

1 PAPERWORK REDUCTION ACT SUBMISSION

Supporting Statement

Agency: U.S. Department of Justice
Civil Rights Division
Disability Rights Section

Title: Nondiscrimination on the Basis of Disability in State and Local Government Services (Transition Plan)

A. Justification

- 1. Circumstances Of Information Collection:** Pursuant to title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulations, 28 C.F.R. part 35, a “public entity,” as defined in 28 C.F.R. § 35.104, is required to operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities (“program accessibility”). If structural changes to existing facilities are necessary to accomplish program accessibility, a public entity that employs 50 or more persons must develop a “transition plan” setting forth the steps necessary to complete the structural changes. A copy of the transition plan must be made available for public inspection.
- 2. Purpose And Use Of Information:** The information will be used to ensure that the public entity (i) undertakes the analysis required to ensure compliance with the ADA, and (ii) develops an appropriate plan for required structural changes that meets the timetable set forth in the title II regulations.
- 3. Use Of Information Technology:** The requirements outlined in 28 C.F.R. § 35.150 are the most effective means of transition plan preparation and recordkeeping. No electronic collection techniques are required.
- 4. Efforts To Identify Duplication:** Because this regulation applies to any entity that wants to take advantage of the extended deadlines it allows, regardless of whether the entity prepared a prior transition plan under section 504 of the Rehabilitation Act of 1973 or title II of the ADA, there are no Federal regulations that duplicate the requirements of this regulation. Therefore, there is no duplication of the transition plan or recordkeeping requirement.
- 5. Involvement Of Small Entities:** This collection of information does not impact small businesses or other small entities.

- 6. Consequences If Information Collection Is Not Conducted Or Is Collected Less Frequently:** If the information is not collected, a public entity would not be able to develop a transition plan to bring the public entity into compliance with the ADA and therefore, would be unable to identify and correct any structural changes necessary to operate its services, programs, and activities in a nondiscriminatory manner as required by the ADA. The failure to develop and follow a transition plan may lead to otherwise unnecessary complaints and litigation by individuals protected by the ADA.
- 7. Explanation of Special Circumstances:** None of the listed special circumstances are applicable to this information collection.
- 8. Consultations Outside The Agency:** The Department has published a notice in the Federal Register on March 2, 2010 at 75 Fed. Reg. 9433, allowing for a 60-day comment period. No comments have been received to date.
- 9. Payment To Respondents:** The Department does not provide payments or gifts to respondents in exchange for a benefit sought.
- 10. Assurance Of Confidentiality:** There is no assurance of confidentiality.
- 11. Questions Of A Sensitive Nature:** This section is not applicable. This collection does not request information that is sensitive in nature.
- 12. Estimates Of Hour Burden:**
- | | | |
|----|-----------------------------------------|----------------|
| a. | Number of respondents | 10 |
| b. | Number of responses per each respondent | 1 |
| c. | Total annual responses | 10 |
| d. | Number of hours per response | <u>8 hours</u> |
| e. | Total annual reporting burden | 80 hours |
- 13. Estimate Of Annualized Cost Burden To Respondents:** The cost to public entities is estimated at \$10 per hour times 80 burden hours, for a total burden cost of \$800.
- 14. Estimate Of Annualized Cost To The Federal Government:** This recordkeeping requirement imposes no cost on the Federal government.
- 15. Changes In Burden:** This is an extension of a previously approved information collection whose OMB approval will expire on May 31, 2010. The decrease in total annual reporting burden in Item 12 and the decrease in total cost to respondents in Item 13 are due to the decrease in the estimated number of respondents.

16. **Time Schedule, Publication And Analysis Plans:** The Department does not intend to use statistics or the publication thereof for this collection of information.
17. **Display of Expiration Date:** This section is not applicable.
18. **Exceptions to Certification Statement:** The Department does not request an exception to the certification of this information collection.

B. Collection Of Information Employing Statistical Methods

This section is not applicable.