LDP: ADA Title II
State & Local Government
August 14, 2018
Presenters

Dr. Nanette Odell,
Talking Stick Arena Disability Services Manager

Michele Stokes,
ADA Compliance Specialist
Tempe Strategic Management & Diversity Office
What’s in your folder?

- Agenda
- Today’s PowerPoint Presentation
- ADA Update: A primer for State and Local Governments
- ADA Transition Plan – Phase II Update
- List of Communication Providers on Contract
- LivAbility Magazine
- Evaluation Form

Disability Problem #128

When "people of all shapes and sizes" never includes people with disabilities
Training Objectives

1. Summarize ADA Title II
2. Provide Overview of ADA City Council Priorities
3. Highlight Tempe’s ADA Story Map
4. Introduce Current Models of Disability
5. Identify Resources & Auxiliary Aids
6. Evaluate Effectiveness of Information Provided
Objective

1. Summarize ADA Title II

Disability Problem #45
People who taaaaalk toooo yoooouuuuu liiiiiike thiiiiiiis.
Title I  EEOC - Employment
Title II  DOJ State and Local Government Services - 28 CFR Part 35
- Part A  DOJ - Prohibition against discrimination in Public Services
- Part B  DOT - Public Transportation
Title III  DOJ - Public Accom. & Services Operated by Private Entities
Title IV  Various - Enforcement and Misc.
Title V  FCC - Communications
The ADA in Tempe

- ADA requires cities with more than 50 employees, to have:
  - ADA Coordinator,
  - Grievance Procedures,
  - Self-Evaluations and Transition Plans

Managed citywide via Strategic Planning & Diversity Office

- Tempe conducted self-evaluations after 1991 ADA
- Tempe City Council funded a new three-phase 2010 ADA Evaluation and Transition plan development four years ago
ADA: Relevance to Tempe: Anti-discrimination

The purpose of the ADA is: eliminate discrimination and provide access

1) to provide a comprehensive mandate for the elimination of discrimination against individuals with disabilities;

2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

3) to ensure that the government plays a central role in enforcing the standards on behalf of individuals with disabilities; and

4) to invoke the sweep of congressional authority, in order to address the areas of discrimination faced day-to-day by people with disabilities.
What is Disability Discrimination?

“... no qualified individual with a disability shall, by reason of such disability, be excluded from participation in, or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”
In the United States 1,596,670 people have some form of cancer.

In the United States 77,981,253 people have a diagnosable mental illness.

So why the stigma?

Faces of Mental Illness
ADA Title II - Basic Principals

- **Equal Treatment** – not being treated differently or inferior
  Same entrance. Same availability. Same independence.

- **Integration** – Separate is not equal,
  Programs, Services & Activities w/ accommodations
  Special Programs allowed, still requires integration

- **Essentially Eligible** – for service or program
  To participate like everyone else

- **Safety Rules** based on assessment of risk, not stereotypes
ADA Title II - Basic Principals

Treating people fairly may mean treating people differently
ADA Title II - Basic Principals

Exceptions:
- Different treatment okay, where necessary to participate
- No Fundamental Alteration of the Nature of Program or Service Required – i.e. Sand Volleyball is in the sand, So....

Sometimes “Equal (identical) Treatment” isn’t sufficient:
- Fair & equal opportunity to participate

Accommodations and Modification of Policies
- Service Animals; Assistance with Applications; Auxiliary Aids and services – ASL Interp.; Large Print; Braille; Assistance...
ADA: RELEVANCE TO TEMPE

What Tempe does for anyone, MUST be accessible to everyone:

A. Programs (ROW is a program), Services, Activities, Events, Recreation, Transportation, Meetings, Communications, and...

B. The facilities and in the manner its provided.

HOW? Glad you asked!
2010 ADA Standards for Accessible Design
Dr. Nanette Odell,
Talking Stick Arena Disability Services Manager
ADA: Resource

Primary resource: www.ada.gov

The ADA National Network is also a great resource and offers a great deal of training, including the ADA Symposium. http://adata.org/
Some 2010 Standards changed:

- **Controls.** 1991 Standards allowed light switches, thermostats, and other controls to be installed at 54 inches max. Under 2010 Standards, the maximum height is 48 inches.

- **Parking.** 1991 Standards required one van-accessible space for every eight accessible spaces. 2010 Standards require one van-accessible space for every six accessible spaces.

- **Seating.** 2010 Standards for assembly areas have revised requirements for dispersion of accessible seating, sightlines over standing spectators, and companion seating.
2010 ADA Standards are NEW for the following:

- Amusement rides
- Recreational boating facilities
- Exercise machines and equipment
- Fishing piers and platforms
- Golf facilities
- Miniature golf facilities
- Play areas
- Saunas and steam rooms
- Swimming pools, wading pools, and spas
- Shooting facilities with firing positions
- Residential facilities and dwelling units

Miscellaneous
- Team or player seating
- Accessible route to bowling lanes
- Accessible route in court sports facilities
MODIFICATION EXAMPLES

Per the 2010 Standards, “216.2.16.2 Designations. Interior and exterior signs identifying permanent rooms and spaces shall comply with 703.1, 703.2, and 703.5.”

In addition to ensuring that signage to restrooms, suites, etc. are compliant, signage was installed at US Airways Center to show the section a person is approaching, built-in concession stands and team shops, etc.

We’ve also made sure there is high contrast to the signs above each portal.

Note the symbol we created for all signage (except parking). There has been a very favorable response from the disability community.
When the Braille and raised letters on our signs has worn away or been chipped off we replaced only that part with a new high contrast and compliant sign.

This was far more cost-effective than replacing the entire sign.
Two of the ten high-top counters were lowered in one of the US Airways Center suite lounges. Knee and toe clearance were ensured as well as the proper height and depth of the counters.
MODIFICATION EXAMPLES

226 Dining Surfaces and Work Surfaces

226.1 General. Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902.

To achieve scope compliance in this area, we got creative.

These table edges fold down to reduce the size to a square.

When open, they provide the required knee and toe clearance.

We had the adjustable mechanism welded so they remain complaint. We also applied signage to them.
MODIFICATION EXAMPLES

The Arizona Rattlers play arena football at US Airways Center. To ensure accessible seating in all price points, a new seating section was created behind the end zone and a lift was purchased. Four of the six seats available sold to STH (season ticket-holders) within a week and have been renewed since.

Here, guests with disabilities have the same opportunity to experience a game up close and personal...

The same way other fans who have exciting front row seats do.

SEATING DISPERSION
MODIFICATION EXAMPLES

Originally, the stairs up to these platform seats protruded into the accessible path of the accessible seating area shown.

In all of these sections, the stairs were moved to the side and in 4 sections, the platform seating was reduced from 10 to 5 to make storage space behind the accessible seating.

Though not required to provide this “storage space” behind the accessible seating, we would prefer our guests to be able to keep their mobility devices with them when they prefer to transfer into standard seats.

This has been very well received by our guests.

ACCESSIBLE PATH...AND MOBILITY DEVICE STORAGE
MODIFICATION EXAMPLES

Per the 2010 Standards, **307 Protruding Objects: 307.2 Protrusion Limits**. Objects with leading edges more than 27 inches (685 mm) and not more than 80 inches (2030 mm) above the finish floor or ground shall protrude 4 inches (100 mm) maximum horizontally into the circulation path.

At both US Airways Center and Chase Field, we addressed the issue of drinking fountains as protruding objects by installing custom made railing to the sides of each. These provide cane detection but also support for those getting a drinking who need something to hold onto.
MODIFICATION EXAMPLES

To address concession stands with high counters, fold down tables were added that provide the proper height.

These can be folded down and locked if the portable stand needs to be moved. Later, signage was added also.

CONCESSION STAND COUNTERS
Per the 2010 Standards, **307 Protruding Objects**: 307.2 Protrusion Limits. Objects with leading edges more than 27 inches (685 mm) and not more than 80 inches (2030 mm) above the finish floor or ground shall protrude 4 inches (100 mm) maximum horizontally into the circulation path.

Also, per 308.2.1:

New business card boxes were made with less than 4” depth and placed on the walls so the drop slot is not above 48” AFF.
MODIFICATION EXAMPLES

Before

✓ Toilet moved to left.
✓ Flush value relocated.
✓ Sink moved to right and down.
✓ New lower mirror installed

After

✓ Grab bars modified and vertical installed.
✓ TP, paper towel, seat cover and soap dispensers all lowered.

RESTROOMS: TOILET, SINK, MIRROR, ETC.
MODIFICATION EXAMPLES

✓ Remove existing toilet, replace with one that flush valve it on the correct side and ensuring a toilet centerline of 16”.
✓ Reinstall a back grab bar 6” from wall to achieve at least full 42” max, side grab bar 12” from the back wall and both at 34” AFF.
✓ Remove bottom 9” of side wall (next to toilet) to achieve toe clearance.

✓ Install t.p. dispenser /shelf at is 1” below the new grab bar & 7-9” from the rim.
✓ Provide self-closing hinge to existing door.
✓ Reinstall lower seat cover dispenser at 48” AFF on the wall opposite the side grab bar.

STALL MODIFICATIONS...Can you see all the changes?
Accessibility Standards developed by the U.S. Access Board

- Section 508 Standards and Section 255 Guidelines for Information Communication Technology (Updated)
- Buildings and Sites (ADA/ABA)
- Recreation Facilities (ADA)
- Outdoor Developed Areas (ABA)
- Public Rights of Way and Shared Use Paths (ADA)
Accessibility Standards developed by the U.S. Access Board

- Transportation Facilities & Vehicles
- Passenger Vessels
- Medical Diagnostic Equipment Accessibility Standards
- Prescription Drug Container Labels (advisory guidance)
U.S. Access Board has Implemented Gov. policies regarding:

- Accessibility Statement
- Fragrance-Free Environment
- Freedom of Information Act
- Information Quality
- Plain Language

- Privacy Program and Website Privacy Policy
- Reasonable Accommodation Procedures
2010 ADA Standards are the law, 
But cities build to national and local building codes, right?

- Tempe’s family of building codes reference 2010 ADA.
- The ADA Title II applies to construction and renovations of city properties, parks, parking, transportation facilities and ROW which is reviewed internally for ADA compliance.
- Plan reviews of construction by others, follow Title III. Community Development reviews for ADA compliance.
Proposed Draft 2018 International Code Amendments

The adoption of the amendments is pending Council approval in August 2018. The proposed effective date for the amendments is October 1st, 2018 with a grace period to submit under the 2012 codes and amendments until December 31, 2018.

<table>
<thead>
<tr>
<th>Type</th>
<th>Code Reference</th>
<th>Amendment Link</th>
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<tbody>
<tr>
<td>Energy</td>
<td>2018 International Energy Conservation Code (IECC)</td>
<td>Amendment</td>
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<tr>
<td>Residential</td>
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<tr>
<td>Swimming Pool/Spa</td>
<td>2018 International Swimming Pool and Spa Code (ISPSC)</td>
<td>Amendment</td>
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The International Code Council provides read – only access to the family of International Codes. Click on the link [http://codes.iccsafe.org/I-Codes.html](http://codes.iccsafe.org/I-Codes.html)

2010 ADA Standards are the law,
But cities build to national and local building codes, right?

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2010 ADA Standards are the law,
But cities build to national and local building codes, right?

- The requirements for city facility access and for public accommodation access are similar. However, cities have a higher standard to meet as city amenities and services are not available elsewhere, i.e. Courts, Police, Fire, Utilities.

- Tempe also complies with other standards:
  ADA Transportation Standards, enforced by the Fed. Transit Administration (FTA) which include Part 37 and Part 38: Transportation Services and Facilities; as well as ADOT and Maricopa County regulations.
• Involvement strategies in Phase II:

  • “Easy English” ADA Summary report in large print at 5th grade reading level

  • Request feedback on “priority” at health & wellness community fairs

  • Visited 10 disability advocacy groups
Objective

2. Provide Overview of ADA City Council Priorities
The ADA: is the minimum, a starting point...

- ADA - NONDISCRIMINATION ON THE BASIS OF DISABILITY
- Title II Overview – State and Local Government

Making the Build Environment Accessible

- Public entities have an ongoing obligation to ensure that individuals with disabilities are not excluded from programs, services and communications because facilities are unusable or inaccessible to them.
- There is no “grandfather clause” in the ADA that exempts older facilities.
The ADA: is the minimum, a starting point...

**ADA - NONDISCRIMINATION ON THE BASIS OF DISABILITY**

**City Council Priorities & ADA**

- Tempe - Disability Inclusion Plan (3.13)
- Tempe – ADA Transition Plan (3.14)

When you're sitting in a restaurant and this invisible magnet makes everyone bump into you while you're eating.
Tempe – Disability Inclusion Plan (3.13)

Achieve a score of 100 on the self-assessment tool for "Disability Social Inclusion" in accordance with the Tempe Disability Inclusion Plan (T-DIP) and the National Council on Disability.

Baseline: Under development  
Target: 100

Why this matters: They goals will include measurable goals benchmarked in various laws and the National Council on Disability Progress Report – Next 25 Years; the Rehabilitation Act, Fair Housing Act; Assistive Technology Act; Telecommunications Act and 21st Century Communications and Video Accessibility Act and others.
Tempe - Disability Inclusion Plan (3.13)

Achieve a score of 100 on the self-assessment tool for "Disability Social Inclusion" in accordance with the Tempe Disability Inclusion Plan (T-DIP) and the National Council on Disability.

**Baseline:** Under development  **Target:** 100

It will cover:

- **Transportation**
- **Employment Policies**
- **Equality Services**
- **Programs**
- **Communications Events**
- **Activities**
Tempe – ADA Transition Plan (3.14)

Achieve accessible sidewalks, curb ramps, and crosswalks in all city right-of-ways as outlined in the Tempe ADA Transition Plan.

Baseline: Under development  
Target: 100%

Why this matters: ADA Compliance as identified in the Tempe ADA Transition plan will facilitate access to city amenities and services by removal of barriers in city buildings, parks, sidewalks, curb ramps, pedestrian signals, transit stops and parking. This legal requirement also facilitates access to businesses and addresses disability discrimination.
Objective

3. Highlight Tempe’s ADA Story Map
www.tempe.gov/ADA

When people think a physical disability is the same as a mental disability.
Becoming a More Accessible City

At the City of Tempe, accessibility is a part of everyday life. From accessible playgrounds to wide, flat cityscapes, from assistive listening devices to large print documents, we will provide the access that you need. We want everyone to be able to live, work and play in Tempe.

Currently, the City is evaluating what needs to be removed, changed, or repaired to become more accessible for all its residents and visitors. This evaluation will form the basis of Tampa’s Americans with Disabilities Act (ADA) Transition Plan.

Contents

Scroll or select links to jump to sections:
- Why is Accessibility Important?
- Self-Evaluation & Transition Plan
- Technology & Data
Becoming a More Accessible City

Explore Data

- All Layers
- Corridors
- Curb Ramps
- Parking & Park Facilities
- Pedestrian Crosswalk / Traffic Signal
- Pedestrian Islands
- Phase Areas
- Sidewalk Cross Slope
- Sidewalk Obstructions
- Transit Stops

For more information on the ADA Transition Plan content and data evaluated, please visit the City of Tempe ADA Transition Plan page.
Becoming a More Accessible City

Curb Ramps & Crosswalks

Curb ramps are an essential engineering design that makes mobility from a sidewalk surface to a crosswalk possible. In the self-evaluation process, curb ramps are classified as "none" (a curb without a ramp) or as one of the 5 different kinds of curb ramps. At each location, field technicians note the ramp's running slope, cross slope, flared sides, landing area slope, detectable warning systems, and the transition from ramp to pavement.

Common Barriers

Missing or Non-Compliant Detectable Warning Systems & Landings
Truncated domes are small dome-shaped bumps that cover the curb ramps and are a type of detectable warning system (DWS). Detectable warning domes are designed to be felt underfoot, or under a cane or wheelchair by people who are blind or have low vision, alerting them that the pedestrian sidewalk is transitioning to a crosswalk in the roadway.

Landings refer to the presence of a flat, level area at the bottom and top of a ramp and allow for proper maneuvering such as a person who uses a wheelchair changing direction.

No Ramps at Crosswalk
When a location doesn't have a curb ramp where one is warranted, it creates an obstacle for accessing places and a possible hazard.
Becoming a More Accessible City

Sidewalks

Tempe’s evaluation areas cover major street corridors including sidewalks, curb ramps, crossing signals, bus stops, public parking and parks throughout the city. The next sections show examples of these types of identified barriers that need to be removed, changed or fixed.

Sidewalk evaluation includes running slopes and cross slopes, obstructions, joint heaving (bumps or changes in level), joint gaps (spaces or cracks) and driveway crossings. Sidewalks that have access issues tend to be constructed before the ADA.

Common Barriers

Sidewalk Cross Slopes that Exceed the Two Percent Maximum
The degree that a sidewalk tilts across its width is the cross slope. When the sidewalk cross slope is too steep, the ease with which a person who uses a wheelchair, cane or walker can propel forward while maintaining control and balance may become difficult. The ADA standard is a two percent cross slope and most of the sidewalk cross slope problems in Tempe are minor.
BREAK

Return in 10 min!
4. Introduce Current Models of Disability
2. Introduce Current Models of Disability

- The Medical/Rehabilitative Model
- The Social Model
- What’s next! Universal/Inclusive...
Medical/Rehabilitative Model of Disability

The medical model of disability focuses on:

- The medical aspects of a disability
- Seeks to "cure" a person of their disability
- Goal is to return as closely as possible to a able-bodied state

Stop telling me I'm inspirational. I'm not here to inspire you.
Medical/Rehabilitative Model of Disability

In the past and even today, this is a common way that people think and create policy about disability.

“The problem” is contained in the individual who has the disability instead of the problem being with the environment around them.
Medical/Rehabilitative Model of Disability

In the medical model, a disability's solution is by medical professionals who can cure the effect of a disability with things like prosthetics, surgeries, counseling, and medications.

But if I cannot be “fixed” this doesn’t work. This approach is called “able-ism”

"You're too young to feel like that."
"It's all in your head."
"Your pain isn't real."
"Everybody gets tired, sometimes."
"Aren't you better, yet?"
"You're blowing me off again?"
"I'd like to lay in bed all day, too but some of us have to work."
"You don't look sick."
Medical/Rehabilitative Model of Disability

The rehabilitative model is closely related. It focuses on the belief that if the person with a disability “makes an effort” has a “good attitude” and works with rehabilitative services, they can “overcome” their disability.

But no amount of “effort” is going to make a flight of stairs a ramp.

No “good attitude” is going to turn a printed page into Braille.

No “rehabilitation” is going to make me “overcome” deafness.

In large part, the discomfort, annoyance, and intervention of onlookers are what make me a Tourette sufferer. If I have a tic and there is no one there to mock me, is it a tic?
Medical/Rehabilitative Model of Disability

The Rehabilitation Act and ADA regulations attempted to address some of the damage caused by these models and **start** the progression towards the Social Model of Disability.

**Disability Problem #19**

"But I've seen you walk, why do you need a wheelchair?"
Social Model of Disability

The Social Model of Disability focuses on:

• Identifying and removing systemic barriers,
• Recognizing the exclusionary barrier of negative attitudes,
• Recognizing that exclusion by society (purposely or inadvertently) causes isolation, poverty, and limits full participation.

When your significant other is praised for staying with you... “It must be so hard to be with him/her," or “God bless your heart."
Social Model of Disability

This means society is the main contributory factor in disabling people. While physical, sensory, intellectual, or psychological variations may cause functional limitations, these do not have to lead to disability, unless society fails to take account of and include people regardless of their individual differences.

When someone says "disabled" or "handicap" and all eyes go to you to see if it's ok.
Social Model of Disability

The Social Model, which concerns equality, implies that attempts to change, "fix" or "cure" individuals, especially when used against the wishes of the patient, can be discriminatory and prejudiced. The Social Model implies that practices such as eugenics are founded on social values and a prejudiced understanding of the potential and value of those labeled disabled.

That's how eugenics keeps on growing.

First they pity us.
Then they dehumanize us.
Then they conclude that a dehumanized, pitiful life is not worth living.

AMY SEQUENZIA
Social Model of Disability

Over 200,000 people with disabilities were the first victims of the Holocaust... The Social Model of Disability is not an all encompassing theory of disability, but rather a starting point in reframing how society views disability.

March 2012, South Cobb H.S. Choir
Medical and Social Models...

Her impairment is the problem! They should cure her or give her prosthetics.

The medical model of disability

WAY IN
Everyone Welcome!

The stairs are the problem! They should build a ramp.

The social model of disability

Image by UAA: http://www.uaa.alaska.edu/accessibility/topic/architecture.cfm
Objective
5. Identify Resources & Auxiliary Aids
Resources

- www.ada.gov
  ADA regulations, materials and more
- https://www.ada.gov/access-technology/index.html
  Access Technology and Communications
- https://www.access-board.gov/
  Research, Accessible Design Information
- https://adata.org/
  ADA National Network
COMMUNICATION

Web Accessibility:
Contact Public Information Office - Michele Guirere

Meeting Accessibility
Include accommodation statement and contact information on all media and plan for accommodations, you can cancel if not needed, within 48 hours of the meeting. Contact Michele Stokes for more information on accessibility
COMMUNICATIONS – Plan ahead: 4 weeks notice or more!

- Listening systems, CART, ASL Interpreters:
  Call SM&D ADA Office for Portable Listening System
  www.tempe.gov/ADA for list of CART & ASL Interpreters.

- Braille documents:
  Foundation for Blind Children
  will Braille documents.
For more information, Contact:

Michele Stokes, Tempe ADA Compliance Specialist
Strategic Management & Diversity Office
31 E. 5th St, 2nd Floor, Tempe, AZ 85281
Michele_Stokes@Tempe.gov
480-350-2704 or via Relay 7-1-1
www.tempe.gov/ADA
Acknowledgements

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EVALUATION

Please fill out your evaluation and let us know what topics you would like to discuss at the next LDP: ADA Session

ADA: HOT TOPICS

on Nov. 6, 2018

Same time/Same location

Please leave the evaluation on the table.

Thank you for attending!
LDP: ADA Title II
State & Local Government