

Legislative Council Service Accessibility Self-Evaluation

General Nondiscrimination and Effective Communication

Public Entity: Legislative Council Service

Date: September 2025

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Title II of the Americans with Disabilities Act of 1990 (ADA) requires that all state and local governments provide people with disabilities an equal opportunity to participate in all programs, services and activities they offer. To guarantee that individuals with disabilities have an equal opportunity to participate in the legislative process, the Legislative Council Service (LCS) engages in the following practices:

1. all policies, practices and procedures are monitored regularly and updated when necessary and reasonable and when possible to reflect the needs of the community and best practices under Title II of the ADA;
2. the process for requesting a reasonable accommodation and all standardized accommodations are reviewed regularly and updated as necessary and when possible to ensure maximum effectiveness;
3. all new staff are required to attend an ADA training course as part of the onboarding process. In addition, all staff must attend an annual ADA training course;
4. staff are provided with resources and opportunities to attend training courses by state and federal entities throughout the year;
5. the ADA Coordinator works with staff to monitor understanding of Title II of the ADA and best practices;
6. targeted and in-depth training is made available when necessary; and
7. the ADA Coordinator maintains an open-door policy and is available to address questions, concerns or issues raised by staff or members of the public.

The following questions are based on information provided by the ADA Title II Action Guide for State and Local Governments. This information can be found by visiting [the New England ADA Center](#).

General Nondiscrimination

1. Are employees and officials aware that the public entity is obligated to make a reasonable modification in policies, practices or procedures if the modification is necessary for a person with a disability to participate?

- Staff have been informed of their obligation under Title II of the ADA to modify policies, practices and procedures as necessary and reasonable to accommodate individuals with disabilities.
- The ADA Coordinator has prepared two training courses that provide staff information about their obligations under Title II of the ADA and best practices for working with individuals with disabilities.
 - One training course is a mandatory requirement during the onboarding process.
 - The second training course is a mandatory annual training for all staff engaged in the legislative process.
- Staff are provided with other opportunities to attend training courses offered by the ADA National Network, the United States Access Board, the Governor's Commission on Disability, the New Mexico Technology Assistance Program and other city, state and federal entities. These additional training opportunities support efforts by LCS staff to engage in best practices under Title II of the ADA.
- The ADA Coordinator has an open-door policy to ensure that any questions or concerns about Title II of the ADA can be addressed quickly and in real time.

2. Do policies, practices and procedures provide an equal opportunity for people with disabilities to participate in services, programs and activities?

- Staff have been informed that individuals with disabilities have a right to access opportunities to participate in the legislative process.
- To ensure equal opportunities, the LCS adheres to the guidance set forth by Title II of the ADA and closely monitors the following factors:
 - changes to LCS operations and facilities;
 - the needs of individuals with disabilities; and
 - changes to available assistive technologies, software, hardware and other products and materials that support ongoing efforts to provide access to all programs, services and activities.
- All policies, practices and procedures are regularly monitored and updated as necessary when possible and in a reasonable amount of time.
- The ADA Coordinator encourages public feedback to ensure that the needs of individuals with disabilities are considered in all policies, practices and procedures.

3. Are there circumstances in which the participation of a person with a disability would be excluded or restricted?

- The LCS strives to ensure that all programs, services and activities are accessible to individuals with disabilities.

- If a qualified individual with a disability requires an accommodation that is not already available, that individual can submit a request for a reasonable accommodation.
- The process for submitting a request for a reasonable accommodation is clearly posted on the legislature's website and offers multiple options for submitting the request.
- All requests are reviewed on a case-by-case basis.
- The request made by a qualified individual with a disability is given primary consideration.
- If a request cannot be provided, staff works with the person making the request to find the most effective alternative option possible.
- The grievance procedure is posted on the legislature's website and available in alternative formats to ensure individuals are aware of their right to achieve full access and file a grievance if they feel they have experienced a violation of their rights based on their disability.

4. Are there any special programs, services or activities for people with disabilities or a class of people with disabilities?

- People with disabilities have access to the same programs, services and activities to which people without disabilities have access.
- The LCS provides the following services, which do not need to be requested, for individuals who are deaf or hard of hearing in all committee rooms at the State Capitol and the Senate and House galleries:
 - large screens with closed captioning; and
 - assisted listening devices.
- All floor sessions and committee meetings are recorded and archived with closed captioning. The archived recordings are made available on the legislature's website within two days of the meeting.
- All on-site and off-site committee meetings can be watched or listened to using the legislature's webcast or Zoom, and both have the option of automatic speech recognition real-time closed captioning. The webcasts, with closed captioning, are archived and made available on the legislature's website within two days of the meeting.
- Members of the public may provide public comment, if offered on a meeting agenda, in person or virtually through Zoom.
- Staff monitor all streaming options to ensure that any technical issues that may arise are resolved in a reasonable and timely manner.

5. Do all employees who contract with outside agencies, organizations or businesses know that the public entity's ADA obligations apply, whether the public entity provides the service, program or activity directly or contracts for it?

- Some departments were not aware of this obligation. However, after attending the mandatory annual ADA training courses, LCS staff have become aware of this and are now updating all departments' policies, practices and procedures to meet this requirement under Title II of the ADA.

- The Accommodation Team, which includes the ADA Coordinator, the LCS Director, the Assistant Director for Legislative Affairs and other specialized staff as needed, will monitor progress to ensure all departments comply with this requirement.

Service Animals

1. Staff Awareness of Service Animal Access

- Staff are aware that service animals are permitted to accompany their handlers in all areas open to the public.
- All staff are required to complete training courses that outline the rights and responsibilities of individuals with service animals.
- The State Capitol's service animal policy is based directly on guidance provided by the ADA and the Governor's Commission on Disability.
- The service animal policy is posted on the legislature's website and at entrances to the State Capitol. The policy is available in Braille and large print upon request.
- Information regarding the service animal policy is provided to temporary staff hired for the legislative session by the House and Senate chief clerks.

2. Staff Knowledge of Rights and Responsibilities Related to Service Animals

- Staff have been informed of the rights and responsibilities of individuals who use service animals.
- The ADA Coordinator and the Accommodation Team are available to respond promptly to staff questions or concerns regarding service animals.
- Staff have been informed that only the following questions may be asked:
 - Is the animal required because of a disability?
 - What work or task has the animal been trained to perform?
- Staff have been informed of the following:
 - staff may not ask about the nature or extent of a person's disability;
 - staff may not require a service animal to demonstrate the task the service animal has been trained to perform;
 - staff may not engage with or distract a service animal unless invited to do so by the handler;
 - handlers are not required to provide proof that an animal is a trained service animal, and no vest, certificate, identification card or documentation is required;
 - a service animal may only be removed from the premises if:
 - the handler does not maintain control of the animal; or
 - the animal is not housebroken;
 - if a service animal is removed, the handler retains the right to remain on the premises without the animal; and
 - emotional support animals do not have the same protections as service animals under Title II of the ADA.

3. Use of Miniature Horses as Service Animals

- Staff have been informed that miniature horses may qualify as service animals when they meet ADA requirements.
- Staff have not yet received comprehensive training specific to miniature horses used as service animals.
- The ADA Coordinator will provide staff with guidance consistent with Title II of the ADA.
- Best practice guidance will address:
 - the horse's size and weight;
 - whether the horse is housebroken; and
 - whether the presence of the horse compromises legitimate safety requirements.

Wheelchairs and Other Power-Driven Mobility Devices

1. Access for Individuals Using Mobility Devices

- Staff have been informed that individuals using mobility devices are permitted access to all public areas unless the device poses a significant risk to the safety of the individual or others.
- Mobility devices include wheelchairs, scooters, other power-driven devices designed to assist individuals who have mobility impairments and manually powered devices such as walkers, crutches, canes and braces.
- Staff allow individuals with disabilities to access public spaces using their mobility devices unless a legitimate safety concern exists.
- While staff recognize that a variety of mobility devices are used by individuals with disabilities, specific instruction on device types has not yet been included in mandatory onboarding or annual training.
- The ADA Coordinator is prepared to provide targeted training on mobility devices in the upcoming year.
- The ADA Coordinator will work with Building Services and Security to create a mobility device policy, which will be posted on the ADA portal upon completion.

2. Appropriate Inquiries Regarding Mobility Devices

- Staff have been informed that while it may be appropriate to ask whether a mobility device is required due to a disability, it is not appropriate to ask about the nature or extent of an individual's disability.
- Staff have been informed that it may be necessary to ask about how a mobility device operates to assess if the mobility device poses a significant risk to the safety of the user or others.

Tickets, Surcharges and Other Costs

- Due to the nature of legislative programs, services and activities, no participation fees are required.
- The LCS does not currently host events that require the purchase of tickets.

- The LCS does not charge individuals with disabilities for reasonable accommodations or modifications.
- Reserved parking meters provided by the City of Santa Fe during legislative sessions are free for individuals with a valid disability placard.

Effective Communication

Communication Access for Individuals Who Are Deaf or Hard of Hearing

1. Sign Language, Oral and Cued Speech Interpreters

- Interpreters required because of a disability are available on request.
- Instructions for submitting a request for an interpreter can be found on the ADA portal on the legislature's website. The portal can be accessed by clicking "[Click here to request an ADA accommodation](#)" on the legislature's [homepage](#).
- Requests for interpreters may be made by phone, email, submittable form or in person and are considered on a case-by-case basis.
- The State of New Mexico has entered a statewide price agreement with RGC Access and other American Sign Language (ASL) interpreting services that allows for noncompetitive procurement. As a result, the legislature is able to expedite the procurement of ASL interpreters.
- The ADA Coordinator and the Accommodation Team will continue monitoring the current system to ensure that the system provides access to effective communication for individuals who require the use of these services.

2. Video Remote Interpreting (VRI) Services

- VRI may be feasible for smaller in-person meetings but is not practical for legislative committee meetings.
- Committee meetings can be attended in person or virtually.
- ASL interpreters are available on request.
- The ADA Coordinator will meet with staff to determine if VRI is the best option for the programs, services and activities provided by the LCS and explore alternative equally effective options if necessary.
- Staff will be trained in the use of VRI or an equally effective alternative option if necessary.
- The assistive technology required to provide VRI services or an equally effective alternative option will be made available if necessary.

3. Computer-Assisted Real-Time Transcription (CART) Services

- Requests for CART are subject to review by the Accommodation Team through the reasonable accommodation process.
- All committee meetings offer automatic speech recognition closed captioning for both in-person and virtual attendees through Zoom, Microsoft 11 and/or SLIQ webcast.

- All committee meetings are recorded and archived with closed captions provided by SLIQ.
- The ADA Coordinator works with LCS Legislative Information Systems staff to ensure that captioning options are monitored and updated as necessary to improve and maintain effectiveness.
- Specialists in closed captioning are consulted regularly to identify new or improved captioning tools.

4. Assistive Listening Devices

- All committee rooms and the Senate and House galleries offer three options for assistive listening devices:
 - telecoil neck loop;
 - sound amplifier with universal ear speaker and oversized earpiece; and
 - use of personal headsets with sound amplifiers.
- Staff are trained to assist members of the public with these devices.
- Signage that provides contact information for additional assistance is available at each station.
- Staff regularly monitor the effectiveness of existing assistive listening devices and collaborate with the Commission for Deaf and Hard-of-Hearing Persons and the public to ensure that the systems used by the legislature support effective communications for people with hearing loss.

Communication Access for Individuals Who Are Blind or Visually Impaired or Have Print Disabilities

1. Braille

- Documents are available in Braille upon request.
- The LCS collaborates with the Commission for the Blind and approved vendors for Braille transcription.
- Prioritized notices are available in Braille at the tours and information desk upon request.
- Restrooms, elevators and other commonly accessed rooms and offices have Braille signage.
- The ADA Coordinator monitors the number of requests made for Braille to ensure that the LCS engages in best practices for the use of Braille.

2. Large Print

- Large print documents are available on request.
- The LCS print shop can reproduce documents in large print upon request.
- Prioritized notices are available in large print at the tours and information desk upon request.
- The ADA Coordinator monitors requests for large print to ensure that an effective process is available for managing requests.

3. Audio Recordings

- All committee meetings and floor sessions are recorded with closed captioning and posted on the legislature's website within two days.
- Requests for audio recordings other than committee meetings are handled through the accommodation process or through the appropriate department.
- The ADA Coordinator monitors the system for audio recordings regularly to ensure effectiveness.

4. Accessible Electronic Formats

- The LCS is reviewing its current document creation process.
- A system is being developed to ensure that all new documents will be accessible to screen readers.
- Documents that are not currently accessible may be able to be converted upon request.
- The new system for creating documents will be monitored and evaluated regularly to ensure maximum effectiveness.

5. Screen Reader and Magnification Software for Public Use Computers

- Currently, the LCS does not provide computers for public use.
- In the future, the LCS may offer computer stations for the public.
 - These computers would be fully accessible to people with disabilities.
 - The purpose of these computers would be to allow the public to access general information about the legislative process by providing access to the legislature's website.
 - General internet services would not be available on these computers.

Policies and Procedures for Auxiliary Aids and Services

1. Requests for Auxiliary Aids and Services

- Requests for auxiliary aids that are not already available can be submitted using the ADA portal on the legislature's website and are considered on a case-by-case basis.
- The legislature's website provides a clearly labeled and accessible link that directs visitors to the ADA portal.
- The portal can be accessed by clicking "Click here to request an ADA accommodation" on the home page.
- Options for making a request include phone, email, an online submittable form or in person.
- The ADA portal explains how to submit a request for a reasonable accommodation and provides information about policies and accessing the legislative process.
- Requests are monitored daily by the ADA Coordinator and support staff.
- The Accommodation Team encourages engagement with staff and the public to address any questions or concerns regarding accommodation requests.

- The ADA Coordinator and staff regularly monitor and evaluate auxiliary aids and services and will update them when reasonable, as necessary and when possible to ensure ADA compliance and best practices.
- Training courses are updated as necessary to reflect best practices under Title II of the ADA.

2. Staff and Officials' Awareness of Obligations

- All staff must complete the annual mandatory ADA training.
- New staff must complete a prerecorded ADA training as part of the onboarding process.
- Training covers Title II obligations and best practices for serving individuals with disabilities.
- The ADA Coordinator regularly shares resources with staff and maintains an open-door policy to address any questions or concerns that staff may have.
- The ADA Coordinator attends meaningful training courses offered by state, local and federal entities that reflect best practices under Title II of the ADA.
- Existing training courses prepared by the ADA Coordinator are updated as necessary to ensure that staff are kept up to date on best practices.
- The ADA Coordinator monitors input from the public and staff to evaluate the effectiveness of the training courses offered to staff.
- The ADA Coordinator collaborates with local, state and federal entities to ensure that legislative staff are engaging in best practices for accommodating individuals with disabilities.
- The Accommodation Team monitors feedback from staff and the public to ensure that efforts to accommodate individuals with disabilities are as effective as possible.

3. Primary Consideration

- Staff have been informed of the ADA requirement to give primary consideration to the request made by an individual with a qualifying disability.
- Requests are reviewed by the ADA Coordinator or the Accommodation Team on a case-by-case basis.
- External experts may be consulted.
- When a preferred accommodation cannot be provided, equally effective alternatives are explored with the individual making the request.
- The ADA Coordinator attends training courses with a focus on best options for accommodating individuals with disabilities.
- Training materials are updated regularly to reflect best practices for accommodating individuals with disabilities.
- The Accommodation Team works with local, state and federal entities and experts in the field to ensure best practices under Title II of the ADA.

4. Use of Family or Friends as Interpreters

- Staff have been informed that family or friends should not be used as interpreters except in emergencies or when requested and appropriate.
- All interpreter requests are reviewed on a case-by-case basis.
- Primary consideration is given to the individual making the request.
- Staff are encouraged to contact to the ADA Coordinator with any questions or concerns.
- Community engagement is encouraged to ensure that interpreting needs are being met.

5. Auxiliary Aids for Companions

- Companions of participants have equal access to the reasonable accommodation process.
- Interpreter requests for companions follow the same procedures and considerations as other requests.
- The ADA Coordinator ensures that this information is made available to all staff, including temporary staff hired for legislative sessions.
- Staff are encouraged to contact the ADA Coordinator with any questions or concerns.
- Community engagement is encouraged to ensure interpreting needs are being met.

6. Captions and Audio Descriptions on Videos

- All legislative committee meetings and floor sessions are archived with closed captions.
- Tutorial videos for the legislature's website are on YouTube and include closed-caption options.
- Older videos do not include audio descriptions.
- The ADA Coordinator works with the legislature's webmaster to update existing videos with audio descriptions.
- Existing videos are being reviewed, and options for recreating these videos are being considered, to ensure that all new videos comply with the United States Department of Justice's Web Content and Accessibility Guidance requirements.
- The closed-captioning system used for archived meetings is monitored regularly and updated when possible to ensure that accuracy continues to improve.

7. Determining Undue Financial and Administrative Burden

- Requests are first reviewed by the ADA Coordinator and related staff.
- Requests that may create an administrative or a financial burden are referred to the Accommodation Team for review.
- The Accommodation Team includes the LCS Director, the Assistant Director for Legislative Affairs, the ADA Coordinator and other specialized staff as needed (such as procurement staff, information technology staff and building services staff).
- The New Mexico Legislative Council or external experts may be consulted.
- Final decisions are provided in writing and include a copy of the LCS grievance procedure.
- Policies, practices and procedures are updated as necessary, when possible and in a reasonable amount of time.