



# County Technical Assistance Service

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## Program Access under Title II

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## Table of Contents

Program Access under Title II.....	3
------------------------------------	---

## Program Access under Title II

**Reference Number:** CTAS-2036

State and local governments—

- Must make sure buildings that house services, programs, and activities are accessible to individuals with disabilities.
  
- Need not remove physical barriers in existing buildings so individuals with disabilities can access programs as long as they provide an alternative method to provide the program such as—
  - Relocate the program/service to an accessible facility (example: moving a public information office from the third floor to the first floor).
  - Provide an aid or personal assistant to help the individual with disability obtain the service.
  - Provide the program/service at the individual's home or an alternate accessible site.
  
- May not carry an individual with a disability as a method of providing program access except in exceptional circumstances.
  
- Do not have to make any changes that will result in a fundamental alteration of the program or service or be an undue financial burden.

One of the purposes of the ADA is to integrate individuals with disabilities into the mainstream of society. For this reason, public entities should not offer separate programs for individuals with disabilities unless a separate program is necessary to ensure benefits and services are equally effective.

State and local governments can not require an individual with a disability to accept a special accommodation or benefit if the individual chooses not to accept. Even if separate programs are offered, individuals with disabilities have the right to choose to participate in the regular program. 42 U.S.C. § 12182.

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