# Recalibrating Your ADA Self-Evaluation and Transition Plan

2026 ADA Indiana Fall Conference

*Presented by*

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# About Skulski Consulting

- Nationally recognized expert on ADA/504 compliance.
- Specialization in parks & recreation, museums, and municipal government.
- Accessibility assessments for ADA transition plan development; comprehensive policy evaluation; training; plan review; community engagement; and technical support.
- More than 30+ 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 3,000 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.

# Poll Question #1

What statement most closely matches your organization?

A. Our ADA compliance program is effective and efficient.

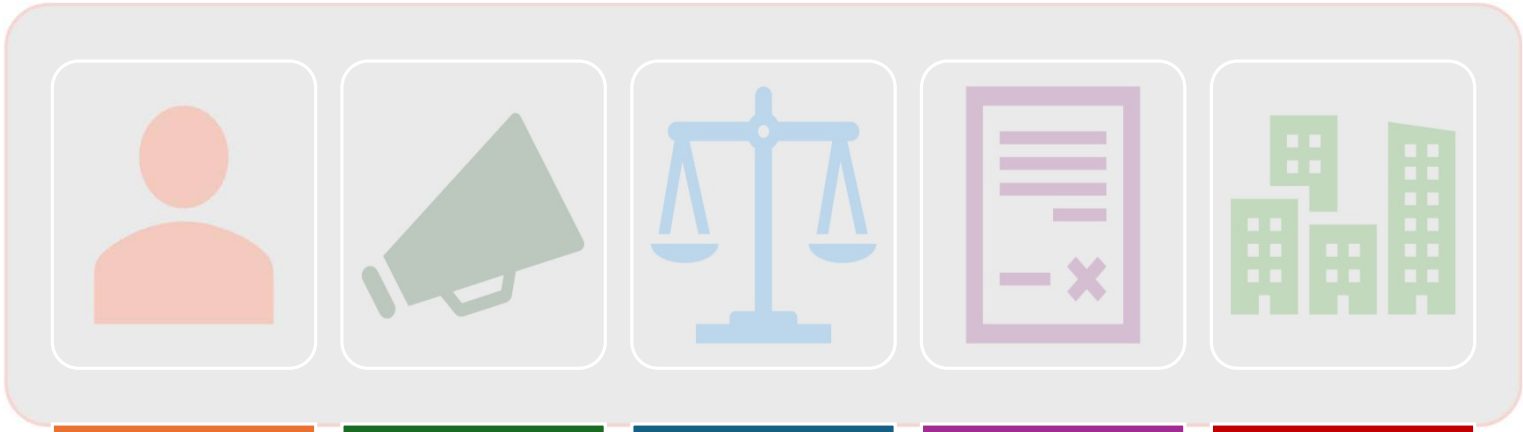
B. We still have some areas that we need to work on.

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.



# Title II Administrative Requirements



| Designate Responsible Employee | Notice to the Public | Grievance Procedure | Self Evaluation | Transition Plan |
|---|---|---|---|---|
| Entities w/50+ employees | All public entities | Entities w/50+ employees | All public entities<br>Originally required to be completed by January 26, 1993 | Entities w/50+ employees<br>Originally required to be developed by July 26, 1992 and barriers required to be removed by January 26, 1995 |

*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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# 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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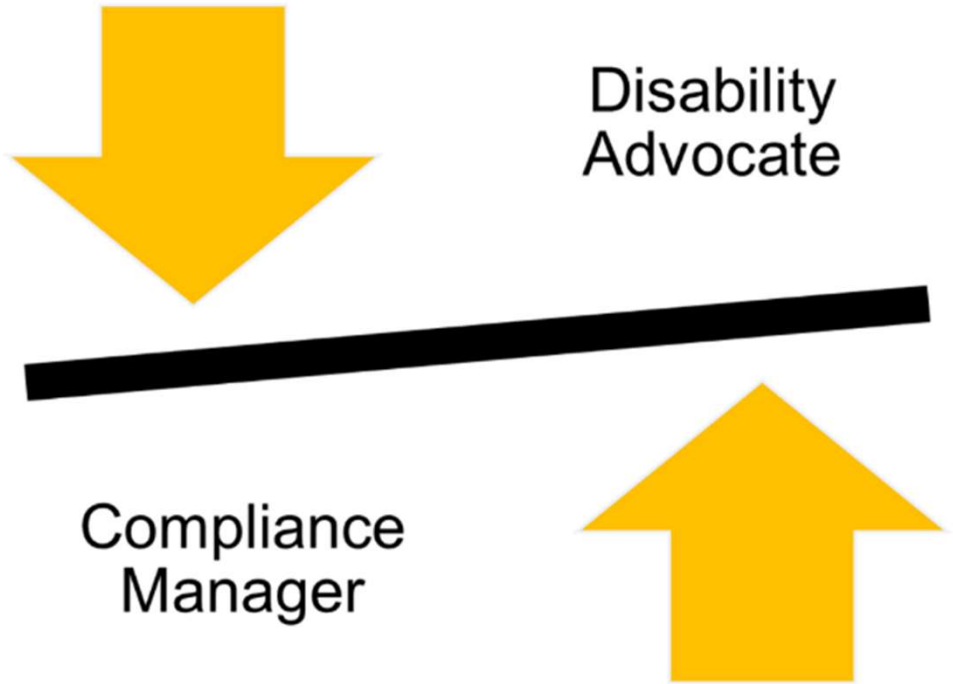
# Responsible Employee

- (§ 35.107)(a)
- Public entities with 50 or more employees
- 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/ Accessibility Management Team

**Designated Responsible Employee / City Manager**
- Authorized with final decision-making authority

**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*

# NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the [name of public entity] will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: [name of public entity] does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: [Name of public entity] will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in [name of public entity's] programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: [Name of public entity] will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in [name of public entity] offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of [name of public entity], should contact the office of [name and contact information for ADA Coordinator] as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the [name of public entity] to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

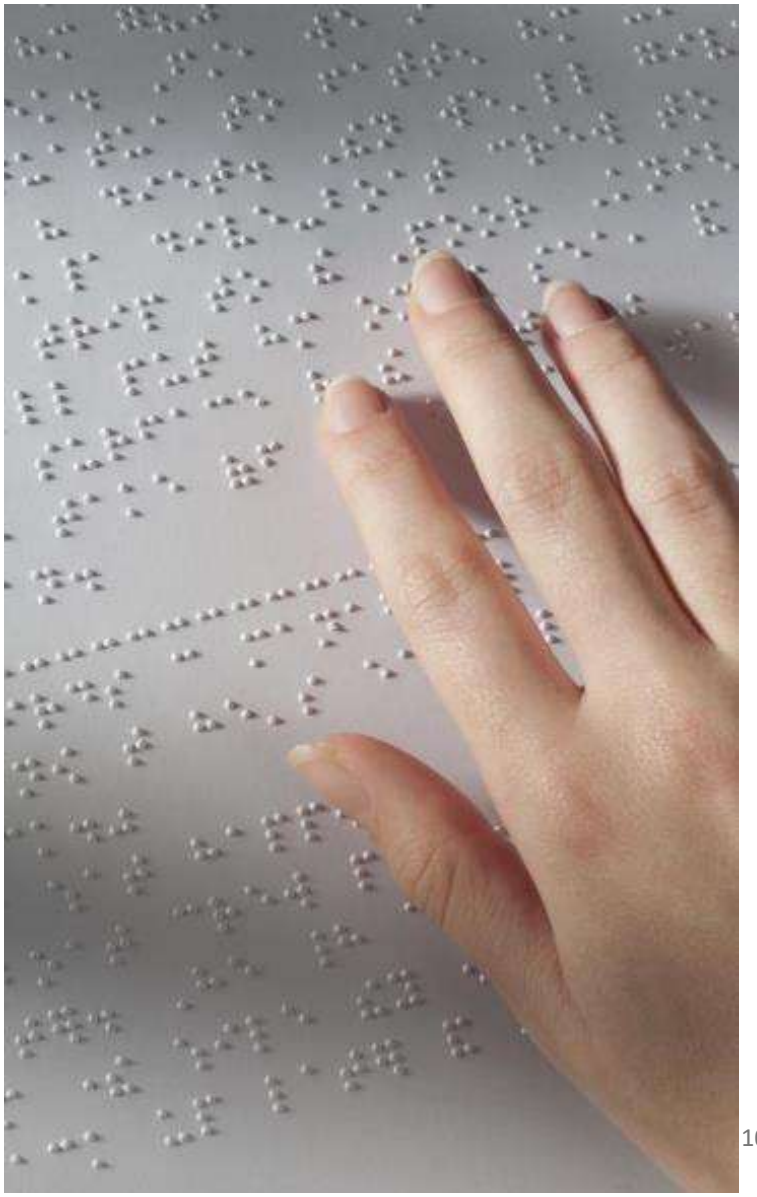
Complaints that a program, service, or activity of [name of public entity] is not accessible to persons with disabilities should be directed to [name and contact information for ADA Coordinator].

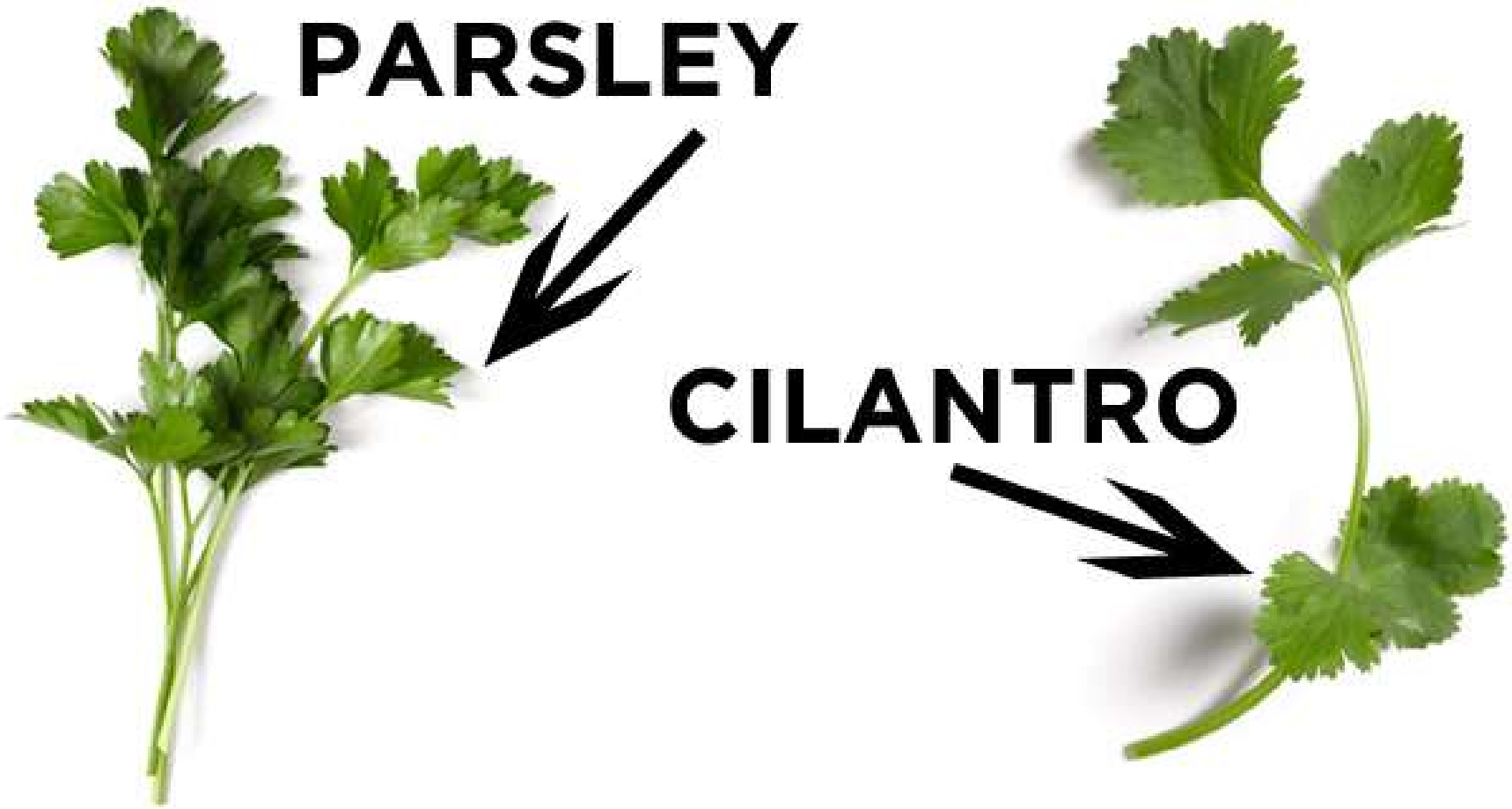
[Name of public entity] will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

*ADA Best Practices Tool Kit for State and Local Governments* https://www.ada.gov/pcatoolkit/chap2toolkit.htm

# 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?




PARSLEY
CILANTRO

*What's the difference?*

# Self Evaluation vs Transition Plan

- Required of **ALL** Title II public entities.
- Review of policies, practices, and procedures.
- Make reasonable modifications to policies, practices, and procedures.
- For public entities with 50+ employees, the self evaluation must be kept on file for 3 years.

**Self Evaluation**



- Title II public entities with **50+ employees** required to develop transition plan by July 26, 1992.
- Identify structural and communications barriers to programs, services, and activities.
- Schedule for barrier removal.
- Barrier removal to be completed by January 26, 1995.
- Must be kept on file until barrier removal is completed.

**Transition Plan**



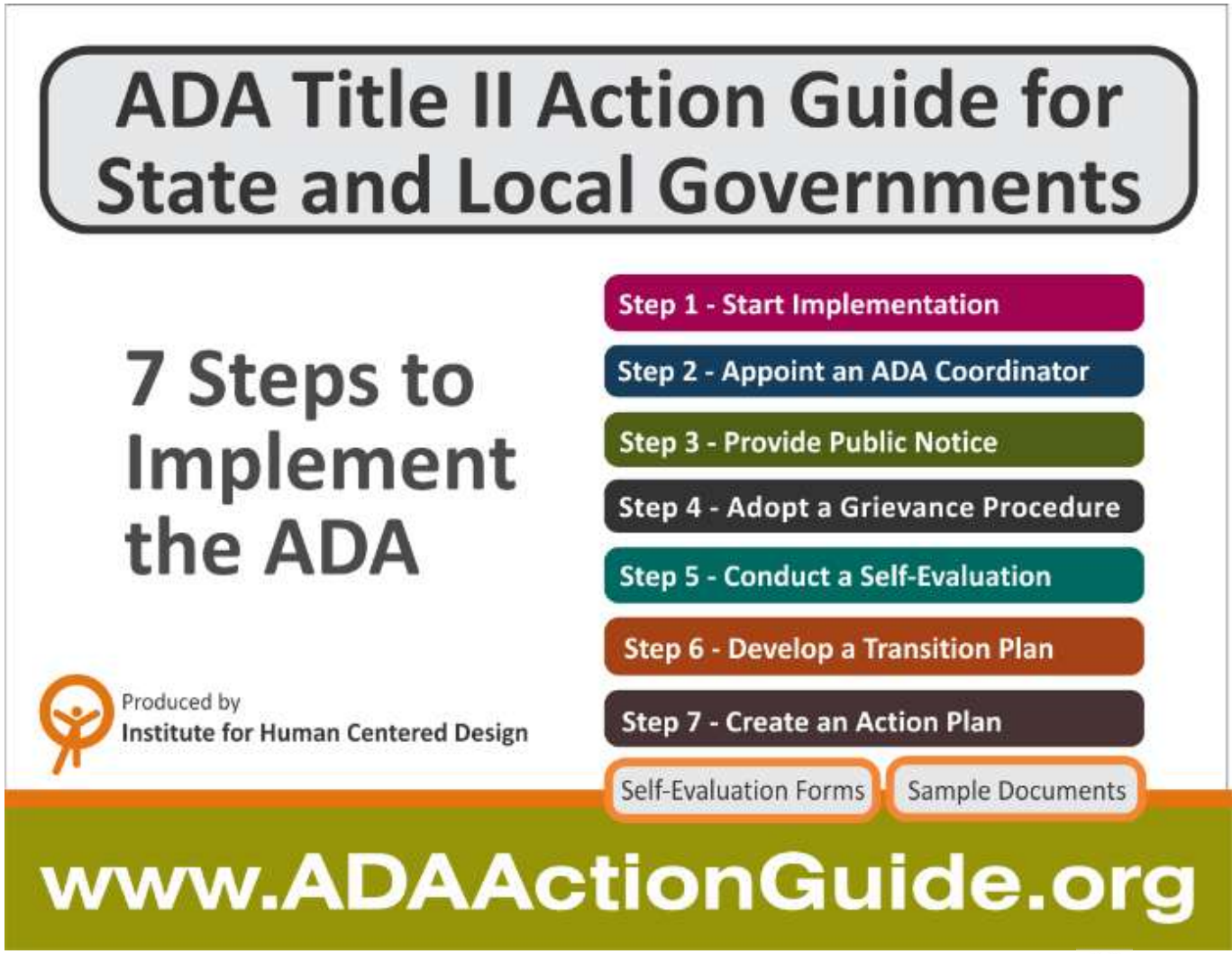
# Review of Policies, Practices & Procedures

- 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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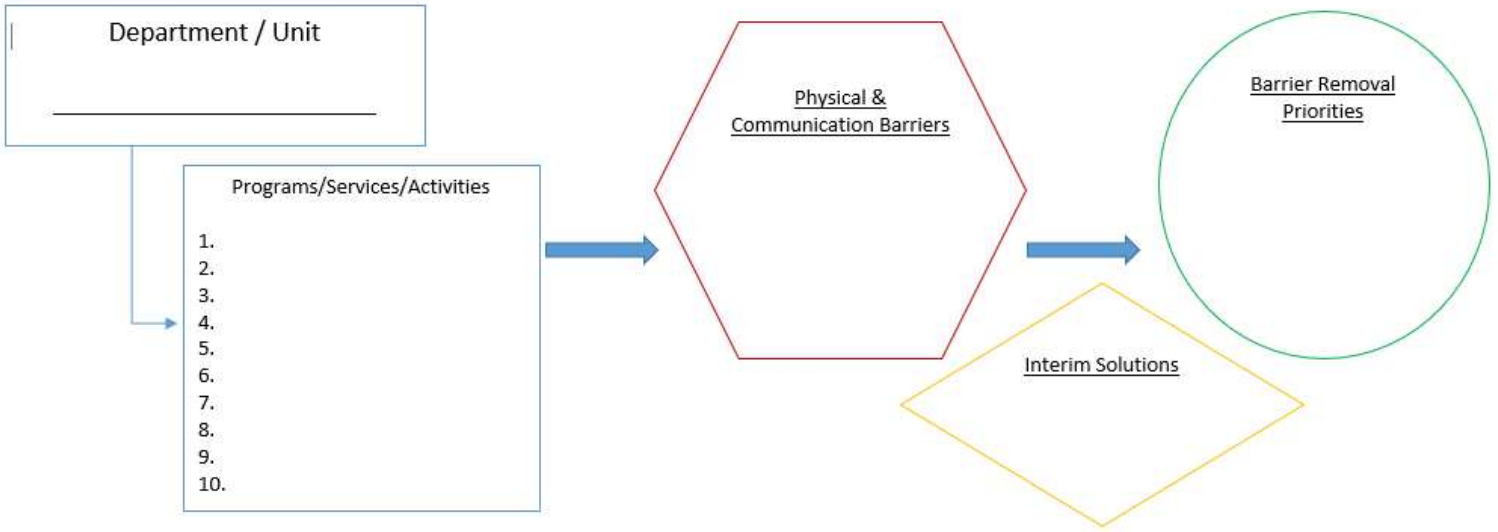
# Resources for ADA Self Evaluation




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## Charting Your Programs, Services & Activities for Access to People with Disabilities

The purpose of this exercise is to 1) diagram the programs, services and activities offered to the public; 2) identify barriers to participation for people with disabilities; 3) outline priorities for barrier removal and 4) describe the reasonable modifications to policies, practices and procedures to ensure people with all types of disabilities will have equal access to participate and benefit from the programs, services and activities.




Modifications / Auxiliary Aids & Services

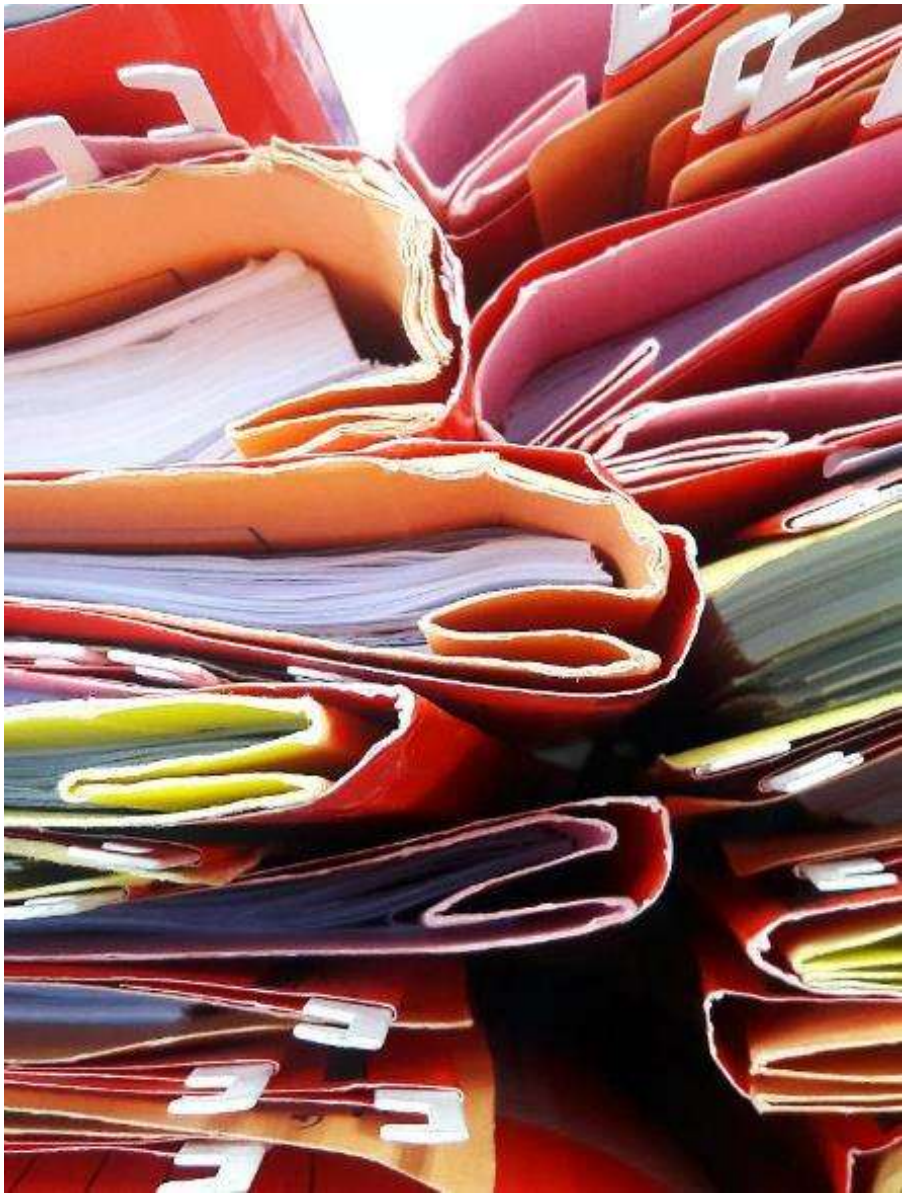
What modifications to the procedures or use of auxiliary aids & services have been put into place to meet the needs of people with disabilities?

| People with Physical Disabilities | People with Hearing Impairments | People with Visual Impairments | People with Cognitive Impairments | Other requests that may be received |
|---|---|---|---|---|
| | | | | |

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# Document Scan

- 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



# **Planning** for INCLUSION

Effective

**Accessibility Management**

and

**ADA Compliance**

starts with **PLANNING**!



### 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

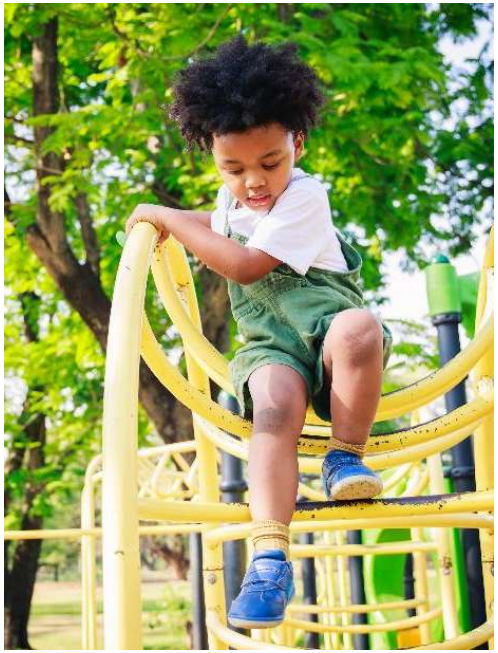
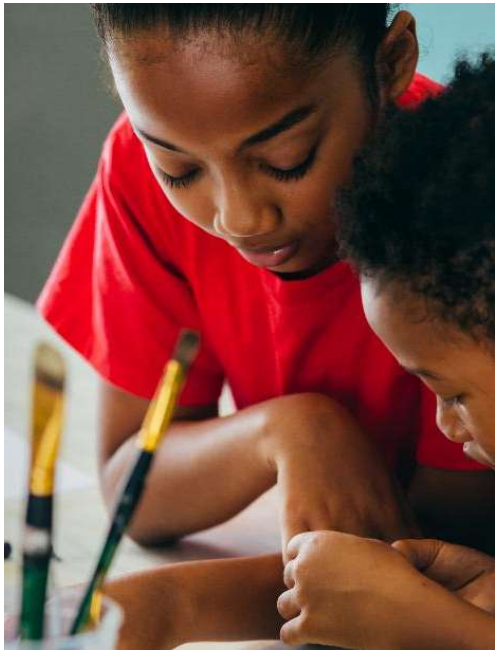
- Dynamic working document with a schedule for barrier removal.
- Community engagement with people with disabilities, advocates and families.
- Quarterly/semi-annual review of priorities.



### 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.

# The ADA & Program Access


# Poll Question #2

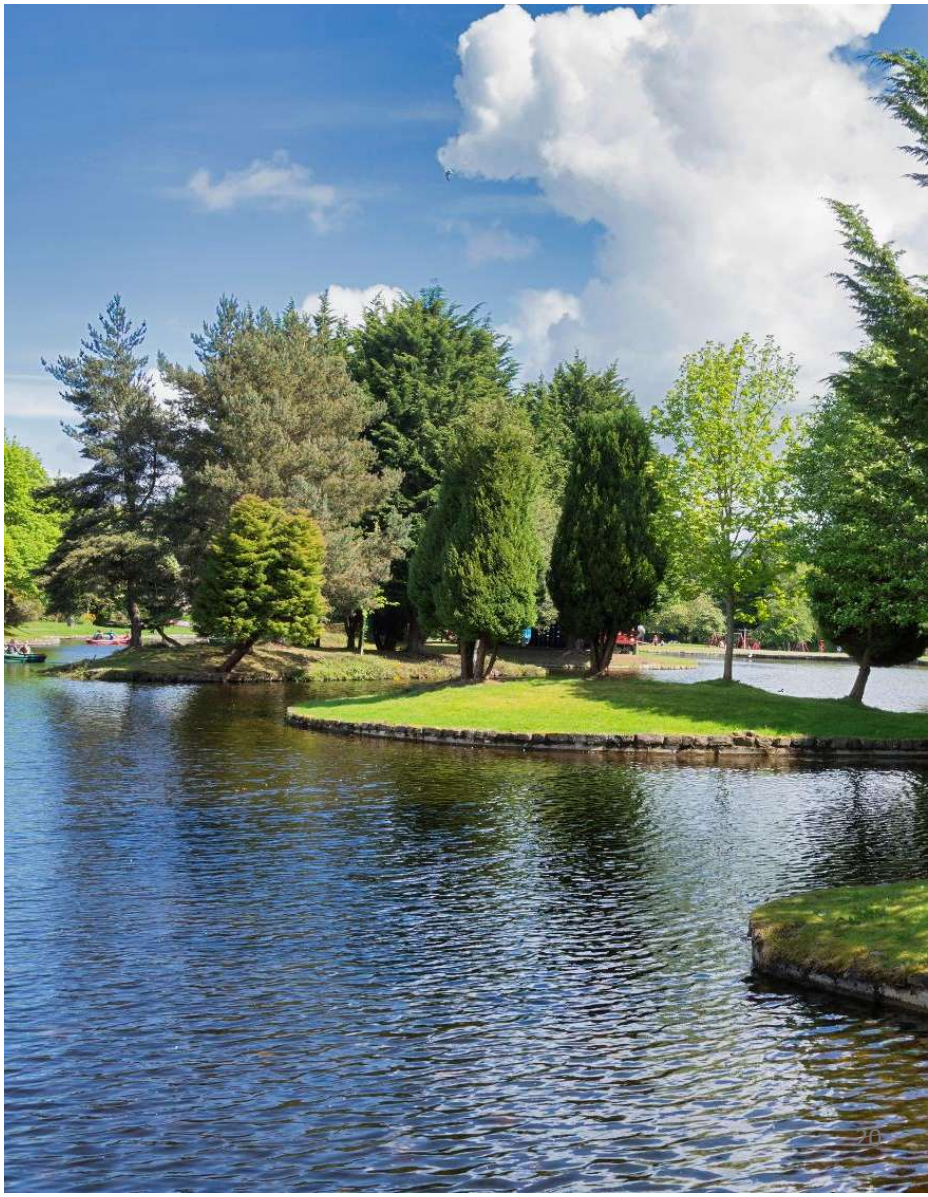
What types of programs, services, and activities do you offer?




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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.







# Program Access & Program Spaces

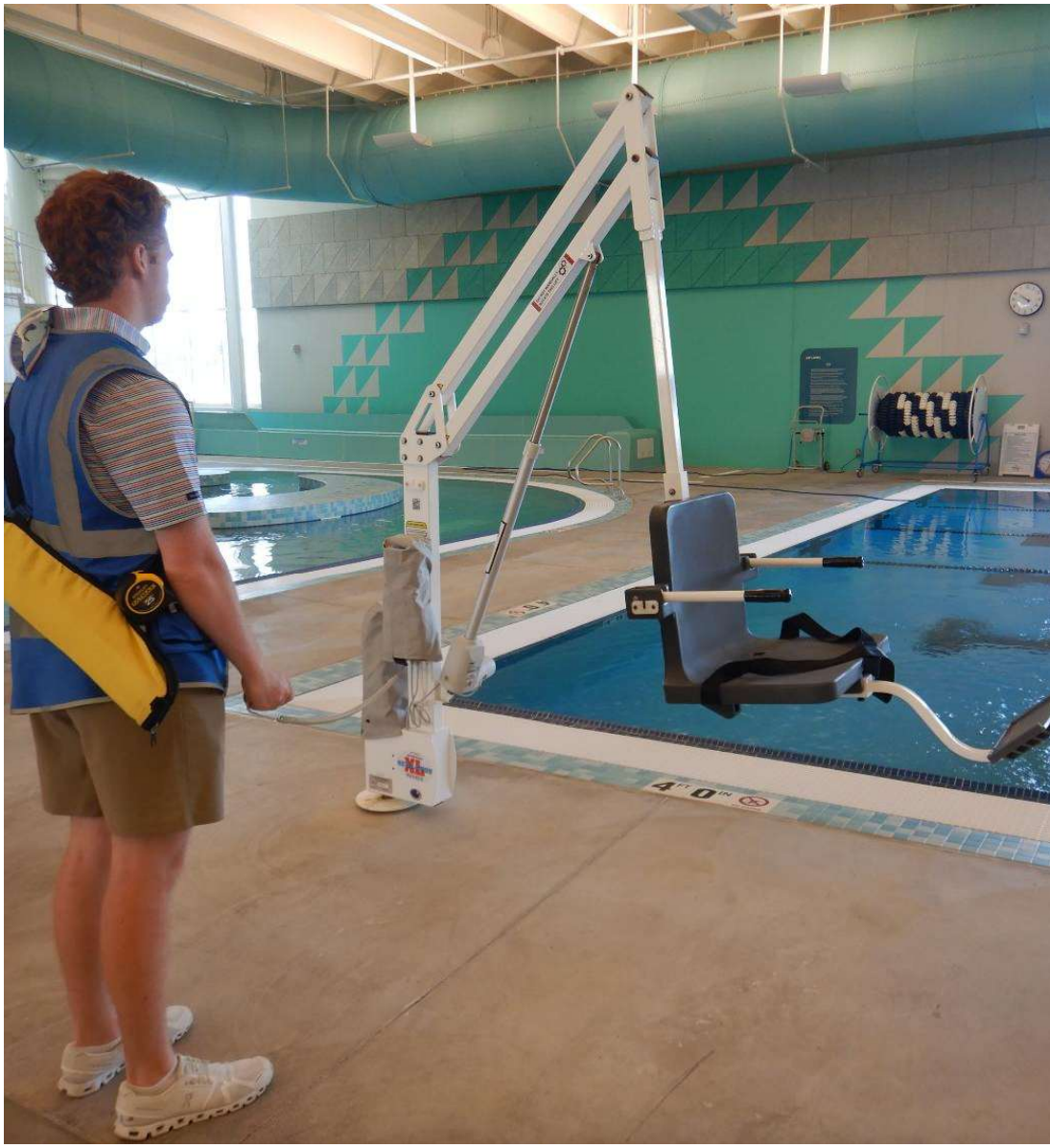
When viewed in its entirety, can people with disabilities participate and gain the benefits of the program?




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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?



# ADA Checklist for Existing Facilities

- www.adachecklist.org



Accessibility Assessment?

Survey?

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



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# Sample Assessment Report

## First Creek Dog Park

Assessment Date: 10/17/2016

*Commerce City Parks, Recreation and Golf*

*Accessibility Assessment Conditions Report*

| Location | Solution / Description and Recommendation | Priority | Cost Estimate |
|---|---|---|---|
|  | Parking<br>***Grade, resurface and stripe existing parking lot to include accessible parking spaces and access aisles***<br>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.<br>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.<br>Reference: *ADA 502*<br>Photo: FirstCreekDogPark-002<br>Record #: 109 | Priority 2 - Serious | $2,100 |
|  | Dog Park<br>***Correct changes in level/openings for accessible route***<br>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.<br>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.<br>Reference: *ADA 302.3, 303, 403.4*<br>Photo: FirstCreekDogPark-011<br>Record #: 110 | Priority 2 - Serious | $900 |

# 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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# DOJ Priorities for Barrier Removal*

1. **Accessible Approach and Entrance**

   Focus: People with disabilities should be able to arrive on-site, approach the building, and enter it just like anyone else.

   Key Actions: Creating designated accessible parking spaces, installing ramps, fixing uneven paving on sidewalks, and ensuring doors are wide enough and have accessible hardware.

2. **Access to Goods and Services**

   Focus: Once inside, individuals with disabilities must be able to access the primary areas where services, products, and programs are offered.

   Key Actions: Removing high-pile carpeting, repositioning merchandise shelves so they are reachable, rearranging display racks and tables to create a wide, barrier-free route, and providing accessible service counters.

3. **Access to Public Restrooms**

   Focus: If restrooms are provided for the public, at least one must be accessible or adaptable.

   Key Actions: Installing grab bars, insulating pipes under lavatories, widening stall doors, rearranging partitions to allow for wheelchair maneuvering space, and lowering paper towel and soap dispensers.

4. **Access to Other Amenities**

   Focus: Any remaining features and amenities intended for public use must be made accessible.

   Key Actions: Lowering public telephones or water fountains, and providing accessible drinking cups or alternative accessible paths to secondary features

**As recommended under Title III for "readily achievable barrier removal" in businesses that provide public accommodations.*









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*Drilling Down*

# Categorizing Criticality of Priorities *(Skulski Consulting Method)*

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.

Priority 2 – **Serious**
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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Examples

Criticality of Priorities












# A Note About Categorized Priorities

- These categorized priorities focus on achieving program access related to independent use by people with disabilities and may be different from the DOJ recommended order of barrier removal starting with parking; accessible route/entrance; area of program, service, activity, or goods/services (Title III); restrooms; and other amenities.
- 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**



# The Myth About Low Hanging Fruit and Accessibility Improvements



# ADA Barrier Removal from All Angles



# 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?
- Is INCLUSION of people with disabilities part of your organizational culture?

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# HOMEWORK

- Review your last ADA Self-Evaluation? Can you find it? Have policies or procedures changed?
- 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 anniversary of the ADA to reconnect with your disability community (listening sessions, focus groups, relationship building with disability organizations).




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