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STATE OF KANSAS

Americans with Disabilities Act (ADA) Grievance Procedure

As Secretary of Administration, I have hereby adopted the following grievance procedure, in accordance with Executive Order 92-154.

For all state agencies, boards and commissions under the Governor's jurisdiction, the State of Kansas has adopted an internal grievance procedure providing for prompt and equitable resolution of grievances alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Any person who feels they have been discriminated against on the basis of a disability by the State of Kansas in any of the above-quoted activities may file a grievance.

Whenever an individual files a complaint (or other state agency administration process) with a state agency pertaining to an action prohibited under the ADA, the agency shall decline jurisdiction of the ADA matter and refer it to the State ADA Coordinator for handling pursuant to this grievance procedure.

Grievances should be addressed to State ADA Coordinator, c/o Kansas Department for Children and Families, 555 S. Kansas Avenue, Topeka, KS 66612, phone (785) 296-1389 and the following guidelines apply:

A grievance should be filed in writing or verbally, to be transcribed, contain the name and address of the person filing it, and briefly describe the alleged ADA violation.

1. A grievance should be filed within 45 days after the complainant becomes aware of the alleged violation.

2. The State ADA Coordinator shall refer the grievance to a designee, who normally will be the ADA contact person for the state agency, board or commission involved.

3. The State ADA Coordinator's designee may formally resolve the grievance or investigate the grievance as the designee determines appropriate. These rules contemplate informal but thorough investigations, affording all interested persons an opportunity to submit evidence relevant to a grievance.

4. A written determination as to the validity of the grievance and a description of the resolution, if any, shall be issued by the designee and a copy forwarded to the complainant and the involved agency, board or commission no later than 60 days after its filing. A copy of the written determination and

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resolution, if any, shall be forwarded to the State ADA Coordinator. When the designee to whom a grievance is referred is the ADA contact person for the state agency, the ADA contact person shall be subject to any internal agency approval processes established by such contact person's agency head.

5. The State ADA Coordinator shall maintain a file of all complaints, determinations and resolutions of the State of Kansas relating to the grievances filed.

6. The State ADA Coordinator, upon the Coordinator's own initiative, may reconsider the grievance decision or either party to the grievance can request a reconsideration of the case in instances where a party is dissatisfied with the resolution. The request for reconsideration should be made within 30 days of receipt of the written determination to the State ADA Coordinator.

7. The right of a person to prompt and equitable resolution of the grievance filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA grievance with the responsible federal department or agency or the Kansas Human Rights Commission. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies provided by the ADA or the Kansas Act Against Discrimination. However, as noted above, this grievance procedure shall be used in a lieu of any other complaint or state agency administrative process provided by a state agency other than the Kansas Human Rights Commission.

8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the State of Kansas complies with the ADA and implementing regulations.

Adam C Proffitt
Adam C. Proffitt, Secretary
Department of Administration

03-27-2023
Date

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