

2013

ADA Self-Evaluation and Transition Plan



Town of
Schererville

TABLE OF CONTENTS

1.0 INTRODUCTION AND OVERVIEW

1.1	EXECUTIVE SUMMARY	Pg.1
1.2	INTRODUCTION	Pg.1
1.3	REQUIREMENTS OF MUNICIPALITIES UNDER TITLE I OF THE ADA	Pg.2
1.4	REQUIREMENTS OF MUNICIPALITIES UNDER TITLE II OF THE ADA	Pg.2
1.5	ADMINISTRATIVE RESPONSIBILITIES	Pg.3
1.6	REQUIREMENTS OF EXISTING FACILITIES: PROGRAM ACCESSIBILITY	Pg.4
1.7	REQUIREMENTS FOR NEW CONSTRUCTION AND ALTERATIONS	Pg.4
1.8	MAINTENANCE OF ACCESSIBLE FEATURES	Pg.6
1.9	EFFECTIVE COMMUNICATION	Pg.6
1.10	POLICIES, PRACTICES AND PROCEDURES	Pg.7

2.0 PROCESS FOR COMPLYING WITH ADA

2.1	SELF-EVALUATION	Pg.8
2.2	GATHERING INPUT	Pg.8
2.3	NOTICE REQUIREMENT	Pg.9
2.4	TRANSITION PLAN	Pg.9

3.0 SELF-EVALUATION PROCESS – FINDINGS & RECOMMENDATIONS

3.1	REVIEW PROCESS	Pg.10
3.2	AREAS OF REVIEW	Pg.10
3.3	EMPLOYMENT PRACTICES	Pg.10
3.4	PUBLIC NOTICE REQUIREMENTS	Pg.11
3.5	DESIGNATION OF ADA COORDINATOR	Pg.12
3.6	ADA GRIEVANCE PROCEDURES	Pg.13
3.7	STREET INTERSECTIONS/CURB RAMPS	Pg.13
3.8	ALTERNATE COMMUNICATION FORMATS	Pg.13
3.9	ACCESS TO PUBLIC FACILITIES, PROGRAMS, AND SERVICES	Pg.14
3.10	INFORMATION AND SIGNAGE	Pg.16
3.11	PUBLIC MEETINGS	Pg.16

4.0 ADA TRANSITION PLAN

4.1	OVERVIEW AND INTENT	Pg.18
4.2	PHASING OF CORRECTIONS	Pg.18
4.3	PUBLIC OUTREACH	Pg.19
4.4	PRIORITIES FOR BARRIER REMOVAL	Pg.19

5.0 SCHERERVILLE ADA GRIEVANCE PROCEDURE

Pg.22

ADA ACCOMODATION FORM
ADA COMPLAINT FORM

APPENDICES

APPENDIX A.....Curb/Intersection Inventory

APPENDIX B.....Building Survey

APPENDIX C.....ADA Park Facilities Report

APPENDIX D.....Public Outreach

1.0 INTRODUCTION AND OVERVIEW OF REQUIREMENTS AND PROCEDURES UNDER THE AMERICANS WITH DISABILITIES ACT

1.1 EXECUTIVE SUMMARY

Since Title II of the Americans with Disabilities Act of 1990, the Town of Schererville has strived to accommodate individuals with disabilities in all facets of its role as a governing body. The Town has experienced considerable growth and change since the ADA law has been enacted. New municipal buildings and facilities were constructed, parks developed, and programs and services expanded. Throughout this time the Town has address many areas of compliance in a sincere effort to following the requirements of the ADA.

The most recent revisions to Title II of the ADA by the Department of Justice have brought about a renewed focus for compliance requirements for public entities. The Town of Schererville formed an ADA committee to self-evaluate its services, programs, and facilities and develop a transition plan to address correcting any non-compliant issues.

The Town of Schererville 2013 ADA Self-Evaluation and Transition Plan provides an opportunity to review those changes that the Town has experienced and analyze those areas that may not be in compliance. In fact, during this self-evaluation process some deficiencies were noted and addressed promptly. An ADA Coordinator was designated and procedures for requesting accommodations and addressing complaints were initiated.

As the Town of Schererville continues its commitment to have all of its services, programs, and activities inclusive to its community and the general public, the Self-Evaluation and Transition Plan will be a guiding document to further its commitment. The Town of Schererville will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

1.2 INTRODUCTION

Section Summary

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990. The ADA extended civil rights legislation to people with disabilities, and is companion to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The ADA has broad application to public agencies and private businesses in its protections against discrimination for people with disabilities.

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a Federal civil rights statute, under the jurisdiction of the United States Department of Justice (DOJ), which provides comprehensive civil rights protections to qualified individuals with disabilities in the areas of employment, state and local government services, public accommodations, transportation, and telecommunications. The law states its purpose is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. The ADA is

companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also provides disabled employees with certain protections and requires employers to make reasonable accommodation for disabled applicants and employees.

The ADA was signed in to law by President George Bush on July 26, 1990, extending civil rights protections to individuals with physical or mental disabilities in the following areas:

1. Title I – Employment (all Title II employers and employers with 15 or more employees)
2. Title II - Public Services (state and local government including public school districts and public transportation)
3. Title III- Public Accommodations (funded and operated by private entities)
4. Title IV- Telecommunications
5. Title V - Miscellaneous

It shall be noted that the Department of Justice revised regulations to Title II of the ADA on September 15, 2010.

Of the five Titles listed above, Title I and II of the Americans with Disabilities Act would be applicable to the Town of Schererville. Title I would apply since the Town of Schererville has more than 15 employees.

Pursuant to Title II of the American with Disabilities Act, The Town of Schererville is classified as a “public entity”. Title II of the ADA applies to state and local governments, including towns and townships, school districts, water districts, special purpose districts, and other small local governments.

1.3 REQUIREMENTS OF MUNICIPALITIES UNDER TITLE I OF THE ADA

Under this title, The Town must ensure that the hiring practices, policies and procedures do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee, or in other terms, conditions, and rights of employment.

1.4 REQUIREMENTS OF MUNICIPALITIES UNDER TITLE II OF THE ADA

Title II of the ADA applies to State and local governments, including towns and townships, school districts, water districts, special purpose districts, and other small local governments and instrumentalities. It prohibits discrimination on the basis of disability in all services, programs, and activities provided by the Town of Schererville. Thus, people with disabilities must have an equal opportunity to participate in and benefit from a town's services, programs, and activities. To accomplish this, the ADA sets requirements for town facilities, new construction and alterations, communications with the public, and policies and procedures governing town programs, services, and activities.

It prohibits discrimination on the basis of disability in all services, programs, and activities provided by towns. Thus, people with disabilities must have an equal opportunity to participate in and benefit from a town's services, programs, and activities. This requirement extends not only to physical access at government facilities, programs, and events, but also to policy changes that state and local governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of state and local governments. To accomplish this, the ADA sets requirements for town facilities, new construction and alterations, communications with the public, and policies and procedures governing town programs, services, and activities.

It is under this Title that state and local governments are required to conduct a self-evaluation of their programs and services to identify barriers to access. The purpose of the self-evaluation is to identify areas that are not in compliance. Title II dictates that a public entity must 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 were issued in July, 1991. These regulations mandate that each public entity is required to 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. Taking corrective action in removing any barriers to access ensures the Town is not discriminating against individuals with disabilities.

1.5 ADMINISTRATIVE RESPONSIBILITIES

Title II of the ADA stipulates that the Town of Schererville is required to perform the six administrative responsibilities:

1. Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance.
2. Administer and write self-evaluation of programmatic barriers in services offered by local government.
3. Publicize and inform applicants, participants, and beneficiaries of the Town's policy of nondiscrimination on the basis of disability related to Town services, programs, and activities.
4. Establish a complaint/grievance procedure to respond to complaints of noncompliance from the public.
5. Develop a transition plan if structural changes are necessary for achieving program accessibility. The transition plan is a companion to the self-evaluation.
6. Retain the self-evaluation and provide it for public inspection for three years.

The Town of Schererville is committed to complying with the tenets of Title II of the Americans with Disabilities Act of 1990, and other Federal and State statutes and regulations intended to make Town-owned and operated facilities, programs, services, and activities accessible to persons with disabilities. This 2013 ADA Self-Evaluation and Transition Plan helps establish a new benchmark for compliance with ADA and a plan to remove such barriers.

In the ADA, the term "disability" means, with respect to an individual:

- 1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- 2) A record of such an impairment; or
- 3) Being regarded as having such impairment.

If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the Americans with Disabilities Act. The Final Rules of the ADA describe in greater detail the conditions included and excluded as disabilities under the ADA, and these rules should be referred to if more detailed descriptions of covered disabilities are desired.

1.6 REQUIREMENTS OF 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 town must ensure 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 town 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 Town of Schererville 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 town facilities.

1.7 REQUIREMENTS FOR NEW CONSTRUCTION AND ALTERATIONS

NEW CONSTRUCTION

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 2010 (ADAAG) as well as the Public Rights of Way Accessibility Guidelines (PROWAG) for public improvements within public rights of way including sidewalks and crossings. These requirements include facilities that are available for public use and those that are for use by employees.

The ADA Standards for Accessible Design (ADAAG) was revised in 2010 and have been selected as the ADA design standard by the Town of Schererville. Because ADAAG and PROWAG requirements for new construction and alterations do change from time to time, the Town must continue to be familiar with any new design and construction requirements before a project starts.

ADDITIONS AND ALTERATIONS

When a building or facility is renovated, altered, or added to for any purpose, the alterations or additions must comply with the ADA Standards. In general, the alteration provisions are the same as the new construction requirements except that deviations are permitted when it is not technically feasible to comply. Additions are considered an alteration but the addition must follow the new construction requirements. When existing structural and other conditions make it impossible to meet all the alteration requirements of the ADA Standards, then they should be followed to the greatest extent possible.

Basic Requirements for Alterations:

- Any alteration that affects the usability of a building or facility must comply with the requirements of the ADA Standards unless technically infeasible to do so. Alterations can be as limited as the replacement of a fixture or element, such as a lavatory, toilet, or piece of door hardware.
- When an element is replaced, the new element must comply with the ADA Standards if the minimum requirements for accessibility under the ADA have not already been met.
- When an alteration to an area of a facility that contains a primary function area, the Town has an additional obligation. The Town is also responsible for making the path of travel to the altered area (room or wing), as well as the toilet rooms, drinking fountains, and public telephones serving the altered area accessible. Primary function areas are those areas of a building that include the primary spaces for which the building was constructed (for example offices or meeting areas in a town hall, locker rooms in an athletic facility, or classrooms in a school or training center). The amount of money the town must spend to provide an accessible path of travel is limited to 20% of the overall cost of the alterations. If the path of travel alterations can be done for less than the 20% limit, then only that expenditure is required. If all the required accessible features are already provided then no additional expenditure is needed.
- When a qualified historic facility is altered, an exception to the alteration requirements of the ADA Standards may be used if the alteration threatens to destroy the historic significance of the building or facility. In these situations, special provisions in the Standards may be used for the element or space that would be threatened. In almost all situations, accessible design can be used without significantly impairing the historic features of the facility.
- The ADA Standards have specific requirements for additions. Additions, which include an expansion, extension or increase of the gross floor area of a building or facility, are considered an alteration to a facility but the area that is added must comply with the new construction requirements. Each addition that affects or could affect the usability of an area containing a primary function area must meet the path of travel requirements (see above).

1.8 MAINTENANCE OF ACCESSIBLE FEATURES

MAINTENANCE OF ACCESSIBLE FEATURES

Municipalities must maintain in operable working condition those features that are necessary to provide access to services, programs, and activities -- including elevators and lifts, curb ramps at intersections, 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.

1.9 EFFECTIVE COMMUNICATION

The Town must 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 the program or activity.

Achieving effective communication often requires municipalities to provide auxiliary aids and services. Examples of auxiliary aids and services include qualified sign language interpreters, assistive listening devices, open and closed captioning, note-takers, written materials, telephone handset devices, qualified readers, taped texts, audio recordings, Braille materials, materials on computer disk, and large print materials.

Municipalities must provide appropriate auxiliary aids and services where they are necessary to achieve an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by or for the municipality. The Town must give primary consideration to the type of auxiliary aid requested by a person with a disability. However, the Town may provide a different type of aid if it can show that it is an effective means of communication. The Town must be provided adequate notice that auxiliary aids have been requested prior to the anticipated use of said aids.

Determination of an undue financial burden or a fundamental alteration can only be made by the compliance coordinator, defined below, or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination of an undue burden must be based on all resources available for use in the program, service, or activity. In other words, the evaluation of an undue financial burden must consider all municipal financial resources, in addition to the particular department or division's budget. When it is not possible to provide a particular type of auxiliary aid to achieve effective communication due to an undue burden or fundamental alteration, the Town must take any other action that would not result in such burdens or fundamental alteration, but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

Since the Town communicates with applicants and beneficiaries by telephone, it must ensure that an effective telecommunication system such as communication which relies on use of the relay system or a TTY (or TDD) be used to communicate with individuals who are deaf, hard-of-hearing or who have speech disabilities. A TTY has a keyboard and visual display for non-verbal communication with another TTY user or a relay system operator. The relay system is provided in each State and permits telephone communication between voice handsets and individuals using a TTY.

Requirements for effective communications also apply to "telephone emergency services" that provide a basic emergency service, such as police, fire, and ambulance, that are provided by public safety agencies, including 9-1-1 (or, in some cases, seven-digit) systems. Direct, equal access must be provided to all services included in the system, including services such as emergency poison control information. Where direct access is provided to callers, direct access by TTY users means the telephone emergency service cannot use a relay system or transfer all TTY calls to one operator while other callers have access to all available operators (for more information, see the Department's publication, Access for 9-1-1 and Telephone Emergency Services Under the Americans with Disabilities Act).

Currently the Town of Schererville Police Department provides a TTY phone number for its department's communications. The Park Department utilizes the same number on its program flyers.

1.10 POLICIES, PRACTICES AND PROCEDURES

The Town must 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 Town of Schererville, the Town 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 a public entity'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 Town can choose how it wants to conduct a review of policies and practices that govern the administration of the Town's programs, activities, and services. 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. It is recommended that once the Town completes its self-evaluation a review process be established to insure continued compliance.

2.0 PROCESS FOR COMPLYING WITH THE ADA

2.1 SELF-EVALUATION

The Town is required to conduct a self-evaluation of municipal facilities under Section 504 of the Rehabilitation Act must do so. The self-evaluation is a review of all Town 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. Specific areas of self-evaluation must include 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 should identify changes to policies to be implemented. It should 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.

Any previous self-evaluation plans by the Town or its departments should be reviewed and updated by evaluating the services, programs, and activities that have changed.

2.2 GATHERING INPUT

Part of the self-evaluation process for the Town of Schererville will consist of gathering information internally through a committee of designated town employees. Employees were selected by the Town Manager to implement the self-evaluation review process. All aspects pertaining to the development of the self-evaluation process and transition plan are anticipated to be accomplished in-house.

Getting public input is also another important part of the process. The Town will publicize its' plans to create the planning document to provide the public with an opportunity to provide input. Notice of the self-evaluation process will be posted on the Town website and in the Schererville news. In addition, an accommodation form will be made available on the Town's website. There will also be an ADA Self-Evaluation open house for the public at the Town Hall. The open house will provide an additional opportunity for the Town to solicit input from the public. Committee members will be available to answer questions and provide information on the draft.

2.3 NOTICE REQUIREMENT

The Town of Schererville must provide notice to the public about its ADA obligations and about accessible facilities and services in the Town. The notice must inform the public about the ADA's nondiscrimination requirements. It may also describe how the public or employees may contact specific town officials about problems with accessibility and the need for effective communication. The information must be accessible to the public, including people who have disabilities that affect communication, such as blindness, low vision, deafness, and hearing loss. Although no specific method is required to reach the public, notice can be provided in more than one format and by using more than one type of media, such as the Town's website, print, radio, or television.

2.4 TRANSITION PLAN

The Town is required by the ADA 28 CFR 35.150 (d) to prepare a transition plan setting forth the steps necessary to complete structural changes to facilities to achieve program accessibility. The plan consists of identifying the physical obstacles in a public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities. The Town would also be required to include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs.

Opportunities shall be provided to interested persons, including individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

3.0 SELF- EVALUATION PROCESS – FINDINGS & RECOMMENDATIONS

3.1 REVIEW PROCESS

An ADA Committee consisting of Town staff was formed for the purpose of conducting the self-evaluation. The following summarizes the review of the current Town of Schererville policies, services, programs, and facilities. The overall findings and recommendations as described in this chapter will provide the foundation for the implementation of specific improvements to eliminate any barriers.

3.2 AREAS OF REVIEW

The committee identified the following areas that need to be evaluated in the review process.

- Employment Practices
- Public Notice Requirements
- Designation of ADA Coordinator
- Grievance/Uniform Complaint Procedures
- Street Intersections/Curb Ramps
- Alternate Communication Formats
- Access to Public Facilities, Programs, and Services
- Information and Signage
- Public Meetings

Where applicable, the findings and recommendations below shall apply to all departments.

3.3 EMPLOYMENT PRACTICES

Under Title I of the ADA, The Town must ensure that the hiring practices, policies and procedures do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee, or in other terms, conditions, and rights of employment.

Self-Evaluation Findings:

- The Town of Schererville does not discriminate on the basis of disability in its hiring or employment practices and its personnel policy complies with the requirements of Title I.
- The application for employment used by all Town departments includes a statement that equal access to employment is available to all persons, reasonable accommodations will be made for applicants, and that it is an equal opportunity employer.
- The Park Department has previous employed persons with disabilities.
- The Human Resources Department provides reasonable accommodations to applicants or employees with a disability upon request.
- The Town has regularly posted Federal and State equal employment opportunity notices and posters in all appropriate employee areas throughout its departments.
- The Town maintains medical records separate from personnel files.

Recommended Action:

- The Town should continue to practice Town policies of nondiscrimination as required by the ADA.
- Terminology in the Town's personnel manual should be reviewed and use of the word "handicapped" should be replaced with "individuals or persons with disabilities."
- The Town's personnel manual includes a statement of nondiscrimination on the basis of a disability and informs employees of their rights and protections provided by the ADA.
- That any update of and amendments to Town policy and procedures be in compliance with Title I of the ADA.
- Human Resources personnel should be included in any ADA training offered by the Town.

3.4 PUBLIC NOTICE REQUIREMENTS

The Town is required to notify the public of their rights and protections under the ADA Law (28CFR 35.106).

Self-Evaluation Findings:

- Public notices including notices of public hearings and agendas for public meetings by the Town Council, its boards, and commissions, are lacking an ADA compliance statement.
- Notice of the public of their rights and protections under the ADA Law are not posted at the Town Hall or on the Town web site.
- Some ADA information is available on the Town web site in the form of a download, but no direct link or category to the information is provided.
- The Park Department program flyers and brochures have included a statement regarding request for special accommodations and listing a TDD/TTY number. The Police Department also utilizes a TDD/TTY number.

Recommended Action:

- All public notices need to include an ADA compliance statement including information on the procedure to request special accommodations.
- A standard ADA compliance statement should be drafted and used by all departments, boards and commissions in publications and notices.
- The ADA compliance statement should be posted on the landing page of the Town's website. A separate tab should be listed under the Resources section of Main Menu specifically for ADA resources and information.
- List Town departments that offer the TDD/TTY number on the website and printed directories.
- A laminated poster with the ADA compliance statement and other pertinent information is posted in a public lobby at the Town Hall.

3.5 DESIGNATION OF ADA COORDINATOR

The ADA regulations require any public entity with fifty or more employees to designate at least one employee to coordinate ADA compliance (28 CFR 35.107-a). The Town of Schererville has over 50 employees and utilizes professional local government management. The Town Manager is

the chief appointed officer and responsible for the day-to-day management of the Town. Federal regulations require public entities to make available to interested persons the name, office address, and telephone number of the ADA Coordinator.

The duties and responsibilities for the ADA Coordinator include conducting the self-evaluation and development of the transition plan, handling requests for auxiliary aids and services, providing information about accessible programs and services, and serving as a local resource to the Town. The ADA Coordinator also has the responsibility to work with the Town Manager and Town department heads to ensure that new facilities or alterations to facilities meet ADA requirements. The ADA Coordinator is also responsible for receiving complaints from the public and working to resolve them.

Self-Evaluation Findings:

- The Town does not have a designated ADA Coordinator.
- Matters related to ADA compliance have been fragmented among the Town departments.
- Requests have been directed to respective departments.

Recommended Action:

- The Town of Schererville, through its designated official, designates an employee as the ADA Coordinator.
- That information regarding the identity of the Town's ADA Coordinator including name, address, e-mail address and phone number is made available to the public and Town departments via the Town's website, publications, public notices, and department postings.
- That all departments shall have one individual with basic knowledge of ADA requirements that can assist the ADA Coordinator and issues within their department.

3.6 ADA GRIEVANCE PROCEDURES

The ADA regulations require any public entity with fifty or more employees to adopt and publish grievance procedures for the resolution of complaints for issues not in compliance with ADA requirements (28 CFR 35.107 (b)). A grievance procedure provides people who feel they have been discriminated against because of their disability, or others who feel they have been discriminated against because they have a friend or family member with a disability, with a formal process to make their complaint known to the public entity. This procedure encourages prompt and equitable resolution of the problem at the local level without having to force individuals to file a Federal complaint or a lawsuit.

Self-Evaluation Findings:

- That the Town does not have a formal grievance procedure specifically to address ADA compliance complaints.
- Complaints have been directed to the department best suited to handle and rectify the complaint.

Recommended Action:

- The Town should formalize a grievance procedure to insure that complaints are being handled properly and in a timely manner. Establishment of a grievance procedure would centralize record keeping allowing the Town to track grievances and assist in future updating and implementation of the Transition Plan.

- The procedures should outline the necessary steps and information needed to start the process of resolving the complaint. A timeframe should be established for submitting a grievance, and for representatives of the Town to respond to the compliance complaint.
- The grievance procedure should be made public and posted on the Town's website.

3.7 STREET INTERSECTIONS/CURB RAMPS

ADA regulation 28 CFR 35.150(d)(2) requires that newly built or altered streets and roads have ramps wherever there are curbs or other barriers to entry from a pedestrian walkway. The Town is required to develop a Transition Plan specific to curb ramps or other sloped areas at locations where pedestrian walkways cross curbs. As part of this study the ADA Coordinator did an inventory of the status of each street intersection within the Town which identifies the condition and those intersections that are not in compliance.

Self-Evaluation Findings:

- The Department of Public Works designs, inspects, and regularly maintains curb ramps.
- Advance notice of street closures are released for publication by the Public Works Director.
- Street reconstruction and underground utility projects coordinated thru the Town that affect street intersections have been including construction of curb ramps and truncated domes.
- Although there has been a dedicated effort by the Town to bring street intersections into compliance, there is no documented program or plan that addresses curb ramp replacement for intersections not in compliance.

Recommended Action:

- That the Town formalizes it's continued working on bringing street intersections and curb ramps into compliance thru development of a Transition Plan.
- That consideration be given to set aside annual funding for future improvements.
- A rating system is established to prioritize the intersections for future repairs if funding becomes available.
- That all reconstruction or repairs of non-compliance intersections be brought to compliance at that time.
- Establish an ongoing procedure for installing curb ramps upon request in both residential and nonresidential area frequented by individuals with disabilities.
- Consider maintaining accessible paths of travel, such as detours, throughout construction for pedestrians and bicyclists.

3.8 ALTERNATE COMMUNICATION FORMATS

A public entity, as required by the ADA (28 CFR 35.160), shall take appropriate steps to ensure that communications with applicants, participants members of the public, and companions with disabilities are as effective as those communications to others without disabilities. Public entities also have a responsibility to provide information in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. The accessible formats are in the form of auxiliary aids and services to communicate effectively with

individuals, who are deaf, hard-of-hearing, or a have a speech, vision, or learning disability. They cannot rely on a minor child or accompanying adult to interpret or facilitate communications.

Communication access involves providing content in methods that are understandable and useable by people with reduced or no ability to: speak, see, and hear and limitations in learning and understanding. Some alternative formats can be produced in-house at minimal costs, such as a document in large print. Other formats that may be requested, such as Braille and audio-formats, would need to be produced by an outside vendor. In some instances, a qualified interpreter may need to be utilized.

Self-Evaluation Findings:

- Most Town departments generate printed information that is distributed and made available to the public.
- The Town has a website that provides information on Town departments, meetings, notices, services and events.
- The Town also utilizes telecommunications for emergency notices.
- If requested, staff at some Town departments, such as police and building and planning, will make accommodations and assist individuals in filling out forms.
- Some Town departments utilize TDD/TTY communications.
- Although an ADA accommodation form is posted on the Town's website, there is no mention on the home page of the website stating that such requests will be accommodated.
- There is a lack of procedures to communicate and provide accessible alternate formats for those with disabilities among the departments.

Recommended Action:

- The Town should provide staff training regarding the requirements of accessible alternate formats and effective communication, what types of accessible alternate formats are available, and how to provide accessible alternate formats and effective communication.
- Procedures and methods should be established, including list of auxiliary service providers, for the development and procuring of accessible alternate formats and qualified interpreters.
- The Town should make available a TDD/TTY number for all departments.
- Information regarding how to make such a request should be posted on the Town's website with a direct link to the ADA accommodation form for simpler navigation.
- Town personnel responsible for website development should continue to develop and refine procedures to design, maintain, update, and monitor website accessibility.

3.9 ACCESS TO PUBLIC FACILITIES, PROGRAMS, AND SERVICES

The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities offered by a public entity because its facilities are inaccessible to or unusable by individuals with disabilities. A public entity may not adopt policies that are discriminatory or engage in practices that are discriminatory. This prohibition applies to policies that are explicitly exclusionary and to those which appear to be neutral, but have a discriminatory effect. A public entity shall operate each service, program, or activity so that the service, program or activity,

when viewed in its entirety, is readily accessible to and useable by individuals with disabilities per 28 CFR 35.150 (a).

The ADA doesn't necessarily require that a public entity take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. The burden of proof would be on the public entity and any such decisions must be made by the head of the public entity and in accordance with 28 CFR 35.150 (a) (3).

The law does allow a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services, and activities. Other nonstructural methods could be incorporated if they are effective in achieving compliance and give priority to achieving the most integrated setting appropriate for individuals with disabilities. (28 CFR 35.150 (b)(1)).

Self-Evaluation Findings:

- The ADA Coordinator did not find any evidence of policies and practices by the Town that intentionally discriminates or excludes persons with disabilities.
- There was no evidence of fees charged to individuals with disabilities that were not charged to individuals *without* disabilities to access programs, services, and activities.
- Public meetings were generally held in locations that are accessible to persons with disabilities.
- The ADA Coordinator and Building Inspector toured Town building facilities to determine which had public access, including accessible parking and paths of travel, and if they were in compliance.
- It was determined that the Town Hall, Police Department, Park Department office building and outdoor restrooms, and Public Works office building were public use facilities.
- The Schererville Town Hall and Police Department/Town Court facilities, including parking areas, were found to be in compliance.
- The Public Works office was in compliance, but there was not a dedicated, accessible parking space.
- Park Department outdoor restrooms, with the exception of Redar Park, had some element of the facility that was not in compliance.
- The Park Department office building located in Rohrman Park did not have an accessible counter.
- While Park Department facilities having designated parking lots provide a sufficient number of spaces, some issues were found with signage and markings.
- Some parks with on street parking did not have a designated parking space for those with disabilities.
- Accessible routes of travel were incomplete at some park facilities.
- Park Department playground structures were in compliance. Drinking fountains with the exception of the one at Biedron Park were in compliance.
- Park department programs and activities are inclusive for persons with disabilities. Programs flyers and brochures include a statement providing information for any special accommodations that are needed to participate in the program.
- Some activities and programs that the Park Department offers are specifically for persons with disabilities.

- The Park Department is an active member of the Cooperative Special Recreation Initiative, which is a group of local park departments providing year round special events for persons with disabilities.

Recommended Action:

- That the Park Department continues to bring facilities into compliance thru development of a Transition Plan.
- That consideration be given to set aside annual funding for future improvements.
- The ADA Coordinator continues to monitor the progress of Transition Plans and access to Town programs and services.
- That the Public Works department convert one parking space as ADA compliant.
- Continue to provide programs and services at facilities that are accessible and in compliance.
- The Town should provide additional and ongoing training to staff and officials regarding the requirements of the ADA and accommodations that provide equal access to programs, services and activities.

3.10 INFORMATION AND SIGNAGE

Public entities are required to ensure that individuals with disabilities are directed to an accessible entrance to a building and to the location and existence of accessible services, activities, and facilities. The international symbol of accessibility shall be used at each accessible entrance of a facility (28 CFR 35.163).

Self-Evaluation Findings:

- Accessible directional and informational signs are not provided at some Town facilities and sites, including parking areas.
- With the exception of Redar Park, outdoor restroom facilities at Plum Creek, Rorhman, and Stephen Parks lacking in signage.
- The Town Hall lacked signage at the front entrance notifying and directing users to the accessible entrance located in the back of the building.

Recommended Action:

- A plan developed for interior and exterior directional, informational and permanent room signs that comply with design standards.

3.11 PUBLIC MEETINGS

On a monthly basis there are public meetings held by the Town Council and various boards and commissions associated with Town departments. The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities, including meetings, offered by the public entity. The ADA law does allow public entities to use both structural and nonstructural methods in making accommodations for public meetings.

Self-Evaluation Findings:

- The locations that the Town of Schererville public meetings have been held are accessible and in compliance with ADA requirements.
- That notices and agendas for public meetings are lacking any ADA compliance statement regarding requests for special accommodations and listing of a TDD/TTY number.
- The Town's website does not list an ADA compliance statement for its public meetings.
- None of the public meetings are broadcasted live.

Recommended Action:

- Notices and agendas for all public meetings and hearings include an ADA compliance statement including information on the procedure to request special accommodations, requests for documents in alternate formats, and listing of a TDD/TTY number.
- That a standard ADA compliance statement be used on all notices and agendas for Town of Schererville public meetings.
- The ADA compliance statement should also be posted under the Upcoming Events section which lists public meetings on the Town's website.
- That a procedure for obtaining and providing services to meet any requests for special accommodations be developed and made available to town departments.
- Continue to schedule meetings at facilities that are accessible and in compliance.

4.0 ADA TRANSITION PLAN

4.1 OVERVIEW AND INTENT

The transition plan describes the process of how the Town will be transitioning to compliance with the ADA. The Town of Schererville, like other public entities, are required to provide access to Town programs, services, facilities, and activities for all of the public, including persons with disabilities. Any areas of noncompliance must be documented and changes made to ensure accessibility. Additional documentation is also essential as those changes occur and barriers are removed.

If during the self-evaluation process structural changes are identified to achieve ADA compliance, then the ADA requires specific elements to be included in the transition plan. The plan shall, as outlined in 28 CFR 35.150 (d), at a minimum:

- 1) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- 2) Describe in detail the methods that will be used to make the facilities accessible;
- 3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- 4) Indicate the official responsible for implementation of the plan.

The transition plan is a response to the findings of facility assessments, evaluation of Town policies, services, programs, and activities, and input from the public. Recommended actions could be found in section 3.0. The specific architectural and site improvements modifications required to meet compliance in facilities and other areas are listed in Appendix A. Not all these barriers must be removed in order provide program compliance with the ADA. During the self-evaluation process, the Town acted upon, and incorporated some of the recommendations that were identified such as establishing a grievance procedure and designating an ADA coordinator (see Section 5.0).

4.2 PHASING OF CORRECTIONS

A phased implementation of the required corrections to remove physical barriers at Town-owned facilities was recommended. The Town has limited funds and cannot immediately make all facilities fully accessible. The Town's intent is to evaluate all areas of that are potentially non-compliant, and make structural changes were necessary. Priorities were established to help facilitate public review and implementation. The commitment of the Town of Schererville is that all individuals with disabilities are accommodated. Prior to setting priorities, baseline criteria needed to be established to develop a starting point for the ranking the deficient facilities during the self-evaluation.

Priorities were determined by evaluating site's level of use, social need, civic function, the general uniqueness of the site, and public input. During the process of development this plan, a formal request for accommodation form and complaint procedure were established. At this time, no public requests or complaints had been received regarding any Town-owned facilities. Although

no public input was received, any future complaints or requests will still be considered as a basis for funding improvements to non-compliant facilities.

Each of the following factors used in establishing priorities:

- **Level of use:** Is the facility utilized quite frequently and by a large cross-section of the public?
- **Social Need:** Does the facility provide a social service or program for citizens that are less fortunate.
- **Civic Function:** Does the facility provide access to civic programs and services that implement the civil and political rights provided by the government?
- **General Uniqueness of the Site:** Does the building, facility, or site provide a distinct program or service that cannot occur at a different location or facility?
- **Public Input:** Is there a documented request or complaint for a specific building, facility, or site regarding issues of compliance?

4.3 PUBLIC OUTREACH

As stated earlier, the Town of Schererville is committed to having its facilities, programs, services, and activities inclusive to individuals with disabilities. Public participation in the final contents of the Transition Plan is an essential aspect to the development of the plan and is required by law. Public input plays a vital role in the setting of priorities and the phasing of improvements

The public participation process included making available a draft of the Transition Plan on the Town's website and a hard copy for review at the Town Hall. An open house was also held to receive public comment. All public comments were incorporated in the final report. The Transition Plan will also be submitted for approval to the Town Council at a public meeting and further comments will be addressed and incorporated into the final plan.

4.4 PRIORITIES FOR BARRIER REMOVAL

Prioritization had to be established to determine which capital improvements need to be considered first. Not all barriers equally impact individuals with disabilities ability to have access to Town facilities or programs. Based on the factors utilized in establishing priorities, improvements to bring areas into ADA compliance were divided into three (3) groups:

- High priority improvements
- Medium priority improvements
- Low priority improvements

High priority improvements address those barriers that prohibit access for disabled persons. These barriers likely do not have acceptable alternative routes or treatments to overcome the barrier. Typically these barriers are significant obstacles located at entry walks and doors, interior corridors, curb ramps, and rest rooms. These barriers could also pose a danger for the disabled person attempting to access or use the facility.

Medium priority improvements address those barriers that partially prohibit access or make access quite difficult for persons with disabilities. Typically these barriers are obstacles to amenities such as secondary entry points, counters, light switches, vending machines and drink fountains. The barriers may also include significant obstacles prohibit access but for which alternative access is available or assistance is readily available to navigate around the barrier. The presence of these barriers may also pose a minor danger to a person with a disability who is attempting to use the facility.

Low priority improvements address those barriers that do not limit access to facilities or services for persons with disabilities. Alternative routes or treatments are typically available or assistance can be provided to overcome the barrier. Typical low priority barriers may include staff work places and rooms, areas, and amenities not used by the public. It is unlikely that the presence of these barriers would present a danger to a disabled person attempting to use or access the facility.

PHASING OF IMPROVEMENTS

Future funding cycles will determine the time frame to implement the necessary improvements. The Town of Schererville reserves the right to modify the priorities based on funding levels. The scheduling of planned construction improvements that are for other purposes, but encompass non-compliant areas, can also dictate when barriers are removed and brought into compliance. This is especially true if the project is involving grant funding. In some instances, it may be advantageous to address all levels of priorities at one time or to address a lower priority if the opportunity makes fiscal and practical sense.

Street Intersections/Curb Ramps

The Town of Schererville Department of Public Works will allocated on an annual basis \$10,000 from its street fund towards bringing street intersections and curb ramps into ADA compliance. Phase 1 for street intersection compliance improvements will consist of those intersections and curbs designated as a high priority. The length of Phase 1 will be determined by the amount of funding and amount of work able to get accomplished in a given year. Phase 2 will address all curbs and intersections designated as a medium priority. Phase 3 will encompass any intersection or curb ranked as a low priority. It is anticipated that the current condition of these areas will need corrective repair and maintenance to bring in compliance.

The phasing of the improvements will be determined by the priority level (see below chart) assigned to each intersection, as designated in the Curb/Intersection Inventory (Appendix A).

CURB RAMP PRIORITY LEVELS 1-5

- 1- No Ramp - High Priority (no elements in compliance)
- 2- Bad - Medium Priority (some elements in compliance)
- 3- Average - Low Priority (maintenance needed for compliance)
- 4- Good - Compliant (except for truncated dome)
- 5 - Excellent - Compliant (newer construction)

Park Facilities

An assessment inventory of park facilities could be found in Appendix B. The Park Department is in the process of drafting a Five Year Park and Recreation Master Plan. This document should be referenced for additional information on facility improvements. Included in that plan will be a more detailed transition plan, including phasing of ADA improvements. Priority ranking and funding opportunities will determine the phasing of the improvements over the next five years. Completed compliance improvements should be referenced in the Town's ADA Transition Plan in addition to any revision of the Park and Recreation Master Plan.

Other

Interim resolutions, such as assigning aids, temporary signing for alternate routes or sites, portable restroom units that are ADA compliant, or modifications of programs, activities, and services may be implemented at the Town's discretion to handle existing insufficiencies or to accommodate any requests or complaints.

5.0 SCHERERVILLE ADA GRIEVANCE PROCEDURE

1. The complainant and/or his/her designee should submit the grievance as soon as possible, but no later than sixty (60) calendar days after the alleged occurrence. Submit grievance to the Schererville ADA Compliance Coordinator:

ADA Compliance Coordinator
10 E. Joliet Street
Schererville, IN 46375
Email: ADA@schererville.org
Phone: (219)865-5501
Facsimile: (219)865-5572

2. The complaint should be presented to the Town Administrator either in writing, in person, or in any other format for the Administrator to be able to document the incident(s) of alleged discrimination. The complaint should contain the following information about the alleged discrimination: full name, address, phone number of the complainant; location of the occurrence, date, and description of the alleged discrimination. The complaint will specify the Department involved and any employee and/or witness involved in the occurrence. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made for person with disabilities.
3. Within thirty (30) calendar days after receipt of the complaint, the ADA compliance coordinator, or designee, will meet with the complainant to discuss the complaint and possible resolutions.
4. With thirty (30) calendar days after the meeting, the ADA compliance coordinator will respond in writing or in another form acceptable to the complainant. The response provides a final resolution of the complaint.
5. If the individual who has filed a grievance continues to have concerns after this process concludes, he or she is welcome to bring any unresolved concerns to the Town Council President of the Town of Schererville.
6. All appeals received and responses given by the ADA compliance coordinator will be kept by the Town of Schererville for at least five (5) years, as required by the Americans with Disabilities Act.

