

I was just appointed as the ADA
Coordinator! Help!

What ADA Professionals Need to Know and Do



Main Duties: Where Do You Begin?

- Coordinate ADA compliance
- Assess compliance and plan for the future –
 - Has your entity conducted a Self-Evaluation of its programs, services, and facilities?
 - Has your entity written an ADA Transition Plan in the last few years? Has your entity updated its Transition Plan in the last 5 years?
 - Is your Transition Plan broken down into specific Priority areas? – Consider the size of your entity and how long it might take you... 1-3 years, 4-6 years, 7- 10 years or maybe 1-5 years, 6-10 years, and 11-15?

Understand Your Role & Main Duties

- Know your entity and its policies & procedures?
- What titles of the ADA are most applicable to your role/entity?
 - Title I Employment
 - Title II State & Local Government Serving the Public
 - Title III Public Accommodations
 - Title IV Telecommunications
 - Title V
 - Other—Retaliation
- Do all the above titles apply?
- Be Trusted Technical Experts

What is Your Role? Higher Education

- What is the scope of your role?
 - Compliance?
 - Investigations?
 - Whom do you serve: Students? Faculty? Staff?
 - What is the scope of your authority?
 - Where does your role intersect with EIT?
 - What the scope of your role/authority when issues involve faculty members?
 - What is your relationship/role with with the Student Disability Office?

Main Duties: Program Access

- Provide information to the Public
- Assist persons with disabilities both employees and the public
- Work with individuals, disability organizations, and others to address issues and facilitate compliance
- *Investigate complaints (implement grievance procedures) with ADA/disability implications
- *Note: Depending on your entity, investigations may fall under other departments or jurisdictional authority.

Know Your Role: Some Challenges

- Be informed. Keep current with new issues, regulations, developments, potential vulnerabilities to minimize problems/litigation.
- Provide training and information to help staff and managers “do the right thing.”
- Review design and construction documents—sooner rather than later—better to change on paper rather than wait for construction punch list.
- Review entity policies & procedures and make recommendations for inclusion of persons with disabilities.
- Respond to government investigations or litigation in a timely manner.
- HAVE A PLAN!

Address Vulnerabilities and DOJ Priorities

- Emergency Preparedness
- Web Accessibility
- Information Technology
- Voting
- Public Rights of Way
- Health Care
- Elementary and Secondary Education
- Law Enforcement/Corrections
- Housing
- Shelters
- 911
- Facilities (not safe-harbored)
- Mobility Devices
- Program access as to programs provided by third parties

Get “Out There”

- Be at the table rather than on the menu
- Build enduring relationships
- With internal/external groups and individuals
 - Real Estate/Construction
 - Senior Services
 - Mental Health & Developmental Disabilities
 - Community Service Partners/Grants
 - Libraries, Arts & Culture
 - Personnel/HR
 - Law Enforcement/Justice Centers/Youth Services/Corrections

Get “Out There” Higher Education

- ▶ University Facilities
- ▶ Admissions
- ▶ Housing/Residential Life
- ▶ Orientation Staff
- ▶ Faculty Senate
- ▶ Office of Online Learning
- ▶ Parking and Transportation Services
- ▶ Provost / Office of Faculty Development
- ▶ Athletics
- ▶ Libraries

Other Critical Partners

- Organization Leadership
- Legal Counsel
- Risk Management
- Budget/Finance
- IT Management
- Mini Me's – Disability Compliance Liaisons (DCLs)

Communicate!!

- Publicize your role
- Inform staff about developments
- Publicize successes, good practices
- Teach what you know
- Bulletins/newsletters—what are other ‘like’ entities doing?
- “Show up” you cannot do this from your desk!
- Give credit to your successful partners

Process for Undue Burden/ Fundamental Alteration Decisions

- Have a policy conforming with DOJ rule
 - Decisions in writing
 - Consider all resources
 - Include defensible rationale
 - Based on industry/discipline/licensing standards
 - By head of agency or designee
 - Do what's possible up to tipping point
- Consider a form for record-keeping

Contractors and Other Partners

- Public entities cannot delegate program access responsibilities
- Include links to standards/guidelines in contracts and specify their obligations to comply
- Monitor compliance by contractors and others
- Consider budgeting issues; include some compliance costs in separate item of budget
- Include partners in training: contracts for services, purchasing & contract compliance, grant recipients
- Contract assurances language



Construction and Alterations

- Starts with design phase development, discussions, review, hand-off to construction
- “We built it like they designed it!”
- Monitor process
- Path of travel
- Maintain access during construction and temporary or emergency closures
- Unintentional consequences

Complete/Update Your Plans (or take a step back with a fresh perspective)

- Have a Plan!
- Review current policies or develop new ones
- Don't go backwards, move forward
- Document, document, document
- Focus on what's new
- Focus on vulnerabilities, areas where improvement is needed or complaints have been received
- Train on difficult areas and assess where additional information/training is still needed

Questions and Answers

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