

ADA Self-Evaluation and Transition Plans

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Why it's important to develop Self-Evaluations and Transition Plans

- It's the law.
- Proactive measure in ensuring equal access.
- Preventive measure.
- Provides state & local agencies a way to perform a complete assessment of programs and develop a comprehensive plan for compliance.

Section 504 of the Rehabilitation Act

- Outlined in 49 CFR part 27.
- Prohibits discriminatory actions.
- Applies to recipients of Federal financial assistance.
- U.S. DOT has ultimate compliance oversight.
- Requires accessible programs and services.
- Applies to **all** programs and operations of recipients and sub-recipients.

Americans with Disabilities Act (ADA)

- Covers areas that Section 504 does not.
- Became law in 1990.
- Its regulations have been in effect since 1992.
- Jurisdiction is **not** tied to receipt of Federal funding or assistance.
- U.S. Department of Justice has compliance oversight.
- Amendments to ADA in 2008.

ADA Titles

- Title I – Employment
- Title II – Public Entities
- Title III – Public Accommodations, Private Entities
- Title IV – Telecommunications
- Title V - Miscellaneous

ADA Title II – Public Entities

- Any state or local government;
- Any department, agency of a state or local government; and
- Amtrack and any commuter authority.

ADA and 504

- Both civil rights laws.
- Both prohibit discrimination against qualified individuals with disabilities.
- Both require maintenance of accessible features.
- Both provide for equal access to programs and services.

Qualified Individual with Disability

- Types of disabilities:
 - Physical
 - Sensory
 - Psychiatric
 - Cognitive/Neurological
 - Health-Related

Compliance Responsibilities for State and Local Governments

<u>Institutions</u>	<u>Section 504</u>	<u>ADA</u>
STA Recipients and Sub-recipients (SDOTs & MPOs)	X	X
Local Govt's that receive FHWA funds	X	X
Local Govt's that do not receive FHWA funds		X

Public Entities Obligations under Title II and 504

- ADA/504 Coordinator
- Public Notification of ADA/504 Obligations
- Complaint/Grievance Procedure
- Self-Evaluation
- Transition Plan

ADA/504 Coordinator Responsibilities

- Collaborate and coordinate ADA/504 compliance efforts with division/department managers.
- Monitor the STA's policies, procedures, practices and processes for ADA/504 compliance; develop remedies if non-compliance is found.
- Develop complaint procedure.
- Investigate complaints filed.
- Monitor and update the implementation of the STA's Self-Evaluation and Transition Plan.
- Perform ADA/504 program, process or compliance reviews; inspect facilities for accessibility.

Self-Evaluation Requirements

- Required by ADA and Section 504 to be completed by both public entities and recipients, respectively.
- Identifies services that are not accessible.
- Identifies and corrects policies and practices that are inconsistent with Title II and ADA requirements.
- Title II ADA – should have been completed by January 26, 1993 (earlier for 504 recipients).

Self-Evaluation Requirements

- Describe steps to be taken to achieve accessibility.
- Provide opportunity for comment from the disabled community and the public.
- Retained for three years.
- Structural barriers addressed in the Transition Plan.
- No requirement for Federal or State approval.

Policy & Procedure Review for Self-Evaluations

- Examine each program to determine whether any physical barriers to access exist.
- Determine if any policies and practices exclude or limit the participation of individuals with disabilities in its programs, activities or services.
- Determine if communications with applicants, participants, and members of the public with disabilities are as effective as its communications with others.
- Procedures for emergency evacuation of individuals with disabilities during an emergency.

Policy & Procedure Review for Self-Evaluations (cont'd)

- Review written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning manner.
- If a public entity operates historic preservation programs, it should review its policies to ensure that it gives priority to methods that provide physical access to individuals with disabilities.
- “Undue Burden”
- Determine whether individuals with mobility impairments are provided access to public meetings.

Policy & Procedure Review for Self-Evaluations (cont'd)


- Review employment practices to ensure that they comply with other applicable nondiscrimination requirements (EEOC).
- Review building and construction policies to ensure that the construction of a new facility, part of a new facility, or alteration of existing facility built after January 26, 1992, conforms to the standards designated under Title II regulations.
- Determine whether measures have been taken to ensure that employees of a public entity are familiar with the policies and practices for the full participation of individuals with disabilities and if not, provide training.

Transition Plans

- Purpose: to eliminate structural barriers to program accessibility in state/local government buildings and facilities.
- Required for public entities with more than 50 employees. (28 CFR 35.150(d))

Transition Plans (cont'd)

- The Transition Plan Schedule should:
 - Identify existing facilities that limit access for persons with disabilities.
 - Describe in detail the methods that will be used to make facilities accessible.
 - Specify schedule for improving facilities by prioritizing needs of persons with disabilities in existing facilities.
 - Indicate who is responsible for implementation of the plan. (28 CFR 35.150(d)(3))



PUTTING IT ALL TOGETHER – STEPS TO BECOMING COMPLIANT



Getting Started

- Appoint an ADA/504 Coordinator to coordinate development, implementation and completion.
- Determine whether self-evaluation and transition plan has been done in the past.
- Form a committee representing all applicable sectors of your organization to assist.

Plan Development

- Specify Public Involvement efforts.
- Develop procedure for installation of accessible facilities.
- Monitor plan.
- Provide method for citizens to request curb ramps or sidewalk repair.
- Coordinate and incorporate plan into Pedestrian Master Plan, STIP and TIP.

Web Sites for more information

- www.ada.gov
- www.access-board.gov
- <http://www.access-board.gov/news/sidewalk-videos.htm>
- www.fhwa.dot.gov/civilrights/index.htm
- <http://www.fhwa.dot.gov/environment/bikeped/guidance.htm#Access>



Thank-you!

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