

The Americans with Disabilities Act (ADA) Nondiscriminatory Eligibility Criteria Policy



The Town of Bennett, Colorado will not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

The Town of Bennett may impose or apply eligibility criteria that screen out or might screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, when such eligibility criteria are in place to avoid a fundamental alteration in the nature of a program or because of a legitimate safety requirement. The Town of Bennett will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

In those circumstances where personnel of the Town of Bennett believe that waiving eligibility criteria would fundamentally alter a service, program, or activity, the Town of Bennett must demonstrate that waiving eligibility criteria would result in such alteration. The decision that waiving eligibility criteria would result in such alteration must be made by the Bennett Town Manager or the Manager's designee after considering all reasonable methods or means of providing access to the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration, the Town of Bennett must take any other action that would not result in such an alteration but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the Town of Bennett.