



# **ADA Self -Evaluation and Transition Plan**

*Texoma Community Center provides safe, clean, and accessible facilities for all individuals to ensure compliance with all federal, state, and local regulations and standards. In accordance with ADA Title II requirements, Texoma Community Center prepared an ADA Plan, an ADA self-evaluation, a grievance procedure, and a notice of non-discrimination to address access, employment, programs, and services.*

## Introduction

To prohibit discrimination based on disability, the Federal government enacted the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Title II of the ADA pertains to state and local governments and requires that persons with disabilities be provided with an equal opportunity to benefit from government programs, services, and activities.

The ADA Transition Plan is significant in that it established TCC's ongoing commitment to the development and maintenance of policies, programs, and facilities that include all individuals.

Title II of the ADA further identifies specific steps that state and local governments must follow to comply with the ADA. These include:

1. **Prepare a Self-Evaluation** of programs, services and activities that may not be accessible to persons with disabilities.
2. **Develop a Plan** to provide for the elimination of barriers for disabled persons to access these programs, services, and activities.
3. **Designate at least one employee** as the ADA/Section 1557 Coordinator to be responsible for the ADA compliance program.
4. **Establish a Grievance Procedure** to respond to complaints regarding accessibility.
5. **Provide Notice to the public** of the obligations under Title II to prohibit discrimination based on disability; and
6. **Provide an Opportunity** for interested persons, including individuals with disabilities, or organizations representing individuals with disabilities, to provide input into the development of the Plan by submitting comments and making specific recommendations.

It is the goal of TCC to provide a welcoming environment and to provide safe, clean, and accessible facilities for individuals to ensure compliance with all federal, state, and local regulations and standards. To ensure compliance with these standards, the ADA/Section 1557 Coordinator provides oversight and coordination of ADA compliance efforts with TCC Leadership staff.

## Background

### Disability Access Laws

Title VI of the landmark Civil Rights Act of 1964 prohibits government agencies from discriminating on the grounds of race, color, or national origin. The rights of persons with

disabilities are protected under Section 504 of the Rehabilitation Act of 1973, and even further under the Americans with Disabilities Act of 1990 (ADA). In addition, the final rule implementing Section 1557 of the Affordable Care Act prohibits discrimination based on age, race, sex, national origin, disability, religion, sexual orientation, gender identity in certain health programs and activities.

## **Disability Defined**

Under the ADA, a qualified individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities.

## **ADA Compliance Program**

### **Purpose**

The purpose of this plan is to ensure that all individuals are provided reasonable access to all TCC facilities, programs, services, and activities, and to identify and create a plan to mitigate deficiencies within facilities, programs, services, and activities that may pose an obstacle to those individuals that have a disability.

In compliance with the ADA, TCC offers opportunities for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to provide input regarding the plan by submitting comments and making specific recommendations.

### **Design Exceptions**

Where it is technically infeasible or structurally impracticable to fully comply with federal or state minimum standards, TCC will make every effort to provide reasonable modifications that would improve the existing conditions to facilitate access to the maximum extent feasible.

## **Reasonable Modification Policy**

### **Non-Discrimination**

No person shall, on the grounds of age, race, sex, national origin, disability, religion, sexual orientation, gender identity be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program, service or activity provided by TCC.

### **Individuals with Disabilities**

No qualified individual with a disability shall, by reason of such a disability, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program, service, or activity. TCC shall not exclude or deny equal programs, services, or activities to an individual because of the known disability.

### **Qualified Individual with a Disability**

A qualified individual with a disability is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or the provision of auxiliary aids and services, meets the essential requirements for services or the participation in programs or activities provided by TCC.

### **Reasonable Modification**

TCC shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination based on disability, unless TCC can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

### **Communications**

TCC shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, TCC shall furnish appropriate aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by TCC. In determining what type of auxiliary aid or service is necessary, TCC shall give primary consideration to the requests of the individual with disabilities.

### **Auxiliary Aids and Services**

- ❖ Provide qualified interpreters, transcription services, written materials, assistive listening systems, or other methods for individuals with hearing impairments.
- ❖ Provide audio recordings, brailled materials, large print materials, or other methods for individuals with visual impairments.
- ❖ Acquisition of equipment is needed to reasonably meet the needs of the community.
- ❖ Other actions or modification needed to comply with ADA standards.
- ❖ Permitting access to a person with a disability accompanied by a service animal for assistance
- ❖ Provide language services to individuals whose primary language is not English. (Written materials or qualified interpreters)

### **Limits of Required Modifications**

TCC is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens. Any decision that complies with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

### **Notice**

TCC shall make available to applicants, employees, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA), as well as Section 1557 of the Affordable Care Act, and its applicability to the services, programs, or activities of TCC. The information shall be made available in such manner as the ADA/Section 1557 Coordinator finds necessary to apprise such persons of the protections against discrimination assured them by the ADA/Section 1557.

### **Notification and Effective Communication**

As required by Title II of the ADA, public agencies must notify applicants, participants, beneficiaries, and other interested persons of their rights and of the agency's obligations under Title II to prohibit discrimination based on disability.

### **Notice of Non-Discrimination**

TCC has posted the Notice of Nondiscrimination to address employment, programs, and services at each facility location.

### **Public Outreach**

TCC provides the opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to provide input into the plan by submitting comments and making specific recommendations. A comment period shall be announced on the Center's website. After adoption, a copy of this plan will be available for public reference on TCC's website. TCC welcomes feedback from the public, including persons with disabilities, regarding the accessibility of its facilities. The public can communicate these requests to TCC through email, phone calls, and by filling out the ADA Complaint Form.

### **Effective Communication**

To ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, TCC offers auxiliary aids and services at no cost, when requested in advance, by qualified individuals with disabilities. Written notification of the availability of auxiliary aids and services is provided on public meeting notices and at public information counters. Listed below is sample wording for a meeting notice.

*"In compliance with the Americans with Disabilities Act, persons with disabilities may request reasonable accommodations (including auxiliary aids and services at no cost) to participate in the meeting by contacting [name] at [phone] or [email] at least five (5) business days before the scheduled event.*

In addition, it is the policy of TCC to provide the following statement on meeting notices, agendas and public information documents that such documents will be provided to persons with disabilities in alternate formats (such as large print, audio tape, electronic format, et c.) upon request: *To accommodate persons with disabilities, this document is available in alternate formats upon request.*

### **Inventory and Self-Evaluation**

As part of the Self-Evaluation process, the ADA/Section 1557 Coordinator tasked staff to evaluate all facilities, programs, services, and activities operated or funded by TCC, to ensure a safe, functional, clean, and welcoming environment for all individuals. The findings of the evaluation include written documentation of compliance. An Action Plan was subsequently completed listing specific policy or program modifications needed, and target dates by which the necessary changes would be corrected.

Additionally, TCC partners with Texas Council Risk Management Fund Representatives to monitor facilities to ensure cleanliness, safety, accessibility, and functional environments on an annual basis.

**List of Maintained Facilities:**

<b>Site #</b>	<b>Address</b>	<b>Use</b>
1	2113 N Loy Lake Road Sherman, TX 75090	IDD Administration
2	301 N Grand Ave. Gainesville, TX 76240	Cooke Mental Health Center
3	1221 E 6 <sup>th</sup> St. Bonham, TX 75418	Fannin Mental Health Center
4	1101 S. Mirick Denison, TX 75020	Crisis Facility
5	800 S. Mirick Denison, TX 75020	Forensic Services
6	315 W. McLain Sherman, TX 75092	Adult Mental Health, SUD, Counseling Services, Integrated Healthcare
7	1100 W. Walker Denison, TX 75020	Veteran's Services
8	902 Cottonwood Sherman, TX 75090	Administration and Child and Adolescent Services
9	2310 N. Travis Sherman, TX 75092	Day Habilitation

**Funding**

Possible funding sources that TCC has available for accessibility improvements include Public and Private funding.

**Priority**

The first step in programming accessibility construction projects is developing a priority system. Title II of the ADA gives priority to accessible pedestrian routes adjacent to or near state and local government offices and facilities, transportation services, places of public accommodation, facilities containing employees, and other areas such as residential neighborhoods.

For the purposes of this plan, the highest priority accessibility construction projects are those requested by qualified persons with disabilities. The second priority projects are those that may involve a path of travel or condition of use that needs safety improvements, such as missing curb ramps or sidewalk repair around the facilities; the third priority projects are those that are of non-compliance around the facilities.

**Service Requests and Grievance Procedure**

Title II of the ADA requires local governments with 50 or more employees to adopt and publish procedures for resolving grievances. The goal of the grievance procedure is to set out a system for resolving complaints of disability discrimination in a prompt and fair manner.

TCC established the ADA Grievance Procedure, to address accessibility, employment, programs, and services. This grievance procedure and its corresponding ADA Complaint Form, as shown in Appendix C, are available to the public and to employees through the ADA Coordinator/Section 1557 Coordinator and on the website.

**ADA/Section 1557 Grievance Procedure**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and Section 1557 of the Affordable Care Act. The Grievance Procedure can be found in Appendix A of this document. It may be used by anyone who wishes to file a complaint alleging discrimination based on disability in the provision of services, activities, programs, or benefits provided by TCC for access to facilities by persons with disabilities. The availability and use of the grievance procedure do not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination based on age, race, sex, national origin, disability, religion, sexual orientation, gender identity in court or with the U.S. Department of Health and Human Services, Office for Civil Rights.

The complaint should be in writing and contain information regarding the alleged discrimination:

- ❖ Complainant name
- ❖ Address of complainant
- ❖ Phone number of complainants
- ❖ Location of Complaint
- ❖ Date of alleged violation/problem or action identified to be discriminatory, and the remedy/relief sought

❖ Description of the alleged violation

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 complainant and/or his/her designee as soon as possible but no later than 6 calendar days after the alleged violation to the ADA/Section 1557 Coordinator:

Texoma Community Center  
Attn: Cindy Smith, ADA Coordinator  
902 Cottonwood Rd  
Sherman, TX 75090

**Email:** [csmith@texomacc.org](mailto:csmith@texomacc.org)

**Office:** 903-957-4870

**Fax:** 903-957-3416

**Relay Texas:** 711 or 1-800-Relay TX (735-2989)

Attn: Cindy Smith, ADA Coordinator

Within thirty (30) calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will contact the complainant to discuss the complaint and possible resolutions. Within thirty (30) calendar days of contacting the complainant, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant such as large print, audio tape, or electronic file.

The response will explain the position of TCC and offer options for resolution of the complaint. If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within ten (10) business days after receipt of the response to the TCC Chief Executive Officer or his/her designee at:

Texoma Community Center  
Attn: Sylvia Cave, CEO  
902 Cottonwood Rd  
Sherman, TX 75090

**Email:** [scave@texomacc.org](mailto:scave@texomacc.org)

**Fax:** 903-957-3416

Attn: Sylvia Cave, Interim CEO

Within ten (10) business days after receipt of the appeal, the CEO or his/her designee will acknowledge receipt of the appeal from the complainant and offer to discuss with complainant a possible resolution. Within thirty (30) calendar days after the receipt of the appeal, the CEO 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 the ADA Coordinator or his/her designee appeal to the CEO or his/her designee, and responses from these two offices will be retained by TCC for at least three (3) years.

To accommodate persons with disabilities, this notice is available in alternate formats upon request.

To receive a copy of this plan, please contact Cindy Smith, ADA Coordinator, at the number listed above (903-957-4870).

### **Service Requests or Complaints**

Service Requests come to Texoma Community Center through several methods. Individuals either contact the ADA/Section 1557 Coordinator, Rights Protection Office, Civil Rights, Department of Health and Human Services (HHSC) by phone, email, mail or in person.

Individuals may download a general complaint form, or they can download and fill out an online ADA Complaint form from TCC's webpage. Forms should be mailed, or hand delivered to:

Texoma Community Center  
Attn: Cindy Smith, ADA Coordinator  
902 Cottonwood Rd  
Sherman, TX 75090

When accessibility requests are made, the ADA/Section 1557 Coordinator logs the request into a database. The database is maintained locally by the ADA/Section 1557 Coordinator. The ADA/Section 1557 Coordinator reviews the request, investigates the request, in consultation with Human Resources as appropriate, and gives a recommendation for resolution. to the Chiefs for the approval of allocating funds, if needed, to mitigate the request. If funds are allocated, then the request and recommendation are sent to the appropriate department to make the necessary corrections.

Each request is monitored from the date of receiving the request until final resolution. The ADA/Section 1557 Coordinator summarizes the service requests/complaints and their resolution in an annual report to the Chiefs.

Persons with disabilities are also able to file formal ADA grievances through the United States Department of Justice, or Equal Employment Opportunity Commission.

### **Monitoring and Reporting**

TCC's self-evaluation and plan are reviewed annually or as needed. On an annual basis, the ADA Coordinator will compile the following:

- ❖ The number of ADA related complaints/requests received
- ❖ Summary of the resolution/outcome of each request/complaint received

❖ Summary of barrier removals and upgrades to accessibility

## APPENDIX A-GRIEVANCE PROCEDURE UNDER ADA

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and Section 1557 of the Affordable Care Act. The Grievance Procedure can be found in Appendix A of this document. It may be used by anyone who wishes to file a complaint alleging discrimination based on disability in the provision of services, activities, programs, or benefits provided by TCC for access to facilities by persons with disabilities.

The availability and use of the grievance procedure do not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination based on age, race, sex, national origin, disability, religion, sexual orientation, gender identity in court or with the U.S. Department of Health and Human Services, Office for Civil Rights.

The complaint should be in writing and contain information regarding the alleged discrimination:

- ❖ Complainant name
- ❖ Address of complainant
- ❖ Phone number of complainant
- ❖ Location of Complaint
- ❖ Date of alleged violation/problem or action identified to be discriminatory, and the remedy/relief sought
- ❖ Description of the alleged violation

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 complainant and/or his/her designee as soon as possible but no later than 6 calendar days after the alleged violation to the ADA/Section 1557 Coordinator:

Texoma Community Center  
Attn: Cindy Smith, ADA Coordinator  
902 Cottonwood Rd  
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**Email:** [csmith@texomacc.org](mailto:csmith@texomacc.org)

**Office:** 903-957-4870

**Fax:** 903-957-3416

**Relay Texas:** 711 or 1-800-Relay TX (735-2989)  
Attn: Cindy Smith, ADA Coordinator

Within thirty (30) calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will contact the complainant to discuss the complaint and possible resolutions. Within thirty (30) calendar days of contacting the complainant, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant such as large print, audio tape, or electronic file.

The response will explain the position of TCC and offer options for resolution of the complaint. If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within ten (10) business days after receipt of the response to the TCC Chief Executive Officer.

Within ten (10) business days after receipt of the appeal, the CEO or his/her designee will acknowledge receipt of the appeal from the complainant and offer to discuss with complainant a possible resolution. Within thirty (30) calendar days after the receipt of the appeal, the CEO 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 the ADA Coordinator or his/her designee appeal to the CEO or his/her designee, and responses from these two offices will be retained by TCC for at least three (3) years.



## ADA Grievance Form

Instructions: Please complete and sign the form and submit it within sixty (60) business days of any incident to Texoma Community Center's ADA Coordinator:

Texoma Community Center  
Attn: Cindy Smith, ADA Coordinator  
902 Cottonwood Road  
Sherman TX 75090

Phone – (903) 957-4870  
Fax – (903) 957-3416  
Email – [csmith@texomacc.org](mailto:csmith@texomacc.org)  
Relay Texas: 711 or 1-800-Relay TX (735-2989)

1. Type of Grievance (check all that apply):

- ☐ Accommodation Request
- ☐ Program/Service
- ☐ Facility Accessibility
- ☐ Other: \_\_\_\_\_

### CONTACT INFORMATION

2. Reporting Individual:

Full Name:
Address:
City, State, Zip Code:
Phone:
Email:

3. Authorized Representative of Reporting Individual (if any):

Full Name:
Address:
City, State, Zip Code:
Phone:
Email:

**DETAILS OF COMPLAINT/INCIDENT**

4. Date and Time of Incident: \_\_\_\_\_

5. Department/Facility/Location involved: \_\_\_\_\_

6. Describe the incident/complaint with enough detail so the nature of the grievance can be understood. Add additional pages if necessary.

7. Have attempts been made to resolve the complaint through the TCC Department?

☐ Yes ☐ No If yes, please describe the efforts that have been made:

8. Remedy Sought. What action do you want taken?

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Attach additional pages, as necessary. If you need assistance, require an accessible format, or have questions about this form, please contact the ADA Coordinator for Texoma Community Center listed on the front page of this form.