Planning for Inclusion: Implementing an ADA Self Evaluation & Transition Plan

Presented by
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Accessibility Assessments • ADA Self Evaluation • Policy Review • Training • Facilitated ADA Transition Planning • Community Engagement • Plan Review

Skulski Consulting LLC
ADA Compliance & Accessibility Management

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ADA Title II Administrative Requirements

- Designate a responsible employee (Entities w/50+ employees)
- Notice to the public (All public entities)
- Grievance procedure (Entities w/50+ employees)
- Self-Evaluation (All public entities)
- Transition Plan (Entities w/50+ employees)

These documents (Self-Evaluation & Transition Plan) evidence a public entity’s good faith efforts to comply with Title II’s requirements.

- DOJ Title II Technical Assistance Manual

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Poll Question

Our ADA Self Evaluation & Transition Plan

A. is collecting dust on the shelf
B. never addressed parks & recreation facilities, programs or services
C. is a dynamic working document

Why should I care about the Title II administrative requirements now?
Administrative Requirements

**Self Evaluation**
- Policies, Practices & Procedures
- Reasonable Modifications

**Transition Plan**
- Structural & Communication Barriers to Programs Services and Activities
- Schedule for Barrier Removal
ADA/504 Action Plan

ADA Self-Evaluation
- Policies, Practices and Procedures
- Reasonable Modifications

ADA Transition Plan
- Structural & Communication Barriers to Programs, Services & Activities
- Schedule of Barrier Removal

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What is the purpose of your park or recreation site?

What are the primary visitor experiences?
What are the secondary visitor experiences?

Program Access is a foundational principle of Section 504 and Title II
Program Access

§35.149
No qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

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Program Access

§35.150
A public entity shall 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 Access & Program Spaces

• When viewed in its entirety*, can visitors participate and gain the benefits of the program?

Existing Facilities → Program Access Standard → ADA Transition Plan

Key Principles for Title II

• Program access
• Reasonable modifications of policies, practices & procedures
• Most integrated setting
• Effective communication
• Auxiliary aids & services
ADA Defenses

• Fundamental alteration to the nature of the program, service or activity

• Direct threat

• Undue financial or administrative burden

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26 Question Survey
497 Respondents – Park & Rec Professionals
  32% Metro/Urban
  53% Suburban/County
  15% Rural

Parks for Inclusion initiative supports built-environment enhancements, model policy development and best practices for program implementation to increase access to health opportunities for the following populations:
- Racial and ethnic minorities and new Americans
- Individuals with physical and cognitive disabilities
- Members of the LGBTQ community

The goal is that Parks for Inclusion will improve access to health opportunities in parks and recreation for one million people by September 30, 2020.

Biggest Barrier to ADA Compliance

**Attitude**
Individual's lack of personal connection to disability

**Culture**
Organization's lack of priority toward inclusion of people with disabilities

What is the Perception of Your Organization’s ADA Compliance?

**Internal Perception**
- What does leadership perceive as the level of ADA compliance within the organization?
- Managers, supervisors, department heads?
- Accessibility management team members?

**External Perception**
- Community?
- People with disabilities?
- Family & friends?
- Disability advocates?
The process is evaluated to determine "How can we make this work better?"

**Implementing an Accessibility Management Program**

- Evaluation of accessibility improvements and report to leadership team and stakeholders.
- Leadership team presents commitment to inclusion and provides direction to staff.
- Business purpose and mission are defined.
- Shared values are clarified.
- Information is gathered.
- Consensus is built.
- Responsibilities are delegated.
- Access Team formed with representatives from various departments/units.
- Access Team oversees accessibility management program.
- Regular meetings scheduled to prioritize projects with input from access team and visitors.
- Accessibility assessments conducted for facilities and programs.
- Implementation of accessibility improvements.
- Evaluation of accessibility improvements and report to Leadership Team and stakeholders.

**Responsible Employee**

- **ADA Coordinator vs CEO**
- **Purpose**: public liaison
- **Decision-making authority**
- **Role**
  - Planning & coordinating compliance activities
  - Overseeing the 5 administrative requirements
  - Receiving & investigating complaints
- **Originating department?**
  - Human Resources
  - Planning
  - Safety / Risk Management
  - Community Engagement

ADA/Accessibility Coordinator

Disability Advocate

Compliance Manager

Source: Skulski, J. (2017) Implementing an Accessibility Management Program
ADA Compliance / Accessibility Management Team

- Meet a minimum of quarterly at start of project implementation
- Provide updates on ADA implementation in each unit / department
- Guide ADA policy development
- Liaison with disability advocacy groups in the community

Source: Skulski, J. (2017) Implementing an Accessibility Management Program
Accessibility Management Team

• Charter / Purpose
  • This charter establishes the MPRB Accessibility Management Team as an advisory body that will work under the direction of the Deputy Superintendent. The Team will support the MPRB in implementing the ADA Action Plan to improve accessibility for people with disabilities across MPRB programs, policies, facilities and services. The Team works to ensure ADA compliance is effectively and consistently implemented across the agency, communicating accessibility concerns from citizens and following through on ADA implementation strategies. In addition, the Team will serve as a forum for staff to communicate department-specific accessibility work across the organization. The members of the Team should be empowered to make recommendations related to the initiatives of the MPRB’s ADA Action Plan under the direction of the Deputy Superintendent.

• Roles
  • The Team’s responsibility is to represent their departments in organization-wide work to improve accessibility across MPRB programs, policies, facilities and services through implementation of MPRB’s ADA Action Plan. In addition, Team members serve as departmental point people for accessibility questions or concerns (with support of the Team and ADA Coordinator).

• Responsibilities
Self - Evaluation

- Comprehensive review of policies and practices

- The public entity must:
  - Identify non-compliance policies and practices
  - Modify policies and practices to bring them into compliance

- Opportunity for people with disabilities and interested parties to review and comment

- On file for public inspection for 3-years (for entities w/50+ employees)
  - List of interested persons consulted
  - Description of areas examined and identified problems
  - Description of modifications

ADA Title II Action Guide for State and Local Governments

7 Steps to Implement the ADA

1. Start Implementation
2. Appoint an ADA Coordinator
3. Provide Public Notice
4. Adopt a Grievance Procedure
5. Conduct a Self-Evaluation
6. Develop a Transition Plan
7. Create an Action Plan

www.ADAActionGuide.org
Review of Policies, Practices & Procedures

• Does the policy, practice or procedure screen out or prohibit individuals with disabilities from participating in and enjoying the benefits of the program, service or activity?

☑ No Action Required
☑ Action Required for ADA Compliance
☑ Action Recommended as a Best Practice of Access for People with Disabilities

Documents

• Organizational and departmental procedure manuals
• Brochures on city programs, services and activities
• Rules and/or regulations specific to the services of the department or unit
• Employment applications
• Employee handbook
• Emergency preparedness plans

• Licensing criteria and applications
• Special use permits
• Waivers and release forms
• Sample meeting and other public notices
• Complaint form
• Specific departmental/unit procedures for serving people with disabilities through provisions of auxiliary aids, service or modification of policies.
**Interviews**

- Interviews with key personnel across all departments/units
- What is the function of the department/unit?
- How does the department/unit interface with the public?
- What policies or procedures may affect how a resident or visitor receives services?

**ADA Self Evaluation Questions**

**Notice**

- Does the Agency have a Notice to the Public?
- How is the Notice communicated?
- Is it available on more than just the web page?
Example

Notice to the Public

• Cleveland Metroparks
  • https://clevelandmetroparks.com/about/cleveland-metroparks-organization/accessibility-statement

• City of Milwaukee
  • http://city.milwaukee.gov/Information-and-Services/Accessibility.htm#WOuBu9LyUkJ

ADA Self Evaluation Questions

Designated Official

• WHO is the designated official?
• How can the person be contacted?

• Is the designated official different from the ADA Coordinator?
• Should there be different contacts for different programs / services / activities?
ADA Self Evaluation Questions

Grievance Procedure

• How can an individual make an inquiry or file a complaint directly with the agency?
• When should the individual expect to receive a response?
• What timeframes are involved?
• What can the individual do if they do not agree with the response? What is the appeal process?

ADA Self Evaluation Questions

Input from People with Disabilities

• How is input sought from individuals with disabilities?
• Is this an ongoing process or a one-time deal?
**Auxiliary Aids and Services**

- How can individuals make requests for auxiliary aids and services?
- Is the process centralized or decentralized?
- Is the availability of auxiliary aids and services clearly communicated in marketing information?
- Is equipment in place and ready to go?
- Have service providers been identified and agreements/contracts put into place?
- Is there a post-program evaluation to assess the quality of the auxiliary aid or service?

**Alternate Formats**

- Is information available in alternate formats?
- How is the availability of alternate formats communicated to people with disabilities?
- Is the process to make the request centralized or decentralized?
- Are staff trained to intake and process the request?
Disability Inquiry

• Do registration forms ask for information on disability? Disabling conditions? Or other medical conditions?
• Are medical forms / emergency forms required of all participants?
• Are waivers consistent with safety assessments?
• Are waivers consistent with business necessity?

Eligibility Criteria

• Do programs, services or activities have eligibility criteria?
• Is the eligibility criteria communicated in marketing materials, program guides, and service descriptions?
• Is the eligibility criteria consistent with skill sets?
• Is the eligibility criteria consistent with safety assessments?
• Is the eligibility criteria consistent with business necessity?
Service Animals

• Is the public informed of the agency’s service animal policy?
• Are there instances and/or places where service animals may be restricted?
• If so, what is the rationale? Is it consistent with business necessity or direct threat issues?

Other Power-Driven Mobility Devices

• Is the public informed of the agency’s policy on OPMD’s?
• Are there instances and/or places where OPMD’s may be restricted?
• If so, what is the rationale? Is it consistent with business necessity or direct threat issues?
ADA Self Evaluation Questions

Reasonable Modifications

• What process is in place to evaluate case by case instances to make reasonable modifications?
• Is the process centralized or decentralized?
• Are staff trained on disability and ADA compliance?
• Are modifications documented?
• Is there a post-program evaluation to assess the quality of the reasonable modification?

ADA Self Evaluation Questions

Contracts & Partnerships

• What requirements are made of contractors and partners to ensure their compliance with the ADA?
• Are roles and expectations clearly defined?
ADA Self Evaluation Questions

Safety

• How are safety concerns assessed?
• Is the Safety Coordinator / Risk Manager involved?
• Is the assessment documented?

When you have to say “NO”

• Is the designated official involved in the determination?
• Is the denied request documented with explanation of the assessment and rationale?
Action Plan

• What policies and procedures need to be modified?
• What person/department is responsible for each modification?
• Are there costs associated with the modification?
Transition Plan

- Where structural changes to existing facilities are necessary to achieve Program Access
- Transition Plan components
  - Identification of physical & communication barriers to programs, goods or services
  - Identification of solution for barrier removal
  - Prioritization and targeted timelines for barrier removal
  - Assigned responsibility
- On file for the public until completed
Assessing Your Facility

Program Spaces

• When viewed in its entirety*, can visitors participate and gain the benefits of the program?

ADA Checklists for Existing Facilities

• www.adachecklist.org
Accessibility Assessment - Methodology

» Identification of physical and communication barriers to programs, services and activities ⇒ SUPPORTING FACILITIES

» Follow the sequence used by visitors
» Consider the needs of visitors with
  » Mobility impairments
  » Visual impairments
  » Hearing impairments
  » Cognitive impairments
» Snapshot in time
» 2010 ADA Standards for Accessible Design
» Other proposed standards and guidelines
» Principles of universal design
» Best practices

» Recommendations for barrier removal
A Note About Categorized Priorities

• Deficiencies are categorized into priorities to give decision-makers a better understanding of the magnitude by which the barrier prohibits a person with a disability from fully experiencing the program or activity.

• Categorized priorities DO NOT dictate the order for corrective actions.

• Discretion of administrators to determine the order by which corrective actions are made

⇒ ADA TRANSITION PLAN
Assessment/Survey Report vs Transition Plan

<table>
<thead>
<tr>
<th></th>
<th>Assessment/Survey</th>
<th>Transition Plan</th>
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</thead>
<tbody>
<tr>
<td>Identification of physical &amp; communication barriers to programs, goods or services</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Identification of solution for barrier removal</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Targeted timeline for barrier removal</td>
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<td>✓</td>
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<tr>
<td>Responsible Person/Unit</td>
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<td>✓</td>
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<tr>
<td>In Lieu of Barrier Removal</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Documentation of corrective action</td>
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<td>✓</td>
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</table>

Sample Park Agency Accessibility Assessment

» 22 major parks & facilities

» Recorded approximately 1,000 work orders to remove deficiencies / barriers for people with disabilities
Sample Agency
Most Frequently Cited Recommendations

- Provide picnic units with mobility features (107)
- Adjust door opening force and/or evaluate for installation of automatic/power-assisted door system (104)
- Modify existing pathway (92)
- Install/remount restroom identification signage with braille and raised characters (77)
- Stripe accessible parking space and access aisle (68)
- Insulate exposed pipes at lavatory (68)
- Install coat hook within reach range (50)
- Add/replace existing drinking fountain with high-low unit (56)
- Adjust door opening force (50)
- Provide accessible fire ring/grill (50)

Sample Agency
Range of Costs for Corrective Actions

<table>
<thead>
<tr>
<th>Corrective Action</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide picnic units with mobility features</td>
<td>Capital improvement est. $25,000+ per site</td>
</tr>
<tr>
<td>Adjust door opening force and/or evaluate for installation of automatic/power-assisted door system</td>
<td>$100 to $5,000</td>
</tr>
<tr>
<td>Modify existing pathway</td>
<td>Capital improvement $1,000 to $50,000+</td>
</tr>
<tr>
<td>Install/remount restroom identification signage with braille and raised characters</td>
<td>$50</td>
</tr>
<tr>
<td>Stripe accessible parking space and access aisle</td>
<td>$1,200</td>
</tr>
<tr>
<td>Insulate exposed pipes at lavatory</td>
<td>$60</td>
</tr>
<tr>
<td>Add/replace existing drinking fountain with high-low unit</td>
<td>$2,100</td>
</tr>
<tr>
<td>Restroom renovation for accessible toilet stall</td>
<td>$12,000+</td>
</tr>
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</table>
Scheduling Barrier Removal

• Location
• Use – volume
• Master plan for facility
• Proximity to duplicative program/service
• Ongoing process

Ongoing – ADA Transition Planning

• Develop dynamic, working ADA Transition Plan for removal of communication and physical barriers.
• Make available for public inspections
• Engage people with disabilities throughout the process.
What can we do NOW?

• Convene an Accessibility Management Team
• Review Your Original ADA Self Evaluation OR......Develop an ADA Self Evaluation
• Determine what outstanding barriers remain from your original ADA Transition Plan OR .......Develop an ADA Transition Plan
• Community engagement and input from people with disabilities
• Commit to Inclusion & ADA Compliance

Staff Training Modules

• ADA training for organization
• In-Services
• New employee orientation
• Seasonal staff training
• ADA Network webinars
  • www.accessibilityonline.org
• National ADA Symposium
  • www.adasymposium.org
• ADA Coordinator Certificate Program
  • www.adacoordinator.org
Community Engagement

- Disability/Accessibility Advisory Committee
  - Role? Functions?
  - Disability awareness or policy directives?
  - Volunteer or appointments?
- Focus groups
  - Input on specific questions
- Task-specific work group
  - Example: Greenways & Trails, Water Access, Playgrounds

Utilizing ADA Anniversary to Build Community Awareness

1. Hold an ADA Listening Session
2. Ditch the ADA Info Fair for Speed Dating
3. Celebrate Accessibility with a Good Game of ADA Bingo
4. Talk ADA with the Chamber of Commerce
5. Host an ADA Legal Update
6. Work to harmonize the ADA Standards with State and Local Codes
7. Visualize the ADA Photo Essay: A Day in the City
8. Publicize accessibility improvements
9. Hold an open house/virtual tour
Advice for the Newbie ADA Coordinator

1. Know your organization’s status of ADA compliance. Where are you now? Where do you need to be?
2. TRUTH…..your “to do list” will never be finished.
3. Invite everyone to the table.
4. There will be resistance and lack of personal connection to disability…be the BRIDGE.
5. It’s not “if” but “when.”
6. Know your resources --- starting with your regional ADA Center (800) 949-4232

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