

# ADA Self Evaluations & Transition Plans

Part 1  
ADAOnline2020  
October 13, 2020

*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

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When I grow up,  
I want to be  
an ADA  
Coordinator

SAID  
**NO ONE!**

EVER!

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POLLQUESTION #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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**30<sup>th</sup> 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?

COVID-19?



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## What's Fair?



Equality

Equity

Source: National Recreation and Park Association

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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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POLLQUESTION #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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POLLQUESTION #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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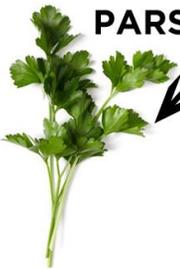
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**PARSLEY**



**CILANTRO**



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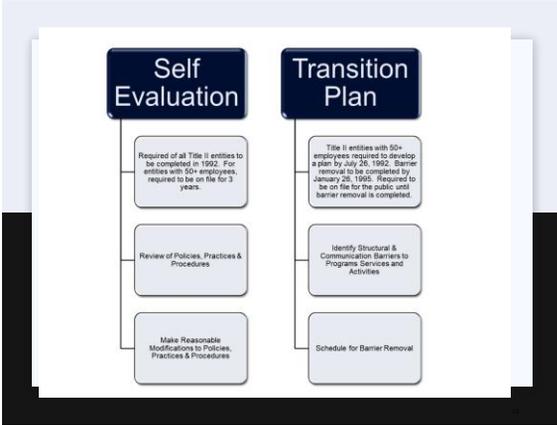
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Reasons "why" it may be necessary to revisit your ADA self-evaluation & transition plan:

- > 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 Management & ADA Compliance starts with PLANNING!

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## 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

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# ADA COMPLIANCE IS EVERYONE'S RESPONSIBILITY

## ACCESSIBILITY MANAGEMENT

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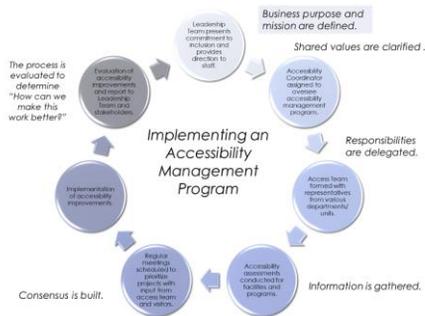
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Source: Skulski, J. (2006) planning for inclusion: implementing an accessibility management program in a parks and recreation business model.

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### Designated Responsible Employee / CEO

<b>ADA Compliance / Accessibility Management Team</b>	<b>ADA Coordinator</b>
	-Manage daily ADA compliance
	<b>Engineering / Planning / Design</b>
	-Prioritize and implement accessibility improvements identified in ADA Transition Plan
	<b>Operations / Public Works</b>
	-Make ADA improvements through routine maintenance. Ensure daily facility access
	<b>Programs / Services</b>
	-Provide reasonable modifications, auxiliary aids and services in the most integrated setting.
	<b>Marketing / Communications</b>
	-Ensure effective communication for all programs, services and activities
	<b>Purchasing</b>
	-Ensure new products, services and contracts include ADA compliance.
	<b>Information Technology</b>
-Ensure new technologies for the public, employees and volunteers are accessible	
<b>Human Resources</b>	
-Facilitate reasonable accommodations for applicants, employees and volunteers	
<b>Finance</b>	
-Support creative approaches to steward accessibility improvements	
<b>Risk Management</b>	
-Assess safety concerns related to ADA compliance	
<b>Legal</b>	
-Engage proficient resources to support good faith efforts for ADA compliance	

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

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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



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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

**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

Produced by  
Institute for Human Centered Design

Self-Evaluation Forms

Sample Documents

[www.ADAActionGuide.org](http://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

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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 provision 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#.WOUbu9LyuUk>

National Park Service Poster (image on next slide)

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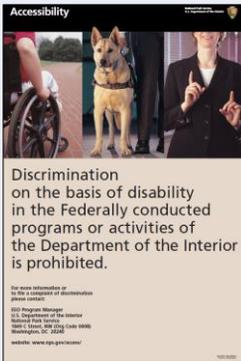
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National Park Service



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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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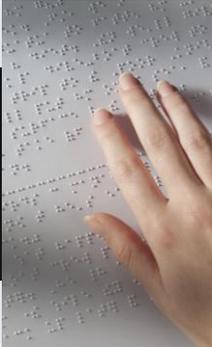
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### Grievance Procedure

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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### POLLQUESTION #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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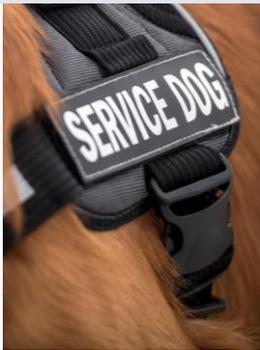
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### SERVICE ANIMALS

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"> <li>• Draft new notice</li> <li>• Post on website, public buildings</li> <li>• include in social media</li> </ul>	1/15	ADA Coordinator	Neighboring municipalities have samples and recommended distribution methods.	

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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 30<sup>th</sup> anniversary of the ADA to reconnect with your disability community (listening sessions, focus groups, relationship building with disability organizations)



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