

Livermore Area Recreation and Park District
ADA Transition Plan/Self Evaluation
Updated May 19, 2016

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Part 1: Introduction and Purpose

1.0 INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted into Federal law in 1990. The intent of the ADA has been to make American society more accessible to people with disabilities and to provide legal (civil rights) protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 are companion legislations to the ADA, mandating that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any programs or activities. Specifically, LARPD is covered by the ADA's Title I (Employment), Title II (Government Programs and Services) and Title III (Public

Accommodations). Additionally, some Livermore Area Recreation and Park District (LARPD or District) programs fall under Section 504.

This report will assist the District, its Board of Directors and staff in identifying policy, program, and physical barriers to accessibility and in developing solutions that will increase access to all individuals. This report describes the process by which policies, programs, and facilities were evaluated for compliance with the ADA; presents the findings of that evaluation; and provides recommendations for ensuring compliance. This report also provides an overview of the requirements for developing the Transition Plan and outlines the plan development process itself. Subsequent sections describe and evaluate policies and programs and establishes the relationship between physical and programmatic barriers to accessibility.

The District's intent has and continues to be compliance with the legal requirements, and just as importantly, compliance with the spirit of the ADA. This included working with staff, policies, procedures and practices to eliminate discrimination against individuals with disabilities and to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independence and self-sufficiency for people with disabilities. LARPD staff members are trained, encouraged and expected to be creative and persistent in finding ways to accommodate and include people with disabilities in programs and activities of the District and to incorporate an interactive process to arrive at acceptable solutions.

Discrimination and Accessibility

There are two kinds of accessibility that must be addressed to ensure an absence of discrimination: physical accessibility and program accessibility.

Physical accessibility requires that facilities be barrier-free. This involves removing barriers, including any obstacles that prevent or restrict the entrance to or use of a facility by individuals covered under the protection of the ADA.

Program accessibility requires that individuals with disabilities be provided an effective opportunity to participate in or benefit from the District's programs and services. Program accessibility includes physical accessibility, but also entails all of the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information. Some examples include: advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aides, and provision of services at alternate sites.

When choosing a method of providing program access, District staff shall give priority to the method that result in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the District provides equality of opportunity, but cannot guarantee equality of results.

Undue Burden/Hardship

LARPD is not required to take any action that the District can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition, or would represent an undue financial and/or administrative burden. The determination that undue burdens would result, must be based on an evaluation of all resources available for use in the program. For example, if a barrier removal action is judged unduly burdensome, the District must and will consider other options for providing access to the benefits and services of

the program or activity by individuals with disabilities. Creativity, trial and error and compromise may be used by District staff to reach satisfactory results for the participant and the District. All of the District's facilities, resources and budget (not just the budget for an individual class or program unit) are taken into consideration when determining if a specific situation is an undue burden or hardship.

Reasonable Accommodation

The District is obligated to provide "reasonable accommodation" to any request by persons covered under the ADA. There are a number of factors that can be taken into consideration; however, most situations can be handled to the participant's satisfaction if LARPD staff will look for ways to accommodate the individuals as opposed to looking for excuses not to provide the accommodation. Remember, "reasonable" means different things to different employees – and judges/juries.

1.1 OVERVIEW OF THE ADA

The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is divided into five parts, which are:

Title I: EMPLOYMENT

Under this Title, employers, including all governmental agencies, must ensure that their practices do not discriminate against persons with disabilities in the conditions, and rights of employment including application, hiring, advancement, training, compensation, and discipline (including discharge) of an employee.

Title II: PUBLIC SERVICES

This Title prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under this Title that this self evaluation is required. The self evaluation outlines programs and services of the District and evaluates which policies and procedures must be changed or implemented to comply with the policies of Title II.

Title III: PUBLIC ACCOMMODATIONS

Title III requires public facilities to be accessible to and usable by persons with disabilities. The term "public accommodation" as used in the definition is often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public, such as: theme parks, restaurants, hotels, etc.

Title IV: TELECOMMUNICATIONS

This Title covers regulations regarding private telephone companies and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

Title V: MISCELLANEOUS PROVISIONS

This Title contains several miscellaneous regulations, including construction standards and practices, provisions for attorney's fees, and technical assistance provisions.

The District's Transition Plan deals primarily with Title II, which requires the District to evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination regulations of the ADA. The regulations detailing compliance requirements, issued in July, 1991 mandate that each public entity examine activities and services, identify problems or physical barriers that may limit accessibility by the disabled, and describe potential compliance solutions. The entity must then proceed to make the necessary changes resulting from the self evaluation. The ADA further requires that a transition plan be prepared to describe any structural or physical changes required to make programs accessible.

The Livermore Area Recreation and Park District's ADA Transition Plan is established by this document and the documents incorporated within or by reference. The District's self evaluation is prepared as a separate document.

Rehabilitation Act of 1973 (Section 504)

The Rehabilitation Act of 1973 is similar to the ADA however it applies only to government agencies that receive federal financial assistance. The Act, which has become known as the "civil rights act" of persons with disabilities, states that:

No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title V of the Rehabilitation Act contains nondiscrimination provisions that provide protection to individuals with disabilities. Specifically, the District may not, either directly or through contractual arrangements, do any of the following:

- Deny persons with disabilities the opportunity to participate as members of advisory boards and commissions.
- Deny persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the District offers permissibly separate or different activities.
- In determining the location of facilities, make selections that have the effect of excluding or discriminating against persons with disabilities.

The ADA specifically states an intent not to apply lesser standards than are required under other federal, state, or local laws is to be followed; therefore, the law which is the most stringent has precedence. This intent has particular application with respect to the District's obligations under Section 504 or under Title 24 of the California Code of Regulations, which in some cases, exceed ADA requirements with respect to structural and physical changes. Title II mandates that public entities may not require eligibility criteria for participation in programs and activities that would screen persons with disabilities, unless it can be proven that such requirements are necessary for the mandatory provision of the service or program. A public entity must reasonably modify its policies and procedures to avoid discrimination toward individuals with disabilities. However, if the public entity can demonstrate that a modification would fundamentally alter the nature of its service, it would not be required to make that modification. Title II also addresses the use of auxiliary aids necessary to enable persons who have visual, hearing, mobility, or similar impairments to gain access to programs and activities provided by making an appropriate reasonable accommodation. The lone exception to these requirements would be because of undue hardship. The District is required to prepare a self-evaluation to assess its programs and services to assure that discriminatory practices are identified and removed. Where it is necessary to remove architectural barriers to program accessibility, the District must also prepare a transition plan. "Architectural barriers" are elements of the facility structure, i.e. permanent elements of the building that make the facility or portions inaccessible. The transition plan outlines the structural modifications it will implement to make its programs and services accessible to people with disabilities.

1.2 Definitions

The following definitions reflect some, but not all, of the critical wording found within the ADA. The Americans with Disabilities Act should be referred to for the full text of definitions and explanations.

a. Individual with a Disability & Qualified Individual

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

Individual with a disability means a person who has a disability. The term individual with a disability does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use.

b. Substantial Limitation of Major Life Activities

An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people. *Major life activities* are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. In determining whether physical or mental impairment *substantially limits* the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

1. The nature and severity of the impairment;
2. The duration or expected duration of the impairment; and
3. The permanent or long-term impact (or expected impact) of or resulting from the impairment.

c. Regarded as Having a Disability

An individual is disabled if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

d. Physical or Mental Impairment is:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(2) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(iii) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(3) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(4) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(5) The phrase *is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

(6) The term *disability* does not include—

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania;

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs; or

(iiii) Pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

e. Having a Record of Impairment

An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

f. Discrimination on the Basis of Disability

Discrimination on the basis of disability means to:

- Limit, segregate, or classify an individual in a way that may adversely affect opportunities or status because of the person's disability;
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability;
- Participate in a contract that could subject a qualified individual with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the District's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

g. Complaint

A *complaint* is a claimed violation of the ADA. A *complete complaint* means a written statement that contains the complainant's name and address and describes the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of this part. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

h. Drugs and Drug Use

Drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

Illegal use of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term illegal use of drugs does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Current illegal use of drugs means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

i. Direct Threat

Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided in § 35.139.

j. Historic

Historic preservation programs means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

Historic properties means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

k. Reasonable Modifications (Programs)

If the individuals' disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable these individuals to perform the essential functions of the program or activity. Reasonable program modification is any change in program or activity or in the way things are customarily done that enables an individual with a disability to enjoy equal program opportunities.

Accommodation means modifications or adjustments:

1. To a registration or application process to enable an individual with a disability to be considered for the program or activity;
2. To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and
3. That enable individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities.

Modification applies to:

- All decisions and to the application or registration process;
- All services provided in connection with the program or activity; and
- Known disabilities only.

Examples of typical accommodations include:

- Removal of physical barriers;
- Activity modifications;
- Acquisition or modification of equipment or devices;
- Provision of auxiliary aids and services such as qualified readers or interpreters;
- Appropriate adjustments or modifications to training or activity materials.

Modification is not required if:

- *It changes the essential nature of a program or of the activity of the person with a disability;*
- *It creates a hazardous situation;*
- *Adjustments or modifications requested are primarily for the personal benefit of the individual with a disability; or*
- *It poses an undue burden on the District (see Undue Hardship/Burden).*

l. Service Animal means 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The service animal is to remain at all times with the individual who it is assisting. Not all disabilities are visible. Nor should individuals with disabilities be forced to prove their disability to every person who inquires. Individuals with disabilities have a right to their privacy and should not have to forego the benefits of a service animal to maintain their privacy. An individual with a service animal may be asked: "Is this a service dog?"; "What task(s) does the service dog perform?"; and, to leave any public space if the animal is out of control or my threatening the health or safety of others.

m. Undue Hardship or Burden

The District shall not provide an accommodation that imposes an undue burden on the operation of the District's business. *Undue burden* means significant difficulty or expense incurred in the provision of accommodation. Undue burden includes, but is not limited to, financial difficulty. Undue burden refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the District. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. If a particular modification is determined to cause an undue burden to the District, the District shall attempt to identify another modification that would not pose such a burden. If cost causes the undue burden, the District must consider whether funding for the modification is available from an outside source. If no such funding is available, the District must give the person with a disability the opportunity to provide the modification or to pay for that portion of the modification that constitutes an undue burden.

The following factors are considered in determining whether a program modification would create an undue burden:

1. The nature and net cost of the modification;
2. The financial resources of the District available to make the modification;

3. The impact the expense of the accommodation will have on the affected District operation(s);
4. Overall financial resources of the District; and
5. The permanence of the alterations affecting the site.

n. HIV and HIV Condition

The infectious agent known as Human Immune Virus, Human Immunodeficiency Virus, HTLV-III, LAV, or AIDS Virus. Condition includes AIDS, ARC, or HIV Infection.

o. Auxiliary Aids and Services

This includes:

- (1) Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
- (2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

p. Mobility Devices

Wheelchair means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207 (c)(2).

Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

1.3 DISTRICT RESPONSIBILITIES UNDER THE ADA

Title II of the ADA mandates that programs, services, and activities provided by government agencies (such as the District) be offered equally to people with disabilities. The District must clearly demonstrate that its programs and activities are provided equally, without discrimination. Title II is similar to Section 504 of the Rehabilitation Act of 1973, but differs in that Section 504 applies only to government agencies that receive federal financial assistance. The purpose of Section 504 is to ensure that no otherwise qualified individual with disabilities

shall, solely by reason of his or her disability, be discriminated against under any program or activity receiving federal financial assistance. The District has been subject to and operated under the requirements of Section 504 for many years.

Once the need for reasonable accommodation arises either by the participant's request or by the staff's knowledge of the participant's disability, if appropriate, the District should engage in an interactive process. It is as follows:

- Identify barrier(s) or limitations that negatively impact the individual's ability to participate.
- Identify possible accommodations and assess how each will enable the individual to successfully participate in the program or activity.
- Consider the preference of the individual to be accommodated and implement the accommodation that is most appropriate for both the individual and the District.
- In selecting from among several alternatives of reasonable accommodation, the expressed choice of the individual should be given primary consideration unless another equally effective accommodation exists which may be utilized instead.

1.4 COMPLIANCE, NOTICES, AND GRIEVANCE PROCEDURES

A public entity that employs 50 or more people is also required to adopt grievance procedures for resolving complaints alleging ADA violations, including the presence of architectural barriers to accessibility. Such procedures may take into account the findings of the transition plan, but grievances must be evaluated on a case-by-case basis and could result in a re-evaluation of findings or recommendations of this document. The ADA states that a public entity is required to make publically available information regarding the self evaluation and its applicability to the services, programs, or activities of the District, and to apprise the public of the protections against discrimination afforded to them by the Title II, including information about how Title II requirements apply to its particular programs, services and activities [28 C.F.R. § 35.106]. The District is also required to provide an opportunity for the public to participate in the development of the self-evaluation by submitting comments and making specific recommendations. A copy of the draft self-evaluation shall be made available for public inspection during a formal citizen review period. The District must also adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II. Each complaint will be evaluated on a case-by-case basis. The District's compliance, noticing, and grievance procedures are described in the separate ADA self evaluation. The ADA Coordinator for resolving grievances and implementing this transition plan is:

LARPD/Assistant General Manager
4444 East Avenue
Livermore, CA. 94550
Telephone: (925) 373-5700
Website: www.larpd.org

1.5 PUBLIC PROCESS AND INPUT

The ADA sets forth specific requirements for public input in the transition plan and requires that the public entity hold a public hearing to formalize the input. Public input and process for review of the transition plan will be in accordance with these requirements. The transition plan must be formally adopted by LARPD Board of Directors. The District shall hold a public hearing to gather input on this transition plan, and shall make the document available to the public to allow submission of written comments. All comments must be addressed prior to final adoption of the plan. Adoption of the plan commits the District to the barrier removal and modernization projects

described in the transition plan, according to the schedule given. Any significant changes to the plan should be considered with the same standard of public input (See Part 5).

1.6 RELATIONSHIP OF SELF EVALUATION AND TRANSITION PLAN

The self-evaluation and transition plan are separate, but interdependent documents. The self-evaluation describes all of the programs and services of the District and how they will be, if not already, made accessible. The transition plan documents facility accessibility and provides a plan for making necessary changes. Information contained in the two documents provides all information regarding Title II compliance.

Programs can be made accessible in the three following ways:

- 1) Minor programmatic changes, such as providing class/activity materials and equipment in alternate forms/formats,
- 2) Moving the program to an accessible site, or
- 3) Making facility upgrades, “structural modifications”, to the program site.

It is rare that an entity’s facilities are completely accessible, or that they have enough accessible facilities to locate all programs at accessible locations without making some modifications.

1.7 TRANSITION PLAN REQUIREMENTS

A transition plan is required when alterations must be made to facilities to provide program access. The transition plan documents architectural barriers at the facilities where programs take place. It provides a description of structural modifications that are necessary and a timeline for completing the work.

The major purpose of a transition plan, as it relates to buildings and facilities owned and operated by the District, is to document the accessibility barriers that are present in the facilities, and to propose changes needed to provide compliant accessibility.

1.8 DESCRIPTION OF FACILITY ACCESSIBILITY

For the purposes of an ADA transition plan, determination that a facility or portion thereof, is accessible is based on the standards of the Americans with Disabilities Act Accessibility Guidelines (ADAAG). It is not required that all facilities, or facility areas, be accessible to meet the program compliance requirement of the ADA. Where the District undertakes new construction or modernization not restricted to accessibility work, modifications to upgrade accessibility features may be required that are not proposed in this transition plan. Such work may also be required by the applicable state or local building codes and this work is separate from the program access requirement addressed by the self-evaluation and transition plan.

A. Existing Facilities: Program Accessibility

When programs, services, or activities are located in facilities that existed prior to January 26, 1992, the effective date of title II of the ADA, the District will make sure that they are also available to persons with disabilities, unless to do so would fundamentally alter a program, service, or activity or result in undue financial or administrative burdens. This requirement is called program accessibility. When a service, program, or activity is located in a building that is not accessible, the District can achieve program accessibility in several ways. It can:

- Relocate the program or activity to an accessible facility
- Provide the activity, service, or benefit in another manner that meets ADA requirements,
or
- Make modifications to the building or facility itself to provide accessibility.

Thus, to achieve program accessibility, the District need not make every existing facility accessible. It can relocate some programs to accessible facilities and modify other facilities, avoiding expensive physical modifications of all District facilities.

B. New Construction and Alterations

ADA requirements for new construction have been in effect since January 1992. New buildings and facilities must comply with the new construction provisions of the ADA Standards for Accessible Design (without the elevator exemption) or the Uniform Federal Accessibility Standards (UFAS). This requirement includes facilities that are open to the public and those that are for use by employees.

The ADA Standards for Accessible Design (ADA Standards) were first issued in 1991 and have been selected as the ADA design standard by many agencies. Although there is the option to choose either the ADA Standards or the UFAS, it is likely that in the future the ADA Standards will become the only design standard under the ADA. Because ADA requirements for new construction and alterations do change from time to time, there may be adjustments to new design and construction requirements before a project starts.

C. Maintenance of Accessible Features

The District will maintain in operable working condition, those features that are necessary to provide access to services, programs, and activities—including elevators and lifts, curb ramps, accessible parking spaces, ramps to building or facility entrances, door hardware, and accessible toilet facilities. Isolated or temporary interruptions in service or access are permitted for maintenance or repairs.

D. Effective Communication

The District will take appropriate steps to ensure that communications with members of the public, job applicants, and participants with disabilities are as effective as communications with others unless it is an undue financial or administrative burden to do so or it would result in a fundamental alteration in the nature of District programs or activities.

Achieving effective communication often requires that the District provide auxiliary aids and services. Examples of auxiliary aids and services include qualified sign language interpreters, assistive listening devices, open and closed captioning, notetakers, written materials, telephone handset devices, qualified readers, taped texts, audio recordings, Brailled materials, materials on computer disk, and large print materials.

E. Policies, Practices and Procedures

The District will make reasonable modifications to policies, practices, and procedures to avoid discrimination against individuals with disabilities. While this requirement applies to all policies, practices, and procedures of the District, the District does not have to make modifications that would result in a fundamental alteration in the program, service, or activity or result in a direct threat to the health or safety of others. A direct threat is a significant risk that cannot be eliminated or reduced to an acceptable level by the District's modification of its policies, practices, or procedures, or by the provision of auxiliary aids or services. The public entity's determination that a person poses a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability (see The ADA Title II Technical Assistance Manual).

The self-evaluation typically includes a review of policies, practices, and procedures. Periodic review after the self-evaluation may be done to maintain compliance with the ADA. The District can choose how it wants to conduct a review of policies and practices that govern the

administration of the District's programs, activities, and services. Districts that have already done a self-evaluation do not have to do another one.

Review of policies, practices, and procedures also applies to telephone emergency services, such as 9-1-1, where policies must ensure direct access to individuals who use TTY's and computer modems.

F. Processes for Complying with the ADA

The self-evaluation is a review of all District services, programs, and activities to identify any physical barriers or policies, practices, or procedures that may limit or exclude participation by people with disabilities. The self-evaluation includes permanent, temporary, and periodic services, programs, and activities. The District will look at what services, programs, or activities are offered and in what location.

Any policies, practices, or procedures that may limit or exclude individuals with disabilities must be reasonably modified, unless doing so would result in a fundamental alteration in the nature of the service, program, or activity. The self-evaluation will identify changes to policies to be implemented. It will also identify any discriminatory policies, practices, and procedures that cannot be reasonably changed without resulting in a fundamental alteration.

The self-evaluation also identifies problems with the accessibility of facilities and establishes recommendations for providing program accessibility (which may include relocation to an accessible facility). It may also suggest short-term and long-term strategies to provide access to people with disabilities.

G. Parks and Recreation Programs

The District's recreational programs or activities, such as those offered at District baseball or soccer fields or at the District swimming pools, play an important part in the life of a community. These programs, services, and activities are among those that the District reviews as part of the self-evaluation to determine if any physical or policy barriers exist that may keep people with disabilities from participating. If the District decides to modify facilities to provide program accessibility and has more than one facility available (such as when several ball fields are provided) only some of the facilities may need to be accessible. However, when only some of the facilities are accessible, the scheduling policies for their use will need to accommodate requests for accessible fields, player areas, or spectator seating (if provided).

When the facilities are built or altered, they must comply with the ADA Standards, which have specific technical requirements for elements and spaces, such as accessible parking spaces, accessible routes, toilet facilities, public telephones, and spectator seating areas. For elements and spaces without specific technical standards, such as ball fields or playing areas, the District will use the ADA Standards as a guide, providing a reasonable number, but at least one, that is accessible and providing an accessible route to the area of play and the spectator areas.

H. Temporary Events

The ADA applies to temporary and permanent services and all programs or activities of the District. Facilities and structures that are built or altered for temporary use must comply with the ADA Standards (except for construction trailers). In addition, the policies and operations for the event must meet the nondiscrimination requirements of the ADA. When planning temporary events such as a District special event or festival or concert, the District will review ADA title II requirements and the ADA Standards. The ADA Standards can provide guidance to help event planners place temporary accessible parking spaces in appropriate locations, provide an accessible route throughout the site, and provide other accessible features for food service, toilet

facilities (including accessible portable toilets), assembly area seating, public telephones, etc., where such elements or facilities are provided for the public. It is very important to consider accessibility requirements when the event is in the planning stage so that accessible facilities can be identified and incorporated in a manner that does not require extensive construction or last-minute modifications.

I. Accessible Print Material

Public documents such as the District's activity guides, promotional brochures, applications, and other documents or printed information may need to be provided in an alternate accessible format to provide effective communication for individuals who are blind or visually impaired. Alternate formats may include materials in Braille, large print, files on computer disk that can be used in a personal computer, or an audiotape recording of the print document. Priority should be given to the type of format that has been requested unless the District determines that another format is effective or that providing the one requested would result in undue financial or administrative burdens or a fundamental alteration in the nature of the program. The District will publish a contact source for the public to request an accessible format or other auxiliary aid or service.

1.9 TRANSITION PLAN PRIORITIES

One of the most important aspects of preparing a transition plan is assigning priorities to structural modifications necessary to achieve program access. The highest priority items should be undertaken first, and the schedule is dependent on these determinations. The assignment of priorities is a process that must involve input and recommendations from the local disability community. Therefore, the public review period is a critical component, and priorities and schedules proposed in the draft plan are subject to review by local groups representing persons with disabilities. In general, there are two types of prioritizations that must take place:

A. Prioritization of individual facilities

One of the major determinants for this prioritization involves an analysis of the District's programs and services offered at each facility. Other factors, such as the number of participants, type of programs offered, proximity to certain geographic areas, and proximity to transportation, also weigh in these determinations. Each facility must be analyzed on a case-by-case basis. In the Facilities Compliance Plan, each facility is assigned a completion date, at which time the facility is scheduled to be programmatically accessible for the public program, service, or activity for which it is intended. The criteria used is based upon (1) the relative importance of the programs and services offered at the facility, (2) the amount and extent of the work proposed for the facility, and (3) whether accessibility-related or other modifications are already planned for the facility.

B. Prioritization of barriers and their removal within each individual facility

High priority (Level 1) items would generally include those that affect the primary accessibility of a facility, that is, conditions that would generally make a facility unusable for a broad spectrum of persons with disabilities. Medium priority (Level 2) items would generally include items that adversely affect the "quality" of usage of a facility for persons with disabilities, as afforded to non-disabled persons. Low priority (Level 3) items would generally include items that might represent a small deviation from applicable codes and standards, or items where alternative means of usage are possibly available. Prioritization is not given to imply that some items are not important or that correction is not necessary. The applicable codes and standards do not distinguish between "important" or "unimportant" requirements, and certainly all requirements should be met for a facility to be deemed fully accessible. Rather, such a prioritization is intended to reflect the desires of the District and the local disability community in establishing which

improvements should be undertaken first, or given priority in a phased implementation. Also, prioritizations of projects are subject to re-evaluation as the improvements, reviews and approval process proceeds. The table in the Facilities Compliance Plan section summarizes the proposed priorities for individual items of work common at individual buildings and facilities.

1.10 MAINTENANCE OF ACCESSIBLE FEATURES

It is essential that accessibility features be maintained once they are in place. Some aspects of this maintenance are programmatic, such as not using an accessible toilet stall for storage. Other maintenance is related to structural modifications, such as re-adjusting door closers that become difficult to open. Under Title II regulations of the ADA, the District must maintain, in working condition, those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities under the ADA. Inoperable elevators or wheelchair lifts, locked accessible doors, or accessible routes that are obstructed by furniture, filing cabinets, or potted plants are neither “accessible to” nor “usable by” individuals with disabilities. Section 504 regulations do not contain a comparable provision concerning the maintenance of accessible features. It should be noted that ADA requirements regarding the maintenance of accessible features do not prohibit temporary obstructions or isolated instances of mechanical failure. Isolated or temporary interruptions in service or access due to maintenance or repairs are also not prohibited. However, allowing obstructions or “out of service” equipment to persist beyond a reasonable period of time would violate this requirement, as would repeated mechanical failures due to improper or inadequate maintenance.

The District should maintain a system of monitoring standard accessibility improvements at all sites to assure continuing compliance with the ADA Accessibility Guidelines and to take all reasonable steps to provide both programmatic and physical access for persons with disabilities. Programmatic requirements, such as the provision of electronic communications, sign language interpreters, and alternative written formats, should be monitored by the ADA Coordinator (see the self evaluation). Certain technical requirements, such as the maintenance of telephone lines and equipment to accommodate electronic communications, are delegated to those responsible for such systems within the District. While physical access items should be reviewed and monitored at a general level by the ADA Coordinator and the ADA Management Committee, detailed monitoring of such items should be delegated to the District’s Facility Maintenance, who would ultimately be responsible for maintenance and repairs. Facility Maintenance should designate a supervisor to oversee accessibility related improvements at the various sites, train personnel on how to keep systems in working order, and resolve details of potential or reported problems. Maintenance of accessible features and specific conditions that should be maintained to provide physical accessibility includes, but is not necessarily limited to, the following items:

- 1) Maintain exterior pathways and repair any surface irregularities that may become greater than 1/2” due to wear or cracking, and make other repairs to keep pathways from causing hazardous conditions.
- 2) Maintain accessible parking spaces to have all appropriate signage and to keep access aisles to the spaces and to the main entrances they serve clear and usable.
- 3) Maintain and replace as required all building signage that indicate accessible paths of travel for persons with disabilities.
- 4) Maintain all doors providing primary accessibility to be fully operable and unlocked during normal hours of operation of the facility.
- 5) Maintain all door pressures required to open doors to be as low as possible, but in no case more than 8.5 pounds for exterior doors and 5 pounds for interior doors unless electronically operable.
- 6) Maintain all elevators in proper working condition. Conduct yearly maintenance inspections by contracted elevator maintenance companies and State Elevator Safety Unit for all elevators.

- 7) Maintain all wheelchair lifts in proper working condition, with keys prominently displayed at facility main offices. Conduct maintenance inspections by contracted lift maintenance companies and State Elevator Safety Unit for all lifts.
- 8) Maintain and monitor objects mounted on walls; they may not protrude more than 4" into paths of travel.
- 9) Maintain audible and visual fire alarms and pull stations to be fully operational.
- 10) Maintain all accessible plumbing fixtures, including toilets, urinals, lavatories, sinks, faucets, showers, and drinking fountains, to be fully operational and in compliance with accessibility codes.
- 11) Maintain all toilet accessories to be fully operational and mounted no more than 40" above the floor at all accessible restrooms. Maintain all grab bars to be tight and structurally sound.

Additional information on maintenance of accessible features is included as recommended policies and procedures within the ADA self-evaluation.

Part 2: Facilities Compliance Plan

Through the self-evaluation, the District assesses its current policies, practices, procedures and programs in regard to accessibility issues and meeting the Title II requirements. This self evaluation also involves a survey of the accessibility of all District facilities, provides for public input and establishes a priority for work to make accessibility improvements.

2.1 BACKGROUND

The Facilities Compliance Plan forms the backbone of the transition plan. The primary purpose of the transition plan is to document facility changes necessary to provide program access and physical accessibility. Part 2 details the process and rationale of designating each facility into one of three categories, which denote the level of accessibility to be obtained. Facility elements are also broken down by three priorities. The priorities establish the specific work to be accomplished depending on the category of the facility and lists those items needed to establish accessibility compliance for each facility.

2.2 CATEGORIZATION OF FACILITIES

Each site is assigned a **Category: 1, 2 or 3**. Categories denote the level of accessibility to be achieved at the facility within a particular timeframe. The level of accessibility is further defined by the priorities (1, 2 and 3) listed in the next section.

Category 1 facilities and program sites are scheduled to be made fully accessible for all programs, services and activities located at the site. It is intended that all identified barriers that are not complying with applicable codes be removed at these sites. Work for these facilities will be on the earliest possible schedule, within cost and budget restrictions. The work will include items listed under all three priorities. The overall completion dates for all work at all **Category 1** facilities are according to the following schedule:

6/30/2012: 25%

6/30/2013: 50%

6/30/2014: 75%

6/30/2015: 100%

Category 2 facilities and sites are scheduled to be made accessible for all programs, service and activities located at the site. It is intended that all Priority 1 and 2 barriers would be removed, although in some cases, some programs would need to be relocated within the facility to achieve program accessibility. Work for these facilities will be according to the following schedule:

6/30/2013: 25%

6/30/2015: 50%

6/30/2017: 75%
6/30/2019: 100%

Category 3 facilities and sites are scheduled to have all Priority 1 barriers removed as soon as funding is available. It is intended that these facilities achieve a basic level of accessibility that will allow selective program access. Other priority work would be undertaken as modernization projects are initiated and accessibility upgrades are triggered. Over time, all the accessibility work will be completed, though no specific schedule is stipulated. It has been determined that programs offered at **Category 3** facilities are not generally unique. Work for these facilities will be according to the following schedule:

6/30/2014: 100% of Priority 1 barriers are addressed

2.3 CRITERIA FOR CATEGORIZATION

Facilities are assigned to categories based on a number of criteria. The goal is to provide a schedule for facility access to support the programs being offered by the District at a reasonable number of locations relative to the overall program offering.

Criteria, in the order of importance:

- (1) Nature of unique programs or services: Facilities with programs that are exclusive to one site, or only a few sites, are included in Category 1 or 2. It is intended that most programs will be included at Category 1 or 2 sites.
- (2) Location to provide equally distributed categories: Categories are distributed geographically as much as possible. All programs offered at Category 3 sites should also be available at Category 1 or 2 sites within a relatively short distance away.
- (3) Consensus of program planning and community input: Input from the community and other District constituents is an important part of the transition plan process. Public meetings are held to gather community input regarding current accessibility concerns and priorities for future work. Additional input is from planning efforts by District staff, Board, and their committees, as well as community members offering input.
- (4) Nature of the proposed accessibility-related work: The nature of the work completed or scheduled at the facility and the timeframe in which it is possible to ensure that all programs at the site are accessible was a factor in categorizing the sites.

2.4 FACILITIES COMPLIANCE LIST

The facility inspection forms will include a list of all facilities to be addressed as part of this transition plan. Those facilities owned by LARPD will comprise one list and those facilities utilized but not owned by LARPD will be listed separately. Those facilities owned and operated by LARPD will be fully evaluated and prioritized. Accessibility of facilities not owned by LARPD will be addressed with the owner(s) of those facilities. If facilities operated, but not owned by, LARPD are not evaluated and prioritized by the owner(s), then LARPD will restrict its use of those facilities to comply with the program aspects of ADA (such as offering only activities that are also available at an accessible and nearby facility).

2.5 DEFINITION OF FACILITY ELEMENTS

Facility data and proposed accessibility improvements are separated into 22 facility elements. These elements are used within the transition plan database to help organize the survey data for each facility, and are used in discussing proposed work in the Facilities Compliance Plan, Part 2 of the transition plan. Numbers for elements are assigned in order of the way a person arriving at a site will likely encounter them. These elements are discussed below.

1. General Site Information - Programs that were identified in connection with surveys. The programs have been included in the self evaluation program list, and appear in the detailed facility reports, but are not otherwise addressed in the transition plan.

2. Passenger Loading Zone - One or more sections of curb are located at each facility for passenger loading. Passenger loading zones may be located on City or School District property and may not be under the control of the District.
3. Parking - One or more areas of a site specifically and exclusively identified for parking.
4. Curb Ramps and Crosswalks - Ramps to access sidewalks and street crossings, primarily along the public way (possibly on City or School District property), though may include on-site sidewalks and driveway crossings.
5. Path of Travel - Pedestrian routes from the public way through the site to different areas of the site. Protruding object hazards, elements accessed by stairs only, broken pavement or other irregularities that may create barriers and/or hazards must all be evaluated as part of the path of travel.
6. Ramps - Any sloped pathway exceeding 5% grade (1 inch rise in 20 inches distance).
7. Stairs - Sets of steps connecting floors or levels.
8. Elevators- Enclosed vertical conveyance between floors or levels.
9. Platform Lift- Open vertical conveyance made especially for wheelchair users or people with mobility impairments to connect two levels or stories.
10. Doors - Interior or exterior doors serving public rooms or circulation areas.
11. Restroom- Adult and student restrooms are separated for some School District facilities. In-class restrooms are not included in the survey data, though should be made accessible when necessary to serve a specific area as required by this transition plan.
12. Drinking Fountains- Drinking fountains along primary paths of travel.
13. Telephone - Pay phones and other phones available for public use.
14. Offices - The main District office as well as other offices serving the public at those sites.
15. Assembly Areas – Large or multi-purpose rooms, gymnasiums, and other areas used for assembly.
16. Library/Reading Room - Rooms or areas used for book shelves, reading materials, computers, and participants using these materials and equipment.
17. Special Use & Workstations – Rooms with special elements for specific activities such as counseling, consultation, cooking and physical/medical examinations.
18. Locker Rooms - Areas associated with sports and including showers.
19. Playground/Outdoor Sports - Outdoor facilities for physical and recreation activities, includes permanent viewing areas.
20. Communication - Directional and identification signage, and assistive listening systems.
21. Warning & Alarm - Visual and audible alarm systems.
22. Areas of Rescue Assistance - Safe areas used in conjunction with the facilities emergency evacuation plan.

2.6 PRIORITIZATION OF FACILITY ELEMENTS

Barriers under each facility element are characterized as Priority 1, 2, or 3. Priorities are used to establish consistent levels of accessibility to allow facility comparison. The numeric designation does not necessarily establish a level of importance relative to other work. The prioritization of facility elements should not be interpreted to mean that some work is more important than other work without regard to the facility. All work is equally important at Category 1 sites because it is determined that these facilities should be fully accessible to meet ADA Title II requirements.

Priority 1 work will be completed for all facilities, and sets a minimum level of accessibility for all facilities. Completion of priority 1 work will ensure that a person with a disability can get into

the facility and to the main office in order to conduct business with the District. Priority 1 work includes upgrades to provide a minimum level of accessibility for the public.

Priority 2 work will be completed at Category 1 and 2 facilities, and will achieve a high degree of accessibility ensuring that all programs at those facilities can be provided in at least one accessible location. Completion of priority 2 work is essential to providing a reasonable level of access to District programs. The intention is that completion of Priority 2 work will provide at least one accessible area for each program offered at the site.

Priority 3 work may likely only be completed at Category 1 facilities under the transition plan. Completion of priority 3 items will provide full facility access, assuring that all programs at all of these locations are fully accessible.

It should be noted that the priorities established herein supersede priorities that appear with the survey data in the individual detailed facility reports, where different. The priorities set here are for this transition plan only. Modernization work not related to this transition plan may trigger a requirement to complete access work on a different schedule, or to complete work not scheduled in the transition plan.

2.7 REQUIRED WORK BY PRIORITY

This section identifies which elements are required to be accessible for each priority. The standard for accessibility for the each element shall be the most restrictive of the California Building Code or the ADA Accessibility Guidelines. This section provides the transition plan “scoping” requirements, which are found in the codes for new construction and remodeling.

1. General and Programmatic Data: This category includes data related to the general usage or specific programs present at a particular facility. These may affect the application of other priorities described in other categories.

2. Passenger Loading Zones: A level area for loading or unloading passengers. The area should be close to the accessible entrance, and clearly marked if separated from the main facility loading area. A loading zone for private passenger vehicles should be away from public streets or bus zones if possible.

Priority 1: one loading zone/location per facility

Priority 2: main loading zone of the facility and bus or public transportation loading

Priority 3: other loading zones

3. Parking:

Number and size of parking spaces must comply with applicable codes, and signs designating accessible spaces

Priority 1: new parking spaces to meet total allotment requirement (no restriping)

Priority 2: restripe existing spaces that do not comply with overall size criteria

Priority 3: restripe existing spaces that comply with overall size criteria to conform

4. Curbs, Curb Ramps, and Crosswalks:

Curb ramps should be curb cut and installed at the head of each access aisle.

Crosswalks should be provided when a path of travel crosses or adjoins a vehicular way.

Priority 1: main curb ramps at loading zones and parking

Priority 2: curb ramps on secondary path of travel

Priority 3: other curb ramps

5. Path of Travel

An accessible route should connect the public sidewalk and parking areas with all public elements of the building. An accessible route must have a hard-paved surface with any change in level more than ½” served by a ramp (sloping surface within prescribed slope ratio).

Priority 1: primary accessible route connecting public way, accessible parking, main

Priority 2: accessible path to facility main entrance

Priority 3: secondary routes connecting alternate entrances or access routes and all classrooms and offices

6. Ramps:

All exterior and interior ramps that are not part of the structure/floor of the facility should generally be made fully accessible unless prohibitively costly or technically infeasible.

Priority 1: new ramps required along the primary path of travel

Priority 2: ramp as necessary to main facility entrance

Priority 3: ramps on secondary paths of travel

7. Stairs:

Although neither exterior nor interior stairs in existing buildings are required to be made accessible by applicable codes, unless there is no other means of vertical access to an area, the transition plan includes stairway modifications.

Priority 1: stairs and handrails to main facility entrance

Priority 2: open risers, non-complying nosings, no handrails and/or no stair striping

Priority 3: non-complying handrails

8. Elevators:

Elevators provide vertical circulation between levels with more than 5 feet elevation change. Such distance usually cannot be efficiently ramped, and is in excess of the generally allowed height for a specialized platform lift. If an elevator is needed, it must serve each level including mezzanines and be on an accessible route.

Priority 1: modernize existing elevators

Priority 2: install new elevator(s) to provide access to all levels at Category 3 facilities

Priority 3: minor elevator-related barriers

9. Platform Lifts:

Platform lifts will be used to connect levels where ramps or elevator are not feasible and shall facilitate unassisted entry, operation, and exit from the lift.

Priority 1: platform lift on primary path of travel where ramp not feasible

Priority 2: platform lift to stage

Priority 3: platform lift on secondary path of travel where ramp not feasible

10. Doors:

Doors should comply with applicable codes. Elements include: width, strikeside clearance (alcoves), hardware, force to open, and threshold. Restroom doors are included under the restroom section.

Priority 1: all door elements at main accessible entrance and main office

Priority 2: all elements, except strike-side clearance for 50% of rooms

Priority 3: non-complying door alcoves

11. Restrooms:

Each facility should have at least one set of accessible restrooms for participants and staff. Where separate gender restrooms are provided, separate accessible restrooms should also be provided.

Unisex restrooms are acceptable only where separate restrooms are not otherwise provided

serving the area, or where it is technically infeasible to modify an existing multi-accommodation restroom.

Priority 1: one set of accessible restrooms for each sex at new facilities

Priority 2: accessible restrooms serving each floor or area of the district

Priority 3: rooms containing restrooms

12. Drinking Fountains:

Each facility must have at least one wheelchair accessible drinking fountain.

All new drinking fountains on primary paths of travel at a facility should be wheelchair accessible.

Priority 1: one "high-low" drinking fountain on main floor

Priority 2: one drinking fountain serving each floor or major area

Priority 3: other drinking fountains

13. Public Pay Telephones:

TDD's or equally effective systems shall be made available and used to communicate with individuals with impaired hearing or speech. Signage shall be provided. If public pay phones are provided then they shall comply with applicable codes.

Priority 1: one accessible pay telephone, if provided.

Priority 3: other pay telephones

14. Reception Desk:

The District's reception desk counter or one in close proximity to it should be accessible so that individuals in wheelchairs can write on it and hand materials back and forth over it. The path of travel to the reception desk from the main accessible entrance should be accessible and signed.

Priority 1: path of travel and entry to reception desk of major facilities and office areas

Priority 2: service counter for reception desk

Priority 3: service counters for other offices

15. Assembly Areas:

Accessible seating shall be provided if fixed seating is provided. The stage, audience level and rooms used by performers must be accessible to all individuals with disabilities.

Eating Areas: Where fixed table or dining counters are provided, at least 5%, but not less than one shall be accessible and comply with applicable codes. Height and width at the food service line counter, return tray area, or other areas with input form users shall be altered to allow access by persons with disabilities.

Priority 1: entrance, path of travel, and seating for primary public assembly room(s)

Priority 2: entrance and seating for other assembly rooms, sports fields and gym

Priority 3: service counters for secondary program or activity/food service

16. Lounge/Reading Areas:

Counters, computer stations, reading areas, magazine racks, and special facilities or collections should be accessible so that individuals with disabilities have full access to them.

Priority 1: entrance, identification sign

Priority 2: counter, work station

Priority 3: aisle width between furniture,

17. Special Use Spaces (Activity, Workstations, etc):

Special use spaces shall allow individuals with disabilities to independently participate in classes or activities, and at least minimal assistive services should be kept at each site.

Priority 1: one workstation or participation area and emergency apparatus for each type of specialized facility with proper identification signs

Priority 3: one workstation or participation area for additional specialized space

18. Locker Rooms:

If there is more than one set of locker rooms for each gender, only one set must be made accessible. Accessible locker rooms shall provide an accessible entrance, restroom, shower stall, benches, lockers and mirrors.

Priority 1: a locker room for each gender with identification sign for new facilities

Priority 2: a locker room for each gender (could be separate facility)

Priority 3: a locker room for each gender (integrated facility)

19. Playground and Outdoor Sports Areas:

Generally, only one play area of each type at each facility needs to be made accessible. Ground and floor surface along accessible routes and in accessible spaces shall be stable, firm, slip resistant, and shall comply with applicable codes. Access should be provided to and between the most commonly used equipment and areas, and only one sport area of a kind needs to be made accessible, with accessible seating and viewing areas.

Priority 1: (see item 15 for sports assembly areas)

- at least one play area on an accessible route and free from hazards
- path of travel to each type of play area if designated for special activities

Priority 2: one accessible play structure

Priority 3: path of travel to all other play areas

20. Communication

Assistive Listening Systems (ALS): Facilities are required to have ALS devices available in assembly areas that have permanent seating and seat more than 50 people or have audio-amplification systems. Signage shall be provided indicating availability of a listening system. Signage: Accessible parking spaces, passenger loading zones, entrances when not all are accessible (inaccessible entrances will have signs indicating location of accessible entrances), and restrooms when not all are accessible, shall be identified by the International Symbol of Accessibility.

Priority 1:

ALS for main public assembly room

- sign at main entrance to accessible entrance
- directional sign to front counter or office
- room identification signs for common areas

Priority 2:

- ALS for other assembly areas
- directional signs to common use rooms
- room identification signs for all activity rooms

Priority 3:

- sign to secondary facility entrance

21. Visual and Audible Alarm Systems

Priority 1: visual and audible alarms in priority 1 spaces

Priority 2: visual and audible alarms in priority 2 spaces

Priority 3: visual and audible alarms in priority 3 spaces pull boxes

22. Areas of Rescue Assistance

- Priority 1: area of rescue assistance, if provided, on office and/or public assembly level
 Priority 2: area of rescue assistance, if provided, serving areas to be made accessible under priority 2
 Priority 3: area of rescue assistance, if provided, serving remaining areas

2.8 LIST OF REQUIRED WORK BY PRIORITY

Categorization of facilities and prioritization of facility elements combine to establish the list of work to be completed by the District to achieve program compliance. The list of work is presented below as a summary of elements for each priority. As detailed above, all facilities will complete Priority 1 work, Category 1 and 2 facilities will complete Priority 2 work, and only Category 1 facilities will necessarily complete Priority 3 work. The costs of specific work necessary for each facility is given in the detailed Facility Evaluations included within the transition plan database.

PRIORITY 1 - To be completed for CATEGORY 1, 2, and 3 facilities

- one loading zone on an accessible route to the main accessible entrance allowing private vehicle loading
- new parking spaces to meet total allotment requirement (no restriping existing spaces, except to provide at least one with fully complying dimensions)
- signs designating accessible spaces
- main curb ramps at loading zones and parking
- curb ramps on primary path of travel
- primary accessible route connecting public way, accessible parking, main accessible entrance, reception office/desk, and public assembly area
- hazardous pathways, such as broken or uneven pavement, grates with slots greater than 1", abrupt changes in level
- hazardous protruding objects, extending more than 4" into the path of travel
- new ramps required along the primary path of travel
- hazardous ramps along the primary path of travel- regrade for slopes exceeding 10% or cross-slopes exceeding 5%, install curbs at drop-offs, etc.
- stairs and handrails to main facility entrance
- modernize existing elevators, if needed
- install new elevator(s) to provide access to all levels at Category 1 and 2
- platform lift on primary path of travel where ramp not feasible
- all door elements at main accessible entrance and main office(s)
- door thresholds and widths on primary paths of travel
- one set of accessible restrooms for the public
- one "high-low" drinking fountain on main floor
- one accessible pay telephone, if provided.
- path of travel and entry to main office/ reception desk

Part 3: Facility Data

3.1 DATA COLLECTION

The District has collected data on its facilities in a number of ways since the implementation of the ADA in 1992. It is important to remember that the Facilities Compliance Plan section of the transition plan is the guiding element for the District's ADA compliance efforts.

The following are the sources of data used in the transition plan analysis:

- A major survey of LARPD facilities was completed in January 1992, by Robert E. Fehlberg. This collected data source of facility information used in the transition plan. Data is included for virtually every non-complying element in District-owned facilities.
- Information has been maintained regarding facility upgrades and new construction.

3.2 DATA INTERPRETATION

The facility data used in this transition plan is intended to provide a baseline for planning purposes. The required work and estimates generated from the data should be used to determine scope of work and budgets when planning accessibility projects. It is understood that each project to remove access barriers, as well as general modernization projects, will review current conditions at the site and in specific areas of work to verify the conditions and work necessary. Recommended facility modifications form the basis for cost estimates. These modifications generally represent the best standard design solution to eliminate the identified barrier. In some cases, the solution or cost may be based on specific knowledge of the site conditions, in other cases it is based on a standard approach and/or average cost for that type of work. The 1992 survey data lists a finding for each barrier identified. Each finding is associated with a location, organized by the 22 facility elements described in Section 2.7. There is often more than one finding associated with each location. For example, a particular restroom may have separate findings for the clearance under the lavatory, the faucet operation, size of toilet stall, height of paper towel dispenser, etc. In some cases, there is more than one location associated with a particular finding. For example, a finding may site that some doors are located in narrow alcoves, then list a number of locations that have this condition.

The 1992 survey also includes recommendations for each alternative. In some cases, the recommendations are not in accordance with the standards for accessibility established in this transition plan (see Part 2 Facility Compliance Plan). There are a number of recommendations that suggest providing assistance as an alternative to facility modification. However, making a facility modification is generally preferred over a solution that requires personal assistance because it is more reliable and affords more independence to the person with a disability. Except in a few specific cases, personal assistance is not an acceptable alternative to physical barrier removal. Therefore, in some cases a value has been assigned where the recommendation in the survey data is to take no action. This will also be seen in the summary of construction projects to be completed that appears near the beginning of each detailed facility report. Where there is any discrepancy, the guidelines for modifications described in Part 2 take precedent.

Part 4: Facility Reports

FACILITY EVALUATIONS FROM THE TRANSITION PLAN DATABASE

Section Summary

Detailed facility evaluations, including a list of physical barriers and recommended solutions, for all sites included in this transition plan will be contained in a computer database. Copies of reports for individual sites will be available from the District Office. As described in Section 3.1, the District has undertaken and is re-examining the ADA-required surveying of its facilities, identifying the physical barriers present at each facility and describing how each barrier will be removed to provide access to the District's programs, services, and activities. These surveys have been undertaken by various consultants and staff from 1992 through the present.

GENERAL GUIDELINES

- A. LARPD will meet the recreational needs of a diverse customer base in an equitable manner. Requests for accommodating people with disabilities will be met professionally, courteously, compassionately and in accordance with suggestions outlined in Service Accommodations.
- B. No one will be turned away or discouraged from participating because of a disability, and no one will be charged for reasonable accommodations made by LARPD.
- C. It is the responsibility of the staff who have the initial contact with a customer to demonstrate a willingness to help and to obtain information regarding the disability and to arrange to provide the support that is requested in a reasonable length of time.
- D. Publicity for programs or services is to mention accessibility. LARPD will continually publicize that persons with disabilities may request reasonable accommodation.
- E. Informational materials should carry a statement indicating that the material can be made available in alternate formats, such as large print or electronic forms. All materials are to have a statement naming the contact for a program and a contact phone number/e-mail address.
- F. If the disability is not evident, LARPD staff should request documentation of disability conditions from the applicant. All documentation will be kept strictly confidential. If necessary, staff will consult with other appropriate LARPD staff on what is a reasonable accommodation. In some situations, a person is not required to provide documentation.
- G. It is the responsibility of the individual with a disability (or their guardian), to seek available assistance, to make their needs known to LARPD staff, to give adequate time for LARPD to make reasonable accommodations and to work with staff to find the best way to accommodate their needs.
- H. Education, Training and Professional Development
LARPD will provide training opportunities for all employees and volunteers to learn about the laws applicable to the rights of people with disabilities as they impact the District's services and to teach effective techniques for providing services for users with disabilities and for working with colleagues with disabilities. Additionally, training may also be provided to sensitize staff to issues affecting people with disabilities.

Part 5: Updating the LARPD Transition Plan

Efforts to maintain and improve accessibility are ongoing at LARPD. As further clarifications or changes in the ADA or other accessibility laws occur, the transition plan should be updated at that time. The transition plan should also be reviewed by the management staff every three to five years and updated as necessary. A full review, including public input, should be undertaken every 8 to 10 years. To ensure that LARPD is meeting the local priorities for people with disabilities, significant changes to the plan, other than for clarification or to meet changing regulations, shall be made available for comment to the public with specific emphasis to target any local community groups representing people with disabilities.

FACILITIES

The ADA requires that both architectural barriers in existing facilities and communication barriers that are structural in nature be removed as long as such removal is "readily achievable." (i.e., easily accomplished and able to be carried out without much difficulty or expense.)

The ADA regulations specify the following examples of reasonable structural modifications: accessible parking, clear paths of travel to and throughout the facility, entrances with adequate, clear openings or automatic doors, handrails, ramps and elevators, accessible tables and public service desks, and accessible public conveniences such as restrooms, drinking fountains, public telephones and electronic communications. Other reasonable modifications may include visible alarms in restrooms and general usage areas and signs that have Braille and easily visible character size, font, contrast and finish.

Publications and Communications

All LARPD publications, including flyers, registration forms, training manuals, and correspondence, will be available in alternative formats including electronic text. The LARPD Website must conform to the currently accepted guidelines for accessibility, such as those issued by the World Wide Web Consortium.

One way to accommodate barriers to communication, as listed in the ADA regulations, is to make print materials available in alternative formats such as large type, audio recording and other electronic formats. Other reasonable modifications to communications may include providing an interpreter or real time captioning services for public programs and reference services through TTY or other alternative methods. The ADA requires that modifications to communications must be provided as long as they are “reasonable,” do not “fundamentally alter” the nature of the goods or services offered, or result in an “undue burden” on the agency.

A. Staff who have questions about documentation, reasonableness of requests and LARPD’s disability policies are to contact their supervisor or the District’s ADA representative.

B. In anticipation of requests from people with disabilities, staff should proactively identify a pool of local volunteers and paid resources in the area that could provide reader/scribe, note taking, and other disability-related services.

C. Publications:

1. Audiotapes of materials can be made if requested within a reasonable length of time. For technical material, consult with the disabled person to determine their need for tables, graphs, etc., to minimize unnecessary work.
2. Volunteers should be identified who are willing to read and/or explain publications.
3. Use a copy machine to enlarge print materials if requested by a visually impaired individual.
4. Each reception counter should have a magnifying glass for customers to use, or identify a local library, which has a print enlarger (CCTV).
5. All course advertising, including news releases and other informational material, should give a contact name and telephone number or e-mail address for people with disabilities who require accommodations to contact.
6. Printed handouts should be available in alternative formats such as electronic, large print, and audiotape when requested within a reasonable length of time.

D. Decoders and television:

1. To use videos that are closed captioned, know where to rent or borrow a decoder locally on adequate notice when requested by a deaf or hard-of-hearing customer.
2. Determine whether a television has a built-in decoder. Generally the decoder is turned on by the on-screen programming; consult the owner’s manual.

E. Qualified sign language interpreters:

1. Interpreters may be desirable for videos that are not captioned.
2. Interpreters are appropriate when videos are part of a program and qualified interpreters can be made available upon request for the entire program. It may be desirable to have an interpreter at the origination site when a program is broadcast to several locations.
3. Since lights are usually dimmed during viewing, provide adequate lighting of the interpreter (e.g. a portable lamp).

F. Readers and Reading Enhancements:

1. Identify local volunteers who would be available to view videos with a visually impaired person and describe visual aspects of the production (action, characters, scenes, etc.).
2. When possible use a large screen monitor or video projector.

SERVICE ACCOMMODATIONS

A. Reasonable Modifications

The District must reasonably modify all policies, practices, or procedures to avoid discrimination. If the District can demonstrate, however, that the modifications would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.

Example: Senior Services provide a variety of services to older adults. The registration process might be extremely lengthy and complex. Many older adults with mental disabilities are unable to complete the registration forms without assistance. As a result, they are effectively denied benefits to which they are otherwise entitled. In this case, the District has an obligation to make reasonable modifications to its registration process to ensure that otherwise eligible individuals are not denied needed benefits. Modifications to the senior's registration process might include simplifying the application, conducting an interview with the applicant or providing applicants with individualized assistance to complete the process.

B. Health and Safety Considerations

The District may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the District must ensure that its safety requirements are based on real risks, not on speculation, stereotypes, or generalizations about individuals with disabilities.

LARPD may restrict attendance or deny attendance if an individual's disability causes or potentially causes a risk to themselves or others. A "direct threat" is a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level by modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

Determination of a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability. The determination must be based on an individualized assessment that relies on current medical evidence, or on the best available objective evidence, to assess:

- 1) The nature, duration, and severity of the risk;
- 2) The probability that the potential injury will actually occur; and,
- 3) Whether reasonable modifications of policies, practices, or procedures will mitigate or eliminate the risk.

Example: LARPD offers a kayaking program and as a prerequisite, all participants must pass a swimming test. This is permitted because in the event the kayak capsizes the ability to at least tread water would increase the participant's chances of survival.

Example: An adult individual with tuberculosis wishes to volunteer to coach a children's soccer camp. Title II permits the agency to refuse to allow the individual to participate on the grounds that the coach's condition would be a direct threat to the health or safety of the children participating in the program, if the condition is contagious and the threat cannot be mitigated or eliminated by reasonable modifications in policies, practices, or procedures.

C. Personal Services and Devices

The District is not required to provide individuals with disabilities with personal or individually prescribed devices, such as wheelchairs, prescription eyeglasses, or hearing aids, or to provide services of a personal nature, such as assistance in eating, toileting, or dressing. Of course, if personal services or devices are customarily provided to the individuals served by a public entity, such as a hospital or nursing home, then these personal services should also be provided to individuals with disabilities.

D. Denial of Participation

The District is prohibited from denying services or benefits to qualified individuals regardless of their disability.

Example: The District cannot refuse to enroll a youth in a field trip program because the individual uses a wheelchair.

E. Right to Participate in the Regular Program

Even if a separate or special program for individuals with disabilities is offered (such as therapeutic recreation services), the District cannot deny a qualified individual with a disability participation in its regular program. Qualified individuals with disabilities are entitled to participate in regular programs, even if the District could reasonably believe that they cannot benefit from the regular program.

F. Qualified Sign Language Interpreters

Qualified sign language interpreters (knowledgeable in content and specific sign language) will be made available for activities, events, programs or services upon request if another reasonable accommodation cannot be made. Many providers require a minimum number of days notice for most programs and longer for summer day camps in order to arrange for interpreter services.

G. Activity Accommodations

Staff will modify instructional presentation, group structure, rules of games, tempo, time allotted, and equipment used in order to ensure every individual has an opportunity to participate. Opportunities will be made available for children not able to participate in group activities to participate in self-directed activities or alternative activities.

H. Behavioral/Rule Modifications

Activities will be restructured to the extent possible to account for various behavioral problems that may arise during participation. Scheduling non-competitive activities, posting rules, reviewing rules before each activity, separating individuals with tendencies toward aggressive behavior, providing quiet areas and providing additional staff support may be considered reasonable accommodations.

I. One-on-One Support

Although full-time one-on-one support is not generally given, lowering the programs staff to participant ratio may accommodate individuals with more extensive support needs. This means that if a program currently has 2 staff and 20 children, placing an additional staff person at the program would enable additional support to be provided to all children requiring assistance. Requests for one-on-one support will be considered on an individual basis and decisions will be made after consideration of the programs purpose, structure, activities offered and intended outcomes for participants.

John Lawrence
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