ADA Self Evaluations & Transition Plans

Part 2

ADAOnline2020

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Presented by

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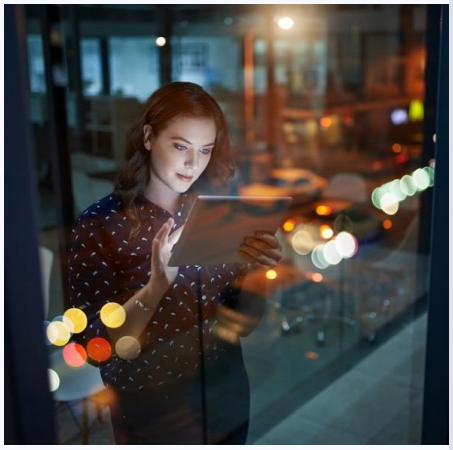
"Successful inclusion of people with disabilities starts with a commitment from the top, quality customer service on the frontline, and a thorough understanding of the standards, regulations and emerging best practices."
-Jennifer Skulski, principal

- 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

POLL QUESTION #1

What statement most closely matches your organization?

A. Our ADA compliance program is effective and efficient.
B. We still have some areas that we need to work on.
C. We need some motivation to get back on track.
D. Our ADA compliance program has been pushed to the back burner and we are probably at risk.



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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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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

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

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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.**

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Planning For Inclusion

Accessibility Assessment

- Assess existing facilities for compliance with accessibility standards.
- Identify structural & communication barriers to programs, services and activities.
- Outline solutions to remove barriers and improve access for guests with disabilities.

Self Evaluation

- Review policies, practices and procedures.
- Interview key staff & units.
- Recommendations for policy/procedural modifications

Transition Plan

- Dynamic working document with a schedule for barrier removal.
- Community engagement with people with disabilities, advocates and families.
- Quarterly/semi-annual review of priorities.

Action Planning

- Training
- Convene accessibility management team.
- Assign tasks & timelines for key units
- Team meets monthly/quarterly to review implementation progress, address new issues and make policy recommendations to executive team.

Accessibility Management & ADA Compliance starts with PLANNING!

The ADA & Program Access

POLL QUESTION #2

What types of programs, services and activities do you offer?

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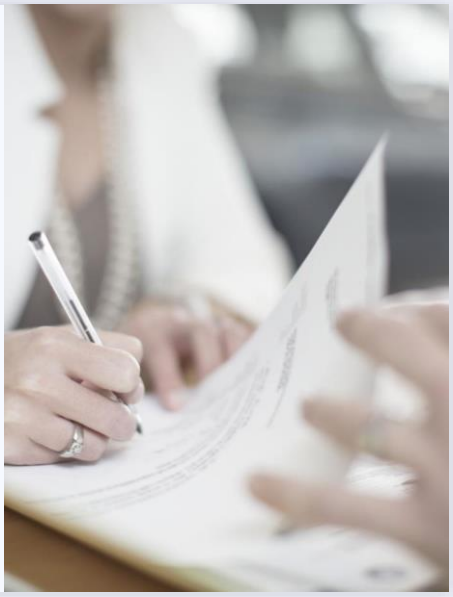
COMMON PROGRAMS, SERVICES AND ACTIVITIES FOR TITLE II PUBLIC ENTITIES

- Laws, ordinances
- Elected officials
- Public meetings
- Public safety
- Transportation
- Health
- Communications
- Social services
- Streets and sidewalks
- Business licenses
- Building permits
- Library
- Elections
- Environment & sustainability
- Finance
- Parks
- Recreation
- Festivals
- Employment



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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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EXISTING FACILITIES

§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.

A public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the **most integrated setting** appropriate.

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Program Access
is a
foundational principle
of Title II

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PROGRAM ACCESS & PROGRAM SPACES

When viewed in its entirety, can people with disabilities participate and gain the benefits of the program?

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ADA 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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ADA Transition Planning for Program Access

- 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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POLL QUESTION #3

Where are you at in the ADA Transition Planning process?

A. We are TOTALLY done making corrective actions, all facilities are accessible!
B. We are 30 – 70% complete in making fixes.
C. We are always adding new projects and might never be done making all of our facilities accessible.
D. We can't find our ADA Transition Plan.
E. Who knows! I'm just here for CEUs.

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ADA Transition Plan: How do you do it? What does it look like?

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ADA CHECKLIST FOR EXISTING FACILITIES

www.adachecklist.org

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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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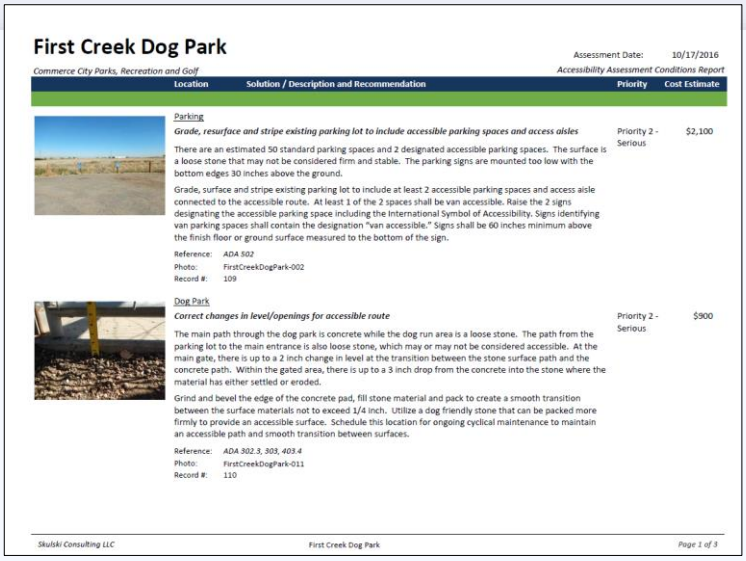

First Creek Dog Park

Commerce City Parks, Recreation and Golf

Assessment Date: 10/17/2016

Accessibility Assessment Conditions Report

Location	Solution / Description and Recommendation	Priority	Cost Estimate
	Parking ***Grade, resurface and stripe existing parking lot to include accessible parking spaces and access aisles*** There are an estimated 50 standard parking spaces and 2 designated accessible parking spaces. The surface is a loose stone that may not be considered firm and stable. The parking signs are mounted too low with the bottom edges 30 inches above the ground. Grade, surface and stripe existing parking lot to include at least 2 accessible parking spaces and access aisle connected to the accessible route. At least 1 of the 2 spaces shall be van accessible. Raise the 2 signs designating the accessible parking space including the International Symbol of Accessibility. Signs identifying van parking spaces shall contain the designation "van accessible." Signs shall be 60 inches minimum above the finish floor or ground surface measured to the bottom of the sign. Reference: *ADA 502* Photo: FirstCreekDogPark-002 Record #: 109	Priority 2 - Serious	$2,100
	Dog Park ***Correct changes in level/openings for accessible route*** The main path through the dog park is concrete while the dog run area is a loose stone. The path from the parking lot to the main entrance is also loose stone, which may or may not be considered accessible. At the main gate, there is up to a 2 inch change in level at the transition between the stone surface path and the concrete path. Within the gated area, there is up to a 3 inch drop from the concrete into the stone where the material has either settled or eroded. Grind and bevel the edge of the concrete pad, fill stone material and pack to create a smooth transition between the surface materials not to exceed 1/4 inch. Utilize a dog friendly stone that can be packed more firmly to provide an accessible surface. Schedule this location for ongoing cyclical maintenance to maintain an accessible path and smooth transition between surfaces. Reference: *ADA 302.3, 303, 403.4* Photo: FirstCreekDogPark-011 Record #: 110	Priority 2 - Serious	$900

Skulski Consulting LLC *First Creek Dog Park* *Page 1 of 3*

Sample Park Assessment Report

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Mapped Assessment Data

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ADA Transition Plan Format

- ❑Should be effective for the public to request information at any time.
- ❑Should be efficient for staff to schedule new projects and report on completed projects.
- ❑Should be dynamic for information flow to decision makers.

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SAMPLE DEFINITIONS OF PRIORITIES BY CATEGORY

- **Priority 1 – Critical**
  Those barriers/deficiencies that significantly prohibit people with disabilities from utilizing the program, service or activity to equally participate and benefit from the experience when viewed in its entirety. These locations are likely to have the highest volume of visitor use and be considered integral to the reason people come to the park or facility. Corrective action here is necessary to achieve "Program Access." In some instances, a safety concern may also be addressed in this category.
- **Priority 2 – Serious**
  Those deficiencies that effectually inhibit a person with a disability from utilizing the facility independently. The deficiency is considered a barrier to a significant number of people with disabilities; the location has a high volume of use and is considered a unique feature to the park or facility. A person with a disability may be able to participate in a limited capacity or with some assistance, but is still prevented from receiving the full benefit of the program, service or activity.
- **Priority 3 – Moderate**
  Those deficiencies that affect the convenience of accessibility for visitors with disabilities. At least one of these features or elements are already considered accessible somewhere else in the park or facility. Corrective action here would provide greater convenience for users.
- **Priority 4 – Minor**
  A minor non-urgent deficiency that would be required to be meet the new construction standards should the element undergo alternation or renovation. In most instances, the element is a duplicate and already provided as accessible in another location within the park or facility; or it is considered an area primarily used by employees.

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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**

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THE MYTH ABOUT LOW HANGING FRUIT

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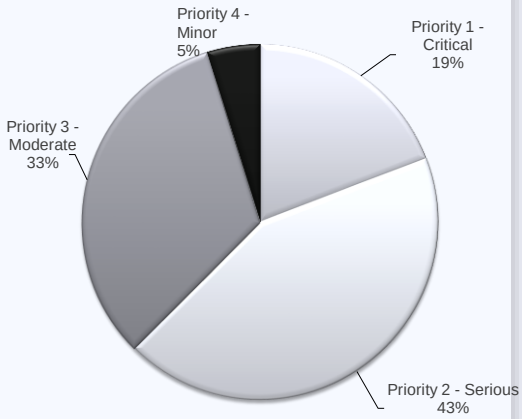
SAMPLE PARK AGENCY ACCESSIBILITY ASSESSMENT

- 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

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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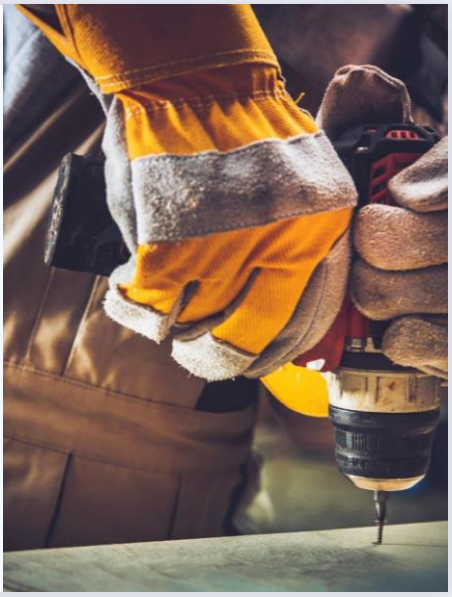
CRITERIA FOR PRIORITIZING CORRECTIVE ACTIONS

- Users & volume
- Type of program, service or activity
  - Essential / Non-essential?
  - Necessary to community quality of life?
  - For everyone? Or only within the constraints of age, ability, language, gender, geography, transportation, culture?
- Location
- Geographic context
- Condition of asset / lifecycle
- Master plan for facility
- Proximity to duplicative program/service



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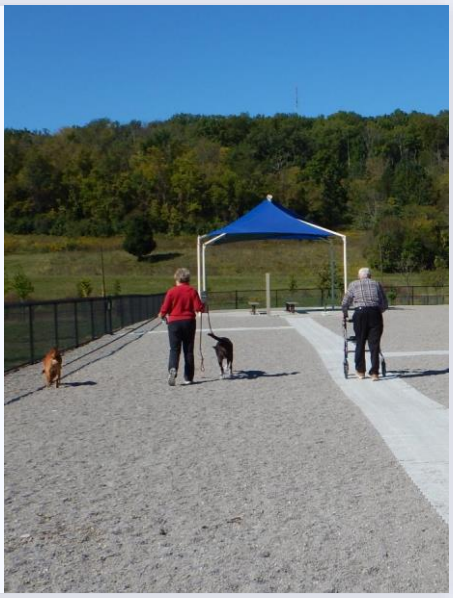
How do you prioritize corrective actions when you manage multiple facilities?



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What's Fair?

Source: National Recreation and Park Association

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Case Study: Minneapolis Park & Recreation Board

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Criteria Based System for MPRB Capital and Rehabilitation Project Scheduling

COMMUNITY CHARACTERISTICS

- Racially concentrated areas of poverty
- Neighborhood population density
- Youth population of neighborhood
- Neighborhood crime statistics

PARK CHARACTERISTICS

- Park asset condition
  - Safety concern
  - Functions as a result of ongoing repairs
  - Functional but could benefit from rehab or replacement
  - Functional and reliable
  - New or like new
- Age of park assets
  - Expired before 2010
  - Expires between 2011 and 2020
  - Still in lifespan in 2020
- Proportion of value
  - the amount of capital invested since 2000 relative to the total cost to replace all existing park assets.

https://www.minneapolisparks.org/about_us/budget__financial/20-year_neighborhood_park_plan/

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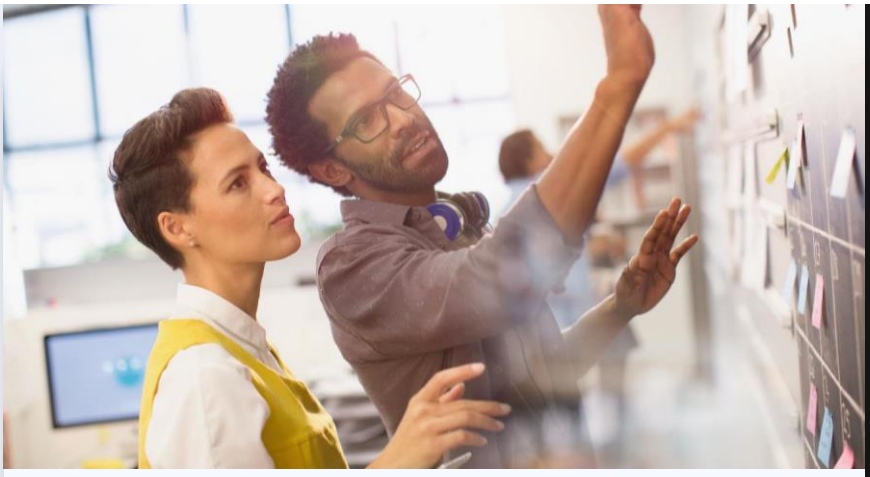

Ongoing ADA Transition Planning

- 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.

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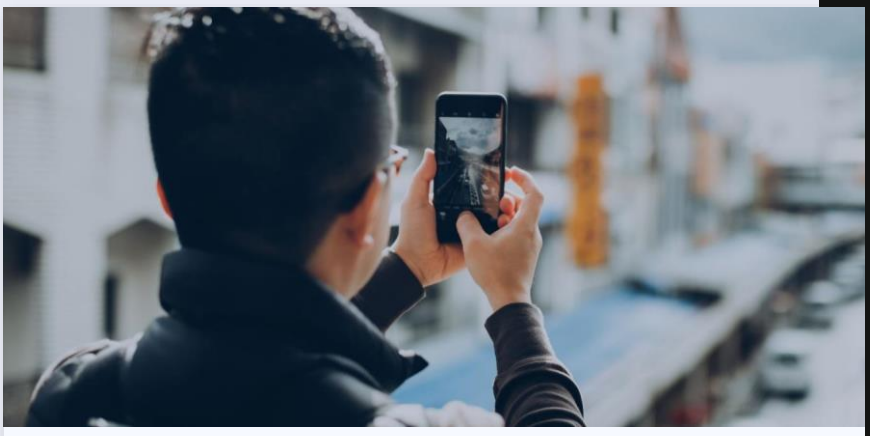

Beginning with the End in Mind

What does your accessible community look like?
Is it all about minimum standards?
Or is it about designing for inclusion?

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HOMEWORK

✓Review your last ADA Transition Plan? Is it up to date? Has the condition changed prior to a corrective action to improve access?

✓Convene your accessibility management team for a reality check.

✓Determine what outstanding barriers remain from your original ADA Transition Plan
OR …….Develop an ADA Transition Plan

✓Commit to Inclusion & ADA Compliance

✓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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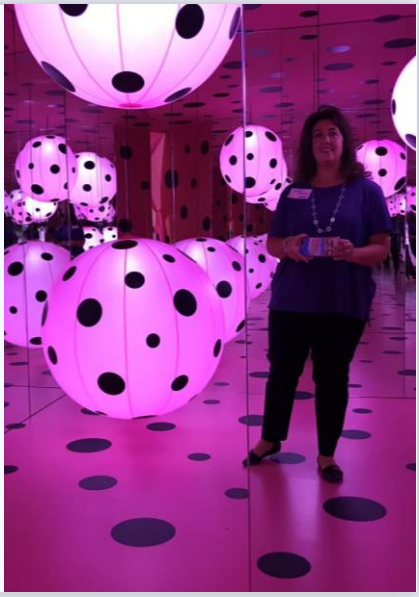

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