



STAFF REPORT

Date: November 22, 2021

To: School Board

From: Dan Jung, Chief Operating Officer
Dana White, Director of Planning & Real Estate Management

Subject: Americans with Disabilities Act Transition Plan

BACKGROUND

The Americans with Disabilities Act, known as the ADA, began under Section 504 of the Rehabilitation Act of 1973. It recognized persons with disabilities as a class, or legitimate minority, subject to discrimination as valid as inequity based on race, religion, age, and sex, and just as deserving of basic civil rights protections. This act endeavored to establish equal opportunities for those with disabilities.

In 1994, in a response to the federal adoption of the ADA and recognizing the importance of ensuring full accessibility to all facilities, District staff developed an ADA Transition Plan (Plan). The Plan provided a methodology to meet the new 1990 ADA requirements as it applied to the District's existing facilities. The 1994 Plan was never fully implemented and is outdated.

In 2020, staff began the process of developing a new ADA Transition Plan (New Plan) with the primary purpose of providing an actionable and coordinated work plan for removing architectural barriers across the buildings and grounds. The 10-month process included review and input from members of the disability community, via a partnership with FACT Oregon and Community Vision, and included virtual town halls that provided an open forum for community members to voice their concerns, ask questions, and advocate for transition approaches. The process resulted in a document that outlines the structural modifications necessary for equitable access to all District programming. The New Plan can be found in Attachment A.

RELATED POLICIES/BEST PRACTICES

Title II of the ADA requires that public entities with 50 or more employees evaluate their services, programs, policies, and practices to determine whether they comply with the ADA's nondiscrimination regulations. The regulations detailing compliance requirements were issued in July 1991 and revised in 2010. These regulations mandate that each public entity is required to examine activities and services, identify problems or physical barriers that may limit accessibility by individuals experiencing disability, and describe potential compliance solutions.

ANALYSIS OF SITUATION

In coordination with other District guiding documents, this transition plan (New Plan) outlines future capital investments supporting our students and community with disabilities.

FISCAL IMPACT

There are no immediate fiscal impacts to approving the new Americans with Disabilities Act Transition Plan. The implementation of the work plan identified in the New Plan is estimated to be over one hundred million dollars. The 2020 Bond funded over thirty-three million dollars of this amount. The remaining improvements will be funded by future Bonds.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

To reach the disability community, the District partnered with [FACT Oregon](#) and [Community Vision](#) – two organizations with a long history of disability advocacy and deep ties to the disability community in Portland. Both FACT and Community Vision were able to connect with families directly impacted by the physical barriers at our schools.

In addition, three individuals experiencing disability were paid by the District to review and provide input on the document. These individuals each experienced a different type of disability so as to garner perspectives on the mobility, sensory, and cognitive impact of District-barriers.

TIMELINE FOR IMPLEMENTATION / EVALUATION

The new Americans with Disabilities Act Transition Plan will immediately inform the ADA building improvements that are currently underway and being planned.

BOARD OPTIONS WITH ANALYSIS

1. Approve the new Americans with Disabilities Act Transition Plan.
2. Reject the new Americans with Disabilities Act Transition Plan.

CONNECTION TO BOARD GOALS

The Board is dedicated to creating equitable opportunities and outcomes for all students, including the elimination of the physical barriers that are addressed in the new Americans with Disabilities Act Transition Plan.

STAFF RECOMMENDATION

Staff recommends approving the new Americans with Disabilities Act Transition Plan.

As a member of the PPS Executive Leadership Team, I have reviewed this staff report.

_____ (Initials)

ATTACHMENTS

- A. Americans with Disabilities Act: Transition Plan, Board of Education Review Draft
- B. ADA Transition Plan - Staff Report - Timeline
- C. ADA Transition Plan - Staff Report - Engagement