

Emergency Planning for Access and Functional Needs Populations and the ADA

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Objectives

- To provide an analysis of legal obligations under the ADA an Emergency Preparedness
 - 1) Involve people with disabilities in all levels of the planning process.
 - 2) Designate a disability coordinator to assist in coordinating activities and responsibilities in all facets of disaster preparedness.
 - 3) Integrate people with disabilities and the elderly into the regular plan.

Legal Obligations

- “Few plans recognize that state and local governments have legal obligations under the ADA and other authorities until emergency planners understand and address the prevalence of persons with disabilities in their communities, as well as their commensurate federal civil rights obligations, inadequate preparation and implementation will continue to be the norm.” Federal Plan Review Phase Two Report page 46 June, 2006. Issued by the Department of Homeland Security.

Why is that Important?

- Because the ADA requires programs, services, and activities to be accessible to and usable by individuals with disabilities when viewed in their entirety.
- Emergency preparedness is a program, service, or activity.
- ADA coordinator or equivalent position must oversee implementation of this program.

Department Of Justice's Legal Obligations for Disaster Planning

Disaster Planning should include an Emergency Preparedness Plan that covers:

- Preparation and planning;
- Notification and communication;
- Response; and
- Clean-up and recovery.

Types of Impairments Needing to be Considered in the Plan

- **Mobility Impairments**
- **Vision Impairments**
- **Hearing Impairments**
- **Cognitive Disabilities**
- **Mental Impairments**
- **Or other disabilities**

People with Disabilities

Are integral to the process. You and your families need to do what you can to assist government.

www.ready.gov

This site talks about what individuals can and should do to be involved in their own safety

What should you do?

- Work with family, Independent Living Specialist and/or providers to assist you in developing your plan.
- If you have concerns please let some one know.
- Disasters start and are handled locally. If you want to participate, contact your emergency manager.

Guidance

- Elements to be reviewed consist of requirements for shelters found in the ADA Best Practices Tool Kit Chapter 7.
- www.ada.gov/pcatoolkit/toolkitmain.htm#pcatoolkitch7
- http://www.ada.gov/humboldt_KS_pca/humboldt_KS_sa.htm

Stay in the Community

- Understand the State working with all its partners is committed to making sure you are meaningfully part of the whole community with appropriate supports and services, just like everyone else.

Recovery Services

Recovery services must be accessible to and usable by individuals with disabilities.

Effective Communication

The ADA requires that title II entities (State and local governments) and title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities. The following website gives an overview of the requirements.

<http://www.ada.gov/effective-comm.pdf>

Service Animals

http://www.ada.gov/service_animals_2010.pdf

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

State ADA Coordinator

Contact the State ADA Coordinator to:

- 1) Ask questions about your rights and remedies;
- 2) Request a reasonable modification; or
- 3) File a written grievance.

Website below contains additional resources:

<http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada>

Recovery is a Process

- Depending on the event what can be provided may be different.
- Know that it will be compliant and in accordance with the law.
- Greensburg and Joplin are examples of effective recovery process.

FEMA Office of Disability Integration and Coordination

- Each Region has an office. Works with all partners as a resource.
- Region VII is in Kansas City and works with all partners as a resource.
- <https://www.fema.gov/office-disability-integration-and-coordination>

2014 Kansas Response Plan

- Governor approved this plan In January 2014.
- The Response Plan is rewritten every 3 years to bring it up to date.
- The Kansas Division of Emergency Management is responsible for the Plan.
- State ADA Coordinator participates in the updates.

Kansas Response Plan

- State Agencies support Local Government.
- All Partners work together to support recovery efforts.
- ADA and whole community access is a critical part of the Plan

Kansas Response Plan

- All Hazzard response plan
- Several Hundred pages.
- Whole community has to be a partnership that is why you are so important.

Questions

- Questions