“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.
30th Anniversary

Americans with Disabilities Act

Where have we been?
Where are we going?
What do we need to get there?

ADA Compliance

SMASHED

What does our ADA implementation look like in the time of COVID-19?

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 AND TRANSITION PLANS

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, Procedures

Make Reasonable Modifications to Policies, 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

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.
- 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!
The ADA & Program Access

POLL QUESTION #2

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

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
- Parks
- Recreation
- Fire
- Environment & sustainability
- Finance
- Employment
- ...
§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.

§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.

Program Access is a foundational principle of Title II
PROGRAM ACCESS & PROGRAM SPACES

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

Existing Facilities → Program Access Standard → ADA Transition Plan

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

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
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.

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

ADA CHECKLIST FOR EXISTING FACILITIES
www.adachecklist.org
ACCESSIBILITY ASSESSMENT

SURVEY OR AUDIT?

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

Sample Park Assessment Report
SAMPLE DEFINITIONS OF PRIORITIES BY CATEGORY

Priority 1 – Critical
These 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 may 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
These deficiencies that effectively inhibit a person with a disability from utilizing the facility independently. The deficiency is considered a barrier for 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 realizing the full benefit of the program, service or activity.

Priority 3 – Moderate
These deficiencies that affect the convenience of accessibility for actors 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 met the new construction standards should the element undergo alteration or renovation. A person with a disability may be able to participate with some assistance or in a limited capacity.
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**
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 (52)
- Install/remount restroom identification signage with braille and raised characters (51)
- Stripe accessible parking space and access aisle (50)

SAMPLE AGENCY RANGE OF COSTS FOR CORRECTIVE ACTIONS

<table>
<thead>
<tr>
<th>Corrective Action</th>
<th>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>$1,200</td>
</tr>
<tr>
<td>Install coat hook within reach range</td>
<td>$500</td>
</tr>
<tr>
<td>Add/replace existing drinking fountain with high-low unit</td>
<td>$2,100</td>
</tr>
<tr>
<td>Add/replace existing drinking fountain with high-low unit</td>
<td>$500</td>
</tr>
<tr>
<td>Restroom renovation for accessible toilet stall</td>
<td>$12,000+</td>
</tr>
</tbody>
</table>
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

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

What's Fair?

Source: National Recreation and Park Association
Case Study: Minneapolis Park & Recreation Board

Criteria Based System for MPRB Capital and Rehabilitation Project Scheduling

<table>
<thead>
<tr>
<th>COMMUNITY CHARACTERISTICS</th>
<th>PARK CHARACTERISTICS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Racially concentrated areas of poverty</td>
<td>Park asset condition</td>
</tr>
<tr>
<td>Neighborhood population density</td>
<td>Safety concerns</td>
</tr>
<tr>
<td>Youth population of neighborhood</td>
<td>Functions as a result of ongoing repairs</td>
</tr>
<tr>
<td>Neighborhood crime statistics</td>
<td>Functions may benefit from rehab or replacement</td>
</tr>
</tbody>
</table>

Proportion of value

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

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.
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?

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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