



Guidance for Communities: ADA Self-Evaluation & Transition Plans Including the Municipal ADA Improvement Grant Program

December 2019

Old Colony Planning Council
70 School Street
Brockton, MA 02301-4097
www.ocpcrpa.org

Old Colony Metropolitan Planning Organization (MPO)

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OCPC Transportation Staff

Charles Kilmer, AICP	Assistant Director/ Transportation Program Manager
Shawn Bailey	Transportation Planner
Paul Chenard	Senior Transportation Planner
Raymond Guarino	Senior Transportation Planner
William McNulty	Senior Transportation Planner
Kyle Mowatt	Transportation Planner
Jimmy Pereira	Community/ Transportation Planner
Andrew Vidal	GIS Manager/ Communications and IT Specialist

Old Colony Planning Council (OCPC)

OCPC Officers

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Charles Kilmer, AICP	Assistant Director/ Transportation Program Manager
Paul Chenard	Senior Transportation Planner
Raymond Guarino	Senior Transportation Planner
William McNulty	Senior Transportation Planner
Kyle Mowatt	Transportation Planner
Shawn Bailey	Transportation Planner

Notice of Nondiscrimination Rights and Protections to Beneficiaries

Federal "Title VI/Nondiscrimination" Protections

The Old Colony Metropolitan Planning Organization (MPO) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of **race, color, or national origin** (including **limited English proficiency**), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of **age, sex, and disability**. These protected categories are contemplated within the Old Colony MPO's Title VI Programs consistent with federal interpretation and administration. Additionally, the Old Colony MPO provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.

State Nondiscrimination Protections

The Old Colony MPO also complies with the Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a, prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on **race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry**. Likewise, the Old Colony MPO complies with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on **race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status** (including Vietnam-era veterans), or **background**.

Additional Information

To request additional information regarding Title VI and related federal and state nondiscrimination obligations, please contact:

Old Colony Planning Council
Title VI/ Nondiscrimination Coordinator
Mary Waldron
70 School Street
Brockton, MA 02301
508-583-1833 Extension 202
mwaldron@ocpcrpa.org

Title VI Specialist
MassDOT, Office of Diversity and Civil Rights
10 Park Plaza
Boston, MA 02116
857-368-8580
TTY: 857-368-0603
MASSDOT.CivilRights@state.ma.us

Complaint Filing

To file a complaint alleging a violation of Title VI or related federal nondiscrimination law, contact the Title VI Specialist (above) within 180 days of the alleged discriminatory conduct.

To file a complaint alleging a violation of the state's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within 300 days of the alleged discriminatory conduct at:

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, 6th Floor
Boston, MA 02109
617-994-6000
TTY: 617-994-6196

Translation

English

If this information is needed in another language, please contact the MPO Title VI Coordinator at 508-583-1833 ext. 202.

Spanish

Si necesita esta información en otro idioma, por favor contacte al coordinador de MPO del Título VI al 508-583-1833 ext. 202.

Portuguese

Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI da MPO pelo telefone 508-583-1833, Ramal 202

Chinese Simple

如果需要使用其它语言了解信息，请联系Old Colony大都会规划组织（MPO）《民权法案》第六章协调员，电话508- 583-1833，转202。

Chinese Traditional

如果需要使用其他語言瞭解資訊，請聯繫Old Colony大都會規劃組織（MPO）《民權法案》第六章協調員，電話508- 583-1833，轉202。

Vietnamese

Nếu quý vị cần thông tin này bằng tiếng khác, vui lòng liên hệ Điều phối viên Luật VI của MPO theo số điện thoại 508- 583-1833, số máy nhánh 202.

Haitian Creole

Si yon moun bezwen enfòmasyon sa a nan yon lòt lang, tanpri kontakte Koòdonatè a Title VI MPO nan 508-583-1833 ext. 202.

French Creole

Si yon moun vle genyen enfòmasyon sa yo nan yon lòt lang, tanpri kontakte Kowòdinatè MPO Title VI la nan nimewo 508-583-1833, ekstansyon 202.

Russian

Если Вам необходима данная информация на любом другом языке, пожалуйста, свяжитесь с Координатором Титула VI в МПО по тел: 508-583-1833, добавочный 202.

French

Si vous avez besoin d'obtenir une copie de la présente dans une autre langue, veuillez contacter le coordinateur du Titre VI de MPO en composant le 508-583-1833, poste 202.

Italian

Se ha bisogno di ricevere queste informazioni in un'altra lingua si prega di contattare il coordinatore MPO del Titolo VI al 508- 583-1833 interno 202

Mon-Khmer, Cambodian

ប្រសិនបើលោក-អ្នកត្រូវការរបកប្រែព័ត៌មាននេះ សូមទាក់ទងអ្នកសម្របសម្រួលជំពូកទី6 របស់ **MPO** តាមរយៈលេខទូរស័ព្ទ **508-583-1833** រួចភ្ជាប់ទៅលេខ **202**។

Arabic

إذا كنت بحاجة إلى هذه المعلومات بلغة أخرى، يُرجى الاتصال بمنسق الفقرة السادسة لمنظمة التخطيط الحضري على الهاتف: 508- 583-1833 و ثم اضغط الأرقام 202.

Updated December 2019

Old Colony Planning Council

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ADA Self-Evaluation & Transition Plans (Including the Municipal ADA Improvement Grant Program) for Communities

Old Colony Planning Council (OCPC) has gathered information concerning the requirements of our Communities to conduct an ADA Self-Evaluation and to write a Transition Plan to make all of their public facilities as accessible as possible.

ADA Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from their programs, services, and activities, for example public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings.

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

In this packet of helpful information, the following is included:

- The most recent MassDOT list of OCPC Communities and their ADA Self-evaluation and Transition Plan Status. (Please see page 5. Please contact OCPC with any updates.)
- The most recent list of ADA Coordinators for each OCPC Community. (Please see page 5. Please contact OCPC with any updates.)
- Links with ADA Title II information and links to the Municipal ADA Improvement Grant Program (Please see Page 3 Please contact OCPC with any updates.)
- An ADA Self-Evaluation and Transition Plan Fact Sheet. (Attached)
- Sample Forms and Guidance on the Five (5) Administrative Requirements of the Americans with Disabilities Act (ADA) for Public Entities. (Attached).
- A Sample Municipal Grant Application. (Attached)

For more ADA information, please see:

ADA Title II Action Guide for State and Local Governments

<https://www.adaactionguide.org/resources#sampledocuments>

This site includes an overview and requirements of ADA for local governments, action steps, sample self-evaluation forms and more.

MassDOT's Municipal Walkability Guide:

<https://www.mass.gov/files/documents/2018/09/17/MunicipalResourcesGuideForWalkability2018-08-24.pdf>

Defines concepts of walkability and outlines additional resources available to help improve walking conditions within municipalities and the tools and information needed to engage community stakeholders.

ADA Checklist for Existing Facilities

<https://www.adachecklist.org/checklist.html>

This includes complete checklists for facilities approaches, entrances, rest rooms, and for recreational facilities, as well.

For further assistance or guidance, please feel free to contact Mary Waldron the Title VI Coordinator at OCPC at 508 583-1833 ext. 202 or at mwaldron@ocpcrpa.org

The Municipal ADA Improvement Grant Program

There are two **Grant Types** available:

- **Planning Grant:** These grants are for updating or creating a Self-Evaluation and/or Transition Plan as required under the Administrative Requirements of Title II of the ADA.
- This grant will require the following supporting documentation at the time of application submission: (Sample forms are available in the "Municipal ADA Improvement Grants Program – Addenda" in the "Downloads" section below.)
- Designation of a Responsible Employee (ADA Coordinator)
- Notice of Non-Discrimination and proof of posting, and
- An ADA Grievance Procedure
- **Project Grants:** These grants are for removal of architectural or communication barriers that are present.
- **Design plans or Applicant salaries are not eligible project grants.**
- Project Grants are purposed only to remove barriers or to make physical/communication improvements at municipal properties or municipally owned facilities.
- Funds awarded cannot be used to make improvements to private businesses, private property, non-profit organizations, private homes, or other non-municipal properties.

(More information for both of these grants can be found at the link for Program Details below.)

Grant Score Weight Considerations for Planning Grants

- At a minimum, applicants must be a member of, or willing to become a member of, the [Community Compact Cabinet](#) (CCC) to be eligible to apply for a grant.
- Municipalities that selected the "[Public Accessibility Best Practice](#)" option to "Undertake an Americans with Disabilities Act (ADA) Self-Evaluation and Develop a Transition Plan to comply with Federal civil rights laws that require public buildings to be accessible to persons with disabilities" under that best practice option of the CCC will increase applicant score.
- Municipalities with a duly established Commission on Disability (adopted MGL Chapter 40 Section 8J) will increase applicant score.

Municipal ADA Improvement Grant Program Details:

<https://www.mass.gov/service-details/learn-about-the-municipal-americans-with-disabilitiesact-ada-improvement-grant>

Municipal ADA Improvement Grant application:

<https://massit.onbaseonline.com/1600mod/>

Municipal ADA Improvement Grant Online Application Tips:

<https://www.mass.gov/how-to/apply-for-a-municipal-americans-with-disabilities-act-adaimprovement-grant>

The application form times-out after 20 minutes. If you let the form sit idle for 20 minutes, you will need to start over.

Mass Office on Disability (MOD) strongly recommends that you prepare your answers to the grant application questions in a separate word/text document. This minimizes the time spent within the application portal and provides you a copy in case of technical difficulties when completing the application.

For questions relating to **disability related policies and procedures, architectural accessibility, and Self-Evaluation and Transition Plan particulars**, please contact:

Jeffrey Dougan, Assistant Director for Community Services

Email: Jeff.Dougan@mass.gov

For questions relating to the **administration and the application process**, please contact:

Karl Bryan, Grant Compliance Coordinator

Email: Karl.Bryan@mass.gov

Table 1: Status of ADA Self-Evaluation and Transition Plans for OCPC Community

City/Town	Self-Evaluation	Transition Plan	Population	Disabled Population	Percent Disabled Population
Abington	No	No	16,195	1,808	11.2%
Avon	No	No	4,468	688	15.4%
Bridgewater	Yes	Yes	25,721	2,216	8.6%
Brockton	No	No	94,066	13,154	14.0%
Duxbury	Yes	Yes	15,493	1,179	7.6%
East Bridgewater	No	No	14,201	1,515	10.7%
Easton	Yes	Yes	23,818	1,921	8.1%
Halifax	No	No	7,722	544	7.0%
Hanover	Yes	Yes	14,179	1,252	8.8%
Hanson	No	No	10,560	1,126	10.7%
Kingston	No	No	13,069	1,339	10.2%
Pembroke	Yes	Yes	18,155	2,093	11.5%
Plymouth	No	No	56,903	5,400	9.5%
Plympton	No	No	2,912	364	12.5%
Stoughton	Yes	Yes	28,011	3,495	12.5%
West Bridgewater	No	No	6,971	621	8.9%
Whitman	No	No	14,856	1,654	11.1%

(Source: MassDOT)

 = Municipalities without ADA Self-Evaluation and Transition Plans

Table 2: Communities with ADA Coordinators 2019

Municipality	ADA Coordinator	E-mail	Other Title (If Any)
Bridgewater	Steven Solari	ssolari@bridgewaterma.org	Inspector of Buildings/Zoning Enforcement Officer
Duxbury	Rene Read	read@town.duxbury.ma.us	Town Manager
Easton	Greg Swan	gswan@easton.ma.us	Town Engineer
Hanover	Joseph Stack	Joseph.stack@hanover-ma.gov	Building Commissioner
Pembroke	Brandon Gulnick	bgulnick@townofpembrokemass.org	ADA Coordinator
Stoughton	Thomas E. McGrath	TMcGrath@stoughton-ma.gov	Building Commissioner

Figure 1: ADA Self Evaluation and Transition Plan Fact Sheet

ADA Self-Evaluations and Transition Plans *Fact Sheet*

Developing A Multi-Year ADA Transition Plan

An ADA Transition Plan uses the information collected through the self-evaluation to develop a long-term, prioritized plan for structural changes to existing facilities to make them accessible, given the availability of funding. Such plans are required when relocation of a program/service or use of alternative methods are impractical.

A Transition Plan will:

- Describe the methods to bring facilities into compliance.
 - Including the prioritization system used to evaluate the deficiencies identified in the self-evaluation, the programs or projects through which the alterations will occur, and the process to ensure that each deficient facility is programmed for alteration.
- Set a budget for the alterations that represents the maximum feasible amount that can be dedicated year-to-year without creating an undue financial or administrative burden to the municipality.
 - Changes in budgets will affect alteration schedules; when the budget changes, a revised plan/alteration schedule(s) should be created
- Include a monitoring plan to ensure scheduled deficiencies are incorporated into project plans and compliance with standards is maintained.
- Plan for updates and reports, since this is a “living” document and its highlights and changes should be shared with the public.
 - The plan should keep pace with changes due to budget, program modifications, delays in contract awards, construction timelines/ impacts of weather, etc.
- Include public participation by providing the public with at least one opportunity to discuss and examine the draft plan, documenting outreach/consultation with organizations serving or representing the disabled, and documenting explicit consideration and the disposition of all comments.

Figure 1: ADA Self Evaluation and Transition Plan Fact Sheet Cont'd

ADA Self-Evaluations and Transition Plans *Fact Sheet*

Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of telecommunications access.

It has been over 25 years since ADA was passed, and nationwide there has been incomplete achievement of key ADA goals: equal opportunity, full participation, independent living, and economic self-sufficiency. As a result, there has been growing litigation and administrative challenges to lack of access; Federal PACER (Public Access to Court Electronic Records) data shows that Plaintiffs have filed more than 2,000 ADA public accommodation lawsuits in 2015 alone.

ADA Transition Plans demonstrate a community's commitment to systematically addressing barriers to accessibility. Developing a plan with participation from the public, and in particular from disabled community members, can reduce the risk of litigation while working to ensure compliance with the law.

All Berkshire County municipalities are encouraged to complete a self-evaluation and transition plan.

Conducting A Self Evaluation Plan



Before beginning a self-evaluation, an ADA Coordinator should be designated. This individual should ideally be someone with some authority to enact change within the municipality.

The self-evaluation, led by the ADA Coordinator, is the process by which a municipality will:

- Review any policies and practices that may affect physical or communications access to programs, service, or activity, and describe any modifications made or planned as a result of the evaluation.
 - Includes grievance/complaint procedures, public notices, procedures for requesting auxiliary aids and services, Procedures for requesting other reasonable accommodations, technical infeasibility/variance request procedures, maintenance, including snow and ice removal, etc.
- Evaluate the technical survey of agency owned/operated facilities, transportation facilities, buildings, and all other infrastructure, according to the appropriate standards, and describe all deficiencies identified.
 - Includes curb ramps and sidewalks, pedestrian signals and signage, parks and recreational facilities, access to public buildings, elevators, restrooms, etc.
- Develop a public participation plan that affords interested persons, including individuals with disabilities or organizations that represent individuals with disabilities, an opportunity to participate in the self-evaluation.
 - Includes reaching out to all stakeholders, including the disabled community, seeking information regarding barriers to programs and services, providing updates and an ability to provide continuous input, providing findings and the opportunity to comment.

Figure 2: Resources

Resources	
<p>Old Colony Planning Council is able to assist municipalities in the preparation of self-evaluation's and transition plans. For more info, contact:</p> <p>Executive Director Mary Waldron Mwaldron@ocpcrpa.org 508-583-1833, ext. 202</p>	<p>Massachusetts Office on Disabilities</p> <p>Architectural Access Board</p> <p>Massachusetts Commission Against Discrimination</p> <p>United States Access Board</p>

 Prepared by Old Colony Planning Council
Using materials distributed at a training by UMass Transportation Center and
Designed by Berkshire Regional Planning Commission August 2016 

Sample Forms and Guidance on the Five (5) Administrative Requirements of the Americans with Disabilities Act, ADA, for public entities

The Americans with Disabilities Act, ADA, is federal civil rights law. The ADA outlines obligations for Title II, state & local governments, and chief among these are a municipalities duty to provide access and opportunity to their facilities, programs, services, and activities for all members of the public. Further, Title II of the ADA requires that state and local government entities **do not discriminate against people with disabilities** in their facilities, programs, services, and activities. ADA, Title II implementing regulations require that state and local governments take the following five steps to bring a “public entity” (aka “municipality” and/or City & Town) into compliance with the law:

1. Designate a Responsible Employee:

Any municipality with fifty or more employees must designate at least one employee to coordinate ADA compliance (i.e. the “ADA Coordinator”) 28 CFR §35.107(a). This is to ensure that the public and other individuals in the public entity have a point person who is familiar with ADA requirements. The ADA Coordinator’s contact information should be provided to the public, and their job is to ensure ADA compliance and to investigate grievances on programs, services, practices and employment.

2. Provide Notice of ADA Requirements:

All municipalities regardless of size must provide information to employees, participants, applicants and other interested parties regarding the rights and protections afforded by Title II, including information about how the Title II requirements apply to its particular programs, services, and activities 28 CFR §35.106. It is up to the entity’s head to decide how this will be done, but traditionally it is done through postings, general/job announcements, and through the use of graphic symbols (e.g. the International Symbol of Access”).

3. Establish a Grievance Procedure:

All municipalities with fifty or more employees must adopt and publish grievance procedures providing for prompt and equitable resolution of grievances arising under Title II, and municipalities with fewer than fifty employees must still resolve complaints in accordance with 28 CFR §35.107(b). Grievance procedures should include the following: how to submit a grievance; a two-step review process that allows for appeal; reasonable time frames for review and resolution; and should encourage good record-keeping.

4. Conduct a Self-Evaluation:

All municipalities-regardless of size-must conduct a comprehensive review of the entity's current policies and practices, including communications and employment through a "self-evaluation" 28 CFR §35.105. Through the self-evaluations, the public entity must: 1) identify any policies or practices that do not comply with Title II requirements and 2) modify policies and practices to bring them into compliance. Municipalities with fifty or more employees must keep the following self-evaluation information available for public inspection for at least three years: 1) a list of interested persons consulted about the self-evaluation, 2) a description of the areas examined and any problems identified, and 3) a description of any modifications made.

5. Develop a Transition Plan:

Municipalities with fifty or more employees must develop a transition plan when structural changes to existing facilities are necessary in order to make a program, service, or activity accessible to people with disabilities. 28 CFR §35.150(d) Regulations require that at a minimum the transition plan 1) identify physical obstacles that limit the accessibility of programs, services or activities to people with disabilities, 2) describe the methods to be used to make the facilities accessible; 3) provide a schedule for making the access modifications (and on a yearly basis for modifications taking more than a year to complete), and 4) indicate the public official responsible for implementation of the transition plan.

Guidance:

The following links are resources to assist you in meeting the above-mentioned obligations:

- A. ADA Coordinator, Notice & Grievance Procedure (ADA Best Practices Tool Kit for State & Local Governments):
<https://www.ada.gov/pcatoolkit/chap2toolkit.htm>
- B. ADA Title II Action Guide for State and Local Governments:
<http://www.adaactionguide.org/>
- C. ADA Guide for Small Towns:
<https://www.ada.gov/smtown.htm#anchor23806>
- D. The ADA Title II Technical Assistance Manual:
<https://www.ada.gov/taman2.html>
- E. ADA Update: A Primer for State and Local Governments:
https://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html

Title II ADA regulations define a “public entity” as: (1) Any State or local government; (2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and (3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act). 28 CFR §35.104

**Sample Form for Designating a Responsible
Employee *Placed on City/Town
Letterhead***

ADA Coordinator Designation Form

ADA Coordinator Name:

Name of City/Town Department where ADA Coordinator Works:

Job Title:

E-Mail:

Phone:

Address:

Date Appointed:

Is This Appointment: Permanent OR Acting

Does this ADA Coordinator report directly to the appointing authority? Yes OR
No

Are the ADA Coordinator Duties Full-Time OR Part-Time

Direct Supervisor (Name and Title):

Appointing Authority Signature:

Date:

ADA Coordinator Signature:

Date:

***Please send copy of completed form to:
The Massachusetts Office On Disability, 1 Ashburton Place,
Room 1305 or email to mod-info@state.ma.us , or fax
to (617) 727-0965***

**Sample Public Posting for Providing Notice of Non
Discrimination**

Placed on City/Town Letterhead

PUBLIC NOTICE

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the _____ will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: _____ does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: _____ will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in _____ programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: _____ 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. For example, individuals with service animals are welcomed in _____ offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of _____, should contact the office of _____ as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the _____ to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a program, service, or activity of _____ is not accessible to persons with disabilities should be directed to _____.

_____ will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Sample Grievance Procedure

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). This may be used by anyone who wishes to file a complaint alleging discrimination because of disability in the provision of services, activities, programs, or benefits by the _____.

The _____'s Personnel Policy governs employment-related complaints of disability discrimination. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Within 15 calendar days after receipt of the complaint, _____ or _____ designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, _____ or _____ designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the _____ and offer options for substantive resolution of the complaint.

If the response by _____ or _____ designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the _____ or _____ designee.

Within 15 calendar days after receipt of the appeal, the _____ or _____ designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the _____ or _____ designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by _____ or _____ designee, appeals to the _____ or _____ designee, and responses from these two offices will be retained by the _____ for at least three years.

Self-Evaluation

II-8.2000 Self-evaluation. All public entities subject to title II of the ADA must complete a self-evaluation by January 26, 1993 (one year from the effective date of the Department's regulation).

Does the fact that a public entity has not completed its self-evaluation until January 26, 1993, excuse interim compliance?

No. A public entity is required to comply with the requirements of title II on January 26, 1992, whether or not it has completed its self- evaluation.

Which public entities must retain a copy of the self-evaluation?

A public entity that employs 50 or more employees must retain its self-evaluation for three years. Other public entities are not required to retain their self-evaluations but are encouraged to do so because these documents evidence a public entity's good faith efforts to comply with title II's requirements.

What if a public entity already did a self-evaluation as part of its obligations under section 504 of the Rehabilitation Act of 1973?

The title II self-evaluation requirement applies only to those policies and practices that previously had not been included in a self-evaluation required by section 504. Because most section 504 self-evaluations were done many years ago, however, the Department expects that many public entities will re- examine all their policies and practices. Programs and functions may have changed significantly since the section 504 self-evaluation was completed. Actions that were taken to comply with section 504 may not have been implemented fully or may no longer be effective. In addition, section 504's coverage has been changed by statutory amendment, particularly the Civil Rights Restoration Act of 1987, which expanded the definition of a covered "program or activity." Therefore, public entities should ensure that all programs, activities, and services are examined fully, except where there is evidence that all policies were previously scrutinized under section 504.

What should a self-evaluation contain?

A self-evaluation is a public entity's assessment of its current policies and practices. The self-evaluation identifies and corrects those policies and practices that are inconsistent with title II's requirements. As part of the self-evaluation, a public entity should:

- 1) Identify all of the public entity's programs, activities, and services; and
- 2) Review all the policies and practices that govern the administration of the public entity's programs, activities, and services.

Normally, a public entity's policies and practices are reflected in its laws, ordinances, regulations, administrative manuals or guides, policy directives, and memoranda. Other practices, however, may not be recorded and may be based on local custom.

Once a public entity has identified its policies and practices, it should analyze whether these policies and practices adversely affect the full participation of individuals with disabilities in its programs, activities, and services. In this regard, a public entity should be mindful that although its policies and practices may appear harmless, they may result in denying individuals with disabilities the full participation of its programs, activities, or services. Areas that need careful examination include the following:

- 1) A public entity must examine each program to determine whether any physical barriers to access exist. It should identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. If structural changes are necessary, they should be included in the transition plan (see II8.3000).

- 2) A public entity must review its policies and practices to determine whether any exclude or limit the participation of individuals with disabilities in its programs, activities, or services. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, service, or activity. The self-evaluation should identify policy modifications to be implemented and include complete justifications for any exclusionary or limiting policies or practices that will not be modified.

- 3) A public entity should review its policies to ensure that it communicates with applicants, participants, and members of the public with disabilities in a manner that is as effective as its communications with others. If a public entity communicates with applicants and beneficiaries by telephone, it should ensure that TDD's or equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech. Finally, if a public entity provides telephone emergency services, it should review its policies to ensure direct access to individuals who use TDD's and computer modems.

- 4) A public entity should review its policies to ensure that they include provisions for readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and

amanuenses for individuals with manual impairments. A method for securing these services should be developed, including guidance on when and where these services will be provided. Where equipment is used as part of a public entity's program, activity, or service, an assessment should be made to ensure that the equipment is usable by individuals with disabilities, particularly individuals with hearing, visual, and manual impairments. In addition, a public entity should have policies that ensure that its equipment is maintained in operable working order.

5) A review should be made of the procedures to evacuate individuals with disabilities during an emergency. This may require the installation of visual and audible warning signals and special procedures for assisting individuals with disabilities from evacuating or exiting a facility during an emergency.

6) A review should be conducted of a public entity's written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning manner.

7) If a public entity operates historic preservation programs, it should review its policies to ensure that it gives priority to methods that provide physical access to individuals with disabilities.

8) A public entity should review its policies to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity, or service, or a decision that an undue financial and administrative burden will be imposed by title II, are made properly and expeditiously.

9) A public entity should review its policies and procedures to ensure that individuals with mobility impairments are provided access to public meetings.

10) A public entity should review its employment practices to ensure that they comply with other applicable nondiscrimination requirements, including section 504 of the Rehabilitation Act and the ADA regulation issued by the Equal Employment Opportunity Commission.

11) A public entity should review its building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under the title II regulation.

12) A review should be made to ascertain whether measures have been taken to ensure that employees of a public entity are familiar with the policies and practices for the full participation of individuals with disabilities. If appropriate, training should be provided to employees.

13) If a public entity limits or denies participation in its programs, activities, or services based on drug usage, it should make sure that such policies do not discriminate against former drug users, as opposed to individuals who are currently engaged in illegal use of drugs.

14) If a public entity identifies policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, when should it make changes? Once a public entity has identified policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, it should take immediate remedial action to eliminate the impediments to full and equivalent participation. Structural modifications that are required for program accessibility should be made as expeditiously as possible but no later than January 26, 1995.

Is there a requirement for public hearings on a public entity's self-evaluation?

No, but public entities are required to accept comments from the public on the self-evaluation and are strongly encouraged to consult with individuals with disabilities and organizations that represent them to assist in the self-evaluation process. Many individuals with disabilities have unique perspectives on a public entity's programs, activities, and services. For example, individuals with mobility impairments can readily identify barriers preventing their full enjoyment of the public entity's programs, activities, and services. Similarly, individuals with hearing impairments can identify the communication barriers that hamper participation in a public entity's programs, activities, and services.

Transition Plan

II-8.3000 Transition plan. Where structural modifications are required to achieve program accessibility, a public entity with 50 or more employees must do a transition plan by July 26, 1992, that provides for the removal of these barriers. Any structural modifications must be completed as expeditiously as possible, but, in any event, by January 26, 1995.

What if a public entity has already done a transition plan under section 504 of the Rehabilitation Act of 1973?

If a public entity previously completed a section 504 transition plan, then, at a minimum, a title II transition plan must cover those barriers to accessibility that were not addressed by its prior transition plan. Although not required, it may be simpler to include all of a public entity's operations in its transition plan rather than identifying and excluding those barriers that were addressed in its previous plan.

Must the transition plan be made available to the public?


If a public entity has 50 or more employees, a copy of the transition plan must be made available for public inspection.

What are the elements of an acceptable transition plan?


A transition plan should contain at a minimum –

- 1) A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible;
- 3) The schedule for taking the necessary steps to achieve compliance with title II. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period; and,
- 4) The name of the official responsible for the plan's implementation.

Figure 3: Municipal Grant Application



Municipal Grant Application



Commonwealth of Massachusetts
Office on Disability

The **Applicant** portion under this section refers to the person submitting the grant application and will be the person contacted in all matters related to this grant. The **Responsible Employee (ADA Coordinator)** portion under this section refers to the person specifically designated to coordinate the 5 Administrative Responsibilities under Title II of the Americans with Disabilities Act. Please see the Application Instructions and Addenda materials for further information.

Section 1 - Requestor Information

Applicant <small>(Required)</small>	Grant Type <small>(Required)</small>	
<input type="text"/>	<input type="text"/>	
Contact Full Name <small>(Required)</small>	Contact Phone <small>(Required)</small>	Contact email <small>(Required)</small>
<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact Address 1 <small>(Required)</small>	Contact Address 2	
<input type="text"/>	<input type="text"/>	
Contact City <small>(Required)</small>	Contact State <small>(Required)</small>	Contact Zip <small>(Required)</small>
<input type="text"/>	Massachusetts <input type="text"/>	<input type="text"/>

Responsible Employee (ADA Coordinator) Info
 Same as Contact

Responsible Employee Full Name <small>(Required)</small>	Responsible Employee Phone <small>(Required)</small>	Responsible Employee email <small>(Required)</small>
<input type="text"/>	<input type="text"/>	<input type="text"/>
Responsible Employee Address 1 <small>(Required)</small>	Responsible Employee Address 2	
<input type="text"/>	<input type="text"/>	
Responsible Employee City <small>(Required)</small>	Responsible Employee State <small>(Required)</small>	Responsible Employee Zip <small>(Required)</small>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Section 2 - Qualification

Responsible Employee <small>(Required)</small>	<input type="text"/>
Posting of Non Discrimination <small>(Required)</small>	<input type="text"/>
Grievance Procedures <small>(Required)</small>	<input type="text"/>
Self Evaluation <small>(Required)</small>	<input type="text"/>
Transition Plan <small>(Required)</small>	<input type="text"/>
Duly Established COD <small>(Required)</small>	<input type="text"/>
Member of Community Compact <small>(Required)</small>	<input type="text"/>
Public Accessibility Best Practice	<input type="text"/>
Matching Funds <small>(Required)</small>	<input type="text"/>

Section 3 - Planning Grant

Section 3.1 - Planning Request

The type and scope of the proposed Planning Grant. Please select the appropriate grant type and please describe the specific request under the Grant Scope section

Grant Type Self Evaluation Transition Update Amount Requested (Required)

Grant Scope

Renovation/Construction history of applicant

Renovation and Construction History

History of Applicant's prior planning efforts related to disabilities or access, if any

Applicant History

Any other information relevant to the Applicant's request or need for planning monies under this Project