



# MEMO

**Date:** January 18, 2022

**To:** Board of Education, Portland Public Schools

**From:** Dan Jung, Chief Operating Officer

**Subject:** ADA Transition Plan: Timeline Revisions

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## Background

This memorandum is related to the discussion around the District's Draft ADA Transition Plan at the Facilities and Operations Committee meeting, December 8, 2021. During this discussion, there was clear and unequivocal public opposition to the 20-year barrier-removal timeline presented in the Transition Plan. Staff would like to clarify the Transition Plan barrier-removal timeline and offer an alternative course to forward the District's accessibility goals.

First, to clarify: in no way is the 20-year timeline prescriptive. Instead, it represents a conservative estimate establishing an outer limit by which we must complete this work. Many factors can alter the funding patterns for facility improvements District-wide. Accessibility improvements like other facility work at the District are supported through general obligation bonds. Bonds depend on voter support and are not a guaranteed funding source.

What's more, our commitment to the Americans with Disabilities Act depends on many variables outside the District's control. Supply chain issues like those brought into sharp relief by the COVID-19 pandemic are common among specialized construction trades related to accessibility. When overlaid on the limited construction window of the summer months, these supply chain issues can invite delays of a year or more for school construction. To be sure, no single delay would prevent the District's goals for an accelerated timeline, rather the cumulative, overlapping nature of these delays would create an appreciable risk that a reduced timeline would not be met, further eroding the public's trust in our commitment to this fundamental civil right.

Yet, we recognize the urgency of this issue and seek to support the Board in forwarding the physical accessibility of our schools. To maintain planning flexibility and better align barrier-removal with District Bonds, staff propose the following change to the timeline, summarized below.

**Introduce a timeline range for each transition plan phase.** Staff propose moving the beginning of each phase to align with the 2024 Bond (planned), establishing a more comprehensive timeframe. Further, the duration of each phase is presented as a range, allowing the precise timeline to be determined in the context of Bond planning. To reiterate: the District's Bond program is dependent on many variables outside the influence of the Transition Plan. The timing of each Bond is flexible and depend on voter support.

Some of the project constraints around accessibility improvements – specifically elevator construction – are described below as further background.

### Project Constraints

Elevators are uniquely complex building modifications. Similar to other targeted scopes of work such as roof replacements or seismic retrofits, various factors limit the number of projects that can be completed simultaneously. The constraints around this work are detailed below; to be sure, no single constraint would hinder the District's efforts on any given project; rather the cumulative, overlapping nature of these constraints compound against predictable project outcomes.

**Market Capacity.** Elevators have a limited number of vendors in the Portland region. The limited market availability can connect distinct projects through product or trade bottlenecks. Delays in one project can cause downstream impacts for other, later, projects. These market conditions, combined with the narrow construction opportunities permitted by school schedules, invite delays of a year or more for elevator installation.

To draw a comparison to roof replacements, PPS completes approximately 4-5 roofs each year. This is a targeted number due to the fact of the limited number of vendors in the region that can design and construct this work—attempting to complete more work than the market can result in higher cost of the work (higher bid amounts due to less competition). The work exceeds market capacity, and no contractors are available to complete the work. We saw an example of this recently when multiple roof replacement bids received only one bid, and another project received no bids, causing the project to be delayed an entire year.

**Unpredictable & invasive nature of impacts.** Documentation on District buildings from the 1920s and 50s is anemic at best. Installing an elevator in an existing structure requires extensive demolition, destructive testing, or both before the precise nature of the project can be fully understood. To name just three examples of unforeseen building conditions: the presence of hazardous materials, unknown structural deficiencies, or unstable soil conditions may all cause costly delays in project delivery.

What's more, elevator installation is a lengthy process, typically between 6-10 months, and impossible to complete over the summer recess. And while project teams can align the most disruptive construction activities when the building is vacant, some impact on the learning environment is inevitable as construction continues through the academic year.

**Necessary coordination of building improvements.** It is common for new elevator installations to trigger other, non-ADA-related building improvements that are unknown until the building permit is submitted. The additional complexity and time to the project schedule for these unknown improvements are non-trivial and can significantly impact a project's scope, schedule, and budget. Examples of additional improvements range from relatively small changes such as modified plumbing systems, to much more complex and invasive requirements including new building-level fire sprinkler systems. To be certain, all of these are worthwhile building improvements; however, they are also difficult to predict as conditions of building permit add uncertainty to phasing timelines that are projecting many years into the future.

**Optimal coordination of building improvements.** In addition to necessary concurrent building improvements, other improvements should be planned in coordination with elevator installation. These include roof replacement and seismic upgrades. When combined, these improvements are more efficient (economy of scale), less disruptive (reduced overall construction time), and work together to improve the overall seismic safety of the building.

In insolation, no single project delay would disrupt the District’s transition plan; however, the aggregation of such delays within a discrete building product and niche construction specialty suggests the likelihood of compounded delays is very high.

## Current Timeline Language

Based on a 20-year implementation schedule, this transition plan is broken into four phases. Each phase identifies specific sites to focus investments, creating a holistic, accessible educational opportunity within a reasonable period and with available District resources.

The District will make every effort to accelerate the timeline presented here. The proposed timing of the phases is an estimate made in the absence of information on critical variables.

What’s more, the District’s accessibility community has emphasized ADA is only one component of larger accessibility outcomes. There are many other critical accessibility improvements that go beyond ADA compliance. Accessible playgrounds for all children to play and socialize, restrooms adequately sized for student and staff needs, and classroom acoustics to support auditory and sensory processing disorders are just 3 examples of critical accessibility improvements that are inadequately addressed in ADA.

Staff believe a narrow focus on compliance jeopardizes timely improvements of high-priority accessibility needs not specifically outlined in federal guidelines. The proposed ADA Transition Plan timing affords the District the opportunity to have a thoughtful discussion with the accessibility community, over the course of many years, about how best to weave together strict ADA compliance with a broader view of accessibility.

### Overall Phasing

FY 2021 - 2023 **Phase I**

FY 2024 - 2026 **Phase II**

FY 2027 - 2033 **Phase III**

FY 2034 - 2041 **Phase IV**

### Phase I

Main-level Accessibility: Title I, CSI/TSI<sup>1</sup>, and Focus Option

### Phase II

Main-level Accessibility: District-wide

### Phase III

Multi-level access: MS/K-8s, Title I, CSI/TSI, and Focus Option

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<sup>1</sup> Comprehensive Supports and Interventions/Targeted Supports and Interventions. CSI schools are high schools with an overall 4-year graduation rate less than 67 percent, among other indicators. TSI schools are identified by achievement indicators by student group.

## Phase IV

Multi-level access: District-wide

## Proposed Revised Timeline Language

This transition plan is broken into four phases; the duration of each phase is presented as a range. This flexibility is a necessary planning consideration. Funding for accessibility improvements, like other facility improvements, predominantly comes from general obligation bonds. Bonds depend on voter support and are not a guaranteed funding source.

Further, the ranges presented here will allow the Board of Education to determine the precise funding allocation and duration of each phase in the context of Bond planning, and with consideration to a complete accessibility picture for our students.

The District's accessibility community has emphasized ADA is only one component of larger accessibility outcomes. Many other critical accessibility improvements lay beyond ADA compliance. Accessible playgrounds for all children to play and socialize, restrooms adequately sized for student and staff needs, and classroom acoustics to support auditory and sensory processing disorders are just three examples. They are critical accessibility improvements inadequately addressed within the ADA guidelines.

Staff believe a narrow focus on compliance jeopardizes timely improvements of high-priority accessibility needs not explicitly outlined in federal guidelines. The proposed ADA Transition Plan timing allows the District to have a thoughtful discussion with the accessibility community over many years about how best to weave together strict ADA compliance with a broader view of accessibility.

### Overall Phasing

Phase	Phase Start Range	Phase End Range
Phase I	2021	– 2024
Phase II	2024	– 2028
Phase III	(2025-28)	– (2028-38)
Phase IV	(2025-32)	– (2031-41)

### Phase I

#### Main-level Accessibility: Title I, CSI/TSI<sup>2</sup>, and Focus Option

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<sup>2</sup> Comprehensive Supports and Interventions/Targeted Supports and Interventions. CSI schools are high schools with an overall 4-year graduation rate less than 67 percent, among other indicators. TSI schools are identified by achievement indicators by student group.

Phase I is in progress. Funding has been approved via the 2020 general obligation bond and scope completion is estimated by 2024.

## Phase II

### **Main-level Accessibility: District-wide**

Phase II is in progress. Funding has been approved via the 2020 general obligation bond and scope completion is estimated by 2028.

## Phase III

### **Multi-level access: MS/K-8s, Title I, CSI/TSI, and Focus Option**

Phase III will be considered in the next general obligation bond, anticipated in November 2024. If the scope of Phase III is included in the scope of the 2024 bond and approved by voters, implementation of Phase III could begin as early as 2025. Scheduling constraints, particularly around new elevator installation, will be analyzed during bond planning to provide a specific Phase III completion schedule.

## Phase IV

### **Multi-level access: District-wide**

Phase IV will be considered in the next general obligation bond, anticipated in November 2024. If the scope of Phase IV is included in the scope of the 2024 bond and approved by voters, implementation of Phase IV could begin as early as 2025. Scheduling constraints, particularly around new elevator installation, will be analyzed during bond planning to provide a specific Phase IV completion schedule.