systems. For example, basic accessibility features in computer operating systems enable some people with low vision to see computer displays by simply adjusting color schemes, contrast settings, and font sizes. Operating systems enable people with limited manual dexterity to move the mouse pointer using keystrokes instead of a standard mouse.

Common problems and solutions:

- Images without text explanations cannot be interpreted by commonly used screen readers and Braille displays.
  - Add a simple text equivalent to each image to enable the user with a vision disability to understand what is displayed.
- PDF (Portable Document Format) documents or other image-based formats are often not accessible to blind people who use screen readers, text enlargement programs or different font and color settings to read computer displays.

- Provide a text-based format, e.g. HTML (Hypertext Markup Language) or RFT (Rich Text Format) in addition to the PDF document.
- Video and other types of multimedia can prevent a deaf person from hearing the audio track or prevent a blind person from viewing the display.
  - Include audio descriptions and captions or transcript.

## Making the Environment Accessible

No qualified individual with a disability shall, because a Court's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of the Court, or be subjected to discrimination. Public entities have an ongoing obligation to ensure that individuals with disabilities are not excluded from programs and services because facilities are unusable or inaccessible to them. There is flexibility in deciding how to meet this obligation – structural changes can be made to provide access, the program or service can be relocated to an accessible facility, or the program or service can be provided in an alternate manner. For example:

- If an application for a particular city program must be made in person at an inaccessible office, the city could allow a person with a mobility disability to complete and submit the application by mail or email.
- If a public library is inaccessible, staff can provide curb-side service for a patron with a mobility disability to check out and return books.
- If a court has ordered a person with a mobility disability to participate in a group anger-management program, and the program is located in an inaccessible facility, it is not acceptable to offer the program to him individually in an accessible location, because the group interaction is a critical component of the program.

There are certain aids or services that courts are not required to provide under Title II of the ADA. They include:

- Transportation to the courthouse;
- Personal devices (i.e. wheelchairs, hearing aids, or prescription eyeglasses);
- Personal services (i.e. medical or attendant care); or
- Readers for personal use or study.

The court cannot make changes to the law in granting an accommodation; it cannot extend the statute of limitations for filing an action because the requestor claims to have been delayed due to disability, nor can it provide accommodations that modify the terms of an agreement among parties.

## Service Animals

Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.

A Court may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A Court shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

A public entity may ask an individual with a disability to remove a service animal from the premises if:

1. The animal is out of control and the animal's handler does not take effective action to control it; or
2. The animal is not housebroken.

If a service animal is required to leave you must give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Courts are not responsible for the care or supervision of a service animal.

## Determining What Accommodation is Appropriate

When choosing an aid or service, Courts are required to give primary consideration to the choice of aid or service requested by the person who has a communication disability. The Court must honor the person's choice, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or in an undue burden. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide an alternative aid or service that provides effective communication if one is available.

In determining whether a particular aid or service would result in undue financial and administrative burdens, a Court should take into consideration the cost of the particular aid or service in light of all resources available to fund the program, service, or activity and the effect on other expenses or operations. The decision that a particular aid or service would result in an undue burden must be made by a high-level official, no lower than a department head, and must include a written statement of the reasons for reaching that conclusion.

## Requesting Documentation of Need for an Accommodation

Requests for supporting documentation should be narrowly tailored to the information needed to determine the nature of the person's disability and his or her need for the requested accommodation. Appropriate documentation will vary depending on the nature of the disability and accommodation requested.

Examples of types of documentation include:

- Recommendations of qualified professionals
- Results of psycho-educational or other professional evaluations
- A person's history of diagnosis

## Grievance Procedures

Public entities that have 50 or more employees are required to have a grievance procedure and to designate at least one responsible employee to coordinate ADA compliance. Although the law does not require the use of the term "ADA Coordinator," it is commonly used by state and local governments across the country. The ADA Coordinator's role is to coordinate the government entity's efforts to comply with the ADA and investigate any complaints that the entity has violated the ADA. The coordinator serves as the point of contact for individuals with disabilities to request auxiliary aids and services, policy modifications, and other accommodations or to file a complaint with the entity; for the general public to address ADA concerns; and often for other departments

and employees of the public entity. The name, office address, and telephone number of the ADA Coordinator must be provided to all interested persons.

The grievance procedure should include:

- A description of how and where a complaint under Title II may be filed with the government entity;
- If a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative;
- A description of the time frames and processes to be followed by the complainant and the government entity;
- Information on how to appeal an adverse decision; and
- A statement of how long complaint files will be retained.

## Undue Burden

There are certain situations where a court is not required to provide accommodation. For example, the ADA does not require courts to take any action that would impose an undue financial or administrative burden. If it is believed that providing a requested accommodation would result in a fundamental change to the program or service, or that it would impose an undue hardship, the ADA Coordinator should be notified immediately. The decision about whether the accommodation request imposes an undue hardship on the court should be made by the presiding judge or his/her designee. The expense of making a program, service, or activity accessible or providing a reasonable modification or auxiliary aid may not be charged to a person with a disability requesting the accommodation.

## 3. Resources

- [ADA.gov](http://ADA.gov)
- [ADA Best Practices Tool Kit for State and Local Governments](#)
- [National Network of ADA Centers](#)
- [Title II Technical Assistance Manual](#)
- [Guidance on the 2010 ADA Standards for Accessible Design](#)
  - Required for all buildings newly constructed or alterations after 3/15/2012
- [NCSC Courthouse Planning Guide](#)
- [Nevada Disability Advocacy and Law Center](#)
- [Equal Access Advocates](#)

## 4. Definitions

\*Definitions were taken from [28 C.F.R. § 35.104](#)

\*\* Definitions were taken from [28 C.F.R. § 36.104](#)

### Auxiliary Aids and Services\*

1. Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices;

- videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
2. Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;
  3. Acquisition or modification of equipment or devices; and
  4. Other similar services and actions.

**Disability\*\***

With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. (Full ADA definition 28 C.F.R. § 35.108)

1. The phrase physical or mental impairment means --
  - i. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine;
  - ii. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
  - iii. The phrase physical or mental impairment includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism;
  - iv. The phrase physical or mental impairment does not include homosexuality or bisexuality.
2. The phrase major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
3. The phrase has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
4. The phrase is regarded as having an impairment means --
  - i. Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a private entity as constituting such a limitation;
  - ii. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
  - iii. Has none of the impairments defined in paragraph (1) of this definition but is treated by a private entity as having such an impairment.
5. The term disability does not include --
  - i. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
  - ii. Compulsive gambling, kleptomania, or pyromania; or
  - iii. Psychoactive substance use disorders resulting from current illegal use of drugs.

**Facility\***

All or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

**Other power-driven mobility device\***

Any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

**Public entity\***

1. Any State or local government;
2. Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and
3. The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

**Qualified individual with a disability\***

An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**Qualified interpreter\***

An interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

**Qualified reader\***

A person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.

**Service animal\***

Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

**State\***

Each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

**Video remote interpreting (VRI) service\***

An interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images as provided in § 35.160(d).

**Wheelchair\***

A manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207 (c)(2).

**Undue burden\*\***

Significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include --

1. The nature and cost of the action needed under this part;
2. The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;
3. The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;
4. If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
5. If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

**5. Contact**

Please refer questions or recommendations to:

Administrative Office of the Courts  
*Supreme Court Building*  
201 S. Carson Street, Suite 250  
Carson City, NV 89701-4702

E-mail: [courtservices@nvcourts.nv.gov](mailto:courtservices@nvcourts.nv.gov)

Phone: (775) 684-1700

## APPENDIX I: Document Samples



### NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **[name of public entity]** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** **[name of public entity]** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

**Effective Communication:** **[Name of public entity]** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **[name of public entity's]** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** **[Name of public entity]** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **[name of public entity]** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **[name of public entity]**, should contact the office of **[name and contact information for ADA Coordinator]** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **[name of public entity]** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of **[name of public entity]** is not accessible to persons with disabilities should be directed to **[name and contact information for ADA Coordinator]**.

**[Name of public entity]** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**[Name of public entity]**

**GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **[name of public entity]**. The **[e.g. State, City, County, Town]**'s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

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:

**[Insert ADA Coordinator's name]**  
**ADA Coordinator [and other title if appropriate]**  
**[Insert ADA Coordinator's mailing address]**

Within 15 calendar days after receipt of the complaint, **[ADA Coordinator's name]** or **[his/her]** designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **[ADA Coordinator's name]** or **[his/her]** designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **[name of public entity]** and offer options for substantive resolution of the complaint.

If the response by **[ADA Coordinator's name]** or **[his/her]** designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee.

Within 15 calendar days after receipt of the appeal, the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by **[name of ADA Coordinator]** or **[his/her]** designee, appeals to the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee, and responses from these two offices will be retained by the **[public entity]** for at least three years.

## **APPENDIX II: Common ADA Accommodations for Courts**

ADA (Americans with Disabilities Act) accommodations in courts are provisions and adjustments made to ensure that individuals with disabilities have equal access to court proceedings and facilities. The ADA prohibits discrimination based on disability and requires public entities, including courts, to provide reasonable accommodations to individuals with disabilities to ensure effective communication and participation.

1. **Accessible Facilities:** Courts must ensure that their facilities are physically accessible to individuals with disabilities. This includes ramps, elevators, accessible restrooms, and other features that allow people with mobility impairments to navigate the courthouse.
2. **Communication Access:** Courts must provide effective communication for individuals with hearing or speech impairments. This can include sign language interpreters, real-time captioning, or assistive listening devices to ensure that individuals can fully understand and participate in court proceedings.
3. **Accessible Documents:** Court documents should be provided in accessible formats, such as large print, Braille, or electronic formats compatible with screen readers, to ensure that individuals with visual impairments can access and understand the information.
4. **Assistance with Forms:** Courts may need to assist individuals with disabilities in filling out forms, either by providing alternative formats or offering help from court staff.
5. **Service Animals:** Individuals with disabilities who rely on service animals should be allowed to bring them into court facilities, even if there are restrictions on animals in general.
6. **Extended Time:** Individuals with certain disabilities may need additional time to participate in court proceedings. This can include extra time to answer questions, present evidence, or make statements.
7. **Accessible Courtrooms:** Courtrooms themselves should be designed to accommodate individuals with disabilities. This can involve providing seating for wheelchair users, adjustable podiums for people of different heights, and other features to ensure equal participation.
8. **Flexible Scheduling:** Courts may need to consider scheduling adjustments for individuals with disabilities who require specific times due to medical treatments, assistive technology setup, or other needs.
9. **Auxiliary Aids:** Courts may provide aids such as assistive listening devices, video remote interpreting services, or other technologies to facilitate communication and participation for individuals with disabilities.

10. Elimination of Barriers: Courts should take steps to remove any architectural, communication, or procedural barriers that prevent individuals with disabilities from accessing court services and participating fully in proceedings.

It's important to note that the specific accommodations provided may vary based on the individual's disability and the nature of the court proceedings. Courts must engage in an interactive process with individuals requesting accommodations to determine what specific measures are necessary to ensure equal access. Additionally, accommodations should be reasonable and not impose an undue burden on the court system.

### APPENDIX III: Request for Reasonable Accommodation Form Example

| Contact Information for Requester |
|-----------------------------------|
| Name: _____                       |
| Email: _____                      |
| Phone: _____                      |
| Mailing Address: _____            |

| Participation or Connection to Case   |
|---|
| <input type="checkbox"/> Petitioner/Plaintiff <input type="checkbox"/> Defendant/Respondent               |
| <input type="checkbox"/> Witness <input type="checkbox"/> Juror <input type="checkbox"/> Judicial Officer |
| <input type="checkbox"/> Attorney <input type="checkbox"/> Other ( <i>specify</i> )                       |
| _____   |

| Case Information   |             |
|--------------------|-------------|
| Case Number: _____ | Date: _____ |
| Case Name: _____   |             |

1. What accommodation(s) would you like and why?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Why is the accommodation(s) needed?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Provide any information that would help the court respond to your request.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. How do you want to be informed of the status of the accommodation?

- Phone     Writing     E-mail     In Person     Other (*specify*)

\_\_\_\_\_  
\_\_\_\_\_

Have Questions?  
Please Contact the Court at [example@example.gov](mailto:example@example.gov) or 777-655-9701