ADA Coordinator Strategies for Success

IAOHRA 75TH ANNIVERSARY CONFERENCE
PRESENTED BY:
TROY BALTHAZOR – GREAT PLAINS ADA CENTER

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Great Plains ADA Center

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The Great Plains ADA Center provides information, training, and technical assistance on the Americans with Disabilities Act.

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ADA Audio Conference Series
ADA Coordinator: Getting the Job Done
June 21, 2022

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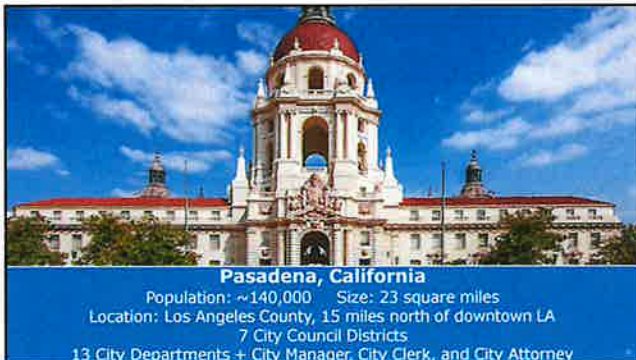➢Lisa Almilli (City of Chino)

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Agenda

1. The ADA Coordinator
2. Prepare yourself for success
3. Engage your community
4. Understand your entity
5. Review ADA compliance status
6. Approach the work strategically

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Pasadena, California
Population: ~140,000   Size: 23 square miles
Location: Los Angeles County, 15 miles north of downtown LA
7 City Council Districts
13 City Departments + City Manager, City Clerk, and City Attorney

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The ADA Coordinator

"A public entity that employs 50 or more persons shall designate **at least one employee to coordinate its efforts to comply with and carry out its responsibilities** under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part."

- 28 CFR § 35.107 (a)

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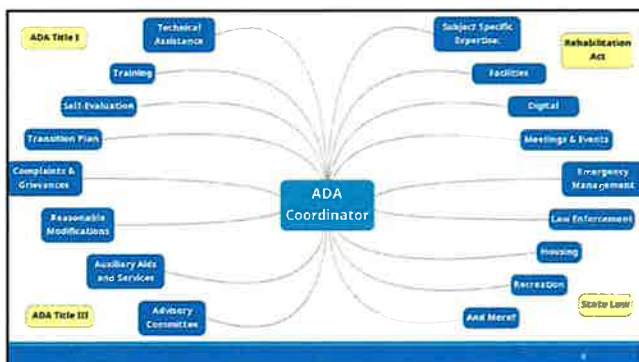
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Common challenges

ADA COORDINATOR	ORGANIZATION
• Lack of time	• Limited awareness
• Lack of knowledge and training	• Lack of knowledge
• Starting from scratch	• Lack of interest
• Limited resources	• Lack of ownership
• Lack of authority	• "No budget" for accessibility
• Strained relationships	• Accessibility is an afterthought
• Supervisor does not understand the scope and content of the work	• Accessibility is not a priority
	• Failure to invest necessary resources

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Accessibility is everyone's responsibility

The designation of an employee responsible for coordinating efforts to comply with ADA Title II "in no way limits a public entity's **obligation to ensure that all of its employees comply with the requirements** of this part, but it ensures that any failure by individual employees can be promptly corrected by the designated employee."

Section-by-Section analysis of ADA Title II regulations

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Role of the ADA Coordinator

- Serve as an internal expert on accessibility and disability related topics
- Provide technical assistance and training
- Consult on accessibility requirements and considerations for specific projects
- Recommend solutions to complex accessibility challenges
- Identify areas of non-compliance and collaborate with colleagues to address them
- Investigate and resolve grievances
- Maintain awareness of and share information about new and emerging accessibility issues and trends
- Provide staff support to disability advisory committee
- **Amplify the voice of the disability community within the entity**

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Prepare yourself for success

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Clarify your scope of work

- Supervisor(s)
- Subject matter responsibilities
- Role
- Regular & special assignments
- Priorities
- Decision making authority
- Communication with other departments/divisions
- Assistance with legal interpretations
- Team or work group membership
- Existing accessibility plans?

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Ask for what you need

- Funding and approval for training, conferences, networking
- Equipment and supplies
- Administrative support
- Accessible office space
- *Budget?*
- Anything else...

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Stay organized

- Task management
- Email management
- File organization and maintenance
- Schedule time for administrative work
  - Tracking requests, complaints, grievances
  - Documenting important information
  - Saving emails and other written correspondence

  Think about the next person who will do the job

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Study accessibility requirements

START WITH ADA TITLE II:

- Web Courses
  - Foundations of the ADA
  - ADA Title II Tutorial
- Department of Justice (www.ada.gov)
  - Title II Regulations
  - Title II TA Manual/Supplement
  - Best Practices Tool Kit
  - Project Civic Access Agreements
- ADA Title II Action Guide

EXPAND TO:

- State laws
- Additional DOJ guidance
- Additional web courses
- Other laws/regulations/guidance applicable to your entity's specific services, programs, and activities

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Invest in personal development

- Develop a network of support
  - Regional ADA Center
  - State or regional network of ADA Coordinators
- Attend continuing education opportunities
  - National ADA Symposium
  - State and regional ADA conferences
  - Webinars
  - Web courses & tutorials
- Pursue the ADA Coordinator Certification (ACTCP)

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Follow new and emerging accessibility issues and trends

- Read articles and books by people with disabilities
- Listen to podcasts on disability and accessibility issues
- Follow social media accounts of disability rights advocates
- Subscribe to newsletters
  - Department of Justice
  - U.S. Access Board
  - Accessibility in the News
  - National ADA Network & Regional ADA Center newsletters

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Engage your community

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Get to know the local disability community

MAKE CONTACT WITH:

- Disability advisory committee
- Independent Living Center
- Disability service organizations
- Local disability rights advocates
- And more...

ASK:

- What has been your experience with the entity?
- What is working well?
- What barriers or challenges need to be addressed?
- Who else should I talk to?
- Would you like to be added to my email distribution list?
- Is there anything else you would like me to know?

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Stay connected
- Attend community meetings and events
- Sign up for local organization newsletters
- Distribute your contact information widely
- Establish an email distribution list
- Be responsive

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Invest in your disability advisory committee
- Clarify the committee's mission/purpose and scope of authority
- Help the committee understand how the entity operates and important processes
- Provide information about the entity's activities and topics of interest
- Connect committee members with other local disability advocates and organizations
- Remind committee members to keep in touch with the individual who appointed them

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Help advisory committee members understand how they can be most effective
- Help the committee focus their attention where it is most needed
- Explain the limits of your authority/influence and be as clear as you can about specific problems the committee may want to address
- Encourage the committee to...
  - Research and ask questions
  - Make specific recommendations
  - Become familiar with resources allocated to accessibility
  - Participate in public comment opportunities
  - Engage the disability community and share what they learn

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Understand your entity

Learn how your entity operates

- **Organizational structure**
  - Key decision makers
  - Reporting structure
- **Governing documents**
  - Codes/ordinances/rules
  - Mission/vision/priorities
- **Budget**
  - Budget process and timeline
  - Budget documents

- **Departments**
  - Scope of work
  - Divisions
  - Lead staff
  - Policy and planning documents
- **Citywide collaboration**
  - Centralized vs. decentralized work
  - Groups and teams that meet regularly

Maintain awareness of current activities

- Read governing body meeting agendas and minutes
- Subscribe to:
  - Local news digests that cover government activities
  - Elected official newsletters
  - Department newsletters
- Talk to your colleagues

Review ADA Compliance Status

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Administrative requirements

- **ADA Coordinator**
  - Where is the ADA Coordinator positioned within the organization?
  - Where is the contact information posted?
  - Does customer service know how to direct someone to the ADA Coordinator?
- **Public Notice**
  - When was it last reviewed/updated?
  - Where is it posted?
- **Grievance Procedure**
  - When was it last reviewed/updated?
  - Where is it posted?
  - How and where are grievance records maintained?

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Self Evaluation & Transition Plan

- Where are they?
- What was evaluated?
- When was it evaluated?
- What is the current status of the plan?
- If not complete, who is responsible for monitoring implementation and reporting progress?
- Were any non-compliant items omitted? Why? Where is it documented?

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Maintenance Plan

- What is the plan to maintain ADA compliance?
- Is it documented?
- Who is responsible?
- How are they held accountable?
- What is the ADA Coordinator's role in the plan?
- If there is no plan, how is the ADA Coordinator expected to coordinate the entity's efforts to comply with and carry out its responsibilities under the ADA?

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Approach the Work Strategically
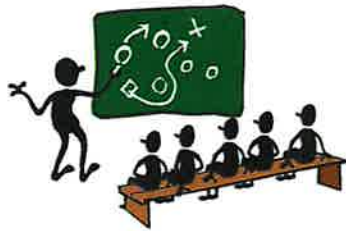
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How **you** talk about access matters

- Genuinely care about what you are talking about
- Share specific stories and examples
- Be prepared to dispel common misconceptions and respond to outdated language
- Promote a culture of inclusivity through a consistent message that aligns with your entity's mission
  - "The City of Pasadena is dedicated to delivering exemplary municipal services responsive to our entire community and consistent with our history, culture and unique character."
  - In order for City services to be responsive to the entire community, they must be accessible to and usable by people with disabilities

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What gets measured gets done

- Integrate accessibility into review and approval processes
- Integrate accessibility into existing reports
- Publish an annual Accessibility Report
  - Example: City of Frenso, CA
- Establish work groups with accessibility related action items and report on progress
- Include accessibility in performance evaluations
- Encourage entity leadership to ask about accessibility

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Understand motivations

Personal Interest	Organizational Interest	Community Interest
• Personal experience with disability • Requirement of the job • Rule follower • Want to support YOU	• Liability • Compliance • Program funding requirement • Mutual benefit • Financial benefit	• Community need/request • It's the right thing to do • Interested in universal design

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Maintain good relationships

- Be someone people want to contact
  - Approachable
  - Responsive
  - Knowledgeable
  - Available to assist
- Invite the right people to the table
- Be diplomatic
- Celebrate successes, good efforts, and thoughtful inquiries
- Perform your work with integrity
- Remain mission focused

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Keep accessibility top of mind

- Discuss accessibility at all levels
- Reiterate that accessibility is everyone's responsibility
- Sprinkle anecdotes, current events, and "fun facts" into conversations and meetings
- Meet regularly with key partners
- Attend staff events
- Be creative!

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Don't reinvent the wheel

- Integrate accessibility into existing policies, procedures, and projects
- Be thoughtful about creating new policies
- Use models provided by DOJ
- Ask for resources and information from other jurisdictions

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Leverage opportunities to move beyond minimum compliance

- Disability community priorities
- Safety
- Broad impact
- Mutual benefit
- Strong allies
- Right time
- Hot topic
- No cost
- Improves efficiency

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Give expert level recommendations

Question	• Clarify the question or issue • Obtain relevant details
Research	• Identify and review relevant authorities • Review guidance and best practices
Analysis	• Apply authority, guidance, and best practices to the specific question and circumstances
Recommendation	• Present options (risks/benefits, most/least protected) • Make a specific recommendation
Follow-Up	• Offer opportunity for follow-up • When necessary, ask for an update on the final decision

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No = Not Yet (only in this specific context)

- Plan before you ask
- Understand why the answer was "no"
- Modify your plan in response
- Watch for opportunities to ask again or in a different way
  - Leadership changes
  - Staff movement
  - Alignment with new priorities/goals
  - Public pressure
  - New guidance or enforcement activities
  - Passage of time
- Be ready for YES

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Respond to resistance with authority

- Slippery slope
- The requestor is lying
- Too expensive
- Too difficult
- Don't have enough staff
- Don't have the time

- Clearly state what is required
- Emphasize that non-compliance and denials must be based on exceptions allowed under the ADA
- Ask for an opinion from your entity's attorney
- Determine who else should be consulted before a final "no"
- Document

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"No budget" for minimum compliance is not your problem to solve

If you do not have the budget to meet minimum accessibility requirements, you do not have the budget for the project

Let me know how I can help you integrate accessibility from the beginning in the future

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Turn frustration into action

When something goes wrong, ask...
- What happened (or didn't happen)
- Why was it wrong?
- Who has control or authority to fix it?
- How can they fix it?
- How can they prevent it from happening again?
- What do they need from you?
- Document for long term accountability

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Set boundaries – you cannot do it all!

- Address knowledge gaps with information, resources, and training
- Do not do the work of others
- Stay in your lane
- When taking on new duties, discuss prioritization of work with your supervisor
- Take a deep breath and let it go

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Celebrate successes!

- Celebrate wins big and small
- Tell supervisors about extra efforts of their staff
- Share positive community feedback
- Share progress with the disability advisory committee
- Be proud of yourself

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Questions

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