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City of West Lafayette ADA Evaluation

Part 1: Policy, Practices & Procedures

- Title II Administrative Requirements
- Policies & Practices

Part 2: Accessibility Assessment

Part 3: ADA Action Plan

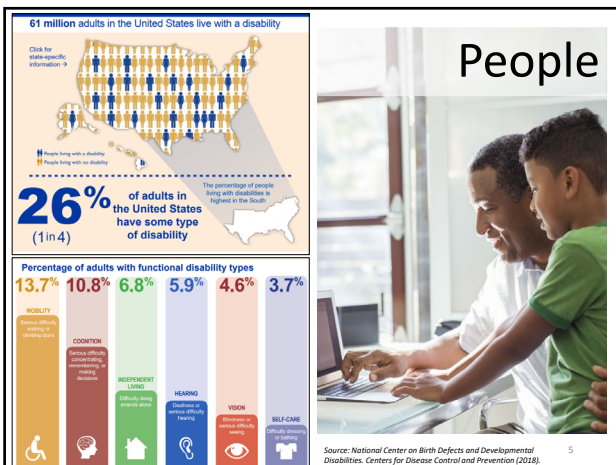
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City of West Lafayette ADA Action Plan

ID	Description	Lead Department	Lead Staff	Target	Budget Note	Status Update
Title II Administrative Requirements						
1	<p>Designated Official</p> <p>Required: Formally appoint the Designated Responsible Employee with the final decision-making authority for ADA compliance, and, as a best practice, an ADA Coordinator for daily operations. Distinguish the DRE role from that of the ADA Coordinator.</p> <p>Required: Publicize the contact information for the ADA Coordinator through the web site, all ADA Notices to the public, and other communication vehicles.</p> <p>Formally designate members of an accessibility management team. Support continuing education for the ADA Coordinator and members of the accessibility management team. Support ADA Coordinator to complete the ADA Coordinator Training Certification Program.</p>					
2	<p>Public Notice</p> <p>Update the ADA Notice to follow the DCJ template.</p>					

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Barriers to Participation Experienced by People with Disabilities

- Attitudinal
- Communication
- Physical
- Policy
- Programmatic
- Social
- Transportation

Source: National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention.



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Americans with Disabilities Act of 1990

- Title I - Employment
- Title II - State & Local Government
- Title III - Public Accommodations
- Title IV - Telecommunications
- Title V - Miscellaneous



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Title II: Key Principles

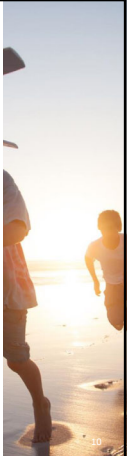
Americans with Disabilities Act



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ADA Definition of Disability

- A physical or mental impairment that substantially limits one or more major life activities.
- A record of impairment.
- Regarded as having an impairment.



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
Title II Administrative Requirements

				
Designate a responsible employee <small>(Entities w/50+ employees)</small>	Notice to the public <small>(All public entities)</small>	Grievance procedure <small>(Entities w/50+ employees)</small>	Self-Evaluation <small>(All public entities)</small>	Transition Plan <small>(Entities w/50+ employees)</small>

TITLE II ADMINISTRATIVE REQUIREMENTS

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



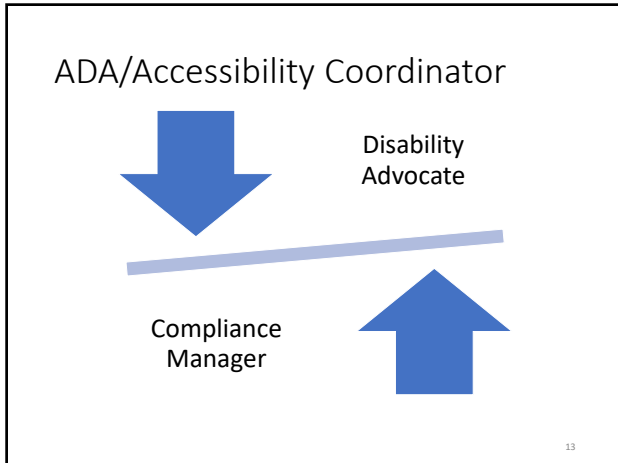
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1. Responsible Employee

- 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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2. Notice to Public

- Communicated message to applicants, employees, participants, beneficiaries, and other interested parties
- Ongoing communication
- Multiple modes of delivery
 - Newspaper
 - Public service announcements
 - Web site
 - Program brochure
 - Announcements/press releases for meetings, special events
 - Postings at facilities

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2. Public Notice

- Intent to comply with the ADA
- ADA Coordinator
 - Name
 - Address
 - Phone
 - (E-mail)

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3. Grievance Procedure

- Purpose ⇌ mechanism for resolution
- Existing procedure vs separate for ADA
- Employment process vs Public process
- Procedure
 - Description of procedure to submit grievance
 - 2-step review process that allows for appeal
 - Reasonable time frames for review & resolution
 - Good record-keeping for all complaints and documentation of steps taken toward resolution

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4. 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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5. 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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ADA Title II

§ 35.130 General prohibitions against discrimination

- No qualified individual with a disability shall, on the basis of disability, 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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What PROGRAMS
do you offer?



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Program Access
is a
foundational
principle
of Title II



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Americans with Disabilities Act
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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Americans with Disabilities Act
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.



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Program Access & Program Spaces

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




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ADA Title II

Program Access – Key Principles

- Equal opportunity to participate & benefit
- Most integrated setting
 - Least restrictive environment
 - Separate is not equal
- Reasonable modification of policies, practices and procedures
- Eligibility criteria
- Effective communication
- Auxiliary aids and services




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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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Key Principles of the ADA

Eligibility Criteria

- Cannot screen out or tend to screen out persons with disabilities...unless it can show that such requirements are necessary

For example, requiring presentation of a driver's license as the sole acceptable means of identification for purposes of paying by check could constitute discrimination against individuals who are blind or have low vision. This would be true if such individuals are ineligible to receive licenses and the use of an alternative means of identification is feasible.
(ADA Questions and Answers, ADA National Network, 2013)




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Key Principles of the ADA

Unnecessary disability-related inquiries

- Cannot ask:
 - Do you have a disability?
- Can ask:
 - Do you have a disability-related need?



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Sample Registration Form


Do you have a disability-related need?

No

Yes, I require _____

- Wheelchair accessible facility
- Sign language interpreter
- Assistive listening system
- Braille or large print
- Additional assistance with instructions or processing information
- Other _____

If you answer yes, a staff will contact you for more information

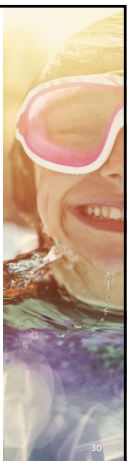


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Key Principles of the ADA

Surcharges

- The costs for auxiliary aids and services, barrier removal, alternatives to barrier removal or other modifications cannot be passed on to the individual with a disability.




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Key Principles of the ADA

Effective Communication

- Communication must be as effective for person with a disability as it is for others
 - Nature of the communication
 - Length/duration
 - Complexity
- Primary consideration given to individual with disability




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Key Principles of the ADA

Auxiliary Aids and Services

- Sign language interpreters
- Readers
- Assistive listening systems
- Audio / video description
- Captioning / real-time captioning
- Alternate Formats
 - Braille
 - Large print
 - Electronic format..... etc




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Key Principles of the ADA

Alternate Formats

- Braille
- Large print
- Electronic format




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Key Principles of the ADA

Service Animals

- ADA revised definition: any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
- Exception for use of miniature horses




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Key Principles of the ADA

Service Animals

- Cannot ask: "What's your disability?"
- Can ask: "Is the animal required because of a disability?" and "What work or task the animal has been trained to perform?"
- Documentation is not required.
- Must be under the handler's control.




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Key Principles of the ADA

Other Power-Driven Mobility Devices (OPMD's)

- Reasonable modification of policy to allow OPMD's
- Assessment factors
 - Type, size, weight & speed of device
 - Volume of pedestrian traffic
 - Facility design & characteristics
 - Legitimate safety requirements
 - Substantial risk of serious harm to the immediate environment or natural or cultural resources
- Inquiry
 - Cannot ask "What's your disability?"
 - Can ask the person "provide a credible assurance that the mobility device is required because of the person's disability."



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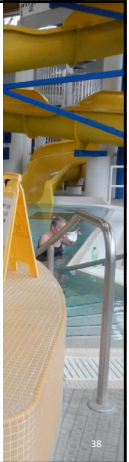
Before you say...

“No.”

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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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Reality Check: Before You Say “No”

- What is the process to evaluate the request for a reasonable modification of policy or a disability-related auxiliary aid/service?
- Does “NO” include the ADA Coordinator (Designated Responsible Employee) in the determination process?
- Is the rationale for “NO” documented?



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Going Above & Beyond

Public entities are not prohibited from going above and beyond the provisions to better serve people with disabilities.

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Planning for Inclusion

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Planning for Inclusion




Accessibility Management & ADA Compliance starts with PLANNING!

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Program Planning

- Inclusion and accessibility considerations should start with program development.
- How will you meet the needs of people with disabilities?
 - Mobility impairments / Physical impairments
 - Hearing impairments
 - Visual impairments
 - Sensory / Cognitive impairments



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Program Planning

Modifications / Auxiliary Aids & Services
What modifications to the procedures or use of auxiliary aids & services have been put into place to meet the needs of people with disabilities?

People with Physical Disabilities

People with Visual Impairments

Other requests that may be received

People with Hearing Impairments

People with Cognitive, Learning and Neurological Impairments

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Designated Responsible 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

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Accessibility Management Team

- Inclusive with representatives from all departments
- Everyone has an equal voice at the table
- Involvement of Facility Managers, Maintenance/Public Works, Procurement
- Meets at least 2 – 4 times per year to address Transition Plan (re)prioritization and policy issues



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Community Engagement


- Listening sessions
- ADA Updates
- Perceptions & needs surveys
- Disability/Accessibility Advisory Committee
 - Role? Functions?
 - Disability awareness or policy directives?
 - Volunteer or appointments?
- Focus groups
 - Input on specific questions
- Task-specific work groups
 - Example: Greenways & Trails, Water Access, Playgrounds



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Ongoing Evaluation

- How is this working?
- How can we make this work better?
- Ask visitors and participants with disabilities for feedback
- Seek input from local disability/advocacy organizations




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Homework

- Explore how the ADA impacts your area of responsibility.
- Discuss the need for modifications to policies, practices, and procedures with your team.




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Questions

Jennifer Skulski
Skulski Consulting
(317) 408-4424
jennifer@skulskiconsulting.com
www.accessibilitymanagementnews.com



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