

Physical Access: Being an Agent for Campus Change and Compliance, Part II



Denver 2010

Transition plans, barrier removal plans, and proposed DOJ regulations and standards



Irene Bowen, JD
ADA One, LLC



James A. Bostrom, M. ARCH
U.S. Department of Justice



John H. Catlin, FAIA
LCM Architects

1

YOU GOTTA HAVE A PLAN: Self-evaluations and transition plans

Irene Bowen, J.D.
ADA One, LLC
AHEAD 2010

IreneBowen@ADA-One.com



2

Basic requirements: title II (DOJ)

- Regulation requires a self-evaluation of services, policies and practices
 - with public input
 - By January 26, 1993. 28 CFR 35.105(a)



3

Basic requirements: title II (DOJ)

- Regulation requires a transition plan, where physical changes are necessary to achieve program accessibility
 - with public input,
 - (if 50 or more employees)
 - by July 26, 1992.



28 CFR 35.150(d)

4

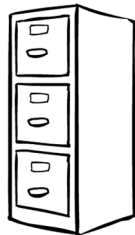
Other procedural requirements

- ▶ Physical modifications to be complete by January 26, 1995. 28 CFR 35.150(c)
- ▶ Designation of responsible official (“ADA Coordinator”) (if 50 or more employees). 28 CFR 35.107(a)
- ▶ Grievance procedure (if 50 or more employees). 28 CFR 35.107(b)
- ▶ Notice to public. 28 CFR 35.106

5

Section 504

Agency regulations require a self-evaluation and (if necessary) a transition plan.



6

Transition plan must include

- Description of physical obstacles affecting accessibility that must be removed
- Methods for making facilities accessible (in detail)
- Time frames
(if more than one year, annual markers)
- Name of person responsible for implementation



Barrier removal (title III)

- DOJ recommends, but does not require in its regulation, an implementation plan (an “ongoing assessment”).
- The obligation is an ongoing one.
I.e., increased resources may bring increased responsibility.

8

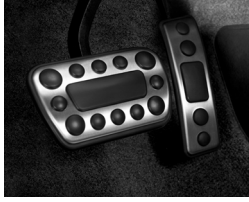
Why do a plan now?

Ask yourself:

- Has anything changed in 20 years?
 - Times and people
 - Your programs
 - Your buildings and facilities
 - Web sites
- Are you ready for more change?
- Can you comply without a plan?

9

Is it better not to assess the problems?



Or is it better to acknowledge issues and fix them?

10

Guiding your institution

- Alert your college or university to the requirements and coming changes
- Consider training
- Start effort to budget time and money for compliance

11

Benefits of planning

- Good faith
- You'll be positioned for new requirements
- Possibility of harsher mandates from litigation

12

Transition plan: two approaches

- Follow each program or
- Assess the facilities and how they're used, then document where accessible programs can be offered

13

What kind of plan?

- Do what works for you
- Various options/models
- Identify it as your transition plan or barrier removal plan
- Look at how policies affect access
- Consider contractors, vendors, etc.

14

How do you develop a plan?

- Involve everyone
 - Those responsible
 - Those affected
- Keep possible regulatory changes in mind
- Develop databases
- Establish priorities and limits
- Get public comment
- Put it on the web

15

Then what?

- Empower someone
- Strong grievance procedure
- Up-to-date data bases
- Train
- Monitor
- Respond to issues quickly
- Document your responses
- Check plans and construction
- Publicize successes and best practices
- Monitor
- Retrain

16
