

ADA Self Evaluations & Transition Plans

Part 1
ADAOnline2020
April 28, 2020

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"Successful inclusion of people with disabilities starts with a commitment from the top, quality customer service on the frontline, and a thorough understanding of the standards, regulations and emerging best practices."

-Jennifer Skulski, principal

Nationally recognized expert on ADA/504 compliance

Specialization in parks & recreation, museums, and municipal government

More than 28 years experience as a national trainer on Title II, the accessibility standards, universal design and ADA compliance in parks and recreation.

Conducted assessments of more than 1,000 municipal recreation facilities and 60 national parks

Research includes best practices for ADA compliance, comprehensive study of accessible playground surfaces, and ticketing policies.

Publisher of Accessibility Management News

Authored numerous articles on application of the ADA

DBE/WBE



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POLL QUESTION #1

What statement most closely matches your organization?

- A. We have a full-time ADA Coordinator.
- B. Our ADA Coordinator has several other responsibilities.
- C. We haven't had an ADA Coordinator in [X] years.
- D. I have no idea if we have an ADA Coordinator.



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30th Anniversary

Americans with Disabilities Act

Where have we been?

Where are we going?

What do we need to get there?



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ADA Compliance
SMASHED

What does our
ADA implementation
look like in the time of

COVID-19?



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WHAT'S FAIR



Source: Jamie Sabbach, A Call to Action for Parks and Recreation Webinar (4/23/2020)

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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 #2

Do you have all of your administrative requirements in place?

- A. YES, most definitely!
- B. We have most in place.
- C. We have some in place.
- D. We are stuck in the mud.



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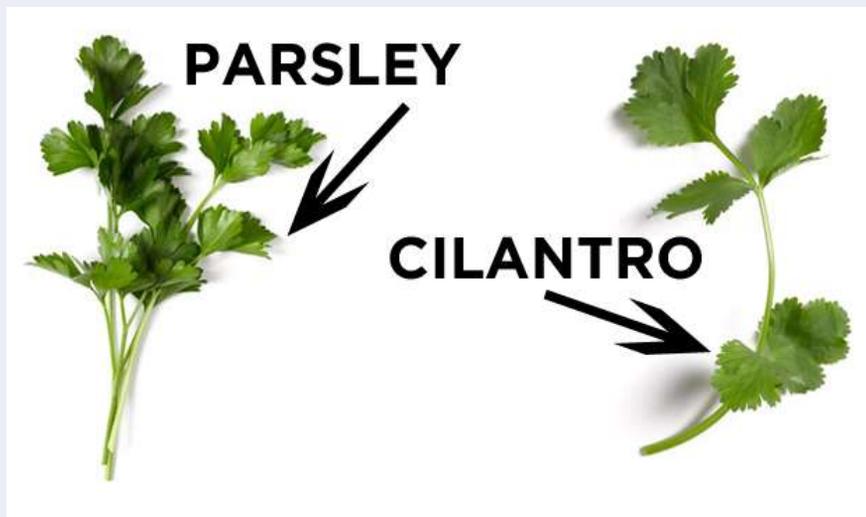
POLL QUESTION #3

What administrative requirement is giving you the biggest challenge?

- A. Designated responsible employee
- B. Notice to the public
- C. Grievance procedure
- D. Self evaluation
- E. Transition plan
- F. None. We TOTALLY know what we are doing!



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Self Evaluation

Required of all Title II entities to be completed in 1992. For entities with 50+ employees, required to be on file for 3 years.

Review of Policies, Practices & Procedures

Make Reasonable Modifications to Policies, Practices & Procedures

Transition Plan

Title II entities with 50+ employees required to develop a plan by July 26, 1992. Barrier removal to be completed by January 26, 1995. Required to be on file for the public until barrier removal is completed.

Identify Structural & Communication Barriers to Programs Services and Activities

Schedule for Barrier Removal

CHART



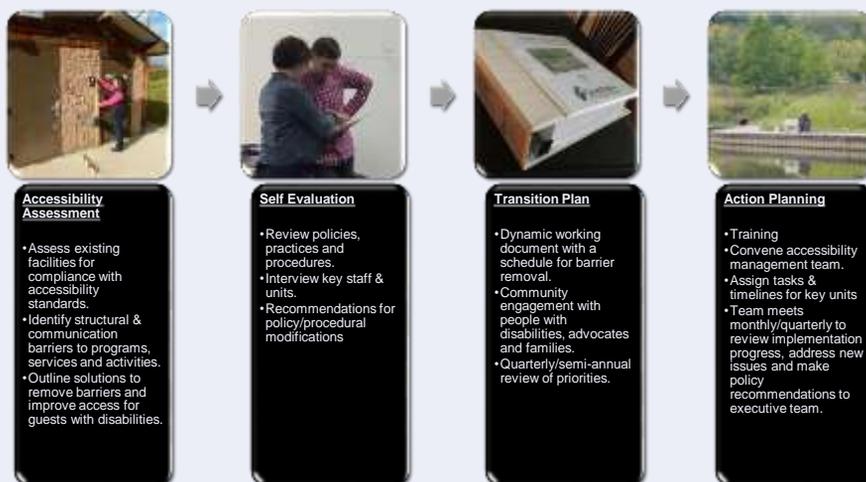
WHY SHOULD I CARE ABOUT THE TITLE II ADMINISTRATIVE REQUIREMENTS NOW?

REASONS “WHY” IT MAY BE NECESSARY TO REVISIT YOUR ADA SELF-EVALUATION & TRANSITION PLAN:

- It was never completed or only partially implemented in the 1990’s.
- Inquiries have been made by community members with disabilities.
- Facility changes have been made and the original data is out of date.
- Agency policies have evolved.
- New leadership, staff, and /or access team members have come on board.
- The accessibility standards have been revised to include facilities not previously addressed (playgrounds, pools, golf courses, sports facilities, etc).
- To demonstrate your agency’s “good faith effort” should an ADA complaint or litigation be filed.



PLANNING FOR INCLUSION



Accessibility Management & ADA Compliance starts with PLANNING!



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/ACCESSIBILITY COORDINATOR

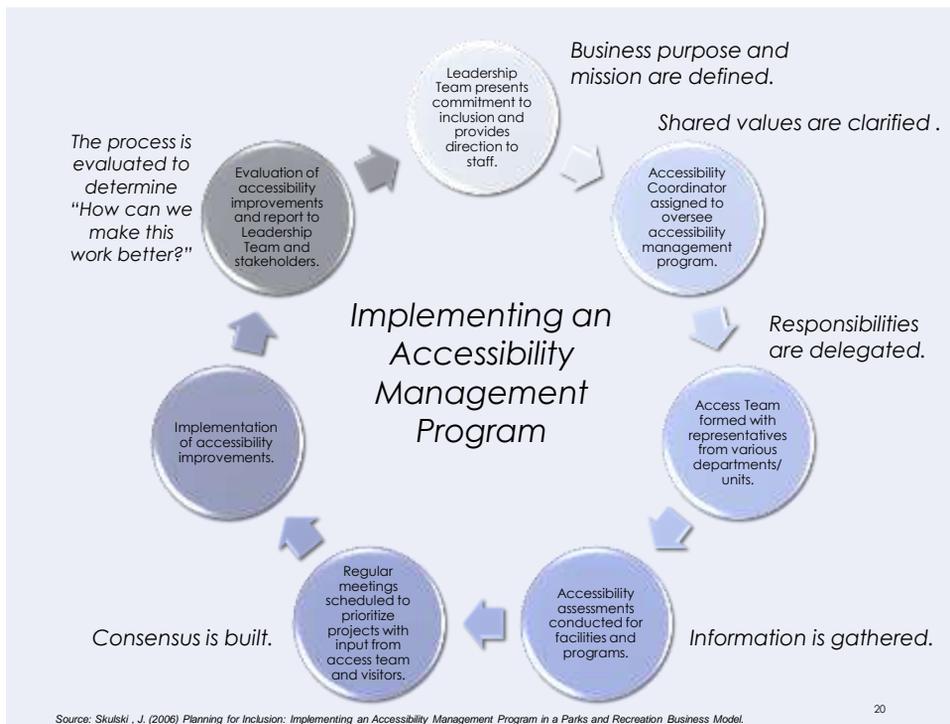


Source: Skulski J. (2017) Implementing an Accessibility Management Program

ADA COMPLIANCE IS EVERYONE'S RESPONSIBILITY

ACCESSIBILITY MANAGEMENT

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Designated Employee/CEO

ADA Compliance / Accessibility Management Team

ADA Coordinator

- Manage daily ADA compliance

Engineering / Planning / Design

- Prioritize and implement accessibility improvements identified in ADA Transition Plan

Operations / Public Works

- Make ADA improvements through routine maintenance. Ensure daily facility access

Programs / Services

- Provide reasonable modifications, auxiliary aids and services in the most integrated setting.

Marketing / Communications

- Ensure effective communication for all programs, services and activities

Purchasing

- Ensure new products, services and contracts include ADA compliance.

Information Technology

- Ensure new technologies for the public, employees and volunteers are accessible

Human Resources

- Facilitate reasonable accommodations for applicants, employees and volunteers

Finance

- Support creative approaches to steward accessibility improvements

Risk Management

- Assess safety concerns related to ADA compliance

Legal

- Engage proficient resources to support good faith efforts for ADA compliance

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



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INPUT FROM PEOPLE WITH DISABILITIES

- Identifying people with disabilities, family members and advocates
- Developing relationships with organizations and groups (CILs, etc)
- Open public meetings
- Presentations at external group meetings
- Surveys / Needs Assessments
- Facilitated involvement of interested individuals



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ADA 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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Key Principles of the ADA

REASONABLE MODIFICATIONS

Changes to policies, practices and procedures to ensure people with disabilities can participate and benefit from the program, service or activity

Required unless the modification would fundamentally alter the nature of its service, program, or activity.



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ADA DEFENSES

Direct threat to the health or safety of others

- Individualized assessment; nature; duration; severity of the risk; probability that the potential injury will actually occur; can the reasonable modifications, auxiliary aids or services mitigate the risk?

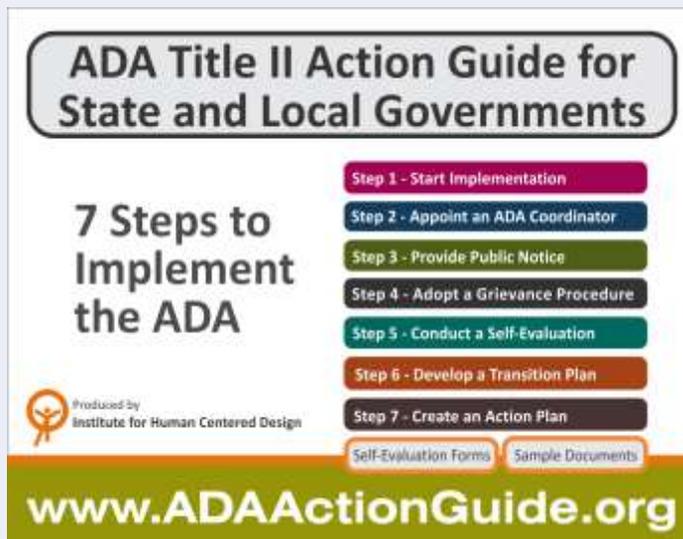
Fundamental alteration to the nature of the service, program, or activity

Undue financial and administrative burden

- Public entity has burden of proof
- Decision made by CEO

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Resources for ADA Self-Evaluations



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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

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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.



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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?



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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?

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EXAMPLE

NOTICE TO THE PUBLIC

Cleveland Metroparks

<https://clevelandmetroparks.com/about/cleveland-metroparks-organization/accessibility-statement>

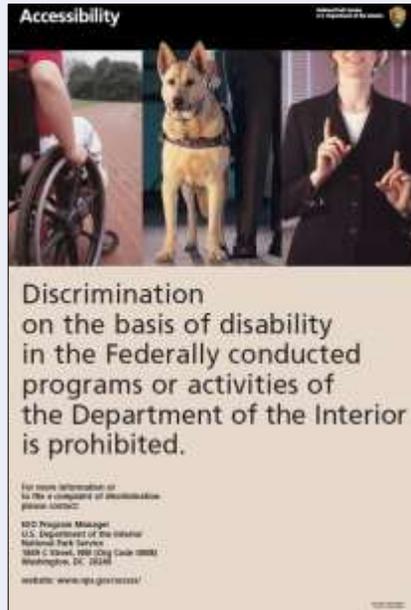
City of Milwaukee

<http://city.milwaukee.gov/Information-and-Services/Accessibility.htm#.WOUbu9LyUk>

National Park Service Poster (image on next slide)

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National Park Service



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DESIGNATED OFFICIAL

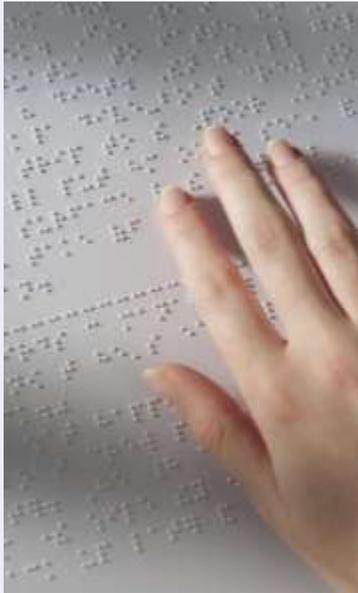
WHO is the designated official?

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?

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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?

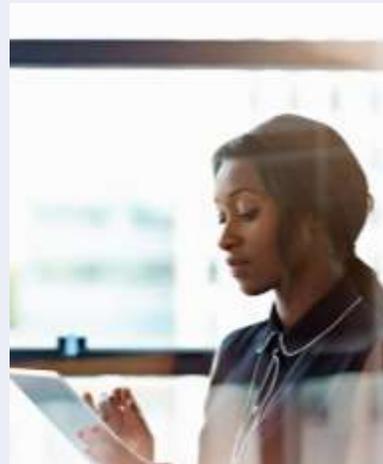
What can the individual do if they do not agree with the response? What is the appeal process?

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POLL QUESTION #4

How would you describe your relationship with your disability community?

- A. It is FANTASTIC!
- B. It is good.
- C. It could be better.



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Input from People with Disabilities

How is input sought from
individuals with disabilities?

Is this an ongoing process or a
one-time deal?

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Disability in leadership

Are people with disabilities represented in your workforce?

Are people with disabilities represented in leadership positions?

Are people with disabilities represented on your boards, councils, commissions?

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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?



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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?

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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?



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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?



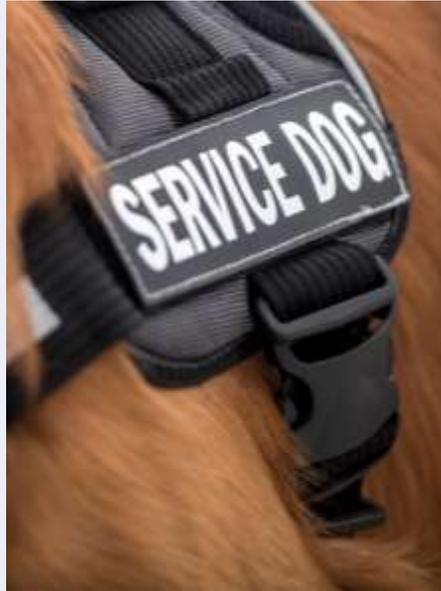
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SERVICE ANIMALS

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?



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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?



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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?



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Contracts & Partnerships

What requirements are made of contractors and partners to ensure their compliance with the ADA?

Are roles and expectations clearly defined?

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SAFETY

How are safety concerns assessed?

Is the Safety Coordinator / Risk Manager involved?

Is the assessment documented?



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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?

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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?

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ADA Action Plan				
Public Entity:		Date:		
Contact Person:		Title:		
Email:		Phone:		
Issues	Solutions	Target Date	Person Responsible	Comments
Example: Inadequate public notice of ADA compliance	<ul style="list-style-type: none"> • Draft new notice • Post on website, public buildings • Include in email alerts 	6/30	ADA Coordinator	Neighboring municipalities have similar and recommended distribution method.

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HOMEWORK

- ✓ Review your last ADA Self Evaluation? Has anything changed?
- ✓ Convene your accessibility management team for a reality check.
- ✓ Utilize the 30th anniversary of the ADA to reconnect with your disability community (listening sessions, focus groups, relationship building with disability organizations)



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