



Staff Analysis and Report to the Board

Date: March 12, 2019

Senior Lead: Dan Jung, Chief Operating Officer

Department

Lead: Sara King, Director of Planning and Property Management

Staff Lead: Paul Cathcart, Senior Program Manager Capital Planning

SUBJECT:

Prioritization of District Funding and Investment in Accessibility Needs; District ADA Transition Plan

I. BACKGROUND

Portland Public Schools (PPS) is committed to updating its facilities accessibility transition plan to comply with 1990 American with Disabilities Act (ADA) and 2010 ADA Amendments Act (2010 ADA). Updating the transition plan provides an opportunity to reassess the goals of this plan for completing necessary work to make all District facilities accessible to all users and the timeline by which this work will be completed.

Funding priorities for the completion of accessibility improvements in the 2012 and 2017 capital bond work have been taken from a 2009 (updated 2012) Facility ADA Assessment. The priorities outlined in this assessment identified a scope of work for possible capital bond programs. It did not produce a schedule for completion of all work identified in the assessment, which is a requirement of a transition plan per the ADA regulations.

ADA regulations require transition plans identify general categories of work property owners will undertake to eliminate architectural barriers at identified facilities. Transition plans also need to identify the timeframe by which this work needs to be completed. For PPS, this means identifying the general categories of work required to make each school accessible to all students and users of each buildings. See Attachment A for a regulatory overview of the ADA and transition plans.

Current Status

Facilities and Asset Management (FAM) staff have updated the 2012 ADA survey of all PPS facilities to capture ADA work accomplished as part of the 2012 capital bond program. This update only captures general scope of work and dollar amounts completed at each school site. This update allows for an estimated approximation of accessibility work remaining at each site.

Funding Priorities

Funding of accessibility work in District facilities comes primarily from District general funds and capital bond funding. The 2012 Facilities ADA Assessment developed a funding prioritization methodology (Attachment B) based ADA improvements with cost estimates for

PPS FAM. The PPS 2012 and 2017 capital bond program ADA improvements were informed by the by the prioritization methodology.

The Office of School Modernization (OSM) project team members performed field updates of 2012 ADA Assessment to refine the scope of individual accessibility improvements projects completed as part of the 2012 and 2017 capital bond program. Additional District resources beyond the current capital bond funding will be required to make all District facilities fully compliant with accessibility requirements.

Staff is seeking Board and community input on the prioritization of funding for future accessibility work as the basis for deciding the sequence of work to be identified in the update of the District's transition plan. Staff's interviews with physical therapists in PPS Special Education noted a strong desire to have one school at each configuration within each high school cluster fully accessible providing families with accessible facility options that minimize travel. Other funding options could include an emphasis on completing accessibility work at Special Education facilities, completing main floor accessibility in all school facilities and completing accessibility work in conjunction with other facility repairs (current approach).

Staff intends to seek Board adoption of the transition plan update later this spring. FAM will revise the sequence and cost estimates of accessibility work in the transition plan based on the current facility condition assessment.

II. RELATED POLICIES/BEST PRACTICES

Title II of the 1990 Americans with Disabilities Act

Title II of the American's with Disabilities Act requires that ADA Transition Plans 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.

PPS 2012 Long Range Facilities Plan

- Goal 2, Facility Goals: Every PPS school shall be safe, healthy, accessible and designed to meet students' essential needs.
- Goal 1, Facility Goals: Every PPS school shall provide an equitable and effective learning environment that maximizes the achievement of every student.
 - Facilities will support student success equitably. Portland Public Schools will create effective, accessible and inclusive learning environments that help all students achieve.
- Guiding Principle D: Practice Inclusivity
 - Provide facilities that support effective, accessible, inclusive learning environments for all students.
 - Renovated facilities will meet Universal Design guidelines and be fully accessible and ADA compliant.

General ADA Guidelines, 2012 ADA Facilities Assessment;
See Attachment C.

III. ANALYSIS OF SITUATION

Updating the District's ADA Transition Plan provides an opportunity to reassess prioritization of funding for work to make District facilities accessible to all. The 2012 Facility ADA Assessment provided prioritization for ADA improvements to facilities (Attachment B). Generally speaking these guidelines look to remove barriers to building access starting at the edge of the property (sidewalk; parking lot), into and through buildings spaces (including doors, sinks and plumbing fixtures) needed to provide all relevant program requirements for students and concluding with on-site recreational facilities.

Identification of needed work and schedule

The primary requirement of the ADA transition plan is the identification of a timeframe by which all barriers to accessibility in all facilities will be completed. The 2012 Facilities ADA Assessment attempted to identify (not all facilities were physically assessed) barriers to building accessibility. The 2012 and 2017 capital bonds have made accessibility improvements. Information regarding these improvements is generally captured in a scope of work completed for each project. However, the scope of work for each project typically does not provide the level of detail that would allow the quantity of items and materials identified in the 2012 assessment to be adjusted to capture the work beyond the general categories of work.

The prioritization of funding will determine the scope and sequence of work being completed. Currently, 2012 and 2017 capital bond funding of accessibility work is to complete some or all of the scope of work identified in the 2012 Facilities ADA Assessment while contractors at facilities completing other work (roof repair, etc.). While this approach provides some economies of scale by containing the accessibility within a larger package of facility improvements, it rarely brings a site into full compliance with the ADA regulations.

Attachment C identifies four potential scenarios for ADA transition plan. Staff will evaluate these scenarios with input from the PPS Special Education community. District staff working with students needing ADA accommodations (physical therapists and occupational therapists) have expressed a strong desire to have one school at each configuration (elementary, middle, high school) in each cohort fully accessible.

IV. FISCAL IMPACT

Funding priority to complete the work identified in the transition plan will affect the schedule by which the work is completed. For instance, making one elementary, middle and high school in every cohort fully accessible is not as fiscally efficient as completing accessibility work in schools concurrently with other capital bond work. This approach however could make more schools fully accessible to students sooner. The fiscal impact of the funding priorities will be evaluated in the transition plan.

V. COMMUNITY ENGAGEMENT (IF APPLICABLE)

PPS prioritization identified in the 2012 Facilities ADA Assessment was completed by staff. To date, staff has engaged District physical therapists regarding options for prioritization of accessibility funding. Staff will engage the parent community through a focus group session with stakeholders of the District's Special Education community and apply the funding prioritization recommendations from these focus group sessions to the draft transition plan for the Board's consideration.

VI. TIMELINE FOR IMPLEMENTATION/EVALUATION

Staff will hold a focus group meetings in March (and April if necessary) and use the input from this meeting to produce the draft update of the ADA transition plan in May.

VII. BOARD OPTIONS WITH ANALYSIS

Sponsor public discussion of priorities; provide feedback on draft transition plan on funding priorities and amount to determine schedule to complete work.

VIII. STAFF RECOMMENDATION

Board direct staff to engage with the District's Special Education community in discussion of funding priority options. Funding priorities will inform the schedule of work in the District's ADA transition plan update.

IX. I have reviewed this staff report and concur with the recommendation to the Board.



Guadalupe Guerrero
Superintendent
Portland Public Schools

5/7/19

Date

ATTACHMENTS

(List all supporting documentation, including resolution, etc.)

- A. ADA regulatory overview
- B. Funding prioritization from 2012 Facility ADA Assessments
- C. PPS General ADA Guidelines, 2012 Facility ADA Assessments
- D. Potential funding scenarios

PPS District Priorities FY 2018-19

1. *Set a clear Vision and Strategic Plan*
 2. *Create equitable opportunities and outcomes for all students*
 3. *Build management and accountability systems and structures*
 4. *Allocate budget, funding and resources focused on improving outcomes for students*
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ATTACHMENT A

Regulatory Background

The federal regulations implementing the 1990 ADA required public entities to develop transition plans to ensure existing facilities become accessible. The 1990 ADA places different requirements on a public entity depending on what kind of work is being done, included a set of accessibility guidelines, defining when accessible features are required and specific dimensions for those features. These guidelines were incorporated into model building codes, and provisions were made for prioritizing and applying the requirements, or reasonable alternatives, in renovations of existing buildings.

As 1990 ADA requirements were applied to buildings, questions arose about both the definition of disabilities requiring accommodation and the appropriateness of specific dimensions in some facilities. The United States Access Board (USAB) developed supplements and revisions to the ADA Accessibility Guidelines in response. These included detectable warnings, building elements for children's use, play areas and recreation facilities. The United States Department of Justice incorporated the USAB revisions into the 2010 ADA. The 2010 ADA Accessibility Guidelines became effective on March 15, 2012.

The 2010 ADA expanded the definition of disability but otherwise does not define the physical accommodations required for special education facilities. Although the law requires accommodation, it is silent regarding the program structure and building requirements beyond those typically needed for physically impaired people. PPS is at liberty to continue to provide dedicated special education facilities and special education classrooms and programs within the K-12 schools, and to change them as needed. When special education classrooms are moved into existing schools, the existing classroom features may not support special education class programs.

There is also a requirement that any facility that is substantially altered or if new construction begins after 2012, the alteration or new construction must conform to the 2010 ADA Standards for Accessible Design. The 2010 Standards became effective on March 15, 2012. In relation to newly constructed or altered facilities, the additional accessibility alterations or cost of construction are only required to the extent the added accessibility costs do not exceed 20% of the cost of the total alteration or construction.

ATTACHMENT B

Scenario A: Special Education Full Accessibility

PPS currently provides full time special education (SPED) programs for students and young adults in all or a portion of the facility:

1. Pioneer Program at Holladay grades K-6
2. Pioneer Program at Youngson grades 5-9
3. Pioneer@Cleveland
4. Pioneer@Wilson
5. Pioneer@Benson
6. Pioneer@Youngson
7. Community Transition Program at Green Thumb

While ADA is silent on SPED and not all SPED students require fully accessible school sites, accessibility upgrades to the above sites benefit students who are considered historically underserved by PPS.

As accessibility upgrades are included in the Benson High School modernization, it would be possible to complete full upgrades to the other six sites within the funding allocated under the 2017 bond program.

The likely timeline to achieve Scenario A is four years.

Scenario B: HS Cluster Full Accessibility Pathway Thru K-12

This scenario assumes PPS would, at a minimum, provide a full accessibility pathway through the grades K-12 in each high school cluster. Cost analysis suggests that 2017 bond program funding allocation in combination with an annual, dedicated ADA upgrade budget held in FAM, could result in each high school cluster have one K-5 elementary, middle school, and high school that are fully accessible.

The Cleveland and Jefferson high school clusters have the highest need on a cost basis to accomplish such a pathway.

The likely timeline to achieve Scenario B is eight years assuming dedicated funding to FAM at approximately \$1.5M a year.

Scenario C: District-Wide School Sites Main Floor Only Full Accessibility

As ADA allows PPS to leverage its portfolio to provide accommodation, it could be possible to provide main floor only full accessibility for all K-12 school sites (including SPED) if 2017 bond program funding allocation in combination with an annual, dedicated ADA upgrade budget held in FAM.

The likely timeline to achieve Scenario C is eight years assuming dedicated funding to FAM at approximately \$1.5M a year.

Scenario D: Complete ADA Improvements at Schools Receiving Health and Safety Improvements

In this scenario, ADA improvements identified in the AMA assessment would be completed in conjunction with other health and safety improvements at schools. The costs of this scenario have not currently been modeled.

ATTACHMENT B

Note on Focus Option and Alternative Programs

As PPS offers Focus Option and Alternative programs it is likely that at some future date a student with physically impairment will be admitted to one of the following schools:

- Buckman Arts K-5
- Creative Science School K-8
- da Vinci Arts Middle School
- Odyssey Program @ E. Sylvan K-8
- Sunnyside Environmental K-8
- Winterhaven Math, Science & Technology K-8
- Metropolitan Learning Center
- Alliance High School at Meek

It is unlikely that PPS could leverage its facilities portfolio to provide like accommodation in terms of programming offered at the above sites for some physically impaired students. If focus language schools are included then the number of sites where accommodation issues could arise grows from eight to nineteen. PPS will need to make a policy decision regarding Focus Option and Alternative Programs and accommodation. Said policy should inform the possible capital planning scenarios described above.

March 2013

General Comments

1. All facilities are to be fully accessible to the extent allowed by resources and existing conditions of the schools and other facilities.
2. New replacement schools will be fully accessible.
3. Schools receiving full modernization are to be fully accessible.
4. ADA upgrades are to be made in accordance with the new PPS ADA standards, subject to on-site conditions and modifications or additions to the standards.
5. Priority is to be given to elements of the plan according to the following:
 - a. In response to requirements in the 2010 ADA Standards for Accessible Design.
 - b. In response to a documented need that cannot otherwise be managed.
 - c. Implementation of the elements identified in the ADA Facility Assessment.
 - d. Need arising from re-purposed buildings.
6. Installation of elevators to make multiple floors accessible is to occur:
 - a. As resources permit.
 - b. In accordance with prioritization based on the greatest need; K-5, 6-8, and K-8 schools with common facilities on other than main floors.
 - c. Equitably distributed across schools and school clusters.

Site Elements

7. Provide accessible parking and striping or signed on-street parking at each facility. (It was assumed that coordination with the City of Portland would occur to arrange for them to pay for and install on-street accessible parking, since it is beyond the PPS property line. Although locations are identified in the reviews, the spreadsheet does not include costs for that work.)
8. Provide an accessible route to an accessible entrance at each facility, including sidewalk, ramps, lifts and stairs.
9. Provide detectable warnings and pavement striping where the accessible pedestrian route crosses a vehicular traffic lane, giving priority to instances where the accessible pedestrian route crosses a major vehicular traffic lane; truck traffic, high volume of cars and/or poor sight lines.

Accessible Route & Reach Range

10. Provide accessible doors and lever hardware to all common areas used by students, staff and parents. (Rooms include but are not limited to main entrance, main office, gymnasium, auditorium, cafeteria, library/media center, health center, counseling office, career center, activity center, and staff work/copy/lounge.)
11. Provide lever door hardware on all classroom doors, giving priority as needed for student and staff access to programs.
12. Where doors have closers, adjust them to open with 8.5lbs of force maximum at exterior doors and 5 lbs of force maximum at interior doors (except where higher forces are needed to close fire doors.)
13. Provide a power-operated door at main entries as needed for student and staff access to programs.
14. Provide power-operated doors at restrooms where corridor side clearance is less than 12".
15. Provide an accessible route within the facility, including sidewalk, ramps, lifts, elevators, and stairs.

16. Where functional accessories such as pencil sharpeners and coat hooks are provided but not already in accessible reach range, lower to 48" high maximum.

Plumbing Elements

17. Provide an accessible drinking fountain on each accessible level. Dual-height accessible drinking fountains are preferred in at least one location in each facility where a replacement fixture is needed.
18. Provide one boys and one girls accessible restroom on each accessible level.
19. Provide at least one unisex faculty restroom on the main level. At multi-level schools with existing staff restrooms on levels above and/or below the main level, renovation where possible to provide additional staff restrooms is preferred.
20. Provide one boys and one girls accessible shower where showers are provided in the facility. (It was assumed that the K-5 facilities were using existing locker/shower facilities for storage or other uses. Although locations are identified in the reviews, the spreadsheet does not include costs for that work.)
21. Provide at least one lowered sink with accessible controls and clearances where sinks are provided at common areas used by students, staff and parents on accessible levels.
22. Provide at least one lowered sink at with accessible controls and clearances where sinks are provided at specialized classrooms; home economics, science labs, and art rooms for example. (The spreadsheet reflects cost for sinks in at least one of each type of specialized classroom at each facility.)

Communication Elements

23. Provide a two-way audio/visual communication device & remote door opener at the main accessible entry door to contact the main office when the door is locked during the daytime for security reasons.
24. Provide visual fire strobes at accessible girls, boys and staff restrooms.
25. Provide accessible signage at accessible parking, main accessible entry, accessible restrooms, common areas, and as needed for programs at classrooms. If permanent signage is provided at classrooms, provide accessible signage. (The spreadsheet reflects permanent signage at common spaces and classrooms in each facility.)
26. Provide assistive listening devices at auditoriums and as needed for program at classrooms. (The spreadsheet reflects portable assistive listening devices in each facility.)
27. Where telephones are provided but not already in accessible reach range, lower to 48" high maximum. Where public pay telephones are provided, also provide a counter, power and TTY devices.

Special Spaces

28. Provide wheelchair and companion seating out of the main traffic aisles at auditoriums and gymnasiums where fixed seating is provided. Modify any obstructions to seated line of sight at the wheelchair seating.
29. Provide lockers with accessible controls within reach ranges as needed for program.
30. Provide a lowered work area and accessible clearances at sinks and opposing cabinets at home economics kitchens.

Built-In Elements

31. Modify an existing transaction counter in the main office, library/media center, and at one ticket sales window where provided, to lower a portion of the counter to accessible height.

32. Provide accessible benches with backs at locker rooms, play fields and at play yards where benches are provided.
33. Modify the serving line height if it is not already within PPS/ADA reach range. Move the serving line if needed to allow 36" wide accessible route.

Recreation Facilities

34. Provide an accessible route to the playground, between one of each type of ground level play components, and to elevated play structures.
35. Provide playground surface at accessible routes that allow stability and traction for wheelchair use and fall protection in the immediate area of play equipment to meet minimum ASTM requirements.
36. Where elevated play structures are provided, provide a transfer system and steps and/or a ramp to provide access to at least 50% of the elevated play components. Where a ramp is provided, provide an accessible route within the elevated play structure to at least 50% of the play components.
37. Provide an accessible route at one of each type of exercise equipment where provided.

ATTACHMENT D

POTENTIAL ADA FUNDING SCENARIOS

Scenario A: Special Education Full Accessibility

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Scenario B: HS Cluster Full Accessibility Pathway through K-12

This scenario would provide, at a minimum, a full accessibility pathway through the grades K-12 in each high school cohort resulting in one K-5 elementary, middle school, and high school that are fully accessible.

Scenario C: District-Wide School Sites Main Floor Only Full Accessibility

As ADA allows PPS to leverage its portfolio to provide accommodation, it could be possible to provide main floor only full accessibility for all K-12 school sites (including SPED)

Scenario D: Complete ADA Improvements at Schools Receiving Health and Safety Improvements

In this scenario, ADA improvements identified in the 2012 Facility ADA Assessments would be completed in conjunction with other health and safety improvements at schools.