

ADA  AUDIO
Conference
ADA NATIONAL NETWORK

ADA Audio Conference Series
October 17, 2017

This session is scheduled to begin at
2:00pm Eastern Time

Real-Time Captioning and the PowerPoint Presentation are available through the Webinar Platform. Audio Connection is available through the webinar platform/telephone/Mobile App.

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Listening to the Session, *continued*



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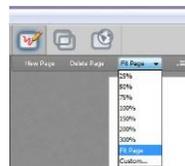
Please note: This webinar is being recorded and can be accessed on the ADA Audio Conference Series website at www.ada-audio.org within 24 hours after the conclusion of the session. The edited written transcript will be posted at this same site within 7 business days following the conclusion of the session.

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Customize Your View



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Customize Your View *continued*



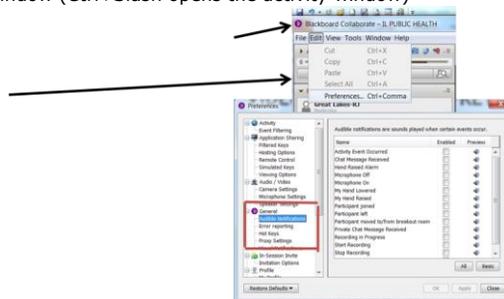
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Adjusting Preferences



- ▶ **To turn off notifications (audible/visual)**
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 - select “Audible Notifications” Uncheck anything you don’t want to receive and “apply”
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 - For Screen Reader User – Set preferences through the setting options within the Activity Window (Ctrl+Slash opens the activity window)



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Technical Assistance



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1. **In webinar platform:** Send a private chat message to the host by double clicking "Great Lakes ADA" in the participant list. A tab titled "Great Lakes ADA" will appear in the chat panel. Type your comment in the text box and "enter" (Keyboard - F6, Arrow up or down to locate "Great Lakes ADA" and select to send a message);
or
 2. **By Email** webinars@ada-audio.org ; or
 3. **Call** 877-232-1990 (V/TTY)

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MAKING SURE YOUR ADA SELF EVALUATION AND TRANSITION PLAN ARE SEASONED WITH THE RIGHT INGREDIENTS

ADA Audio Conference Series
October 17, 2017

Presented by
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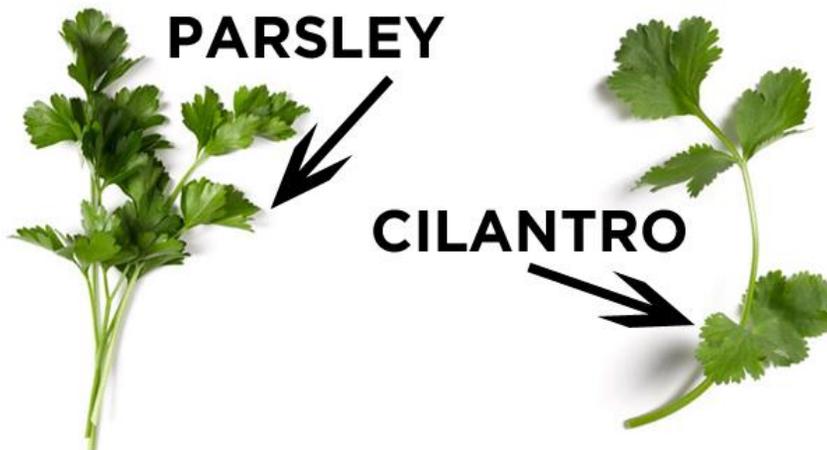
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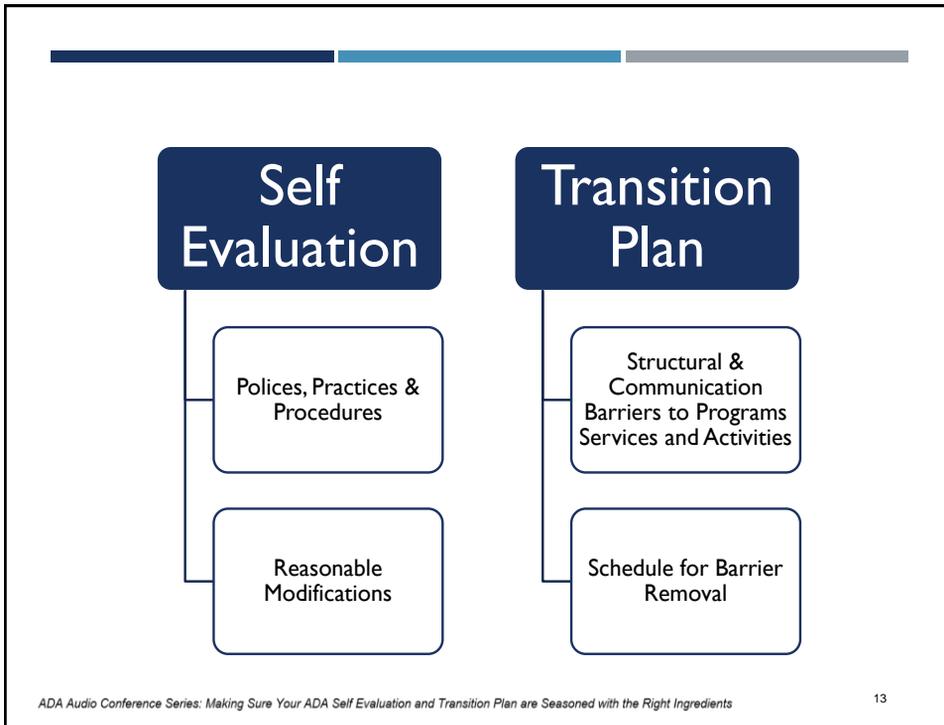
Title II Administrative Requirements

1. Designate a responsible employee *(Entities w/50+ employees)*
2. Notice to the public *(All public entities)*
3. Grievance procedure *(Entities w/50+ employees)*
4. Self-Evaluation *(All public entities)*
5. Transition Plan *(Entities w/50+ employees)*

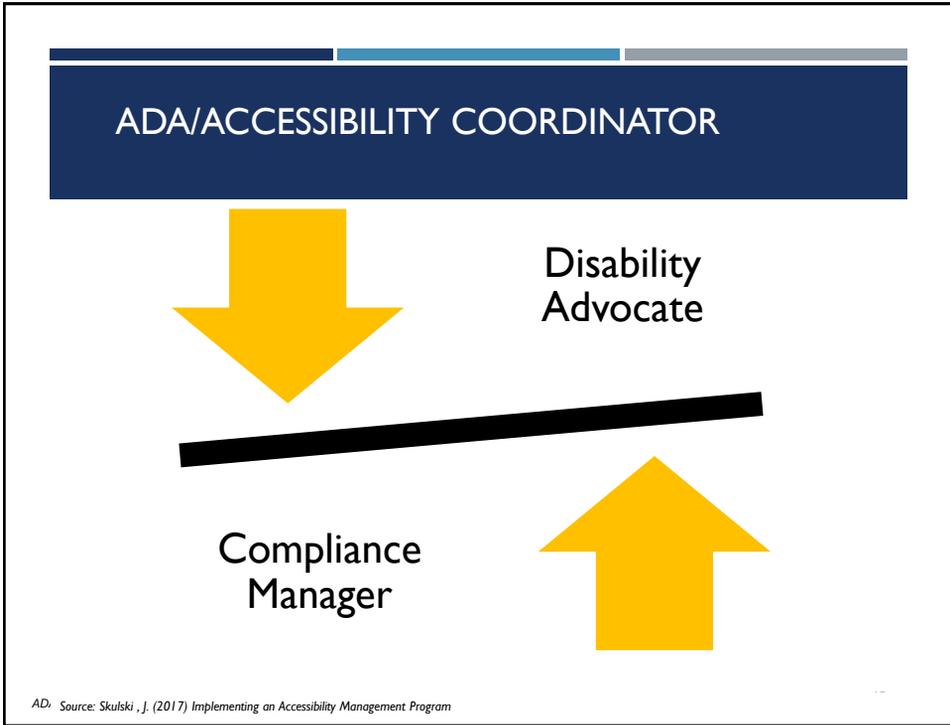
These documents (Self-Evaluation & Transition Plan) evidence a public entity's good faith efforts to comply with Title II's requirements.

-DOJ Title II Technical Assistance Manual





- ## 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
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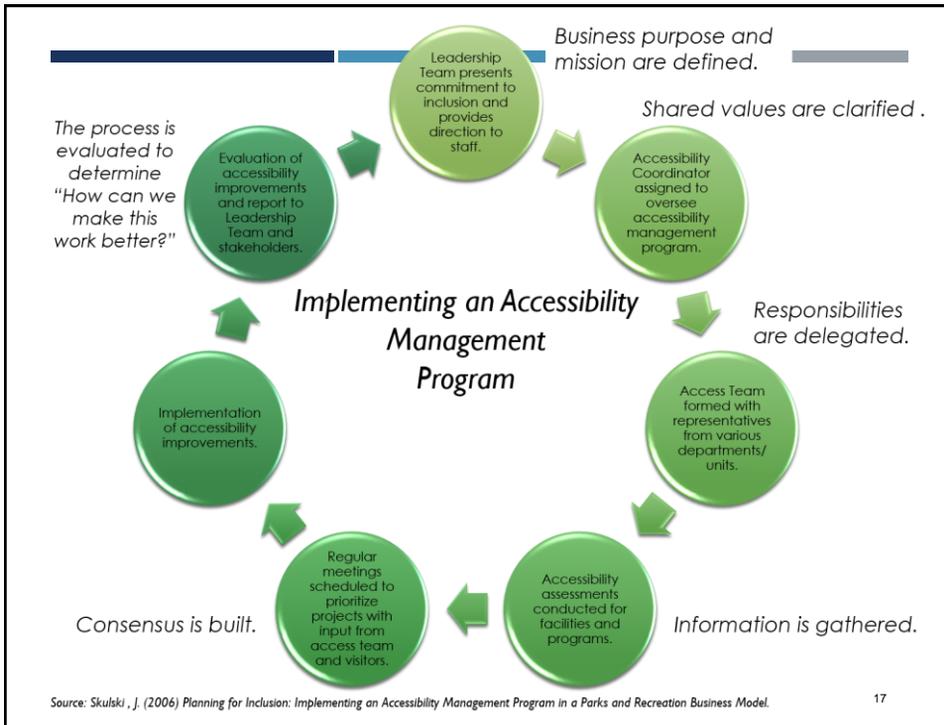


ADA COMPLIANCE
IS
EVERYONE'S RESPONSIBILITY

ACCESSIBILITY MANAGEMENT

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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

THE ADA/504 SELF EVALUATION

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

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ADA Title II Action Guide for State and Local Governments

7 Steps to Implement the ADA

Step 1 - Start Implementation

Step 2 - Appoint an ADA Coordinator

Step 3 - Provide Public Notice

Step 4 - Adopt a Grievance Procedure

Step 5 - Conduct a Self-Evaluation

Step 6 - Develop a Transition Plan

Step 7 - Create an Action Plan

Self-Evaluation Forms

Sample Documents

Produced by
Institute for Human Centered Design

www.ADAActionGuide.org

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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?

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#.WOuBu9LyuUk>
- National Park Service Poster (image on next slide)

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City of Eugene Oregon

The screenshot shows the City of Eugene Oregon website. The page title is "Accessibility". The main content area is titled "Accessibility in Eugene" and contains the following text:

As a best practice, the City of Eugene values and strives to provide universal access to buildings, programs, events, and meetings. Universal design/universal access is an approach that ensures that products, services and environments are usable by as many people as possible regardless of age, ability, or circumstance.

At a minimum the City of Eugene is required to comply with The Americans with Disabilities Act (ADA). The ADA is a federal civil rights law that prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. According to Title II of the ADA, a public entity that has a minimum of 50 employees is required to designate an individual to oversee their compliance with the ADA. These responsibilities for compliance apply to the City of Eugene as an organization with regards to its program, services, and facilities. This includes City of Eugene's popular [Adaptive Recreation program](#).

Access to Programs, Services and Facilities

The City of Eugene is committed to ensuring that access to city sponsored programs, services and facilities are accessible. This includes:

- Ensuring that all activities and meetings are barrier free
- Providing access for people who use service animals
- Providing assistive listening, note takers and/or sign language interpretation for verbal information
- Providing written information in alternative formats (Braille, large print, etc.)

Notice of Accommodation

All meetings, trainings and programs sponsored by the City of Eugene should be made accessible when given appropriate notice. One week is preferred. Participants should contact the sponsoring representative as soon as they know they will be attending and inform the representative of their needs for accommodation.

The page also features a navigation menu with links for Government, Departments, Services, Business, I Want To..., and Explore Eugene. A search bar is located in the top right corner. The footer includes contact information for the Human Rights & Neighborhood Involvement department.

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National Park Service

Accessibility



Discrimination on the basis of disability in the Federally conducted programs or activities of the Department of the Interior is prohibited.

For more information or to file a complaint of discrimination please contact:

EEO Program Manager
U.S. Department of the Interior
National Park Service
1849 C Street, NW (Org Code 0008)
Washington, DC 20240
website: www.nps.gov/access/

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City of San Francisco Mayor's Office on Disability



Would you like help with access to our services? Please let us know!

Questions? Need more help?
Contact the Mayor's Office on Disability: PH: 554-6789; TTY 554-6799

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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?

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?

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?

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?

Contracts & Partnerships

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

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?



THE ADA/504 TRANSITION PLAN



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ADA Title II Review

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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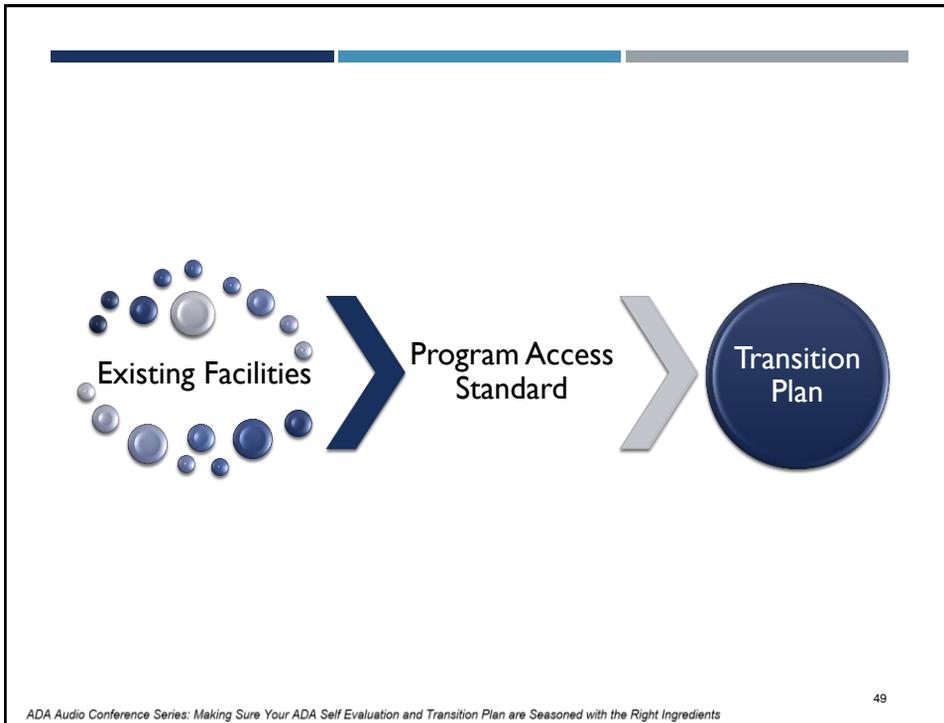
Program Access

§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.

Methods to Achieve Program Access

- Relocate a service to an accessible facility
- Provide benefits or services at an individual's home, or at an alternative accessible site
- Make structural changes to existing site ➡ giving priority to the methods that facilitate the most integrated setting



Transition Plan

- A plan / schedule to remove barriers to programs, services and activities
- Originally required of entities with 50+ employees by July 26, 1992
- Barrier removal was to be completed by January 26, 1995 but in any event as expeditiously as possible

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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

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Assessing Your Facility

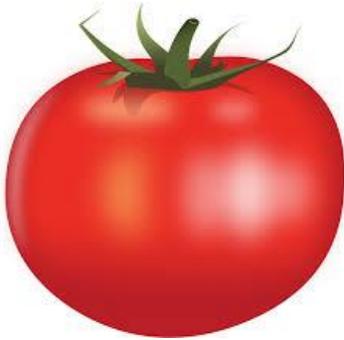
Program Spaces

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

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Accessibility Assessment Survey or Audit ?



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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

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Parsley or Cilantro? Making Sure Your ADA Self Evaluation and Transition Plan are Seasoned with the Right Ingredients

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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

	Assessment/Survey	Transition Plan
Identification of physical & communication barriers to programs, goods or services	✓	✓
Identification of solution for barrier removal	✓	✓
Targeted timeline for barrier removal		✓
Responsible Person/Unit		✓
In Lieu of Barrier Removal		✓
Documentation of corrective action		✓

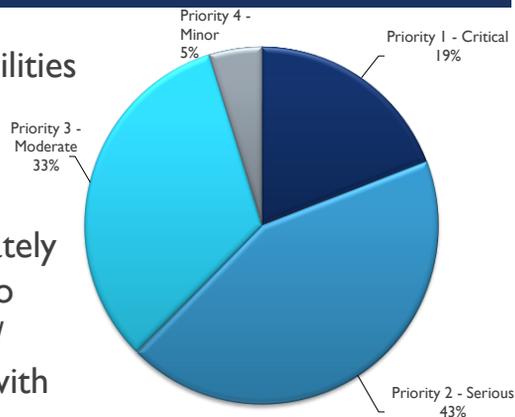
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Sample Park Agency Accessibility Assessment

» 22 major parks & facilities

» Recorded approximately 1,000 work orders to remove deficiencies / barriers for people with disabilities



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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 (60)
- Add/replace existing drinking fountain with high-low unit (56)
- Adjust door opening force (50)
- Provide accessible fire ring/grill (50)

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Sample Agency Range of Costs for Corrective Actions

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

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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 ORDevelop
an ADA Transition Plan
- Community engagement and input from people
with disabilities
- Commit to Inclusion & ADA Compliance

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Questions

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Thank you for participating in today's
ADA-Audio Conference Session

The next scheduled session is:

***“Service Animals and the ADA: Exploring Common Issues
and Scenario's”***

November 21, 2017

Register at: www.ada-audio.org or call 877-232-1990 V/TTY

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